

EXPERT PLANNING WITNESS STATEMENT ANTONY VOGT

Introductions and Qualifications

1. My full name is Antony Nathan Vogt.
2. I am currently employed as a Consents Planner at Juffermans Surveying Limited (JSL). I have been in my current position since March 2025.
3. I hold the qualifications of a Bachelor of Environmental Planning from the University of Waikato (2021). I am an Intermediate Member of the New Zealand Planning Institute.
4. I have over 5 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").
6. I agree with the large majority of the s42a, where I disagree, I have identified in the following sections.
7. I agree with the timeline put forward in the S42a (Section 2.4). But for completeness, I have listed my involvement in this matter as follows:
 - (a) In May 2025 JSL was engaged by the Applicant to continue processing their application which was on hold from the end of 2022, following ongoing consultation with the submitter and the request for additional assessment of the NPS-HPL.
 - (b) I contacted the Processing Planner in July 2025 to inform them the application was "alive" again following successful consultation (scheme plan amended and written approvals provided) with the submitter and a favorable outcome from the NPS-HPL technical assessment/report which was needed to be peer reviewed in house by NPDC.
 - (c) In August, after the peer review had been undertaken by NPDC and agreed the NPS-HPL was not going to "kill" the application the updated S92 was provided.
 - (d) Subsequent information was requested and provided to fill in the identified consenting "gaps" for this hearing, such as the associated Land Use Consent for the dwellings, vehicle access and revised consent conditions.
 - (e) I have reviewed the Section 42A report and have visited the application site and walked over the land with the Applicant to understand the context of the site.

Code of Conduct

8. 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.
9. 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.
10. This evidence has been supplied for the express purpose of assisting the Hearing's Commissioner in their decision making.

Scope of Evidence

11. I have been engaged by the Applicant to provide expert evidence on Planning matters relevant to this application.
12. Where relevant I reference the contents of the s42A Report (**s42A'**).
13. My evidence covers:
 - (a) The Proposal,
 - (b) Background and Context,
 - (c) Consultation,
 - (d) Assessment of the effects on the environment of the proposed subdivision and land use,
 - (e) Statutory requirements,
 - (f) Part 2 of the RMA,
 - (g) Overall assessment to grant or decline under the NPDC-DP
 - (h) Conclusion.

Summary of Key Expert Opinion Conclusion

14. My expert opinion is that:
 - (a) I disagree with the recommendation to decline the application in the s42A. In my opinion the fundamental assessment is incorrect as it places unreasonable weight on policies which have limited relevance in the specific unique context of this application, where the adverse effects on the environment are argued to be minor and more than sufficient mitigation has been offered.

The Proposal

15. The details of the proposal have been outlined in the application and s42a.

Background and Context

16. The background and Context of the proposal have been outlined in the application and s42a.

Consultation

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

Assessment of Effects on the Environment of the Proposed Subdivision and Land Use

Activity Status

18. I agree with the commentary in the s42a (6.11) which identifies Section 88A(1) of the Resource Management Act 1991, activity status for the subdivision is preserved to that which existed at lodgment and therefore the proposal must be considered as a Discretionary Activity rather than a non-complying one.
19. It is worth noting that soon after lodgment the total number of Lots was reduced from 5 to 4. Had the Operative Plan still had legal effect the activity status would have been Restricted Discretionary, which was very commonly granted at the time.

Rural Character and Amenity

20. I agree that the interpretation and expectations of rural character have evolved between the District Plan frameworks (9.39). It is within this framework shift context that the application has found itself stranded, appearing to be inappropriate but actually the result of a legacy plan change that is unable to be replicated again.
21. I agree that the activity's appropriateness deviates from the new 'standard' expectations, but firstly the allotment is already less than 20ha and secondly the proposed layout does not result in a prohibited activity status and therefore if the environmental effects are able to be appropriately managed (subject to suitable mitigation, as proposed), then there is the ability for the activity to be able to be granted.
22. I disagree that the effects on the future owners have not been mitigated (9.44) and argue that the long list of voluntary provisions/consent conditions such as vegetative screening, colors, fencing etc. provides sufficient mitigation to noise, smell and light to future landowners who will also have reverse sensitivity covenants on the new

titles.

Timeframes

- 23.** I disagree with the general thrust of paragraph 9.75 of the s42a in that there is no injustice to the applicant because of the almost three-year overall time frame. As stated in paragraph 6 above, even though NPDC did not hear anything formally, the applicant was hard at work in the background facilitating consultation with submitters and undertaking NPS-HPL assessments, which, at the time, there was no case law to inform if the application would even be able to go ahead. The post Covid economy continues to restrain development in the regions and in this specific context the applicant has diligently financed and facilitated every step of this process at the request of NPDC, to subsequently have to go through this hearing process as well. This all takes time and is argued to be reasonable.

Precedent

- 24.** I agree with paragraph 9.8 of the s42a that the proposal will not set a precedent.

Plan Integrity

- 25.** I agree with paragraph 10.76 of the s42a that the proposal will not affect the District Plan integrity.

Servicing

- 26.** The details of the proposal have been outlined in the application and s42a.

Traffic

- 27.** The details of the proposal have been outlined in the application and s42a.

Waterbodies

- 28.** The details of the proposal have been outlined in the application and s42a.

Statutory Requirements

National Policy Statements

National Policy Statement for Freshwater Management 2020

- 29.** I agree with paragraph 9.46 of the s42a which notes that the proposal is compatible with NPS-FM.

National Policy Statement for Highly Productive Land 2022

- 30.** I agree with paragraph 9.51 of the s42a which notes that the proposal is consistent with NPS-HPL.

Taranaki Regional Policy Statement

31. I agree with paragraph 9.58 of the s42a which notes that the proposal is largely consistent with TRPS.

Assessment of NPDC-DP Objectives and Policies

32. I agree with paragraph 9.66 of the s42a which notes my general agreement that the proposal is inconsistent with the relevant objectives and policies of the Part Operative District Plan.

Section 104

33. Section 104 of the RMA does not give weight or priority to the matters which must be had regard to. Relevant provisions of planning documents have been considered, and general agreement exists around the proposal's inconsistency with the new plan's objectives and polies. However, the applicant has offered a range of measures to minimize adverse effects and enable the activity to have positive effects, including the agreed proposed conditions. As such, it is argued that NPDC's hands are not tied in recommending this application be declined because of this inconsistency and suitable discretion needs to be used in regard the specific and unique context of this application.

104D Gateway Test Conclusion

34. I agree with paragraph 9.87 of the s42a which notes that despite being categorized as a non-complying activity under the Part Operative District Plan, section 104D of the RMA does not apply because a Discretionary Activity Status has been preserved.

Particular Considerations for Subdivision (s106)

35. I agree with paragraph 10.4 of the s42a that there is no reason to decline the application under s106.

Part 2 of the RMA 1991

36. I generally agree with paragraph 11.1 of the s42a that recourse to Part 2 of the RMA is unnecessary in this case.

Overall Assessment to Grant or Decline Under the NPDC-DP

37. I disagree with the final assessment in paragraph 12.6 of the s42a as I consider an unreasonable weight on s104(1) and s104(1)(b) has been placed and instead argue that the s104(1)(c) should have greater regard when considering the unique context and merits of this application holistically.

Conclusion

- 38.** In my opinion the consent should be granted - as the adverse effects on the environment have been suitably mitigated and the inconsistencies with policies within the NPDC-POP, should not have been given as much weight given the specific unique context of this application.

Dated 20th May 2026

A. Vogt.