

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 1m²). 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 m².

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 District 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

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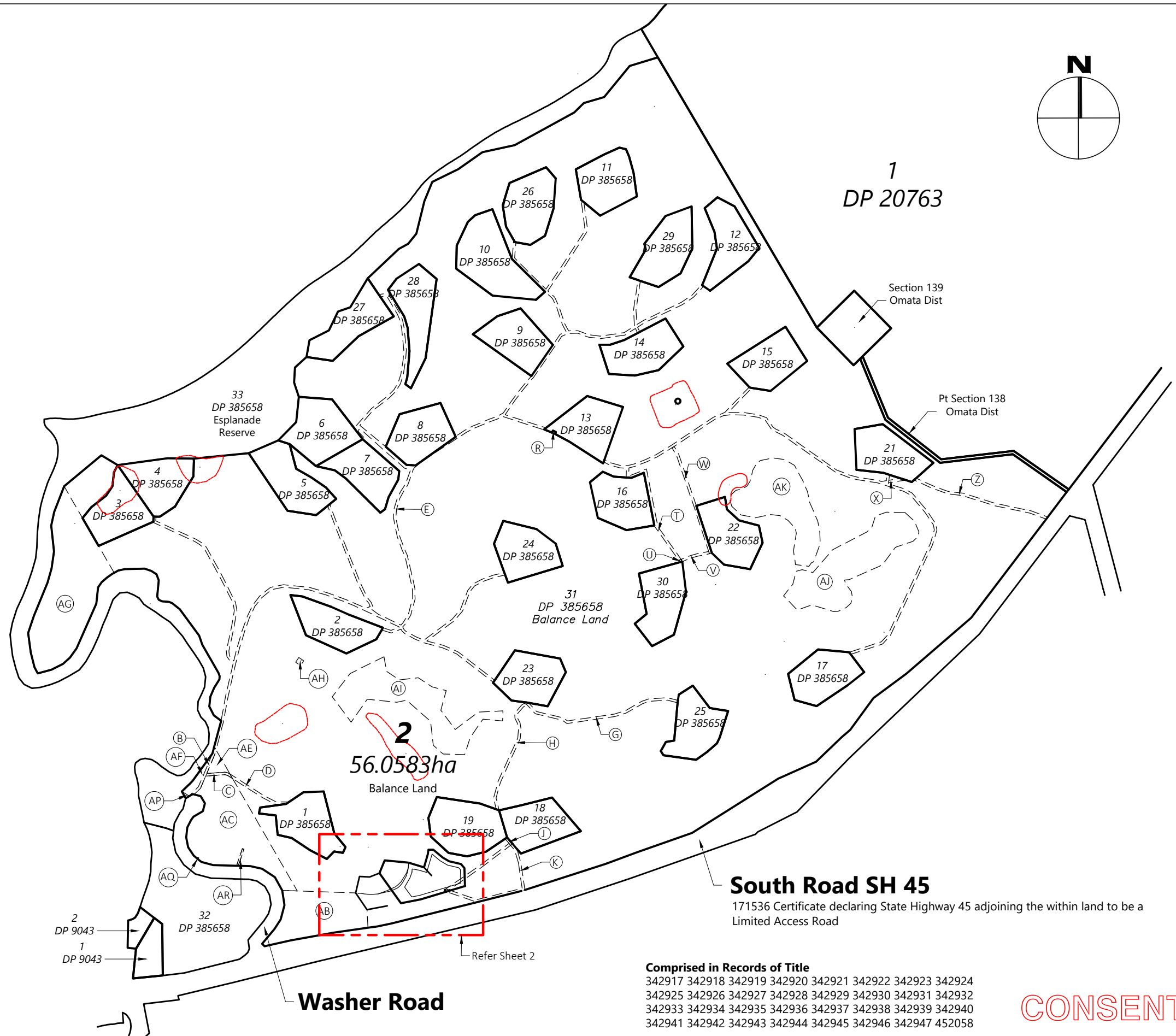
Balance Land - Conservation Covenant

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.



South Road SH 45

171536 Certificate declaring State Highway 45 adjoining the within land to be a Limited Access Road

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

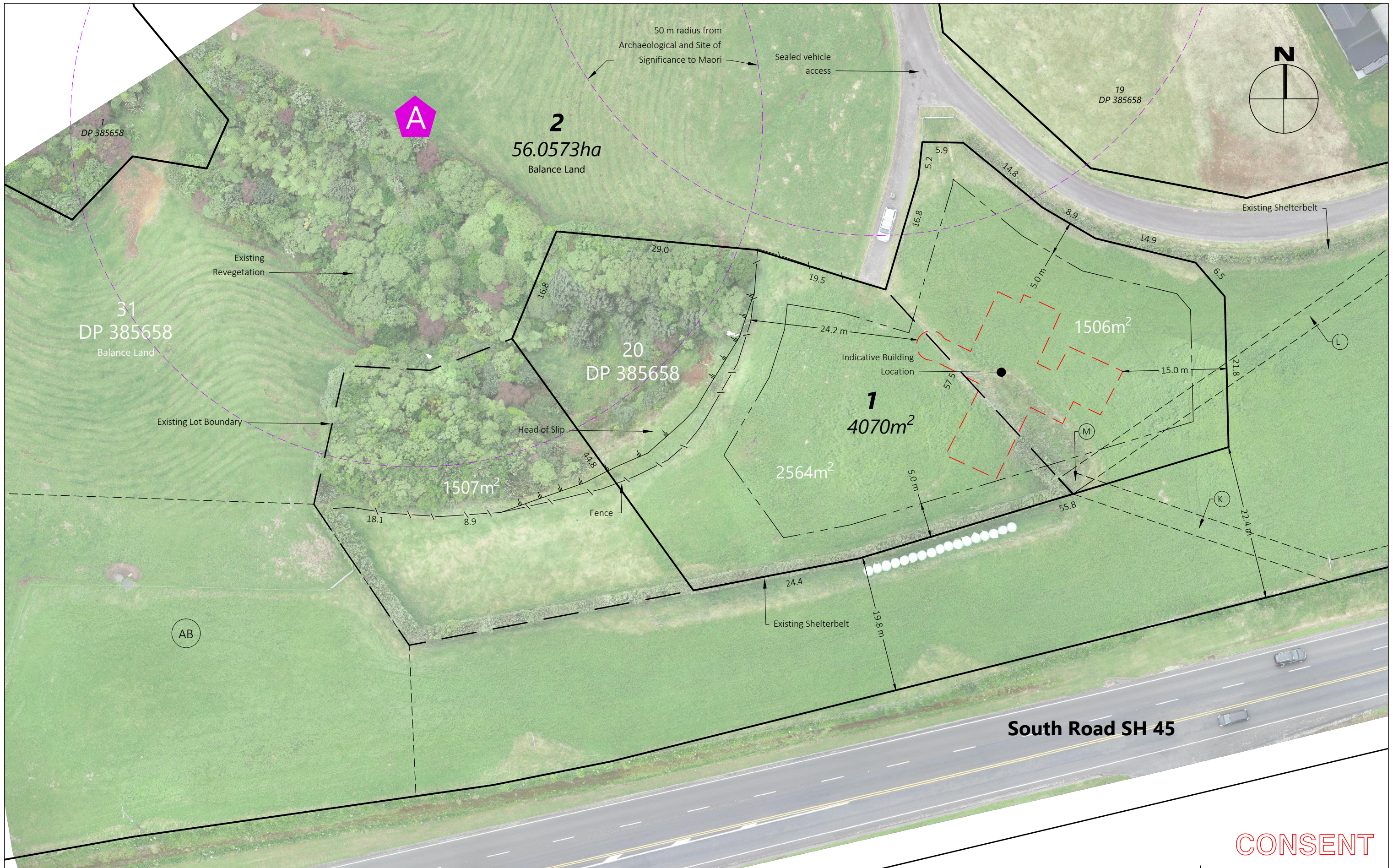
CONSENT



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

<p>TITLE</p> <p>PROPOSED SUBDIVISION OF LOTS 20 AND 31 DP 385658</p> <p>9 Washer Road, Omata</p>	<p>RECORD OF TITLE</p> <p>See Above</p>	<p>TOTAL AREA</p> <p>56.4583ha</p>	<p>JOB No</p> <p>W-211212</p>
	<p>TERRITORIAL AUTHORITY</p> <p>New Plymouth District Council</p>	<p>DATE</p> <p>27/05/24</p>	<p>DWG No</p> <p>RC01</p>
<p>APPLICANT</p> <p>Washer Family Trust</p>	<p>SCALE</p> <p>1:5000@A3</p>	<p>SHEET OF</p> <p>1 2</p>	

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.



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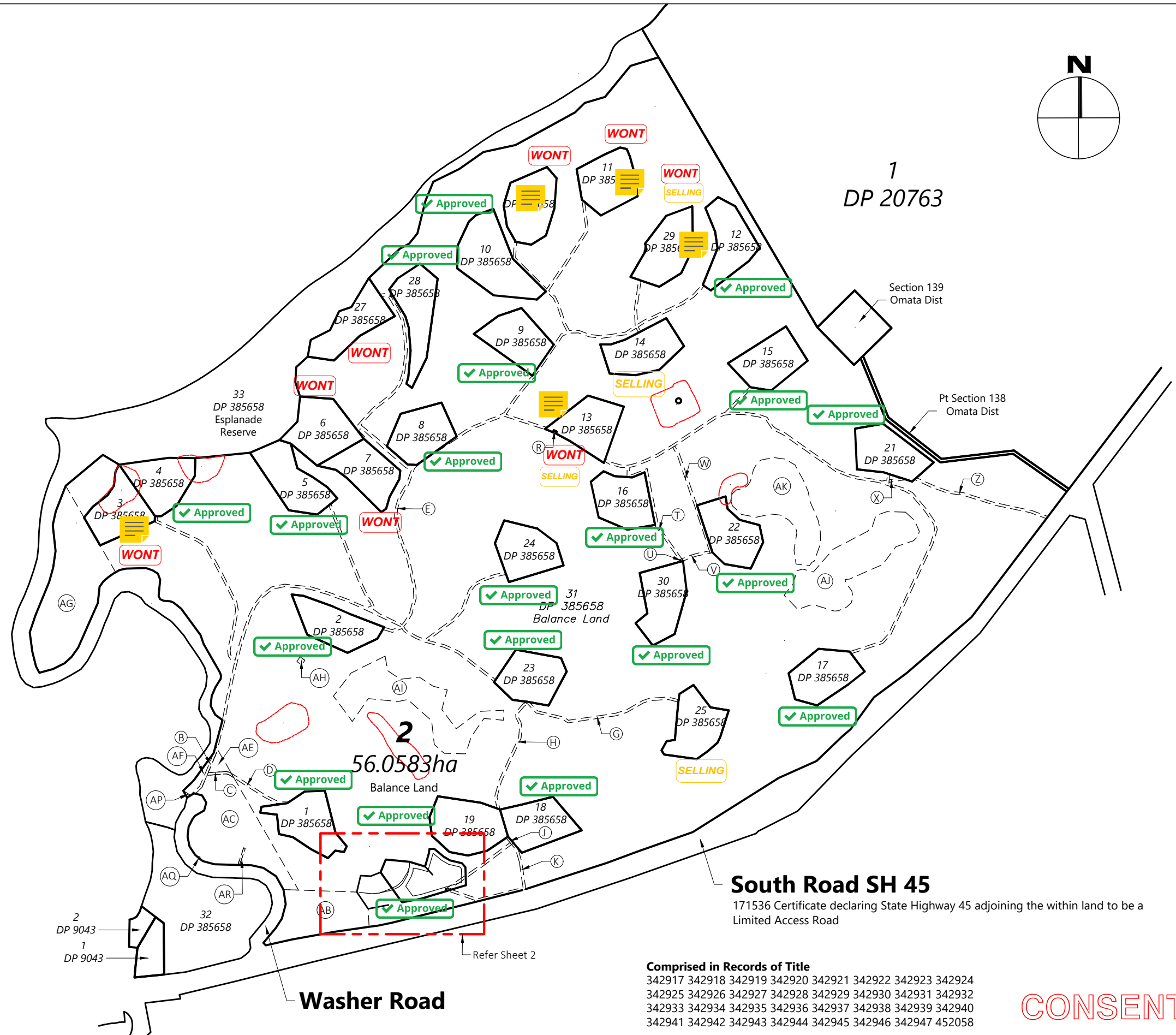
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Te Kaunihera-ā-Rohe o Ngāmotu
NEW PLYMOUTH DISTRICT COUNCIL
newplymouthnz.com

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