

**BEFORE COMMISSIONER MCKAY APPOINTED BY NEW PLYMOUTH  
DISTRICT COUNCIL**

**UNDER**

the Resource Management  
Act 1991 (“RMA”)

**IN THE MATTER**

of an application under  
section 88 of the Act by  
**BRYAN & KIM ROACH  
& SOUTH TARANAKI  
TRUSTEES LTD** to the  
**NEW PLYMOUTH  
DISTRICT COUNCIL** for  
a land use consent to  
construct a dwelling and  
associated retaining and  
fencing at 24/26 Woolcombe  
Terrace, New Plymouth.  
(LUC24/48512)

**STATEMENT OF EVIDENCE OF ALAN LEONARD DOY ON BEHALF  
OF BRYAN & KIM ROACH**

**1. INTRODUCTION**

- 1.1 My name is Alan Leonard Doy.
- 1.2 I am a Cadastral Surveyor licensed by the Cadastral Surveyors Licensing Board of New Zealand. I am a member of the Institute of Cadastral Surveyors, a full member of Survey and Spatial New Zealand, and a member of the Consulting Surveyors of New Zealand. I have practised in the field of cadastral and engineering surveying for more than 25 years.
- 1.3 This evidence is given in support of the land use consent application (“the application”) lodged by Bryan & Kim Roach, and South Taranaki Trustees Limited (“the applicant”), for a dwelling and associated retaining and fencing, located at 24/26 Woolcombe Terrace, New Plymouth (LUC24/48512).
- 1.4 I am authorised to present this evidence on behalf of the applicant.

## **2. INVOLVEMENT IN THE PROJECT**

- 2.1 I was first engaged by Mr. & Mrs. Roach to undertake a review of the surveys undertaken by Bland Jackson Surveyors Limited dated 6 March 2024 (BJS�) and David Armstrong Surveyor dated 8 April 2024 concerning infringement of daylighting requirements for a permitted activity under the New Plymouth 2005 Operative District Plan (ODP).
- 2.2 In preparation of this evidence, I have also reviewed:
- (i) the evidence of Mr Kyle Arnold associate director of Boon Ltd,
  - (ii) the Geosync 2019 topographical survey,
  - (iii) the Ground Level Assessment for 26 Woolcombe Terrace prepared by BTW Company,
  - (iv) The survey undertaken by Armstrong Surveying and Land Development, and I agree with those findings.

## **3. CODE OF CONDUCT**

- 3.1 I confirm that I have read the Code of Conduct for expert witnesses contained in the 2023 Environment Court Practice Note and that I agree to comply with it. I confirm I have considered all the material facts that I am aware of that might alter or detract from the opinions I express. In particular, 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 I express.

## **4. PURPOSE AND SCOPE OF EVIDENCE**

- 4.1 While undertaking the review of daylighting infringements in April 2024, I noticed the Whyte's dwelling at 28 Woolcombe Terrace could also potentially be non-compliant. I discussed this with Mr. & Mrs. Roach and received instructions to provide further information.
- 4.2 Further survey measurements were undertaken in February 2025 to determine the building's location and height of roof lines, eaves, decks and balustrades.
- 4.3 28 Woolcombe Terrace is a parcel of land legally described as Part Lot 2 DP 4522, held in record of title TNG2/613. In 1944 a legalisation survey (SO

8167) acquired a portion of the frontage for Road; however, the most recent subdivision is DP 4522, which deposited in 1925 following survey in 1924.

- 4.4 The BTW Company determination of the original ground line has been adopted for calculation of the daylighting envelope and identification of infringements, as both 26 and 28 Woolcombe Terrace are shown on plan of subdivision DP 4522 and this report is relevant to both properties.
- 4.5 **Profile 1** illustrates a cross section through the front of the second floor level, showing a minor 0.26m encroachment of the roof line, noting that 0.60 metres of eave can be discounted. However, I note the glass balustrade is a significant breach being substantially above the ODP daylighting envelope and the width of the front balustrade appears to be greater than that shown on the consented construction drawing A3-1 (G).
- 4.6 **Profile 2** illustrates a cross section located at rear of the first floor level office showing a small 0.08 metre infringement on the second floor level. Two further profiles have been prepared at each end of the second floor ensuite/stair well wall to quantify the extent of this infringement.
- 4.7 **Level 2 West Wall** – Front shows a 0.21 metre infringement.
- 4.8 **Level 2 West Wall** - Rear shows at 0.01 metre infringement.
- 4.9 **Elevation – Level 2 West Wall** - illustrates the extent of the infringement with the ODP 55° daylight plane overlaid on photograph of the second floor west wall. Potentially the 0.21m and 0.01m infringements may be considered greater given that the roof line above may not be able to be considered an eave and discounted. In this case the infringements would be 0.79 metres and 0.59 metres respectively.

## **5. CONCLUSION**

- 5.1 Based on the above there are breaches of the ODP in respect of the Whyte's dwelling at 28 Woolcombe Terrace which is also non-compliant.

**Alan Leonard Doy**  
**McKinlay Surveyors Ltd**

**12 March 2025**

## **APPENDIX 1 – DAYLIGHTING REVIEW – 28 WOOLCOMBE TERRACE**