

## SECTION 42A REPORT ON AN OBJECTION TO DECISION UNDER SECTION 357A OF THE RESOURCE MANAGEMENT ACT 1991

<b>To</b>	The Independent Commissioner
<b>From</b>	Nicola Laurenson – Consultant Planner
<b>Approved by</b>	Richard Watkins – Principal Planner
<b>Date</b>	25 November 2025
<b>Application Number:</b>	SUB22/48013.01
<b>Proposal:</b>	Objection to Decision to Refuse Consent for a Two Lot Subdivision
<b>Site Address:</b>	118 Wortley Road, Lepperton, New Plymouth
<b>Legal Description:</b>	Lot 1 DP 452310 held in Record of Title 578104 (3.312ha)
<b>Zone:</b>	Part Operative New Plymouth District Plan (2025): Rural Production Zone New Plymouth District Plan (2005): Rural Environment Area
<b>Date Objection Received:</b>	19 May 2025

### 1.0 EXECUTIVE SUMMARY

1.1. This report has been prepared pursuant to s.42A of the Resource Management Act 1991 (RMA) with the purpose of assisting the Hearings Commissioner in their decision making. The report provides an assessment of the applicant’s objection to a decision of New Plymouth District Council as set out below.

#### The Decision

1.2. A decision on application for subdivision consent, SUB22/48013 was made on 2 May 2025 under delegated authority. The decision refused consent to a two-lot subdivision at 118 Wortley Road, Lepperton, New Plymouth under both the Operative New Plymouth District Plan (2005) and the Proposed New Plymouth District Plan – Appeals Version (2023).

1.3. The basis for the Decision to refuse consent was that the proposal was contrary to key objectives and policies in the Operative District Plan (2005) and Proposed District Plan – Appeals Version (2023) and being partly inconsistent with the Taranaki Regional Policy Statement, inconsistent with the National Policy Statement for Highly Productive Land and due to the precedent value of granting a subdivision consent of this nature, and the likelihood of the proposal undermining the integrity of the District Plan(s).

#### Reason for Objection

1.4. The Applicant objects to the Council’s decision to refuse consent and the rationale relied on to arrive at that decision.



- 1.5. The applicant seeks that consent be granted subject to appropriate conditions including;
- a) *Preventing further subdivision and seeking consent for further dwellings; and*
  - b) *if the decision maker determines that in its current form that NPDC planning staff were correct in their decision based on the subdivision of HPL the applicant requests that the decision maker require that the boundaries of 'Lot 1' be amended to approximately 1000m<sup>2</sup> (and therefore not include the vacant pasture as discussed in para 58 of the Decision).*

- 1.6. The specific grounds of the objection cover a wide range of matters and are set out in paragraphs 3 – 36 of the objection letter date 19 May 2025.

Resource consent to subdivide now only required under the Part Operative New Plymouth District Plan

- 1.7. As the (now treated as inoperative) subdivision provisions of the Operative District Plan are no longer a trigger for consent. The objection only needs to consider the merits of the objection (and proposal) in relation to the Part Operative New Plymouth District Plan (PODP).

Recommendation

- 1.8. It is recommended that the objection be dismissed.
- 1.9. The reasons I have come to this conclusion can be summarised as follows:
- a) *The adverse effects of the proposal are not more than minor on the environment due to the existing environment.*
  - b) *The proposal and amended lot layout results in a land use conflict between a residential activity and rural production activities.*
  - c) *The proposal is contrary to the policies and objectives of the Part Operative New Plymouth District Plan.*
    - a. *In particular, the proposal is contrary to the strategic direction to limit the number of rural allotments created from 'Parent Titles'*
    - b. *The proposal does not avoid lots containing residential and lifestyle activities not associated with Rural Production Activities in the Rural Production Zone.*
    - c. *The proposed mitigation to further reduce the land area of Lot 1 does not address the proposals inconsistencies with key objectives and policies relating of the role and function of the Rural Production Zone.*
  - d) *The objection does not contain enough information to determine if the proposal is consistent with the National Policy Statement for Highly Productive Land or if an amended layout would meet the requirements of Clauses 3.8(1)(a) and 3.2 in the National Policy Statement for Highly Productive Land.*
  - e) *The proposal is partially inconsistent with the Taranaki Regional Policy Statement.*
  - f) *Granting the proposal would set an inappropriate precedent for potential future 'like' applications and has potential to undermine the integrity of the Part Operative New Plymouth District Plan.*
  - g) *The effects of the proposal on the environment will not be more than minor but a greater regard is considered to be appropriate to be had to the objectives and policies of the Part Operative New Plymouth District Plan which each set out the strategic intent for the sustainable management of natural and physical resources within the*

*District along with concerns over similar applications that could follow that are equally incompatible with the District Plan Provisions.*

*h) The proposal is inconsistent with the purpose and principles of the Resource Management Act.*

## **2.0 QUALIFICATIONS AND EXPERIENCE OF REPORTING OFFICER**

- 2.1. I have been engaged by the New Plymouth District Council to provide an evaluation report under s42A on this objection to decision on resource consent application for a two-lot rural subdivision. I was the author of the report that recommended consent be refused. My recommendation was accepted, and the decision was signed under delegated authority by New Plymouth Council Officers.
- 2.2. I hold a Bachelor of Social Science in Geography from The University of Waikato. I am a Principal Planner at Laurenson Planning based in New Plymouth. I have 23 years' experience as a Resource Management Planner with a specific focus on Resource Consent Processing within Local Government. I have worked with the New Plymouth District Plan(s) for the last 23 years and am familiar with the area.
- 2.3. Previous roles held include Senior Planner at New Plymouth District Council and BTW Company and Consents Team Leader at Waikato District Council.
- 2.4. I have been a full member of Te Kōkiringa Taumata - New Zealand Planning Institute (NZPI) since 2013.
- 2.5. In preparing this report I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023.

**The conclusions reached and recommendations made in this report are not binding on the Commissioner and it should not be assumed that the Commissioner will reach the same conclusions or decision after having considered all of the evidence.**



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## **APPENDICES**

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APPENDIX B – Planners report and decision on original application.

APPENDIX C – Updated Scheme Plan

APPENDIX D – Spreadsheet information relating to records of title with two dwellings

APPENDIX E – Joint Witness Statement including suggested conditions for consent



### **3.0 INTRODUCTION**

- 3.1. Pursuant to Section 357A(2) of the Resource Management Act 1991 (the Act), Chris Rendall (Principal Planner – Landpro Limited) has, on behalf of the applicant (Aaron Stephens) made a formal objection to the decision to refuse consent to an application for a two-lot subdivision at 118 Wortley Road, Lepperton, New Plymouth. On analysis of the objection, I have concluded that that the Objection be dismissed. The details of my analysis are set out below in the body of this report. The letter of objection and supporting information can be found in Appendix A.

### **4.0 CHANGE IN AGENT AND PROCESSING PLANNER FOR ORIGINAL APPLICATION**

- 4.1. The application for subdivision was originally lodged with New Plymouth District Council (NPDC) on 24 January 2022. The Agent for the applicant was Mark Bland from Bland and Jackson Surveyors Limited. The processing planner on behalf of Council was Meghan Stenner (Consultant Planner).
- 4.2. At the time of lodgement, Consent was required under the Operative District Plan (2005). The Proposed District Plan (2019) had been notified however decisions had not been made. Consent was required under the Proposed District Plan (2019) for Waterbody rules only, which had legal effect upon notification.
- 4.3. Mrs Stenner accepted the application for processing on 8 March 2022 and in the communication with the Agent set out her concerns for processing which included disagreement that the application was consistent with the objectives and policies of the District Plans. A subsequent s92 request was issued on 12 April 2022.
- 4.4. A response on the s92 request was made by new Agents for the applicant LandPro Limited on 17 September 2024. At this time, I was appointed as the new processing planner as Mrs Stenner was no longer available.

### **5.0 THE DECISION ON APPLICATION SUB22/48013**

- 5.1. A decision on application for subdivision consent, SUB22/48013 was made on 2 May 2025 under delegated authority. The decision refused consent to a 2-lot subdivision at 118 Wortley Road, Lepperton, New Plymouth under both the Operative New Plymouth District Plan (2005) and the Proposed New Plymouth District Plan – Appeals Version (2023).
- 5.2. The basis for the Decision to refuse consent was that the proposal is contrary to key objectives and policies in the Operative District Plan (2005) and Proposed District Plan – Appeals Version (2023) and being partly inconsistent with the Taranaki Regional Policy Statement, inconsistent with the National Policy Statement for Highly Productive Land and due to the precedent value of granting a subdivision consent of this nature, and the likelihood of the proposal undermining the integrity of the Operative District Plan (2005) and the Proposed District Plan – Appeals Version (2025).
- 5.3. Section 113(4) requires that every decision on an application for resource consent that is not notified must be in writing and state the reasons for the decision.



5.4. The application in this instance was not notified and the reasons for decision are set out below:

- a) *The proposal is contrary to the policies and objectives of the Operative New Plymouth District Plan and Proposed New Plymouth District Plan.*
- b) *In particular the strategic direction to limit the number of allotments created from 'Parent Titles' and avoidance of residential and lifestyle activities not associated with Rural Production Activities in the Rural Environment Area/ Rural Production Zone.*
- c) *The proposal has potential to result in a loss of productive capacity of the subject land over the long term and the proposal does not meet the requirements of Clause 3.8(1)(a) in the National Policy Statement for Highly Productive Land.*
- d) *The proposal is partially inconsistent with the Taranaki Regional Policy Statement.*
- e) *Granting the proposal would set an inappropriate precedent for potential future 'like' applications and undermine the integrity of the Operative New Plymouth District Plan and Proposed New Plymouth District Plan.*
- f) *The effects of the proposal on the environment will not be more than minor, but a greater regard is considered to be appropriate to be had to the objectives and policies of the Operative New Plymouth District Plan and Proposed New Plymouth District Plan which each set out the strategic intent for the sustainable management of natural and physical resources within the District.*
- g) *The proposal is inconsistent with the purpose and principles of the Resource Management Act.*

5.5. Because of this finding as to effects, the Application was found to pass the gateway in section 104D(1)(a). That the Application was contrary to key objectives and policies (s 104(1)(b)) and the issues of precedent and plan integrity (s 104(1)(c)) were found to outweigh the finding as to adverse effects (s 104(1)(a)). As a decision to refuse consent was reached under both the Operative District Plan (2005) and Proposed District Plan – Appeals Version (2023), no weighting exercise was required to be undertaken.

5.6. The Decision essentially turned on greater priority being given to objectives, policies, precedent and plan integrity over the lack on any unacceptable adverse effects. This decision is one which was open to the Council based on the facts and the legal framework.

## **6.0 THE OBJECTION**

6.1. The objection is set out in paragraphs 3-5 of the attached letter (Appendix A) whereby the applicant objects to the Council's decision to refuse the consent and the rationale relied on to arrive at that decision.

6.2. The applicant seeks that consent be granted subject to appropriate conditions including;

- a) *Preventing further subdivision and seeking consent for further dwellings; and*
- b) *if the decision maker determines that in its current form that NPDC planning staff were correct in their decision based on the subdivision of HPL the applicant requests that the decision maker require that the boundaries of 'Lot 1' be amended to approximately 1000m<sup>2</sup> (and therefore not include the vacant pasture as discussed in para 58 of the Decision).*



- 6.3. The specific grounds of the objection are broad and are set out in paragraphs 3 – 36 of the objection letter date 19 May 2025.

## **7.0 ASSESSMENT OF ORIGINAL APPLICATION UNDER TWO DISTRICT PLANS**

- 7.1. A decision on application SUB22/48013 was required under both the Proposed New Plymouth District Plan – Appeals Version (2023) and the Operative District Plan (2005). This is because the relevant provisions in the Subdivision Chapter of the Proposed District Plan - Appeals Version (2023) had legal effect but were under appeal at the time the application was determined.
- 7.2. On 29 August 2025, following a decision being made on this application, the Proposed New Plymouth District Plan became the Part Operative District Plan (2025). All of the Subdivision Chapter provisions in the Part Operative District Plan (2025) are now beyond challenge, and the corresponding provisions of the Operative District Plan (2005) are inoperative. The proposal remains a Non-Complying Activity for the same reasons as assessed in the original processing of the application relating to number of allotments, proposed lot size and balance requirements.
- 7.3. As the subdivision provisions of the (now inoperative) Operative District Plan (2005) are no longer a trigger for consent, then objection only needs to consider the merits of the objection (and proposal) in relation to the Part Operative District Plan (2025).

## **8.0 RELEVANT STATUTORY PROVISIONS**

- 8.1. Section 357A of the Resource Management Act (the Act) provides for a right of objection, and Section 357AB, 357C identifies the instances when such an objection may/needs to be heard, as follows:

### ***357A Right of objection to consent authority against certain decisions or requirements***

- (1) *There is a right of objection to a consent authority -*

(g) *in respect of the [consent authority's](#) decision on an application or review described in subsections (2) to (5), for an applicant or consent holder, if the application or review was not notified.*

- (2) *Subsection (1)(f) and (g) apply to an application made under section 88 for a resource consent. However, they do not apply if the consent authority refuses to grant the resource consent under sections 104B and 104C. They do apply if an officer of the consent authority exercising delegated authority under section 34A refuses to grant the resource consent under sections 104B and 104C.*

- 8.2. The decision on the resource consent was made under delegated authority and not at a council hearing therefore the objection can be processed and an appeal to the Environment Court is not required.

### ***357AB Objection under section 357A(1)(f) or (g) may be considered by hearings commissioner***



(1) *An applicant for a resource consent who has a right of objection under section 357A(1)(f) or (g) (as applied by section 357A(2) to (5)) may, when making the objection, request that the objection be considered by a hearings commissioner.*

8.3. The applicant (via their Agent) has requested that the matter be considered by an Independent Commissioner.

8.4. Section 357C of the Act sets out the procedure that must be followed for considering an objection:

**357C Procedure for making and hearing objection under sections 357 to 357B**

(1) *An objection under section 357, 357A, or 357B must be made by notice in writing not later than 15 [working days](#) after the decision or requirement is notified to the objector, or within any longer time allowed by the [person](#) or body to which the objection is made.*

(2) *A notice of objection must set out the reasons for the objection.*

(2A) *A notice of an objection made under section 357A(1)(f) or (g) may include a request that the objection be considered by a hearings commissioner instead of by the consent authority.*

(3) *In the case of an objection made under section 357 or section 357A, the person or body to which the objection is made must*

*(a) consider the objection within 20 [working days](#); and*

*(b) if the objection has not been resolved, give at least 5 working days' written notice to the objector of the date, time, and place for a hearing of the objection.*

8.5. The decision was issued to the applicant on 2 May 2025. The applicant's Agent emailed a notice of objection to the decision on 19 May 2025 which was not later than 15 working days of when the applicant was notified of the decision on their application for resource consent. Reasons for the objection as set out previously. The applicant has requested that the objection be considered by an Independent Commissioner.

8.6. Section 357D of the Act outlines the decision that can be made on an objection:

**357D Decision on objections made under sections 357 to 357B**

(1) *The [person](#) or body to which an objection is made under sections 357 to 357B may -*

*(a) dismiss the objection; or*

*(b) uphold the objection in whole or in part;*

8.7. The objection relates to the decision to refuse consent to a resource consent application. A decision to uphold the objection and grant consent subject to conditions is sought by the applicant.

## 9.0 ANALYSIS OF OBJECTION

9.1. Paragraph 10 – 36 of the objection letters sets out the “specific reasons for objection” and I will address each of these points below:

### General Comments

9.2. Paragraphs 10 – 15 of the objection letter sets out broad comments relating to processing matters such as communication between the Agent and processing staff, including the Planning Development Lead and the processing planner.

- 9.3. With regards to paragraph 11 of the objection, I have spoken to the Planning and Development Lead, Mr Zane Wood, about the conversation between him and the Agent, Ms Caera Joyce on 18 September 2024. Concerns relating to the merits of the application were verbally expressed to the Agent by Mr Wood and the Agent requested this be followed up in writing. A follow up written email was not provided by Mr Wood. Instead, he allocated the application to a processing planner.
- 9.4. Once the consent deposit was paid for and the application was re-allocated, I was able to make my own assessments and follow up via email. This was done on 11 November 2024 and 13 February 2025. I emailed the Agent to provide an update on consent processing and, in both instances, expressed that there was a possibility that consent could be refused. Emails are copied below. Concerns regarding the merits of the proposal had also been previously expressed to Bland and Jackson by Mrs Stenner.

**From:** Nicola Laurenson <[nicola@laurensonplanning.co.nz](mailto:nicola@laurensonplanning.co.nz)>  
**Sent:** Monday, 11 November 2024 10:27 am  
**To:** Caera Joyce <[caera@landpro.co.nz](mailto:caera@landpro.co.nz)>  
**Cc:** Zane Wood <[Zane.Wood@npdc.govt.nz](mailto:Zane.Wood@npdc.govt.nz)>  
**Subject:** Notification Assessment Comments for SUB22/48013 - 118 Wortley Road, Lepperton

Good morning Caera,

I have worked through the application and s92 response and have drafted a notification report for this proposal.

Overall, I have serious concerns about the cumulative fragmentation effects of the parent title and its overall impact on the rural zone and future activities however this has not affected my view that we can move forward **without** public notification (subject to Council agreement) as in the context of the application site there will be no discernible adverse effects on the public at large. Please note that the matter of fragmentation will be forefront of the s104 assessment and I, as Meghan did before me, have a view that the proposal is unlikely to be compatible with the plan provisions (objectives and policies) and will have an adverse impact on District Plan integrity. It is possible the application will be refused consent.

I have also turned my mind to limited notification and want to advise that the land at 126 Wortley Road has changed ownership since the written approval was obtained. Had consent been granted in the intervening time this would not be an issue however as we are considering effects on persons now and we do not have a written approval from the current landowner then I will not be disregarding any adverse effects (if there are adverse effects) on this owner.

Furthermore, the Proposed District Plan identifies residential and rural lifestyle living activities *that are not ancillary to rural activities in the Rural Production Zone* as an incompatible activity due to the potential for conflict of use and reverse sensitivity. The subdivision will essentially create a residential allotment (Lot 1) which is smaller than what is anticipated in the Rural Production Zone and the Rural Lifestyle Zone. To this end, the future occupants of Lot 1 will not be associated with land based rural production and may have amenity expectations that is not consistent with a working rural environment. The owners and occupiers of 72 Wortley Road operate a poultry farm, and this is located within 400m of the new small lot and dwelling. There is potential for reverse sensitivity effects to occur on the owner of the poultry farm that are at least minor, and I consider these people to be an affected party to the proposal.

Can you please advise if you wish to seek written approvals from the above-mentioned landowners (particularly the poultry farm owners and operators) and I will place the application on hold. Conversely, if the applicant does not wish to do this then please let me know and I will finalise the notification report for sign off with Council.

Please let me know if you have any queries or want to discuss the application.

Kind regards,  
Nicola

Figure 1: Email to Agent on 11 November 2024



**From:** Nicola Laurenson  
**Sent:** Thursday, 13 February 2025 4:58 pm  
**To:** Caera Joyce <caera@landpro.co.nz>  
**Cc:** Chris Rendall <Chris@landpro.co.nz>; Richard Watkins <Richard.Watkins@npdc.govt.nz>  
**Subject:** RE: Notification Assessment Comments for SUB22/48013 - 118 Wortley Road, Lepperton

Hi Caera,

Thanks for sending these through. I will take a look at them early next week.

The Consent application will need to go through a full s104 assessment. The s104D test is not a gateway to an automatic grant of consent based on one of the limbs of the test being met. Once we have made a notification decision, we can work through all of the s104 considerations and at the end of these assessments we will be able to make a decision. Therefore, effects only form part of the picture. The Operative and Proposed District Plans have lot size, balance requirements and title allocation to maintain consistency with the objectives and policies and planned outcomes for the zone. The proposal departs from all of these provisions and is likely able to be replicated across the district, hence my apprehension that the proposal is a straightforward grant as you suggest. It is possible that it will be refused.

I will know more when I begin these assessments, and I will keep you updated.

Kind regards,  
Nicola

Figure 2: Email to Agent on 13 February 2025

- 9.5. In the objection, the Agent outlines that no attempt to be “*clearer about the concerns with the proposal*” was made. I disagree with this statement and consider that Mrs Stenner and I both provided written communications on this matter (as set out above) in addition to Mr Wood’s verbal advice.
- 9.6. Notwithstanding the disagreement between the Agent and me relating to communication, it is appropriate for the council to make a decision on an application for resource consent using the information/ assessments provided in the AEE and further information (if such information is in sufficient detail for an assessment/ decision to be made). The Agent had opportunities to provide all information relating to the proposal and make provision for mitigation before the application was determined. The provision/ offer for further mitigation outlined in the objection is addressed more specifically further on in this report.

#### Effects on the Environment

- 9.7. In my assessment on the original application, I found that the proposal to subdivide would not have adverse effects on the environment that are more than minor, primarily due to existing rural character and visual amenity being unchanged. I concluded that it was unlikely that the public at large would notice the adverse effects of the proposed subdivision in this location. Localised adverse effects on some neighbours were disregarded due to the provision of written approvals and it was found the proposal would not have minor or more than minor adverse effects on other adjacent landowners who had not provided written approvals. With regards to cumulative adverse effects from repeated fragmentation of the Parent Title, I found these effects to be unacceptable as explained further below.

#### Fragmentation - Cumulative Effects

- 9.8. In the s104(1)(a) assessment I found that cumulative effects from repeated fragmentation of the parent title, to be unacceptable. In paragraph 19 of the objection the Agent appears to consider that I am looking to relitigate the previous decisions relating to the parent title and subject site however what I have considered is that “*any one incremental change is insignificant in itself, but at some point, in time or space the accumulation of insignificant effects becomes significant*” (*Gargiulo v Christchurch City Council C137/00*). Repeated land



fragmentation has incrementally eroded rural character relating to the parent title over time and reduced the potential for rural productive activities to prevail on large lots as envisaged by the District Plan and the soil resource is fragmented. These changes have occurred over time and now form the existing environment. I am not seeking to change what has occurred or even suggesting that what has occurred should not have occurred. What I am stating is that repeated subdivision of rural land, particularly into small sites, is not sustainable and at some point, the effects relating to loss of rural productive land / soil resource become unacceptable. I consider that threshold has been reached with this proposal seeking to create a large residential site in the Rural Production Zone.

- 9.9. I acknowledge that controlling rural subdivision / fragmentation (including its cumulative effects) requires the principled application of policy. NPDC uses parent title provisions to restrict rural subdivision and subsequent development within the Rural Production Zone and to protect rural land for rural productive purposes. Paragraph 16 of the objection appears to agree with this, stating that fragmentation is more appropriate to consider as a matter relating to consistency with plan provisions.
- 9.10. Had the assessment of fragmentation resulting in cumulative effects sat in the policy assessment under s104(1)(b) and adverse effects found to be acceptable, my overall recommendation to refuse consent would have remained. This is because the decision was largely weighted in favour of the inconsistencies with the policy and precedent matters rather than the level of adverse effects.
- 9.11. Section 104(1) adopts an open-ended approach to the weight that is to be attached to the relevant matters. It is open to a decision-maker to decide that the absence of adverse effects is not determinative, and that the enquiry should be made whether the proposal would achieve the objectives of the plan.

Loss of highly productive land/ effects on soil resource availability

- 9.12. The Agent has outlined in the objection (Paragraph 17) that had they known the decision would be to refuse consent, that they would have commissioned expert evidence on the topic of highly productive land/ productive capacity. The application and s92 response provided for Council to consider contained sufficient detail to make an assessment against the National Policy Statement for Highly Productive land and no further information was required. It is not the role of the Council Planner to continuously request changes to an application to manufacture a grant of consent.
- 9.13. The objection also contemplates that avoidance or mitigation of (fragmentation of the land resource) effects could be applied. The objection sets out that Lot 1 could be further reduced in area to approximately 1000m<sup>2</sup> to ensure the soil resource stays with the larger allotment to be available for primary production. A scheme plan has been provided for consideration. Further assessment against the National Policy Statement for Highly Productive Land is expected to be made available before the hearing. I have no comment to make on this matter and will await the assessment.

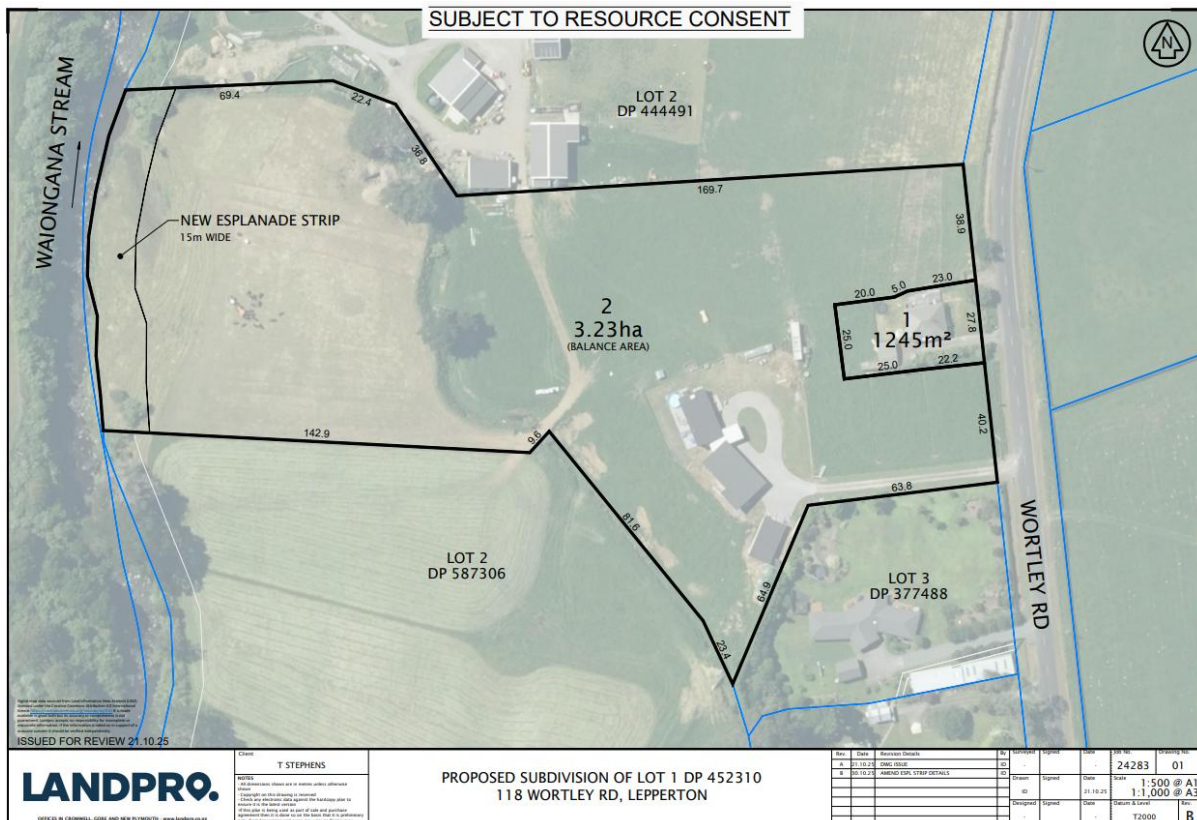


Figure 3: Proposed Scheme Plan reducing size of Lot 1.

### Land Use Conflict

- 9.14. I consider that a reduction in the size of Lot 1 does not change the proposals' inability to be consistent with the objectives and policies and overall strategic direction of the now Part Operative District Plan. Reducing the area of Lot 1 will solidify its inability to have an association to rural productive activities and creates a potential land use conflict that has not been mitigated. Future residents of Lot 1 will be exposed to farming activities, noises, smells and farm traffic along the boundary immediately outside the main outdoor living area where a reduced building setback is also sought. The applicant considers that a 'no complaints covenant' will address the conflict by alerting future owners to the existing productive uses on Lot 2. It is my view that removing the ability of future owners of Lot 1 to 'complain' about the noise or traffic effects does not take away or mitigate the adverse effect that is the source of the conflict.
- 9.15. To be clear, my overall recommendation to refuse consent would have remained should Lot 1 have been 1245m<sup>2</sup> (and all other matters being equal). This is because I find the policy intent to avoid activities that are incompatible with role, function and predominant character of the Rural Production Zone outweighs the level of adverse effect associated with that activity that the plan seeks to avoid.
- 9.16. Should the Commissioner be of a mind to grant consent, a set of conditions has been provided from me and Mr Rendall following a conferencing meeting. The condition set includes a 'no complaints' covenant condition offered by the applicant to which Mr Rendall and I both agree can be imposed. I further consider that the vehicle entrance to Lot 2 that is located immediately north of the Lot 1 boundary should be relocated to mitigate amenity effects on



future owners of Lot 1 relating to traffic, noise and dust. The use of this entrance, coupled with a reduced building setback will contribute to the land use conflict and I consider that this situation can be made better.

Conclusion on 'effects on the environment' part of the appeal

- 9.17. Having now considered fragmentation and cumulative effects as a s104(1)(b) matter (rather than an effects matter), this does not alter the overall outcome made to refuse consent. Effects of the proposal were not found to be more than minor on the environment; the Application was found to pass the gateway in section 104D(1)(a). That the Application was contrary to key objectives and policies s104(1)(b)) and the issues of precedent and plan integrity s104(1)(c) were found to outweigh the finding as to adverse effects s 104(1)(a).
- 9.18. The decision turned on greater priority being given to objectives, policies, precedent and plan integrity over the lack on any unacceptable adverse effects. This decision is one which was open to the Council based on the facts and the legal framework.
- 9.19. Notwithstanding the above, I emphasise my new concern relating to adverse effects for future owners of Lot 1 due to the reduction in area of the lot as set out above.

Consistency with planning framework

- 9.20. It is my view that the proposal remains contrary to the most directive policy direction in the Part Operative District Plan PRROZ and SUB Chapters which seek to avoid subdivision such as that proposed. This is primarily due to the creation of rural lifestyle/ large residential allotments where excess fragmentation has already occurred from the parent title and no balance allotment over 20ha is retained. Furthermore, the proposal is incompatible with the role and function of the Rural Production Zone. There is nothing outlined in the objection that specifically addresses the objectives and policies of the District Planning assessment.
- 9.21. Paragraph 22 of the objection considers that I am relitigating the merits of the second dwelling in this location when the second dwelling forms part of the existing environment. I agree that the dwelling forms part of the existing environment. The dwelling currently sits within a larger site that is capable of small-scale rural production activities. The subdivision will change the nature of the dwelling on Lot 1 to one that is not associated with rural production. Lot 1 is essentially a large lot residential allotment and is smaller than lots provided for in the Rural Lifestyle Zone. The presence of the objection does not alter my view or conclusions drawn with regards to the RPS. The reduction of the area of Lot 1 to 1245m<sup>2</sup> solidifies my view that it will not be used for rural production purposes. Subdivision such as that proposed is provided for in the urban zones.
- 9.22. Paragraph 23 of the objection states that the assessment "fails to provide evidence that small lots in the rural New Plymouth environment are uncommon, inconsistent with rural character or should be avoided." The Agent may wish to expand on what this means at the hearing. The PODP is the best available guidance on whether or not additional small allotments are appropriate to be created in the Rural Production Zone regardless of what records of title currently exist across the district.
- 9.23. Paragraph 24 talks to the adverse effects on urban environments. The original planning assessment, in the s104(1)(b) assessment set out the reasons why the proposal was inappropriate in a policy context. This included the following commentary regarding the RPS:

114. Commentary in the RPS explains part of this policy as follows:

*Policy 1(a) incorporates concepts of aesthetically pleasing, stimulating and vibrant urban forms and building designs that also function safely and efficiently. High quality urban design creates pleasant living environments free of nuisance arising from excessive traffic, noise, odours and contaminants. This will include the need to avoid encroachment of sensitive activities into rural areas that may result in reverse sensitivity effects on established and legitimate rural activities. It also involves design features aimed at maintaining and further enhancing amenity values.*

115. Allowing for residential properties that are not associated with rural production to locate in the rural zone does not promote sustainable urban development, can lessen the efficiency of the urban zones and lead to a redistribution of resources over time as well as compromising rural areas. If granted, similar applications could follow whereby the infrastructure and amenities of the urban zones are not used in the manner intended. The urban zones are in place to avoid the need for sensitive activities to encroach into rural areas. Overall, I consider the proposal is inconsistent with Chapter 15 of the RPS but consistent with the remaining provisions not specifically identified in the above assessment.

Figure 4: Snip from Officers report for Resource Consent

9.24. And the Operative District Plan (Subdivision provisions now treated as inoperative):

Regarding Policy 4.2(f) By locating additional, unanticipated lots in the Rural Environment Area the demand for infrastructure which is typically located in towns and villages may be transferred to the rural zones lessening the efficiency of infrastructure within residential locations. The more development in the rural zone the more risk of drawing development away from residential areas resulting in a loss of development funds. Not only this but infrastructure which is planned for residential areas may be deferred to rural areas where it has not been planned for or anticipated. The control of additional allotments from a parent title is meant to manage the number of lots that can be created in the rural zones. Whilst I think that this application alone would not lead to this outcome, the continued fragmentation of Rural land has the potential to change the nature of rural roads so that Rural Character gives way to a more urban / residential character.

Figure 5: Snip from Officers report for Resource Consent

9.25. The assessment did not set out any adverse effects on the urban environments but set out why the Regional and District policy is set to direct residential development into urban zones and protect rural zones for primary production. Having considered the objection, my view regarding the assessment of policy remains the same.

9.26. I have not addressed the objection matters set out in Paragraph 27 due to the subdivision provisions of the Operative District Plan no longer being treated as operative. I consider that my PDP-AV policy assessment remains relevant (noting a wording change to Policy SUB-P10 in the Part Operative District Plan).

9.27. Regarding Paragraphs 28 and 29 of the objection, these also appear to relate to the Operative District Plan, however taking a wider view on the comments made, the notification and

substantive decisions were assessed against the relevant provisions of s95A and 95B and Sections 104, 104B and 104D of the RMA. Paragraph 120 of the s42A report simply sets out that less than minor and/or acceptable effects are not the only consideration to be had when making a decision on an application. The planners report sets out that the objectives and policies have been considered as intended (assessed under s104(1)(b)) and not used as rules to prohibit subdivision.

9.28. On this note I wish to reiterate the following points:

- Section 104(1) adopts an open-ended approach to the weight that is to be attached to the relevant matters. It is open to a decision-maker to decide that the absence of adverse effects is not determinative, and that the enquiry should be made whether the proposal would achieve the objectives of the plan.
- Controlling rural subdivision (including its cumulative effects) is an issue of significance to the district and that this sometimes requires the principled application of policy. In this case the proposal is contrary to plan policy for rural subdivision and the Rural Production Zone.
- The decision to refuse consent essentially turned on greater priority being given to objectives, policies, precedent and plan integrity over the lack on any unacceptable adverse effects. This decision is one which was open to the Council based on the facts and the legal framework.

#### Precedent

9.29. The objection talks to the s42A assessment as essentially shutting down small lot subdivision such as that proposed. I disagree with this statement. The objection states that applications should be considered on their own merits and context. I do agree with this and a relevant consideration for non-complying activities such as this, is the issue of precedent which reflects the concern that a grant may have on planning significance beyond the immediate vicinity of the site (i.e. how a decision may influence the way in which future applications are dealt with). For this assessment I was concerned that the proposal can be replicated on small sites throughout the Rural Production Zone.

9.30. Regarding the original proposal, the s92 response set out the following reasons why the proposal could not be replicated at other sites:

*As the proposal is a non-complying activity in the rural zone, the matter of precedent effect is relevant and reasonably necessary to consider. It is understood that the NPDC has to determine whether any precedent effect may arise from the granting of consent. The test for an adverse precedent effect under the RMA is how likely it is that the granted subdivision can be replicated.*

*Evident unique, unusual, or distinguishing qualities and features of the site and the proposed subdivision include the existing dwellings present as well as the shape and aspect of the site, which allows for subdivision to occur with no actual impacts on the existing environment.*

*The site is effectively able to be subdivided without any works needing to be undertaken, the existing paddock fencing can be repurposed as the new boundary fencing which ensures the site retains its rural character.*



*This is effectively a legacy conflict of the previous NPDC planning provisions which allowed a 2nd dwelling onsite in the rural zone with a land use consent. However, under the current planning framework this is no longer the case under RPROZ-S5 and therefore cannot be replicated without district planning permissions which are unlikely to be granted on small rural production sites.*

*Therefore, it can be assessed that the proposed subdivision is to occur effectively on paper only with no actual changes proposed and it does not set a precedent as the current district planning provisions do not enable comparable situations to arise. As such, this unique set of attributes associated to this proposed subdivision minimises the adverse effects of non-compliance*

- 9.31. No evidence was provided as part of the application or the objection to demonstrate that this site is the only property in the Rural Production Zone of the District containing two dwellings with independent services (including driveways) where subdivision cannot be replicated. I understand that further information on this point will be submitted prior to the hearing. I have not seen this information prior to writing this report.
- 9.32. Council has received applications to subdivide rural land on sites with two existing dwellings in the past demonstrating this is not a unique one-off occurrence. At the time of processing this application, the Agent had another application (SUB24/50047) before council where it was proposed to undertake a non-complying subdivision around existing dwellings to create one lot being 1412m<sup>2</sup> in area and the 'balance' lot being 1.70ha in area. Each dwelling had its own independent driveway accessed from a large, shared vehicle crossing. The application included an assessment regarding precedent. This is copied below (underlined where matching the current proposal). The application was subsequently withdrawn.

*As the proposal is a non-complying activity in the rural zone, the matter of precedent effect is relevant and reasonably necessary to consider. It is understood that the NPDC has to determine whether any precedent effect may arise from the granting of consent. The test for an adverse precedent effect under the RMA is how likely it is that the granted subdivision can be replicated.*

*Evident unique, unusual, or distinguishing qualities and features of the site and the proposed subdivision include the existing dwellings present as well as the shape and aspect of the site, which allows for subdivision to occur with no actual impacts on the existing environment.*

*The site is effectively able to be subdivided without any works needing to be undertaken, while the existing vegetative screening present ensures the existing dwelling on site retains its character.*

*This is effectively a legacy conflict of the previous NPDC planning provisions which allowed a 2nd dwelling onsite in the rural zone (subject to standards) without the need for land use consent. However, under the current planning framework this is no longer the case under RPROZ-S5 and therefore cannot be replicated without district planning permissions.*

*Therefore, it can be assessed that the proposed subdivision is to occur effectively on paper only with no actual changes proposed and would be difficult to replicate under the current district planning provisions. As such, this unique set of attributes associated to this proposed subdivision minimises the adverse effects of balance non-compliance.*



*No other property with similar lot sizes and existing dwellings which has all these attributes can be found within this northern most portion of Waitara Road. Therefore, it can be assessed that this subdivision is unique and is very unlikely to be replicated in this area.*

- 9.33. A further resource consent application (SUB25/50299) with similarities to both the objection site and that mentioned above has been through the consent process in September / October 2025 and consent was refused for a two-lot subdivision around an existing dwelling to create a lot of 2750m<sup>2</sup> and balance lot at 2.7145ha. Both allotments in this case had an existing dwelling with separate access arrangements.
- 9.34. With these examples in mind, I do not consider that there are unique aspects of the application (or objection) which take the proposal outside the generality of cases or create any clear distinction between the subject site and application and that of other sites and applications.
- 9.35. The Council has undertaken an exercise to identify the number of titles in the Rural Production Zone that are below 20ha in area and contain two dwellings.
- 9.36. Three indicators to identify rate assessments with multiple dwellings have been used as follows:
- **SUIP (Separately Used or Inhabited Parts):**  
This field in TechOne identifies rate assessments with multiple inhabited parts, which are rated accordingly. While this may include separate dwellings, it can also refer to minor units such as granny flats. Given that additional rates are applied to multiple SUIPs, this data is likely to be accurate, as ratepayers would raise concerns if overcharged. However, there appear to be several rate assessments that should be classified as multiple SUIPs but are not, likely due to historical data capture issues.
  - **Improvement Tags (from QV):**  
These tags describe improvements on a rate assessment. Tags BACH, COTTAGE, FLAT, HOME UNIT, STUDIO, TOWNHOUSE, APARTMENT, DWG, UNIT, UNITS TOWNHOUSE, and SLEEP OUT provide an indication of the number of dwellings.
  - **QV Unit Count:**  
This field suggests the number of units per rate assessment.
- 9.37. Using these indicators the below estimations have been made. It is noted that for rates assessments linked to multiple titles, this exercise has been more complex but for rates assessments linked to a single record of title the process has been straight forward. Most rate assessments with multiple titles were excluded from the below figures due to title size (being over 20ha) or dwellings being located on separate titles (identified through aerial imagery). While there may be some false positives, there are likely also some missed cases that offset these:
- 192 titles with multiple dwellings identified via SUIP
  - 172 additional titles based on improvement tags
  - 59 additional titles based on QV unit count
  - Total – 423 Records of tile under 20ha with multiple dwellings and/ or SUIPs.



- 9.38. The owners of these properties could be in a similar position to subdivide additional small lots around existing dwellings, as this proposal does, in terms of eligibility for subdivision based on effects alone.
- 9.39. The presence of the objection to the decision has not changed my view with regards to precedent which makes up one of the reasons for the decision on the original consent.

Consent process

- 9.40. In Paragraphs 33-36 the objection considers the ‘pragmatism’ of the subdivision noting that it will enable housing as required by the National Policy Statement for Urban Development.
- 9.41. The National Policy Statement for Urban Development sets out objectives and policies for planning well- functioning urban environments. The National Policy Statement for Urban Development is no way reliant on rural environments to achieves its objectives.
- 9.42. The land in question does not sit within an urban environment and the provisions of the Rural Production Zone apply and are considered appropriate for assessment of the merits of the proposal.
- 9.43. I consider that sustainable management of this land, in the Rural Production Zone, is better achieved by retaining the land holding in one record of title for the reasons set out in the original planner’s report. The smaller dwelling can continue to be used in an ancillary manner to the principal residential unit on the site.

Conclusion

- 9.44. Having considered the matters contained within the objection I am of the opinion that overall, the decision to refuse consent is one that was open to the decision maker and better achieves the outcomes sought for the Rural Production Zone and the RMA. The decision was based on more weight being given to plan provisions and other matters over the lack of adverse effects.
- 9.45. It is my opinion that should consent be granted to this proposal, that similar applications may follow that will rely on the outcome of this consent decision and this can be replicated throughout the District on a number of rural sites.
- 9.46. Should the Commissioner grant consent then I agree to the conditions set out in the Joint Witness Statement being included in the decision.

**10.0 QUESTIONS SET OUT IN MINUTE OF INDEPENDENT COMMISSIONER #1**

How does the granting of a land use consent for a second dwelling on a site of this size in close proximity to the existing dwelling reconcile with the objectives and policies of the operative and proposed district plans?

- 10.1. Regarding the Operative District Plan (2005), resource consent for a second dwelling on a site would no longer be required under this District Plan as the rules are now inoperative. A second dwelling was permitted on sites less than 20ha where the following parameters were met:

*The HABITABLE BUILDING GROSS FLOOR AREA of one of the HABITABLE BUILDINGS is no more than 75% of the HABITABLE BUILDING GROSS FLOOR AREA of the other HABITABLE BUILDING;*

*and The two HABITABLE BUILDINGS are located no more than 25 metres from each other at the closest point;*

- 10.2. Relevant objectives and policies were weighed towards retention of rural character. In this regard, a second dwelling could be undertaken on site as a permitted activity, meaning that they are anticipated in the zone (Policy 1.1 and Policy 1.3).
- 10.3. Policy 4.4 included specific controls on habitable buildings to control density, height and onsite location. This policy directly related to the permitted rule for second dwellings on sites under 20ha. This policy signalled that construction of a (permitted) second dwelling was appropriate in terms of density and allowed for *“maintenance of Spaciousness and a Low Density, Production Orientated environment, while allowing some flexible living opportunities”*. The size and separation distance requirements of the rule were set to *“ensure that any additional habitable building remains ancillary to the main habitable building on the site and does not lead to increased pressure to subdivide”*.
- 10.4. In the case of the subject site, the second dwelling was proposed (and subsequently consented) to be located more than 25m from the existing dwelling (approximately 65m) and it became the principal (larger) dwelling on the property, demonstrating compliance with the habitable building gross floor area requirements. The second dwelling could comply with the maximum height requirements as well as boundary setbacks (noting a side yard setback reduction for a shed was also included in the application).
- 10.5. Despite an increased separation distance between buildings, the separation and size of the dwellings do not create an out of character appearance in the wider environment, as the smaller dwelling is an ancillary dwelling and perceived as such. I note that the subdivision proposal will change the character with regard to Lot 1. That is, at present the site is a rural land holding where the residential activity is ancillary to the rural land use. The dwelling is currently able to be associated with land use on the site, and the occupants are cognisant of the nature of rural land uses and the associated effects. The subdivision has potential to sever this relationship.
- 10.6. Regarding the Part Operative District Plan (2025), rules RPROZ-R3 and RPROZ-R2 set out requirements for Residential and Minor Residential units. Each activity is permitted subject to the Rural Production Zone Effects Standards. Effects standard RPROZ-S5 sets out the maximum number of residential units on a site. For sites less than 20ha it is permitted to have one residential unit per site or one residential unit and one sleep out per site. A second residential unit or minor residential unit on a site less than 20ha requires resource consent as a Restricted Discretionary Activity.
- 10.7. It is my view upon reading the criteria or restricted discretionary activities and the objectives and policies that a second residential unit or minor residential unit would be consistent with the objectives and policies if the unit is compatible with the rural character and amenity values of the zone and the unit is used in a manner that is compatible with the role, function and predominant character of the zone, more specifically if the unit is ancillary to rural activities. The subdivision of additional dwellings may, as the case is here, sever the relationship between the unit and its ability to be compatible with the objectives and policies.

If an esplanade strip already exists, is it lawful to require an additional width to be provided on subdivision?



- 10.8. Section 232 allows for the creation of an esplanade strip where the width of the strip is set out in a rule in the District Plan. In the case of the current application, it is proposed to cancel the existing esplanade strip under s243 and create a new, wider strip. This was recommended to the applicant, who has agreed to the change should consent be granted.

What conditions/restrictions apply to the land use consent for the second dwelling on the site? Are there any additional rules in the Operative or Proposed District Plan regarding the second dwelling?

- 10.9. The conditions of consent number LUC17/47028 are set out below.

**These conditions must be complied with when exercising this Resource Consent:**

1. The use and development of the land shall be as described within the application and shall be in accordance with the plans endorsed **LUC17/47028 marked A, B, C, D and E prepared by Location Homes, Project 16-26, Sheets L01 (Issue A dated 03.03.17), L03 (Issue A dated 03.03.17), L11 (Issue A dated 03.03.17), B01 (Issue B dated 06.06.17) and B02 (Issue B dated 06.06.17).**
2. The shed shall be located no closer than 5m from the south eastern side boundary of the site.
3. The consent holder shall pay the Council's costs of any monitoring that may be necessary to ensure compliance of the use with the conditions specified.

Figure 6: Conditions of Consent for second dwelling LUC17/47028

- 10.10. Should the subdivision be granted consent then consent for the second dwelling will no longer be required as there will be one residential unit within each record of title following subdivision however the existing consent also relates to a side yard setback infringement for a shed and a poultry farm setback buffer, therefore the consent is still required to be in place.

- 10.11. Under the Part Operative District Plan the rules for the number of units has been set out previously in this report. No additional permitted activity rights for residential units or minor residential units exist on the current site or on either lot should consent be granted. The subdivision would result in the ability for an additional sleepout to be constructed over and above what is currently permitted.

Is it vires to impose conditions on a resource consent that prevents further subdivision or land use consents?

- 10.12. The applicant has volunteered two consent conditions to be included in the conditions should consent be granted. One is to limit residential units within each allotment to one and to limit further subdivision that would increase the ability for additional permitted dwellings. These are volunteered on an Augier basis. As they are volunteered by the applicant, I have agreed that they can be included in the condition set. Section 108AA states that *“A consent authority must not include a condition in a resource consent unless (a) the applicant for the resource consent agrees to the condition; or.....”*



- 10.13. Notwithstanding the above, it is my view that a condition of consent should not fetter a landowner’s legal right to apply for future resource consents. Although the proposed Augier conditions would infringe the legal rights of future owners, they would also be entitled to apply to the Council to remove the conditions, with any future subdivision or residential activity to be assessed on its merits.
- 10.14. Because the ability to seek changes to the Augier conditions is provided for, the uncertainty surrounding whether applications to remove the Augier condition would be successful renders the original consent (subject to this application) ineffective. As the proposal fundamentally relies on these conditions being in place to preserve the existing environment, I consider that there is too much uncertainty in granting consent with these conditions in place.

### 11.0 RECOMMENDATION

- 11.1. That for the above reasons the objection to decision included on resource consent application SUB22/48013 be dismissed pursuant to Section 357D of the Resource Management Act 1991.

**Name:** Nicola Laurenson

**Date:** 25 November 2025

**Position:** Consultant Planner



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth  
District Council**

## APPENDIX A

### Objection to Consent Decision

Attention: Zane Wood, Planning and Development Lead

New Plymouth District Council

84 Liardet Street

New Plymouth 4342

Reference: SUB22/48013

19 May 2025

**OBJECTION TO THE DECISION SUB22/48013, IN ACCORDANCE WITH SECTION 357A  
OF THE RESOURCE MANAGEMENT ACT 1991**

Kia ora


1. On the 1<sup>st</sup> of May 2025, the New Plymouth District Council (NPDC) declined consent to undertake a 2-lot subdivision of an existing record of title containing one allotment at 118 Wortley Road, being Lot 1 DP 452310.
2. A copy of the consent decision and planners report (the 'Decision') is included as **Appendix A**. In accordance with section 357A of the Resource Management Act 1991 (RMA), and on behalf of the applicant, Aaron Stephens, Landpro Limited objects to the decision made by NPDC to decline SUB22/48013.

**OBJECTION**

3. The applicant objects to the Council's decision to decline the consent and the rationale relied on to arrive at that decision.
4. The applicant seeks that the consent be **granted subject to appropriate conditions**, including preventing further subdivision and seeking consent for further dwellings<sup>1</sup>.

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<sup>1</sup> Thus avoiding the 'risks' identified in the planning report of further intensification.

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5. Further, if the decision maker determines that in its current form that NPDC planning staff were correct in their decision based on the subdivision of HPL the applicant requests that the decision maker require that the boundaries of 'Lot 1' be amended to approximately 1000m<sup>2</sup> (and therefore not include the vacant pasture as discussed in para 58 of the Decision)<sup>2</sup>.

## **BACKGROUND**

6. The application relates to a single record of title with two independent dwellings. As outlined in the Decision there has been previous subdivision of the parent title which was consented by NPDC. NPDC also granted land use consent for a second independent dwelling on this property and did not apply any conditions to limit further subdivision.
7. While having two independent dwellings on a site enables the owner the opportunity to be a landlord the applicant does not wish to continue to be a landlord for the second dwelling and the most effective way to enable someone else to own the second dwelling is for subdivision of the property to occur.
8. The application was lodged on the applicants behalf by Bland and Jackson Surveyors Ltd in 2022. The applicant then received a request for further information in April 2022. The applicant approached Landpro in 2024 to assist them in progressing this application. The further information requested was provided in September 2024 and in November 2024 the processing planner identified several potentially affected persons who the applicant needed to obtain written approval from to avoid notification. The applicants obtained these approvals, at significant cost, as Tegal required that engagement was with their legal team which they cost recovered.
9. At the time of application, the applicant understood from discussions, that the NPDC preference was that rural lots close to 4000m<sup>2</sup> would be NPDC preference and that avoiding changes to the site layout would also be preferable. This rationale was used to propose the ~3000m<sup>2</sup> smaller lot. The NPSHPL (and changes to the NPDC DP) came into force after this application was lodged. The NPSHPL had immediate effect.

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<sup>2</sup> This change would have been proffered by the applicant during the application process if NPDC had indicated this approach was preferable.

## **SPECIFIC REASONS FOR OBJECTION**

10. In the following paragraphs we provided some specific comments in relation to the Decision that has been made. Our concerns are not limited to these matters, they are provided to give an overview of what we considered are the fundamental flaws in the decision.
11. On lodging the further information request (17 September 2024) Caera Joyce (Planner at Landpro) received a phone call from Zane Woods (NPDC team lead) stating that the application would be declined (18 September 2024). This was done within a day of NPDC receiving the further information and before any assessment had been undertaken. Due to the unusual nature of the discussion, it was requested that Zane follow this up in writing, however this did not occur and instead there a request for invoice payment was received. This was paid in October, then 1-2 weeks later an email was received stating that a new processing planner had been allocated.
12. I consider that there were opportunities for NPDC to be clearer about their concerns with the proposal and the key matters raised as rationale for declining the application could have been avoided or mitigated. There was no attempt at this.
13. The applicant and the processing planner disagree about ability of the land to be used for primary production, and the effect of the activity on the productive capacity of the land.
14. As noted above the applicant would have willingly amended the scheme plan and agreed to consent conditions to address the concerns, which have now become reasons to decline the application.
15. It was also disappointing to see that the decision maker was not provided an opportunity by the processing officer to consider granting the application as no potential consent conditions were put forward by the planning officer for consideration.

### *Effects on the environment*

16. 'Fragmentation' of the title is identified as a key effect of concern and considered by the processing planner to be 'unacceptable' (para 93 of the




report). It is questionable whether 'fragmentation' is reasonable to be considered as an effect on the environment (RMA definition of environment provided below) in the absence of any effects on the matters that contribute to the environment. The proposed subdivision is a paper-based exercise. If considered in this decision, it would be more appropriate to consider this as a matter relating to consistency with plan provisions.

17. While fragmentation of the rural land resource (highly productive land) is reasonable to consider, if there was a real concern that this activity would materially alter the ability of rural production activities that could occur onsite then the applicant would have commissioned expert evidence on that topic. As noted above, avoidance or mitigation of effects could have been applied. No such concern was raised.
18. The risk that additional non-rural activities may occur on the sites is identified as a further risk/affect of granting consent – again conditions could be applied that prevented this risk from eventuating.
19. The planner references previous fragmentation of the parent title as a reason this consent should be declined – NPDC granted consents for all previous subdivision and therefore determined that the effects were acceptable, and then determined a second dwelling was also acceptable. It is inappropriate to relitigate those decisions at this time and therefore this application should be considered on its own merits.
20. RMA Section 2(1) defines **environment** as including (a) ecosystems and their constituent parts, including people and communities; and (b) all natural and physical resources; and (c) amenity values; and (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters.
21. The notification assessment of adverse effects in para 73 in the Decision concludes that *"the proposal will not result in adverse effects that are more than minor on the environment"*. This enables the proposal to meet one of the gateway tests for section 104D(1)(a) and can therefore be granted.


#### *Consistency with planning framework*

22. The processing planner at para 115 of the Decision refers to the RPS urban policies as matters that are relevant to this decision. This appears to be




focused on relitigating whether the second dwelling should have been granted consent. This is incorrect, the second dwelling forms part of the existing environment.

23. The assessment fails to provide evidence that small lots in the rural New Plymouth environment are uncommon, inconsistent with rural character or should be avoided. The lot is proposed to be ~3000m<sup>2</sup> and as identified, the applicant is happy to reduce this to ~1000m<sup>2</sup> if that is considered a more sustainable use. Further, the character of the rural environment is variable throughout the district, and there are numerous other lots on Wortley Road that are ~2000m<sup>2</sup> and the smallest is 809m<sup>2</sup>. While in some rural areas of NZ 50ha lots with a single house may be rural character that is not the case here.
24. It is unclear what adverse effects this activity will have on urban environments.
25. The New Plymouth district is a Tier 2 urban area and therefore a broad brush comment about inconsistency with regional urban expectations seems unhelpful. Assessments of regional policy should be made in the context of the relevant region.
26. The planning assessment largely accepts that the activities are existing and there are no material changes proposed, and effects are no more than minor. This is understandably the existing environment and the permitted baseline. No material changes are proposed and the subdivision proposed will simply formalise the ability for the dwellings to operate independently.
27. Objectives and policies including Objective 4 and policies 4.1, 4.2 and 4.5 (discussed in assessment box after para 116 of the Decision) are set at the district level and focus on the 'control' of activities – they do not use directive words such as avoid or prevent any and all subdivision in the rural environment which the PNPDP does not provide for (matters listed). The control they provide needs to be in context of the existing environment – in this instance there is no large balance area (>20ha) and there is substantial existing development along this road. As identified previously NPDCs preference between maintaining a larger lot size and consolidating HPL was not made clear to the applicant – the applicant is happy for the subdivision boundary to provide for the councils preference. While on face value there are inconsistencies with these policies they need to be considered in the context of the existing environment which the Decision fails to do.

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28. The wording of Para 120 of the Decision effectively suggests that consent cannot be granted because the provisions of the District Plan and RMA process prevail over the environmental effects of the activity. We object to this assertion (if that was the intent).
29. The relevant policies are not directive and need to be considered in context. The decision approaches the policies as if they are rules to prohibit subdivision. This is inappropriate, however it appears that this is the approach taken in the decision.

*Precedent*

30. Appendix A provides a comparison of this site with all small rural lots and effectively uses this as the basis for determining that this proposal sets a precedent which undermines the PNPDP. This assessment provided in this manner effectively suggests that any subdivision of small rural lots should effectively be considered prohibited. If this was the expectation then this activity status should have been used in the plan. Applications should be considered on their own merits and context. In providing further information in correspondence with the planning officer the differentiation between other small rural lots and this site was highlighted.
31. Para 133 of Appendix A identifies that there will be other small lots under 4ha with two dwellings. We do not dispute this. However, there are not significant numbers of small rural lots with two fully independent consented dwellings and the plan contains provisions to prevent the proliferation of this in the future. Any new consents applications that are granted can be accompanied by appropriate conditions to prevent further subdivision or development if the NPDC deems this appropriate.
32. NPDC has the ability and manage through the DP to effectively and efficiently manage this matter on other small rural lots. There are occasional small rural lots with two independent dwellings. If the owners of these properties consider that these can be subdivided without adverse effects on the environment, this should not be considered a prohibited activity however this is exactly how the planners report suggests such activities should be treated – see Para 135 of Appendix A.

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33. Applications should be considered on their merits. It is more consistent with the purpose of the RMA (section 5) to give these applications a fair hearing and for decision makers to consider granting consent especially when there is a housing shortage and home ownership is an aspiration for many.
34. Para 50 of Appendix A identifies that the previous planners report suggests that it may be appropriate for the second dwelling to remain unused – this would be an inappropriate (inefficient and ineffective) use of a limited resource and contrary to the expectations for the New Plymouth district to be enabling housing (NPSUD – New Plymouth district as a tier 2 urban environment).
35. Para 139 seems somewhat disingenuous. The ‘public’ is made up of residents and ratepayers who expect a fair hearing and natural justice. Simply because the lot does not currently and would not in future fully align with all policies in the plan is unlikely to result in the majority of the public considering this proposal to be unreasonable or inappropriate. It seems more logical that on an allotment which contains two existing dwellings the public would have little concern about them being subdivided and owned separately.
36. Other paragraphs in the decision highlight that it is *“unlikely to adversely impact on the neighbouring small properties”* (para 116 assessment box) and the *“use would not likely be perceived in the wider environment and the perception of the site is unlikely to change due to the subdivision”*(para 158) these suggest that the public would not view this proposal as egregious. Declining this application is likely to be seen as a lack of pragmatism and based on protecting the status quo over achieving the purpose of the RMA. sustainable management.

#### **REQUEST FOR OBJECTION CONSIDERATION**

The applicant requests in accordance with section 357AB of the RMA that the objection be considered by a hearing’s commissioner.

Should there be any questions related to this objection, please direct them to [chris@landpro.co.nz](mailto:chris@landpro.co.nz)

Nga mihi



**Chris Rendall**

Principal Planner

027 308 8424

**LANDPRO.**

57 Vivian Street

PO Box 8235

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New Zealand

Cc Scott Greive, Connect Legal



## APPENDIX B

### Planners report and decision on original application

**S95 NOTIFICATION DECISION AND S104 REPORT TO THE PLANNING LEAD FOR  
SUBDIVISION CONSENT**

<b>Application Number:</b>	SUB22/48013
<b>Proposal:</b>	Two Lot Rural Subdivision
<b>Applicant:</b>	Aaron Stephens
<b>Site Address:</b>	118 Wortley Road, Lepperton, New Plymouth
<b>Legal Description:</b>	Lot 1 DP 452310 held in Record of Title 578104
<b>Site Area:</b>	3.312ha
<b>Zone:</b>	Operative District Plan: Rural Environment Area Proposed District Plan: Rural Production Zone
<b>District Plan Overlays:</b>	Operative District Plan: Priority waterbody Proposed District Plan: Schedule 9 Significant Waterbody – Waiongana Stream Waterbody (unnamed)
<b>Activity Status:</b>	Operative District Plan: Non-Complying Proposed District Plan: Non-Complying

**SITE DESCRIPTION AND SURROUNDING ENVIRONMENT**

1. The subject site and surrounds are described in Section 2 of the application and that is copied here for ease of reference:

*The subject site is located on the western side of Wortley Road near Lepperton. At the rear of the site is the Waiongana Stream, which is separated from any development within site by an existing 10m esplanade strip. Another unnamed tributary flows from the south to the west and emerges into Waiongana Stream.*

*The site contains two dwellings. The first dwelling and garage are located east of the site and approximately 12m from Wortley Road. A formed entrance from Wortley Road accesses this dwelling. The second dwelling is relatively new and located behind the first dwelling, with access from the south of the first dwelling that runs along the southern proposed boundary.*

*The surrounding environment is rural, with riparian planting along the Waiongana Stream. Two rural lifestyle allotments adjoining the proposed site on the south with similar size and two large rural blocks are located on the opposite side of Wortley Road. The dwellings in the area are self-sufficient on three waters where no Council's reticulation systems are available.*

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*Wortley Road is a local road with a posted speed limit of 100km/h.*

2. I generally concur with this description and the site and surrounding area can be seen in Figure 1 below.



Figure 1: Aerial of subject site and surrounding area (Source: Proposed District Plan)

## **PROPOSAL**

3. Pursuant to s88 of the Resource Management Act 1991, Bland and Jackson applied for subdivision consent to create two allotments from one record of title. Overall, one additional record of title is proposed. The proposal is described in Section 3 of the application, and this is copied here for ease of reference:

*The proposal is to undertake a 2-lot subdivision at 118 Wortley Road.*

*The proposal aims to separate the two existing dwellings and apply for individual Records of Title.*

### 3.1 Subdivision

*The proposal includes:*

- *The total area is 3.312ha;*
- *Lot 1: 2940m<sup>2</sup> with an approximately 156m<sup>2</sup> existing dwelling and 48m<sup>2</sup> for the detached garage;*
- *Lot 2: as a balance area, 3.0165ha including a 320.5m<sup>2</sup> existing dwelling and 491m<sup>2</sup> access leg.*

*The existing dwelling in Lot 1 has a 12m setback from the road boundary. And a second dwelling was erected on the property behind the existing dwelling with an access leg along*

the southern boundary.

### 3.2 Access

Wortley Road is a local road with a speed limit of 100km/h. No new vehicle access is proposed in this application.

Lot 1: an existing formed and sealed vehicle access point will be continually utilised by the existing dwelling on Lot 1. The driveway is formed and paved with gravel.

Lot 2: There is an existing formed and sealed entrance from the road with formed driveway which is utilised by the new dwelling. The access will be retained in Lot 2.

Both existing accesses are unable to achieve 160m sight distances to the north.

### 3.3 Services

The subject site is self-sufficient with services.

Individual septic tanks and associated soakage fields are being used for disposing wastewater.

Stormwater is collected by rainwater tanks as potable water supply. Overflow can be disposed to the ground or overland within the sites.



Figure 2: Scheme plan

4. A Section 92 request was made by processing planner Meghan Barrett on 12 May 2022. The request including the following matters:
  1. Demonstrate that the effects are minor and that the activity will not be contrary to the relevant plan objectives and policies.

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*Reason: Beyond the established dwelling, the application presents effects relating to fragmentation of rural land. The applicant has confirmed the proposed subdivision would result in the eighth small allotment from the parent title. The proposal has not adequately addressed the rural character and amenity effects, as well as the relevant objectives and policies of the Operative District Plan and the Proposed District Plan.*

*It is recommended that engagement and a report from a suitably qualified landscape architect would provide an appropriate level of assessment of these matters, particularly with regard to the character and amenity of the rural landscape resulting from further fragmentation of this application site.*

5. Furthermore, the following comments were made in the s92 letter:

*Outside of Section 92 matters, are you please able to amend the application to demonstrate agreement with the below recommendations from Bluemarble and NPDC Open Space Planning Team.*

- 1. A 15m esplanade strip be set aside the Waiongana Stream.*
- 2. The Waiongana Stream should be fenced with a stock proof fence to prevent stock from accessing the stream.*
- 3. A minimum of five metres of the Waiongana Stream edge should be planted with native vegetation using TRC riparian guidelines Establishing Riparian Vegetation - number 26.*
- 4. The tributary of the Waiongana Stream should be planted with native vegetation using TRC riparian guidelines Establishing Riparian Vegetation - number 26.*

6. The s92 request was responded to by the new Agent for the applicant, LandPro, on 17 September 2024. In the intervening time, The National Policy Statement for Highly Productive Land also came into effect, and this is also addressed in the s92 response. The NPS -HPL assessment, and its adequacy, is considered further in the s104 assessment. Acceptance of the s92 response does not indicate acceptance that I consider the effects are minor and that the activity will not be contrary to the relevant plan objectives and policies. I make my own assessment and conclusions in this report.

7. The s92 response did not include an updated scheme plan to show the increased esplanade strip width but the written content of the s92 response indicates agreement to the following:

1. A 15m esplanade strip be set aside the Waiongana Stream.
2. The Waiongana Stream should be fenced with a stock proof fence to prevent stock from accessing the stream.
3. A minimum of five metres of the Waiongana Stream edge should be planted with native vegetation using TRC riparian guidelines Establishing Riparian Vegetation - number 26.
4. The tributary of the Waiongana Stream should be planted with native vegetation using TRC riparian guidelines Establishing Riparian Vegetation - number 26.

## **CONSENT HISTORY**

8. The proposal consists of a record of title that has been subdivided since 5 March 1999. The record of title subject to this application was issued on 12 June 2012.
9. The details of the previous subdivision from the parent title are scarce in the application and s92 response. The previous agent for the application has stated the following with regards to previous subdivision of the parent title:

"3 lots DP 372309 subdivided from the parent title in 2006, one more lot created DP 377488, allotment number to 4 in 2007. Three more lots created DP 444491, 7 allotments in total in 2011. Boundary adjustment DP 452310 in 2012."

I have provided an assessment of the lots created from the parent title below. The parent title has been used to create the following 8 allotments/ records of title (7 additional):

<i>Legal Description</i>	<i>Address</i>
<i>Lot 1 DP 562463 0.223ha</i>	<i>100 Wortley Road, Lepperton, NP</i>
<i>Lot 1 DP 562463 3.79ha</i>	<i>84 Wortley Road, Lepperton, NP</i>
<i>Lot 2 DP 444491 4ha</i>	<i>108 Wortley Road, Lepperton, NP</i>
<i>Lot 1 DP 452310 3.312ha SUBJECT SITE</i>	<i>118 Wortley Road, Lepperton, NP</i>
<i>Lot 3 DP 377488 0.55ha</i>	<i>126 Wortley Road, Lepperton, NP</i>
<i>Lot 3 DP 372309 0.614ha</i>	<i>130 Wortley Road, Lepperton, NP</i>
<i>Lot 1 DP 587306 0.455ha</i>	<i>134 Wortley Road, Lepperton, NP</i>
<i>Lot 2 DP 587306 7.62ha</i>	<i>150 Wortley Road, Lepperton, NP</i>

10. Land use consent (LUC17/47028) was granted in July 2017 for the construction of a second dwelling on the title which is proposed to be located on Lot 2 following subdivision. The consent provided for an increased distance between dwellings of 65m (where 25m was permitted). The dwelling has since been constructed on the site.

## **STATUTORY REASONS FOR THE APPLICATION**

### **National Environmental Standards**

11. Regulation 5(5) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) describes subdivision as an activity to which the NES applies where an activity that can be found on the Ministry for the Environment Hazardous Activities and Industries List (HAIL) has occurred.
12. Regulation 6 of the NES specifies that an applicant must establish if any HAIL activities have occurred on the subject site. The applicant can do this by adopting one of two methodologies:
1. Review of all relevant council records including dangerous goods files, property files, registers, databases, resource consent databases, records available from Regional Council;
  2. Preliminary Site Investigation undertaken by a suitably qualified and experienced practitioner in accordance with the current Ministry for the Environment's Contaminated Land Management Guidelines No. 1 Reporting on Contaminated Sites in New Zealand.
13. The applicant has provided an assessment on the NES stating that the Taranaki Regional Council Register of Selected Land Uses does not identify the site as a HAIL activity.

14. I have also undertaken a check of the TRC Selected Use Register and the NPDC property file which does not identify any selected uses pertaining to the subject site which are currently used for residential and lifestyle purposes. There is no evidence of uses associated with the HAIL.

15. Based on these checks I have concluded that the NES does not apply to the proposal.

### **Proposed New Plymouth District Plan (Appeals Version 13 September 2023)**

16. The site is located within the Rural Production Zone and contains a Schedule 9 Waterbody overlay and a waterbody overlay.

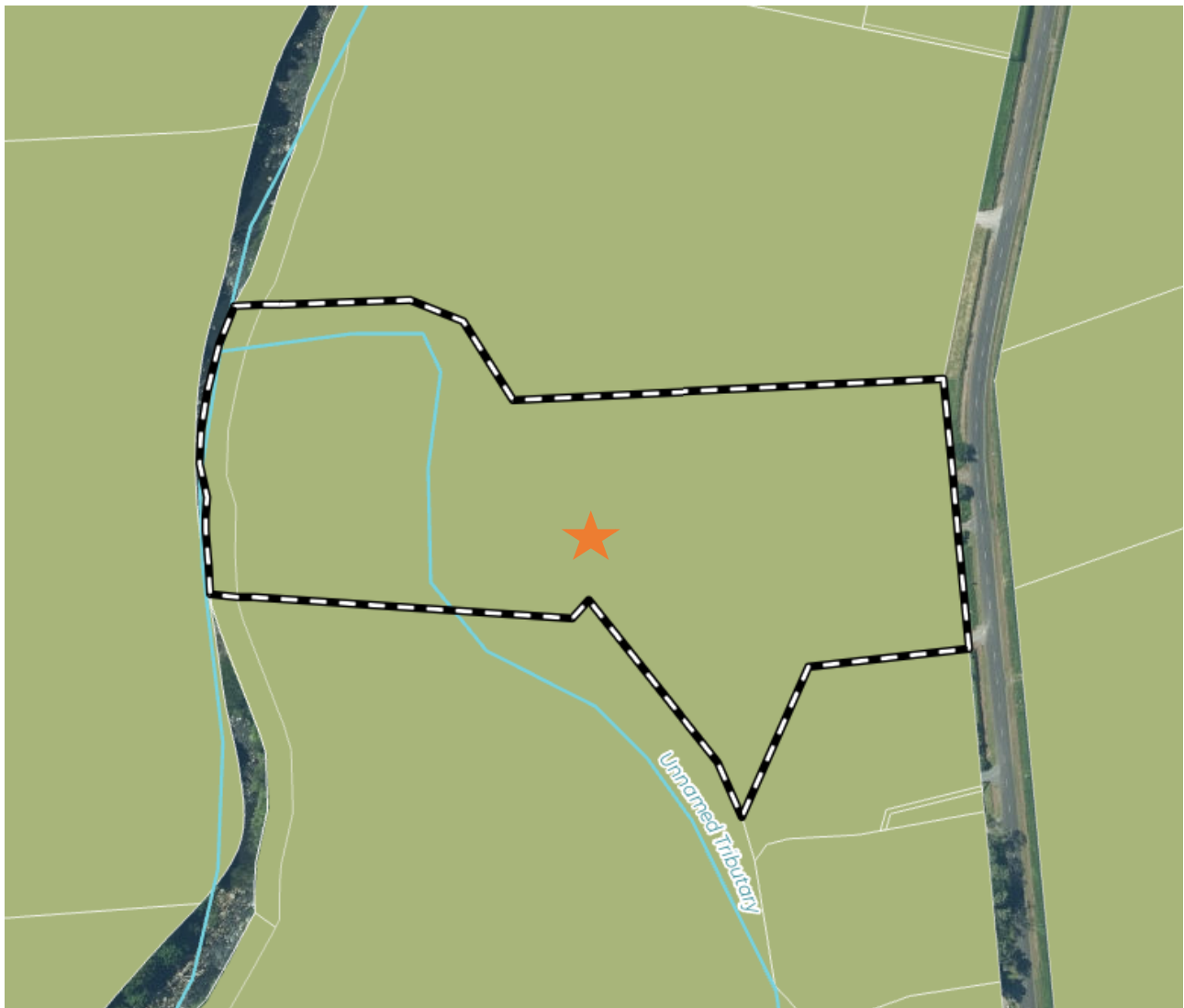


Figure 3: Proposed District Plan Map (Site shown with orange star)

17. Appeals were released on the Proposed New Plymouth District Plan on 13 September 2023. At this point in time, all rules under the Appeals Version of the PDP have legal effect (pursuant to s86B) or are treated as operative.

18. The application was first lodged with the Council in January 2022. The application is required to be assessed against the current provisions of the District Plan but due to its lodgement date being prior to decisions being released on the Proposed District Plan, the activity status that existed at time of lodgement is preserved.

## Rules

19. The proposal requires consent under the following rules:

Rule #	Rule Name	Status of Activity	Comment
SUB-R4	Subdivision of land to create allotment(s) within the Rural Production Zone	NC	<p>The proposal is to subdivide a record of title that has an issue date after 5 March 1999 and;</p> <p>It is proposed to create more than 3 additional allotments from the parent title and;</p> <p>The proposal does not have a balance area of 20 ha.</p> <p>The proposal can comply with some of the Effects Standards of the Subdivision Chapter except for those set out below.</p>
SUB-S1	Minimum lot size	Does not comply	Lot 1 is less than 4000m <sup>2</sup>
SUB-S2	Requirements for building platform(s) for each allotment	Does not comply	<p>The dwelling in proposed lot 1 will be located less than 10m from the new north boundary with Lot 2 (where a distance of 15m is required).</p> <p>It is noted that the dwelling in Lot 1 is less than 400m away from an established intensive indoor primary production structure.</p>
SUB-S7	Transport, access and connectivity	Does not comply	<p>Sight distances from Lots 1 and 2 entrances do not comply with the requirements of the Transport Chapter.</p> <p>The entrances are existing.</p>
SUB-S8	Requirements for esplanade reserves or esplanade strips	Does not comply	An esplanade strip 20m wide is required to be taken for the proposal to comply. A 10m wide esplanade strip exists and a 15m wide esplanade is proposed to be created.
WB-R5	Subdivision of land containing or adjoining a natural waterbody	RDIS	The proposal involves subdividing land that contains a waterbody.

20. As outlined in the assessment above, the application is a **Non-Complying Activity** under the Proposed District Plan, being the highest status indicated by the above rules.

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

21. The site is located within the Rural Environment Area and contains a Priority Waterbody.

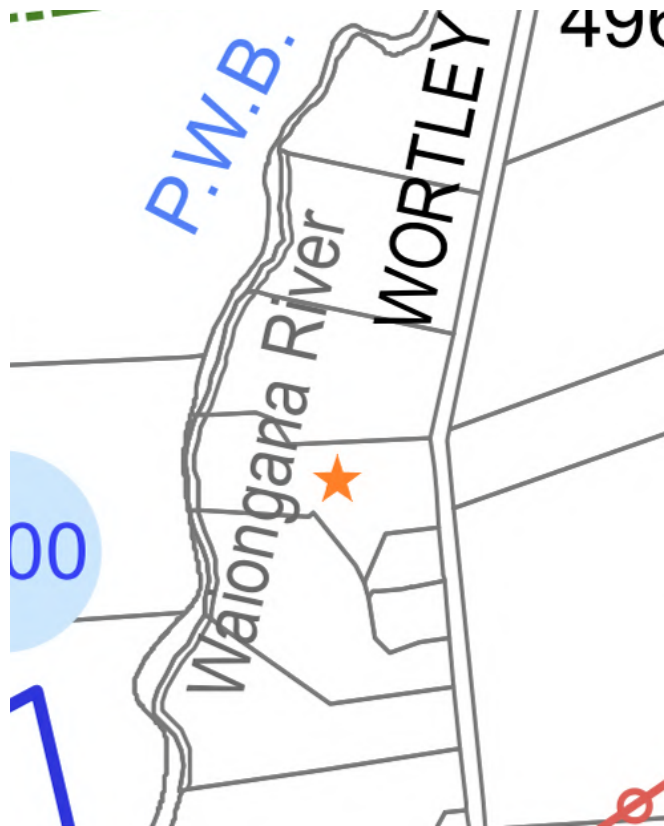


Figure 4: Operative Planning Maps (Site shown with orange star)

Rules

22. The application includes a district plan assessment for the ODP. I generally concur with this assessment and consider that the proposal requires consent under the following District Plan rules:

Rule #	Rule Name	Status of Activity	Comment
Rur78	Number of lots and Lot sizes	Non-Complying	Proposed Lot 2 is the balance area with an area of 3.0165ha being less than the required 4ha.  Proposed Lot 1 is 2940m <sup>2</sup> which is less than the required 4000m <sup>2</sup> .  The proposed allotment will be the 8 <sup>th</sup> additional allotment created from a parent title (where 4 are provided for).
Rur79	requirement to provide PRACTICABLE vehicular access to ALLOTMENTS from a ROAD*, except where created solely for NETWORK UTILITIES, ROADS or reserves	Discretionary	The access for Lot 2 is 8m in width greater than required 6m. The other access for Lot 1 is in compliance with the requirements.  The sight distance to the north is unable to meet the 160m distance requirement, only 60m from Lot 1 vehicle access point and 100m from
Remains operative.			
Remains			

Operative			Lot 2 vehicle access point. There are no intersections nearby.  These non-compliances are existing.
Rur81 Remains Operative	requirement for services - stormwater disposal, water supply and sewage disposal	Controlled	Complies with standard.  Services exist within each allotment.
Rur82 Remains Operative	requirement for a BUILDING platform	Controlled	Complies with standard.  A lawfully established dwelling exists within each allotment.
Rur83 Remains Operative	requirement for existing BUILDINGS to meet standards in relation to the new boundaries	Discretionary	The existing dwelling in proposed Lot 1 is unable to meet the required 15m setback to the north new boundary.  The setback from existing building in Lot 1 to new side boundary is less than 10m.
OL58 Remains Operative	PRIORITY WATERBODIES Subdivision of land for subdivision of an ALLOTMENT within the RURAL ENVIRONMENT AREA	Discretionary	The subject site has a prior registered instrument regarding the 10m esplanade strip.  The proposal will see the esplanade strip widened to 15m but remains a Discretionary Activity in this regard as a 20m strip will not be created.

23. The proposal is a **Non-Complying Activity** under the Operative New Plymouth District Plan, being the highest status under the above Operative Plan.

## EFFECTS DISREGARDED

24. The following effects have been disregarded for the purposes of the notification decision (s95D and 95E):
25. The permitted baseline has not been applied to the subdivision under the ODP or the PDP as subdivision is not a permitted activity and there are no relevant effects that are comparable.
26. Activities that follow subdivision as permitted activities have also been considered here. Currently the record of title being subdivided will result in one existing dwelling being located within each allotment and one sleepout is also permitted on the existing site. The second dwelling, while existing is not a permitted activity and this situation forms part of the existing environment (discussed further on in this report). The proposal will also create the ability for a second sleepout to be constructed on the land that is not currently permitted. Overall, I have not applied the permitted baseline to this proposal.
27. Effects on persons who own or occupy the site, and adjacent sites have been disregarded for the public notification assessment. These people are set out as 'subject site' and properties 1 - 6 in Figure 5 below.



Figure 5: Adjacent land

28. The application is for a Non-Complying activity under the Operative District Plan (activity status preserved) and a Non-Complying Activity under the Proposed District Plan, therefore the assessment of adverse effects is not restricted.
29. There are no trade competition effects relating to this application.

30. Written approvals have been provided with the application as follows:

Number shown on Figure 5	Name on written approval	Address	Owner in Tech One
2	Fred Franklin Quilter	108 Wortley Road, Lepperton, NP	Fred and Tina Quilter
3	Stephen Blyde	36 Elsham Road, Lepperton, NP	ERW Farms Limited Stephen Blyde is a director
4	Christine Blyde	205 Wortley Road, Lepperton, NP	Greg and Christine Blyde
5	Roy Bravenboer	126 Wortley Road, Lepperton, NP	Linda Sherlock and Roy Bravenboer
7	Mark Tamati	72 Wortley Road, Lepperton, NP	

31. The owners of Properties 2, 3, 4 and 5 are not considered to be affected persons. Property 7 is a poultry operation where the written approval has been provided by the farm manager who has stated he has authority to sign on behalf of all owners and occupiers. Effects on the owners and occupiers of the poultry operation at 72 Wortley Road have been disregarded.

## 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 as it is not a controlled subdivision under the ODP and/ or PDP.

#### 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. This assessment is set out below.

#### *Assessment of Adverse Effects on the Environment*

32. As the consideration of adverse effects is substantially the same under the ODP and PDP then these have been considered here together. The reasons for this are that the similar rule breaches exist relating to:

- Balance allotment size is less than 20ha (and less than 4ha (ODP Discretionary rule)). Balance Lot 2 will be 3.0165ha.
- Lot size is less than 4000m<sup>2</sup> under the ODP and PDP. Lot 1 is proposed to be 2940m<sup>2</sup>.
- The number of allotments from the parent title exceed what is provided for (3 additional under the PDP and 4 additional under the ODP). The proposed additional lot will be 8<sup>th</sup> additional lot from the parent tile.

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33. Caselaw is clear that the plan provisions provide the context for the assessment of effects for notification (and the substantive decision) and *that adverse effects are to be considered in the context of the relevant objectives and policies of the District Plan(s) and the existing environment.*

#### Existing Environment

34. The existing environment comprises the subject site which is a rural site approximately 3.312ha in area containing two dwellings. There are six smaller titles (4ha or less) in the immediate environment that contain dwellings used for rural lifestyle purposes and small-scale rural production activities. These titles were created under the Operative District Plan. On the opposite side of Wortley Road there is an absence of dwellings with two large farm holdings predominating. The wider rural environment contains scattered dwellings, vegetation and open space. A number of chicken farms are also located in the surrounding environment. The tension between the Plan provisions and the existing environment is discussed below in the assessment of effects.
35. Both dwellings in the subject site have been lawfully established, and no other residential dwellings will be able to be constructed following subdivision as a permitted activity due to the configuration of the subdivision (one dwelling in each lot). The proposal will, however, provide for the addition of one sleep out, not currently permitted, to be constructed (RPROZ-S5).
36. Adverse effects on the environment considered in this assessment relate to:
- Fragmentation, Rural Character and Amenity
  - Traffic effects
  - Waterbody effects

#### Fragmentation, Rural Character and Amenity

37. Rural character is guided by the provisions of the ODP and PDP. In the Operative District Plan, rural character is the combination of elements that make an area 'rural' rather than 'urban'. Rural areas are typically distinguished by a dominance of openness and rural practices over manmade structures not related to the primary use. Rural character includes the key elements of:
- *Spaciousness,*
  - *Low density,*
  - *Vegetated,*
  - *Production Orientated,*
  - *Working Environment,*
  - *Rural Based Industry and*
  - *Rural Infrastructure.*
38. In the Proposed District Plan, the predominant character and amenity of the Rural Production Zone includes the following:
- *extensive areas of vegetation of varying types (for example, pasture for grazing, crops, forestry and indigenous vegetation and habitat) and the presence of natural features, historic heritage, Māori purpose activities, and large numbers of farmed animals;*
  - *low density built form with open space between buildings that are predominantly used for agricultural, pastoral and horticultural activities (for example, barns and sheds), low density rural living (for example, farm houses and worker's cottages) and community activities (for example, rural halls, domains and schools);*
  - *a range of noises, smells, light overspill and traffic, often on a cyclic and seasonable basis, generated from the production, manufacture, processing and transportation of raw materials derived from primary production;*
  - *interspersed existing energy activities and rural industry facilities associated with the use of the land for intensive indoor primary production, quarrying, and cleanfills; and*

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- *the presence of rural infrastructure, including rural roads, and the on-site disposal of waste, and a general lack of urban infrastructure, including street lighting, solid fences and footpaths.*

*Spaciousness/ Open Space*

39. As set out above, subdivision of land in the Rural Environment Area/ Rural Production Zone is provided for in a limited capacity and is on the basis of the following matters under the ODP and PDP being met:

- Parent title date – to control the overall density / fragmentation in the rural environment (ie additional allotments and permitted dwellings);
- Lot size and balance requirements – to ensure spaciousness prevails in a subdivision development in the rural zone.

40. The rules are in place to, amongst other things, preserve rural character by maintaining open space, low density built form. To achieve this, the parent title / title date determines an allocation of additional (small) allotments to a parent title provided a compliant balance area exists. The balance area is used to ensure a large area of open space is in place to balance the small allotments created. In this case, the applicant proposes additional fragmentation of a record of title over and above what is provided for in both the ODP and PDP with no compliant balance lot.

41. The ODP acknowledges that non-compliant subdivision is not appropriate but as it is not prohibited to subdivide rural properties, an application can be made to determine if consent can be granted. The PDP does not have similar commentary but has directive objectives and policies to consider rural subdivision in this context.

*"All other subdivision applications will be considered as non-complying activities if they either do not have the required balance areas or are applying for more ALLOTMENTS than allocated from the PARENT TITLE. This status acknowledges that large scale subdivision within the RURAL ENVIRONMENT AREA is not appropriate." – ODP*

42. Intensive rural residential development is identified as a threat to rural character including in areas such as this which have a denser level of development created through subdivision. Furthermore, the PDP directs activities such as residential activities and rural lifestyle living that are not ancillary to rural activities should be avoided in certain circumstances. As such repeated subdivision of parent titles could result in loss of spaciousness, alter the built environment and reduce pleasantness along with creating out of zone small lots that are not used for rural activities.

43. When considering the adverse effects of the current proposal at the site, for the purpose of notification, the assessment is confined to the effects of the proposal and at the site that is being subdivided. It does not include an assessment of adverse effects in the context of all the previous subdivision that has occurred on the parent title. Notwithstanding, the non-complying activity status provides a higher threshold of assessment (s104D) and the assessment is not restricted by any matters. In this regard, cumulative adverse effects relating to repeated subdivision of the parent title, are relevant to this proposal and this is explored further in the s104 assessment.

44. The parent title has been previously subdivided to create 7 additional records of title. Any further allotments from this site are not anticipated in the Rural Environment/ Rural Production Zone regardless of the number of small lots in the surrounding area or how many dwellings are on the site as outlined in the s92 response.

45. Strictly speaking, the adverse effects relating to spaciousness from this proposed subdivision, in isolation, will be low to none when considering the existing environment and future

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development potential (discussed further below) as nothing will change physically on the site.

*Low Density Built Form*

46. The application refers to the presence of two existing dwellings as being a reason why the subdivision should be granted consent irrespective of the balance size and number of allotments that have been previously created from the parent title. This is because the effects of these dwellings exist in the environment. I acknowledge that these existing dwellings in the environment contribute the existing rural character and no changes to these physical elements will take place. The presence of the two dwellings is considered in this effects assessment and whether or not consent can be granted to the proposal is considered in the s104 assessment
47. All additional residential units in the Rural Production Zone require resource consent under the provisions of the PDP as only one is permitted.
48. More than one dwelling on a site was provided for under the ODP at the time of construction of the second dwelling on the site where the dwelling was smaller than the principal dwelling and within 25m of each other. In this case Land Use Consent was granted to dispense with the 25m separation requirement under Rule RUR12A(a).
49. The ODP provides commentary on the construction of additional dwellings on smaller sites (less than 20 ha) and this was operative at the time of the second dwelling being constructed.

*Where the SITE does not have sufficient area to maintain spaciousness, a second HABITABLE BUILDING that is ancillary to the main HABITABLE BUILDING, may be located on a SITE. This acknowledges that historically second HABITABLE BUILDINGS have supported the main HABITABLE BUILDING, providing opportunities for accommodation for extended family members or rural based workers. Restrictions have been placed on the size and location of the additional HABITABLE BUILDING to ensure that RURAL CHARACTER is maintained. One HABITABLE BUILDING must be smaller than the main HABITABLE BUILDING to acknowledge that it is secondary to the primary use. There is also a requirement for the additional HABITABLE BUILDING to be located in proximity to the main HABITABLE BUILDING. This ensures that the two HABITABLE BUILDINGS are related to each other, leading to an increased likelihood of sharing facilities such as DRIVEWAYS. These restrictions ensure that the additional HABITABLE BUILDING remains ancillary to the main HABITABLE BUILDING on the site and does not lead to increased pressure to subdivide the area with the additional HABITABLE BUILDING in the future, particularly when allocated area requirements are not met. This acknowledges the diverse living needs of rural dwellers and provides accommodation flexibility for other family or workers for SITES that do not meet the area requirements. - ODP*

50. In this case the Land Use Consent set out the reasons why an increased distance was provided between dwellings including separation distance from a poultry farm in the wider environment and increased privacy for dwelling occupants. The area requirements for the dwellings were met and the new building became the principal dwelling on site with the smaller existing dwelling being ancillary. The report also acknowledged that spaciousness would not be compromised, and rural character would be maintained despite the larger setback between dwellings. This remains the case now in the context of the subject site. I note a separate driveway was also included on the Land Use Consent to serve the second dwelling. The planners report for LUC17/47028 also indicated that future subdivision would be a non-complying activity and that the smaller dwelling may be unused once the new dwelling was completed.
51. When considering the existing environment, the proposed lots will each contain an existing residential unit, and no further permitted residential units can be constructed as a result of

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the proposal under the ODP or the PDP as a permitted activity (noting that ODP Rule RUR12A relating to number of dwellings is now considered to be inoperative and would not be applied to future titles). The density of development of residential units is existing and will be unaltered by the subdivision. Notwithstanding, following subdivision the residential unit on Lot 1 will be associated with Residential Activities and/or Rural Lifestyle Living that is not ancillary to rural activities of the current title and this type of activity is expressly stated to be avoided in Policy PROZ-P3. This is explored further in the s104 assessment but for the purposes of this effects assessment, I consider the effects relating to density and low built form to be existing and not more than minor on the environment.

52. The site can currently accommodate a permitted sleep out under the PDP which will increase to two sleepouts should consent be granted. The addition of a 4<sup>th</sup> residential building (sleep out) not currently permitted or consented would likely take on the appearance of a small shed and be benign in the environment and ancillary to the existing residential activity (on either lot). In this regard the effects of the additional residential activities on Rural Character as a result of the proposal may be at least minor but would not likely be more than minor.

*Vegetated*

53. Regarding vegetation, the proposal seeks to implement further vegetation along the stream margin. No vegetation is proposed to be removed, and further vegetation will enhance the existing waterbody and therefore the site. Adverse effects would not be more than minor when considering vegetation.

*Production Orientated and Working Environment / Rural Productive Uses*

54. The application and s92 response do not specifically outline what particular rural productive activities are undertaken on site stating, "*dwellings will continue to be used as they are currently and the remainder of both lots will continue to be used for rural production purposes.*". I understand that the site is now limited as to its productive use and is more akin to lifestyle living with some grazing taking place. The application is also not explicit as to what rural production activities will occur on site following subdivision, particularly within Lot 1.

55. The ODP provides commentary on production orientated and working environment as follows:

*"It is important that subdivision recognises the production orientated element of RURAL CHARACTER. Small ALLOTMENT subdivision that occurs in an area that is used for a productive purpose (e.g. farming) needs to ensure that it does not compromise the ability for the land (particularly the balance ALLOTMENT) to continue to be utilised in a productive way. For example, a subdivision may propose smaller ALLOTMENTS for living purposes and ensure the remaining land is used productively. Alternatively, the subdivision proposed may be for the purpose of sustaining a productive use that is in keeping with RURAL CHARACTER. This policy acknowledges that RURAL CHARACTER is derived from the productive uses that have traditionally located in the rural environment. The need for large balance areas reinforces this policy. It is important that the level of fragmentation does not influence the overall productive focus of the rural area. This is not only strategically and economically important but is also the basis of what RURAL CHARACTER is."*

56. The PDP has a similar commentary, and objectives as follows:

*The Rural Production Zone is the largest zone in the district. Rural land is an important resource as it underpins the social and economic well-being of the district. The rural area is a dynamic environment, influenced by changing farming and forestry practice and by a wide range of productive activities.*

*Industrial and commercial activities, including retail, are not anticipated in the zone. Rural lifestyle subdivision is also limited due to the potential for reserve sensitivity effects between living activities and primary production activities and the potential for fragmentation of productive land.*

*PRROZ-01 - The Rural Production Zone is predominantly used for primary production.*

*RPROZ-03 The role, function and predominant character of the Rural Production Zone is not compromised by incompatible activities.*

57. Rural subdivision has the potential to contribute to further incremental change in this area affecting rural character and rural production as well as potentially threatening legitimate rural practices by introducing more sensitive land uses on small titles. Despite there being a number of lifestyle properties in the surrounding environment the area is still a Rural Environment as evidenced by the zoning of the site and nearby large farming blocks. The area is not proposed to become a Rural Lifestyle Zone. The Proposed District Plan identifies residential activities and lifestyle activities not associated with rural productive uses as an incompatible activity in the Rural Production Zone due to the potential for conflict of use and reverse sensitivity.
58. The site currently includes two dwellings on a site that is 3.312ha. While small, the site has a reasonable area that can be used for rural productive activities. Proposed Lot 1 will be smaller at 2940m<sup>2</sup> which includes an area of dwelling and curtilage of about 1000m<sup>2</sup> and vacant pasture of about 1900m<sup>2</sup> which will be further fragmented from the larger farm lot and unlikely able to be used for rural production activities.



Figure 6: Area of Lot 1 that does not comprise residential curtilage

59. As a small site being subdivided further from its parent title state for residential uses it could be said that the level of cumulative fragmentation is at least minor but as it will unlikely be noticed at a district wide level the adverse effects would not be more than minor on the wider environment. As stated above. The cumulative effects of fragmentation will be discussed further in the section 104 assessment.

#### *Rural Based Industry and Rural Infrastructure*

60. The site does not contain any rural based industry and as there is no reticulated drainage network in the vicinity of the site, any potential effects on the use of public waters infrastructure will be nil with existing dwellings already being serviced. Adverse effects on

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the environment relating to industry and infrastructure would not be more than minor on the environment.

61. Overall, when considering Rural Character, I consider that the creation of an additional lot from the parent title will add to the adverse cumulative fragmentation effects already experienced over the past 18 years. The level of fragmentation of this parent title does not promote a spacious low-density environment, as envisaged by the District Plan provisions and balance area requirements, and as such an additional lot will have adverse effects on rural character and the ability for rural production to prevail. However, when effects of the proposal are considered in the context of the existing environment and on the subject site itself (and not the parent title), such effects would be no more than minor primarily due to the presence of the existing two dwellings and inability for further development to occur (thus the existing spaciousness will not be further compromised). The matter of cumulative fragmentation of the parent title and Rural Character are further assessed in the section 104 report, however for the purpose of notification, the subdivision around existing development will not have a more than minor noticeable effect on the general public or the environment as a whole and would therefore not be more than minor on the environment.

#### Servicing Effects

62. Each site contains a serviced dwelling, and the applicant will need to demonstrate that services are contained within the boundary of each allotment as asserted in the application. This can be a condition of consent. Overall, subject to conditions, the servicing effects will not be more than minor on the environment.

#### Traffic Effects

##### *Amenity*

63. The number and makeup of the existing traffic movements and vehicle entrances/ access will not alter as a result of the proposal due to no development rights being created by the subdivision. In this regard, the amenity effects have been disregarded under the permitted baseline relating to the existing dwellings as set out above.

##### *Traffic safety and efficiency*

64. Vehicle crossings exist to the subject sites. The existing noncompliance of the entranceway location for both Lots relating to separation distances is existing and as no additional development rights are created the use of the entranceway will not be altered. This is a technical noncompliance and will not create any new adverse effect that would be more than minor on the environment.

#### Waterbody Effects

65. Although The District Plan requires, through subdivision, a 20m wide esplanade strip to be set aside along the Waiongana Stream, the existing environment is such that an esplanade strip that is 10m in width already exists in Proposed Lot 2. As set out above the context for the assessment of adverse effects is the District Plan provisions *and* the existing environment.
66. The site contains an existing 10m wide esplanade strip which connects with esplanade strips on the neighbouring properties which are also 10m in width. As part of the s92 response the applicant has agreed to widen the existing esplanade strip to 15m, if consent is granted, as assessed and requested by Richard Bain of Blue Marble and the Council's Open Space Planner Quin Amore.
67. When considering the existing environment in isolation, the increase in the width of the strip will not create any adverse effects relating to the values of the waterbody as this protective margin and landscaping buffer is being increased and enhanced.
68. When considering the plan provisions, a 15m wide esplanade strip is still a reduction from the 20m requirement and WB-P5 is relevant to the assessment of adverse effects. The

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widening of the existing strip to 15m will largely provide for matters in WB-P5, particularly the ability to protect and maintain the existing natural character, ecological, landscape, historic heritage and cultural values of the stream.

69. When compared to neighbouring sites, Lot 2 has less vegetated areas along the stream margin, therefore additional enhancements are proposed including 5m of riparian planting along the stream edge and fencing between Lot 2 and the stream to exclude stock.
70. The proposal to widen the esplanade strip will not reduce the existing opportunities for public recreational use of the stream and the strip will remain linked to the neighbouring strips and not create a situation where a link is broken resulting in land locked esplanade. Notwithstanding this, I note that the esplanade strip assessment states that there is "yet no public access to the existing strips from a public road or reserve".
71. Overall, the esplanade strip will continue to create a buffer area between the stream and farm land and protect and maintain the natural character, ecological, landscape, historic heritage and cultural values of the stream. Adverse effects will not be more than minor.
72. Furthermore, a riparian planting margin along the unnamed tributary that crosses Lot 2 is proposed. With regards to adverse effects on the waterbody, the proposal will not have adverse effects on the values or quality of the waterbody that are more than minor.

#### Conclusion on effects

73. Overall, taking into account the above assessments, the proposal will not result in adverse effects that are more than minor on the environment.

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

- There are no special circumstances as there is nothing that is unusual, abnormal or exceptional about this application.

#### Conclusion on Public Notification

74. It is concluded on the findings of the above assessments under s95A of the RMA that the application does not need to be publicly notified.

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

#### 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 and may affect, land that contains a Statutory Acknowledgement Area. A copy of the application was forwarded to Te Kotahitanga o Te Atiawa.
75. The proposal was shared with Te Kotahitanga o Te Atiawa. The Waiongana stream flows through Lot 2 and is considered a statutory area by Te Atiawa iwi. Given the distance between proposed Lot 1 and the waterbodies as well as the mitigation to increase the esplanade strip to 15m and plant a riparian strip along the unnamed tributary, I consider that the subdivision will not create any adverse effects on Te Atiawa that would be at least minor.
76. Regarding the width of the proposed esplanade strip, a 10m wide strip currently exists and a 15m esplanade strip is proposed. An esplanade strip of 20m would align with the aspirations of Te Atiawa who require 20m esplanade strips in almost all circumstances where no prior consultation on an application has occurred.
77. The proposed 15m esplanade strip width would ensure that a suitable area for access is provided along the stream along with an area of riparian planting. Stock exclusion rounds

out the mitigation proposed and would ensure that water quality is not degraded by stock access to the stream.

78. Overall, there would be no loss in functionality of the strip due to the reduced width from 20m and in fact the strip widening from the existing 10m will increase the area in which iwi can exercise their customary responsibilities in respect of the stream. I consider adverse effects on Iwi to be less than minor as a result of the subdivision.

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. This assessment is undertaken below.

*Assessment of Affected Parties*

79. As the consideration of adverse effects is substantially the same under the ODP and PDP then these have been considered here together.

80. I consider that the only people who have the potential to be affected by the proposal are those people identified in Figure 7 below above and Iwi. I do not consider that any other people/parties are affected based on the existing environment, the distance to other properties and the nature of the proposal.

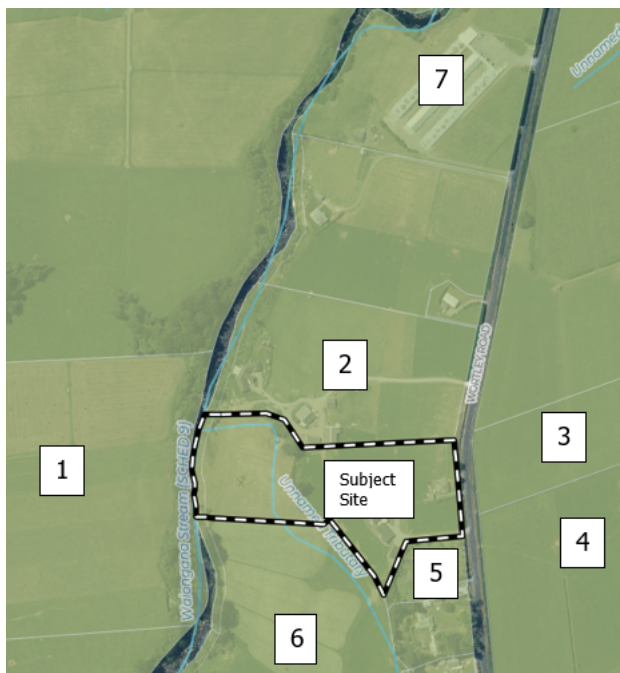


Figure 7: People considered under Section 95E

81. Written approvals have been provided from the owners of properties 2, 3, 4, and 5 as shown in Figure 7 above and are therefore not considered to be affected persons. Property 7 is a poultry operation where the written approval has been provided by the farm manager who has stated he has authority to sign on behalf of all owners and occupiers. Effects on the owners and occupiers of the poultry operation at 72 Wortley Road have also been disregarded.

Owner / occupiers of properties 1 and 6

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82. These properties are suitably removed from the point of impact for any amenity effects, being the location of new proposed Lot 1. Both allotments are developed with dwellings and curtilage and driveways, and no physical works are required to complete the subdivision, other than an upgrade to the Lot 2 vehicle crossing. I consider that the adverse amenity effects on the owners of properties 1 and 6 will be less than minor.

Hapu

83. The proposal, should consent be granted, creates one additional allotment around existing development where no physical works are required to complete the subdivision and no additional opportunities for residential units are created. This in turn means that the land will largely stay as it is but with an increased esplanade strip providing future opportunities to access the Waiongana Stream. No SASM are recoded as being located over or adjacent the subject site. Adverse effects of the proposal on Hapu will be less than minor.

84. Overall, the application does not need to be limited notified to any parties.

Step 4: further notification in special circumstances

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

Conclusion on limited notification

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

**Overall Notification Decision**

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

## SECTION 104 ASSESSMENT – OPERATIVE DISTRICT PLAN

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

87. The assessment of adverse effects in the notification assessment is also relevant for the purposes of the assessment under s104(1)(a).
88. The assessment found that the proposal would not have adverse effects on the wider environment, primarily relating to changes to rural character and amenity, that are more than minor considering the existing environment and that the public at large would not notice the adverse effects of subdivision in this location.
89. Localised adverse effects were mainly disregarded due to the provision of written approvals from neighbouring landowners and not minor or more than minor adverse effects on other adjacent landowners.
90. It was also identified in the notification assessment for public notification that overall, I had concerns when considering the proposal in the context of the parent title due to the cumulative fragmentation that has occurred from the parent title. This is because:
- The proposal increases the number of lots (through fragmentation) created from the parent title over and above that which can be provided for as a controlled, restricted discretionary and/ or discretionary activity; and
  - There is also no balance allotment 4ha provided as part of the proposal.
91. In summary, the proposal seeks to fragment an already small allotment to create two small properties in a Rural Environment Area. Such development (an eighth additional lot) is not provided for in the Rural Environment Area. Repeated subdivision of a parent titles adversely fragments rural land and contributes to the erosion of Rural Character over time. The properties that have been created from the parent title are shown below. All nine lots are less than 20ha in area with a further seven being less than 4ha (shaded yellow).

<i>Legal Description</i>	<i>Address</i>
<i>Lot 1 DP 562463 0.223ha</i>	<i>100 Wortley Road, Lepperton, NP</i>
<i>Lot 1 DP 562463 3.79ha</i>	<i>84 Wortley Road, Lepperton, NP</i>
<i>Lot 2 DP 444491 4ha</i>	<i>108 Wortley Road, Lepperton, NP</i>
<i>Lot 3 DP 377488 0.55ha</i>	<i>126 Wortley Road, Lepperton, NP</i>
<i>Lot 3 DP 372309 0.614ha</i>	<i>130 Wortley Road, Lepperton, NP</i>
<i>Lot 1 DP 587306 0.455ha</i>	<i>134 Wortley Road, Lepperton, NP</i>
<i>Lot 2 DP 587306 7.62ha</i>	<i>150 Wortley Road, Lepperton, NP</i>
<i>Lot 1 of this subdivision 2940m<sup>2</sup></i>	<i>118 Wortley Road, Lepperton NP</i>
<i>Lot 2 of this subdivision 3.0165ha</i>	

92. Therefore, while the proposal would not have adverse effects discernible to the public that would be more than minor taking a view of the subject site and proposal and the existing environment, I have also assessed the proposal's adverse effects in the context of the

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Operative District Plan's parent title provisions and this context is important when determining if the cumulative effects of fragmentation will be acceptable.

93. It is my opinion that the cumulative adverse effects of repeated fragmentation of this site to create an 8<sup>th</sup> additional small allotment with no 4ha balance cannot be avoided, remedied or mitigated through consent conditions and as Operative District Plan does not provide for the creation of more than four additional lots from a parent title, nor does it provide for the subdivision of a small lot under 4ha in area. I consider that on balance the cumulative fragmentation effects of the proposal and its impact on the ability for rural productive activities to prevail on the subject site are unacceptable.

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

### National Policy Statements

#### *New Zealand Coastal Policy Statement*

94. The NZCPS is not relevant to the proposal.

#### *Freshwater*

95. The National Policy Statement for Freshwater Management (NPS-FM) came into force on the 3rd of September 2020. The NPS-FM seeks to maintain or improve the overall quality of freshwater; safeguard freshwater's life-supporting capacity, ecosystem processes, and indigenous species and to protect the significant values of wetlands and outstanding freshwater bodies.

96. The proposal seeks to enhance the waterbody margins. Furthermore, it is unlikely that the regulations in the NES-FW will be triggered. The proposal is consistent with the NPS-FM.

#### *Indigenous Biodiversity*

97. While the site is not identified on the planning maps as a SNA, the proposal will include protection of waterbody margins through fencing, planting and maintenance. The proposal is considered to be consistent with the NPS IB.

#### *National Policy Statement for Highly Productive Land*

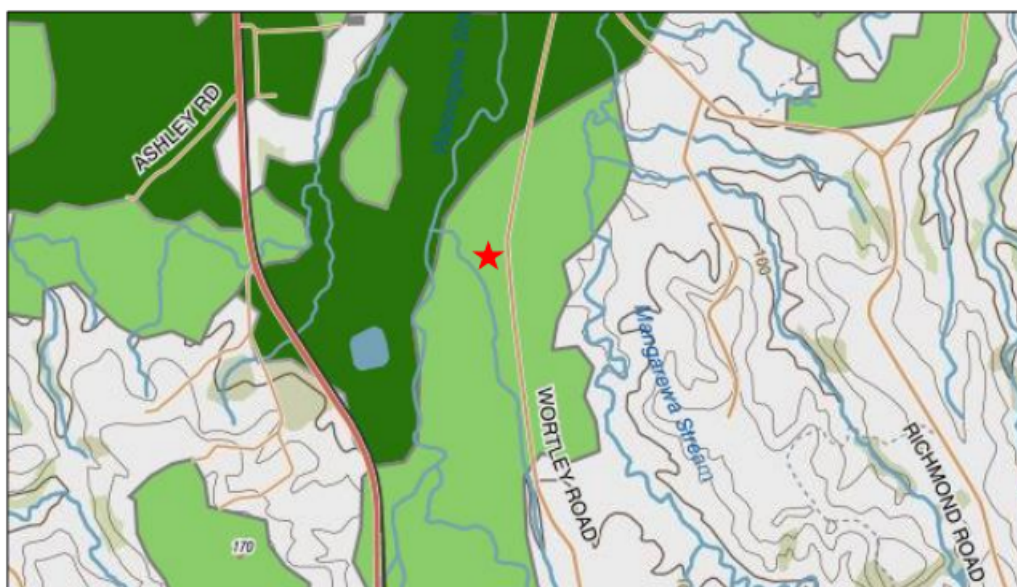
98. The National Policy Statement for Highly Productive Land (NPS: HPL) 2022 is applicable to the subject site as it is zoned Rural/ Rural Production and comprises land identified as Land Use Capability Class 1, 2 or 3. The site contains land comprising of LUC 3c4 in the location of proposed Lot 1.



Figure 8: LUC maps from TRC Website (subdivision site shown in red).

99. The NPS came into effect on 17 October 2022. The purpose of the NPS is to ensure highly productive land is available for growing vegetables, fruit, and other primary production, now and into the future.
100. Subdivision of highly productive land is forefront of the policy, the objective of which is *"Highly productive land is protected for use in land-based primary production, both now and for future generations."*
101. Relevant policies include:
- *Policy 7: The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.*
  - *Policy 8: Highly productive land is protected from inappropriate use and development.*
  - *Policy 9: Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.*
102. The agent has provided an assessment on the NPS and this is pasted below.

The site (marked with the red star) is zoned rural production zone in the PDP and classed as Class 3 highly productive land according the Landcare Research ([https://ourenvironment.scinfo.org.nz/maps-and-tools/app/Land%20Capability/lri\\_luc\\_hpl](https://ourenvironment.scinfo.org.nz/maps-and-tools/app/Land%20Capability/lri_luc_hpl)). Class 3 has moderate limitations that restricts crop type and intensification but suitable for pastoral use which is currently used at the west end of the property. There will not be any overall loss of highly productive land following this proposed subdivision as the dwellings exist already with no construction or earthworks required. The easement and suggested covenant over the services in proposed lot 1 will maintain the primary production use of the paddock in keeping with the rural nature of the zone.



**Figure 2: HPL Map Landcare Research (Accessed 04/09/2024)**

103. Regarding the assessment I note the following:
- The agent has offered mitigation as follows "offer an opportunity to put in place a covenant to protect the highly productive land in the paddock belonging to proposed Lot 1.". This may address future use and development of Lot 1 (Policy 8) but does not address Policy 7 relating to subdivision and if the subdivision should, in the first instance, be avoided.
  - Section 3.8 of the NPS is relevant to the consideration of the proposal and its consistency with Policy 8.
  - The agent's assessment states that there will not be any overall loss of highly productive land following the subdivision as the dwellings exist already and no construction or earthworks are required.
  - I agree that all land on the current title will remain insitu following subdivision however it will be divided across two small allotments whereas now it is contained within one record of title. The application does not include an assessment of the productive capacity of the site pre and post subdivision to determine if the productive capacity of the subject land will be retained in the long term (as required by Section 3.8 of the NPS).
104. Officer's Assessment of s3.8 NPS
- The applicant *has not* demonstrated that the proposed lots will retain the overall productive capacity of the subject land over the long term (s3.8(1)(a)).
  - The subdivision *is not* on specified Maori land s3.8(1)(b)).
  - The subdivision *is not* for specified infrastructure or for defence force facilities operated by the New Zealand Defence Force s3.8(1)(c)).

- The proposal *does not* avoid or mitigate any cumulative loss of the availability and productive capacity in the district. The proposal results in repeated fragmentation of a parent title and HPL whereby this subdivision would create the 8<sup>th</sup> small allotment from the parent title and 9 titles overall.
- The proposal *does not* impose reverse sensitivity constraints that do not already exist.
- The small allotment will no longer be able to be associated with Rural Production activities and therefore amenity expectations may be altered for the occupier of this site given the change from a rural lot to a rural lifestyle/ large residential lot. The site is located within the buffer area of a poultry operation whereby the farm owner has provided written approval on behalf of the owners of the land and the poultry farm operator.

105. Overall, I consider that the proposal has potential to result in a loss of productive capacity of the subject land over the long term and the proposal does not meet the requirements of Clause 3.8(1)(a). Regarding 3.8(2) (a) and (b), The proposal likely results in a cumulative loss of the availability and productive capacity of highly productive land. Existing reverse sensitivity effects are able to be disregarded.

106. Overall, I consider that the proposal is inconsistent with the NPS HPL.

#### National Environmental Standards

107. There are no NES relevant to this application.

#### Taranaki Regional Policy Statement

108. The proposal is consistent overall with the relevant provisions of the Operative Taranaki Regional Policy Statement (2010) that seek to protect waterbodies. This matter is contained within Chapter 6 (Freshwater). In particular Section 6.7 addresses public access to and along rivers and lakes. While the connection from a public road is not yet in place, the existing esplanade strip forms part of a connected network and the increase in width will provide for enhanced access with the ability also for new riparian planting to occur for a width of 5m adjoining the stream should consent be granted.

109. Chapter 10 of the RPS relates to Natural features and landscapes, historic heritage and amenity value. Of particular relevance to this proposal is the impact of the subdivision on amenity values. Section 10.3 of the RPS seeks to maintain and enhance amenity values.

#### *AMY OBJECTIVE 1*

*To recognise the positive contributions of appropriate use and development in terms of providing for the maintenance and enhancement of amenity values in the Taranaki region, while avoiding, remedying or mitigating the adverse effects of inappropriate use and development on amenity values.*

#### *AMY POLICY 1*

*The adverse effects of resource use and development on rural and urban amenity values will be avoided, remedied or mitigated and any positive effects on amenity values promoted. Any positive effects of appropriate use and development will be fully considered and balanced against adverse effects.*

*Those qualities and characteristics that contribute to amenity values in the Taranaki region include:*

- (a) safe and pleasant living environment free of nuisance arising from excessive noise, odours and contaminants, and from traffic and other risks to public health and safety;*
- (b) scenic, aesthetic, recreational and educational opportunities provided by parks, reserves, farmland, and other open spaces, rivers, lakes, wetlands and their margins, coastal areas*

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*and areas of vegetation;*  
*(c) a visually pleasing and stimulating environment;*  
*(d) efficient, convenient and attractive urban forms; and*  
*(e) aesthetically pleasing building design, including appropriate landscaping and signs.*

110. AMY Objective 1 and AMY Policy 1 seek to maintain and enhance amenity values both in a rural and urban setting. As concluded in the effects assessment above the application will provide for amenity at large maintaining the status quo in terms of built development and density across Lots 1 and 2. However, whether the use of the land for rural lifestyle/ large lot residential is appropriate is not clear from this policy. This policy does not speak directly to the concept of land fragmentation which I have previously identified, and this matter is addressed further in the ODP and PDP objectives and policies assessments. Repeated subdivision contributes to an overall erosion of Rural Character by reducing the ability for Rural Production Activities to prevail in the rural environment. Residential and lifestyle development is provided for in the Residential and Lifestyle Zones and further development of the rural zone can undermine the plans direction for this type of activity. None the less I find the proposal mostly consistent with Chapter 10.
111. Chapter 7 (Air and Climate Change) addresses reverse sensitivity issues that can arise from the inappropriate location of residential activities in rural areas. It identifies that these activities can constrain the availability of rural land for intensive farming activities and other industries and land uses from 'time to time'. This chapter has a focus on air quality and in this regard, the neighbouring Poultry Farm Manager has provided written approval to the proposal and adverse effects are disregarded relating to this established farming activity. Notwithstanding, introducing small lots and additional owners to a rural area will make it harder for the rural land resource to be used in a productive manner as it is no longer available or it is constrained by rural residential living. Overall, given the proposed sites are already fully developed, I find the proposal generally consistent with Chapter 7.
112. Chapter 15 (Built Environment) identifies objectives and policies relating to the Built Environment and outlines some broad objectives and policies and methods which include advice to the District Council about including provisions in a District Plan to address sustainable urban development. This is done so in the Operative District Plan and PDP by including residential zones and future urban areas where residential growth can take place. The District Plan has also responded to the demand for Rural lifestyle living and has included zoning for activities such as that proposed to occur in. The subject site is not located in a residential or rural lifestyle area being a Rural Environment Area under the Operative District Plan and the Rural Production Zone under the PDP.
113. With the above in mind, it is my opinion that the proposal is inconsistent with the following provisions from Chapter 15 due to the proposal creating an additional small lot in a Rural Environment Area/ Rural Production Zone.

*SUD ISS 1*

*Promoting sustainable urban development in the Taranaki region.*

*SUD OBJECTIVE 1*

*To promote sustainable urban development in the Taranaki region.*

*SUD POLICY 1*

*To promote sustainable development in urban areas by:*

- (a) encouraging high quality urban design, including the maintenance and enhancement of amenity values;*
- (b) promoting choices in housing, work place and recreation opportunities;*
- (c) promoting energy efficiency in urban forms, site layout and building design;*
- (d) providing for regionally significant infrastructure;*

- (e) integrating the maintenance, upgrading or provision of infrastructure with land use;
- (f) integrating transport networks, connections and modes to enable the sustainable and efficient movement of people, goods and services, encouraging travel choice and low-impact forms of travel including opportunities for walking, cycling and public transport;
- (g) promoting the maintenance, enhancement or protection of land, air and water resources within urban areas or affected by urban activities;
- (h) protecting indigenous biodiversity and historic heritage; and
- (i) avoiding or mitigating natural and other hazards.

114. Commentary in the RPS explains part of this policy as follows:

*Policy 1(a) incorporates concepts of aesthetically pleasing, stimulating and vibrant urban forms and building designs that also function safely and efficiently. High quality urban design creates pleasant living environments free of nuisance arising from excessive traffic, noise, odours and contaminants. This will include the need to avoid encroachment of sensitive activities into rural areas that may result in reverse sensitivity effects on established and legitimate rural activities. It also involves design features aimed at maintaining and further enhancing amenity values.*

115. Allowing for residential properties that are not associated with rural production to locate in the rural zone does not promote sustainable urban development, can lessen the efficiency of the urban zones and lead to a redistribution of resources over time as well as compromising rural areas. If granted, similar applications could follow whereby the infrastructure and amenities of the urban zones are not used in the manner intended. The urban zones are in place to avoid the need for sensitive activities to encroach into rural areas. Overall, I consider the proposal is inconsistent with Chapter 15 of the RPS but consistent with the remaining provisions not specifically identified in the above assessment.

#### Operative District Plan

116. The following table provides an assessment of the relevant objectives and policies in the Operative District Plan:

<b>Relevant Objectives and Policies</b>
<p><b>Amenity, health and safety - Issues 1-9</b></p> <p><b>Objective 1</b> - <i>To ensure activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities.</i></p> <p><b>Policy 1.1</b> - <i>Activities should be located in areas where their effects are compatible with the character of the area.</i></p> <p><b>Policy 1.2</b> - <i>Activities within an area should not have adverse effects that diminish the amenity of neighbouring areas, having regard to the character of the receiving environment and cumulative effects.</i></p> <p><b>Assessment</b></p> <p>This objective and supporting policy are about ensuring activities do not adversely affect amenity values by ensuring effects are compatible with the character of the area. This is achieved by locating activities in an area where their effects are compatible with the character of the area.</p> <p>As outlined above, I consider that the proposal through the creation of an additional allotment of a rural residential nature is unlikely to adversely impact on the neighbouring small properties due to their shared amenity expectations.</p>

The proposal promotes fragmentation of rural land at a level not anticipated by the ODP and contributes to cumulative fragmentation effects that are not acceptable but maintains the existing open space and density.

Overall, I consider that the proposal is not contrary to objective 1 and policies 1.1 and 1.2.

I note that the Agent has also found the proposal to be consistent with these objectives and policies (in the s92 response), therefore we are in agreement.

**Objective 4** - *To ensure the subdivision, use and development of land maintains the elements of rural character.*

**Policy 4.1** - *Control the density and scale of subdivision by providing for one small ALLOTMENT where there is a large balance area, that promotes Spaciousness and a Low Density, Production Orientated Environment.*

**Policy 4.2** - *Control the density, scale, location and design of subdivision by providing limited opportunities for small allotment subdivision, having consideration to the following matters:*

- (a) The environment is spacious, maintains a low density and the subdivision provides a large balance area.*
- (b) The subdivision is of such a scale to ensure the intensity of use is typical of the rural environment and not of an urban or lifestyle area.*
- (c) The subdivision and resulting development is not highly visible in the landscape and there is no apparent aggregation of development because of;
  - (i) the undulating nature of the landscape;*
  - (ii) the design and layout of the ALLOTMENTS and any servicing requirements;*
  - (iii) the design and visual treatment of the resulting development.**
- (d) The contours of the landscape are retained and there is limited need for EXCAVATION and FILLING.*
- (e) The subdivision does not impact OUTSTANDING LANDSCAPES and REGIONALLY SIGNIFICANT LANDSCAPES and other features protected by other OVERLAYS.*
- (f) There are no community costs associated with upgrading INFRASTRUCTURE as a direct result of the subdivision and development.*
- (g) The rural nature and purpose of rural INFRASTRUCTURE (small scale, un-serviced with a lack of urban INFRASTRUCTURE) is maintained.*
- (h) The proposed ALLOTMENT size, shape and resulting land use will recognise the production orientated nature of the rural area.
  - (i) Consistency of the proposal with Policy 4.5.**

**Policy 4.5** - *Ensure that the design of subdivision and development is sensitive to the surrounding environment. In particular the following design principles will be considered:*

- (a) Ensure appropriate overall density by maintaining the level of built form expected in the rural environment.*
- (b) Ensure the intensity and scale of the development is in keeping with RURAL CHARACTER.*
- (c) Ensure that ALLOTMENTS and BUILDINGS are in context with the surrounding environment and are positioned to recognise natural features in the landform.*
- (d) Ensure that ALLOTMENTS and BUILDINGS are sited and designed in a manner that is integrated with the surrounding environment with minimal disturbance to the landform by considering:
  - (i) softening with vegetation related to the area and treatment of boundary elements;*
  - (ii) BUILDING design of a form and scale that is in keeping with the landscape;*
  - (iii) the use of materials, that are in keeping with the environment, including consideration of colour and low reflectivity;**

- (iv) low level *INFRASTRUCTURE* and services that is rural in nature.  
(e) Consistency of any full discretionary activity with design guidelines.  
(f) Consideration towards any recommendations from a design panel.

### **Assessment**

Policies 4.1 and 4.2 are similar in nature and inform the rural subdivision Rule Rur78. The proposal, by its non-complying nature is largely contrary to Policies 4.1 and 4.2(a) and (b) as it creates an additional allotment in the rural environment area which is not anticipated to be created. The number of small allotments that can be created from the parent title have been exhausted through previous subdivision and the proposal results in additional fragmentation. While the proposal does not compromise the existing spaciousness and maintains the current density of development, no large balance allotment is proposed.

The proposal is also contrary to the matters contained in Policy 4.2 (a)(b) and (h) as it does not maintain a balance area that can support rural production and creates out of zone residential/ lifestyle allotments.

Regarding Policy 4.2(f) By locating additional, unanticipated lots in the Rural Environment Area the demand for infrastructure which is typically located in towns and villages may be transferred to the rural zones lessening the efficiency of infrastructure within residential locations. The more development in the rural zone the more risk of drawing development away from residential areas resulting in a loss of development funds. Not only this but infrastructure which is planned for residential areas may be deferred to rural areas where it has not been planned for or anticipated. The control of additional allotments from a parent title is meant to manage the number of lots that can be created in the rural zones. Whilst I think that this application alone would not lead to this outcome, the continued fragmentation of Rural land has the potential to change the nature of rural roads so that Rural Character gives way to a more urban / residential character.

Regarding Policy 4.5, the density of dwellings will not be altered nor will character change in this location relating to built development. With regards to Policy 4.5(c), the small allotment will not be in context with the surrounding environment as while there is one other similar sized lot in the vicinity, the environment is a working rural zone, as evidenced by farms and poultry operations and Lot 1 is a large residential/ small rural lifestyle allotment. It is my opinion that the proposal is partly contrary to Policy 4.5.

***Policy 4.6 - Retain vegetation, particularly indigenous vegetation and require the planting of new vegetation to mitigate the effects of activities.***

### **Assessment**

The proposal is not contrary to Policy 4.6. Vegetation will be retained and enhanced particularly along waterbody margins.

***Policy 4.8 - Activities within the rural environment should not generate traffic effects that will adversely affect RURAL CHARACTER and the intensity of traffic generation should be of a scale that maintains RURAL CHARACTER.***

### **Assessment**

In my opinion the proposal is not contrary to policy 4.8 and the proposal will not introduce any activities which will generate adverse traffic effects.

### **Summary of Chapter 4**

I consider the application to be contrary to the most directive objectives and policies which relate to the maintenance of rural character through retention of large balance allotments. The proposal will create an additional small residential/ small rural lifestyle lot without a

large balance area resulting in unacceptable land fragmentation beyond what is provided for from a parent title.

I note that the Agent has also found the proposal to be inconsistent with policies 4.1, 4.2 and 4.5, therefore we are in agreement.

### **Tangata whenua - Issue 19**

**Objective 19** - *To recognise and provide for the cultural and spiritual values of Tāngata Whenua in all aspects of resource management in the district in a manner which respects and accommodates Tikanga Maori.*

#### **Assessment**

The site is subject to statutory acknowledgment and a suite of mitigation is proposed to create a larger esplanade strip and enhance waterbody margin planting. Therefore, the proposal is not considered contrary to Objective 19.

### **Traffic and transport - Issues 20 & 21**

**Objective 20** - *To ensure that the road transportation network will be able to operate safely and efficiently.*

**Policy 20.1** - *The movement of traffic to and from a site should not adversely affect the safe and efficient movement of vehicles, both on-site, onto and along the road transportation network.*

**Policy 20.7** - *Subdivision should not adversely affect the safe and efficient operation of the ROAD TRANSPORTATION NETWORK.*

#### **Assessment**

In reliance on the Council's Development Engineer I consider that the road transportation network will continue to operate safely and efficiently. The proposal is not contrary to Objective 20 and the supporting policies.

I note that the Agent has also found the proposal to be consistent with these objectives and policies, therefore we are in agreement.

### **Works and services - Issue 22**

**Objective 22** - *To avoid the adverse effects of subdivision, use and development by ensuring appropriate and sufficient INFRASTRUCTURE, COMMUNITY FACILITIES and new areas of open space are provided.*

**Policy 22.1** - *Subdivision and development should provide:*

- *A safe POTABLE WATER supply for consumption, health and hygiene and for firefighting purposes, of sufficient capacity to meet the needs of the anticipated subsequent land uses.*
- *A means for the collection and disposal of stormwater in a manner that avoids the uncontrolled ponding, or over land flow over any area following subdivision.*
- *A way to dispose of sewage in a sanitary manner which minimises adverse effects on the health and functioning of the environment.*
- *For connection to reticulated water, stormwater and sewerage systems where they are available and it is practical to do so.*
- *Sufficient areas of new open space to meet local community needs.*

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**Policy 22.2** -Where there is new or increased demand for INFRASTRUCTURE, COMMUNITY FACILITIES or new areas of open space, they should be provided for on a fair and reasonable basis by the APPLICANT.

**Assessment**

In this case the site will be able to provide onsite services. The proposal is not contrary to Objective 22 and the supporting policies.

I note that the Agent has also found the proposal to be consistent with these objectives and policies, therefore we are in agreement.

117. Further to the above, the application states that the presence of two existing dwellings is one of the reasons why the subdivision should be granted consent, irrespective of inconsistencies with the objectives and policies and rules that seek to ensure the objectives and policies are met (being the balance area and number of allotments that have been previously created from the parent title). I have acknowledged that the existing dwellings in the existing environment contribute the existing rural character however I also note the following ODP commentary relating to the construction of additional dwellings on smaller sites (less than 20 ha). These provisions were operative at the time of the second dwelling being constructed.

*Where the SITE does not have sufficient area to maintain spaciousness, a second HABITABLE BUILDING that is ancillary to the main HABITABLE BUILDING, may be located on a SITE. This acknowledges that historically second HABITABLE BUILDINGS have supported the main HABITABLE BUILDING, providing opportunities for accommodation for extended family members or rural based workers. Restrictions have been placed on the size and location of the additional HABITABLE BUILDING to ensure that RURAL CHARACTER is maintained. One HABITABLE BUILDING must be smaller than the main HABITABLE BUILDING to acknowledge that it is secondary to the primary use. There is also a requirement for the additional HABITABLE BUILDING to be located in proximity to the main HABITABLE BUILDING. This ensures that the two HABITABLE BUILDINGS are related to each other, leading to an increased likelihood of sharing facilities such as DRIVEWAYS. These restrictions ensure that the additional HABITABLE BUILDING remains ancillary to the main HABITABLE BUILDING on the site and does not lead to increased pressure to subdivide the area with the additional HABITABLE BUILDING in the future, particularly when allocated area requirements are not met. This acknowledges the diverse living needs of rural dwellers and provides accommodation flexibility for other family or workers for SITES that do not meet the area requirements.*

118. In summary the District Plan acknowledged that there would be a need or desire for additional dwellings on smaller sites in the district where a full sized/ second principal dwelling was not provided for as a permitted activity. In this case a main / principal dwelling was constructed under LUC17/47028 with the existing dwelling becoming the ancillary / smaller dwelling on site. By complying with the area requirements, the smaller dwelling remains secondary to the primary use as set out in the District Plan despite not meeting the distance requirements. Should the subdivision go ahead then the smaller dwelling on Lot 1 will become a main / principal dwelling and as a permitted activity going forward that dwelling can be removed, replaced or extended whereby it would no longer be secondary in look or nature undermining the Plan provisions.

119. The Land Use Consent set out the reasons why an increased distance was provided between dwellings including separation distance from a poultry farm in the wider environment and increased privacy for dwelling occupants however as set out in the ODP (and copied above), the presence of an ancillary dwelling on a smaller rural site is not a reason to allow for subdivision where allocated area requirements are not met, as is the case with this proposal.

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120. Overall, the point I am making is that a second dwelling on a site does not automatically qualify it for a granted subdivision on effects alone and the provisions of the District Plan and RMA process must prevail.

121. On balance I consider the proposal to be contrary to the objectives and policies of the Operative District Plan. Whilst the proposal is not contrary to most of the objectives and policies relating to services and traffic, the key direction of the policies and objectives pertaining to subdivision in the Rural Environment Area (Objective 4 and supporting policies) are not met by this proposal as it does not result in a limited provision of additional allotments from the parent title and there is no large balance provided to ensure rural production can prevail.

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

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

#### Iwi Environmental Management Plan

123. An assessment of the Objectives and Policies of the Te Ātiawa Environmental Management Plan Tai Whenua, Tai Tangata, Tai Ao is relevant.

124. The agent has provided an assessment of Tai Whenua, Tai Tangata, Tai Ao in Section 9.1 of the application I generally agree with this assessment which addresses guardianship, inland and coastal land and freshwater.

125. The site can be serviced adequately. The proposal aligns with the EMP in this regard.

126. The proposal does not strictly align exactly with iwi aspirations for esplanade strips. Notwithstanding, the proposal provides for the waterbodies on site.

#### Precedent

127. A precedent reflects the concern that a grant may have on planning significance beyond the immediate vicinity of the site (i.e. how a decision may influence the way in which future applications are dealt with).

128. There are a number of properties throughout the Rural Environment Area that are less than 4ha or where small lot allocation has been exhausted from the parent title and subdivision would be a non-complying activity.

129. I am very concerned that if this consent is granted, other subdivision applications may follow to subdivide small sites or sites where fragmentation limits have been met. This may be from small sites that have already been created from a parent title or other small sites that have no subdivision potential given they cannot meet size requirements for subdivision (under 20ha/4ha) despite being created prior to March 1999. The rules of the Operative District Plan do not provide for small lot subdivision such as that proposed, and all small lot subdivision with no 4ha balance is a non-complying activity.

130. The Council has identified through its GIS mapping software that up to 3600 records of title contain a land area between 4000m<sup>2</sup> and 4ha and are located in the Rural Environment Area. The owners of these lots could be in a similar position to subdivide additional small lots as this proposal does in terms of eligibility for subdivision based on effects alone.

131. The flow on effects of granting consents for small lot subdivision in the Rural Environment Area is that the soil resource, ability to support primary production, character, amenity, density and infrastructure (through increased demand for such services outside of

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urban areas) will be impacted incrementally and legitimate rural uses will find it increasingly difficult to establish if small rural residential allotments are located in close proximity to them. The rural environment should be protected from residential and lifestyle activities for this reason. The creation of lifestyle lots beyond that provided for in the ODP will also undermine the planning framework in the RPS and the ODP that seek to direct residential growth in to specified urban locations.

132. The agent has identified some 'unique' site features that they consider will ensure a precedent is not set for future small lot subdivision if this subdivision is to be granted. These stated features relate primarily to the number of existing dwellings present on site as well as the shape and aspect of the site well as there being no works needed to be undertaken to complete the subdivision.
133. These matters, relating primarily to physical effects do not speak to what makes the site unique when considering if the proposal can be replicated at other sites around the district. When looking at sites across the district and at the number of lots that are similar in size to this one, there will also be titles with more than one dwelling located on it (either as a permitted activity through the ODP dwelling provisions or due to obtaining a resource consent). The subject site is not the only small lot under 4ha in the District with two dwellings located on it.
134. I do not consider that there are unique aspects of this application which take the proposal outside the generality of cases or create any clear distinction between the subject site and application and that of other sites and applications. Council has received applications to subdivide rural land around existing dwellings on sites in the past demonstrating this is not a unique one-off occurrence.
135. If this application is granted consent, future applicants could consider that they could be granted consent based on having two dwellings on site and on effects alone. I consider that if this proposal is granted, it is more likely than not other applications would be made in reliance of a grant in this case.
136. Overall, I consider there is a real possibility that the grant of the application would set a precedent which will influence the way in which future applications are dealt with.

### District Plan Integrity

137. District Plan integrity reflects the public confidence in the plan. The Environment Court (EC) in the case *Berry v Gisborne DC* [2010] NZEnvC 71 considered precedent and plan integrity and cautioned the use of such factors as reasons for declining an application for resource consent. The EC advised an application will only be declined on the basis of plan integrity where:
- the proposal irreconcilably clashes with important plan provisions; and
  - it is likely that further applications which are equally incompatible with the District Plan and materially indistinguishable will follow.
138. In this case, as discussed above, I consider the proposal clashes with principal Operative District Plan provisions relating to the fragmentation of rural productive land beyond what is provided for from a parent title and threatens rural character through lack of a large balance allotment that can support primary production. The proposal creates small a small rural lifestyle/ large residential lot that that is out of zone and does not protect rural land for rural production.
139. The public relies on the Operative District Plan to provide guidance on how development proposals will be assessed. Proposals which closely comply with the District

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Plan are likely to be perceived by the public as to be granted, while those that significantly depart from the District Plan are likely to be perceived by the public as to be refused.

140. Granting consent to this subdivision proposal which is contrary to the most directive Operative provisions for rural subdivision without there being anything unique or without the proposal having unusual circumstances, will provide conflicting impressions to the public and adversely affect their perceptions of Council's consistent administration of the Operative District Plan.
141. To support this, it has been illustrated above that there are a significant number of other properties which are materially indistinguishable.
142. On that basis, I consider it is likely that further applications will follow which are materially indistinguishable from this application and equally incompatible with the District Plan.
143. Based on the considerations above, I consider the proposal will undermine the integrity of principal provisions within the Operative District Plan if consent is granted.

### **Section 104D Gateway Test Conclusion**

144. Section 104D of the RMA states that *a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either the adverse effects of the activity on the environment will be minor or the application is for an activity that will not be contrary to the objectives and policies of... both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.* This is known as the gateway test.
145. It is considered, based on the above assessment of effects, that the effects of the proposal will be no more than minor. As such, the proposal passes the first gateway test of section 104D(1)(a).
146. In summary, the proposal passes at least one of the threshold tests as set out in s104D(1), and as such, Council may consider granting consent to the proposal following an assessment against s104 of the Act.

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

147. The Court of Appeal's decision in *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 was released on 21 August 2018. The Court of Appeal held that the Supreme Court's rejection in *Environmental Defence Society Inc v New Zealand King Salmon Company Limited* [2014] NZSC 38 ("*King Salmon*") of the "overall broad judgment" approach in the context of plan provisions applied in the particular factual and statutory context of the NZCPS which, the Supreme Court confirmed, already reflects Part 2 and complies with the requirements of the RMA. The Court of Appeal did not consider that the Supreme Court in *King Salmon* "intended to prohibit consideration of Part 2 by a consent authority in the context of resource consent applications (paragraph [66])".
148. In the context of resource consents, the Court of Appeal determined that:
- (a) RMA decision makers should usually consider Part 2 when making decisions on resource consents (this is the implication of the words "subject to Part 2" in section 104); and
  - (b) However, doing so is unlikely to advance matters where the relevant plan provisions have clearly given effect to Part 2, or where it is clear that the

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plan is “competently prepared” with “a coherent set of policies” such that there is no need to refer to Part 2.

149. In the present application, it is appropriate to apply Part 2 as it cannot be said the Operative District Plan contains a coherent set of policies or gives effect to the Operative Taranaki Regional Policy Statement and NPS due to the timing of the plans and policy documents. Therefore, there is potential for incomplete coverage in the Operative District Plan. This is one of the three caveats where the Supreme Court in *King Salmon* said recourse should be had to Part 2. Further, the Operative District Plan was prepared before the *King Salmon* decision. As such there can be no certainty that it is a competently prepared plan. Accordingly, it is appropriate to provide an assessment of the application against Part 2 below.

#### Section 8 – Treaty of Waitangi

150. Section 8 concerns the principles of the Treaty of Waitangi. There are no identified sites of significance to tangata whenua within the vicinity of the site and any modifications to the land will be minimal as the site is generally flat and dwellings exist in each proposed allotment. Furthermore, enhancements are proposed for the waterbodies onsite. It is therefore considered that the proposal will not offend the provisions of section 8 of the RMA.

#### Section 7 – Other Matters

151. Section 7 requires that Council shall have particular regard to a number of other matters:

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –*

- (a) Kaitiakitanga*
- (aa) The ethic of stewardship*
- (b) The efficient use and development of natural and physical resources*
- (ba) The efficiency of the end use of energy*
- (c) The maintenance and enhancement of amenity values*
- (d) Intrinsic values of ecosystems*
- (e) repealed*
- (f) Maintenance and enhancement of the quality of the environment*
- (g) Any finite characteristics of natural and physical resources*
- (h) The protection of the habitat of trout and salmon*
- (i) The effects of climate change*
- (j) The benefits to be derived from the use and development of renewable energy*

152. In this case, sections (b), (c), (f) and (g) are relevant to consideration of the proposal.

*(b) Efficient Use and Development of Natural and Physical Resources and (g) Finite Characteristics of Natural and Physical Resources*

153. In terms of the efficient use and development of natural and physical resources (7(b)) and the finite characteristics of natural and physical resources (7(g)), the resources relevant to this proposal is the soil resource and rural production land.

154. The site is zoned for rural purposes in the Operative District Plan and subdivision rules allow for limited lifestyle properties to occur where a 4ha balance exists and the parent

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title has not been fragmented beyond 4 additional lots. No large balance allotment is available after this subdivision and the proposal results in excessive fragmentation of the parent title (8 additional lots in total).

155. The proposal further erodes the ability for this rural land to be used for primary production by splitting it into two smaller allotments and changing the character of Lot 1 to a small rural lifestyle lot/ large residential allotment. Taking this into account I consider that the proposal clashes with Section 7(g).
156. Regarding Section 7(b) I do not consider the proposal to be an efficient use of rural land as it will result in lot sizes that cannot support activities that contribute to the role and function of the Rural Environment and are more akin to lifestyle lots which have already been created on the parent title.
157. Overall, I consider that this subdivision proposal does not accord to section 7(b) and Section 7 (g) of the RMA.

*(c) and (f) Maintenance and Enhancement of Amenity Values & Quality of the Environment*

158. In terms of the maintenance and enhancement of amenity values (7(c)) and the maintenance and enhancement of the quality of the environment (7(f)), the proposal will have minimal adverse effects with respect to amenity values and quality of the environment as the built form of dwellings exists within each proposed allotment. The future use of Lot 1 will become predominantly lifestyle/ residential. This use would not likely be perceived in the wider environment and the perception of the site is unlikely to change due to the subdivision.
159. The proposal accords to sections 7(c) and 7(f) of the RMA.
160. Taking the above into consideration, it is my opinion that the proposal only partly meets the relevant principles of Section 7.

Section 6 – Matters of National Importance

161. Section 6 requires that Council shall recognise and provide for the following matters of national importance:

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance: -*

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

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- (f) *The protection of historic heritage from inappropriate subdivision, use and development.*
  - (g) *The protection of recognised customary activities.*

162. In this case, I consider the matters of national importance identified in (a), (d) and (e) under section 6 are relevant to the consideration of the proposal. Existing public access via an esplanade strip on Lot 2 will be widened along the stream and Lot 1 is well removed from the priority waterbody. Waterbody margin enhancements are proposed. It is my opinion that the proposal accords to Section 6.

#### Section 5 – Purpose

163. As stated above, Sections 6, 7 and 8 all serve to inform the analysis and consideration of whether the purpose of the Act under section 5 will be achieved by the proposal. Section 5 is set out as follows and the matters within it are considered below:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -*
  - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

164. The overriding purpose of the RMA is *'to promote the sustainable management of natural and physical resources'*. While the proposal meets the applicants' family's social and economic wellbeing, that consideration must be balanced against the remaining matters in section 5(2).

165. The proposal involves the creation of an additional lot whereby Lot 1 will likely not have any association to rural productive activities. Lot 2 will also be further constrained due to its size. As such, the proposal further fragments the parent title and reduces the ability for rural productive uses to prevail.

166. The physical development upon each lot is existing and the proposal can maintain the existing amenity however the subdivision does not avoid, remedy or mitigate the effects of cumulative fragmentation of rural land.

167. Taking these factors into account, it is my opinion that the proposal will also not meet sections 5(2)(a) and only partly meets sections 5(2)(b) and 5(2)(c).

168. As such, the proposal does not meet the over-arching purpose of the RMA as it does not promote the sustainable management of the natural or physical resources.

#### **Overall Assessment to Grant or Decline under the Operative District Plan**

169. In terms of s104(1)(a), it is considered that some of the actual and potential effects of the proposal are able to be avoided, remedied or mitigated however the cumulative adverse effects of the proposal relating to fragmentation of the parent title are unacceptable

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when considering the context of the Operative District Plan. Notwithstanding under s104D(1)(a) the adverse effects of the proposal will be at least minor and not be more than minor on the environment.

170. Under s104(1)(b), it is considered that the proposal is inconsistent with the NPS -HPL which requires subdivision of highly productive land be avoided. The proposal is consistent with the remaining NPS and is generally consistent with most of the relevant provisions of the Taranaki Regional Policy Statement but is partially inconsistent with the matters pertaining to the built environment.

171. Under s104(1)(b), in my opinion; the proposal is contrary to the most directive policy direction in the Operative District Plan. This is primarily due to the creation of rural lifestyle/ large residential allotments where fragmentation of the parent title has exceeded that which constitutes 'limited opportunities' for additional lots and no balance allotment over 4ha is retained. Furthermore, the proposal impacts the availability of the rural land resource and legitimate rural activities.

172. In terms of relevant section 104(1)(c) matters, I conclude that the application is overall consistent with the relevant provisions of the Te Atiwa Iwi Environmental Plan. However in my opinion, the proposal undermines the integrity of the principal provisions of the Operative District Plan for the Rural Environment Area and that the proposal is likely to set a precedent. This proposal is able to be replicated throughout the Rural Environment Area on lots less than 4ha or where excessive subdivision of a parent title has already occurred.

173. When taking account, the above findings under section 104, the matters considered under 104(1)(b) and 104(1)(c) are such that, in my opinion, they outweigh the finding under 104(1)(a) that the effects on the environment will not be more than minor.

174. I have reached this conclusion through consideration of the overarching purpose of the RMA and whether sustainable management would be better achieved by weighing more towards the conclusions I have received in 104(1)(a) or the conclusions I have reached in 104(1)(b) and 104(1)(c). The combination of the proposal being inconsistent with plan provisions and having impacts on Precedent and District Plan Integrity, result in the proposed activity not achieving the purpose of section 5 of the RMA.

175. All things considered; I recommend the application be refused.

## **SECTION 104 ASSESSMENT – PROPOSED DISTRICT PLAN**

176. The assessment of adverse effects in the notification assessment is also relevant for the purposes of the assessment under s104(1)(a).

177. The assessment found that the proposal would not have adverse effects on the wider environment that are more than minor considering the existing environment and that the public at large would not notice the adverse effects of the proposal in this location.

178. Localised adverse effects were mainly disregarded due to the provision of written approvals from neighbouring landowners and not minor or more than minor on other adjacent landowners.

179. It was also identified in the notification assessment for public notification that overall, I had concerns when considering the proposal in the context of the parent title due to the cumulative fragmentation that has occurred from the parent title. This is because:

- The proposal increases the number of lots (through fragmentation) created from the parent title over and above that which can be provided for as a controlled, restricted discretionary and/ or discretionary activity (8 additional allotments); and
- There is also no balance allotment of 20 ha provided as part of the proposal.

180. In summary, the proposal seeks to fragment an already small allotment to create two small properties in a Rural Production Zone. Such development of an eighth additional lot is not provided for in the Rural Production Zone. Repeated subdivision of a parent titles adversely fragments rural land and undermines the role and function of the Rural Production Zone. The properties that have been created from the parent title are shown below. All nine lots are less than 20ha in area.

<i>Legal Description</i>	<i>Address</i>
<i>Lot 1 DP 562463 0.223ha</i>	<i>100 Wortley Road, Lepperton, NP</i>
<i>Lot 1 DP 562463 3.79ha</i>	<i>84 Wortley Road, Lepperton, NP</i>
<i>Lot 2 DP 444491 4ha</i>	<i>108 Wortley Road, Lepperton, NP</i>
<i>Lot 3 DP 377488 0.55ha</i>	<i>126 Wortley Road, Lepperton, NP</i>
<i>Lot 3 DP 372309 0.614ha</i>	<i>130 Wortley Road, Lepperton, NP</i>
<i>Lot 1 DP 587306 0.455ha</i>	<i>134 Wortley Road, Lepperton, NP</i>
<i>Lot 2 DP 587306 7.62ha</i>	<i>150 Wortley Road, Lepperton, NP</i>
<i>Lot 1 of this subdivision 2940m<sup>2</sup></i>	<i>118 Wortley Road, Lepperton NP</i>
<i>Lot 2 of this subdivision 3.0165ha</i>	

181. Therefore, while the proposal would not have adverse effects discernible to the public that would be more than minor taking a view of the subject site and proposal and the existing environment, I have also assessed the proposal's adverse effects in the context of the Proposed District Plan's parent title provisions and this context is important when determining if the cumulative effects of fragmentation will be acceptable.

182. It is my opinion that the cumulative adverse effects of repeated fragmentation of the Parent Title site to create the 8th small allotment cannot be avoided, remedied or mitigated through consent conditions and as the Proposed District Plans does not provide for the creation of more than three (PDP) additional lots from a parent title, nor does it provide for the subdivision of a small lot under 20ha in area. I consider that on balance the cumulative fragmentation effects of the proposal and its impact on the ability for rural productive activities to prevail on the subject site are at the very least minor in nature and unacceptable.

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

#### National Policy Statements

183. I adopt the assessments and conclusions of the relevant National Policy Statements from the ODP assessment. These will not be repeated here.

#### Taranaki Regional Policy Statement

184. I adopt the assessments and conclusions of the relevant National Policy Statements from the ODP assessment. These will not be repeated here.

## Proposed District Plan Objectives and Policies

185. An assessment of the Objectives and Policies of the Proposed District Plan considered relevant to the proposal has been completed by the Agent and submitted as part of the s92 response. I generally concur with this assessment insofar as it relates to the Waterbodies and Transportation Chapters and consider that the proposal is not contrary with these objectives and Policies.

186. For the Rural Production Zone and Subdivision Chapters there is some agreement between me and the agent, particularly with regards to the servicing of the lots and visual amenity. I also agree that the proposal will not result in immediate reverse sensitivity effects. We do however disagree where the objectives and policies refer to the role, function and predominant character of the zone and the appropriateness of the subdivision in this context. The following table includes my assessment of the relevant objectives and policies in the Proposed District Plan:

<b>Relevant Objectives and Policies</b>	
RPROZ-O1	Productive land and resources support a range of production oriented and resource dependent activities.
RPROZ-O2	The Rural Production Zone is predominantly used for primary production.
RPROZ-O3	The role, function and predominant character of the Rural Production Zone is not compromised by incompatible activities.
RPROZ-O4	Maintain the predominant character and amenity of the Rural Production Zone, which includes: <ol style="list-style-type: none"> <li>1. extensive areas of vegetation of varying types (for example, pasture for grazing, crops, forestry and indigenous vegetation and habitat) and the presence of natural features, historic heritage, Māori purpose activities, and large numbers of farmed animals;</li> <li>2. low density built form with open space between buildings that are predominantly used for agricultural, pastoral and horticultural activities (for example, barns and sheds), low density rural living (for example, farm houses and worker's cottages) and community activities (for example, rural halls, domains and schools);</li> <li>3. a range of noises, smells, light overspill and traffic, often on a cyclic and seasonable basis, generated from the production, manufacture, processing and transportation of raw materials derived from primary production;</li> <li>4. interspersed existing energy activities and rural industry facilities associated with the use of the land for intensive indoor primary production, quarrying, and cleanfills; and</li> <li>5. the presence of rural infrastructure, including rural roads, and the on-site disposal of waste, and a general lack of urban infrastructure, including street lighting, solid fences and footpaths.</li> </ol>
RPROZ-O5	The Rural Production Zone is a functional, production and extraction orientated working environment where primary production and rural industry activities are able to operate effectively and efficiently, while ensuring that: <ol style="list-style-type: none"> <li>1. the adverse effects generated by primary production and rural industry activities are appropriately managed; and</li> </ol>

	<p>2. primary production and rural industry activities are not limited, restricted or compromised by incompatible activities or reverse sensitivity effects.</p>
RPROZ-O6	Natural features, highly productive land, tangata whenua values, rural character and amenity are not compromised by adverse changes to landform, intensification of land use and built form, or urbanisation.
RPROZ-O7	Sensitive activities are designed and located to avoid conflict with primary production and avoid, or mitigate adverse reverse sensitivity effects.
RPROZ-P1	<p>Allow activities that are compatible with the role, function and predominant character of the Rural Production Zone, while ensuring their design, scale and intensity is appropriate, including:</p> <ol style="list-style-type: none"> <li>1. agricultural, pastoral and horticultural activities;</li> <li>2. residential activities;</li> <li>3. Māori purpose activities;</li> <li>4. rural produce retail; and</li> <li>5. petroleum prospecting.</li> </ol>
RPROZ-P3	<p>Avoid activities that are incompatible with role, function and predominant character of the Rural Production Zone and/or activities that will result in:</p> <ol style="list-style-type: none"> <li>1. reverse sensitivity effects and/or conflict with permitted activities in the zone; or</li> <li>2. adverse effects, which cannot be avoided, or appropriately remedied or mitigated, on: <ol style="list-style-type: none"> <li>a) rural character and amenity values;</li> <li>b) the productive potential of highly productive soils and versatile rural land.</li> </ol> </li> </ol> <p>Incompatible activities include:</p> <ol style="list-style-type: none"> <li>1. residential activities (except papakāinga) and rural lifestyle living that are not ancillary to rural activities;</li> </ol> <p>...</p>
RPROZ-P4	<p>Maintain the role, function and predominant character of the Rural Production Zone by controlling the effects of:</p> <ol style="list-style-type: none"> <li>1. building height, bulk and location;</li> <li>2. setback from boundaries and boundary treatments; and</li> <li>3. earthworks and subdivision.</li> </ol>
RPROZ-P7	<p>Require sensitive activities to be appropriately located and designed to avoid or mitigate reverse sensitivity effects, risks to people, property and the environment, and conflict with activities permitted in the Rural Production Zone, including by:</p> <ol style="list-style-type: none"> <li>1. ensuring sufficient separation by distance or topography between sensitive activities and zone boundaries, transport networks, primary production, significant hazardous facilities and rural industry;</li> <li>2. adopting appropriate design measures to minimise the impact of off-site effects of rural industry that cannot be internalised within the rural industry activity's site; and</li> <li>3. utilising landscaping, screen planting or existing topography to minimise the visual impact of rural industry.</li> </ol>
<u>Comment</u>	

The Rural Production Zone Objectives and Policies outline the role, function and character for the zone, stating that it should be used predominantly for primary production and that it should not be compromised by incompatible activities such as residential and lifestyle activities that are not ancillary to rural activities.

Incompatible activities can reduce the land available for primary production as well as result in reverse sensitivity effects. In this case there are intensive farming activities within close proximity to the site where the Farm Manager has provided written approval to the proposal. Effects on this operation have been disregarded. Notwithstanding, the introduction of dwellings on small sites makes it harder for intensive rural activities, and general rural production to establish which reduces the effectiveness of the zone. This is because the amenity expectation of landowners of small sites may differ from that where residential activities are associated with rural production activities.

This proposal creates two small allotments for rural lifestyle/ residential activities and has no 20ha balance allotment. Some small-scale activities are currently undertaken on the site and can likely be retained on Lot 2 following subdivision, albeit on a smaller scale. Lot 1 will be primarily a residential property. The applicant has offered a covenant to protect highly productive land within Lot 1 however the issue is that this land will be divorced from other land and not used in an efficient manner that supports rural production.

Specifically, regarding Policy RPROZ-P3, it has already been concluded that the cumulative fragmentation effects of the proposal cannot be avoided or mitigated. The resultant small lots will be created for large lot residential/ small rural lifestyle use and will have adverse effects on the productive potential of highly productive soils and versatile land through fragmentation at a level not anticipated by the PDP. The proposal is contrary to Policy RPROZ-P3

Overall, I consider that the existing level of amenity in the location of the site can be maintained however the subdivision will result in activities that are potentially incompatible with the role and function of the zone. The proposal is therefore only partly consistent with the objectives and policies of the zone and is contrary to the most directive 'avoid' requirements of Policy RPROZ-P3. The proposal does not avoid the creation of residential / lifestyle activities that are not ancillary to rural activities and will impact on the productive potential of highly productive soils and versatile land.

I note that the Agent has provided comments on the above objectives and policies but does not reach a conclusion on consistency. Therefore, there may not be agreement on this matter.

SUB-O1	Subdivision results in the efficient use of land and achieves patterns of development that are compatible with the role, function and predominant or planned character of each zone.
SUB-O2	<p>Subdivision is designed and located to avoid, remedy or mitigate adverse effects on the environment and occurs in a sequenced and coherent manner that:</p> <ol style="list-style-type: none"> <li>1. responds to the site's physical characteristics and context including any non-scheduled features;</li> <li>2. is accessible, connected and integrated with the surrounding neighbourhoods;</li> <li>3. contributes to the predominant or planned character of the zone and a sense of place;</li> <li>4. protects and enhances scheduled features;</li> <li>5. provides accessible and well-designed open space areas for various forms of recreation, including sport and active</li> </ol>

	<p>recreation, for the health and wellbeing of communities; and</p> <p>6. protects highly productive land in the Rural Production Zone.</p>
SUB-O3	<p>Infrastructure is planned to service proposed subdivision and development in a manner that:</p> <ol style="list-style-type: none"> <li>1. protects scheduled features; and</li> <li>2. connects with the wider infrastructure network in an integrated, efficient and coordinated manner and is provided at the time of subdivision.</li> </ol>
SUB-P1	<p>Allow subdivision that results in the efficient use of land, provides for the needs of the community and supports the policies of the District Plan for the applicable zones, where subdivision design:</p> <ol style="list-style-type: none"> <li>3. reflects patterns of development that are compatible with, and reinforce the role, function and predominant or planned character of the zone;</li> <li>4. does not compromise the integrity and planned outcomes for the zone with lot sizes sufficient to accommodate intended land uses;</li> <li>...</li> <li>9. protects highly productive land in the Rural Production Zone.</li> </ol>
SUB-P10	<p>Manage the scale, design and intensity of subdivision in the Rural Production Zone by:</p> <ol style="list-style-type: none"> <li>1. allowing one additional record of title only where there is a large balance area, and where the subdivision design reinforces the role, function and predominant character of the zone;</li> <li>2. managing subdivision that involves multiple small allotments with a large balance area; and</li> <li>3. avoiding subdivision that would compromise the role, function and predominant character of the Rural Production Zone, or is more typical of patterns of development in urban areas.</li> </ol>
SUB-P12	<p>Ensure that that subdivision in the Rural Zones results in lot sizes and lot configurations that:</p> <ol style="list-style-type: none"> <li>1. are appropriate for the development and land use intended by the zone;</li> <li>2. are compatible with the role, function and predominant or planned character of the zone;</li> <li>3. maintain rural character and amenity; and</li> <li>4. are consistent with the quality and types of development envisaged by the zone objectives and policies, including by minimising any reverse sensitivity effects and conflict with activities permitted in the zones.</li> </ol>
SUB-P14	<p>Require subdivision design and layout in the Rural Zones to respond positively to, and be integrated with the surrounding rural or rural lifestyle context, including by:</p> <ol style="list-style-type: none"> <li>1. incorporating physical site characteristics, constraints and opportunities into subdivision design;</li> <li>2. minimising earthworks and land disturbance by designing building platforms that integrate into the natural landform;</li> <li>3. avoiding inappropriately located buildings and associated access points including prominent locations as viewed from public places;</li> <li>4. incorporating sufficient separation from zone boundaries,</li> </ol>

	<p>transport networks, rural activities and rural industry to minimise potential for reverse sensitivity conflicts;</p> <ol style="list-style-type: none"> <li>5. incorporating sufficient separation between building platforms and scheduled features to minimise potential adverse effects on those features and providing for the protection and maintenance of indigenous biodiversity;</li> <li>6. where a subdivision has the potential to compromise cultural, spiritual or historic values of importance to tangata whenua, considering the outcomes of any consultation with tangata whenua, including any expert cultural advice provided with respect to:</li> <li>7. opportunities to incorporate mātauranga Māori into the design and development of the subdivision;</li> <li>8. opportunities for tangata whenua's relationship with ancestral lands, water, sites, wāhi tapu and other taonga to be maintained or strengthened; and</li> <li>9. options to avoid, remedy or mitigate adverse effects;</li> <li>10. promoting sustainable stormwater management through water sensitive design solutions; and</li> <li>11. in the Rural Lifestyle Zone, achieving patterns of development and allotment sizes that provide opportunities for rural lifestyle living.</li> </ol>
SUB-P15	<p>Ensure that subdivision in the Rural Lifestyle or Rural Production Zones maintains or enhances the attributes that contribute to rural character and amenity values, including:</p> <ol style="list-style-type: none"> <li>1. varying forms, scales, spaciousness and separation of buildings and structures associated with the use of the land;</li> <li>2. maintaining prominent ridgelines, natural features and landforms, and predominant vegetation of varying types;</li> <li>3. low population density and scale of development relative to urban areas;</li> <li>4. on-site servicing and a lack of urban infrastructure; and</li> <li>5. in the Rural Production Zone, the continued and efficient operation of rural activities and productive working landscapes.</li> </ol>
<p><b>Comment</b></p> <p>The Subdivision Chapter Objectives and Policies for rural subdivision seek to reinforce the planned character, role and function for the Rural Production Zone which is predominantly for primary rural production and activities that require rural land to establish (RPROZ-O1 and O2).</p> <p>This is evident in SUB-O1, SUB-P1, SUB-P10 and SUB-P12.</p> <p>Policy SUB-P10, in particular, reinforces the requirement for a large balance lot to ensure that rural production prevails in the Zone. SUB-P10(3) states that subdivision should be avoided where it compromises the role, function and predominant character of the Rural Production Zone.</p> <p>SUB-P12 also requires that lot sizes and lot configurations are compatible with the role, function and predominant or planned character. The subdivision proposal further reduces the land available for primary production and creates a residential / lifestyle lot that will not be associated with Rural Production. The proposal was found to be contrary to the RPROZ objectives and policies that manage this matter.</p>	

<p>With regards to layout and servicing the proposal is largely consistent with the requirements to service lots and provides a layout that is sympathetic to the existing built development, landform and natural features.</p> <p>In summary, the subdivision rules provide for small lot subdivision in limited circumstances where a balance area of over 20ha exists so that rural production can prevail. This proposal is not provided for in the Rural Production Zone and is a non-complying activity as the proposal creates additional small lots with no large balance lot and out of zone activities not associated with rural production (which SUB-P10 seeks to avoid).</p> <p>While able to be serviced and with a sympathetic layout making provision for stream enhancement, the proposal is ultimately contrary with the most directive objectives and policies for rural subdivision.</p> <p>I note that the Agent has also found the proposal to be inconsistent with the most directive subdivision policies relating to lot size and balance requirements therefore, we are in agreement on the conclusion.</p>	
TRAN-O2	The transport network is safe, efficient and effective in moving people and goods within and beyond the district.
TRAN-O3	Activities generate a type or level of traffic that is compatible with the local road transport network they obtain access to and from.
TRAN-P13	<p>Require that activities provide for the safe and efficient movement of vehicles on-site, onto and along the road transport network by:</p> <ol style="list-style-type: none"> <li>1. providing appropriately designed and/or located vehicle access points, on-site parking including bicycle parking, loading and standing spaces, driveways, manoeuvring space and queuing space to reduce disruption to traffic flow, driver distraction and road congestion;</li> <li>2. ensuring that the location, orientation, design and illumination of signs avoid road or footpath user obstruction, distraction or confusion; and</li> <li>3. providing stock truck effluent receiving facilities to avoid or minimise spillage onto roads.</li> </ol>
TRAN-P14	<p>Ensure that activities do not constrain or compromise the safe and efficient operation of the road transport network by:</p> <ol style="list-style-type: none"> <li>1. minimising conflict between vehicles, pedestrians and cyclists;</li> <li>2. managing the width of vehicle access points so that on-street parking is not reduced; and</li> <li>3. managing adverse cumulative effects.</li> </ol>
TRAN-P15	<p>Ensure that activities do not constrain or compromise the safe and efficient operation of the rail transport network by:</p> <ol style="list-style-type: none"> <li>1. requiring appropriately designed and/or located vehicle access points within close proximity to railway level crossings to improve safety for road users on approaches to railway level crossings;</li> <li>2. controlling vehicle access points over railway level crossings to minimise safety risks;</li> <li>3. restricting the location of buildings, structures and other visual obstructions including vegetation within sightline areas of railway level crossings; and</li> <li>4. managing the location of buildings and structures near railway corridors to allow for access to, and maintenance of, railway</li> </ol>

	corridors and the rear of buildings.
<u>Comment</u>	<p>Both vehicle crossings are existing and were installed as part of the built development. There will be no alteration to traffic generation as a result of the proposal. I find the application not to be contrary to these objectives and policies.</p> <p>I note that the Agent has provided comments on the above objectives and policies but does not reach a conclusion on consistency. Notwithstanding, I consider based on the comments that we are in agreement on this matter.</p>
WB-O1	Waterbodies with natural character and ecology, recreation, cultural, spiritual and heritage values, and their margins are protected from inappropriate activities.
WB-O2	Public access to and along rivers and lakes with conservation, recreational, scenic or amenity values is maintained and enhanced.
WB-O4	The relationship of tangata whenua and their culture and traditions associated with waterbodies are recognised and provided for.
WB-P2	<p>Protect the natural character, ecological, recreational, cultural, spiritual, heritage or amenity values of waterbodies by:</p> <ol style="list-style-type: none"> <li>1. managing the potential adverse effects of subdivision on the values of waterbodies;</li> <li>2. requiring buildings and earthworks to be set back from natural waterbodies to avoid, remedy or mitigate potential adverse effects on their values; and</li> <li>3. maintaining and enhancing public access to rivers and lakes with recreation, scenic, cultural or amenity values through the creation of esplanade reserves or esplanade strips at the time of subdivision.</li> </ol>
WB-P5	<p>Require any subdivision of land creating allotments containing or adjoining a river or lake which is required to provide an esplanade reserve or an esplanade strip, but which proposes to waive the provision of, or reduce the width of the esplanade strip or esplanade reserve, to demonstrate that the waiver or reduction is appropriate having regard to:</p> <ol style="list-style-type: none"> <li>1. the purposes of esplanade reserves and esplanade strips in accordance with section 229 of the Act, and whether the waiver or reduction will limit the ability to achieve those purposes;</li> <li>2. whether the waiver or reduction will limit or reduce opportunities for public recreational use of the river or lake;</li> <li>3. whether the waiver or reduction will limit or reduce opportunities to link land-locked or isolated esplanade strips or esplanade reserves, or access strips;</li> <li>4. whether any alternative public access to the river or lake is available;</li> <li>5. the site's physical characteristics and constraints and any practical implications of providing access;</li> <li>6. effects of natural hazards, including protection of the integrity of the river, and erosion and flood control works;</li> <li>7. whether the waiver or reduction of an esplanade reserve or esplanade strip would compromise or assist the ability to protect, maintain or enhance natural character, ecological, landscape, historic heritage or cultural values of the river or lake or the ability to protect sites and areas of significance to tangata whenua; and</li> <li>8. the benefits and costs of the provision and maintenance of an</li> </ol>

	esplanade reserve or an esplanade strips of a reduced width.
WB-P6	<p>Require an esplanade reserve rather than an esplanade strip unless any of the following apply:</p> <ol style="list-style-type: none"> <li>1. the purposes for esplanade reserves and esplanade strips in section 229 of the Act can be adequately achieved by an esplanade strip;</li> <li>2. the river or lake is not in Schedule 9 or is within a rural area, and public access and recreational opportunities can be provided for by an esplanade strip; and</li> <li>3. where the natural character, ecological, landscape, historic heritage or cultural values of the river or lake, or the protection of sites and areas of significance to tangata whenua can be achieved by an esplanade strip; or</li> <li>4. the benefits and costs of the provision and maintenance of an esplanade reserve or an esplanade strip favour an esplanade strip.</li> </ol>
<p><u>Comment</u></p> <p>An esplanade strip is suitable in this location as it is a rural area and the required planting and access can be achieved on a strip. Fencing the strip, should consent be granted, will ensure that stock is excluded from the stream and riparian planting areas and access along the stream can be achieved in a safe manner.</p> <p>An esplanade strip exists in this location and is proposed to be widened enhancing what is already in place at the site while still providing linkages with strips either side of the property.</p> <p>No additional residential units can be constructed on site and development of this kind would not be located near the waterbodies.</p> <p>I note that the Agent has provided comments on the above objectives and policies but does not reach a conclusion on consistency. Notwithstanding, I consider based on the comments in the application that we are in agreement on this matter. The proposal is not contrary to these objectives and policies.</p>	

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

#### Iwi Environmental Management Plan

187. I adopt the assessment and conclusion of the 'other matters' from the ODP assessment relating to the Iwi Environment Management Plan. This will not be repeated here.

#### Precedent

188. A precedent reflects the concern that a grant may have on planning significance beyond the immediate vicinity of the site (i.e. how a decision may influence the way in which future applications are dealt with).

189. There are a number of properties throughout the Rural Production Zone that are less than 20ha where subdivision would be a non-complying activity. This may or may not be in combination with excessive fragmentation of a Parent Title.

190. I am very concerned that if this consent is granted, other subdivision applications may follow to subdivide small sites. This may be from small sites that have already been created from a parent title or other small sites that have no subdivision potential given they cannot meet size requirements for subdivision (under 20ha) despite being created prior to

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March 1999. The rules of the Proposed District Plan do not provide for small lot subdivision such as that proposed, and all small lot subdivision is a non-complying activity.

191. The Council has identified through its GIS software that up to 5520 records of title contain a land area between 4000m<sup>2</sup> and 20ha and are located in the Rural Production Zone. The owners of these lots could be in a similar position to subdivide additional small lots as this proposal does in terms of eligibility for subdivision based on effects alone.
192. The flow on effects of granting consents for small lot subdivision in the Rural Production Zone is that the soil resource, ability to support primary production, character, amenity, density and infrastructure (through increased demand for such services outside of urban areas) will be impacted incrementally and legitimate rural uses will find it increasingly difficult to establish thus undermining the role, function and character of the zone. The Rural Production Zone should be protected from residential and lifestyle activities for this reason and the PDP seeks to avoid these activities in certain circumstances. The creation of another small lot also undermines the planning framework in the RPS and the PDP that seek to direct residential growth in to specified urban locations and/ or the Rural Lifestyle Zone.
193. The agent has identified some 'unique' site features that they consider will ensure a precedent is not set for future small lot subdivision if this subdivision is to be granted. These stated features relate primarily to the number of existing dwellings present on site as well as the shape and aspect of the site well as there being no works needed to be undertaken to complete the subdivision.
194. These matters, relating primarily to physical effects do not speak to what makes the site unique when considering if the proposal can be replicated at other sites around the district. When looking at sites across the district and at the number of lots that are similar in size to this one, there will also be titles with more than one dwelling located on it. This site is not the only small lot under 20ha in the district with two dwellings located on it.
195. I do not consider that there are unique aspects of this application which take the proposal outside the generality of cases or create any clear distinction between the subject site and application and that of other sites and applications. Council has received applications to subdivide rural land around existing dwellings on sites in the past demonstrating this is not a unique one-off occurrence.
196. If this application is granted consent, future applicants could consider that they could be granted consent based on having two dwellings on site and on effects alone. I consider that if this proposal is granted, it is more likely than not other applications would be made in reliance of a grant in this case.
197. Overall, I consider there is a real possibility that the grant of the application would set a precedent which will influence the way in which future applications are dealt with.

### District Plan Integrity

198. District Plan integrity reflects the public confidence in the plan. The Environment Court (EC) in the case *Berry v Gisborne DC* [2010] NZEnvC 71 considered precedent and plan integrity and cautioned the use of such factors as reasons for declining an application for resource consent. The EC advised an application will only be declined on the basis of plan integrity where:
- the proposal irreconcilably clashes with important plan provisions; and
  - it is likely that further applications which are equally incompatible with the District Plan and materially indistinguishable will follow.

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199. In this case, as discussed above, I consider the proposal clashes with principal Proposed District Plan provisions relating to the fragmentation of rural productive land beyond what is provided for from a parent title and threatens rural character through lack of a large balance allotment that can support primary production and undermines the Role and Function of the Rural Production Zone. The proposal creates small rural lifestyle lots that are out of zone and does not protect rural land for rural production. The PDP includes 'avoid policies' with regards to these matters.
200. The public relies on the Proposed District Plan to provide guidance on how development proposals will be assessed. Proposals which closely comply with the District Plan are likely to be perceived by the public as to be granted, while those that significantly depart from the District Plan are likely to be perceived by the public as to be refused.
201. Granting consent to this subdivision proposal which is contrary to the Proposed District Plan provisions without there being anything unique or without the proposal having unusual circumstances, will provide conflicting impressions to the public and adversely affect their perceptions of Council's consistent administration of the Proposed District Plan.
202. To support this, it has been illustrated above that there are a significant number of other properties which are materially indistinguishable to the subject site.
203. On that basis, I consider it is likely that further applications will follow which are materially indistinguishable from this application and equally incompatible with the District Plans.
204. Based on the considerations above, I consider the proposal will undermine the integrity of principal provisions within the Proposed District Plans if consent is granted.

### **Section 104D Gateway Test Conclusion**

205. Section 104D of the RMA states that *a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either the adverse effects of the activity on the environment will be minor or the application is for an activity that will not be contrary to the objectives and policies of... both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.* This is known as the gateway test.
206. It is considered, based on the above assessment of effects, that the effects of the proposal will be no more than minor. As such, the proposal passes the first gateway test of section 104D(1)(a).
207. In summary, the proposal passes at least one of the threshold tests as set out in s104D(1), and as such, Council may consider granting consent to the proposal following an assessment against s104 of the Act.

### **Section 106 of the RMA**

208. Sufficient provision has been made for legal and physical access to each allotment created by the subdivision.
209. No District Plan layers indicate any natural hazards being located on the site.
210. Council's Development Engineer has reviewed the application and has not provided any reasons to decline this application under section 106 of the RMA.
211. There is no reason to decline this application under section 106 of the RMA.

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## **PART 2 of the RMA**

212. I refer to my commentary regarding the Court of Appeal's decision in R J Davidson Family Trust set out above relating to the Operative District Plan.
213. The Decision Version of the Proposed District Plan was released in May 2023 and has been tested through the submission and hearing process. The decision makers were a panel of qualified hearing commissioners (meeting the test of competence). Whilst appeals have been made against the document none of these appeals in relation to Subdivision are yet settled. I note that there are no appeals on the provisions of the Rural Production Zone and the Objectives and Policies relating to the role and function of the Rural Production Zone are beyond challenge. It is therefore considered that the appeals version of the plan is currently comprehensive and cohesive. As appeals are settled bit by bit, this may disrupt the cohesion of the plan, however at this point it is considered a comprehensive document that a competent panel of qualified independent decision makers considered gave effect to the higher order documents. It is my view that the Proposed District Plan – Appeals Version is such that no recourse to Part 2 is necessary.

### **Overall Assessment to Grant or Decline under the Proposed District Plan**

214. In terms of s104(1)(a), it is considered the some of the actual and potential effects of the proposal are able to be avoided, remedied or mitigated through the imposition of conditions however the cumulative adverse effects of the proposal relating to fragmentation of the parent title are unacceptable when considering the context of the Proposed District Plan's parent title provisions. Notwithstanding under s104D(1)(a) the adverse effects of the proposal will be at least minor and not be more than minor on the environment.
215. Under s104(1)(b), it is considered that the proposal is inconsistent with the NPS -HPL which requires subdivision of highly productive land be avoided. The proposal is consistent with the remaining NPS and is generally consistent with most of the relevant provisions of the Taranaki Regional Policy Statement but is partially inconsistent with the matters pertaining to the built environment.
216. Under s104(1)(b), in my opinion; the proposal is contrary to the most directive policy direction in the Proposed District Plan PRROZ and SUB Chapters which seek to avoid subdivision such as that proposed. This is primarily due to the creation of rural lifestyle/ large residential allotments where excessive fragmentation has already occurred from the parent title and no balance allotment over 20ha is retained. Furthermore, the proposal is incompatible with the role and function of the Rural Production Zone.
217. In terms of relevant section 104(1)(c) matters, I conclude that the application is overall consistent with the relevant provisions of the Te Atiwa Iwi Environmental Plan however in my opinion, the proposal undermines the integrity of the principal provisions of the Proposed District Plan for the Rural Production Zone and that the proposal is likely to set a precedent. This proposal is able to be replicated throughout the Rural Production Zone on lots less than 20ha.
218. When taking into account, the above findings under section 104, the matters considered under 104(1)(b) and 104(1)(c) are such that, in my opinion, they outweigh the finding under 104(1)(a) that the effects on the environment will not be more than minor.
219. I have reached this conclusion through consideration of the overarching purpose of the RMA and whether sustainable management would be better achieved by weighing more towards the conclusions I have reached in 104(1)(a) or the conclusions I have reached in 104(1)(b) and 104(1)(c). The combination of the proposal being inconsistent with plan

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provisions and having impacts on Precedent and District Plan Integrity, result in the proposed activity not achieving the purpose of section 5 of the RMA.

220. All things considered; I recommend the application be refused.

### **Weighting between District Plans**

221. A decision to refuse consent was made under the Operative and Proposed District Plans. Therefore, no weighting exercise is needed.

### **RECOMMENDATION**

222. That for the above reasons the application be refused on a non-notified basis pursuant to Sections 95A-E, 104, 104B and 104D subdivision of the Resource Management Act 1991, for the reasons set out in this document.



Name: Nicola Laurenson  
Position: CONSULTANT PLANNER

Date: 9 April 2025

### **DECISION**

In accordance with Sections 104, 104B and 104D of the Resource Management Act 1991, the application for resource consent by Aaron Stephens to subdivide 118 Wortley Road, Lepperton, New Plymouth, legally described as Lot 1 DP 452310 (SUB22/48013) is refused consent for the following reasons:

- a) The proposal is contrary to the policies and objectives of the Operative New Plymouth District Plan and Proposed New Plymouth District Plan.
- b) In particular the strategic direction to limit the number of allotments created from 'Parent Titles' and avoidance of residential and lifestyle activities not associated with Rural Production Activities in the Rural Environment Area/ Rural Production Zone.
- c) The proposal has potential to result in a loss of productive capacity of the subject land over the long term and the proposal does not meet the requirements of Clause 3.8(1)(a) in the National Policy Statement for Highly Productive Land.
- d) The proposal is partially inconsistent with the Taranaki Regional Policy Statement.
- e) Granting the proposal would set an inappropriate precedent for potential future 'like' applications and undermine the integrity of the Operative New Plymouth District Plan and Proposed New Plymouth District Plan.
- f) The effects of the proposal on the environment will not be more than minor but a greater regard is considered to be appropriate to be had to the objectives and policies of the Operative New Plymouth District Plan and Proposed New Plymouth District Plan which each set out the strategic intent for the sustainable management of natural and physical resources within the District.

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- g) The proposal is inconsistent with the purpose and principles of the Resource Management Act.

Advice Note This decision is subject to the right of objection as set out in section 357A of the Resource Management Act 1991. Any objection must be received no later than 15 working days after the receipt of this decision.



Name: Richard Watkins  
Position: PRINCIPAL PLANNER  
under Delegated Authority

Date: 1 May 2025



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth  
District Council**

## APPENDIX C

### Updated Scheme Plan

SUBJECT TO RESOURCE CONSENT



WAIONGANA STREAM

WORTLEY RD

LOT 2  
DP 444491

2  
3.23ha  
(BALANCE AREA)

1  
1245m<sup>2</sup>

LOT 2  
DP 587306

LOT 3  
DP 377488

NEW ESPLANADE STRIP  
15m WIDE

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ISSUED FOR REVIEW 21.10.25

**LANDPRO.**

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Client  
**T STEPHENS**

**NOTES**  
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**PROPOSED SUBDIVISION OF LOT 1 DP 452310  
118 WORTLEY RD, LEPPERTON**

Rev.	Date	Revision Details	By	Surveyed	Signed	Date	Job No.	Drawing No.
A	21.10.25	DWG ISSUE	ID	-	-	-	24283	01
B	30.10.25	AMEND ESPL STRIP DETAILS	ID	Drawn	Signed	Date	Scale	1:500 @ A1 1:1,000 @ A3
				ID		21.10.25	Datum & Level	Rev.
				Designed	Signed	-	T2000	B

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## APPENDIX D

# Spreadsheet information relating to records of title with two dwellings

AS_ASSESS_NO	AS_PROP_ID	full_address	Improve	QV_Units	SUIP	Titles	Note	id	title_no	status	type	land_district	issue_date	guarantee_status	estate_description	number_owners
11500/026.01	115729	177 Mohakatino Road, MOHAKATINO, MOKAU	3	3	3	Single	y	4887501	823401	LIVE	Freehold	Taranaki	17/09/2018 13:32	Guarantee	Fee Simple, 1/1, Lot 1-2 Deposited Plan 521088, 4,495 m2	6
11500/105.03	100737	25 Tonga Road, TONGAPORUTU, URENUI	2	2	1	Single	y	4282069	200529	LIVE	Freehold	Taranaki	16/05/2005 9:00	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 348829, 14,783 m2	1
11520/029.06	118456	923 Pukearuhe Road, URENUI	2	2	2	Single	y	5050757	996674	LIVE	Freehold	Taranaki	29/10/2021 9:54	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 562188, 5,098 m2	1
11520/049.02A	386	30 A Beach Road, WAIITI, URENUI	25	12	22	Single	y	2701219	TNL1/607	LIVE	Freehold	Taranaki	3/06/1999	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 13368, 78,735 m2	1
11520/049.02B	387	30 B Beach Road, WAIITI, URENUI	4	2	1	Single	y	2701219	TNL1/607	LIVE	Freehold	Taranaki	3/06/1999	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 13368, 78,735 m2	1
11520/201.02	113033	64 Mokau Road, URENUI	2	3	1	Single	y	4755823	688243	LIVE	Freehold	Taranaki	27/10/2015 10:28	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 484972, 64,753 m2	2
11520/207.02	105815	58 Wharekauri Road, MIMI, URENUI	2	2	1	Single	y	4473204	393804	LIVE	Freehold	Taranaki	11/04/2008 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 398756, 6,867 m2	2
11520/217.01	102241	53 Whakapaki Street, URENUI	2	1	2	Single	y	4330535	249149	LIVE	Freehold	Taranaki	16/12/2005 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 361299, 10,530 m2	2
11520/231.05	109667	55 Carrs Road, URENUI	2	2	2	Single	y	4627273	554669	LIVE	Freehold	Taranaki	6/07/2011 13:37	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 443481, 42,269 m2	3
11520/271.06	107162	154 Waitoetoe Road, MIMI, URENUI	2	2	2	Single	y	4446925	367209	LIVE	Freehold	Taranaki	1/12/2008 9:00	Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 391469, 4,151 m2	3
11520/290.00	531	13 Pukearuhe Road, URENUI	2	2	2	Single	y	2498368	TNG3/383	LIVE	Freehold	Taranaki	17/10/1984	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 14652, 5,051 m2	2
11520/297.02	102679	34 Wharekauri Road, MIMI, URENUI	2	1	1	Single	y	4354762	273871	LIVE	Freehold	Taranaki	16/05/2006 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 367485, 14,630 m2	2
11520/331.06	119200	392 A Kaipikari Road Upper, URENUI	2	1	1	Single	y	5130608	1080269	LIVE	Freehold	Taranaki	11/10/2022 11:52	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 580315, 9,290 m2	1
11520/335.12	116331	107 Hickman Road, URENUI	2	1	1	Single	y	4907561	844745	LIVE	Freehold	Taranaki	9/04/2019 8:32	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 526337, 5,913 m2	1
11520/342.01	93276	450 Kaipikari Road Upper, URENUI	2	1	1	Single	y	2540622	TNK4/860	LIVE	Freehold	Taranaki	4/08/1998	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 19903, 67,445 m2	1
11520/363.03	108176	95 Wharekauri Road, MIMI, URENUI	2	2	1	Single	y	4494017	414844	LIVE	Freehold	Taranaki	17/02/2010 15:37	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 404303, 43,320 m2	2
11520/385.00	619	828 Mokau Road, URENUI	2	2	1	Single	y	2482272	TN210/11	LIVE	Freehold	Taranaki	17/08/1956	Guarantee	Fee Simple, 1/1, Mimi 4E1 Block, 63,763 m2	2
11520/418.04	112418	84 Piko Road, OKOKI, URENUI	2	2	2	Single	y	4734472	666119	LIVE	Freehold	Taranaki	6/08/2014 14:59	Guarantee	Fee Simple, 1/1, Lot 5 Deposited Plan 313969, 45,800 m2	3
11530/010.01	686	135 Turangi Road Lower, MOTUNUI, WAITARA	5	2	1	Single	y	2605361	TNK1/630	LIVE	Freehold	Taranaki	24/01/1995	Guarantee	Fee Simple, 1/1, Lot 4-6 Deposited Plan 12726, 3,098 m2	3
11530/011.00	691	99 Turangi Road Lower, MOTUNUI, WAITARA	2	2	2	Single	y	2666238	TN140/292	LIVE	Freehold	Taranaki	11/05/1937	Guarantee	Fee Simple, 1/1, Ngatirahiri 4M Block, 33,134 m2	3
11530/016.03	73187	50 Turangi Road Lower, MOTUNUI, WAITARA	2	2	2	Single	y	2540611	TNK4/619	LIVE	Freehold	Taranaki	4/12/1997	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 19768, 20,000 m2	2
11530/016.04	702	66 Turangi Road Lower, MOTUNUI, WAITARA	4	2	1	Single	y	2460167	TNJ1/855	LIVE	Freehold	Taranaki	25/07/1991	Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 17085, 40,447 m2	2
11530/094.00	850	582 Main North Road, URENUI	2	2	2	Single	y	2559574	TN95/274	PRTC	Freehold	Taranaki	30/03/1920	Guarantee	Fee Simple, 1/1, Ngatirahiri 4 U Block, 113,615 m2	1
11530/131.02	96828	238 Mataro Road, URENUI	2	1	2	Single	y	2580263	TNL3/93	LIVE	Freehold	Taranaki	4/09/2020	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 20994, 20,245 m2	2
11530/131.05	104203	324 Mataro Road, URENUI	2	1	1	Single	y	4346391	265365	LIVE	Freehold	Taranaki	3/07/2006 9:00	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 365507, 6,400 m2	2
11530/137.20	113327	183 Ohanga Road, ONAERO, URENUI	2	2	2	Single	y	4774103	707072	LIVE	Freehold	Taranaki	18/11/2016 11:56	Guarantee	Fee Simple, 1/1, Lot 5 Deposited Plan 490139, 42,875 m2	2
11530/163.06	107733	732 Mataro Road, URENUI	2	2	2	Single	y	4505076	426034	LIVE	Freehold	Taranaki	7/07/2008 9:00	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 407386, 50,593 m2	2
11540/063.05	102009	99 Inland North Road, URENUI	2	2	3	Single	y	4328222	246818	LIVE	Freehold	Taranaki	4/01/2006 9:00	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 360689, 46,814 m2	1
11540/071.00	993	91 Ngatimaru Road, WAITARA	2	2	2	Single	y	2438248	TNC2/692	LIVE	Freehold	Taranaki	22/12/1971	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 10452, 4,588 m2	2
11540/084.00	1021	110 Princess Street, WAITARA	2	2	2	Single	y	4369414	288806	LIVE	Freehold	Taranaki	1/08/2006 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 371344, 4,010 m2	2
11540/085.02	1024	11 Joll Street, WAITARA	2	2	2	Single	y	2600895	TNF2/996	LIVE	Freehold	Taranaki	2/09/1981	Guarantee	Fee Simple, 1/1, Part Lot 1 Deposited Plan 13153, 11,444 m2	2
11540/088.01	1027	42 Waipapa Road, WAITARA	2	2	1	Single	y	2535519	TNC1/356	LIVE	Freehold	Taranaki	19/08/1970	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 10177, 2,023 m2	1
11540/089.04	101182	22 Waipapa Road, WAITARA	2	1	1	Single	y	4278211	196638	LIVE	Freehold	Taranaki	3/06/2005 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 347930, 4,047 m2	3
11540/089.07	109484	112 B Princess Street, WAITARA	2	1	1	Single	y	4623615	550904	LIVE	Freehold	Taranaki	18/05/2011 7:59	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 441998, 65,893 m2	2
11540/089.10	111620	24 A Waipapa Road, WAITARA	2	1	1	Single	y	4701527	631779	LIVE	Freehold	Taranaki	11/12/2013 9:36	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 469376, 4,916 m2	1
11540/090.00	1030	117 Princess Street, WAITARA	2	2	2	Single	y	2480956	TNJ4/220	LIVE	Freehold	Taranaki	16/11/1993	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 17933, 12,164 m2	2
11540/104.07	107011	116 Ngatimaru Road, TIKORANGI, WAITARA	4	1	1	Single	y	4514856	435927	LIVE	Freehold	Taranaki	25/09/2008 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 409800, 51,290 m2	1
11540/115.02	118933	82 Otaraoa Road, WAITARA	2	2	2	Single	y	5038964	984323	LIVE	Freehold	Taranaki	14/07/2022 8:18	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 559301, 21,197 m2	3
11540/142.02	67868	331 Tikorangi Road East, TIKORANGI, WAITARA	2	2	2	Single	y	2516645	TNK2/557	LIVE	Freehold	Taranaki	19/06/1996	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 18870, 21,017 m2	2
11540/143.04	105121	294 Inland North Road, URENUI	3	2	1	Single	y	4439718	359855	LIVE	Freehold	Taranaki	23/08/2007 9:00	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 389668, 7,660 m2	2
11540/148.01	105111	Stockman Road, TIKORANGI, WAITARA	4	1	1	Single	y	4412317	332195	LIVE	Freehold	Taranaki	15/08/2007 9:00	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 383207, 61,409 m2	1
11540/214.03	1183	82 Tikorangi Road East, TIKORANGI, WAITARA	2	2	1	Single	y	4459788	380228	LIVE	Freehold	Taranaki	13/02/2008 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 395109, 9,518 m2	2
11540/217.08	119238	680 Otaraoa Road, WAITARA	2	1	2	Single	y	5116435	1065468	LIVE	Freehold	Taranaki	5/10/2022 11:35	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 577441, 4,000 m2	2
11540/225.12	97019	839 Otaraoa Road, WAITARA	2	2	2	Single	y	2856042	TNL3/413	LIVE	Freehold	Taranaki	26/04/2002 9:00	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 21150, 15,360 m2	3
11540/225.16	107561	866 Otaraoa Road, WAITARA	2	2	2	Single	y	4482470	403164	LIVE	Freehold	Taranaki	19/08/2008 9:00	Guarantee	Fee Simple, 1/1, Lot 5 Deposited Plan 401275, 4,761 m2	1
11550/145.00	1423	32 Kaipikari Road Upper, URENUI	2	2	1	Single	y	2642127	TNH3/18	LIVE	Freehold	Taranaki	6/05/1988	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 15716, 20,245 m2	3
11600/009.00	4875	2473 South Road, OKATO	2	2	1	Single	y	4317759	236331	LIVE	Freehold	Taranaki	30/03/2006 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 358047, 2,794 m2	1
11600/010.00	4876	2457 South Road, OKATO	2	4	1	Single	y	2621726	TNJ4/52	LIVE	Freehold	Taranaki	29/09/1993	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 13171 and Part Lot 1 Deposited Plan 12923, 14,654 m2	1
11610/057.01	5139	2 Holly Oak Terrace, MANGOREI, NEW PLYMOUTH	2	2	2	Single	y	2568755	TNA2/1188	PRTC	Freehold	Taranaki	5/07/1965	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 9448, 20,677 m2	2
11610/057.04	5141	12 Holly Oak Terrace, MANGOREI, NEW PLYMOUTH	2	2	1	Single	y	4366737	286065	LIVE	Freehold	Taranaki	16/06/2006 9:00	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 370596, 20,012 m2	3
11610/057.05	104563	16 Holly Oak Terrace, MANGOREI, NEW PLYMOUTH	2	1	1	Single	y	4366736	286064	LIVE	Freehold	Taranaki	16/06/2006 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 370596, 2,819 m2	3
11610/133.00	5165	495 Carrington Road, NEW PLYMOUTH	2	2	2	Single	y	4316621	235184	LIVE	Freehold	Taranaki	1/11/2005 9:00	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 357768, 40,610 m2	3
11610/134.03	111467	521 Carrington Road, NEW PLYMOUTH	2	2	2	Single	y	4689920	619795	LIVE	Freehold	Taranaki	9/10/2013 13:56	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 465445, 41,354 m2	2
11610/136.00	5168	566 Mangorei Road, NEW PLYMOUTH	3	1	1	Single	y	2744885	TNL2/537	LIVE	Freehold	Taranaki	1/09/2000	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 20695, 15,158 m2	1
11610/136.01	95291	564 Mangorei Road, NEW PLYMOUTH	2	2	2	Single	y	2604930	TNL2/538	LIVE	Freehold	Taranaki	1/09/2000	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 20695, 9,719 m2	2
11610/137.12	113485	594 Mangorei Road, NEW PLYMOUTH	2	1	1	Single	y	4792156	725468	LIVE	Freehold	Taranaki	30/10/2017 14:29	Guarantee	Fee Simple, 1/1, Lot 7 Deposited Plan 485098, 44,699 m2	3
11610/165.07	5186	252 Junction Road, NEW PLYMOUTH	2	2	2	Single	y	2450354	TNA3/808	LIVE	Freehold	Taranaki	9/08/1966	Guarantee	Fee Simple, 1/1, Lot 8 Deposited Plan 9559, 20,234 m2	3
11610/165.08	5187	558 Mangorei Road, NEW PLYMOUTH	2	1	1	Single	y	2459254	TNB2/492	PRTC	Freehold	Taranaki	11/07/1968	Guarantee	Fee Simple, 1/1, Lot 11 Deposited Plan 9559, 21,929 m2	2
11610/165.11	108484	546 Mangorei Road, NEW PLYMOUTH	2	2	2	Single	y	4580432	505388	LIVE	Freehold	Taranaki	23/04/			

11610/221.00	5307	675 Junction Road, NEW PLYMOUTH	2	2	2 Single	y	2457880	TNB1/650	LIVE	Freehold	Taranaki	13/07/1967	Guarantee	Fee Simple, 1/1, Section 213, Section 223 and Section 268 Block X Paritutu Survey District, Part Subd	2
11610/240.00	5325	401 State Highway 3, NEW PLYMOUTH	2	1	1 Single	y	2442553	TNB1/770	LIVE	Freehold	Taranaki	22/08/1967	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 9679, 3,263 m2	2
11610/248.04	104560	1237 Carrington Road, NEW PLYMOUTH	2	2	1 Single	y	4396006	315861	LIVE	Freehold	Taranaki	24/11/2006 9:00	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 378650, 20,010 m2	2
11610/249.09	107132	1256 Frankley Road, NEW PLYMOUTH	2	2	2 Single	y	4527604	448874	LIVE	Freehold	Taranaki	18/12/2008 9:03	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 413144, 7,410 m2	2
11610/250.33	102428	841 Frankley Road, NEW PLYMOUTH	2	2	2 Single	y	4343524	262426	LIVE	Freehold	Taranaki	12/04/2006 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 364595, 11,984 m2	1
11610/250.44	108565	994 Frankley Road, NEW PLYMOUTH	2	2	3 Single	y	4565563	489830	LIVE	Freehold	Taranaki	11/11/2010 17:55	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 422997, 4,001 m2	2
11610/250.54	110358	1222 Frankley Road, NEW PLYMOUTH	2	2	2 Single	y	4643311	571665	LIVE	Freehold	Taranaki	19/03/2012 15:45	Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 450111, 40,959 m2	2
11610/250.76	118997	1174 A Carrington Road, NEW PLYMOUTH	2	2	2 Single	y	5105660	1054191	LIVE	Freehold	Taranaki	12/07/2022 10:44	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 575103, 27,239 m2	3
11610/256.07	117886	1061 Carrington Road, NEW PLYMOUTH	2	2	2 Single	y	5019476	963794	LIVE	Freehold	Taranaki	9/04/2021 15:46	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 554395, 13,673 m2	1
11610/259.01	66225	1169 Mangorei Road, NEW PLYMOUTH	2	2	2 Single	y	2447603	TNK2/705	LIVE	Freehold	Taranaki	8/05/1996	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 18925, 4,000 m2	2
11610/275.02	99656	350 Kent Road, KORITO, NEW PLYMOUTH	2	1	1 Single	y	2648543	TNL2/410	LIVE	Freehold	Taranaki	20/07/2000	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 20644, 8,497 m2	3
11610/310.01	96069	1402 Mangorei Road, NEW PLYMOUTH	2	2	2 Single	y	2701324	TNL1/77	LIVE	Freehold	Taranaki	7/04/1999	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 20005, 20,078 m2	2
11610/317.00B	64317	83 Thomason Road, EGMONT VILLAGE	2	2	2 Single	y	2615328	TN147/128	PRTC	Freehold	Taranaki	20/09/1940	Guarantee	Fee Simple, 1/1, Part Section 53 Hua & Waiwakaiho Hundred and Part Section 62 Hua and Waiwakai	1
11610/324.03	117888	9 Mangawara Road, EGMONT VILLAGE	2	1	1 Single	y	5026565	971303	LIVE	Freehold	Taranaki	18/02/2021 11:29	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 556338, 19,488 m2	2
11610/326.04	114153	98 Mangawara Road, EGMONT VILLAGE	2	1	1 Single	y	4795387	728774	LIVE	Freehold	Taranaki	12/10/2016 9:49	Guarantee	Fee Simple, 1/1, Lot 9 Deposited Plan 495968, 6,006 m2	2
11610/326.06	114151	24 Mangawara Road, EGMONT VILLAGE	2	2	2 Single	y	4800139	733704	LIVE	Freehold	Taranaki	12/10/2016 9:49	Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 495968, 10,308 m2	2
11610/340.03	112960	212 Maude Road, KAIMIRO	2	1	2 Single	y	4723849	655107	LIVE	Freehold	Taranaki	24/04/2018 15:03	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 475472, 8,832 m2	2
11610/342.03	95552	434 Alfred Road, KAIMIRO	2	2	2 Single	y	2605216	TNL2/962	LIVE	Freehold	Taranaki	6/04/2001	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 20880, 21,673 m2	1
11610/342.06	101992	Alfred Road, KAIMIRO	2	2	1 Single	y	4318052	236625	LIVE	Freehold	Taranaki	23/11/2005 9:00	Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 358052, 45,692 m2	2
11610/346.14	111172	1801 Mangorei Road, NEW PLYMOUTH	2	3	3 Single	y	4679191	608800	LIVE	Freehold	Taranaki	2/05/2013 16:27	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 462052, 40,766 m2	2
11610/346.24	119578	1609 Mangorei Road, NEW PLYMOUTH	2	2	2 Single	y	5119084	1068211	LIVE	Freehold	Taranaki	16/05/2022 7:00	Guarantee	Fee Simple, 1/1, Section 2 Survey Office Plan 557305, 22,548 m2	3
11610/353.02	100546	389 Korito Road, KORITO, NEW PLYMOUTH	2	2	1 Single	y	4264254	182427	LIVE	Freehold	Taranaki	2/02/2005 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 344439, 40,000 m2	2
11610/358.01	5499	453 Maude Road, KORITO, NEW PLYMOUTH	2	1	1 Single	y	2465169	TNK2/452	LIVE	Freehold	Taranaki	14/01/1997	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 18804, 10,287 m2	3
11610/374.00	5515	819 Alfred Road, KAIMIRO	2	2	1 Single	y	2450640	TNA3/504	LIVE	Freehold	Taranaki	28/04/1966	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 9498, 25,419 m2	2
11610/451.05	98865	27 Eva Road, RIDGEWOOD, NEW PLYMOUTH	2	2	2 Single	y	4182519	100364	LIVE	Freehold	Taranaki	27/11/2003 9:00	Guarantee	Fee Simple, 1/1, Lot 6 Deposited Plan 324909, 43,529 m2	2
11610/475.16	115486	3 C Parrs Road, HURWORTH, NEW PLYMOUTH	2	2	1 Single	y	4857721	792906	LIVE	Freehold	Taranaki	28/07/2017 15:54	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 513334 and Lot 3 Deposited Plan 449965, 92,846 m2	2
11610/479.02	95559	54 Parrs Road, HURWORTH, NEW PLYMOUTH	2	2	2 Single	y	2568028	TNL2/741	LIVE	Freehold	Taranaki	6/03/2001	Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 20792, 18,694 m2	2
11610/479.03	101183	36 Parrs Road, HURWORTH, NEW PLYMOUTH	2	2	1 Single	y	4300102	218467	LIVE	Freehold	Taranaki	27/06/2005 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 353430, 40,010 m2	1
11610/488.02	104554	737 Frankley Road, NEW PLYMOUTH	2	2	2 Single	y	4403681	323506	LIVE	Freehold	Taranaki	26/03/2007 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 380817, 4,000 m2	2
11610/488.03	113611	729 Frankley Road, NEW PLYMOUTH	2	2	2 Multiple	y	2878302	TNL2/742	LIVE	Freehold	Taranaki	6/03/2001	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 12070, Lot 4 Deposited Plan 19714 and Lot 5 Deposited Plan 2	1
11610/491.10	118704	682 Frankley Road, NEW PLYMOUTH	2	2	1 Single	y	5089741	1037612	LIVE	Freehold	Taranaki	2/05/2022 13:08	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 571843, 5,185 m2	3
11610/492.08	110304	676 Frankley Road, NEW PLYMOUTH	2	2	2 Single	y	4636142	564235	LIVE	Freehold	Taranaki	19/03/2012 16:47	Guarantee	Fee Simple, 1/1, Lot 9 Deposited Plan 447246, 46,901 m2	3
11610/496.02	109656	590 Frankley Road, NEW PLYMOUTH	2	2	1 Single	y	4628876	556435	LIVE	Freehold	Taranaki	15/06/2011 15:42	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 444114, 4,391 m2	2
11610/522.05	114052	682 Barrett Road, NEW PLYMOUTH	2	1	1 Single	y	4794345	727712	LIVE	Freehold	Taranaki	15/09/2016 10:24	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 495673, 122,304 m2	2
11631/002.00	5679	720 South Road, OMATA, NEW PLYMOUTH	2	1	1 Single	y	2579868	TNF2/1066	LIVE	Freehold	Taranaki	21/09/1981	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 13550, 4,000 m2	1
11631/008.08	118897	851 South Road, OMATA, NEW PLYMOUTH	2	2	2 Single	y	4956734	897540	LIVE	Freehold	Taranaki	24/08/2022 11:05	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 538271, 10,421 m2	3
11631/013.06	99297	223 Plymouth Road, NEW PLYMOUTH	2	1	1 Single	y	4201870	119637	LIVE	Freehold	Taranaki	22/04/2004 9:00	Guarantee	Fee Simple, 1/1, Lot 5 Deposited Plan 329268, 40,040 m2	1
11631/024.01	94674	80 Koru Road, OMATA, NEW PLYMOUTH	3	2	2 Single	y	2701192	TNL1/744	LIVE	Freehold	Taranaki	16/07/1999	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 20263, 5,042 m2	3
11631/029.02	108638	177 Koru Road, OMATA, NEW PLYMOUTH	2	1	1 Single	y	4593008	518630	LIVE	Freehold	Taranaki	6/05/2010 9:33	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 430492, 20,099 m2	2
11631/034.00	5717	1020 South Road, OMATA, NEW PLYMOUTH	2	1	2 Multiple	y	2909307	TNE2/358	LIVE	Freehold	Taranaki	9/08/1977	Guarantee	Fee Simple, 1/1, Section 195-198, Section 202, Section 204, Section 208 and Section 214-217 Town	1
11631/035.00	5718	1042 South Road, OMATA, NEW PLYMOUTH	3	3	3 Single	y	2558847	TNJ1/969	LIVE	Freehold	Taranaki	28/08/1991	Guarantee	Fee Simple, 1/1, Lot 1-2 Deposited Plan 17123, 13,487 m2	1
11631/040.01	108764	9 Victoria Road, OMATA, NEW PLYMOUTH	2	2	2 Single	y	4575473	500172	LIVE	Freehold	Taranaki	21/10/2009 13:51	Guarantee	Fee Simple, 1/1, Part Section 245 Town of Oakura and Section 1 Survey Office Plan 365696, 2,273 m2	3
11631/042.04	120064	1043 South Road, OMATA, NEW PLYMOUTH	2	1	2 Single	y	5185759	1137458	LIVE	Freehold	Taranaki	30/11/2023 17:29	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 592408, 12,764 m2	3
11631/046.00	31227	4 Victoria Road, OMATA, NEW PLYMOUTH	2	2	2 Single	y	2450029	TNK1/524	LIVE	Freehold	Taranaki	7/02/1995	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 18370, 3,888 m2	2
11631/048.00	5731	5 Hall Terrace, OMATA, NEW PLYMOUTH	2	1	1 Single	y	2517294	TND2/1193	LIVE	Freehold	Taranaki	19/06/1995	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 9110, 2,026 m2	2
11631/054.00	5737	97 Surrey Hill Road, KAITAKE, NEW PLYMOUTH	2	2	2 Single	y	2533014	TNL2/306	LIVE	Freehold	Taranaki	11/01/2001	Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 20593, 56,810 m2	3
11631/054.09	96616	73 Surrey Hill Road, KAITAKE, NEW PLYMOUTH	2	1	1 Single	y	2584657	TNL2/307	LIVE	Freehold	Taranaki	11/01/2001	Guarantee	Fee Simple, 1/1, Lot 5 Deposited Plan 20593, 14,430 m2	1
11631/055.03	94678	193 Surrey Hill Road, KAITAKE, NEW PLYMOUTH	2	2	1 Single	y	2543634	TNL1/799	LIVE	Freehold	Taranaki	14/07/1999	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 20280, 13,931 m2	2
11631/060.07	30868	298 Surrey Hill Road, KAITAKE, NEW PLYMOUTH	2	2	1 Single	y	4377823	297407	LIVE	Freehold	Taranaki	14/06/2007 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 373651, 4,913 m2	1
11631/060.31	110871	294 A Surrey Hill Road, KAITAKE, NEW PLYMOUTH	2	1	1 Single	y	4649551	578199	LIVE	Freehold	Taranaki	14/02/2013 9:48	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 452392, 7,067 m2	1
11631/061.02	31192	42 Kaitake Road, KAITAKE, NEW PLYMOUTH	2	1	1 Single	y	2508020	TNK1/570	LIVE	Freehold	Taranaki	8/03/1995	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 18389, 11,131 m2	2
11631/061.06	107912	41 Kaitake Road, KAITAKE, NEW PLYMOUTH	2	2	2 Single	y	4549672	472992	LIVE	Freehold	Taranaki	9/10/2009 9:25	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 419038, 61,950 m2	3
11631/067.04	104536	167 Wairau Road, KAITAKE, NEW PLYMOUTH	3	2	2 Single	y	4308892	227505	LIVE	Freehold	Taranaki	7/07/2006 9:00	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 355776, 49,263 m2	2
11631/068.02	5764	96 Surrey Hill Road, KAITAKE, NEW PLYMOUTH	2	2	1 Single	y	4471218	391764	LIVE	Freehold	Taranaki	24/04/2008 9:00	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 398150, 13,125 m2	5
11631/071.04	99723	166 Wairau Road, KAITAKE, NEW PLYMOUTH	2	2	1 Single	y	4231934	149792	LIVE	Freehold	Taranaki	13/07/2004 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 336578, 5,966 m2	1
11631/071.40	116275	164 B Wairau Road, KAITAKE, NEW PLYMOUTH	2	1	1 Single	y	4936676	876209	LIVE	Freehold	Taranaki	21/01/2021 9:59	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 533412, 13,113 m2	1
11631/076.10	109711	184 Ahu Ahu Road, KAITAKE, NEW PLYMOUTH	2	1	1 Single	y	4622386	549597	LIVE	Freehold	Taranaki	23/08/2011 16:10	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 441469, 42,400 m2	3
11631/082.00	5799	1523 South Road, KAITAKE, NEW PLYMOUTH	2	2	2 Single	y	2546671	TNG3/490	LIVE	Freehold	Taranaki	7/12/1984	Limited as to Parcels	Fee Simple, 1/1, Section 85-86 Town of Ahuahu and Part Section 14-15 Ahuahu Town Belt, 49,391 m2	4
11631/093.03	99217	235 Weld Road Lower, TATARAIMAKA, NEW PLYMOUTH	2	2	2 Single	y	4199165	116940	LIVE	Freehold	Taranaki	25/02/2004 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 328657, 8,006 m2	1
11631/093.09	108798	247 B Weld Road Lower, TATARAIMAKA, NEW PLYMOUTH	2	2	1 Single	y	4598871	524828	LIVE	Freehold	Taranaki	30/07/2010 16:17	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 432478, 12,037 m2	3
11631/111.09	109099	39 Ahu Ahu Road, KAITAKE, NEW PLYMOUTH	2	1	1 Single	y	4609606	536050	LIVE	Freehold	Taranaki	29/11/2010 10:09	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 436594, 7,416 m2	2
11631/115.03	110952	274 Weld Road Lower, TATARAIMAKA, NEW PLYMOUTH	2	2	2 Single	y	4664185	593391	LIVE	Freehold	Taranaki	18/01/2013 11:38	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 457540, 61,126 m2	3
11631/116.00	5834	181 Ahu Ahu Road, KAITAKE, NEW PLYMOUTH	2	1	1 Single	y	4256300	174453	LIVE	Freehold	Taranaki	30/11/2004 9:00	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 342453, 36,266 m2	4
11631/117.01	5837	385 Weld Road Lower, TATARAIMAKA, NEW PLYMOUTH	2	2	1 Single	y	2577123	TNJ2/678	LIVE	Freehold	Taranaki	31/03/1992	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 17011, 25,815 m2	3
11631/118.10	107926	303 Ahu Ahu Road, KAITAKE, NEW PLYMOUTH	2	3	3 Single	y	4513442	434481	LIVE	Freehold	Taranaki	3/08/2010 13:28	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 409412, 42,903 m2	6
11631/121.04	94776	27 Ahu Ahu Road, KAITAKE, NEW PLYMOUTH	2	2	2 Single	y	2461681	TNL1/1006	LIVE	Freehold	Taranaki	18/10/1999	Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 2	

11631/128.56	110229	684 Hurford Road, HURFORD, NEW PLYMOUTH	2	1	1	Single	y	4643078	571425	LIVE	Freehold	Taranaki	18/11/2011 17:02	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 358568, 25,386 m2	1
11631/128.67	111670	766 Hurford Road, HURFORD, NEW PLYMOUTH	2	2	1	Single	y	4688055	617861	LIVE	Freehold	Taranaki	30/01/2014 16:16	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 464857, 4,000 m2	1
11631/128.70	112149	517 Hurford Road, HURFORD, NEW PLYMOUTH	2	2	2	Single	y	4732868	664474	LIVE	Freehold	Taranaki	15/10/2014 14:22	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 478321, 6,771 m2	1
11631/128.74	108645	474 Hurford Road, HURFORD, NEW PLYMOUTH	2	2	2	Single	y	4595413	521145	LIVE	Freehold	Taranaki	12/02/2015 16:18	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 431332, 14,153 m2	3
11631/128.88	115023	10 Harkness Rice Way, KORU, NEW PLYMOUTH	2	1	1	Single	y	4847787	782637	LIVE	Freehold	Taranaki	7/09/2017 11:01	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 510695, 34,027 m2	2
11631/192.00	5936	19 Pararewa Drive, WHALERS GATE, NEW PLYMOUTH	2	2	2	Single	y	2537314	TNE4/188	LIVE	Freehold	Taranaki	30/05/1979	Guarantee	Fee Simple, 1/1, Lot 121 Deposited Plan 12829, 10,034 m2	1
11631/206.00	5950	20 Beach Road, OMATA, NEW PLYMOUTH	2	2	1	Single	y	2659885	TND3/1271	LIVE	Freehold	Taranaki	20/04/1976	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 11819, 81,031 m2	3
11631/207.00	5951	28 Beach Road, OMATA, NEW PLYMOUTH	2	2	1	Single	y	2660087	TNG2/277	LIVE	Freehold	Taranaki	7/06/1984	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 11819, 128,804 m2	2
11631/228.01	98297	20 Waireka Road East, OMATA, NEW PLYMOUTH	2	1	1	Single	y	4159460	77788	LIVE	Freehold	Taranaki	29/04/2003 9:00	Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 319729, 61,300 m2	3
11631/228.02	98295	400 South Road, OMATA, NEW PLYMOUTH	2	1	2	Single	y	4159457	77785	LIVE	Freehold	Taranaki	29/04/2003 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 319729, 10,000 m2	2
11631/228.05	113537	24 Waireka Road East, OMATA, NEW PLYMOUTH	2	2	1	Single	y	4735632	667361	LIVE	Freehold	Taranaki	6/05/2016 14:36	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 479184, 1,192 m2	1
11631/234.00	5980	26 Gardner Road, OMATA, NEW PLYMOUTH	2	2	2	Single	y	2735197	TNE4/1236	LIVE	Freehold	Taranaki	14/12/1979	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 13081, 84,700 m2	4
11631/242.01	5990	421 South Road, OMATA, NEW PLYMOUTH	2	1	1	Single	y	2582767	TN129/148	LIVE	Freehold	Taranaki	3/12/1929	Limited as to Parcels	Fee Simple, 1/1, Section 21 Omata District, 5,919 m2	1
11631/254.01	29830	5 Holloway Road, OMATA, NEW PLYMOUTH	2	1	1	Single	y	2465981	TNJ3/677	LIVE	Freehold	Taranaki	26/05/1993	Guarantee	Fee Simple, 1/1, Section 1 Survey Office Plan 13355, 694 m2	2
11631/270.00	6020	577 South Road, OMATA, NEW PLYMOUTH	2	2	2	Single	y	4208404	126219	LIVE	Freehold	Taranaki	16/03/2004 9:00	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 330730, 63,392 m2	2
11631/273.08	117085	235 Pheneys Road, OMATA, NEW PLYMOUTH	2	1	1	Single	y	4976451	918351	LIVE	Freehold	Taranaki	21/01/2020 14:23	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 543401, 5,985 m2	2
11631/275.00	6025	166 Hurford Road, HURFORD, NEW PLYMOUTH	2	1	1	Single	y	2560975	TNG1/139	LIVE	Freehold	Taranaki	2/08/1983	Guarantee	Fee Simple, 1/1, Section 206 Omata District and Lot 2 Deposited Plan 12199, 2,722 m2	2
11631/280.01	93354	300 Hurford Road, HURFORD, NEW PLYMOUTH	2	2	2	Single	y	2448132	TNK2/595	LIVE	Freehold	Taranaki	22/07/1997	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 18889, 20,555 m2	2
11631/287.02	94690	285 Hurford Road, HURFORD, NEW PLYMOUTH	2	1	1	Single	y	2565444	TNL1/1056	LIVE	Freehold	Taranaki	18/11/1999	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 20420, 4,840 m2	2
11631/289.00	6040	223 Hurford Road, HURFORD, NEW PLYMOUTH	2	2	2	Single	y	2706402	TNC1/156	LIVE	Freehold	Taranaki	8/07/1970	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 10176, 2,481 m2	2
11631/308.00	6064	31 Sealy Road, OMATA, NEW PLYMOUTH	2	1	1	Single	y	4330396	249008	LIVE	Freehold	Taranaki	5/01/2006 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 358104 and Lot 1 Deposited Plan 20762, 31,425 m2	1
11631/308.04	102569	3 Sealy Road, OMATA, NEW PLYMOUTH	2	2	2	Single	y	4330399	249011	LIVE	Freehold	Taranaki	5/01/2006 9:00	Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 358104, 3,130 m2	2
11631/308.16	117735	43 Sealy Road, OMATA, NEW PLYMOUTH	2	2	2	Single	y	2555723	TNL2/687	LIVE	Freehold	Taranaki	26/02/2001	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 20762, 22,436 m2	2
11631/318.02	100031	84 Pheneys Road, OMATA, NEW PLYMOUTH	2	1	1	Single	y	4244550	162528	LIVE	Freehold	Taranaki	29/10/2004 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 339509, 10,317 m2	2
11631/325.01	108848	489 A Barrett Road, NEW PLYMOUTH	2	1	1	Single	y	4590356	515857	LIVE	Freehold	Taranaki	3/11/2011 15:07	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 429652, 7,361 m2	2
11631/329.00	6088	421 Barrett Road, NEW PLYMOUTH	2	2	2	Single	y	2552605	TNJ3/54	LIVE	Freehold	Taranaki	26/08/1992	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 17499, 42,456 m2	2
11631/330.02	110688	415 Barrett Road, NEW PLYMOUTH	2	2	2	Single	y	4662088	591183	LIVE	Freehold	Taranaki	3/02/2015 12:16	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 456829, 5,220 m2	2
11631/335.09	116297	265 Barrett Road, NEW PLYMOUTH	2	2	1	Single	y	4934969	874381	LIVE	Freehold	Taranaki	8/03/2019 16:16	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 533035, 7,785 m2	2
11631/335.12	116299	277 Barrett Road, NEW PLYMOUTH	2	2	2	Single	y	4934971	874383	LIVE	Freehold	Taranaki	8/03/2019 16:16	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 533035, 13,108 m2	3
11632/004.03	6103	1755 South Road, TATARAIMAKA, NEW PLYMOUTH	2	2	1	Single	y	2514354	TNH1/145	LIVE	Freehold	Taranaki	4/03/1986	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 15299, 5,838 m2	2
11632/026.02	113285	50 Upper Pitone Road, PITONE, NEW PLYMOUTH	2	2	2	Single	y	4783635	716774	LIVE	Freehold	Taranaki	5/12/2016 9:46	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 492682, 4,000 m2	3
11632/033.22A	110546	458 Lower Pitone Road, PITONE, NEW PLYMOUTH	2	3	1	Single	y	4452268	372625	LIVE	Freehold	Taranaki	9/06/2008 9:00	Guarantee	Fee Simple, 1/1, Lot 15 Deposited Plan 389110, 20,819 m2	1
11632/047.03	102249	480 Perth Road, OKATO	2	2	2	Single	y	4322505	241062	LIVE	Freehold	Taranaki	13/10/2005 9:00	Guarantee	Fee Simple, 1/1, Lot 5 Deposited Plan 359153, 40,012 m2	3
11632/051.04	107100	327 Perth Road, OKATO	2	1	1	Single	y	4477043	397672	LIVE	Freehold	Taranaki	26/02/2009 15:29	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 399666, 16,966 m2	2
11632/072.01	96080	48 Kaihihi Road Upper, OKATO	2	2	2	Single	y	4352267	271345	LIVE	Freehold	Taranaki	29/08/2006 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 366817, 19,192 m2	2
11632/181.11	119914	582 Upper Pitone Road, PITONE, NEW PLYMOUTH	2	2	2	Single	y	4458575	378999	LIVE	Freehold	Taranaki	16/01/2008 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 394812, 40,010 m2	1
11632/195.05	100531	787 Dover Road, OKATO	2	1	1	Single	y	4266773	184964	LIVE	Freehold	Taranaki	14/12/2004 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 345129, 6,095 m2	1
11632/208.05	116849	291 Dover Road, OKATO	2	1	2	Single	y	4951826	892355	LIVE	Freehold	Taranaki	12/11/2019 8:42	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 537048, 10,000 m2	3
11632/209.01	6247	260 Dover Road, OKATO	2	2	2	Single	y	2697820	TNL1/914	LIVE	Freehold	Taranaki	28/09/1999	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 20350, 13,505 m2	2
11632/224.05	118097	2246 South Road, OKATO	2	1	1	Single	y	5029023	973935	LIVE	Freehold	Taranaki	22/10/2021 16:28	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 556933, 5,589 m2	2
11632/228.00	6264	115 Oxford Road, OKATO	2	2	2	Single	y	2532920	TNC3/711	LIVE	Freehold	Taranaki	10/11/1972	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 10661, 40,469 m2	3
11632/244.05	109117	53 Mangatete Road, OKATO	2	1	1	Single	y	4596933	522724	LIVE	Freehold	Taranaki	16/11/2010 13:44	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 431790, 2,473 m2	2
11632/255.00	6292	84 Kaihihi Road Upper, OKATO	2	1	2	Multiple	y	2556139	TN115/88	LIVE	Freehold	Taranaki	7/09/1926	Guarantee	Fee Simple, 1/1, Part Section 31 Okato District and Defined On Deposited Plan 1714, 156,816 m2	2
11641/138.02	115345	189 Egmont Road, NEW PLYMOUTH	2	2	2	Single	y	4894163	830263	LIVE	Freehold	Taranaki	15/10/2018 9:59	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 515028, 50,013 m2	2
11641/147.10	114720	70 Bishop Road, HILLSBOROUGH, NEW PLYMOUTH	2	2	2	Single	y	4834048	768584	LIVE	Freehold	Taranaki	22/03/2017 8:28	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 506100, 11,231 m2	2
11641/161.03	109370	Henwood Road, NEW PLYMOUTH	2	1	1	Single	y	4607256	533623	LIVE	Freehold	Taranaki	23/03/2011 10:25	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 435780, 12,941 m2	3
11641/175.04	102042	336 Henwood Road, NEW PLYMOUTH	2	1	1	Single	y	4229076	146969	LIVE	Freehold	Taranaki	7/12/2005 9:00	Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 335858, 25,730 m2	1
11641/177.05	107095	291 Henwood Road, NEW PLYMOUTH	2	2	2	Single	y	4521649	442811	LIVE	Freehold	Taranaki	16/12/2008 9:00	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 391706 and Lot 5 Deposited Plan 411507, 8,155 m2	3
11641/184.05	110302	115 Henwood Road, NEW PLYMOUTH	2	2	1	Single	y	4643792	572165	LIVE	Freehold	Taranaki	19/04/2012 14:38	Guarantee	Fee Simple, 1/1, Lot 5 Deposited Plan 450333, 9,550 m2	1
11641/184.07	114739	117 Henwood Road, NEW PLYMOUTH	2	2	2	Single	y	4835688	770255	LIVE	Freehold	Taranaki	7/03/2017 10:49	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 507320, 6,462 m2	3
11641/184.08	118324	131 Henwood Road, NEW PLYMOUTH	2	1	1	Single	y	5042861	988413	LIVE	Freehold	Taranaki	1/06/2021 14:19	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 507320 and Lot 2 Deposited Plan 560317, 153,029 m2	3
11641/188.01	63693	15 Townsend Road, PARAITE, NEW PLYMOUTH	2	1	1	Single	y	4340611	259526	LIVE	Freehold	Taranaki	15/01/2007 9:00	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 363794, 15,846 m2	3
11641/189.05	110914	100 Townsend Road, PARAITE, NEW PLYMOUTH	2	2	2	Single	y	4670164	599497	LIVE	Freehold	Taranaki	14/03/2013 9:56	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 459199, 42,044 m2	2
11641/189.06	110913	106 Townsend Road, PARAITE, NEW PLYMOUTH	2	2	1	Single	y	4670163	599496	LIVE	Freehold	Taranaki	14/03/2013 9:56	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 459199, 4,942 m2	2
11641/194.00	6371	8 Townsend Road, PARAITE, NEW PLYMOUTH	2	2	2	Single	y	2543656	TNE1/986	LIVE	Freehold	Taranaki	25/07/1977	Guarantee	Fee Simple, 1/1, Part Paraita 2B2B Block, 42,846 m2	1
11641/197.00	6373	26 Belmont Road, PARAITE, NEW PLYMOUTH	2	1	2	Single	y	4133862	54558	LIVE	Freehold	Taranaki	18/09/2002 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 12057 and Lot 1 Deposited Plan 15795 and Section 37 Hua Dis	5
11641/199.00	6374	126 Paraita Road, PARAITE, NEW PLYMOUTH	2	1	1	Single	y	2560390	TNG4/716	LIVE	Freehold	Taranaki	30/08/1985	Guarantee	Fee Simple, 1/1, Part Subdivision 1 Section 153 Hua District and Defined On Deposited Plan 3719, 23	2
11641/224.02	96924	358 Manutahi Road, LEPPERTON, NEW PLYMOUTH	2	2	2	Single	y	2802672	TNL3/461	LIVE	Freehold	Taranaki	27/03/2002 9:24	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 21169, 20,000 m2	1
11641/229.01	99364	290 A Manutahi Road, LEPPERTON, NEW PLYMOUTH	2	1	1	Single	y	4221089	138964	LIVE	Freehold	Taranaki	6/05/2004 9:00	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 333956, 29,895 m2	4
11641/235.13	112405	414 Corbett Road, LEPPERTON, NEW PLYMOUTH	2	1	2	Single	y	4739637	671522	LIVE	Freehold	Taranaki	15/12/2014 17:05	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 480495, 17,627 m2	1
11641/238.00	6415	441 Corbett Road, LEPPERTON, NEW PLYMOUTH	2	2	1	Single	y	2494196	TNG1/189	LIVE	Freehold	Taranaki	12/08/1983	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 14136, 15,814 m2	3
11641/243.00	6422	446 Mountain Road S H 3a, WAITARA DISTRICT	2	2	2	Single	y	2517186	TNH3/787	LIVE	Freehold	Taranaki	31/01/1989	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 16018, 40,189 m2	1
11641/251.01	101089	254 Mountain Road, NEW PLYMOUTH	2	2	1	Single	y	4300286	218641	LIVE	Freehold	Taranaki	5/08/2005 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 353488, 6,040 m2	4
11641/253.01	95288	221 Manutahi Road, TARURUTANGI, NEW PLYMOUTH	2	1	1	Single	y	4305960	224523	LIVE	Freehold	Taranaki	18/05/2006 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 354995, 6,649 m2	1
11641/253.07	112112	181 Manutahi Road, TARURUTANGI, NEW PLYMOUTH	2	1	2	Single	y	4731660	663215	LIVE	Freehold	Taranaki	19/09/2014 16:54	Guar		

11641/294.03	116001	130 Upland Road, TARURUTANGI, NEW PLYMOUTH	2	1	1	Single	y	4916427	854317	LIVE	Freehold	Taranaki	10/10/2018 9:15	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 528511, 11,122 m2	2
11641/299.00	6487	93 Manutahi Road, TARURUTANGI, NEW PLYMOUTH	2	2	2	Single	y	4263870	182038	LIVE	Freehold	Taranaki	27/05/2005 9:01	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 344340, 92,548 m2	3
11641/299.01	6488	53 Manutahi Road, TARURUTANGI, NEW PLYMOUTH	2	1	1	Single	y	4263871	182039	LIVE	Freehold	Taranaki	27/05/2005 9:01	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 344340, 90,750 m2	2
11641/300.00	6489	51 Manutahi Road, TARURUTANGI, NEW PLYMOUTH	2	1	2	Single	y	2450666	TNA3/609	LIVE	Freehold	Taranaki	16/06/1966	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 9548, 40,595 m2	1
11641/308.16	113077	315 Henwood Road, NEW PLYMOUTH	2	2	2	Single	y	4770098	702951	LIVE	Freehold	Taranaki	19/06/2015 13:36	Guarantee	Fee Simple, 1/1, Section 2 Survey Office Plan 478416, 44,270 m2	2
11641/316.14	113280	657 Egmont Road, HILLSBOROUGH, NEW PLYMOUTH	2	1	1	Single	y	4780368	713469	LIVE	Freehold	Taranaki	19/09/2018 13:02	Guarantee	Fee Simple, 1/1, Lot 5 Deposited Plan 491852, 41,477 m2	2
11641/345.00	6555	353 Egmont Road, INGLEWOOD	2	2	2	Multiple	y	4407913	327777	LIVE	Freehold	Taranaki	6/08/2007 9:00	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 381906, 186,316 m2	1
11641/345.02	105295	313 Egmont Road, NEW PLYMOUTH	2	2	2	Single	y	4407912	327776	LIVE	Freehold	Taranaki	6/08/2007 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 381906, 27,289 m2	2
11641/348.01	6558	248 Egmont Road, NEW PLYMOUTH	2	1	2	Single	y	2702140	TNL2/38	LIVE	Freehold	Taranaki	15/02/2000	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 20472, 21,140 m2	1
11641/353.02	111305	234 Dorset Road, HILLSBOROUGH, NEW PLYMOUTH	2	1	1	Single	y	2540981	TND1/975	PRTC	Freehold	Taranaki	19/11/1974	Guarantee	Fee Simple, 1/1, Section 134A Hua District, 19,754 m2	4
11641/359.00	6576	127 Dorset Road, HILLSBOROUGH, NEW PLYMOUTH	2	2	1	Single	y	4459841	380282	LIVE	Freehold	Taranaki	5/03/2008 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 395132, 4,000 m2	3
11641/360.07	119129	170 Dorset Road, HILLSBOROUGH, NEW PLYMOUTH	2	2	2	Single	y	5081473	1029044	LIVE	Freehold	Taranaki	7/11/2022 14:42	Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 570025, 41,271 m2	3
11641/360.10	119127	180 Dorset Road, HILLSBOROUGH, NEW PLYMOUTH	2	2	2	Single	y	5081471	1029042	LIVE	Freehold	Taranaki	7/11/2022 14:42	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 570025, 6,291 m2	3
11641/373.01	6593	513 Smart Road, NEW PLYMOUTH	2	2	2	Single	y	4171716	89821	LIVE	Freehold	Taranaki	8/08/2003 9:00	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 322504, 40,066 m2	2
11641/374.04	113006	554 Smart Road, NEW PLYMOUTH	2	2	2	Single	y	4754378	686765	LIVE	Freehold	Taranaki	6/04/2018 15:10	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 484520, 16,601 m2	2
11641/400.28	96857	10 D Tupare Place, HIGHLANDS PARK, NEW PLYMOUTH	2	2	2	Single	y	2581740	TNL3/70	LIVE	Freehold	Taranaki	10/12/2001	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 20980, 7,940 m2	3
11641/401.00	6683	19 Kaipakopako Road, PARAITE, NEW PLYMOUTH	2	2	2	Single	y	2482795	TNA1/1265	LIVE	Freehold	Taranaki	9/12/1963	Guarantee	Fee Simple, 1/1, Kaipakopako 5A Block, 37,712 m2	2
11641/415.05	6697	111 Kaipakopako Road, PARAITE, NEW PLYMOUTH	2	1	1	Single	y	2600296	TN119/217	LIVE	Freehold	Taranaki	15/04/1929	Guarantee	Fee Simple, 1/1, Kaipakopako 7C Block, 6,121 m2	1
11641/428.00	6712	283 Corbett Road, PARAITE, NEW PLYMOUTH	2	1	1	Single	y	2816721	TNA1/1097	LIVE	Freehold	Taranaki	29/07/1964	Guarantee	Fee Simple, 1/1, Waitara West 84A1 Block, 39,811 m2	3
11641/441.00	6733	237 Corbett Road, PARAITE, NEW PLYMOUTH	2	1	2	Single	y	2482773	TN271/38	LIVE	Freehold	Taranaki	21/05/1962	Guarantee	Fee Simple, 1/1, Waitara West 81B3A1 Block, 2,023 m2	2
11641/460.03	118492	337 Paraite Road, PARAITE, NEW PLYMOUTH	2	1	2	Single	y	5075150	1022426	LIVE	Freehold	Taranaki	8/11/2021 13:55	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 568533, 46,118 m2	3
11641/461.01	6760	353 Paraite Road, PARAITE, NEW PLYMOUTH	2	1	2	Single	y	2557073	TNF1/348	LIVE	Freehold	Taranaki	1/05/1980	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 13155, 103,822 m2	3
11641/463.07	113919	342 Paraite Road, PARAITE, NEW PLYMOUTH	4	2	1	Single	y	4795542	728931	LIVE	Freehold	Taranaki	16/06/2017 16:49	Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 496015, 27,107 m2	1
11641/467.00	6764	216 Paraite Road, PARAITE, NEW PLYMOUTH	3	1	1	Single	y	2506074	TNH2/1297	LIVE	Freehold	Taranaki	30/03/1988	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 11006, 20,219 m2	1
11641/468.05	115398	170 Paraite Road, PARAITE, NEW PLYMOUTH	2	2	1	Single	y	4871787	807277	LIVE	Freehold	Taranaki	29/01/2018 15:45	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 517036, 5,449 m2	2
11641/471.00	6770	153 Paraite Road, PARAITE, NEW PLYMOUTH	2	2	1	Single	y	4477323	397953	LIVE	Freehold	Taranaki	7/03/2008 9:00	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 399738, 7,109 m2	2
11641/472.02	109689	181 Paraite Road, PARAITE, NEW PLYMOUTH	3	1	1	Single	y	4574614	499198	LIVE	Freehold	Taranaki	27/10/2011 11:36	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 425127, 28,283 m2	1
11641/473.06	97810	14 Arthur Road, PARAITE, NEW PLYMOUTH	2	2	2	Single	y	4236442	154334	LIVE	Freehold	Taranaki	15/10/2004 9:00	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 337586, 41,511 m2	2
11641/473.13	110421	32 Arthur Road, PARAITE, NEW PLYMOUTH	2	2	1	Single	y	4643618	571988	LIVE	Freehold	Taranaki	18/05/2012 12:36	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 450257, 23,803 m2	2
11641/474.04	108859	1 Arthur Road, PARAITE, NEW PLYMOUTH	2	2	2	Single	y	4601214	527372	LIVE	Freehold	Taranaki	12/08/2010 12:12	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 433434, 7,718 m2	3
11642/040.07	117268	46 Johnston Street, BRIXTON, WAITARA	2	1	2	Single	y	4995012	937948	LIVE	Freehold	Taranaki	13/08/2020 12:51	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 548278, 16,189 m2	2
11642/045.04	73473	42 Richmond Road, BRIXTON, WAITARA	2	2	2	Single	y	2444648	TNK4/712	LIVE	Freehold	Taranaki	12/03/1998	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 19808, 24,001 m2	1
11642/045.07	96086	1323 Devon Road, BRIXTON, WAITARA	2	2	2	Single	y	2701314	TNL1/850	LIVE	Freehold	Taranaki	23/08/1999	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 20307, 46,404 m2	2
11642/050.03	113648	137 Brown Road, BRIXTON, WAITARA	2	1	3	Multiple	y	2539240	TNF3/284	LIVE	Freehold	Taranaki	5/02/1982	Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 13654, 124,635 m2	4
11642/057.02	113048	134 Brown Road, BRIXTON, WAITARA	2	2	1	Single	y	4754225	686604	LIVE	Freehold	Taranaki	10/11/2016 10:43	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 484486, 4,001 m2	2
11642/058.03	103892	162 Brown Road, BRIXTON, WAITARA	2	2	2	Single	y	4373485	292949	LIVE	Freehold	Taranaki	6/09/2006 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 372416, 4,167 m2	3
11642/078.00	6882	148 Mahoetahi Road, SENTRY HILL, NEW PLYMOUTH	2	2	2	Single	y	2509678	TNA2/1033	LIVE	Freehold	Taranaki	13/05/1965	Guarantee	Fee Simple, 1/1, Waitara West 52A1 Block, 10,029 m2	2
11642/080.01	104486	84 Mahoetahi Road, SENTRY HILL, NEW PLYMOUTH	2	2	2	Single	y	4296344	214658	LIVE	Freehold	Taranaki	13/09/2005 9:00	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 352366, 43,219 m2	2
11642/100.00	6907	143 Raleigh Street, BRIXTON, WAITARA	2	2	2	Single	y	2564544	TN168/211	LIVE	Freehold	Taranaki	7/08/1951	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 6906, 1,121 m2	3
11642/107.00	6913	161 Raleigh Street, BRIXTON, WAITARA	2	2	2	Single	y	2508450	TN268/46	LIVE	Freehold	Taranaki	28/02/1962	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 8930, 1,330 m2	2
11642/130.04	115466	110 Pennington Road, BRIXTON, WAITARA	2	2	2	Single	y	4856167	791197	LIVE	Freehold	Taranaki	2/02/2018 7:01	Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 512984, 5,167 m2	3
11642/135.05	112465	1328 Devon Road, BRIXTON, WAITARA	2	2	2	Single	y	4735085	666747	LIVE	Freehold	Taranaki	18/12/2014 11:56	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 479013, 145,993 m2	1
11642/141.08	108283	24 Richmond Road, BRIXTON, WAITARA	2	1	1	Single	y	4569409	493873	LIVE	Freehold	Taranaki	17/12/2009 14:48	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 424157, 71,511 m2	3
11642/144.17	108414	173 Kairau Road East, BRIXTON, WAITARA	2	2	2	Single	y	4585871	511207	LIVE	Freehold	Taranaki	22/04/2010 15:29	Guarantee	Fee Simple, 1/1, Lot 10 Deposited Plan 424270, 59,048 m2	2
11642/160.01	95591	99 Mountain Road S H 3a, WAITARA DISTRICT	2	2	2	Single	y	2661818	TNL2/665	LIVE	Freehold	Taranaki	12/04/2001	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 20754, 60,460 m2	2
11642/198.00	7056	1242 Devon Road, SENTRY HILL, NEW PLYMOUTH	2	1	2	Single	y	2582855	TNB4/400	LIVE	Freehold	Taranaki	29/01/1970	Guarantee	Fee Simple, 1/1, Part Lot 2 Deposited Plan 3159, 39,399 m2	1
11642/220.00	7080	134 Ninia Road, SENTRY HILL, NEW PLYMOUTH	2	2	2	Single	y	4322746	241309	LIVE	Freehold	Taranaki	31/08/2005 9:00	Guarantee	Fee Simple, 1/1, Kaipakopako 4A2A Block, 14,113 m2	2
11642/227.01	31221	1222 Devon Road, BELL BLOCK, NEW PLYMOUTH	2	2	1	Single	y	2505855	TNK1/528	LIVE	Freehold	Taranaki	6/03/1995	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 18372, 34,570 m2	2
11642/239.03	107084	118 Airport Drive, NEW PLYMOUTH AIRPORT, NEW PLYMOU	2	1	3	Single	y	4528830	450117	LIVE	Freehold	Taranaki	3/04/2009 15:16	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 413450, 40,588 m2	3
11642/241.00	7104	154 Airport Drive, NEW PLYMOUTH AIRPORT, NEW PLYMOU	2	2	3	Single	y	2508119	TN161/250	LIVE	Freehold	Taranaki	12/10/1949	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 6550, 16,187 m2	4
11642/246.08B	120346	147 Airport Drive, NEW PLYMOUTH AIRPORT, NEW PLYMOU	2	1	1	Single	y	4221049	138925	LIVE	Freehold	Taranaki	17/08/2004 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 333944, 40,000 m2	1
11642/264.03	98181	230 Everett Road, INGLEWOOD	2	1	1	Single	y	4152936	71488	LIVE	Freehold	Taranaki	28/03/2003 9:00	Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 318302, 37,560 m2	2
11642/281.01	106142	132 Clarke Road, HUIRANGI, NEW PLYMOUTH	2	1	1	Single	y	4348933	267957	LIVE	Freehold	Taranaki	2/10/2007 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 366081, 10,650 m2	3
11642/307.01	7175	279 Cross Road, LEPPERTON, NEW PLYMOUTH	2	1	1	Single	y	2471088	TNH2/1084	LIVE	Freehold	Taranaki	19/04/1988	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 16096, 3,355 m2	2
11642/307.06	117709	27 Bayley Street, HUIRANGI, NEW PLYMOUTH	2	2	2	Single	y	5023531	968055	LIVE	Freehold	Taranaki	2/10/2020 7:00	Guarantee	Fee Simple, 1/1, Lot 6-8 Deposited Plan 431427 and Section 1 Survey Office Plan 544473, 19,537 m2	2
11642/325.00	7193	251 Waitara Road, BRIXTON, WAITARA	2	2	2	Single	y	2498685	TNC1/740	LIVE	Freehold	Taranaki	22/01/1971	Guarantee	Fee Simple, 1/1, Kairau 2A2A Block, 10,547 m2	2
11642/339.03	100089	81 Matarikoriko Road, BRIXTON, WAITARA	2	2	2	Single	y	4260702	178875	LIVE	Freehold	Taranaki	23/11/2004 9:00	Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 343598, 5,755 m2	3
11642/341.15	112044	219 Waitara Road, BRIXTON, WAITARA	2	2	1	Single	y	4721290	652464	LIVE	Freehold	Taranaki	17/06/2014 9:32	Guarantee	Fee Simple, 1/1, Lot 11 Deposited Plan 474648, 4,003 m2	2
11642/342.01	111996	167 Waitara Road, BRIXTON, WAITARA	2	1	1	Single	y	4723523	654779	LIVE	Freehold	Taranaki	17/06/2014 9:31	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 475255, 4,582 m2	2
11642/344.01	111062	145 Waitara Road, BRIXTON, WAITARA	4	1	1	Single	y	4674640	604131	LIVE	Freehold	Taranaki	29/05/2013 13:43	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 460599, 40,804 m2	3
11642/358.00	7228	140 Waitara Road, BRIXTON, WAITARA	2	1	2	Single	y	2959617	30662	LIVE	Freehold	Taranaki	13/08/2002 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 307841 and Lot 2 Deposited Plan 13245, 25,885 m2	1
11642/360.00	7230	162 Waitara Road, BRIXTON, WAITARA	2	2	2	Single	y	4229479	147376	LIVE	Freehold	Taranaki	16/06/2004 9:00	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 335931, 32,539 m2	3
11642/362.00	7233	70 Kairau Road East, BRIXTON, WAITARA	2	1	1	Single	y	4479956	400629	LIVE	Freehold	Taranaki	10/03/2008 9:00	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 400536, 31,752 m2	3
11642/362.01	106146	78 Kairau Road East, BRIXTON, WAITARA	2	2	1	Single	y	4479955	400628	LIVE	Freehold	Taranaki	10/03/2008 9:00	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 400536, 9,997 m2	3
11642/363.04	114853	114 Kairau Road East, BRIXTON, WAITARA	2	1	2	Single	y	483								

11642/416.00	7289	134 Elsham Road, LEPPERTON, NEW PLYMOUTH	2	2	1	Single	y	2515583	TNH3/1139	LIVE	Freehold	Taranaki	30/05/1989	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 16154, 3,609 m2	3
11642/426.02	99727	427 Wortley Road, INGLEWOOD	2	2	2	Single	y	4236749	154644	LIVE	Freehold	Taranaki	10/06/2004	9:00 Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 337655, 40,500 m2	1
11642/431.00	110673	277 Wortley Road, INGLEWOOD	2	2	1	Single	y	2745786	TN259/69	LIVE	Freehold	Taranaki	3/05/1961	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 8796, 84,706 m2	2
11642/436.11	110390	118 Wortley Road, LEPPERTON, NEW PLYMOUTH	2	2	2	Single	y	4649462	578104	LIVE	Freehold	Taranaki	12/06/2012	13:46 Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 452310, 33,120 m2	2
11642/441.03	108616	600 Richmond Road, LEPPERTON, NEW PLYMOUTH	4	1	1	Single	y	4587262	512665	LIVE	Freehold	Taranaki	20/08/2010	16:25 Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 428715, 68,963 m2	1
11642/441.04	108617	26 Wortley Road, LEPPERTON, NEW PLYMOUTH	2	1	1	Single	y	4587263	512666	LIVE	Freehold	Taranaki	20/08/2010	16:25 Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 428715, 44,194 m2	2
11642/499.14	108636	585 Manutahi Road, LEPPERTON, NEW PLYMOUTH	2	1	1	Single	y	4577426	502195	LIVE	Freehold	Taranaki	4/08/2010	12:41 Guarantee	Fee Simple, 1/1, Lot 6 Deposited Plan 425960, 71,856 m2	1
11642/499.24	112178	464 Richmond Road, LEPPERTON, NEW PLYMOUTH	2	2	1	Single	y	4719016	650150	LIVE	Freehold	Taranaki	12/12/2014	15:29 Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 474213, 49,907 m2	1
11642/499.25	112177	485 Richmond Road, LEPPERTON, NEW PLYMOUTH	3	1	1	Single	y	4719015	650149	LIVE	Freehold	Taranaki	12/12/2014	15:29 Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 474213, 66,295 m2	1
11642/519.01	7425	539 Mountain Road, NEW PLYMOUTH	3	1	1	Single	y	4164975	TNL3/118	LIVE	Freehold	Taranaki	23/05/2003	9:00 Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 21006 and Lot 2 Deposited Plan 21039, 23,213 m2	3
11642/529.00	7438	717 Mountain Road S H 3a, WAITARA DISTRICT	2	1	2	Single	y	2551231	TN121/187	PRTC	Freehold	Taranaki	10/03/1926	Limited as to Parcels	Fee Simple, 1/1, Part Section 189 Huirangi District, 78,408 m2	3
11661/253.23	116857	57 Colson Road, NEW PLYMOUTH	2	1	1	Single	y	4966139	907460	LIVE	Freehold	Taranaki	16/10/2019	12:01 Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 540791, 6,646 m2	2
11790/003.03	99071	455 Wortley Road, INGLEWOOD	2	1	2	Single	y	4335428	254001	LIVE	Freehold	Taranaki	7/02/2006	9:00 Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 362241, 40,000 m2	2
11790/004.03	104339	1170 Richmond Road, EVERETT PARK, INGLEWOOD	2	2	2	Single	y	4384496	304200	LIVE	Freehold	Taranaki	4/04/2007	9:00 Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 375605, 4,161 m2	2
11790/015.09	105180	496 Wortley Road, INGLEWOOD	2	2	1	Single	y	4448689	368979	LIVE	Freehold	Taranaki	9/08/2007	9:00 Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 391978, 19,970 m2	2
11790/045.04	96949	1088 Richmond Road, EVERETT PARK, INGLEWOOD	2	1	1	Single	y	2934322	TNL3/342	LIVE	Freehold	Taranaki	31/01/2002	9:12 Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 21113, 40,070 m2	1
11790/048.14	117815	693 Wortley Road, INGLEWOOD	2	2	2	Single	y	5017429	961626	LIVE	Freehold	Taranaki	16/11/2020	10:08 Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 553730, 5,110 m2	2
11790/056.00	26955	1320 Richmond Road, EVERETT PARK, INGLEWOOD	2	2	2	Single	y	4243057	161029	LIVE	Freehold	Taranaki	15/10/2004	9:00 Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 339136, 77,387 m2	3
11790/065.00	26963	1463 Richmond Road, EVERETT PARK, INGLEWOOD	2	1	1	Single	y	2537716	TNE4/693	LIVE	Freehold	Taranaki	6/09/1979	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 2929, 12,209 m2	3
11790/112.07	113377	176 Bristol Road, INGLEWOOD	2	1	1	Single	y	4788588	721812	LIVE	Freehold	Taranaki	3/03/2016	14:52 Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 494043, 162,652 m2	1
11790/126.00	27044	771 Wortley Road, INGLEWOOD	2	2	1	Single	y	2557201	TNL3/391	LIVE	Freehold	Taranaki	5/12/2001	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 21137, 6,046 m2	2
11800/004.13	115846	229 Kaipoi Road, HILLSBOROUGH, NEW PLYMOUTH	2	1	2	Single	y	4904110	840937	LIVE	Freehold	Taranaki	19/02/2024	15:27 Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 525392, 111,613 m2	1
11800/012.09	99687	Egmont Road, NEW PLYMOUTH	2	2	2	Single	y	4230195	148061	LIVE	Freehold	Taranaki	12/07/2004	9:00 Guarantee	Fee Simple, 1/1, Lot 6 Deposited Plan 336123, 19,170 m2	3
11800/012.10	106197	28 Kaipoi Road, HILLSBOROUGH, NEW PLYMOUTH	2	1	2	Single	y	4486127	406851	LIVE	Freehold	Taranaki	20/05/2008	9:00 Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 402196, 10,680 m2	2
11800/012.15	107701	1108 C Egmont Road, NEW PLYMOUTH	2	1	1	Single	y	4513581	434621	LIVE	Freehold	Taranaki	26/08/2008	9:00 Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 406851, 4,586 m2	2
11800/012.16	110279	45 Kaipoi Road, HILLSBOROUGH, NEW PLYMOUTH	2	2	2	Single	y	4644720	573132	LIVE	Freehold	Taranaki	21/02/2012	14:57 Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 450701, 23,423 m2	3
11800/012.20	113131	1248 Egmont Road, NEW PLYMOUTH	2	2	2	Single	y	4759875	692403	LIVE	Freehold	Taranaki	2/09/2015	16:01 Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 485776, 15,918 m2	2
11800/015.04	27154	1211 Egmont Road, NEW PLYMOUTH	2	3	2	Single	y	2504618	TNH2/872	LIVE	Freehold	Taranaki	23/11/1987	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 15986, 12,141 m2	3
11800/015.07	27157	1195 Egmont Road, NEW PLYMOUTH	2	1	1	Single	y	2494852	TNH1/1037	LIVE	Freehold	Taranaki	9/09/1986	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 15581, 10,000 m2	2
11800/019.02	110365	756 Upland Road, EGMONT VILLAGE	2	1	2	Single	y	4642246	570548	LIVE	Freehold	Taranaki	24/05/2012	12:45 Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 449711, 5,511 m2	2
11800/038.01	94963	599 Hursthouse Road, TARURUTANGI, NEW PLYMOUTH	2	1	1	Single	y	2701936	TNL2/286	LIVE	Freehold	Taranaki	5/05/2000	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 20586, 28,140 m2	1
11800/049.03	99376	657 Hursthouse Road, INGLEWOOD	2	1	1	Single	y	4220166	138053	LIVE	Freehold	Taranaki	3/05/2004	9:00 Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 333698, 40,010 m2	1
11800/059.09	114804	1268 C Egmont Road, NEW PLYMOUTH	2	1	1	Single	y	4839296	773974	LIVE	Freehold	Taranaki	31/03/2017	11:33 Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 508538, 3,946 m2	2
11800/069.01	108015	1006 Junction Road, NEW PLYMOUTH	2	2	2	Multiple	y	2491096	TNH2/568	LIVE	Freehold	Taranaki	23/07/1987	Guarantee	Fee Simple, 1/1, Part Lot 208 Deposited Plan 65, 95,101 m2	3
11800/093.05	111540	1417 Egmont Road, EGMONT VILLAGE	2	1	1	Single	y	4701138	631380	LIVE	Freehold	Taranaki	5/11/2013	16:26 Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 469256, 12,648 m2	2
11800/119.04	102158	1216 Junction Road, INGLEWOOD	2	1	1	Single	y	4328652	247261	LIVE	Freehold	Taranaki	22/12/2005	9:00 Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 360826, 23,090 m2	2
11800/130.03	100795	1245 Upland Road, EGMONT VILLAGE	2	1	2	Single	y	4279177	197597	LIVE	Freehold	Taranaki	1/04/2005	9:00 Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 348134, 9,076 m2	2
11800/137.04	107511	52 Windsor Road, INGLEWOOD	2	1	1	Single	y	4544215	467268	LIVE	Freehold	Taranaki	22/07/2009	14:39 Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 417441, 50,302 m2	2
11800/138.00	27392	68 Windsor Road, INGLEWOOD	2	2	2	Single	y	2515571	TNH3/1095	LIVE	Freehold	Taranaki	15/05/1989	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 1758, 40,853 m2	2
11800/144.03	116192	86 Dudley Road Upper, INGLEWOOD	2	3	2	Single	y	4769545	702384	LIVE	Freehold	Taranaki	17/01/2019	15:41 Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 532133, 41,407 m2	3
11800/156.01	27422	189 Dudley Road Upper, INGLEWOOD	2	2	2	Single	y	4305058	223599	LIVE	Freehold	Taranaki	25/08/2005	9:00 Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 354795, 3,885 m2	3
11800/167.02	95502	27 Lepper Road Lower, INGLEWOOD	2	1	2	Single	y	2532799	TNL2/442	LIVE	Freehold	Taranaki	14/07/2000	Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 20658, 15,914 m2	3
11800/175.18	119678	13 A Lepper Road Upper, INGLEWOOD	2	2	2	Single	y	5172127	1123394	LIVE	Freehold	Taranaki	3/05/2023	15:11 Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 588580, 10,663 m2	2
11800/177.00	27464	95 Lepper Road Upper, INGLEWOOD	2	1	1	Single	y	2584634	TNL2/235	LIVE	Freehold	Taranaki	8/06/2000	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 20555, 13,170 m2	2
11800/182.06	107136	204 King Road, INGLEWOOD	2	1	2	Single	y	4514483	435546	LIVE	Freehold	Taranaki	11/12/2008	15:59 Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 409725, 9,300 m2	2
11800/182.11	118918	144 King Road, INGLEWOOD	2	2	2	Multiple	y	5181085	1132597	LIVE	Freehold	Taranaki	2/07/2025	15:44 Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 591340, 59,664 m2	3
11800/188.04	111821	Egmont Road, INGLEWOOD	2	2	1	Single	y	4709051	639482	LIVE	Freehold	Taranaki	7/08/2015	14:23 Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 471370, 45,736 m2	2
11800/194.03	105179	1895 Egmont Road, INGLEWOOD	2	1	1	Single	y	4433575	353676	LIVE	Freehold	Taranaki	28/08/2007	9:00 Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 388402, 7,722 m2	2
11800/194.04A	120943	1917 Egmont Road, INGLEWOOD	2	2	2	Single	y	4433574	353675	LIVE	Freehold	Taranaki	28/08/2007	9:00 Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 388402, 40,849 m2	1
11800/222.03	98376	Bedford Road North, KAIMIRO	4	2	1	Single	y	2552065	TNL2/801	LIVE	Freehold	Taranaki	31/01/2001	Guarantee	Fee Simple, 1/1, Lot 4 Deposited Plan 20830, 96,235 m2	1
11800/222.04	99449	148 Bedford Road North, KAIMIRO	3	2	1	Single	y	2559188	TNL2/800	LIVE	Freehold	Taranaki	31/01/2001	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 20830, 105,070 m2	1
11800/241.23	96965	266 Durham Road Upper, INGLEWOOD	3	2	1	Single	y	2890263	TNL3/291	LIVE	Freehold	Taranaki	19/02/2002	9:00 Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 21090, 81,630 m2	1
11800/241.25	113373	258 Durham Road Upper, INGLEWOOD	8	2	1	Single	y	4782260	715391	LIVE	Freehold	Taranaki	5/11/2015	14:22 Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 21090 and Lot 1 Deposited Plan 491817, 68,684 m2	1
11800/250.01	27564	325 Durham Road Upper, INGLEWOOD	2	1	1	Single	y	2540380	TNE1/535	LIVE	Freehold	Taranaki	4/05/1977	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 12226, 39,499 m2	4
11800/251.01	27567	259 Durham Road Upper, INGLEWOOD	2	2	1	Single	y	2536950	TNH1/1081	LIVE	Freehold	Taranaki	22/09/1986	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 15623, 8,662 m2	3
11800/291.01	27615	790 Durham Road Upper, INGLEWOOD	2	1	1	Single	y	2554581	TNF1/1293	LIVE	Freehold	Taranaki	5/12/1980	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 13291, 10,286 m2	2
11800/355.01	105170	4 Old Mountain Road, TARIKI, STRATFORD	2	1	1	Single	y	2491130	TNB2/338	LIVE	Freehold	Taranaki	10/05/1968	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 725, 2,023 m2	2
11810/031.05	115249	242 Durham Road Lower, INGLEWOOD	3	2	3	Single	y	4791706	725016	LIVE	Freehold	Taranaki	17/06/2016	9:58 Guarantee	Fee Simple, 1/1, Lot 1, 3 Deposited Plan 494829, 129,909 m2	1
11810/091.01	27839	273 Norfolk Road Lower, INGLEWOOD	2	1	1	Single	y	2494281	TNF4/365	LIVE	Freehold	Taranaki	18/11/1982	Guarantee	Fee Simple, 1/1, Lot 3 Deposited Plan 13854, 45,880 m2	2
11810/091.03	31195	253 Norfolk Road Lower, INGLEWOOD	2	2	2	Single	y	2443212	TNK1/416	LIVE	Freehold	Taranaki	7/02/1995	Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 18334, 1,250 m2	1
11810/096.05	108174	128 Norfolk Road Lower, INGLEWOOD	2	1	1	Single	y	4538417	460887	LIVE	Freehold	Taranaki	21/06/2010	9:42 Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 415801, 13,467 m2	2
11810/111.03	112375	318 Rugby Road, INGLEWOOD	2	2	1	Single	y	4737212	669015	LIVE	Freehold	Taranaki	6/11/2014	8:46 Guarantee	Fee Simple, 1/1, Lot 1 Deposited Plan 479705, 16,725 m2	2
11820/100.03	118500	3016 Tarata Road, INGLEWOOD	2	2	2	Single	y	5074332	1021556	LIVE	Freehold	Taranaki	24/01/2022	16:29 Guarantee	Fee Simple, 1/1, Lot 2 Deposited Plan 568358, 12,582 m2	2
11641/420.00	6703	<Null>	2	2	0	Single	y	2481851	TNB2/541	LIVE	Freehold	Taranaki	7/08/1968	Guarantee	Fee Simple, 1/1, Kaipakopako 2B1 Block, 8,094 m2	4

## APPENDIX E

# Joint Witness Statement including suggested conditions for consent

**UNDER**

The Resource Management Act  
1991 (RMA)

**IN THE MATTER OF**

Section 357 objection to a decision  
to refuse subdivision consent  
SUB22/48013 at 118 Wortley Road,  
Lepperton, New Plymouth

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**JOINT WITNESS STATEMENT**

**NICOLA JOY LAURENSEN  
CHRIS PAUL RENDALL**

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**14 November 2025**

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## **1. INTRODUCTION**

- 1.1 This signed Joint Witness Statement (**JWS**) is written in response to the encouragement in Minute of the Commissioner 2 dated 4 November 2025 for the parties to engage and undertake this exercise, in respect of the alternative scheme plan and suite of potential conditions, in advance of evidence being prepared and the hearing itself.
- 1.2 The participants in conferencing are (in alphabetical order):
- a. Christopher Paul Rendall, consultant planner, Landpro Limited, engaged by Aaron Stephens (as the applicant); and
  - b. Nicola Joy Laurensen, consultant planner, Laurensen Planning, engaged by New Plymouth District Council as the reporting planning officer and author of the S42A report on the resource consent application (which was declined under delegated authority).
- 1.3 The experts have read and agree to abide by the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Consolidation Practice Note 2023.

## **2. RELEVANT PLAN**

- 2.1 At the time of determination of the original application, a decision was required under both the Proposed New Plymouth District Plan – Appeals Version "PDP-AV" and the Operative District Plan (2005). This is because the relevant provisions in the Subdivision Chapter of the PDP-AV had legal effect but were under still appeal.
- 2.2 On 29 August 2025, the Proposed New Plymouth District Plan became the Part Operative District Plan "PODP". All of the Subdivision Chapter provisions are now beyond challenge, and the corresponding provisions of the Operative District Plan (2005) are now inoperative. The proposal remains a Non-Complying Activity under the PODP for the same reasons as assessed in the original processing of the application relating to number of allotments, proposed lot size and balance requirements.
- 2.3 We agree that the PODP is the relevant 'District Plan' to which regard must be had when considering the Objection.

### 3. SCOPE

- 3.1 The purpose of this JWS is to consider an alternative scheme plan tabled by Counsel for the applicant in a memorandum of Counsel dated 31 October 2025 and prepare a suite of conditions.

#### Background

- 3.2 Ms Laurenson notes that the Council's decision to refuse consent essentially turned on greater priority being given to objectives, policies, precedent and plan integrity over the lack on any unacceptable adverse effects. Ms Laurenson has not changed her opinion and considers more weight should be given to plan provisions in determining the application. Mr Rendall considers that the objectives and policies need to be considered in the context of the existing environment as opposed to the rural zone as a generality and with that context more weight should be placed on the outcomes and effects. Notwithstanding our disagreement, should the Commissioner overturn the decision we agree that conditions should be imposed.

#### Scheme Plan

- 3.3 Ms Laurenson prefers the scheme plan included in the original consent application for the following reasons:
- a. The area of Lot 1 has been amended from 2940m<sup>2</sup> to an area of 1245m<sup>2</sup>. The minimum allotment size for the Rural Production Zone is 4000m<sup>2</sup>.
  - b. Ms Laurenson considers the larger allotment will better allow for activities that are compatible with the role, function and predominant character of the Rural Production Zone.
  - c. A smaller allotment size will increase the probability that the site is used for residential purposes only and not be linked to rural activity.
- 3.4 Ms Laurenson has not seen or reviewed the expert assessment of the proposal against the National Policy Statement for Highly Productive Land. Mr Rendall notes that the assessment has not been completed at this time but that it will consider both scheme plan options.
- 3.5 Mr Rendall prefers the alternate scheme plan for the following reasons:
- a. Both schemes contain inconsistencies with the objectives and policies within the partially operative district plan.

- b. Both schemes have less than minor adverse effects on the environment.
  - c. The alternative scheme plan consolidates the area available for primary production within a single lot.
  - d. The alternative scheme plan maintains the existing land use which involves two independent residential units one of which is associated with rural activities, the second has no connection to these activities.
  - e. The alternative scheme plan is not inconsistent with the surrounding lot sizes and is a good fit in the context of the existing surrounding environment.
- 3.6 As such the **experts do not agree** on a preferred scheme plan for the reasons outlined above. For avoidance of doubt, however, the alternative scheme plan is the scheme plan of the proposed subdivision now sought by the applicant and, in their opinion, has been redesigned to further avoid the potential for adverse effects on the environment. Conditions set out in this statement refer to the alternative scheme plan.

#### Conditions

- 3.7 The **experts agree** that should the application be granted consent, it should be subject to conditions. There is general agreement with regards to conditions that could be imposed however there is some variation between experts on one matter as set out in the paragraphs below. Notwithstanding, one set of draft conditions is provided in Appendix 1.

#### Preservation of amenity for future owners of Lot 1

- 3.8 Ms Laurenson considers that to preserve amenity for the future owners of Lot 1 a further condition of consent to reinstate the vehicle crossing and gate alongside the northern boundary of Lot 1 is required. This entrance is used for tractor/contractor access each year for hay/silage. Ms Laurenson does not think it is acceptable to have this access occurring alongside the boundary adjacent the outdoor living space for Lot 1 where the owner of Lot 1 is also bound by a no complaints covenant. The PODP policy RPOZ-P3 requires avoidance of activities that are incompatible with the role, function and predominant character of the Rural Production Zone as well as activities that will result in reverse sensitivity. It is Ms Laurenson's view that the creation of Lot 1 (as a large residential lot) should be avoided to ensure consistency with the policy but in the instance where consent is granted, then the access should be removed to ensure there is not a conflict. Such a condition could be as follows:



*The vehicle entrance located immediately north of the boundary of Lot 1 must be closed and the gate reinstated to fencing to preserve the amenity for the future owners of Lot 1.*

- 3.9 A second farm entrance could be constructed to serve Lot 2 in another location however this has not been assessed for feasibility at this time. This can be addressed in evidence.
- 3.10 The condition put forward by Ms Laurenson is included in Appendix 1 for completeness and is identified as condition number 13. Condition 13 is written in red text.
- 3.11 Mr Rendall does not agree to such a condition to remove the access as he considers that it is not uncommon for vehicles to pass in close proximity to properties in both rural and residential areas, whether on public roads, right of ways or in paddocks. The infrequent nature of the use of the access and the reasonable likelihood that its infrequent use will be during 'work hours' are likely to further reduce the potential for its use to be perceived as inappropriately located. Mr Rendall considers the effects of decommissioning the existing access and establishing a new access (potentially in a location with shorter site distances) is disproportionate with the effects of its ongoing use.

#### 4. CONCLUSION

- 4.1 The experts have undertaken conferencing and have partially agreed to a set of conditions of consent should the Commissioner be minded to uphold the objection.

Signed on Friday 14 November 2025 by:

 ..... <b>Christopher Paul Rendall</b>	 ..... <b>Nicola Joy Laurenson</b>
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## **Appendix 1: Draft Conditions of Consent**

### **General Accordance**

1. The use and development of the land must be as described within the application SUB22/48013 received by the council on 24 January 2022 and further information received on 17 September 2024 and {add in dates relating to information received during objection process} and be generally in accordance with the following plan except as amended by the conditions below:
  - a. Plan(s) entitled 'Proposed subdivision of Lot 1 DP 452310, 118 Wortley Rd, Lepperton' dated 30.10.2025 prepared by Landpro Limited reference 24283-01-B

A Copy of the approved plan is attached.

### **Section 223 Certification:**

2. The survey plan must conform with the scheme plan by Landpro Limited, Job Reference 24283, Drawing 01, Rev B, dated 21.10.2025 and all other information including further information contained within application reference number SUB22/48013.
3. Pursuant to s230 and s232 of the Resource Management Act 1991, the Land Transfer Plan must include an esplanade strip, minimum 15m wide, adjoining the true right bank of the Waiongana Stream for the purpose of providing riparian protection and recreation.

### **Section 224 Certification:**

#### Landscaping/Riparian Planting

4. Prior to s224 certification

Within Lot 2:

- a. A minimum of five metres of the Waiongana Stream edge must be planted with native vegetation using "TRC Riparian Guidelines Establishing Riparian Vegetation - number 26". and
- b. a minimum of one metre of the tributary of the Waiongana Stream edge must be planted with native vegetation using "TRC Riparian Guidelines Establishing Riparian Vegetation - number 26".

#### Esplanade Strip

5. Prior to issue of certification under Section 224 of the Resource Management Act 1991, the consent holder must prepare an easement strip instrument to the satisfaction of the Council's Property Lead. The easement strip instrument must include the following provisions:
  - a. The following acts are prohibited on the strip:
    - i. Wilfully endangering, disturbing, or annoying any lawful user of the strip (including the owner or occupier of the strip);

- ii. Wilfully damaging or interfering with any structure adjoining or on the land, including any building, fence, gate, stile, marker, bridge, or notice;
- iii. Wilfully interfering with or disturbing any livestock lawfully permitted on the strip.
- iv. The prohibitions referred to in paragraphs (i) and (iii) do not apply to the owner or occupier of the strip.

b. The following further acts are prohibited on the strip:

- i. Lighting any fire;
- ii. Carrying any firearm;
- iii. Discharging or shooting any firearm;
- iv. Camping;
- v. Taking any animal on to, or having charge of any animal on the land;
- vi. Taking any vehicle on to, or driving or having any charge or control of any vehicle on the land (whether the vehicle is motorised or non-motorised);
- vii. Wilfully damaging or removing any plant (unless acting in accordance with the Noxious Plants Act 1978 or the Biosecurity Act 1993);
- viii. Laying any poison or setting any snare or trap (unless acting in accordance with the Agricultural Pests Destruction Act 1967 or the Biosecurity Act 1993)
- ix. The prohibitions referred to in paragraphs (v) and (vi) above do not apply to the owner or occupier of the strip who shall be entitled to graze or bring animals and vehicles on to the strip.

c. Fencing

- i. The grantee must, in order to enhance the conservation values of the strip, erect a fence in accordance with the conditions of this consent.

d. Planting

- i. The grantee must, in order to enhance the conservation values of the strip, undertake riparian planting along the length of the strip in accordance with conditions of this consent.

e. Access to the Strip

- i. Any person shall have the right at any time to enter upon the land over which the esplanade strip has been created and remain on that land for any period of time for the purpose of recreation, subject to any other provisions of this instrument.

Advice Note: As the grantee is required to undertake fencing of the strip and riparian planting, prohibition in (a)(ii) is extended to include the owner of the strip.

### Stock Exclusion

6. Prior to s224 certification:

- a. The Waiongana Stream riparian margins must be fenced with a stock proof fence.

### Services

#### *Power and Telecommunications*

7. If not already established individual power and telecommunications connections must be provided to, and contained within, each lot.
8. Prior to certification under Section 224 of the Resource Management Act, confirmation must be provided from the utility provider(s) that such connections exist for Lots 1 & 2.

#### *Wastewater*

9. Prior to Section 224, the Consent Holder must confirm the location of the on-site wastewater system for the existing dwelling on Lot 1 and, if necessary, relocate or upgrade the system to ensure that it is located a minimum of 1.5m within the boundaries of Lot 1.
10. To confirm compliance with Condition 9, the following must be provided for certification by the Development Engineer, New Plymouth District Council:
  - a. A plan to a scale acceptable to New Plymouth District Council showing the position of the on-site wastewater system including the effluent disposal field and reserve area for the dwelling located on Lot 1, which must be certified by a registered professional surveyor; and
  - b. Provide a current Maintenance Certificate in accordance with section 6.3.5.6 of AS/NZS 1547:2012 On-site Domestic Wastewater Management stating there is no evidence of effluent seepage across the boundaries of Lot 1 into the adjoining Lot.

OR

- c. Provide evidence of a Building Consent and resulting compliance for the relocation works.

Advisory note: If the effluent field is required to be relocated to comply with the above condition, a building consent may be required from New Plymouth District Council prior to the relocation.

#### *Stormwater*

11. The Consent Holder must provide a plan and confirmation demonstrating that existing stormwater soakage devices serving Lot 1 are contained wholly within the boundaries of Lot 1.
12. Unless authorised by a land use consent, prior to s223 and s224 approval all buildings must comply with the permitted activity rules relating to building coverage, setbacks, daylight

angles relative to the new boundaries and number of dwellings except that the dwelling on Lot 1 shall be located close to the new boundary as demonstrated on the approved plan.

*Reinstatement of vehicle crossing*

13. The vehicle entrance located immediately north of the boundary of Lot 1 must be closed and the gate reinstated to fencing to preserve the amenity for the future owners of Lot 1.

Section 221 Consent Notices

14. Pursuant to s221 of the Resource Management Act 1991, a consent notice must be registered on the Records of Title for Lots 1 and 2, as volunteered by the applicant, advising the registered proprietors of the following requirements:
  - a. Only one residential unit is permitted on each allotment; and
  - b. No lifestyle/residential lots can be subdivided off these Lots (where a subdivision would enable additional dwellings to be built or primary production potential be reduced).

These consent notices remain in effect while the land is zoned rural production (or its equivalent).

15. Pursuant to s221 of the Resource Management Act 1991, a consent notice must be registered on the Record of Title for Lot 1, as volunteered by the applicant, advising the registered proprietors of the following requirement
  - a. They must not bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the lawful uses on rural land on Lot 2:
    - i. make nor lodge; nor
    - ii. be party to; nor
    - iii. finance nor contribute to the cost of any application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation of lawful operations or any lawful rural activity on rural land on Lot 2, including without limitation any action to require the registered owner or occupier of Lot 2 to modify the lawful rural operations carried out on rural land while the land is zoned rural production (or its equivalent).

Legal Documents

16. Pursuant to section 234(7) of the Resource Management Act, New Plymouth District Council grants an application to cancel part of an instrument creating an esplanade strip endorsed on Plan (Part Section 28 Huirangi District) and registered thereon under Instrument Number 7099382.1 to the extent to which it applies to Lot 1 Deposited Plan 452310. The consent holder shall make a request for the certificate prior to s224 approval.

## ADVICE NOTES

### Consent Lapse Date

1. *This consent lapses 5 years from commencement of this consent unless: the consent is given effect to before that date; or unless an application under section 125 of the Resource Management Act 1991 is made and granted by Council before the expiry of that date for an extension of time for establishment of the use.*