Before New Plymouth District Council

Independent Commissioner Mark St Clair

IN THE MATTER of an application for variation of subdivision consent notice conditions SUB24/50201.01 — 1 and 9 Washer Road, Omata

Washer Family Trust Limited
Applicant

EXPERT STATEMENT OF CHRIS RENDALL

INTRODUCTION AND QUALIFICATIONS

1. My full name is Christopher Paul Rendall. On 17 September 2025 I provided expert planning evidence in support of The Washer Family Trust Limited's (the "**Trust**") application to the New Plymouth District Council for resource and subdivision consents (the **"substantive application"**).[1] A copy of the earlier evidence and its appendix are **attached** to this statement (Appendix A).

2. I now provide planning evidence in support of the Trust's related application to vary consent notice conditions (the **"variation**" application) on lots 20 and 31 to facilitate the substantive application's consideration and implementation.

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 currently employed as a Principal Planner at Landpro Limited. I have over 15 years' experience in the resource management field.

4. 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.

[1] See: application for resource consents LUC24/48662 and SUB24/50201 1 and 9 Washer Road.

5. 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.

6. I have been involved in this matter as outlined in paragraph 10 of my previous evidence in relation to the substantive application. In addition, I attended the hearing in relation to that process and completed a Joint Witness Statement on 7 November 2025 in relation to that process.

7. In relation to this current process, I:

   (a) drafted and lodged the variation application and worked with the applicant to obtain and supply affected person approvals to NPDC

   (b) reviewed the NPDC notification decision and procedural documents and minutes associated with this hearing

   (c) corresponded with NPDC regarding matters including: missed opportunities to expedite this process; delays; procedural issues; and, clarification relating to this process

   (d) reviewed the three submissions

   (e) reviewed the s42A report and clarification memo

   (f) reviewed the Statement of Evidence of Kristel Franklin expert on geotechnical engineering

8. I have visited Tapuae Estate several times as well as the application site and drive past it frequently. I most recently visited the Tapuae Estate on 7 May 2026.

Updating information

9. I have reviewed my earlier evidence carefully, I consider it remains current, relevant and applicable to this variation application. While, I have considered whether any elements of my evidence could be updated, I consider that as it has already been heard by the commissioner as part of the substantive process there is little point exploring it further here. As nothing material has changed in relation to the situation relating to Lot 20, I adopt my earlier evidence with further analysis provided below to supplement that evidence as appropriate based on the specifics of this current process. For all relevant material to be before the commissioner

hearing the variation application, I incorporate my earlier evidence, including its appendix with this updating evidence (Appendix A).

10. However, it is important for me to add to my statement, because of a new national policy statement for natural hazards being released in December 2025, which entered into force in January 2026 "NPS-NH").[2] I also reviewed other new and amended national direction but did not identify any others as being relevant to the current process.

SCOPE OF EVIDENCE

11. I have been asked by the Washer Family Trust Ltd to provide expert evidence on Planning matters relevant to this application.

12. Where relevant I reference the contents of the section 42A report. Were a paragraph is referenced in the evidence and no other document is noted this reference is in relation to the s42A report.

13. My evidence covers:

    (a) The Proposal

    (b) Background and Context

    (c) Consultation and notification.

    (d) Information Considered

    (e) Submissions

    (f) Assessment of the effects of the subdivision and land use

    (g) Alternatives

    (h) Statutory requirements and part 2 of the RMA.

    (i) Draft consent conditions, and

    (j) Conclusion.

SUMMARY OF KEY EXPERT OPINION CONCLUSIONS

14. My expert opinion is that:

    (a) As a planner, I am an evaluative expert. It was my role, as part of making the application to assess the current nature and character of

[2] "Notice of National Policy Statement for Natural Hazards" (15 December 2025) New Zealand Gazette <https://gazette.govt.nz/notice/id/2025-sl7045>.

the environment. I formed, and still hold the view that Tapuae Estate is a 'Farm Park' with the nature and character of a high-end subdivision built around a longstanding bull farm. The proposed activities would not alter the nature of character of the estate. In my opinion, this is the appropriate way to assess "amenity" in accordance with its definition in the RMA. In my expert opinion, the amenity, or nature and character of the site will not be adversely affected by the proposal and nothing in the section 42A report convinces me otherwise.

(b) I consider that Mr Robinson relies too heavily on the term amenity in this objective and policy assessment of the district plan. As a planning expert I consider that simply identifying whether a word, in this case amenity, is in an objective or policy is insufficient to determine if a proposal is consistent with an objective or policy. If there is considered to be an adverse effect on a value the potential inconsistency should be tested against the purpose and context of that specific objective or policy. As a planning expert I do not consider that the presence of the word should be conflated to becomes an automatic rationale to consider a proposal to be inconsistent with any and all objectives and policies which contain that word. I consider that conflation has occurred in relation to 'amenity' in the objective and policy assessment in the s42A report.

(c) I disagree with the recommendation made by Mr Robinson in the section 42A report dated 22 May 2026 to decline the application. In my opinion the recommendation and assessment are primarily based on a tenuous linkage to a single subjective resource management matter 'amenity' as being a fatal flaw to any ability to recommend a consent be granted.

(d) I consider that the s42A report lacks an objective assessment of 'amenity'. The report does not explore the scale or significance of the implied adverse effects and uses what I consider to be hyperbole of submitter comments to equate their opinions to adverse amenity effects.

(e) The RMA, regulations, national direction, policy documents and plans provide an effects management framework for decision

makers. No evidence has been presented to indicate that the proposal will have inappropriate adverse environmental effects or be inconsistent with national direction, the relevant planning documents or the purpose and principles of the RMA.

(f) Matters raised in opposition to the proposal relate primarily to landowner approvals which are appropriate to resolve outside of the resource management system. If not given effect to consents lapse. I consider this to be a key misunderstanding of those who have submitted in opposition to the application as if appears they believe the RMA can circumvent landowner approval.

(g) The submitter suggests the application would allow an unequal exchange in land coverage type, as the balance lot will receive slightly more bush and hold a de minimis amount less of pasture. The applicant has agreed to put forward two scheme plan options for the Commissioner to consider. Option One was included in the application. Option Two for the proposed site includes areas which contain the same ratio of bush:pasture as currently exists within lot 20. I have included this alternative scheme as Appendix B.

(h) For completeness, I tested with the applicant's geotechnical expert (Ms Franklin) whether altering the building platform's location within the existing lot was feasible. However, her advice was that it would be very challenging to avoid the structure being 'intimately connected' to the slip. If the structure is 'intimately connected' to the slip this could result in implications such as a notice on the title stating the site was at risk of natural hazards.

THE PROPOSAL

15. The proposal which this application relates to has not changed to that described in my evidence for the substantive application attached as an appendix (Appendix A).

16. As outlined in the application for this proposal, it is for the purposes of enabling the wording of the consent notices on lots 20 and 31 to be varied which would in turn enable applications SUB24/50201 and LUC24/48662 to progress. The conditions specific wording is a product of the timing of the implementation of the consent notice variation. I consider this sequencing

of events, as discussed in the AEE in section 2.2 has led to the differing consent wording proposed by Mr Robison and I. My wording's premise is that the changes must occur prior to the subdivision consent occurring (as the commissioner has determined in the substantive hearing). This amendment would be registered on the titles and then run with the land. I note that giving effect to any granted consent would require separate approvals.

17. Mr Robinson proposes alternative condition wording in Appendix 1 of the s42A report. I am comfortable with the wording of these conditions, as they address a key issue with the current notice on lot 20 which currently requires a specific 15m setback. I note my preference is for 'must' to be used in place of 'shall' in any conditions adopted if consents are granted.

BACKGROUND AND CONTEXT

18. The background is adequately covered in my evidence for the substantive application attached as an appendix (specifically paragraphs 22 - 32). This includes the following excerpt at paragraph 22: (which applies equally to the current application and s42A report):

The application site is well described in the application and the section 42A report. In summary it is a rural-residential environment with established farming practices, vegetation, housing and community facilities.

19. I reiterate that, from a planning perspective 'amenity values' as raised by the submitters and seemingly confirmed by Mr Robinson in the s42A are not 'amenity values' as defined in section 2 of the RMA[3]. I consider that Mr Robinson's reliance on amenity as a 'hook' in his evidence has led to submitters misplaced reliance/linkage between the matters they raise and this term.

CONSULTATION AND NOTIFICATION

20. The opposing submitter Mr Cameron suggests no consultation has occurred; however, consultation on the proposed boundary adjustment by the applicant has been extensive. It remains ongoing as evidenced by the seventeen written approvals that were provided and the submission in

[3] Resource Management Act 1991, s2(1) interpretation: **amenity values: "**means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes"

support of the application. I also note, the RMA does not require consultation.

21. I note that consultation will not always result in reaching agreement or consensus. Based on correspondence I have reviewed the applicant has endeavoured to achieve consensus for several years, the result of which has forced them to have recourse to this process. The applicant has advised me that this was not their preference but as there are unrelated matters which are unresolved matters between joint owners of lot 31 this is the only practical approach to resolve the issues with this site. The applicant has noted that this situation, including the consultation efforts to date, have significantly increased the costs and delayed the use lot 20 for its intended purpose.

INFORMATION CONSIDERED

22. In preparing this evidence, I have reviewed:

    (a) The application and supporting documents;

    (b) Documentation associated with the substantive application.

    (c) Correspondence with NPDC arising form the applications processing

    (d) The section 42A report prepared by Mr Robinson dated 22 May 2026 and the addendum dated 26 May 2026

    (e) The site and surrounding area (in person);

    (f) Submissions received that raise issues which may be relevant to my field of expertise; and

    (g) Statement of Evidence of Kristel Franklin expert on geotechnical engineering.

SUBMISSIONS

23. I have summarised my understanding of the contents of the submissions that were received in the following table.

	Submitter	**Matters raised**	**Notes**
1	Cameron	Property right, interest in land	Oppose – seeks decline

		Planning intent Change in land type Ability to alter boundaries Amenity Geotechnical risk Consultation	
2	Bennett-Lawn	Property right, interest in land, land value, access and use of land Primary productivity Amenity	Neutral – Support in principal but seeks unanimous joint owner consent
3	Heinemann	Support of the proposal and a desire for the land to be used for its intended purpose	Support – seeks grant

ASSESSMENT OF THE EFFECTS OF THE VARIATION

24. I generally agree Mr Robinson's notification report dated 20 January 2026, which (at paragraph 38) identifies the proposals effects as 'minor'. Consistently, in the variation application (in section 5.4), I detail my conclusion that there are no specific adverse effects generated through approval being provided to vary the material notice's wording - specifically none which are minor or more than minor.

25. I note that Mr Robinson inaccurately refers to the number of submissions/submitters in the s42A report which makes some of the commentary inaccurate. Mr Robinson incorrectly indicates that there were more submitters raising similar but distinct concerns rather than a single submission which I understand may detail several individual's views — however, the noted individuals did not file submissions.

26. As Mr Robinson outlines, at the substantive hearing, and in evidence the matters raised by submissions were canvassed extensively. As such he merely adds commentary where he considered relevant. This approach in

noted in relation to effects in the s42A (including paragraphs 32, 33, 35, 38, 42, 43, 50, 51 and 53).

27. I agree with aspects of Mr Robinsons effects assessments, notwithstanding his conclusions regarding "amenity". Particularly, I note paragraph 46 of the s42A report. There, he identifies that the outlook and rural amenity effects on persons associated with dwellings 250m+ from the site would be affected (as a consequence of the application being granted) to a less than minor level. In my expert opinion as a planner, any amenity analysis should conclude at this point as amenity effects have then been considered at a scale which is reasonable and appropriate in the context of the RMA definition of amenity.

28. I also agree with Mr Robinson's assessment at paragraph 47, where he concludes the proposal will not enable a loss of rural character. His reasoning supporting this conclusion is sound, I agree that any effect which the proposal may have on the wider rural character would be maintained — because the proposal will not result in a built character that is inconsistent with the estate's low-density housing design.

29. Mr Robinson at paragraph 55 of the s42A specifically identifies what he considered to be a relevant key effects management matter raised by the submissions:

    Land which they consider to be more functional and productive would be swapped with land contained within the gully area of Lot 20 which is deemed to be not as functional. This impacts on their appreciation and amenity of the land.

    I explore this further in paragraph 32.

30. At paragraph 56 of the s42A report Mr Robinson notes the avenues for resolution of submitter concern are outside the RMA's scope and can only be addressed through separate processes. I agree. Separate legal processes concerning property rights which are external to the RMA's jurisdiction (and irrelevant to this application) address issues raised in submission. I do not consider that the submitter's concerns on this matter should be conflated to and effect on the environment through this process.

31. "Amenity" effects (discussed in paragraph 57 of the s42A report) were considered extensively in the substantive hearing and in evidence. I

consider that consideration of amenity is less relevant in the context of a consent which would only provide for variation of consent notice wording but would not actually in and of itself implement subdivision.

32. However for completeness I provide the following analysis:

32.1 I understand Mr Robinson is concerned regarding the substantive application's resulting amenity effects on notified parties who did not provide written approval for the application. I note that the majority of owners of Tapuae residents including those closest to the proposed boundary adjustment have not expressed any concerns regarding amenity effects, this indicates the effects, if any are present, are highly subjective.

32.2 I am unclear how the proposal would so significantly adversely affect the amenity experience by Mr Cameron and Ms Bennett-Lawn without also significantly adversely affecting the amenity values of all other joint owners. An adverse effect on amenity, as defined by the RMA, should be something, while subjective, still be a tangible difference. If the proposal related to a change in the land in a manner inconsistent with the broader purpose of the estate such as applying to build a fast-food restaurant on this site, it would be reasonable to consider that there would be adverse effects on both rural character and amenity. This, and the substantive, application do not propose any activities other than what was intended and envisaged since lot 20 was originally granted subdivision and landuse consent. The proposal is entirely consistent with the expectations for each individually owned lot. The lot area remains greater than 4000m^2, does not add any additional individual residential lots, is only intended to site a single residential dwelling and will remain part of the 'Farm Park' (the original decision documents are linked to the substantive hearing, these contain analysis of what was intended to be enabled through those subdivisions and land use consents).

32.3 In relation to effects on 'rural pasture amenity'. Lot 31 DP 385658 is 56.0153ha. It is a mixture of pasture and bush. Approximately, Lot 31 contains 45ha of pasture, and approximately 10ha of bush/roads and other shared facilities. I note a further nearly 1.5ha of pasture within lot 32 DP 385658 – the other lot with shared ownership which is also part of the rural character and amenity of this site.

32.4 This proposal seeks to enable a boundary adjustment to occur which would result in a change from pasture to bush of 762m^2 within the shared ownership lot. This change would equate to a change <0.2% change in pasture area within the balance lot. From a planning perspective I assess this change as having an undetectable effect on 'pasture amenity' in the overall context of the Estate, as the change in farming area will be imperceptible and has been deemed acceptable to the balance lot's lease holder and many of the landowners at Tapuae. I also note that the amenity of the Estate is not simply associated with pasture. There are substantial areas of bush already within the Estate (and Lot 31). I do not consider that there is a perceptible change in amenity at a meaningful scale as envisaged by the term 'area' in the definition of amenity (footnote 1 above includes a definition of amenity under the RMA). Amenity areas are a feature in many district plans and are applied at a scale much larger than the Estate. As the Estate is a 'Farm Park' arrangement the amenity and character also includes dwellings and other shared facilities. I consider from a planning perspective that consideration of (rural pasture) amenity in the way and at the scale Mr Robinson and the submitters in opposition approach amenity in relation to the application is misguided.

32.5 I consider other adverse effects asserted by Mr Cameron in his submission including, cumulative, amenity, rural character, intensification do not have strong linkages to material effects on the environment. As an example, Mr Cameron's home is ~40m from one neighbour and ~90m from another. In this proposal a similar situation will be present with dwellings ~40m and ~60m from the Heinemann property. The Heinemann's have submitted in support of the application. One of Mr Camerons close neighbours has provided written approval while the other is listed as someone he has submitted on behalf of. This suggests that the intensity and character effects Mr Cameron has submitted in opposition to the application are acceptable in the context of his own dwelling, while he considers they are inappropriate at a location >700m from his home (where those persons closest to the activity have not raised any concerns).

32.6 I therefore cannot identify a planning rationale which would lead to significant adverse amenity effects being experienced by Mr Cameron or leading to Mr Robinson reaching his conclusions in his s42A report,

recommending that the application should be declined on what I understand to be primarily based on amenity effects.

32.7 In relation to whether landowner approvals are required prior to the granting of resource consent(s) based on Mr Robinsons wording in paragraph 57, I understand he considers this to be the case. Based on Mr Robinsons wording used I also understand he assumes that the granting of consents would 'establish' adverse effects. From my expert planning perspective, the granting of the consents or providing approval for the consent notices to be varied does not automatically enable these activities to occur. There are legal steps which must then follow. Whether a granted consent or other approval is given effect to is a separate matter. It is not uncommon for an applicant to attempt to obtain a consent for an activity prior to investing in actions such as obtaining building consent as there are costs and risks associated with each stage of the process. In this instance, as the effects of the activity on the environment are at most minor, obtaining a resource consent to provide the ability for the activity to occur if all other approvals are obtained is a pragmatic approach. Without granted consents there is effectively nothing to be considered for signoff from a legal perspective in relation to altering the consent notices or the boundary adjustments. I consider that from a planning perspective the key considerations in this process relate to the management of effects in a manner consistent with the purpose and principles of the RMA.

32.8 While a decision maker in an RMA processes where the activity is discretionary decision makers have a broad ability to grant or decline and application (as detailed in s104 and s104C of the RMA), I do not consider from a planning perspective the s42A report or submissions raise adverse effects on the environment or inconsistencies with the planning framework which would warrant a recommendation in the s42A report to refuse the application(s).

ALTERNATIVES

33. As outlined in the preceding section I do not consider from a planning perspective that the proposal would result in adverse effects on the environment which would warrant the application being refused. However, in the interests of providing scheme plans to the Commissioner, which would facilitate discussions between parties after the consents' grant

regarding different ways to implement the consents the applicant has put forward an alternate scheme plan.

34. A matter raised in submissions by Mr Cameron and Ms Bennett-Lawn related to differences in land cover between the current and proposed lot boundaries. To improve the potential for the application to obtain landowner approval post consent (if granted) the applicant is proffering two scheme plans. I propose that these are introduced to the substantive process, while also informing this process. Option One was included in the application. Option Two includes areas which contain the same ratio of bush:pasture as currently exists within lot 20.

35. From a planning perspective I consider that Option One is more consistent with plan provisions relating to rural character and amenity including spaciousness and note that Option Two is less consistent with the other lot shapes within the Estate. Lot 20 is one of the smaller lots on the estate which limits the ability to adjust the boundary while retaining a lot shape consistent with other lots within the estate and an area suitable for a building platform.

36. Option Two would result in a complex angular boundary with a less spacious feel and is therefore less consistent with anticipated character and amenity within the rural zone. However, I consider that these effects would be at most minor. I have included this scheme as Appendix B. As this scheme has not been circulated to the closest neighbours. Those neighbours have submitted in support or provided written approval for Option One. There is the potential that they will not be comfortable with the altered lot shape. For this reason, I consider it appropriate to enable both Scheme Options to be available for consideration if consents are granted in relation to this and the substantive process.

37. For completeness I also discussed the potential to site a dwelling within Lot 20 with the applicant's geotechnical expert (Ms Franklin). This was to explore if altering the location of the building platform within the existing lot was practical (this information is relevant for the consent application now being consider in relation to the substantive process).

38. Ms Franklin noted that even if the building platform was effectively on the eastern and southern boundaries it would be difficult to avoid the structure

from being 'intimately connected' to the slip and would therefore still be at risk of natural hazards. This risk may then result in additional constraints and limitations on the title for example the addition of Building Act 2004 section 73 notice. It may also make insuring the dwelling difficult. Managing the risks of natural hazards is the intent of the of natural hazard policies and national direction, this application provides the opportunity to appropriately manage these risks while it is unlikely this could be achieved with Lot 20.

39. I also note that having a dwelling built up to the boundary of the property would require a change to the current setback requirements and be less consistent with the District Plans objectives and policies regarding maintenance of rural character and amenity. It may also require a change to the building typology which is provided for the site, this would be a further consenting process (to vary a consent notice). Changes to the location of the building within Lot 20 and its design would have the potential to result in adverse amenity effects on those neighbours who individually own property closest to this lot and have to date been supportive of this application. This support may be lost if the proposal was amended to provide for these alternative approaches or a new application may be required. I do not consider this option to be a good planning outcome.

STATUTORY REQUIREMENTS.

40. I consider that my evidence in the substantive hearing is relevant for this process and I have focussed my analysis below on the key areas where Mr Robinson and I disagree.

41. As acknowledged by Mr Robinson in paragraphs 63-69 of the s42A new national policy directions have come into effect since this application was lodged. Particularly relevant is The National Policy Statement – Natural Hazards 2025 (NPS-NH), which came into effect on 15 January 2026. While I have reviewed all the new RMA national directions (as requested by the commissioner in minute #2) and amendments to existing national direction I consider that the NPS-NH is the one relevant to this, and the substantive, application.

42. I generally agree with Mr Robinsons s42A assessment that the application is consistent with the expectations in the NPS-NH. I would go further than saying that there is no reason to refuse the consent. I instead consider that granting the applications would better give effect to this national direction (specifically policies 1,2 and 3) as it enables the avoidance of a very high natural hazard risk which would be present if development was to occur unmitigated on the current lot 20.

43. I defer to the risk assessment undertaken by Ms Franklin against the NPS-NH. (I note the in the s42A Mr Robinson inadvertently mis quoted Ms Franklins' evidence, at paragraph 65 from the substantive hearing, where she identified; *"the risk of slippage to Lot 31 would impact <1% of the total land area"* Mr Robinson incorrectly referred to this as >1% at paragraph 65 of his s 42a report.)

44. I agree with Mr Robinson (paragraphs 70-75) that there is either little relevance to, or no policies, in the NPS-HPL and the Regional Plan which this proposal is inconsistent with.

45. Mr Robinson does not make any commentary regarding many of the District Plans objectives and policies which he quotes in the s42A report. . However, as they are listed but not in any way addressed in an adverse or critical way by Mr Robinson, it can reasonably be inferred that Mr Robinson considers the application is consistent with (or at least not inconsistent with) those listed but not explicitly addressed. These were covered in the application. In relation to subdivision this relates to all district plan subdivision objectives and policies listed other than SUB-P15.

46. I note that Mr Robinson provided commentary regarding SUB-P15, so I interpret his lack of commentary on any other subdivision objectives or policies in this process to indicate a changed view since commenting on those policies in the s42A report for the substantive hearing. I consider that as no concerns in relation to these objectives and policies are raised by Mr Robinson he likely considers these to have been adequately addressed so I have not commented on them further in this process.

47. From a planning perspective I struggle to understand Mr Robinsons assessment of the district plans policy SUB-P15 (paragraph 79). Mr Robinson has indicated that he considers that the effects on rural character

are acceptable and that the effects on amenity are acceptable in the context of all the individually owned properties. No submissions advance evidence supporting of the proposition that the application is inconsistent with the overarching direction of this subdivision policy which relates to maintaining or enhancing character and amenity.

48. From a planning perspective I cannot identify any reason for the application to be inconsistent with any of the matters 1-5 listed in relation to SUB-P15:

    1. *varying forms, scales, spaciousness and separation of buildings and structures associated with the use of the land;*
    2. *maintaining prominent ridgelines, natural features and landforms, and predominant vegetation of varying types;*
    3. *low population density and scale of development relative to urban areas;*
    4. *on-site servicing and a lack of urban infrastructure; and*
    5. *in the Rural Production Zone, the continued and efficient operation of rural activities and productive working landscapes.*

    The site currently meets these expectations and will continue to meet these expectations. There is no material change in land use proposed (from that which is currently consented) so it is unclear how the rural character and amenity of the site will be lost or reduced, at any meaningful scale by the proposal.

49. I consider the rationale used by Mr Robinson to link district plan objective RPROZ-O4 with adverse amenity effects is tenuous. I do not consider the proposal would do anything other than 'Maintain the predominant character and amenity of the Rural Production Zone' as the objective seeks to achieve. I am not aware of any other 'overarching direction' which Mr Robinson may be referring to.

50. In paragraph 81 I consider that Mr Robinson infers that he doesn't consider the proposal to be inconsistent with any of the matters (1-5) listed in relation to RPROZ-O4 and instead focusses on a 'broader judgment of amenity values'. From a planning perspective I am unclear what this broader judgement of amenity values would consider, or the basis on

which Mr Robinson would rely to make this judgment within the RMA's framework. Mr Robinson does not provide any description of the 'character or amenity' type which he envisages be captured in this judgement.

51. In paragraph 81 Mr Robinson then reiterates his opinion that, in relation to Policy RPROZ-O4, 'the effects would be significant, permanent and cannot be easily mitigated or reversed'. I am unsure which effects Mr Robinson is referring to in this context, and I am unsure how this is relevant to the consistency or otherwise of the application with this policy. There is nothing in the application which alters the rural character or amenity in any meaningful way. No objective basis has been provided to support this conclusion.

52. Mr Robinson in paragraph 83 in relation to district plan policy RPROZ-P3(2)(a) reiterates his view that the proposal will adversely effect amenity values. As outlined in this evidence and during the substantive hearing I do not consider that evidence has been provided to indicate that the activity would, as Mr Robinson states at paragraph 83, *"negatively impact on the submitters' use and appreciation of the land to which they have part-ownership"*. The activities proposed to be consented through the variation, and the substantive application, would not result in material changes to the nature of the land in shared ownership in either the values present or the extent. I therefore do not consider that there is evidence of adverse effects on amenity values in this context.

53. In relation to district plan policy RPROZ-P5 and discussed by Mr Robinson in paragraph 85 I do not consider that evidence has been provided to indicate that the activity could be considered inappropriate in the context of the Estate and in terms of the type, scale and level of effects for the Rural Production Zone. I therefore do not consider that in relation to this policy there would be significant adverse effects on amenity values. The activities are anticipated within the Estate and have or will occur on every other individually owned lot. Mr Robinson's broad statement in paragraph 85 seems to indicate that all the activities which have occurred on the Estate to date were inappropriate (as all previous subdivision and development within the estate will have had comparable if not greater effects on the rural production zone than the current proposal). The examples used in relation to this policy (1&2) relate to activities which may

generate effects which are generally not anticipated. My earlier example of a (24 hour) fast food restaurant is also relevant here as it would be the sort of activity which would have noise, light, traffic at levels and times not anticipated in the zone and Estate (and therefore likely to result in adverse effects).

54. I agree within Mr Robinson in paragraphs 88-90 that there are no pertinent issues in relation to waterbodies and the coastal environment and that policies relating to Sites of Significance to Māori have been adequately considered.

55. From a planning perspective I consider that Mr Robinsons summaries in paragraphs 91-92 are clutching at straws. I consider from a planning perspective the effects are less than minor but outside of my and Mr Robinsons area of expertise the submissions in opposition indicate that there is underlying tension between landowners within the Estate. I do not consider from a planning perspective that many of the matters raised relate to planning. For those matters where there are resource management actions which could be reasonably taken these have been identified in the application and the effects assessed. I am not aware of any evidence which indicates a magnitude of effect as being inappropriate or any more than minor, and the effects on the environment would be more accurately described as negligible. Mr Robinson's s42A report repeatedly relies on a tenuous link between submissions in opposition and amenity and then draws this out to being the fundamental policy and effects management consideration. I consider this results in an unbalanced recommendation (at paragraph 97) which largely appears to ignore much of the analysis and evidence available including Mr Robinsons own commentary on the effects.

56. As noted in my evidence in relation to the substantive hearing I consider that the application is consistent with Part 2, the purpose and principles, of the RMA.

57. I agree with Mr Robinson at paragraph 95 that there is no reason to decline the application in relation to s106.

DRAFT CONSENT CONDITIONS

58. As stated in the proposal section of this evidence I consider that the specific wording used in the conditions, whether those put forward or recommended in the s42A report provide sufficient clarity to enable the consideration of the substantive process. I intend to undertake conferencing with the processing planner prior to the hearing with the aim of providing an agreed set of conditions.

59. I would also like to note that I consider from a pragmatic planning perspective, minor/pragmatic boundary variations would not have been intended to be prohibited by the consent notices on the titles and it is unfortunate that they were not drafted in a manner which reflected this. However, as with all conditions they are drafted based on the foreseeable eventualities and often miss what may seem in hindsight to be obvious. A prime example of this is current consent notice of Lot 20 (which is sought to be amended) which requires buildings to be setback 15m from the top of the gully. This is an example of a condition which is, in hindsight, poorly drafted. It is not specific, what point is the head of the gully and what happens if the head of the gully moves? Why must the building be specifically 15m from the top of the gully? Again, I would argue that from a planning perspective, despite its directive language, this consent notice was not envisaged to be read as a strict requirement (other than a minimum 15m setback be required from a specific point).

60. As this development was relatively novel at the time consents were obtained. I consider it would have been not unexpected from a planning perspective for those involved in its establishment to be unaware of the risks associated with the agreed conditions. I note that more recent similar property developments have covenants which include conditions which prevent the situation which is currently being considered from arising (no complaints covenants) while also including specific penalties (daily charges) for any covenant breaches. I also note that those I am aware of use a different structure to avoid the conflicts that have arisen in this instance.

61. I note that, in light of the strict application of the consent notice during this process, the revised wording will still have the potential to result in the prevention of any variations to boundaries even where there it is for a pragmatic reason without a substantive process. As an expert planner I

consider the condition wording cumbersome, but as this variation application is only for the purposes of enabling the substantive process to continue I accept the suboptimal wording is likely the most appropriate to retain in this instance.

CONCLUSIONS

62. In my expert planning opinion, the application to vary the wording of consent notice conditions may be granted. The application is consistent with the purpose of the RMA and will promote the sustainable management of natural and physical resources. The application does not have any effects which are minor or more than minor.

Dated 29 May 2026

_____

Chris Rendall

EXISTING EASEMENTS

Subject to a right to convey electricity in gross over parts marked B,C,D,E,G,J,K,M,R,S,T,U & W on DP 385658 in favour of Powerco Limited created by Easement Instrument 7890638.37

Subject to a right to convey telecommunications and computer media in gross over parts marked B,C,D,E,G,H,J,L,M,R,S,U,V,W,X & Z on DP 385658 in favour of Telecom New Zealand Limited created by Easement Instrument 7890638.38

Subject to a right to drain water in gross over parts marked AP,AR & AQ on DP 385658 in favour of New Plymouth Distirct Council created by Easement Instrument 7890638.39

EXISTING LAND COVENANTS

7890638.24 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 29.7.2008 at 9:00 am (Affects Lot 20 DP 385658)

Building Typology, materials and restrictions

7890638.35 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 29.7.2008 at 9:00 am

Balance Land - revegetation and preservation of existing bush

7890638.36 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 29.7.2008 at 9:00 am (Affects Lot 31 DP 385658)

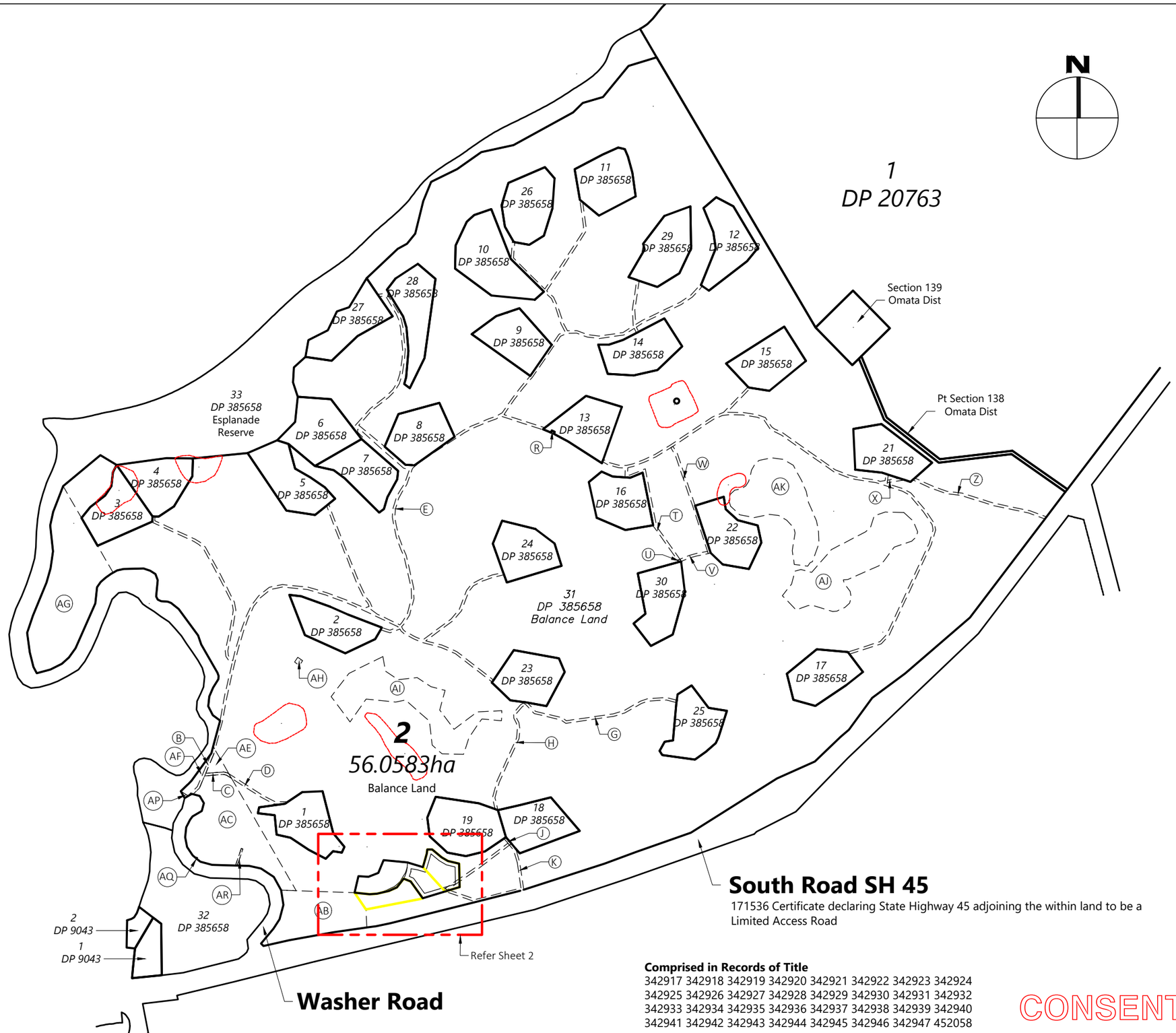
Balance Land - Conservation Covenant

EXISTING AMALGAMATION CONDITION

That Lots 31 and 32 hereon (legal access) be held as to thirty undivided one-thirtieth shares by the owners of Lots 1 to 30 hereon as tenants in common in the said shares and that the individual Certificates of Title be issued in accordance therewith.

PROPOSED AMALGAMATION CONDITION

That Lot 2 hereon and Lot 32 DP 385658 (legal access) be held as to thirty undivided one-thirtieth shares by the owners of Lots 1 to 19, Lots 21 to 30 DP 385658 and Lot 1 hereon as tenants in common in the said shares and that the individual Records of Title be issued in accordance therewith.

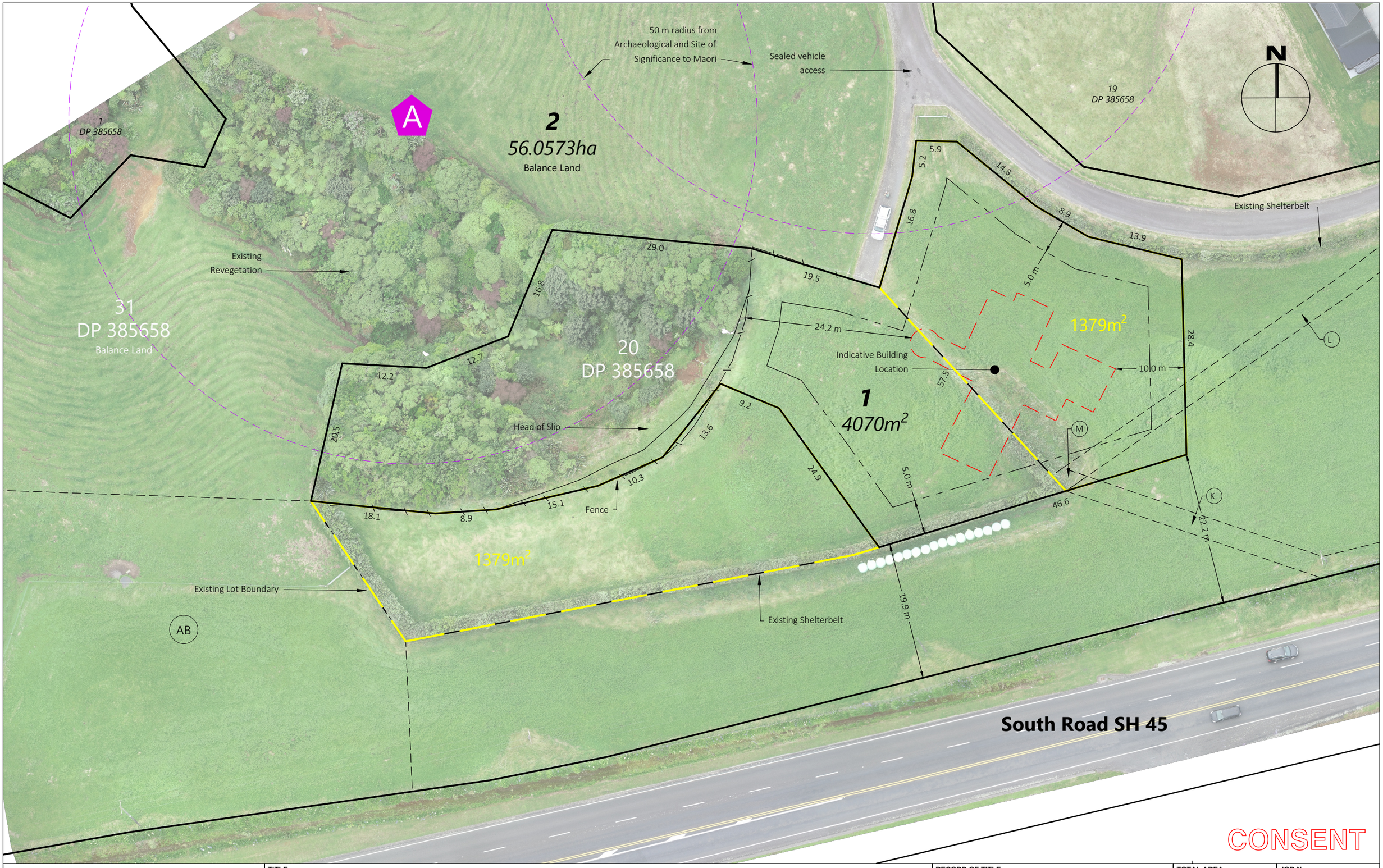


Comprised in Records of Title
342917 342918 342919 342920 342921 342922 342923 342924 342925 342926 342927 342928 342929 342930 342931 342932 342933 342934 342935 342936 342937 342938 342939 342940 342941 342942 342943 342944 342945 342946 342947 452058

CONSENT

McKinlay SURVEYORS
28A Manadon Street
PO Box 116
New Plymouth 4340
New Plymouth 06 758 5342
Hawera 06 278 4456
www.mckinlaysurveyors.co.nz

TITLE	RECORD OF TITLE	TOTAL AREA	JOB No
PROPOSED SUBDIVISION OF LOTS 20 AND 31 DP 385658 9 Washer Road, Omata	See Above	56.4583ha	W-211212
	TERRITORIAL AUTHORITY New Plymouth District Council	DATE 08/05/26	DWG No RC01
This plan is prepared only for the purpose of obtaining a Resource Consent pursuant to the Resource Management Act 1991. It must not be used for any other purpose. Areas and dimensions are approximate only and are subject to change on final field survey.	APPLICANT Washer Family Trust	SCALE 1:5000@A3	SHEET OF 1 2



McKinlay SURVEYORS
28A Manadon Street
PO Box 116
New Plymouth 4340
New Plymouth 06 758 5342
Hawera 06 278 4456
www.mckinlaysurveyors.co.nz

TITLE: PROPOSED SUBDIVISION OF LOT 20 AND 31 DP 385658 9 Washer Road, Omata	RECORD OF TITLE: Refer Sheet 1	TOTAL AREA: 56.4583ha	JOB No: W-211212
	TERRITORIAL AUTHORITY: New Plymouth District Council	DATE: 08/05/26	DWG No: RC01
This plan is prepared only for the purpose of obtaining a Resource Consent pursuant to the Resource Management Act 1991. It must not be used for any other purpose. Areas and dimensions are approximate only and are subject to change on final field survey.	APPLICANT: Washer Family Trust	SCALE: 1:500@A3	SHEET 2 OF 2

Before New Plymouth District Council

Independent Commissioner Mark St Clair

IN THE MATTER of an application for resource consents LUC24/48662 and SUB24/50201 1 and 9 Washer Road, Omata

Washer Family Trust Limited
Applicant

EXPERT PLANNING STATEMENT OF CHRIS RENDALL

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. 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 July 2024 Landpro were engaged by the Applicant to draft the consent application – I was allocated as the planner.

    (b) I lodged the consent application on 14 November 2024.

    (c) I responded to the further information request dated 17 January 2025.

    (d) I also responded to a second further information request from NPDC via email on 29 January 2025 (and associated assertions of inaccuracies in the application whereby the processing planner asserted that the APA form was incorrectly filled in but did not

provide any evidence to support this assertion). I provided further responses on 28 April 2025 and 2 May 2025.

(e) I assisted in obtaining, and provided to Council, 19 Affected Person Approvals ("APA") by Tapuae estate landowners which could be considered support of the application. I also provided mapping and commentary outlining the locations of the individually owned titles in relation to the proposed boundary adjustment. This information was provided from 21 February 2025 and updated with new information until 6 May 2025.

(f) I corresponded with the processing planner regarding delays including the statutory timeframes for notification (which were not met as notification was more than 40 processing days from lodgement).

(g) NPDC made a further information request on 30 May 2025. I responded on the same day.

(h) NPDC made a further information request to me on 3 June 2025 and I responded on 4 June 2025.

(i) Review of correspondence received by NPDC from interested persons provided on 19 June 2025.

(j) Review of the submissions on 27 July 2025.

(k) Review of the section 42A Report prepared by Campbell Robinson dated 10 September 2025.

(l) Review of the evidence provided on behalf of the applicant, in particular where this is relevant to that relating to planning matters.

11. I have visited the application site, and the broader Tapuae Estate several times and drive past it frequently. I most recently visited the application site on 16 September 2025.

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.

SCOPE OF EVIDENCE

14. I have been asked by the Washer Family Trust Ltd to provide expert evidence on Planning matters relevant to this application.

15. Where relevant I reference the contents of the section 42A report.

16. My evidence covers:

    (a) The Proposal

    (b) Background and Context

    (c) Consultation and notification.

    (d) Information Considered

    (e) Submissions

    (f) Assessment of the effects of the subdivision and land use

    (g) Alternatives

    (h) Statutory requirements.

    (i) Part 2 of the RMA.

    (j) Draft consent conditions, and

    (k) Conclusion.

SUMMARY OF KEY EXPERT OPINION CONCLUSIONS

17. My expert opinion is that:

(a) I disagree with the recommendation in the section 42A report dated 10 September 2025 to decline the application. In my opinion the fundamental assessment was not based on matters relevant to this decision.

(b) The subdivision and land-use consent application, adopting the 'bundling' principle, requires consideration as a discretionary activity. The section 42A report clearly highlights that the activity complies with all the resource management related expectations outlined in the rules. In my opinion the rule structure in the district plan results in the activity status of subdivision being unnecessarily elevated in circumstances where the only trigger is due to an overlay that may not be present in the location of the proposal – which is the case in this instance. From a planning perspective if the rules only applied on those portions of the title subject to the relevant feature or overlay then the activity status would be reduced.

(c) In addition, the land-use consent component of this application may be unneeded due to the existing consent. However, if it is deemed necessary, the non-compliance with minimum setbacks is the only residual matter. The proposed setback is consistent with the baseline of the current lot, and all other lots within this subdivision.

(d) The analysis in the section 42A report then focuses on interpreting statements in submissions relating to submitters asserted property rights to 'use and appreciate' the land. In my opinion Mr Robinson at paragraph 60 incorrectly extrapolates these property right concerns to 'effects on amenity'. From a planning perspective I am of the opinion that the approach taken in the section 42A report goes beyond the role of a planner. I understand property rights are addressed in legal forums that are entirely separate to the resource consent process.

(e) In my opinion Mr Robinson's analysis, including at paragraph 62, fails to appreciate the balanced exchange of land proposed as part of the boundary adjustment (with lot 20 reducing in size by $1m^2$). I consider that the section 42A report does not adequately recognise that the application will not result in any change in the scale, nature or intensity of activities which would occur on the site.

(f) As a planner, I am an evaluative expert. It was my role, as part of making the application to assess the current nature and character of the environment. I formed, and still hold the view that Tapuae Estate is a 'Farm Park' with the nature and character of a high-end subdivision built around a longstanding bull farm. The proposed activities would not alter the nature of character of the estate. In my opinion, this is the appropriate way to assess "amenity" in accordance with its definition in the RMA. In my expert opinion, the amenity, or nature and character of the site will not be adversely affected by the proposal and nothing in the section 42A report convinces me otherwise.

(g) From a planning perspective the adverse effects of the proposed activities must not be considered by decision makers regarding those owners who provided written approval (or the submitter who was in support of the proposal). However, in having regard to the weight placed on the submissions opposing the application, by Mr Robinson in the section 42A, in interests of a balanced assessment the acceptance of the effects, and support of the application, by others who have provided approval, especially those in close proximity, should have been acknowledged.

(h) In my opinion the number of affected person approvals provided and the submission in support – particularly by those closest to lot 20 – is consistent with my opinion that the adverse effects of the activity are minimal.

(i) I highlight that Lot 19's owners, who are the nearest property to lot 20, and the Farm's lease holders have provided affected person approval. Were amenity to be a material consideration it would have been the most likely to affect Lot 19. I attach a map (Appendix B) outlining the locations of those who provided APA and supported the proposal and those who opposed it.

(i) The map shows the submitters in opposition to the application individually owned properties are located more than 400 m away from Lot 20. They did not express in their submissions and direct concerns regarding amenity and as they cannot see the site from their properties they will not experience any amenity effects from the proposal (for example adverse visual, odour, noise effects).

(ii) I also note that the map details previous encroachments on the balance lot. Some of which have been resolved while others are outstanding.

(j) From a planning perspective I disagree with the approach taken in the section 42A report at paragraph 86 where Mr Robinson refers to property rights as a reason to revert to Part 2 of the RMA. Reliance on Part 2 of the RMA as a primary mechanism for determining individual consent applications undermines the planning framework under the RMA. As identified in the section 42A report the 'PDP' has only just become the Part Operative District Plan 2025 (28 Aug 2025) and should therefore be up to date and appropriate to rely on, from a policy, effects and rule based perspective and Part 2 given effect to.

(k) In my opinion the analysis of Part 2 in the section 42A is flawed as it acknowledges at paragraph 92 that the application is consistent with Matters of National Importance and the Treaty of Waitangi but, in the opinion of Mr Robinson, inconsistent with section 7(c). From a planning perspective section 7(c) is a broad consideration which in my opinion should be interpreted in the

context of what it this means for locally by considering it in the context of the District Plan and how development has been established under this framework for the local area.

(l) I disagree with the s42A analysis at paragraph 89 where Mr Robinson is unable to reach a conclusion regarding whether the proposal is consistent with section 7(b). I am of the opinion that enabling a lot which is clearly for rural-residential purposes to be used for this purpose is an effective method of achieving the intent of section 7(b).

(m) The inconsistency with section 7(c) appears to be the only matter considered to be relevant in the recommendation in paragraph 93 that the application is 'inconsistent with the relevant provisions of Part 2 of the RMA.

(n) I agree with the statement in paragraph 93 of the 42A which states that the proposal achieves the purpose of the RMA.

THE PROPOSAL

18. The details of the proposal are outlined in the application and the section 42A report. In summary the proposal is a boundary adjustment between the balance lot of the farm with a currently undeveloped site to provide a 'suitable' building platform. The adjustment is required due to a natural hazard/slip. Current geotechnical requirements during subdivision would likely have picked up the existing instability and avoided this situation (through different boundaries being selected); however, at the time of subdivision geotechnical studies were not as extensive.

19. I understand that the current boundaries were selected to give separation and to ensure consistency with the original vision for the farm park to maintain the rural-residential character. The amended boundaries will bring the house closer to the other 'residential' lots 19 and 18 (both of whom have provided written approval, and so effects on those owners and occupiers cannot be taken into account) and is not dissimilar to other separations within the estate for example

between Lots 6, 7 and 8 and for this reason I consider the boundary adjustment continues to meet the intent and has the same effects on the environment to what has been previously granted.

20. As identified in Table 2 of the section 42A report Rural Production Zone Effects Standards are met including all infrastructure requirements. Site access will not be altered.

21. The proposal is a direct swap of land of effectively the same area with different proportions of 'bush' and 'paddock' but will not alter the activities that are permitted to occur. The area to be added to lot 31 will include approximately 744m2 of pasture and 763m2 of vegetation (1507m2). The area added to lot 20 will comprise of 1506m2 of pasture.

BACKGROUND AND CONTEXT

22. The application site is well described in the application and the section 42A report. In summary it is a rural-residential environment with established farming practices, vegetation, housing and community facilities. The estate contains areas specifically set aside for the houses 21 houses already built. Two houses currently under construction. 6 house sites are sold but not yet developed/built on. The only unsold and unbuilt lot is the subject of this application.

23. The applicant seeks a subdivision consent to make a boundary adjustment between two existing lots; and (if required) a land use consent for the ability to site a building closer than the plan enabled side yard setbacks (noting that the proposed setback is consistent with the consented baseline setback discussed below and all other lots within the development).

24. The subject site includes the properties at 1 and 9 Washer Road which forms part of the Tapuae Estate, a rural-residential development between suburbs Oakura and Omata. The site was initially granted consent in 2002 for twenty lots described as a 'farm park', with a further six lots consented in 2004 and a further four in 2006. The estate was created in 2008 and including the 30 rural-residential allotments set amongst balance allotments, held in common ownership and used

for rural production and common recreation purposes. The rural residential allotments are from 4,002 to 6,138 m^2.

25. The amenity features of the 'farm park' include esplanade reserves and strips, public vehicular access and parking, and 'landscapes integration and enhancement planting' and common facilities, including a pavilion and tennis court. Archaeological sites and wetland habitat areas are also present.

26. A scheme plan of the approved estate showing development lots and the balance farm lots is shown in Appendix A.

27. Number 1 Washer Road (Lot 31 DP 385658) is the balance farm allotment of the estate. I note that there is an additional Lot 32 which forms part of the balance farm but is not subject to this application.

28. Existing Lot 20 DP 385658 is an undeveloped rural-residential allotment. The allotment is fully fenced and includes a portion of bush clad gully on its northern western margin. This lot was established through subdivision as a lot on which a dwelling would be constructed.

29. I drafted the current application for consent. I acknowledge that I focussed too much on lot 20 and therefore did not cover off the additional rules triggered due to the large size of lot 31 which overlaps with a range of other overlays. These additional rules are covered adequately in the s42A report. Consideration of those additional rules has not changed my opinion.

30. The application aims adjust to the boundary between lots 31 and 20 to enable the creation of a suitable building platform away from ground known to be unstable for construction purposes, located in Lot 20's north-west section.

31. Since the original subdivision consents were granted the district plan has changed (more than once) and where setbacks were originally not an issue the 'new' rules led to uncertainty for potential purchasers. In 2013 Council agreed that the 'Estate' could apply for a blanket consent to retain the provisions that were originally intended to apply, and

were approved at the time of subdivision. The final decision on this resource consent, LUC13/46103 was issued on 28 April 2014 and was worded as follows:

> ***The following conditions must be complied with when exercising this Resource Consent:*** *The use and development of the land shall be as described within the application, in particular buildings may be erected a minimum of 5 metres, excepting where a consent notice on the computer freehold register of a site requires a greater or lesser setback.*
>
> ***Advice note: 1. Consent Lapse Date***
>
> *For the purposes of this consent, the consent shall be deemed to have been given effect to once development has occurred on one of the lots specified in this decision as this consent relates to Tapuae Country Estate, being Lots 1-30 DP 385658, as opposed to specific individual sites. To clarify; provided one lot is development within the period of this consent then all remaining lots will be able to rely upon this consent in respect of the consented reduced side boundary setbacks.*

This Resource Consent document is appended to my statement (Appendix C).

32. While I included a land use consent component in the application for completeness I consider that while there is no harm in obtaining an additional consent it is likely that the land use component of this activity can occur with no further as a permitted activity. From a planning perspective I see no reason for the existing consent to cease to apply to Lot 20. I consider that this is a legal question to resolve.

CONSULTATION AND NOTIFICATION

33. Consultation on the proposed boundary adjustment has been extensive and ongoing. The applicant initially sought written approvals in 2021 which resulted in 26 affected person approvals being provided and went door to door to discuss the proposal and has done so again since. I

understand that the Applicant has provided all information regarding the proposal with all lot owners.

34. Whether notification was appropriate was discussed with Mr Robinson via email including on 21 February 2025. While engaging with other owners the Applicant sought to understand if those who were unwilling to sign had any resource management related concerns. Questions regarding the slip were raised and the engineering reports provided.

35. Mr Robinson outlined his view regarding notification via email including on 30 April 2025. On 1 May 2025 Mr Robinson emailed a letter signed by Zane Wood (NPDC Planning and Development Lead) which indicated that the council believed there were "material inaccuracies" in relation to the written approvals provided. I questioned this statement on 1 May 2025 as I could not identify any issues with what had been submitted and followed up on 2 May 2025 to clarify the statement but did not receive a response. I subsequently expressed concern about the delays in notification including on 23 May 2025 when we were beyond 40 working days. I understand the Applicant's counsel will comment on these matters.

36. Mr Robinson noted, including on 30 April 2025, that he received unsolicited correspondence from several parties prior to notification. He supplied this correspondence to the Applicant (19 June 2025). I reviewed this material to understand what resource management matters were raised and therefore if any mitigation or amendments to the application would be appropriate to address concerns raised. While much of the correspondence related to non-resource management matters, there was some commentary commenting on the usability of the land and geotechnical considerations. This concern was passed to Red Jacket for comment and is addressed in the expert evidence of Kristel Franklin.

37. From a planning perspective I am of the opinion that an additional person may have been appropriate to consider affected by the proposal. That is the lessee of the farm. They are best placed to

comment on the implications of the boundary adjustment on farming and the implications of the exchange due to the nature and duration of their lease.

INFORMATION CONSIDERED

38. In preparing this evidence, I have reviewed:

(a) The application and supporting documents;

(b) Documentation associated with the original consent applications.

(c) Correspondence with NPDC during the processing of the application

(d) The section 42A report prepared by Mr Robinson dated 10 September 2025

(e) The Site and surrounding area most recently on 16 September 2025;

(f) Technical reports

(i) Engineering Report - Building Platform Investigation November 2021 (Red Jacket Limited)

(g) Submissions received that raise issues which may be relevant to my field of expertise.

(h) Statement of Evidence of Kristel Franklin expert on geotechnical engineering.

SUBMISSIONS

39. I have summarised my understanding of the contents of the submissions that were received in the following table.

	Submitter	Matters raised	Notes
1	Rayner	Property right, interest in land	Oppose – seeks decline
2	Frowde	Property right, interest in land	Oppose - seeks decline
3	Pryde	Property right, interest in land	Oppose - seeks decline

4	Cameron, P	Property right, interest in land	Oppose - seeks decline
5	Ewans		Support – no objections
6	Seed	Property right, interest in land. Included note about giving up 'lovely land'. Requested decision is property right oriented	Oppose - seeks decline
7	Schumacher	Property right, interest in land. Included note about giving up 'good farmland'. Requested a decision which is property right oriented	Oppose - seeks decline
8	Moore	Property right, interest in land	Oppose - seeks decline
9	Cameron and Williams	Property right, interest in land. Non-technical commentary on slip and liability	Oppose - seeks decline
10	Sellen		No submission
11	Vosper-Rink		No submission

40. In the section 42A report Mr Robinson interprets the many of the submissions as relating to amenity. From a planning perspective I did not identify matters which were appropriate to consider in the context of effects management planning as provided for by RMA consenting. In my opinion they primarily related to property interests, rather than effects management.

ASSESSMENT OF EFFECTS OF THE PROPOSED SUBDIVISION AND LAND USE

41. I agree with the assessments within the s 42A report which clearly outline the consistency of the application with the relevant rules. From a planning perspective while bundling and elevation of the consideration of the consent to the highest 'trigger' is appropriate, it is logical to consider consistency with each of the relevant rules and their relative trigger alongside their activity status. As outlined in the s42A there are no adverse effects on values relevant to elevating the activity status to discretionary or restricted discretionary. I am therefore of the

opinion that the proposed activity should be generally considered to be consistent with the policies and objectives of the plan.

42. As previously noted a consent is currently in place for this property which provides for 5m setbacks from its boundaries. While the boundary adjustment may be considered to 'reset' the consented 5m setback, and therefore revert to a 15m setback, the only individually owned titles in close proximity to the site provided written approval to the activity. Effects on those owners and occupiers must therefore be disregarded. In any event, the s42A report identifies and I agree that the potential adverse effects of this setback on other persons is less than minor.

43. I also note that the site is only ~40m wide in points and a 15m setback on this lot would effectively render it unusable. I am of the opinion that this would not be an efficient use of land or consistent with the purpose and principles of the RMA.

44. Questions which relate to the slip are addressed in the Kristel Franklin's geotechnical engineering evidence. This highlights that significant adverse effects would result from building on the current building platform which could not be resolved without significant engineering works while conversely while some natural slippage may continue to occur in the context of a farm this form of slippage is common and natural without the need for remediation. I also note that much of the area that has slipped is still contained within the proposed amended lot – but as identified in Kristel Franklin's evidence this will not be an issue with a greater setback.

Rural Character and Amenity Values

45. I agree with the assessment against the effects standards in the section 42A report at paragraph 53 which identifies that the 'outlook and rural amenity effects' on all persons associated with dwellings other than Lot 19 is 'less than minor'.

46. The receiving environment surrounding the application site is generally consistent with the PODP characterisation of the rural environment

which anticipates low density built form, spaciousness, vegetated landscape predominantly used for rural activities. The site is however more similar to rural lifestyle in housing density than rural production and in addition is based around a specific design approach which differentiates it from other rural subdivision in Taranaki. In my opinion the character and amenity of the site is best considered in the context of the existing environment of the 'Estate' rather than against the underlying rural 'zone'.

47. I agree with the s42A assessment and conclusion that the activity will not adversely affect rural character in the context of the expectations of this site.

48. I disagree with the s42A assessment that the proposal will adversely affect amenity values of persons who do not live in close proximity to the site. As identified in paragraph 59 the RMA defines amenity values as "those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes". The application does not attempt to alter the activities permitted within the Lot or the consented baseline, only the location of the Lot.

49. From a planning perspective the only potential generation of adverse effects on amenity and character is, as noted above, from moving the lot closer to other existing dwellings than would occur if building occurred on the lot as it is currently pegged. These parties have provided written approval and therefore potential adverse effects on those persons must be discounted. This is acknowledged in the section 42A report.

50. I note that none of the submitters asserted that amenity values would be impacted.

51. The persons who have submitted in opposition to the proposal may be able to view the site but their dwellings are at closest over 400m from the boundary of this site with significant changes in elevation and a range of other features including dwellings and vegetation and paddock

between in the space between – this distance will not be materially altered by the adjusted boundary. As acknowledged in the section 42A report any effects on their individually owned lots will be less than minor.

52. I understand that as the farm is leased there is no ability for shareholders to recreate on the leased area of the farm and therefore there is no impact on other values identified as contributing to amenity.

53. From a planning perspective I am at a loss to understand how Mr Robinson arrived at his opinion that the proposal will have 'significant adverse effects' which would be 'significant' at paragraph 67 in terms of amenity effects. I remain of the opinion that there are effectively no effects on the amenity from this proposal.

Waterbodies and the Coastal Environment

54. I agree with the s42A reports assessment that this activity will not impact on these areas or the values they contain.

Sites of Significance to Māori and Historic Heritage

55. I agree with the s42A report assessment that iwi/hapu have been consulted and raised no concerns with the proposal.

Reverse Sensitivity

56. I agreed with the section 42A at paragraph 58 which identifies that the reverse sensitivity effects are acceptable.

ALTERNATIVES

57. As there no noticeable (or less then minor) effects on the environment I do not consider alternatives need to be considered in detail. However, I note as previously outlined that using the existing lot would have more significant adverse effects on the environment which would likely require substantive mitigation.

58. For completeness I note that an alternative would be to seek consents to build on lot 20 with its boundaries as they currently exist. This would involve substantive engineering and likely consents for both earthworks and vegetation removal within the area where the slip occurred. This

would result in additional adverse effects and reduce the amenity of the site and reduce 'naturalness' and therefore potentially adversely affect amenity and landscape values.

59. Changes to the covenants on the title may also be required to alter the building design as a 'type C – low slope sites' house may not be appropriate if the current building platform is kept.

60. A condition of the 2006 subdivision consent is for all reasonable steps to be undertaken to maintain, preserve and protect the vegetation established in accordance with the 'Tapuae Landscape Concept' and replant any loss or destruction of vegetation in accordance with the planting plan to the satisfaction of the Council.

61. A site either west or south of the current location could have also been chosen but these would have had more significant effects on the farm including through a longer accessway. The dwelling would have also been closer to the state highway making the dwelling more visually imposing on users of the state highway. In terms of the values of the land exchanges it is likely that any other location would also involve an increase in the area of 'farmland' included in the Lot to ensure sufficient 'good ground' was present for a building platform.

STATUTORY REQUIREMENTS

National Policy Statements

62. I agree with the assessment in the s42A report. I acknowledge that the NPSUD isn't specifically applicable as the site is not urban, however it is also not truly rural due to the consented baseline and subsequent development. I consider that it is worth noting the New Plymouth District is a Tier 2 urban environment and this application specifically relates to enabling housing to be built on lot 20 in circumstances where it is unlikely to be feasible to be built on in its current form.

63. I consider that the s42A report adequately considers the implications of the change in the context of the NPS-HPL and conclusion at paragraph 76 that the application is not inconsistent with it.

Regional Policy Statement for Taranaki 2010

64. I agree with the section 42A report at paragraph 79 that the RPS is not particularly relevant to the application.

Assessment of PODP Objectives and Policies

65. I generally agree that the relevant ODP objectives and policies listed and assessed in the s42a report with respect to subdivision of Rural Production zoned land in matters are considered appropriately and I am in agreement with most of the assessments, other than 'amenity' and SUB-P3.

66. I do not agree with the conclusions reached in paragraph 59 of the section 42A which equate the concerns raised in the submissions to amenity values and therefore I do not consider the analysis against the district plan policies which relate to amenity to be accurate in the s42A report. In my opinion there is no evidence provided to indicate that there will be adverse effects on amenity values. I therefore consider that from a planning perspective the application is consistent with the policies which relate to amenity. I am also of the opinion that amenity values also need to be considered in a broader context and therefore by referring back to the earlier effects assessment in the s42A and stepping back from individual owners the effects on the environment, including amenity, are shown to be less than minor.

67. I do not agree with the conclusion that the proposal is inconsistent with SUB-P3(1) & (2) due solely on commentary contained in a submission. The applicant has supplied an engineering report which demonstrates that the boundary adjustment will achieve each of the matters in SUB-P3 and in addition the expert evidence of Kristel Franklin confirms this is the case. As outlined in Kristel's evidence there is likely to be a greater risk of exacerbating existing issues if the current lot is developed – including potential effects on Lot 31.

68. I agree with the policy assessments relating to the coastal environment and waterbodies.

69. I agree with the policy assessment relating to SASMs and I note that the report omitted to assess the Historic Heritage provisions of the plan and I omitted them from the application. However as the activity is not located in close proximity to these sites I consider it sufficient to note that in relation to HH-P13 which relates to the protection of Archaeological Sites I consider that it is appropriate to note that no known archaeological sites will be impacted by the proposal.

Taiao, Taiora - Environmental Management Plan for Taranaki Iwi rohe

70. I agree with the section 42A conclusion at paragraph 84 that the development is consistent with the Plan.

Particular Considerations for Subdivision (s106)

71. I agree with the s42A reports assessment that there is no reason to decline the application under s106. The purpose of the proposal is to reduce the risks associated with a known natural hazard – which was not identified at the time of the original subdivision. The adjustment reduces the risk and impact associated with the hazard as outlined in the Kristel Franklin's evidence.

PART 2 OF THE RMA

72. I disagree with the assessment in the section 42A which suggests the PODP is not adequately able to consider the current consent and reversion to Part 2 for further analysis is required. While the decision maker 'shall have particular regard' to section 7 matters they must also recognise and provide for section 6 matters and take into account section 8 matters. If a full analysis of sections 6-8 is undertaken then I am of the opinion that in relation to relevant matters for example in section 6 the proposal is clearly consistent and therefore from a planning perspective is achieving considerations relevant to the purpose and principles of the RMA. For example:

    6(a) The proposal preserves natural character of these features which are present in Lot 31 but not affected by the proposal

    6(b) is not relevant

6(c) is likely not relevant but without an assessment of the values present within the vegetated areas is uncertain. Avoidance of vegetation removal minimises the risk of adverse effects on these values

6(d) There will be no changes to access

6(e) The proposal will not adversely affect, or bring development activities closer to the Sites of Significance to Māori identified within Lot 31

6(f) The proposal will not adversely affect, or bring development activities closer to the Historic Heritage identified within Lot 31

6(g) is not relevant

6(h) the proposal will effectively manage the known risks associated with an identified natural hazard.

73. From a planning perspective I consider that the proposal is clearly consistent with both sections 7(b) and 7(c) while also providing for section 7(d) through the avoidance of further impacts on the ecosystems present. I also consider that the proposal will contribute to section 7(f) through the avoidance of adverse effects associated with significant earthworks on the existing lot and 7(g) as being unable to use a section for its intended purpose acknowledges that there is a limited supply of land available which is suitable and appropriate for housing. In relation to 7(i) Kristel Franklin identifies that in part the slip is more likely to be activated in future because of climate change. Altering the building platform location is therefore considering the effects of climate change.

74. In my opinion Mr Robinson has equated interests in land with adverse effects and has therefore gone outside of our area of subject matter expertise in the assertions he presents in his evidence. I consider that the matters raised are of a legal nature and are not uncommon matters which are appropriate to resolve at the appropriate stage of the process.

DRAFT CONSENT CONDITIONS

75. I am comfortable with the conditions of subdivision as outlined in the section 42A.

76. As noted it is unclear if the land use consent is required. Even if it is not technically required, it has been sought, and could be granted out of an abundance of caution approach. If granted, it should relate primarily to the relevant matter and trigger for the consent requirement, providing for a 5m setback from the internal boundaries.

CONCLUSION

77. In my opinion the resource consent application (subdivision and land use) can be granted, as it is consistent with the purpose of the RMA and will promote the sustainable management of natural and physical resources.

Dated 17 September 2025

_____

Chris Rendall

EXISTING EASEMENTS

Subject to a right to convey electricity in gross over parts marked B,C,D,E,G,J,K,M,R,S,T,U & W on DP 385658 in favour of Powerco Limited created by Easement Instrument 7890638.37

Subject to a right to convey telecommunications and computer media in gross over parts marked B,C,D,E,G,H,J,L,M,R,S,U,V,W,X & Z on DP 385658 in favour of Telecom New Zealand Limited created by Easement Instrument 7890638.38

Subject to a right to drain water in gross over parts marked AP,AR & AQ on DP 385658 in favour of New Plymouth Distirct Council created by Easement Instrument 7890638.39

EXISTING LAND COVENANTS

7890638.24 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 29.7.2008 at 9:00 am (Affects Lot 20 DP 385658)

Building Typology, materials and restrictions

7890638.35 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 29.7.2008 at 9:00 am

Balance Land - revegetation and preservation of existing bush

7890638.36 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 29.7.2008 at 9:00 am (Affects Lot 31 DP 385658)

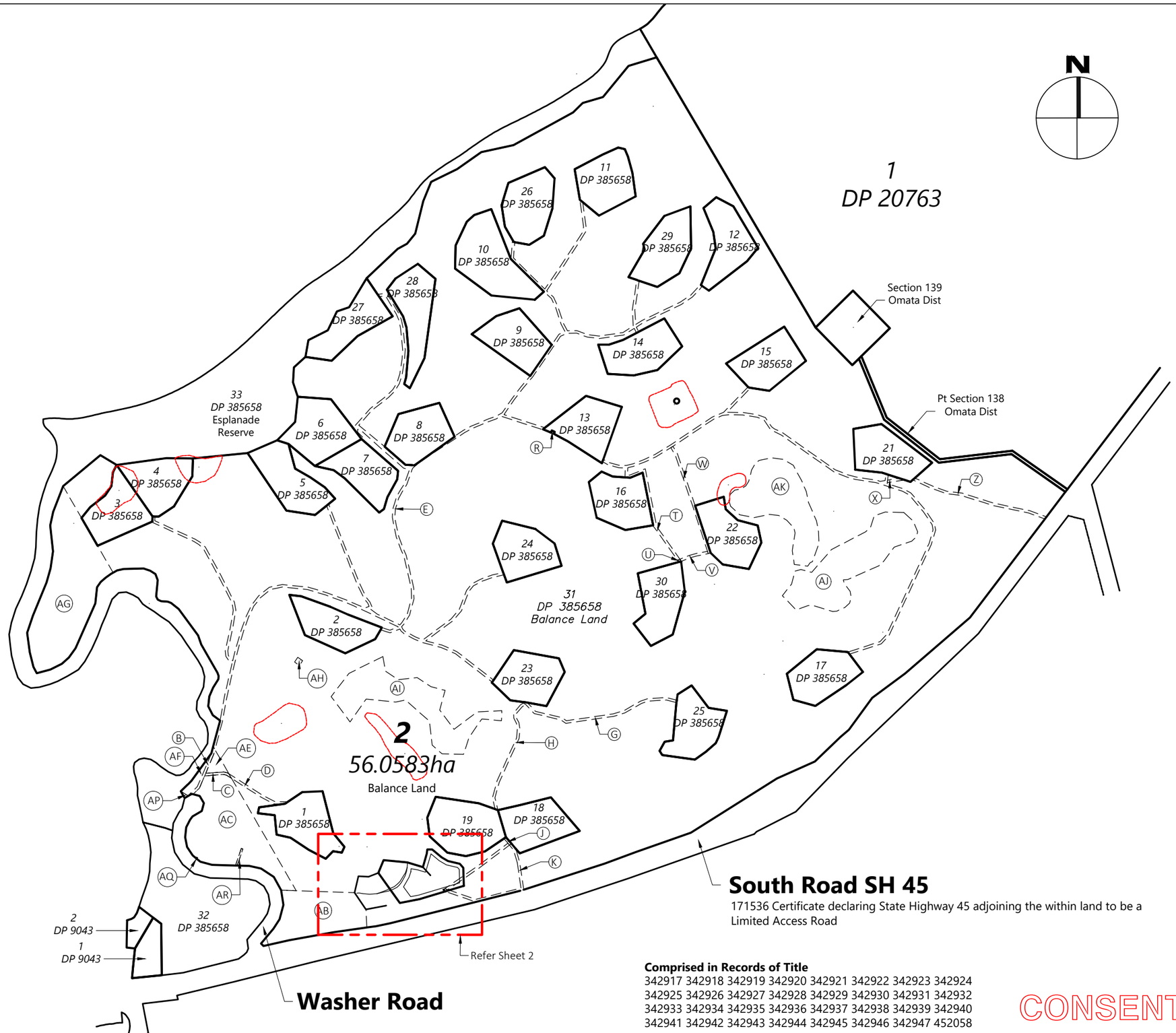
Balance Land - Conservation Covenant

EXISTING AMALGAMATION CONDITION

That Lots 31 and 32 hereon (legal access) be held as to thirty undivided one-thirtieth shares by the owners of Lots 1 to 30 hereon as tenants in common in the said shares and that the individual Certificates of Title be issued in accordance therewith.

PROPOSED AMALGAMATION CONDITION

That Lot 2 hereon and Lot 32 DP 385658 (legal access) be held as to thirty undivided one-thirtieth shares by the owners of Lots 1 to 19, Lots 21 to 30 DP 385658 and Lot 1 hereon as tenants in common in the said shares and that the individual Records of Title be issued in accordance therewith.



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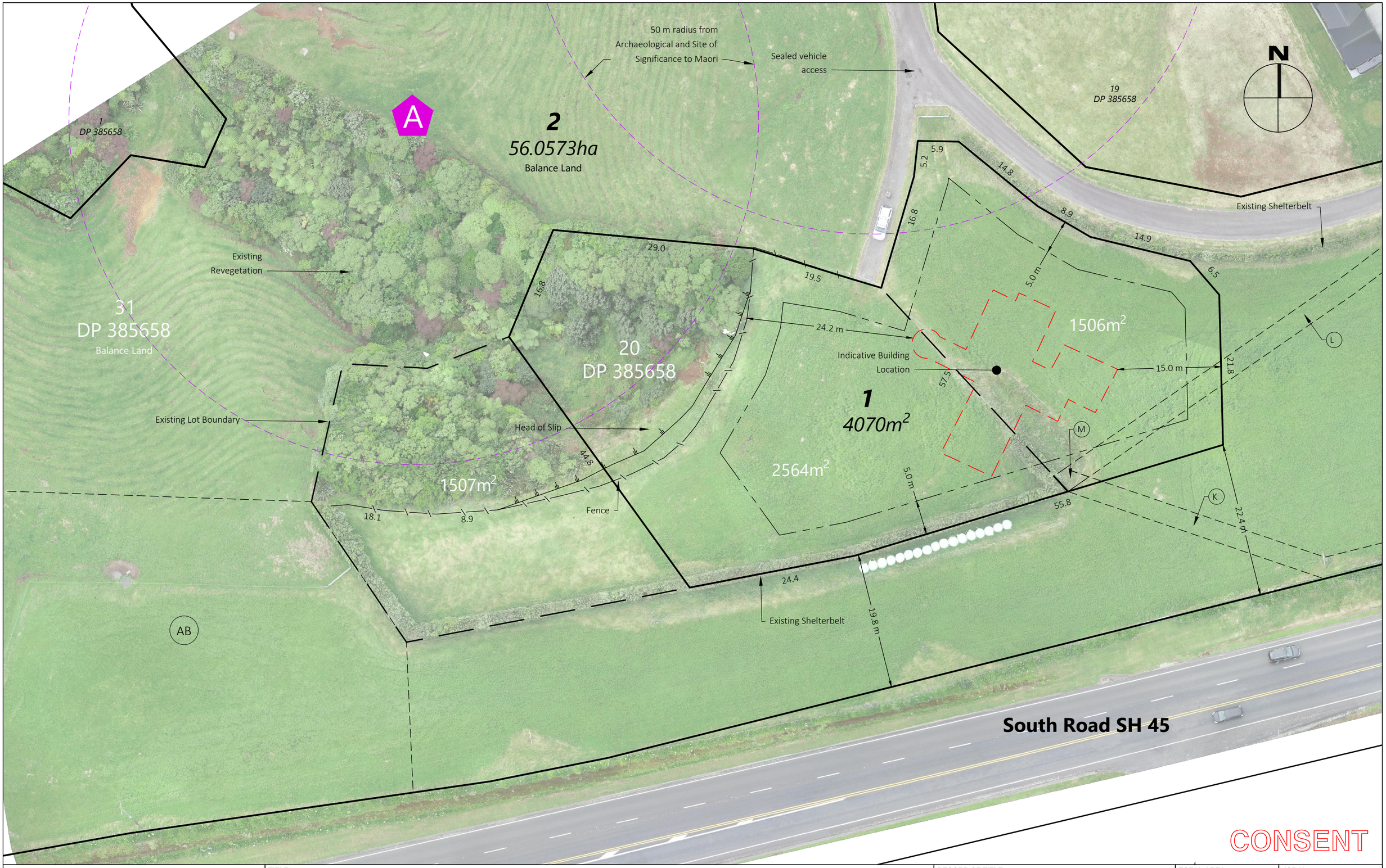
342933 342934 342935 342936 342937 342938 342939 342940
342941 342942 342943 342944 342945 342946 342947 452058

CONSENT

McKinlay SURVEYORS
28A Manadon Street
PO Box 116
New Plymouth 4340
New Plymouth 06 758 5342
Hawera 06 278 4456
www.mckinlaysurveyors.co.nz

TITLE	RECORD OF TITLE	TOTAL AREA	JOB No
PROPOSED SUBDIVISION OF LOTS 20 AND 31 DP 385658 9 Washer Road, Omata	See Above	56.4583ha	W-211212
	TERRITORIAL AUTHORITY New Plymouth District Council	DATE 27/05/24	DWG No RC01
This plan is prepared only for the purpose of obtaining a Resource Consent pursuant to the Resource Management Act 1991. It must not be used for any other purpose. Areas and dimensions are approximate only and are subject to change on final field survey.	APPLICANT Washer Family Trust	SCALE 1:5000@A3	SHEET OF 1 2



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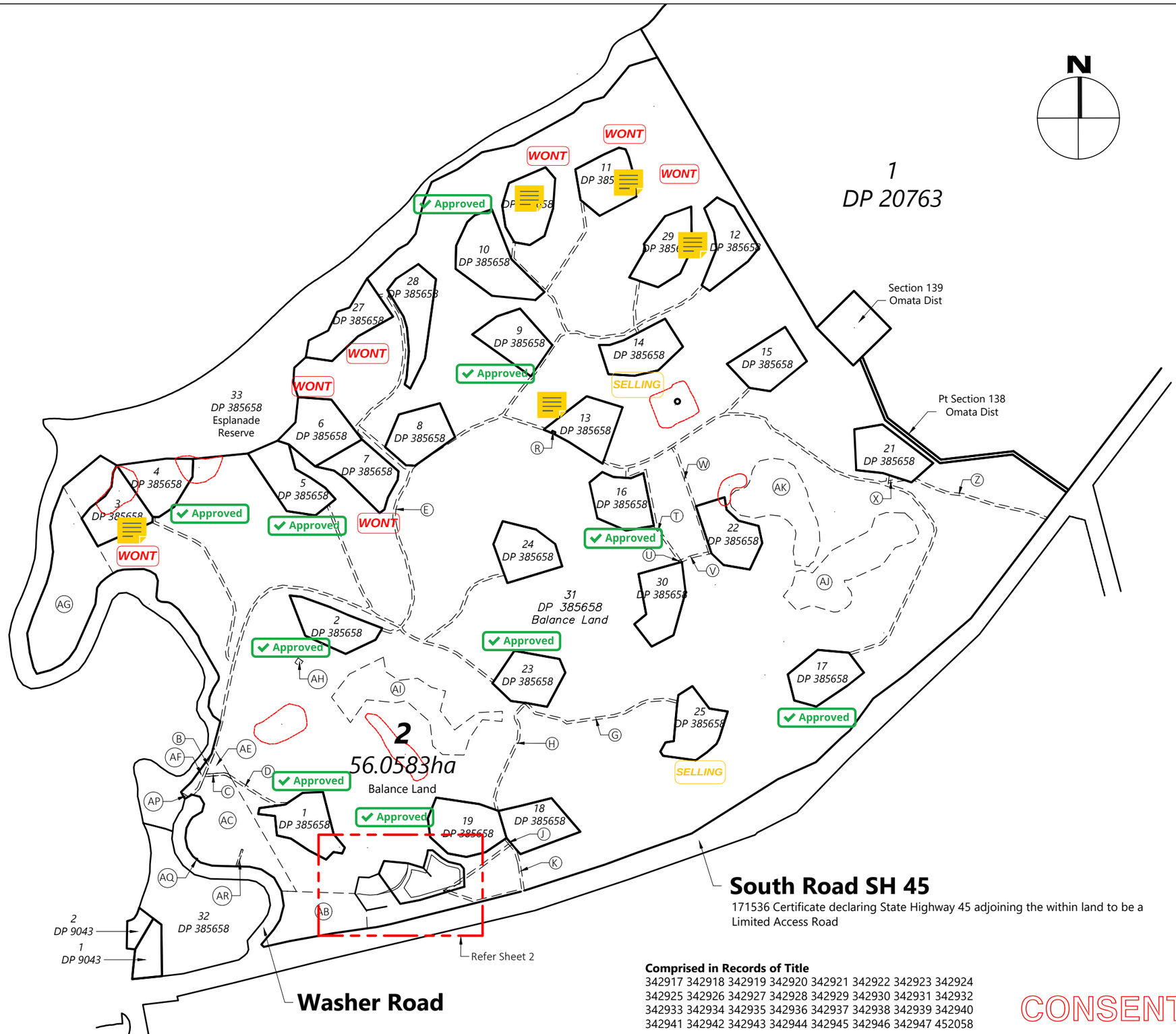

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Te Kaunihera-ā-Rohe o Ngāmotu
NEW PLYMOUTH DISTRICT COUNCIL
newplymouthnz.com

RESOURCE CONSENT LUC13/46103

Granted under Sections 95, 104, and 108 of the Resource Management Act 1991.

Applicant:	**Washer Family Trust**
Location:	**Tapuae Country Estate, being 30-32, 40, 50-56, 61-65, 71-77 and 81-87 Washer Road, Oakura**
Legal Description:	**Lots 1-30 DP 385658**
Status:	**The Proposal is a Restricted Discretionary Activity under Rules Rur17 and 18 of the New Plymouth District Plan (Operative 15 August 2005)**
Proposal:	**To erect buildings within the side boundary setbacks, being a minimum of 5 metres.**

DECISION:

This Decision has been amended pursuant to Section 357 of the Resource Management Act 1991 and replaces the Decision issued on 16 December 2013.

The following 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, in particular buildings may be erected a minimum of 5 metres, excepting where a consent notice on the computer freehold register of a site requires a greater or lesser setback.

Advice notes:

1. Consent Lapse Date

For the purposes of this consent, the consent shall be deemed to have been given effect to once development has occurred on one of the lots specified in this decision as this consent relates to Tapuae Country Estate, being Lots 1-30 DP 385658, as opposed to specific individual sites. To clarify; provided one lot is development within the period of this consent then all remaining lots will be able to rely upon this consent in respect of the consented reduced side boundary setbacks.

This land use consent lapses on ***28 April 2019*** *unless the consent is given effect to before that date; or unless an application is made before the expiry of that date for the Council to grant an extension of time for establishment of the use. An application for an extension of time will be subject to the provisions of section 125 of the Resource Management Act 1991.*

DATED: 28 April 2014

Ralph Broad
MANAGER CONSENTS

Liardet St, Private Bag 2025, New Plymouth 4342, New Zealand
Phone: 06-759 6060, Fax: 06-759 6072, Email: enquiries@npdc.govt.nz