

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

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

**AND**

**IN THE MATTER** Section 357 objection to the  
decline of a non-notified  
subdivision consent  
SUB22/48013 at 118 Wortley  
Road, Lepperton, New  
Plymouth

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**STATEMENT OF EVIDENCE OF CHRISTOPHER PAUL RENDALL FOR  
THE APPLICANT AARON STEPHENS**

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**9 December 2025**

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## EXPERT WITNESS PLANNING STATEMENT OF CHRIS RENDALL

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### INTRODUCTION AND QUALIFICATIONS

1. My full name is Christopher Paul Rendall.
2. I am currently employed as a Principal Planner at Landpro Limited and was previously employed as a Senior National Advisor Resource Management Act at the Department of Conservation. I have been in my current position since April 2024. I was with the Department of Conservation for 13 years in total; during that time, I was a Senior National Advisor for 10 years and a Community Ranger (Concessions and RMA) for 3 years.
3. I hold the qualifications of a Masters of Planning from the University of Otago as well as a Bachelor of Science in Zoology (ecology minor). I am a full member of the New Zealand Planning Institute. I am also a member of the Resource Management Law Association and the New Zealand Association for Impact Assessment. I was previously a full member of the Australasian Institute of Mining and Metallurgy. I have completed the Making Good Decisions Programme and I am currently an Accredited Hearings Commissioner (Panel).
4. I have over 15 years' experience in the resource management field.
5. I have been involved in a wide range of consenting and plan development processes under the Resource Management Act 1991 (the "RMA"). Additionally, I have participated in developing national direction (including NPSIB, NPSFM, NES-F) and s360 regulation (vertebrate toxic agents). I have assisted the drafting of other resource management legislation including the COVID-19 Recovery (Fast-Track Consenting) Act 2020 and the Natural and Built Environment Act 2023.
6. I also have practical experience in relation to a range of resource management and environmental statutes. This includes the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012,

Conservation Act 1987, Crown Minerals Act 1991, Wildlife Act 1953 and Public Works Act 1981.

7. At the Department of Conservation, I developed assessments and frameworks for assessing significance of potential environmental effects to support consideration of whether, and how, the Director-General and/or the Minister of Conservation would engage in specific processes. This work supported planners' and other staff's prioritisation and consistency of effects assessments.
8. I have lived in the New Plymouth District off and on for the last 20 years, and I have been involved in resource management processes in the region throughout that time. Additionally, I have participated in resource management processes throughout New Zealand.
9. I have significant experience with subdivision and land use application consent applications under the (evolving) New Plymouth District Council (NPDC) District Plan. This is in addition to my experience working with other City, District and Unitary Plans in New Zealand; private plan changes; feasibility, consultation and land access negotiations.
10. I have been involved with this matter as follows:
  - (a) In August 2024 Landpro was engaged by the Applicant to respond to a s92 request from NPDC dated 12 May 2022 which had not been responded to by their previous consultant (Bland & Jackson Surveyors Limited) – I reviewed the s92 request and supported the Landpro planner (Ms Joyce) who drafted the s92 response at that time.
  - (b) At that time, I was copied in on and forwarded the correspondence between Ms Joyce - who was engaging with the NPDC processing planner, Ms Laurenson, in response to their commentary on the proposal, and their request for the Applicant to obtain further written approvals.
  - (c) Further, I provided planning comments (as expert consultant planner for the Applicant) to Ms Laurenson via email on 17

February 2025. At which point she responded, *“Let’s settle the s95 matters and then we can work through the substantive decision. I will work through the s104 matters with your comments in mind.”*

A copy of that email correspondence can be made available to the Commissioner if required.

- (d) Subsequently, I did not receive further correspondence from Ms Laurenson (or anyone else for NPDC) on the s104 matters - and found out on 1 May 2025 that Ms Joyce had received the decision on the application. I was highly surprised given Ms Laurenson’s abovementioned email to me on 17 February 2025, and immediately corresponded with Mr Watkins, the Councils delegated decision maker, on 2 May 2025 to confirm our client’s right to object and provide initial comments regarding our concerns with the process.
- (a) I have reviewed the “s95 Notification Decision and s104 Report to the Planning Lead for Subdivision Consent” signed by Mr Watkins on 1 May 2025 (the Report).
- (b) I drafted and lodged the Objection under s357A RMA for the Applicant on 22 May 2025. I then corresponded with Mr Watkins over the following months, until we received a message on 8 October 2025 that a commissioner had been appointed. I also sought an update from the NPDC Democracy Services/Governance team in September 2025 - but they seemed unaware of the Objection or need to allocate a commissioner.
- (c) Once a commissioner was appointed I worked with Counsel for the Applicant, Mr Grieve, and others to:
  - revise the scheme plan,
  - draft content for the Memorandums of Counsel for the Applicant dated 31 October and 7 November 2025, and
  - assisted the Applicant and counsel to engage the expertise and services of Mr Darlow, Agribusiness Consultant, AgFirst

Taranaki Ltd in respect of the matters pertaining to his evidence in this case.

- (d) I then attended joint expert (planners) witness conferencing on behalf of the Applicant, and drafted a Joint Witness Statement which I worked through with Ms Laurenson. This was lodged on 17 November 2025.
  - (e) I have also reviewed the evidence of Mr Darlow and Mr & Mrs Stephens and Mr and Mrs Cudmore for the Applicant.
  - (f) I have reviewed of the response to the matters raised in the s357 objection and to the questions in paragraph 4 of the Commissioner's Minute dated 17 October 2025 (**1<sup>st</sup> Minute**) from Nicola Laurenson dated 25 November 2025 (titled Section 42A report on an objection to decision under section 357A of the Resource Management Act 1991).
11. I have visited the application site and walked over the land with the Applicant to understand the context of the site.

#### **CODE OF CONDUCT**

12. Although this is a Council level hearing, I confirm that I have read the Code of Conduct for Expert Witnesses as contained in the Environment Court Practice Note 2023, and I agree to comply with it in giving this evidence. The data, information, facts and assumptions I have considered in forming my opinions are set out in this statement to follow. The reasons for the opinions expressed are also set out in this evidence.
13. Unless I state otherwise, this evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
14. This evidence has been supplied for the express purpose of assisting the Hearing's Commissioner in their decision making.

#### **SCOPE OF EVIDENCE**

15. I have been engaged by the Applicant to provide expert evidence on Planning matters relevant to this application/Objection.

16. Where relevant I reference the contents of the s104 Report (**'Report'**) and the s42A Report (**'s42A'**).
17. My evidence covers:
  - (a) The Proposal,
  - (b) Background and Context,
  - (c) Consultation,
  - (d) Information Considered,
  - (e) Assessment of the effects on the environment of the proposed subdivision and land use,
  - (f) Statutory requirements,
  - (g) Part 2 of the RMA,
  - (h) Overall assessment to grant or decline under the NPDC-DP
  - (i) Draft consent conditions, and
  - (j) Conclusion.

#### **SUMMARY OF KEY EXPERT OPINION CONCLUSIONS**

18. My expert opinion is that:
  - (a) I disagree with the recommendation in the to decline the application in the Report and s42A. In my opinion the fundamental assessment is flawed as it places insurmountable weight on policies which have limited relevance in the specific context of this application, where the adverse effects on the environment are agreed to be no more than minor.
  - (b) I consider the interpretation of the policies and the assessment of the inconsistency of the activity with those policies is also flawed as it focusses too heavily on an idealised rural environment rather than the rural environment which exists. Ms Laurenson also inappropriately applies policies for example those which are designed to be applied to new activities occurring on rural lots, to a subdivision which purpose is to separate existing rural activities

from existing non-rural activities. This activity is anticipated and provided for within the rural zone. If Ms Laurenson's approach to policy interpretation was able to be applied (which it isn't as it is inconsistent with the rules in the plan) it would effectively result in the prohibition of most activities on rural land, while also preventing rural subdivision.

- (c) I consider that the subdivision consent application should be considered based on its merits (as is normal in any case) rather than being based on what appears to have largely been a desktop review of plan policies.
- (d) I do not consider that the precedent and plan integrity arguments raised by Ms Laurenson are substantive enough to be considered to be compelling rationale to refuse to grant the consent.
- (e) As a planner I do not consider it appropriate to assert what a decision maker should have 'greater regard' for (1.9(g)). I am also confused by the statement 3.1 in the s42A where Ms Laurenson states '*I have concluded that ... the Objection be dismissed*'. As a planning expert I do not consider it appropriate to make a statement regarding the outcome of a statutory process.
- (f) I do not consider that there is anything in the s42A report which supports the assertion that the application is inconsistent with the purpose and principles of the RMA (1.9(h)).
- (g) Overall I consider that there are positive effects from the proposal, and that as the adverse effects are insignificant due to the existing nature of the land use activities, and because the subdivision effects are primarily lines on paper in this context and in this case.

#### **THE PROPOSAL**

- 19. The details of the proposal have been outlined in the application, section 92 response and the Report. The details have been refined since then, and are outlined in the Memorandum of Counsel for the Applicant dated 31 October 2025 (Para 5) - and the revised scheme plan (pg. 18),

proposed conditions of consent, and areas of agreement between myself and Ms Laurenson are also included in the Joint Witness Statement dated 17 November 2025 (JWS). I acknowledge that it would have been 'clearer' to have had a perfect application at the outset of the application however it is common for applications under the RMA to 'evolve' during the consenting process.

20. Effectively the proposal is to subdivide a small rural lifestyle section with an existing independent dwelling from the remainder of the property.
21. The total allotment size is 3.312ha (surveyed area; 3.335ha calculated area<sup>1</sup>); and the revised scheme plan provides that:
  - Lot 1 (containing the older existing dwelling currently resided in by Mr and Mrs Cudmore) is proposed to be 1245m<sup>2</sup>; and
  - Balance Lot 2 (containing the new existing dwelling completed in 2019, and currently resided in by Mr & Mrs Stephens and their children) is proposed to be 3.18(/3.23)ha.
22. The proposed scheme plan is attached for reference in **Appendix A**.

#### **BACKGROUND AND CONTEXT**

23. The application site is described in the application with further detail in the s92 response, and all of the evidence for and on behalf of the Applicant. In summary it is a fundamentally rural environment with established farming practices, vegetation, with two existing dwellings within the property.
24. The applicant seeks a subdivision consent to create separate titles for the two existing dwellings.
25. As noted by in the Report NPDC has previously consented subdivision of the parent title. Under the Part Operative New Plymouth District Plan ('**NPDC-DP**') this results in elevated activity status – but does not prevent

<sup>1</sup> The surveyed area is based on previous survey data and is the area shown on the Record of Title, while the calculated area is the area calculated from the LINZ database. The final area would be calculated by survey at the time of survey. Further, note that areas shown on the scheme plan are approximate only and may vary once the site survey has been undertaken.

applications being lodged or considered on their merits and particular facts and circumstances.

26. NPDC consented the construction of the second independent dwelling on this site in 2017 in the knowledge that the applicant located the dwelling in this location with the potential for future subdivision<sup>2</sup>.
27. I have worked with Ms Laurenson on a JWS which covers off and updates several matters, specifically:  
  
Agreement on the 'Relevant Plan' to consider regarding the Objection;  
  
Confirmation of the scheme plan to be considered; and  
  
Consent Conditions.
28. In the JWS our areas of agreement or otherwise are also identified.

#### **CONSULTATION**

29. The applicant obtained written approvals from all relevant, potentially affected persons. The effects on these persons must, therefore, be disregarded under section 104(3)(a)(ii) RMA.

#### **INFORMATION CONSIDERED**

30. In preparing this evidence, I have reviewed:
  - (a) The application and supporting documents;
  - (b) The section 92 request and response;
  - (c) Correspondence with NPDC during the processing of the application;
  - (d) The Report prepared by Ms Laurenson signed by Mr Watkins dated 1 May 2025;
  - (e) The Site and surrounding area;
  - (f) Memorandum of Counsel for the Applicant dated 31 October and 7 November 2025;

<sup>2</sup> Planning Report LUC17/47028 para 18 point 6; see also Memorandum of Counsel for the Applicant, 31 October 2025, para 9.

- (g) The Statement of Evidence of Branden Darlow expert on land productivity;
- (h) The Statement of Evidence of Tara and Aaron Stephens; and their current tenant's (residing in the dwelling on proposed Lot 1) Jessica and Martin Cudmore;
- (i) The JWS; and
- (j) The s42A.

#### **ASSESSMENT OF EFFECTS ON THE ENVIRONMENT OF THE PROPOSED SUBDIVISION AND LAND-USE**

- 31. I agree with the commentary in the Report (para 33) which highlights that the effects of the activity should be considered in the context of the NPDC-DP, as well as the existing environment.
- 32. I agree that the effects of the activity are not more than minor (Report and 1.9(a) s42A).
- 33. I am unsure what level of adverse effect Ms Laurenson attributes to fragmentation as she only describes it as 'unacceptable' (9.7 s42A).

#### **Existing Environment**

- 34. Para 34 of the Report highlights that surrounding the site on the same side of the road the existing environment contains several titles less than 4ha. I disagree that there is tension between the existing environment and the plan provisions. In my opinion this contradicts the point acknowledged in para 33 of the Report, the plan and the existing environment need to both be considered. NPDC consented to the existing environment and has therefore determined the existing activities are appropriate.

#### **Fragmentation, Rural Character and Amenity**

- 35. In the Report Ms Laurenson outlines what would ideally be seen in rural areas based on characteristics identified in the NPDC-DP (paras 37-38). I agree that these are rural characteristics, but I disagree that all rural areas have each of these characteristics in equivalent amounts, or that there is an 'ideal' level of these characteristics and values to be achieved.

36. There is significant variation of rural characteristics and values at a range of scales; from the one side of Wortley Road to the other, to a Lepperton context, to broader scales across the district and region. From a planning perspective I consider context and the existing environment to be key elements as these are the physical expression of the characteristics and values identified in the District Plan.
37. In my opinion, a District Plan should not be a crutch for planners to fall back on and say 'but the characteristics you are showing me don't align with the plan so they are bad', it should be a tool for use to help those (e.g. planners), who may not be familiar with local context and the existing environment, understand how those values and characteristics fit 'at place'.

#### *Spaciousness/ Open Space*

38. I disagree with Ms Laurenson's assertion at para 39 of the Report that the subdivision of the rural environment can only occur if specific tests within the NPDC-DP are met. I agree that the activity status increases where there is deviation from the 'standard' expectations, but this does not result in a prohibited activity status (as acknowledged by Ms Laurenson at para 41 of the Report). The subdivision policies in the plan generally use terms such as 'manage', while 'avoidance' is only in relation to compromising key considerations in the rural zone, or urban subdivision.
39. From a planning perspective in this context my opinion is that 'compromise' is not simply a minor inconsistency. To compromise a policy - there must be a material impact, and whether there is a material impact needs to be considered against the local context on a case by case basis, and on the merits and particular facts and circumstances of each case.
40. As outlined in the evidence and report by Mr Darlow the proposed subdivision will not compromise the key values of the site in that context (or in any other context in my view).

41. While the current decision is focussed on the 'current' NPDC-DP I consider that some of the commentary by Ms Laurenson is relevant to consider as that informed the initial NPDC decision on this application. I do not agree with the interpretation applied to the text from the formerly operative district plan by Ms Laurenson at paragraph 41 of the Report, it misses the nuance/reference to 'large scale subdivision' later in the text - rather than any and all subdivision which enters this category (non-complying). The full paragraph reads:

*"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".*

42. I agree that the non-complying status for these instances is appropriate, as it highlights that there should be no expectation for these applications to be granted as of right. But in my opinion these applications should still be given a fair appraisal - rather than having what appears to be Ms Laurenson's starting point being '*non-compliant subdivision is not appropriate*' (para 41). I consider that this highlights a contradiction in Ms Laurenson's s42A (point 9.9) where she refers to the need for a 'principled application of policy'. Depending on intended application this may mean either based on an agreed set of rules or relate to morality, in either instance, this indicates the analysis should not start from a preconceived/predetermined view. Starting with the opinion Ms Laurenson appears to have regarding the application pre-empts proper planning process. Non-complying subdivisions can be appropriate. If the mere fact of having non-complying consent status is sufficient to deem an activity inappropriate, then there is no purpose in this activity status under the RMA.
43. I also consider that the aforementioned reference to 'large scale subdivision' clearly highlights that this relates to proposals which are (substantially) greater in scale than two lots being (potentially) inappropriate.

44. In paragraph 42 of the Report, the statements appear to assert, through wording including ‘the PDP directs’ and ‘should be avoided’, that there is a strict framework of policies preventing activities. However, she tempers this with caveats such as ‘in certain circumstances’ and ‘could’ which clarifies that the policies are not as absolute as they appear, at first read, to be asserted. I am unsure of Ms Laurensons intent in this instance, but the wording indicates that she is seeking to avoid effects ‘on the plan’, rather than effects ‘on the environment’.
45. In my opinion, her conclusion at Paragraph 42 of the Report – that *out of zone small lots that are not used for rural activities* could be created - emphasises the limitations with zoning, and one size not fitting all, which planners, and decision makers must be aware of when undertaking policy assessment.
46. The rural zone is not homogeneous and there are ‘naturally’ pockets of smaller and larger lots, which is influenced by a range of environmental and other factors. Zoning is a broad brush approach which few in the general population understand or engage in. As discussed in paras 35-37 above, rural characteristics and values are site specific. A plan can identify what may be present and some considerations, but they shouldn’t be seen as a checklist. For example, it is likely that there are areas within the district which are zoned rural, however based on the existing environment, would actually be more appropriately zoned rural lifestyle or even residential. A change in zone would have significant implications of what may be considered appropriate subdivision in these locations.
47. I agree with Ms Laurensen at Para 43 of the Report that the effects to be considered are the effects of the proposal, and previously consented activities are not relevant. I generally disagree with the assertion that, *“the cumulative adverse effects relating to repeated subdivision of the parent title, are relevant”*, the effects of those activities were adequately considered at the time in the context that was relevant for the decision maker. As a planner, I consider it is inappropriate to attempt to

determine whether previously granted consents should have been granted. Ms Laurenson states in 9.8 of the s42A that she is not attempting to relitigate the previous decisions, but given that the effects of this activity are agreed to be no more than minor, and the asserted significant inconsistencies with the NPDC-DP are, in my opinion, tenuous I consider that some judgement on the previous decisions must influence Ms Laurenson's approach to considering this application. This is further supported by the commentary by Ms Laurenson which attempts to align/equate the current proposal, and the already consented activities, to any and all other small rural lots in the district with more than one building. From a planning perspective, I consider that the effects being considered should focus on those which are attributable to the current proposal. There is no new proposed 'fragmentation' other than on paper, the activities are not changing, and there is no material loss of rural values in this case.

48. I am unsure what Ms Laurenson refers to as a 'large residential site in the Rural Production Zone' (9.8 s42A)? It may be that she considers that the site will lose all rural production potential through the subdivision? This is inconsistent with the assessment undertaken by Mr Darlow, and the evidence of Mr and Mrs Stephens.
49. In relation to para 44 of the Report from a planning perspective I am unsure what the statement "*any further allotments from this site are not anticipated*" means. There should be no assumption or presumption that any, or many, lots will be subdivided from any particular lot. As discussed in Para 46 in relation to zoning - 'Parent Title' is a broad brush tool - which is based on a (not quite) random date. From a planning perspective, the size of a lot on a specific date is a relatively poor mechanism to determine whether subdivision is appropriate.
50. A rural parcel may have been 19ha on the date in question, so based on the statement, "*any further allotments from this site are not anticipated*" and would automatically be 'inappropriate'; while, for example, a 21ha

lot would be seen as 'appropriate' to subdivide irrespective of site characteristics and context.

51. I agree with the concluding statement (para 45) within the spaciousness open space section of the Report which concludes,  
*"the adverse effects relating to spaciousness from this proposed subdivision, in isolation, will be low to none"*.

#### ***Low Density Built Form***

52. I agree with para 46 of the Report which acknowledges that the buildings are part of the existing environment.
53. In relation to para 48 of the Report that the activity status of the second dwelling was fully discretionary, this enabled any and all effects of the proposed dwelling to be considered at that time, and NPDC granted the consent (in the knowledge of the Applicants intent to subdivide).
54. Para 49 of the Report outlines what was expected at the time of the second dwelling, and is consistent with the expectations in the NPDC-DP, a second dwelling on a small rural lot is generally expected to be associated with the other.
55. Para 50 of the Report picks and omits elements of the planners report for LUC17/47028. But Ms Laurenson also acknowledges rural character was, and is, maintained.
56. Para 51 of the Report acknowledges that the effects relating to *density and low built form to be existing and not more than minor on the environment* - and I agree with this assessment. I am unclear the purpose of the reference to RPROZ-P3 as Ms Laurenson has acknowledged that the effects are existing, and I would anticipate that the approach proposed by Ms Laurenson would/could be commented on, in relation to, any and all small rural lots.
57. While I understand logic outlined in Para 52 of the Report no sleepouts are proposed. Lot 1 has been reduced in size since Ms Laurenson's Report, which reduces the likelihood of a sleepout on that Lot 1. As outlined in the JWS, a consent notice is proposed to limit each lot to one

residential unit, also preventing additional residential development and to avoid applications for additional dwelling. I do not consider that a consent notice can infringe on legal rights as it is a legal tool which establishes the rights you have, and consent notices are commonly imposed on many, for example, subdivision consents, which require future ongoing compliance, in respect of a particular matter. Neither is the fact that the applicant has offered such conditions on an 'Augier' basis uncommon under the RMA, and consent conditions on this basis are now expressly provided for under s108AA RMA.

#### ***Vegetation***

58. The application proposes to enhance vegetation on the site so there will be positive effects associated with the subdivision.

#### **Production Orientated and Working Environment / Rural Productive Uses**

59. In relation to paras 54- 58 of the Report and the effects on productivity, the amended scheme plan and the assessment undertaken by Mr Darlow quantify the effects of the activity in this context.
60. Paragraph 59 of the Report identifies 'it could be said' (so it is unclear if it is said in the opinion of Ms Laurenson) *'the level of cumulative fragmentation is at least minor'*, but not more than minor at the district level. It is unclear what context this 'potential' fragmentation effect is to be considered within? As outlined previously, this appears to be a judgement on previous decisions without being made in the context of those decisions. As a planner, I would understand the cumulative effect of a land use change that was removing productive land from being used; however, as outlined in Mr Darlow's evidence which specifically addresses fragmentation in section 7, this is not the case in this instance. I, therefore, do not consider that this application will contribute to a cumulative fragmentation effect which can be considered minor, and instead would assess this as insignificant in the context of the application i.e. less than minor.

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

61. I agree with para 60 of the Report that there are no more than minor adverse effects on Rural Based Industry and Rural Infrastructure.

### **Rural Character Summary**

62. I disagree with the summary in para 61 of the Report. Specifically, with the approach to assessing '*adverse cumulative fragmentation effects*'. I defer to the Fragmentation assessment undertaken by Mr Darlow in Section 7 of his evidence. I also acknowledge 'fragment' has both physical and perceptual elements. In this instance the effects on these values are insignificant as the Land Use activities are existing and the subdivision is primarily lines on paper.
63. As discussed above, a 'Parent Title date' is not a robust singular method of assessing appropriateness of subdivision. The NPDC-DP has only just come into force, so retroactively applying its policies over the last ~18 years to determine adverse cumulative effects is inappropriate from a planning perspective. The application does not alter the existing environment in a manner which will be noticeable beyond the sites boundaries, so it is difficult to understand how the proposed subdivision will adversely affect 'a spacious low density environment'.
64. Para 61 of the Report does not identify substantive adverse effects on rural character or rural production (and the evidence of Mr Darlow provides further detail on this). The effects Ms Laurenson appears to rely on are comparable to, in my mind from a planning perspective, combining a collection of insignificant effects on a range of values and adding them together in a manner which then can be used to identify a minor effect – this has been explored in the context of 'outstanding' waterbodies, landscapes and features and whether an additive approach is appropriate to determine significance. From a planning perspective they do not, instead assessment must focus on the specific values and I consider this is also the appropriate approach with effects.

### **Servicing**

65. As outlined in the application, and Mr & Mrs Stephens' and Mr & Mrs Cudmore's evidence, the sites are already serviced. If any upgrades are needed (which Mr & Mrs Stephen's consider is unlikely) the effects of these upgrades will be insignificant.

### **Traffic**

66. The accesses are existing and there is no reason to consider that the effects of these accessways will alter. The effects on traffic are in my opinion insignificant.
67. I do not consider the accessway to the paddock of lot 2 to be inappropriate or dissimilar to other accessways which are commonly adjacent to a boundary. The Stephens and Cudmore's have not identified any concerns with its use.

### **Waterbodies**

68. The existing esplanade strip is 10m and the applicant has agreed, and offered, to widen this to 15m as requested by NPDC. This is in addition to planting as outlined in the conditions agreed within the JWS. These can be considered a positive effect on the environment.

### **Effects Assessment Summary**

69. I agree with para 73 of the Report, where, in her notification assessment Ms Laurenson concludes that *'overall, taking into account the above assessments, the proposal will not result in adverse effects that are more than minor on the environment'*.
70. I agree that the notification assessment is also relevant for the s104(1)(a) at para 176, (as noted in the JWS I focus my comments on the NPDC-DP)
71. I agree that the activity will not have adverse effects on the wider environment, and I agree that any adverse effects are not more than minor, I consider that these effects are insignificant (para 177 of the Report).
72. As previously discussed I disagree with a key element of Ms Laurenson's rationale which I consider conflates subdivision with fragmentation in

paras 179-180 of the Report especially in the context of assessment of any and all subdivision through time against the current NPDC-DP. Subdivision is a specific form of consent which will alter title boundaries and is managed through consideration against the plan that is in place at the time of the activity. The fragmentation associated with this proposal is insignificant as outlined in the evidence of Mr Darlow. There is no evidence provided to support the assertion that any specific subdivision has resulted in reduced rural character in an inappropriate manner in the context of the plan at the time of the activity.

73. I do not agree with the approach taken by Ms Laurenson in para 181 of the Report in which the 'effects' are asserted to be assessed against the 'parent title provisions'. I consider that, from a planning perspective, the application and its effects need to be considered on their own merits as opposed to *fait accompli*. The parent title provisions are the trigger for assessment, they are in themselves the effect, so these should not be double counted (which would mean effectively giving them more weight).
74. I disagree with Ms Laurenson's assessment at para 182 of the Report which refers to 'cumulative fragmentation'. From a planning perspective the NPDC-DP does provide an opportunity for more than 4 additional lots to be created from a parent title as a fifth lot does not trigger a prohibited activity status, and any application will need to be assessed on its own merits and particular facts and circumstances. The 'avoid' test within the policies is not a strict 'avoid', it provides nuance, as for example, avoidance is only required where this *would compromise the role, function and predominant character of the Rural Production Zone (SUB-P10)*.
75. As I note previously 'Compromise' is not an insignificant word and in my opinion a helpful way to consider it is to equate it with 'undermine'. In this instance the proposed subdivision has been clearly demonstrated to not undermine the *role, function and predominant character of the Rural Production Zone* – and, therefore, there is the potential to appropriately

and adequately 'manage' the subdivision; for example, through consent conditions.

76. The NPDC-DP policies relating to the rural zone contain a mixture of policies, under which RPROZ-P1 v RPROZ-P3 both may be relevant, and need to be read side by side (i.e. allow and avoid residential activities), and fairly appraised and read as a whole.

## **STATUTORY REQUIREMENTS**

### **National Policy Statements**

77. I agree with para 96 of the Report which notes that the proposal is consistent with NPSFM.
78. I agree with para 97 of the Report which notes that the proposal is consistent with NPSIB.
79. Mr Darlow has undertaken a formal Highly Productive Land (HPL) assessment, and I consider this to be more appropriate than the assessment outlined in para's 98-106 of the Report. Mr Darlow's assessment concluded that the subdivision meets Clause 3.8 of the NPS-HPL. Based on that assessment, I consider that the proposal is not inconsistent with the NPS-HPL and is not "inappropriate use or development" of HPL (as discussed in Mr Darlow's evidence).
80. I agree that the proposal is not inconsistent with the Taranaki Regional Policy Statement (para 108 of the Report)
81. I disagree that the proposal is inconsistent with elements of the Taranaki Regional Policy Statement (1.9d of the s42A), as the policies discussed in Chapter 10 and Chapter 15 and referenced in paras 110, 111 but especially 112, 113, 115 of the Report, are not appropriate to consider against individual subdivisions. I consider that Ms Laurenson made too broad an assumption regarding the purpose and intent of these policies and effects of the proposal, and that the perceived effects are not supported by evidence. As noted in Ms Laurenson's commentary, these Policies are to inform district plan development. These policies have been adequately considered within the NPDC-DP so there is no reason to

revert to them for what can be considered a straightforward subdivision application.

82. However, I note that when applying Section 104D RMA in any case, a fair appraisal of the relevant objectives and policies read as a whole is required. And, that appraisal in this case also needs to be undertaken bearing in mind the land use consent already granted (in 2017) and second dwelling already constructed on site (since 2019). I consider that with this context the proposal is not inconsistent with, or contrary to, any of the relevant provisions of the Regional Policy Statement.

#### **Assessment of NPDC-DP Objectives and Policies**

83. For conciseness I will not comment on policies where our opinions are not inconsistent within the NPDC-DP (and I have not generally commented on the policies of the formerly Operative District Plan as discussed in the JWS).

#### *Strategic Direction*

84. Ms Laurenson asserts at 1.9(c)(a) that the NPDC-DP contains 'strategic direction' to limit the number of rural allotments created from 'Parent titles'. I cannot locate this as a strategic direction in either the Strategic Objectives of the Rural Production zone which has the following statement on subdivision:

*Subdivision - The Subdivision Chapter contains provisions which manage subdivision of land in the Rural Production Zone.*

85. The Subdivision section of the plan does not have a 'Strategic Objective' regarding subdivision of the rural production zone but does contain rural subdivision policies. These policies start with the following words 'Manage, Ensure, and Require'. These policies do not refer to parent titles or contain 'strategic direction' as asserted by Ms Laurenson.

#### *Rural Production policies*

86. From a planning perspective I do not consider it appropriate for a planner to assess that the proposal is '*not provided for in the Rural Production Zone*', as this indicates predetermination without consideration of the

effect of the activity. In my opinion, this approach to assessment might be slightly more appropriate when undertaking a desktop analysis with a blank canvas, but fails to consider the facts and context of the application. If the activity was prevented in the Rural Production Zone, this would be achieved through a prohibited activity status, or a strict avoid policy which did not provide any caveats or options to manage effects. If further subdivision is to be avoided, then consent notices are also an effective mechanism, and are commonly used in many cases in my experience.

87. I do not consider the 'reason' asserted by Ms Laurenson at 1.9(c)(b) of the s42A is valid or reasonable. This 'reason' appears to rely on a premise that any and all subdivision in the rural zone should be prevented as you could argue that there is never a 'need' for rural lots to be divided. I anticipate this assertion is based on the 'avoid' expectation in RPROZ-P3 which relates to 'activities'. RPROZ-P3 provides a list of the types of land use activities the policy relates to, this list does not include subdivision. Applying this policy to the activity of subdivision undermines the subdivision activity policy and rule framework. The relevant subdivision policies do not contain comparable wording.
88. I do not agree with Ms Laurenson's assessment of RPROZ-P3, as no new activities (changes to the land other than effectively lines on a map) are proposed. The residential activities are already consented and established, and, therefore, part of the existing environment and the character of the site is maintained. The JWS outlines proposed conditions which can appropriately manage any potential residual effects of the subdivision on the relevant values. Therefore, the activity proposed, subdivision, is not incompatible with this policy and does not need to be avoided. This approach is supported by the productivity evidence and HPL assessment undertaken by Mr Darlow.
89. 9.14 and 9.21 of Ms Laurenson's s42A again assumes that all lots in the rural zone must be associated with rural production activities. I consider that it has been clearly demonstrated, in Mr & Mrs Stephens' and Mr &

Mrs Cudmores' evidence, that the dwelling on proposed lot 1 is not associated with rural production (and has not been for almost 7 years, as recorded in Mr & Mrs Stephens' evidence) and there is no reason for it to be in the future. The applicant is seeking to separate the existing dwelling which has no connection to rural production activities from the balance lot, which maintains a connection to rural production.

90. In terms of primary production activities. I am not aware of a reason for there to be two dwellings/families required to 'operate' a 'farm' of 3.2ha but this is not my area of expertise. However, I rely on the evidence of Mr & Mrs Stephens which records, for example, that their "8.5 acre property does not warrant requiring a farm worker"<sup>3</sup>. There is no requirement for the one dwelling on the property to be ancillary to the other as Ms Laurenson assumes is the case 9.43 of the s42A, and this was not a condition of the land-use consent for the second dwelling (granted in 2017).
91. I disagree with Ms Laurensons assertion 1.9(b) that the subdivision will create a conflict between residential activity and rural production activities. There is no evidence that the current legally established land uses and the rural production activities 'conflict' and no reason to consider they will conflict in the future. This is supported by the evidence of the Mr & Mrs Stephens and Mr & Mrs Cudmore. From a planning perspective 'conflict' between uses should be based on evidence rather than assertion. It is not uncommon for rural activities (or any range of activities) to be located in close proximity to dwellings including those in other ownership, this proximity in itself is not a conflict or effect. People live in rural areas and communities throughout New Zealand, and that is how many people in this country provide for their social, economic and cultural wellbeing and for their health and safety i.e. the purpose of the RMA.

<sup>3</sup> Evidence Tara & Aaron Stephens, 9 December 2025 para 56.

92. I consider that the overall amenity of the site is likely be enhanced if the subdivision consent applied for is granted, due to the plantings and other proposed mitigation.
93. I disagree with Ms Laurenson's 'reason' detailed in 1.9(c)(c) as I disagree that this proposal involves activities which are substantively inconsistent with the key objectives and policies of the rural production zone.

#### *Subdivision*

94. Based on the evidence and assessment undertaken by Mr Darlow, I disagree with Ms Laurenson's assertion that the proposal will be inconsistent with the subdivision objectives and policies. That assessment highlights that the proposal is not inconsistent with the NPS-HPL. There is no evidence to indicate the proposed subdivision will adversely impact the role, function and predominant or planned character of the Rural Production Zone, or that it will be incompatible with productive uses available to the site. Ms Laurenson's assessment of these policies does not take into account the specific context of the application including the existing nature of both dwellings. I still consider that her assessment appears to attempt to reconsider the effects of the existing land use, and extrapolate that to effects of the subdivision.
95. I consider that Ms Laurenson (s42A at 9.21) confuses effects standards with rules, standard lot sizes, like other effects standards, are a starting point. The effect of a deviation from the standard lot size needs to be considered based on its merit.
96. In relation to 9.21 s42A I disagree that the proposed subdivision such as is proposed, is provided for in the urban zone. It would be generally inappropriate to subdivide a residentially zoned lot which was 3.312 ha into two lots. This would be inefficient use of residentially zoned land. Ms Laurenson may be looking to tie this to SUB-P10 which seeks the avoidance of subdivision more typical of patterns of development in urban areas. This proposed subdivision clearly does not meet an urban pattern of development.

97. While the relevant rules may specify additional context regarding what lot size is considered a 'large balance area', and the context regarding 'one additional record of title', these are not detailed in the policies - so it is reasonable to approach the policies from a plain English perspective. In the context of the land available - the revised scheme plan is consistent with, for example, SUB-P10 and SUB-P12 - as it separates a larger balance lot from a single smaller lot, and will not compromise the role, function and predominant character of the Rural Production Zone. There will be no changes to the character of the Rural Production Zone, as the activities are existing and well established for many years now, and the proposed change is primarily lines on paper and with the potential to be in separate ownership.

#### **Te Ātiawa Environmental Management Plan Tai Whenua, Tai Tangata, Tai Ao**

98. I consider that the proposal is consistent with the expectations within this EMP.

#### **Precedent and Plan integrity**

99. I disagree with the approach taken by Ms Laurenson in relation to precedent and the 'reason' outlined in 1.9(f) of the s42A. As outlined above - there is not a prohibition on subdivision which does not tick all 'simple' boxes. This application, and any other application, should be considered on its own merits and particular facts and circumstances. Simply because it is a lot less than 20ha this shouldn't mean that there is a presumption that an application will be declined; which, based on the NPDC email correspondence, and a NPDC phone call the day after the s92 response was provided saying it would be declined, appears from a planning perspective to be the starting point for consideration by NPDC staff and Ms Laurenson.
100. I acknowledge that other subdivision applications may be lodged and may be influenced by a decision to grant this application. However, that in itself is not evidence of an inappropriate precedent being created. Again, I consider that the opinion expressed by Ms Laurenson that *the*

*rules in the District Plan do not provide for small lot subdivision is inaccurate. They do, otherwise this application could not have been lodged.*

101. I do not consider the commentary in para 191 of the Report relevant as this number of small lots doesn't provide any useful context, and does not present analysis of situations such as that which exist on the subject site. I commissioned an analysis of GIS data to understand how many lots within the Rural Production Zone are in potentially comparable circumstances to the lot considered in this application, for example having independent dwellings which are independently accessed and could be subdivided in a way that would avoid adverse effects of the productive capacity of the land – this number appears to be less than 20 (this is based on a range of tools included reviewing aerial photo data and the presence of multiple addresses on a single title<sup>4</sup>).
102. Para 192 of the Report is speculative presumption in my opinion. All applications for activities which are not prohibited should be considered on their merits. If there is evidence that they do not undermine the matters outlined in the relevant policies, there should not be an automatic decline based on the fact that they trigger a rule. From a planning perspective this is not good practice, and does not provide applicants with a fair appraisal and hearing.
103. In my opinion the potential granting of consent infrequent individual small lots in the rural zone, especially where the dwellings are existing, will not undermine plan integrity. An analysis of how many subdivisions occur with different zones within the district, and the consistency of those subdivisions with the plan, would need to be undertaken prior to assuming that the granting of a single application will open pandoras box as Ms Laurensen implies at paragraphs 190 and 191 of the Report. If she is relying on the assessment undertaken at paragraph 190, then she had

<sup>4</sup> 249 lots between 2 & 20ha were identified meeting this description in the district, a subset of these west of Onaero was identified as these are likely to be 'more similar' to this proposal. This reduced the analysis to 100 lots. The first 50 of these were more closely reviewed and 9 of these had some similar characteristics. Further details of this analysis is available if requested.

relied on analysis which is overly simplified. There may be over 5000 titles of this size, but more detailed analysis that Landpro has undertaken indicates that less than 20 of these appear to share some similar features with this application (but each of these would still have unique and variable elements).

104. I disagree with Ms Laurenson's assertion of 'like' at 1.9(f) of the s42A, no evidence has been provided to indicate that 'like' proposals exist. NPDC's 'refined' number of properties with potentially two buildings which may be used for residential activities identified in 9.35-9.37 of the s42A, 423, and 196 of the Report does not equate to 'like' circumstances. From a preliminary look at the resulting list, the first is effectively the 'town' at the Mohakatino river mouth. Yes, there are multiple dwellings, but there is little ability to consider this in any way comparable to the current proposal in my opinion.



105. The second is effectively part of Tongaporutu township and has 2 dwellings but significant access constraints. Again, there do not appear to be features which would make it comparable to the current case, other than 'it is a small title zoned rural and has two dwellings/buildings'. It appears from Ms Laurenson's report and NPDC approval of that report,

that NPDC consider that subdivision of such properties should be classed as a prohibited activity. Ms Laurenson notes in 9.29 of the s42A report that she disagrees with similar wording in the Objection, but then goes on to effectively say that any subdivision of lots on the list will set a precedent. So, I consider it would be reasonable to anticipate on that basis that the recommendation will always, on any application to subdivide 'like' lots, be to refuse consent (to avoid precedent and undermining plan integrity).



106. Unless it is of assistance to the Commissioner I do not consider it worth, or warranted, or that the applicant is required to, analyse this list in further detail. However, I also note for example, that other sites include '1808 Mangorei Road- Mangorei Heights Cabins', and '30A Beach Road, Waiiti, includes a camp/cabins'. This highlights that the list contains a broad range of non-comparable sites and variable activities. I consider this supports my opinion that there is limited precedent effect, other than people feeling that they may get a fair hearing rather than a pre-determined position and outcome.
107. Some of the list will also have existing 'no further subdivision' consent notices, for example.
108. As a comparison from a planning perspective within the New Plymouth district, I am aware of numerous examples of residential activities being established in rurally zoned land in locations, and at densities not 'anticipated' by the District Plan. NPDC is not taking any material action to address these activities breaching the plan rules. I consider this

inaction, for example, will have a much greater impact on plan integrity than an application which has been lodged following due process, and considers the plan framework and should expect to receive a fair appraisal and hearing on its merits.

109. In relation to paragraphs 193, 194, and 195 of the Report I am unsure how an application could be considered unique if the site context and existing environment are not considered relevant matters. All sites are unique and all have different variables in my experience. There is no requirement for any application to be the only potentially consentable instance of a not dissimilar activity, each application needs to be considered on its merits. The RMA does not allow decision makers to arbitrarily refuse an application for a resource consent on the basis that hypothetical applicants may appear and be granted consents based on the grant of another consent without further examination of the capacity of the resource. Neither are applicants for consent to non-complying activities required to conduct an area-wide inquiry to deal with all the possible future implications of the granting of a particular consent, which would impose very considerable additional burdens, and also be a rather speculative exercise<sup>5</sup>.

110. At para 197 of the Report Ms Laurenson considers that there is a real possibility that the application would set a precedent that would influence how future applications are dealt with. Whenever an application is decided, it informs the consideration of future applications. This application, being one of the first to be subject to significant scrutiny as a non-complying activity under a new district plan will potentially inform future thinking. This equally applies to a decision to decline the consent and that is why it is very important that this decision is appropriate in my opinion.

111. It would be inappropriate for decision makers to simply point to a granted consent and say that was granted so this one can be rubber stamped. This is the same but the converse of my earlier commentary

<sup>5</sup> See: *Dye v Auckland Regional Council* (CA) 1 NZLR 337, at paras [44]-[46]

regarding what appears to be an NPDC presumption that applications of this type will automatically be declined, there should be no presumption that they would be automatically granted either. Each case has different facts and circumstances and variables which cannot simply be assumed to be, or in fact be, replicated in another case.

112. In my opinion the following facts and circumstances and variables are particular to this case, and could not be easily replicated, if at all:

- The existing surrounding environment and land parcels;
- The Land Use Consent granted in 2017;
- The existing second dwelling constructed pursuant to that Land Use Consent in 2019;
- The existing accesses and services for both dwellings;
- The older dwelling being currently tenanted;
- The soil types and locality in this context – and the existing farming practices and land uses, waterbodies and existing esplanade strip;
- The evidence of Mr Darlow;
- The evidence of the Applicants, and their tenants (being the occupants of the dwelling on proposed Lot 1), and the consent conditions offered;
- The written approvals of affected persons;
- The Tegel no complaints covenant already agreed upon between the Applicant and Tegel;
- The Memorandums of Counsel for the Applicant and matters raised therein and new Scheme Plan lodged;
- The JWS and consent conditions agreed upon therein.

113. As outlined above I do not share Ms Laurenson's view that the proposal irreconcilably clashes with plan provisions. If the application was to subdivide off a small lot of currently productive land for the purposes of

building a dwelling this would, to my mind, have the potential to irreconcilably clash with the plan provisions where the activity status was non-complying. This proposal does not clash as it continues to support primary production to the extent possible within existing constraints. There is no real potential for the dwelling on lot one to be removed and the land restored to pasture to enable a greater area of primary production - so there is no realistic potential to increase the primary production by preventing this subdivision.

114. In relation to para 200 of the Report - while it would be great if the public understood the plan and its implications for them - for the most part the public are unaware of District Plan provisions unless they have a specific interest in, for example, development. As highlighted by the applicants ability to obtain their neighbours written approvals, their neighbours clearly did not consider that this application was unsuitable or inappropriate.
115. In relation to para 201 of the Report I disagree with the assertions regarding the application, and I also disagree with Ms Laurenson about how the public will perceive decisions they make. The public will generally be comfortable with applications being granted when there is appropriate evidence presented which enables a decision maker to grant a consent with or without conditions on the particular facts and circumstances and merits of that application.
116. The proposal is unique within the Rural Environment in New Plymouth, and has a wide range of variables as detailed in para 113 above. Ms Laurensons statement that (I presume, granting) this application *will provide conflicting impressions to the public and adversely affect their perceptions of Council's consistent administration of the Proposed District Plan* does not appear to be based on any evidence, and is speculative.
117. There is, anecdotally, from my perspective equal perception that the NPDC's current approach is overly protective of the status quo, and a

recalibration of this approach may positively affect the public perception of the Councils ability to administer their district plan.

118. My personal impression as a planner dealing with the new plan, and with Council officers trying to administer it, is that the NPDC is still finding the right balance. My experience, through dealing with numerous clients interested in applying to undertake subdivisions under the new rules (many of these ideas do not proceed based on my advice that they would be inappropriate based on the plan provisions and expectations), is that the NPDC is consistently treating non-complying subdivisions as prohibited and 'impossible to grant' because the 'policies do not allow it'. In my opinion this is clearly evidenced by Ms Laurenson's Report, along with the commentary by other NPDC staff during this process (Mr Wood via phone and Mr Watkins in the NPDC decision on this consent). This is the first example that I am aware of, of an applicant testing the suitability of the approach and the position NPDC is taking to these consents and the opinions they express. LUC24/50047 discussed in para 126 was an example where the applicant gave up.
119. It is more important to be fair than consistent. If this Objection is upheld, this should highlight to the Council that it needs to consider the merits of specific proposals based on evidence and explore whether they gave a fair appraisal and hearing when determining previous decisions. This could result on the Council and recalibrating its approach. Learning from past practice is not something to be afraid of, it is an essential part of the planning process.
120. I do not consider that activity status alone is a good indication of the significance of the values which may be affected. An activity may be restricted-discretionary but the matter of discretion could relate, for example, to a nationally uncommon ecosystem which is home to the last remaining examples of a specific species and of an ecosystem type which cannot be recreated. I anticipate, (and I could be wrong,) that the public would consider it reasonable to decline that consent due to the

significant adverse effects on that single environmental value, despite its moderately 'simple' activity status.

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

121. I agree with Report para 206 that there is a pathway for the application to be considered and it passes a gateway test. I consider that the activity can pass both gateway tests as, while on paper, hypothetically the activity may appear contrary to the objectives and policies of the NPDC-DP, but when these are reviewed in the context of the application, there is not evidence of the application being contrary.
122. Having passed the gateway test under section 104D - the application falls for determination under section 104 RMA – and in considering same the consent authority must, subject to Part 2, have regard to all of the relevant matters in section 104.
123. Section 104 of the RMA does not give weight or priority to the matters which must be had regard to. There appears to be general agreement that the 'effects' of the activity will not be more than minor (although, as noted, Ms Laurenson also considers some 'unacceptable'). The applicant has offered a range of measures to minimise adverse effects and enable the activity to have positive effects, including the agreed proposed conditions in the JWS. Relevant provisions of planning documents have been considered and this is where there is the most significant divergence in opinion between the planning experts, the areas of agreement and disagreement are clearly outlined within this evidence. The disagreements relate to which provisions are relevant to this decision and how they should be applied in the context of this case. Ms Laurenson also outlines her opinion on potential precedent and plan integrity matters, and while I agree that these can be considered, I am also of the view that these need to be carefully considered based on case law and material effect in the context of the application in this case which must be considered on its merits.
124. My understanding of Ms Laurenson's primary concerns are:  
  
This site has been subdivided too much already (consistency with rules)

Subdivision of small rural lots should not occur (precedent and plan integrity)

125. My opinion from a planning perspective is that both of these matters need to be considered on a case by case basis and a key consideration should always be the existing environment. I also consider that effects on the environment and inconsistencies with provisions should not be assumed or speculated but based on evidence and facts.
126. I acknowledge that Landpro Limited lodged another application with NPDC for a 2-lot subdivision in the rural zone which contained two independent dwellings. This site, however, differed significantly from the site that is the subject of this application in relation to the use of the site and the surrounding environment (I can supply further details if this is helpful for the Commissioner). As I have outlined in this evidence, every application must be assessed on its merits, and if there is another site with some features which are similar to this application, that should not be a surprise, but it is also not common, and not all features are similar, there are many variables<sup>6</sup>.
127. I somewhat disagree with Ms Laurenson's wording in 9.28 s42A in relation it being 'open to a decision maker', the decision maker 'must... have regard to' the relevant matters, it is not a either/or.

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

128. I agree with the Report that there is no reason to decline the application under s106.

<sup>6</sup> I am somewhat surprised that NPDC wish to discuss SUB24/50047 further as this was another instance where NPDC failed to adhere to statutory timeframes. That application was lodged in April 2024 and NPDC did nothing with this application until April 2025 when they advised if progressed they intended to refuse the application. (I am not aware whether a report was generated as one was not circulated, no further information was sought and to my knowledge no s95 assessment was undertaken, but the decision maker had formed a preliminary view on the application). NPDC highlighted in April 2025 that, if the application was withdrawn, the lodgement fee would be refunded. Given the elapsed time with no engagement from the council and the indication it would be refused the Applicant unsurprisingly chose to withdraw the application

## **PART 2 OF THE RMA**

129. I generally agree that recourse to Part 2 of the RMA is unnecessary in this case, however, as Ms Laurenson has asserted that the application is inconsistent with Part 2 I have provided a brief commentary here:

I do not consider that there are any elements of this application which is inconsistent with the purpose of the RMA. As outlined in Mr Darlows evidence, for example, there is no material impact on the productive capacity of the land, the application proposes actions which safeguard the life-supporting capacity of air, water, soil, and ecosystems and the minimal adverse effects of the activity on the can be easily mitigated.

The purpose of the RMA is to manage the use, development, and protection of natural and physical resources not preserve the status quo. The proposal is an efficient use of a resource, and will provide for people's social, economic and cultural wellbeing and for their health and safety.

## **OVERALL ASSESSMENT TO GRANT OR DECLINE UNDER THE NPDC-DP**

130. I disagree with the assessment in para 214 of the Report as from a planning perspective I consider Ms Laurenson has applied unreasonable weight on fragmentation, especially as the fragmentation is existing, and would not be materially altered by the granting of this consent. I do not consider there will be minor adverse effects as identified above. In my opinion the effects will be insignificant (i.e. less than minor) - and this is supported by the written approvals provided by those potentially most impacted by the proposal in my view.
131. I disagree with Ms Laurensons assessment in para 215 of the Report. Mr Darlow's evidence and assessment conclude that the proposal is not inconsistent with the NPS-HPL.
132. I disagree with Ms Laurenson's assessment in para 216 of the Report. I consider that the proposed subdivision does not meet the threshold for needing to be avoided. The effects of the activity and the existing context is clear evidence that the activity can be appropriately managed within the plan framework in my opinion.

133. I disagree with Ms Laurensons assessment in para 217 of the Report. I do not consider that the proposal would undermine the integrity of the plan or set an inappropriate precedent. I consider that the assessment and assertion that any and all <20ha lots are comparable is inappropriate - and undermines the expectation that applications are considered on their own merits.
134. As outlined above, I am of a differing opinion in relation to the section 104(1) matters (paras 218 & 219 of the Report) and, from a planning perspective, I do not consider that there are any matters which would require this application be declined. I consider sustainable management would be better achieved through upholding this Objection and granting the subdivision consent.
135. I note Ms Laurenson's comment in the last sentence of 9.12 of the s42A that *It is not the role of the Council Planner to continuously request changes to an application to manufacture a grant of consent* I agree with this statement. In most instances however it is in the interest of Councils and planners (and in some cases submitters) to work in a productive manner with applicants and refine, for example, areas of disagreement to the extent that they can be achieved. Minimising potential concerns and potential adverse effects to ensure that a decision maker has the 'best' application to consider should generally be an aim in the process.

#### **DRAFT CONSENT CONDITIONS**

136. Proposed draft consent conditions are covered within the JWS dated 17 November 2025.
137. If the commissioner would see value in further conferencing or the preparation of a further Joint Witness Statement I am available.
138. I note that the JWS refers to two dates for the Scheme plan. One is the date of the 'scheme' and the other the date of the 'revision'. The revision date changes if the scheme is updated (while the date of the scheme remains). The current revision is 'C' and is dated in 9.12.25. This revision altered the area of the balance lot from 'calculated' to 'surveyed' to ensure consistency with the Record of Title. It is included as Appendix A.

**MINUTE OF INDEPENDENT COMMISSIONER #1  
RESPONSE TO POINT 4 BULLET 1**

139. I generally disagree with Ms Laurenson's assessment of this question. The objectives and policies are not substantively different.
140. Yes the previous plan provided for an additional dwelling if this was in close proximity to the existing dwelling and generally using the same services and access. However, this is not dissimilar to the current expectations within the zone where the activity status is higher but the matters of discretion are not onerous: (listed).
- Whether the residential unit(s) have been designed to share a single vehicle access point and driveway;
  - The extent to which the residential unit(s) and vehicle access point design, siting and external appearance adversely affects rural character and amenity;
  - Site topography and orientation and whether the residential unit(s) and vehicle access point can be more appropriately located to minimise adverse visual amenity effects;
  - Effect on nearby properties, including outlook and privacy;
  - Whether the residential unit(s) and the vehicle access point can be more appropriately located to maintain, enhance or restore indigenous biodiversity values; and
  - The ability to mitigate adverse effects through the use of screening, planting, landscaping and alternative design.
141. There are, therefore, few planning differences between the type and nature of dwellings which could be consented under the objectives and policies of the previous plan and the current. The second dwelling on this site was not a permitted activity, it was discretionary; so, all the policies and expectations could be considered when it was granted. The second dwelling is clearly more integrated with the existing rural activities on the site, which simultaneously resulted in the original dwelling no longer having a need or functional connection to rural activities. I note also Mr

& Mrs Stephens' evidence, that this dwelling has been used residentially for many years, and has not always been associated with, or required for, rural production activities on the property. Nor is it likely to be so required in the future due to the relatively small size of the property and other reasons their evidence sets out.

142. In 10.7 of the S42A Ms Laurenson discusses when a second dwelling could be consented. I agree with the comments that there are circumstances when consents may be granted. However, as outlined above (para 140), the matters of discretion that relate specifically to the creation of an additional dwelling include having a single access point. Based on Ms Laurenson's opinions in relation to RPROZ policies in both the Report and s42A, and her emphasis on the lack of appropriateness of dwellings which are not ancillary to rural production or the primary dwelling, I would interpret the matters of discretion above as being grounds to recommend a decline for an application for a second dwelling. In that context, if the second dwelling on this property was applied for today, the inappropriateness would likely be a rationale for the application to be refused. I would also anticipate that opinions Ms Laurenson and NPDC have expressed relating to plan integrity and precedent would also be raised if the second dwelling was being applied for on this site at this time.

143. I consider that the current plan is likely to be more restrictive than the previous plan and therefore the potential for 'like' situations to be created is likely lessened. However, as outlined above the previous plan did not make it simple to consent dwellings like the second dwelling on this property, as shown by the discretionary activity status. This will have contributed to the lack of existing 'like' situations also in my opinion.

#### **RESPONSE TO POINT 4 BULLET 2**

144. I agree with 10.8 in the s42A report

#### **RESPONSE TO POINT 4 BULLET 3**

145. The consent conditions have been supplied. I am unclear what additional rules would apply in this context. As a Land Use consent once granted

and implemented, it effectively becomes, and is, part of the existing environment. This consent has been given effect to. If, for example, alterations to the dwelling were proposed and these were within zone boundary setback, then consent may be required, the same applies for any new activities on the site, these would have to be considered on their merits against the relevant NPDC-DP plan rules at that time.

#### **RESPONSE TO POINT 4 BULLET 4**

146. I agree with Ms Laurenson that it is vires to us consent notices to prevent further subdivision (10.12 s42A). Such conditions are relatively common (as I noted earlier in my evidence). They are used to provide certainty to both Council and landowners regarding the potential to, for example, further subdivide a specific lot. They can be volunteered however, they can also be imposed as a mechanism in relation to effects on the environment, for example, contribution to the loss of values which make a landscape outstanding.
147. A prohibited activity status would be a clearer message that no further subdivision was appropriate. However, as Ms Laurenson and the council has outlined in response to this application, and SUB24/50047, they have a strong view that subdivision of this and other small rural lots is inappropriate. The proposed condition is, therefore, a mechanism to provide certainty for the landowner and the council that further subdivision is inappropriate at this time. I agree with Ms Laurenson that there would be an opportunity for the landowner and the council to explore removing the consent notice at a later date; I accept this is provided for under the RMA. However, variations of consent notices (and/or consent conditions) need to be considered against the context within which they were established under the relevant provisions of the RMA, on their merits, at the relevant time. The landowner simply wanting to again, for example, apply for subdivision consent would not result in the consent notice automatically being removed by the council. The landowner would need to go through a rigorous statutory process under the RMA to demonstrate what had changed for this consent notice to no longer be relevant (I would envisage that this would likely need to

be a change in the zoning of the property to one which is more enabling of, for example, residential development).

### **CONCLUSION**

148. In my opinion the Objection should be upheld - and consent should be granted - as the adverse effects on the environment are insignificant- and the inconsistencies with policies within the NPDC-DP (and other relevant planning instruments in this case), read as a whole and fairly appraised - are not caused by the proposed activity - but instead relate to existing site context and characteristics and values. There will be no adverse impacts from the proposal which trigger a requirement to avoid the activity under SUB-P10 (ie avoiding subdivision that would compromise the role, function and predominant character of the Rural Production Zone) and therefore, management of the potential effects, including through the conditions proposed, can be considered appropriate, as my opinion is that it is consistent with the purpose of the RMA, and will promote the sustainable management of natural and physical resources.
149. I do not consider the interpretation and application of RPROZ-P3 proposed by Ms Laurenson is appropriate as new land use activities are not proposed, and there are, therefore, no 'incompatible' activities being considered in the application, or adverse effects which cannot be managed, or conflicts which exist.
150. Further, it is also my opinion that granting the subdivision consent will not enable a more intensive use of the site (in terms of further residential or urban use and development) than is already existing (and has been effectively existing since the Applicant's second dwelling house was constructed in 2019 following the grant of the relevant land use consent in 2017). The subdivision consent will simply enable titles to be issued for the two existing dwellings on the land; and in this regard, is also an efficient use of that land resource in my opinion.

Dated 9 December 2025

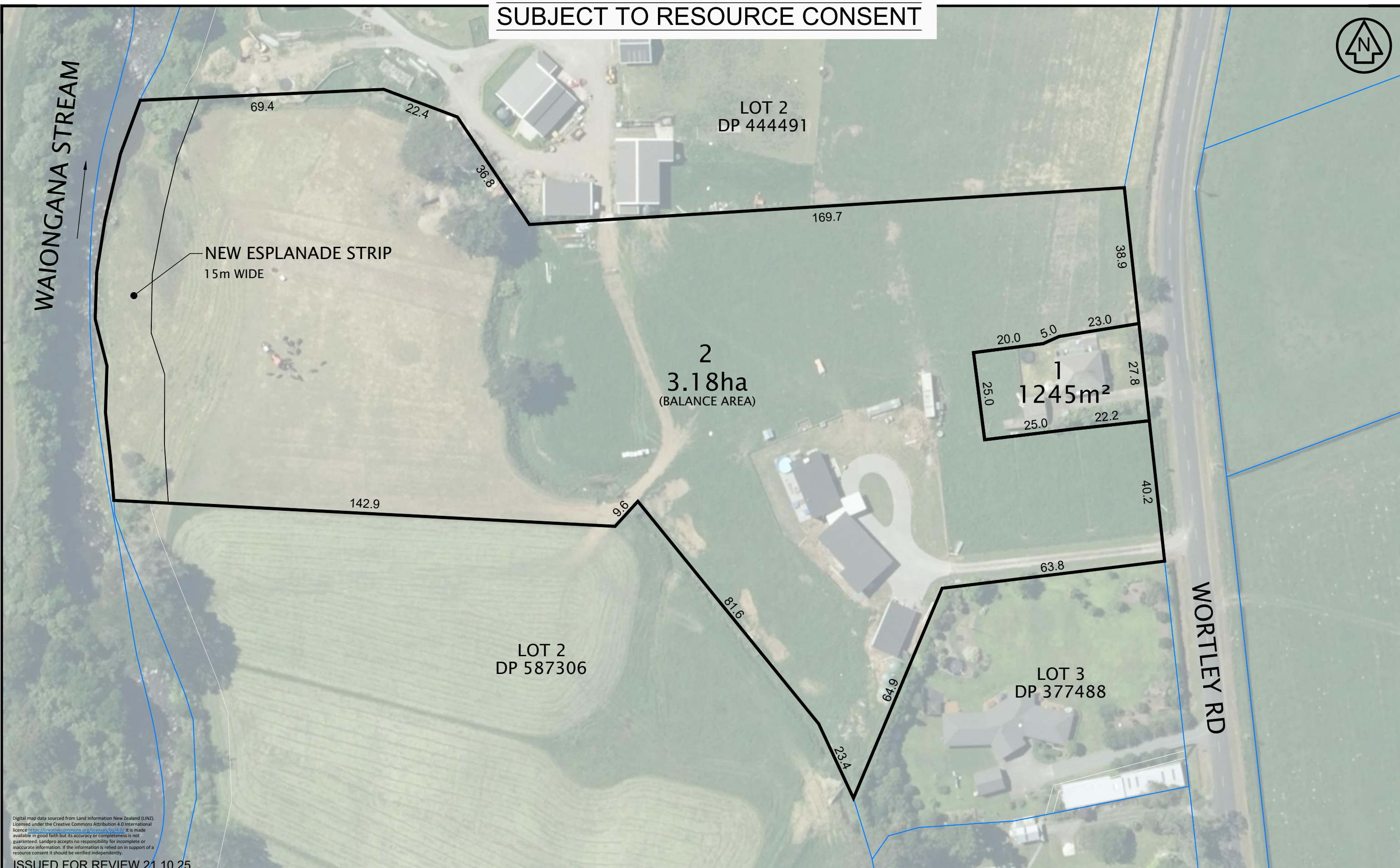


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Chris Rendall

Landpro Ltd

SUBJECT TO RESOURCE CONSENT



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ISSUED FOR REVIEW 21.10.25



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Client  
**T STEPHENS**

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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
C	9.12.25	AMEND AREA FOR BALANCE LOT	ID	ID	-	21.10.25	1:1,000 @ A3	
				Designed	Signed	Date	Datum & Level	Rev.
				-	-	-	T2000	C

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