

**BEFORE COMMISSIONER GINA SWEETMAN APPOINTED BY NEW
PLYMOUTH DISTRICT COUNCIL**

UNDER

the Resource Management
Act 1991 ("RMA")

IN THE MATTER

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

**STATEMENT IN REPLY OF CHRISTOPHER PAUL RENDALL ON
BEHALF OF THE APPLICANT AARON STEPHENS**

1. INTRODUCTION

- 1.1 My full name is Christopher Paul Rendall.
- 1.2 I prepared a primary statement of evidence on this matter dated 9 December 2025. In that statement, I describe my qualifications and experience. 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.

2. SCOPE

- 2.1 During the hearing (17 December 2025), the Commissioner queried me and Nicola Laurenson (the Reporting Officer) about several matters which we discussed at that time. Subsequently following that hearing a copy of Ms Laurenson's notes was provided to the applicant as requested by the Commissioner (which was received by email from Ms Straka, NPDC on 17 December 2025).
- 2.2 During the hearing and as reflected in the Commissioners Minute #5 dated 17 December 2025, paragraph 3, the Commissioner advised that it would be helpful for her to receive updated draft conditions with the Reply – and that it would be helpful if Ms Laurenson had the opportunity to have reviewed and provide a comment on those conditions. The Commissioner also noted that she anticipated that the Reply would otherwise address matters traversed during the hearing.

2.3 In this Reply evidence, I provide additional evidence and information about those matters, and include the updated draft consent conditions which I attach as **Appendix A** (which Ms Laurenson has reviewed).

3. ADDITIONAL EVIDENCE AND INFORMATION

3.1 I understand that there is agreement that the adverse effects are considered at most minor and acceptable and that the remaining matters which the decision maker must have regard to relate to the plans policies, and 'other matters' including precedent and plan integrity.

3.2 Based on the evidence tabled to date, discussion at the hearing and minutes provided I understand that from a planning expert perspective that the key matters to which will best assist the commissioner make a decision are:

- (a) Further information to understand how the activity will avoid further intensification and non-rural activities in the rural zone;
- (b) Whether there are strict avoid policies and consideration of precedent and plan integrity;
- (c) Whether either dwelling is ancillary to the other.

3.3 To explore the context of this proposal further I reflected on the relevant definition of key terms being considered and their applicability and relevance to this proposal.

3.4 Residential unit is defined in the RMA¹ as follows:

- a) means a building or part of a building that is used for a residential activity exclusively by 1 household; and
- b) includes sleeping, cooking, bathing, and toilet facilities

Based on this definition I consider that there are currently two distinct residential units on this title.

3.5 Considering definitions within the National Planning Standards² I consider there is relevant further detail which assist in considering this application. Primary production means:

¹ <https://www.legislation.govt.nz/act/public/1991/0069/latest/DLM230272.html> (accessed 29/01/2026)

² <https://environment.govt.nz/assets/publications/national-planning-standards-november-2019-updated-2022.pdf>

- a) *any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and*
- b) *includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);*
- c) *includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but*
- d) *excludes further processing of those commodities into a different product.*

minor residential unit means:

a self-contained residential unit that is ancillary to the principal residential unit, and is held in common ownership with the principal residential unit on the same site.

ancillary activity means:

an activity that supports and is subsidiary to a primary activity.

- 3.6 The PODP notes that terms in the plan have the same meaning as prescribed in the National Planning Standards.
- 3.7 Based on these definitions I consider that it is clear that a second residential unit is not ancillary to rural production activities and neither residential unit is ancillary to the other due to their ability to operate independently as there is no clear 'primary activity' to which they are ancillary, and there is no specified 'principal residence' (and as both residences are occupied each is the principal residence of their respective occupants).

How the activity will avoid further intensification and non-rural activities in the rural zone

- 3.8 The only 'new' activity proposed is the separation by subdivision of a non-ancillary dwelling from a productive rural property. Evidence has highlighted that this activity has negligible adverse effects on the environment, and some positive effects. Evidence has also highlighted that the older dwelling on the property has been non-ancillary for many years, and is already separated in this context. will not be ancillary to rural productivity for all of the reasons canvased in the evidence and submissions called for the applicant.

- 3.9 In relation to Ms Laurenson's notes which include a section **Role of the District Plan** RPROZ-02³ (*The Rural Production Zone is predominantly used for primary production*) uses the term 'predominantly' it does not use the term 'exclusively'. There is therefore scope for other uses to be considered. The activities, which are existing, are not contrary to the objectives in the PODP. For example, RPROZ-04 discusses maintenance of the predominant character of the Rural Production Zone which includes 'low density built form with space between buildings' – the existing dwellings give effect to this, as is expressly acknowledged by the Council in the 3 July 2017 decision report for the second dwelling (LUC17/47028 planning report). These activities are also part of the existing environment.
- 3.10 Limitations on additional development are proposed to be incorporated through conditions of consent, resulting in consent notices. These are designed to supplement and reinforce the drafting in the PODP and avoid the potential for inconsistency of future activities with plan expectations or adverse effects.
- 3.11 In the notes provided by Ms Laurenson I consider that there is a continuation of what I consider to be a flawed planning approach - whereby the actual planning implications and site context, and evidence called for the applicant, is ignored in favour of reliance entirely on assertion. As an example, Ms Laurenson states under the heading related to **cumulative effects** that this is the "*8th small allotment, not to be associated with Rural production activities*". This assertion is incorrect. There have been many changes to this title over time but many of them haven't been for the purposes of creating small allotments not associated with, and incapable of, primary production. Ms Laurenson's s104 Report ('Report') at para 9 outlines the current titles – which currently includes larger allotments of 7.62ha, 3.79ha and this one which is at 3.312ha. These larger titles were included in the title issued on 12 April 2007 (**Figure 1**) and included a substantial portion which is clearly used for primary production (noting that 'balance' title at that time did not include proposed Lot 1 – being part of a 4002m² title at that time (**Figure 2**), but subsequently incorporated into the adjacent parcel).

³ Ms Laurenson referred to RPROZ-01 which states: Productive land and resources support a range of production oriented and resource dependent activities.

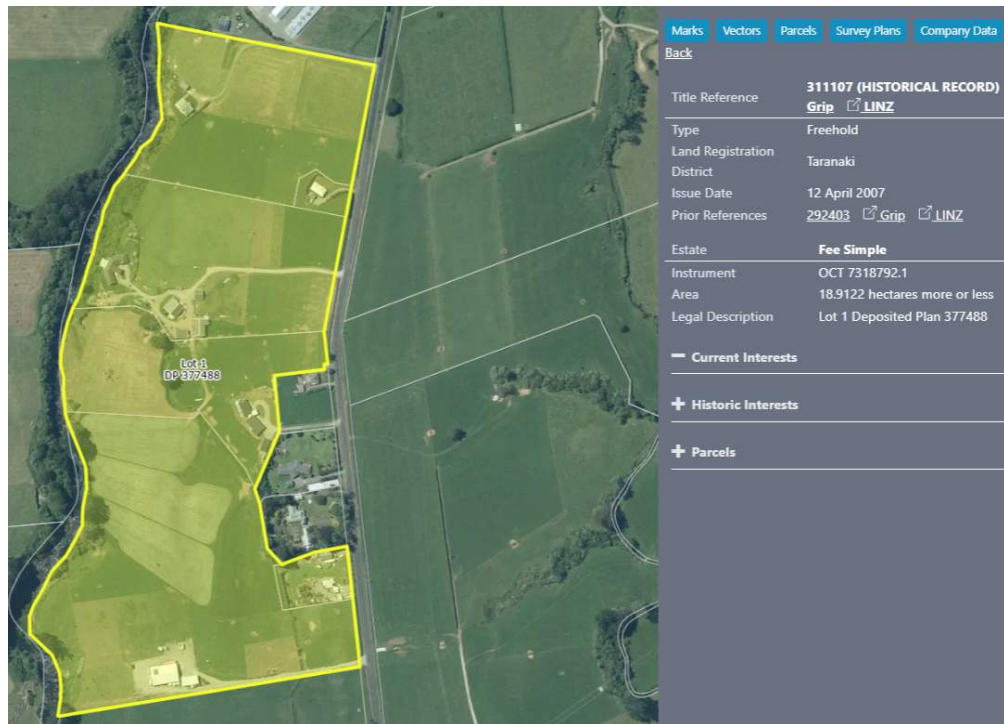


Figure 1 Title 12 April 2007

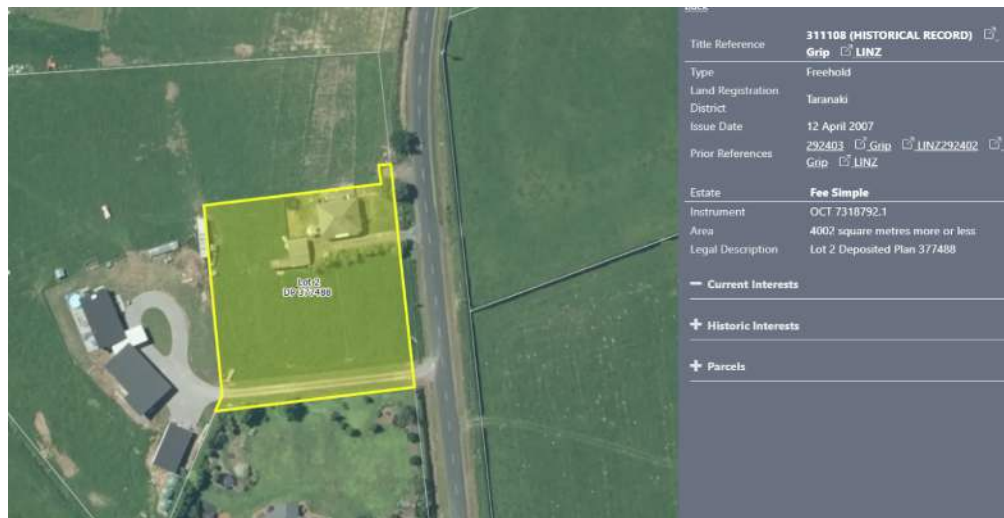


Figure 2 118 Wortley 12 April 2007

3.12 Between the 2007 large title and the current state all other dwellings which are not ancillary to primary production have been separated from primary production through subdivision. This has involved two other instances – with 84 being separated from 100 Wortley Road and 134 being separated from 150 Wortley Road. These separations were pragmatic and practical while retaining primary production on the larger lots.

3.13 I do not consider that there is a planning rationale for the proposed subdivision to be considered urban, as there are no features of it which fit,

for example, the definition of urban environment in the NPS-Urban Development or the definition of urban areas in the PODP.

Whether there are strict avoid policies and consideration of precedent and plan integrity

- 3.14 The interaction between the RPROZ and SUB policies seems to be a clear area of disagreement between Ms Laurenson and myself. Her assertion in her notes is that there is in effect a strict rule framework which creates a 'line in the sand' and effectively an avoid policy setting for the subdivision proposed.
- 3.15 From a planning perspective I did not intend to suggest that the RPROZ policies should be entirely discounted, I simply outlined that they need to be considered in context. I consider that it is appropriate to consider the weight they are given in decision making when the effects and activities they are seeking to avoid are already existing and are not new (as in this case). I also questioned their strict interpretation as avoid policies in the context of this specific subdivision around existing activities.
- 3.16 I consider that the PODP policies need to be read together and in context of the specific proposal and, therefore, while they may be read as bald statements - this approach does not make sense from a planning perspective. This approach would suggest a direct conflict between RPROZ-P1 and RPROZ-P3 one of which contains 'allow' while the other 'avoid' residential activities - both need to be considered during subdivision. I acknowledge that the RPROZ-P3 relates specifically to *residential activities... that are not ancillary to rural activities*⁴ - but this policy, if taken literally this avoid, should therefore prevent any subdivision which would result in either the separation of existing independent dwellings (as proposed) - or additional residential dwellings which are not ancillary to rural activities as discussed above.
- 3.17 The rule framework within the plan is clearly intended to enable residential activities which are not ancillary to rural production through standards and rules which provides for the subdivision of rural land - and through subdivision the enabling of residential activities which will often not be ancillary to rural activities. I consider that context is key when there is not a strict/specific environmental limit expressed in a policy such as this which contains the word avoid. As an example on 28 January 2026 (by email), I asked Mr Darlow if a 4000m² lot will create rural production, he confirmed

⁴ It also notes 'rural lifestyle living' but this is only applicable in the rural lifestyle zone

and identified that it will not for various reasons (which he can elaborate on if the Commissioner requires); so as a planner I am unclear when Ms Laurenson's line in the sand and, therefore, application of the 'avoid' in policy RPROZ-P3 comes into force.

- 3.18 I consider that RPROZ-P3 is clearly intended to prevent the proliferation of residential activities on rural production land within a Record of Title. I consider its relevance in the context of a subdivision (especially of existing independent residential activities) is much less. This then comes back to the effects of the proposed activity where there is a pathway for consent, and no prohibited activities or directive avoid policies, where it would be appropriate for them to be read in isolation, exist. If this proposal was creating the potential for the proliferation of non-rural production activities, for example enabling a new dwelling, then RPROZ-P3 and the intent to avoid would be a key matter to consider in decision making.
- 3.19 In this instance I consider that as it has been shown that RPROZ-P1 should be given more weight in this instance - as the existing activities have been shown to be compatible with the role, function and predominant character of the Rural Production Zone - and their, scale and intensity are appropriate as evidenced by the consent enabling the non-ancillary, independent, residential activities to occur. Once subdivision has occurred there will be mechanisms in place (through proposed conditions of consent) which will ensure that no incompatible new activities will occur.
- 3.20 I consider that, from a planning perspective, simply providing numbers of non-complying subdivision applications received by a council (as Ms Laurenson has done) is irrelevant. The facts of those cases would be needed to understand their relevance. Undertaking that review is not appropriate or required for the determination of this application. My evidence outlined the specific matters and context where Ms Laurenson (and NPDC) appear to consider subdivision activities prohibited. This is specifically the subdivision of <20ha rural lots with two existing dwellings and subdivision has previously occurred (note this is a simplified statement for illustrative purposes).
- 3.21 I note that I frequently advise potential clients not to apply for consent to subdivide rural land where it would be a non-complying activity as the plan policies provide a clear framework where this activity would be inappropriate. I do not consider this application is comparable to those due to its specific facts and context.
- 3.22 I also note that the PODP, which became operative in August 2025, elevated the activity status of many rural subdivision consents to non-complying when

these were previously discretionary (the change relates to any inconsistencies with the permitted activity standards; but in the applicant's case the activities status was also non-complying when subdivision consent was applied for under the ODP). Based on Ms Laurenson's approach to this proposal, which appears to be supported by Council Officers, if you prefer Ms Laurenson's evidence - it is likely that the precedent effect of this decision will be significant, effectively establishing a prohibited activity status. I consider that this will result in less applications being considered on their merit (as they should be). I do not consider this proportionate to the effects of the activity on the environment or in setting a precedent.

3.23 If Ms Laurenson's planning approach is adopted the avoid policies within the plan should more broadly be applied as strict avoid policies. If they are not, it will create precedent and plan integrity issues. The inconsistencies which Ms Laurenson identifies are equally applicable to many other applications. Specifically, Ms Laurenson's strict interpretation of RPROZ-P3 should then be also applied consistently in relation to both non-complying and discretionary activities (and potentially also restricted discretionary activities depending on the relevant matters of discretion). This is due to the same s104 considerations being applicable once the gateway test (s104D) is passed. I consider that this approach, whereby any and all residential activities (which are non-ancillary) and subdivision within the rural zone, is effectively inappropriate (as noted above any small rural lots are unlikely to generate rural production and are therefore not ancillary to it and, based on Ms Laurenson's approach, could therefore not be the 'compatible' residential activities envisaged in RPROZ-P1). This precedent could have significant implications for the district, and in my opinion is not what the PODP intends.

3.24 I consider that SUB-P10 (2) and (3) provide a clear path for this proposal and that SUB-P10(4) is not relevant as these matters have clearly been addressed. There are clear mechanisms to manage the activity and an assessment of the proposal against productive capacity has shown it to be retained; and shown the older dwelling as non-ancillary for productive capacity. SUB-P10 does not specify how many additional titles can be created. If there was a specific limit this would be stated, for example, wording such as:

3. managing subdivision that involves up to 3 additional allotments...

4. avoiding subdivision of 4 or more records of title that...

3.25 Without that specificity I consider that from a planning perspective the provisions need to be considered in the context of the specific proposal. I

consider that it has been clearly demonstrated that the effects of this proposal are at most minor and that there is no specific conflict with the policies in the plan. As outlined above, I consider that the precedent which would be set by adopting Ms Laurensons approach to policy interpretation would have a greater precedent effect if implemented consistently by NPDC, and could effectively result in it only being 'appropriate' to subdivide off a single lot from large rural lots where this title has not been subdivided since 'parent title'.

- 3.26 I do not consider that there is any planning evidence presented which suggests that the plans integrity will be undermined in any way if this proposal was granted on its own particular facts and circumstances, which are clearly distinguishable for many reasons already provided in evidence and submissions called for the applicant. There would not be a consenting pathway for this activity if it was to be strictly avoided. The PODP has clear policies relating to the development and subdivision of rural land. I consider that these provide a clear framework for both the council and potential applicants to determine.
- 3.27 From a planning perspective I consider having 'allow' and 'avoid' policies for the same activity in a plan creates an inherent conflict and uncertainty. I consider that it also highlights a difficulty with avoid policies which are not linked to, for example, adverse effects on a specified value (however I acknowledge that RPROZ-P3 does provide certainty regarding the 'compatibility' for some of the other activities listed).

Ancillary activities

- 3.28 Ms Laurensen has repeatedly asserted that the 'old' dwelling is ancillary to rural production but has provided nothing to support this assertion; and has entirely ignored the evidence called for the applicant which clearly establishes that it is not ancillary, and has not been ancillary in this context for many years.
- 3.29 The wording in the Management Strategy section of the 2005 New Plymouth District Plan that Ms Laurensen refers to highlights that the new larger dwelling that NPDC consented was not consistent with the management strategy expectations - as it was not located in proximity to the other ("a requirement for the additional HABITABLE BUILDING to be located in proximity to the main HABITABLE BUILDING" to ensure the buildings were related to each other). The strategic direction also highlights that this expectation was for any additional dwellings to be related to providing for 'other family or workers'. The 2005 plan did refer to ancillary activities but it

is clear that this would be as secondary dwelling to support the first, which is clearly not the case in this instance. The 2005 plan did not provide a rubber stamp for the second dwelling - as it did not specifically enable unrelated non-ancillary, non-primary production, residential rental dwellings.

- 3.30 I am unsure what mechanisms NPDC employs to test whether proposed rural residential activities are 'ancillary' to determine compatibility with the rural production zone? I am also unsure if there is follow up once a consent is granted to ensure that the activities being undertaken are ancillary (i.e. for monitoring and, if necessary, enforcement purposes)? I consider that for plan integrity these would be key assessments for NPDC to undertake, especially if RPROZ-P3 is to be considered a strict avoid policy.
- 3.31 The PODP has clear rules and policies in relation to additional dwellings so NPDC has adequate mechanisms now in place to control the potential for small rural lots to have two independent dwellings further minimising the precedent risk this proposal could establish.
- 3.32 There is nothing in the 3 July 2017 decision report for the second dwelling which indicates or asserts that the new or old dwelling will be ancillary (LUC17/47028 planning report).
- 3.33 Ms Laurenson is also incorrect in her assertion that the dwelling is not a 'standalone independent dwelling'. It is. It is clearly a detached structure which has its own independent utilities and access and is appropriate for one family or household unit.
- 3.34 My understanding is that Ms Laurensons' concerns relate primarily to the existing activities – non-ancillary residential activities on rural land. The effects of this activity are existing (and have been for many years) and no new non-ancillary residential activities are proposed – and further such activities can be prevented through conditions of consent (as proposed). The subdivision of this non-ancillary standalone independent dwelling from the balance lot is consistent with the plan policies, and with the existing environment and uses.
- 3.35 I note that Lot 1 was previously part of its own ~4002m parcel in 2007 (Figure 2) and was then integrated into the current parcel in 2012. This current subdivision proposal would simply return the Lot 1 to a smaller area, but rather than removing area from primary production - retains the paddock with the balance lot.

4. UPDATED DRAFT CONSENT CONDITIONS

- 4.1 As requested (and noted above) – I engaged with Ms Laurenson to explore whether any amendments to proposed conditions was required and whether any advice notes would improve the clarity of the conditions. Ms Laurenson noted that *"I think the conditions we have in the JWS are clear about the Augier conditions... You could provide an advice note to each to describe why they were offered so that this information is available to people processing any future applications."* I also explored how best to provide certainty regarding the attachment of the covenant agreed with Tegel to the land. I propose the following wording to enable and link the covenant to this consent.

The consent holder must, as volunteered by the applicant, register the Covenant agreed between the consent holder and Tegel Foods Limited under the Land Transfer Act 2017 on the Records of Title for Lots 1 & 2 being to the effect of preventing specific activities and requiring consent from Tegel Foods Limited for other specified activities.

Prior to S224, for the purposes of approval of the survey plan and a certificate under s223 that this condition has been complied with to the satisfaction of the territorial authority under s224(c), the Consent holder must provide the Council an undertaking from their solicitor that the covenant will be registered at the time new Records of Title are issued for Lots 1 and 2.

proposed additional Tegel Covenant condition; Advice note: This condition has been volunteered to reflect an agreement reached between the consent holder and Tegel Foods Limited. This covenant protects established intensive indoor primary production.

- 4.2 I propose that the following advice note is attached to ensure that proposed condition 14 is clear to any future reader of the conditions:

Advice note: This condition has been volunteered for the purpose of ensuring that activities which are incompatible with the role, function and predominant character of the Rural Production Zone are avoided and there is no intensification of activities which would result in the loss of the productive potential of highly productive soils and versatile rural land.

This condition includes restricting the construction of Detached Minor Residential Units under The National Environmental Standards for Detached Minor Residential Units.

- 4.3 Based on discussions with Ms Laurenson I have drafted the following as an alternative to proposed condition 15:

The consent holder must, as volunteered by the applicant, register a Covenant under Land Transfer Act 2017 on the Records of Title for Lots 1 & 2 to the burden of the land contained in Lot 1 for the benefit of the land contained in Lot 2 to the effect that the registered proprietors of Lot 1 must not bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the lawful uses on rural land on Lot 2. The Covenant must be prepared by the consent holder at their expense.

Prior to S224, for the purposes of approval of the survey plan and a certificate under s223 that this condition has been complied with to the satisfaction of the territorial authority under s224(c), the Consent holder must provide the Council an undertaking from their solicitor that the covenant will be registered at the time new Records of Title are issued for Lots 1 and 2.

- 4.4 Ms Laurenson has highlighted that she considers this condition is more appropriate than existing proposed condition 15, and the applicant will accept either approach and abide with the Commissions decision.
- 4.5 If you are minded to retain proposed condition 15 or if you adopt the condition above the following advice note could be attached:

Advice note: This condition has been volunteered for the purpose of ensuring that rural productive activities within Lot 2, which are compatible with the role, function and predominant character of the Rural Production Zone, and being conducted lawfully, are enabled and protected from potentially incompatible activities.

- 4.6 I also note the effectiveness of consent notices and whether they are easy to change was raised, and in my opinion they are not easily changed. For example, the Council's decision on Private Plan Change 48 explored the consent notices for the Paddocks Subdivision (Oakura, New Plymouth). In that case it was argued by the applicant that the consent notices could effectively be ignored and replaced through the plan change decision. In the decision to decline the plan change substantial weight was put on why the consent notices were attached in the first place. I consider that this is a comparable circumstance in that the consent notices proposed by Mr & Mrs Stephens will form a key element to the decision, as they clearly constrain future development of the site.

4.7 I also consider that the additional advice notes clearly linking the proposed conditions of consent further reinforce how this proposal ensures consistency with plan policies and avoids adverse effects on the values which are important within the rural production zone.

4.8 From a planning perspective I do not consider it appropriate to suggest (as Ms Laurenson does) that consent notices are a weak mechanism that are simple to ignore, or easy to change or remove. As with this proposal any changes to consent notices should be considered and based on their merits.

5. Summary

5.1 I consider that from a planning perspective the specific facts and merits of this case along with the clear structured approach considering all relevant elements of the plan provides sufficient evidence to confirm that the proposal will not undermine plan integrity or set an inappropriate precedent. I consider that there are, and will remain, clear mechanisms within the plan to ensure that the values within the rural production zone can be maintained.

Christopher Paul Rendall
Landpro Limited

30 January 2026

APPENDIX A

REVISED DRAFT CONSENT CONDITIONS

General Accordance

1. The use and development of the land must be as described within the application SUB22/48013 received by the council on 24 January 2022 and further information received on 17 September 2024 and be generally in accordance with the following plan except as amended by the conditions below:
 - a. Plan entitled 'Proposed subdivision of Lot 1 DP 452310, 118 Wortley Rd, Lepperton' dated 09.12.2025 prepared by Landpro Limited reference 24283-01-C

A Copy of the approved plan is attached.

Section 223 Certification:

2. The survey plan must conform with the scheme plan by Landpro Limited, Job Reference 24283, Drawing 01, Rev C, dated 09.12.2025 and all other information including further information contained within application reference number SUB22/48013.
3. Pursuant to s230 and s232 of the Resource Management Act 1991, the Land Transfer Plan must include an esplanade strip, minimum 15m wide, adjoining the true right bank of the Waiongana Stream for the purpose of providing riparian protection and recreation.

Section 224 Certification:

Landscaping/Riparian Planting

4. Prior to s224 certification within Lot 2:
 - a. A minimum of five metres of the Waiongana Stream edge must be planted with native vegetation using "TRC Riparian Guidelines Establishing Riparian Vegetation - number 26". and
 - b. a minimum of one metre of the tributary of the Waiongana Stream edge must be planted with native vegetation using "TRC Riparian Guidelines Establishing Riparian Vegetation - number 26".

Esplanade Strip

5. Prior to issue of certification under Section 224 of the Resource Management Act 1991, the consent holder must prepare an easement strip instrument to the satisfaction of the Council's Property Lead. The easement strip instrument must include the following provisions:
 - a. The following acts are prohibited on the strip:
 - i. Wilfully endangering, disturbing, or annoying any lawful user of the strip (including the owner or occupier of the strip);

- ii. Wilfully damaging or interfering with any structure adjoining or on the land, including any building, fence, gate, stile, marker, bridge, or notice;
 - iii. Wilfully interfering with or disturbing any livestock lawfully permitted on the strip.
 - iv. The prohibitions referred to in paragraphs (i) and (iii) do not apply to the owner or occupier of the strip.
- b. The following further acts are prohibited on the strip:
 - i. Lighting any fire;
 - ii. Carrying any firearm;
 - iii. Discharging or shooting any firearm;
 - iv. Camping;
 - v. Taking any animal on to, or having charge of any animal on the land;
 - vi. Taking any vehicle on to, or driving or having any charge or control of any vehicle on the land (whether the vehicle is motorised or non-motorised);
 - vii. Wilfully damaging or removing any plant (unless acting in accordance with the Noxious Plants Act 1978 or the Biosecurity Act 1993);
 - viii. Laying any poison or setting any snare or trap (unless acting in accordance with the Agricultural Pests Destruction Act 1967 or the Biosecurity Act 1993)
 - ix. The prohibitions referred to in paragraphs (v) and (vi) above do not apply to the owner or occupier of the strip who shall be entitled to graze or bring animals and vehicles on to the strip.
- c. Fencing
 - i. The grantee must, in order to enhance the conservation values of the strip, erect a fence in accordance with the conditions of this consent.
- d. Planting
 - i. The grantee must, in order to enhance the conservation values of the strip, undertake riparian planting along the length of the strip in accordance with conditions of this consent.
- e. Access to the Strip
 - i. Any person shall have the right at any time to enter upon the land over which the esplanade strip has been created and remain on that land for any period of time for the

purpose of recreation, subject to any other provisions of this instrument.

Advice Note: As the grantee is required to undertake fencing of the strip and riparian planting, prohibition in (a)(ii) is extended to include the owner of the strip.

Stock Exclusion

6. Prior to s224 certification:
 - a. The Waiongana Stream riparian margins must be fenced with a stock proof fence.

Services

Power and Telecommunications

7. If not already established individual power and telecommunications connections must be provided to, and contained within, each lot.
8. Prior to certification under Section 224 of the Resource Management Act, confirmation must be provided from the utility provider(s) that such connections exist for Lots 1 & 2.

Wastewater

9. Prior to Section 224, the consent holder must confirm the location of the on-site wastewater system for the existing dwelling on Lot 1 and, if necessary, relocate or upgrade the system to ensure that it is located a minimum of 1.5m within the boundaries of Lot 1.
10. To confirm compliance with Condition 9, the following must be provided for certification by the Development Engineer, New Plymouth District Council:
 - a. A plan to a scale acceptable to New Plymouth District Council showing the position of the on-site wastewater system including the effluent disposal field and reserve area for the dwelling located on Lot 1, which must be certified by a registered professional surveyor; and
 - b. Provide a current Maintenance Certificate in accordance with section 6.3.5.6 of AS/NZS 1547:2012 On-site Domestic Wastewater Management stating there is no evidence of effluent seepage across the boundaries of Lot 1 into the adjoining Lot.

OR

- c. Provide evidence of a Building Consent and resulting compliance for the relocation works.

Advice note: If the effluent field is required to be relocated to comply with the above condition, a building consent may be required from New Plymouth District Council prior to the relocation.

Stormwater

11. The consent holder must provide a plan and confirmation demonstrating that existing stormwater soakage devices serving Lot 1 are contained wholly within the boundaries of Lot 1.
12. Unless authorised by a land use consent, prior to s223 and s224 approval all buildings must comply with the permitted activity rules relating to building coverage, setbacks, daylight angles relative to the new boundaries and number of dwellings except that the dwelling on Lot 1 shall be located close to the new boundary as demonstrated on the approved plan.

Reinstatement of vehicle crossing

13. The vehicle entrance located immediately north of the boundary of Lot 1 must be closed and the gate reinstated to fencing to preserve the amenity for the future owners of Lot 1.

Covenants and Section 221 Consent Notices

14. Pursuant to s221 of the Resource Management Act 1991, a consent notice must be registered on the Records of Title for Lots 1 and 2, as volunteered by the applicant, advising the registered proprietors of the following requirements:
 - a. Only one residential unit is permitted on each allotment; and
 - b. No lifestyle/residential lots can be subdivided off these Lots (where a subdivision would enable additional dwellings to be built or primary production potential be reduced).

These consent notices remain in effect while the land is zoned rural production (or its equivalent).

Advice Note: This condition has been volunteered for the purpose of ensuring that activities which are incompatible with the role, function and predominant character of the Rural Production Zone are avoided and there is no intensification of activities which would result in the loss of the productive potential of highly productive soils and versatile rural land.

This condition includes restricting the construction of Detached Minor Residential Units under The National Environmental Standards for Detached Minor Residential Units.

15. Pursuant to s221 of the Resource Management Act 1991, a consent notice must be registered on the Record of Title for Lot 1, as volunteered by the applicant, advising the registered proprietors of the following requirement
 - a. They must not bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the lawful uses on rural land on Lot 2:
 - i. make nor lodge; nor
 - ii. be party to; nor
 - iii. finance nor contribute to the cost of any application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation of lawful

operations or any lawful rural activity on rural land on Lot 2, including without limitation any action to require the registered owner or occupier of Lot 2 to modify the lawful rural operations carried out on rural land while the land is zoned rural production (or its equivalent).

or

The consent holder must, as volunteered by the applicant, register a Covenant under Land Transfer Act 2017 on the Records of Title for Lots 1 & 2 to the burden of the land contained in Lot 1 for the benefit of the land contained in Lot 2 to the effect that the registered proprietors of Lot 1 must not bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the lawful uses on rural land on Lot 2. The Covenant must be prepared by the consent holder at their expense.

Prior to S224, for the purposes of approval of the survey plan and a certificate under s223 that this condition has been complied with to the satisfaction of the territorial authority under s224(c), the consent holder must provide the Council an undertaking from their solicitor that the covenant will be registered at the time new Records of Title are issued for Lots 1 and 2.

Advice Note: This condition has been volunteered for the purpose of ensuring that rural productive activities within Lot 2, which are compatible with the role, function and predominant character of the Rural Production Zone, and being conducted lawfully, are enabled and protected from potentially incompatible activities.

16. The consent holder must, as volunteered by the applicant, register the Covenant agreed between the consent holder and Tegel Foods Limited under the Land Transfer Act 2017 on the Records of Title for Lots 1 & 2 being to the effect of preventing specific activities and requiring consent from Tegel Foods Limited for other specified activities.

Prior to S224, for the purposes of approval of the survey plan and a certificate under s223 that this condition has been complied with to the satisfaction of the territorial authority under s224(c), the consent holder must provide the Council an undertaking from their solicitor that the covenant will be registered at the time new Records of Title are issued for Lots 1 and 2.

Legal Documents

17. Pursuant to section 234(7) of the Resource Management Act, New Plymouth District Council grants an application to cancel part of an instrument creating an esplanade strip endorsed on Plan (Part Section 28 Huirangi District) and registered thereon under Instrument Number 7099382.1 to the extent to which it applies to Lot 1 Deposited Plan 452310. The consent holder shall make a request for the certificate prior to s224 approval.

Advice Note: This condition has been volunteered to reflect an agreement reached between the consent holder and Tegel Foods Limited. This covenant protects established intensive indoor primary production.

ADVICE NOTE

Consent Lapse Date

- 1. This consent lapses 5 years from commencement of this consent unless: the consent is given effect to before that date; or unless an application under section 125 of the Resource Management Act 1991 is made and granted by Council before the expiry of that date for an extension of time for establishment of the use.*