

Our ref: 25063

4th November 2025

Nicola Laurenson

c/- New Plymouth District Council

Liardet Street

New Plymouth 4342



Application Ref: SUB21/47978,

Dear Nicola,

FURTHER INFORMATION REQUEST – POPUANUI CHICKENS LIMITED

Please find enclosed our responses to your request for further information with regards to Subdivision resource consent application SUB21/47978 for 24 Te Arei Road West, New Plymouth.

1.0 Clarification based on Submission Points.

While Rule RPROZ-S1 allows for habitable buildings up to 8 metres, and 12m for all other structures above ground level (i.e. hayshed's) as a permitted activity, it is proposed that the following occurs:

- Lots 1, 2, 3 and 4 shall be able to construct any new dwelling, building or structure, beyond what exists currently that does not exceed a height of no more than 6 metres above the existing ground level as existed at the time of subdivision.

2.0 Response to submissions.

The submitter (*39 Te Arei Road West*) has now provided their written approval for the proposed development. This is a result of numerous design iterations resulting in the proposed design which incorporates:

- A total reduction of one lot to three Lots,
- The separation of the proposed double crossing to two separate crossings for Lots 1 & 2,
- Landscaping mitigation along the boundaries of Lot 1, 2 and 3.
- No build/trees > 4m covenant over the area contained within Lot 2 and 3.

This updated Scheme and Written Approval is provided in Appendix 1 to this response.

3.0 Proposed Conditions of Consent for SUB21/47978

The following are a list of suggested consent conditions to address the remaining issues and draw upon recommendations from Ms Dravitzki's LVIA and previous correspondence with regards this application.

Subject to the following conditions imposed under Section 108 of the Resource Management Act 1991:

1. The subdivision activity shall be carried out in accordance with the plans and all information submitted with the application, and all referenced by the Council as consent number SUB21/47978.
2. The application for a certificate under section 224(c) of the RMA shall be accompanied by certification from a professionally qualified surveyor or engineer that all the conditions of subdivision consent have been complied with and that in respect of those conditions that have not been complied with:
 - a. a completion certificate has been issued in relation to any conditions to which section 222 applies.
 - b. a consent notice has been or will be issued that in relation to any conditions to which section 221 applies.

Survey Plan Approval

3. The survey plan shall conform with the subdivision scheme plans submitted by Juffermans Surveyors Ltd and entitled "Lots 1 – 4 being a subdivision of Lot 4 DP 5842"; Job Number 205063, Rev E.

Building platforms and onsite stormwater disposal systems

4. An inspection and a report shall be carried out of soil compatibility by a suitably qualified person and submitted to the council to confirm the suitability of Lots 1, 2 and 3 for on-site stormwater disposal.
5. A report shall be provided from a suitably qualified person to confirm that there is available within Lots 1, 2 and 3 a stable flood free building platform suitable for building foundations in accordance with the requirements of the New Zealand Building Code – Acceptable Solution B1/AS4 of Approved Document B1/4, Structure Foundations.

6. Any recommendations requiring specific on-site stormwater and building platform shall be subject to Consent Notice under Section 221 of the Resource Management Act 1991.

Vehicle Entrance

7. A Type G vehicle crossing shall be constructed to service Lots 1, 2 and 3 to ensure maximum sight visibility to the west and east is achieved. Each crossing shall be constructed to the Standard specified in the Council's Land Development & Subdivision Infrastructure Standard.

Advice Note

An application with the appropriate fee shall be made to the Council for a new and or upgraded Vehicle Crossing, and upon approval the vehicle crossing is to be installed by a Council approved contractor at the applicant's cost.

Consent Notice on Lots 1 - 4

8. The consent holder or future owners of proposed Lots 1, 2, 3 and 4 shall comply with the following:
 - a. All buildings on Lots 1, 2, 3 and 4 shall be limited in terms of finish to exterior surfaces, this includes roofs and walls, recessive (shades rather than tints) and colours to have reflectivity values of below 20% for roofs and 40% for exterior walls.
 - b. All new driveways and accessways for Lots 1, 2, 3 and 4 shall be finished in rural material and shall be a mid to dark grey in colour.
 - c. All buildings on Lots 1, 2 and 3 shall be single storey and less than 6m in height.
 - d. Only one habitable building shall be constructed on Lots 1, 2 and 3.
 - e. Any new habitable dwelling on Lot 4 shall be limited in size and scale to that of the current existing dwelling on site.
 - f. Water tanks on Lots 1, 2, 3 and 4 shall be recessive shade less than 35% reflectivity and shall be integrated with the dwelling design and either screened or planted from the view from the road, if not located underground.
 - g. All external lighting on Lots 1, 2, 3 and 4 shall be hooded or cast down so that no lamp source is visible.
 - h. All earthworks on Lots 1, 2, 3 and 4 shall include sediment control measures and be limited in height to 1.5m unless created at a batter of no steeper than three horizontal to one vertical. Any earthworks shall be grassed.

- i. Fencing on Lots 1, 2, 3 and 4 shall be limited to post and rail or post and batten only.
 - j. Habitable buildings on Lots 1, 2, 3 and 4 shall be limited to the areas marked and defined on the survey plan.
9. The consent holder or future owners of proposed Lots 3 and 4 shall comply with the following:
- a) Riparian planting and fencing within Lots 3 and 4 along the length of the Waiongana River shall be retained, maintained, and enhanced on an on-going basis.
 - b) Any dead or diseased species within the riparian planting shall be replaced as soon as practicable within the next planting season.
 - c) Any damaged fencing along the riparian margins shall be replaced to ensure stock proof fencing permanently along the stream margins.
10. The consent holder or future owners of proposed Lots 1, 2, and 4 shall comply with the following:
- a. The landowner or occupier will not interfere or restrain activities from occurring on land surrounding the burdened land where those activities are permitted by, and carried out in accordance with, the District Plan, Regional Plans, or any replacement plans.
 - b. The landowners or occupier will not:
 - i) Make nor
 - ii) lodge nor
 - iii) Be party to nor
 - iv) Finance nor
 - v) contribute to the cost of;
 - vi) Any submission, proceeding or appeal designed or intended to limit, prohibit or restrict activities that are permitted and carried out in accordance with the District Plan or Regional Plans or any replacement plans.
11. The consent holder or future owners of proposed Lots 1 - 4 shall comply with the following: Each new dwelling shall be supplied with a dedicated firefighting water supply, and access to such supply, in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008, which must thereafter be maintained.

12. The consent holder or future owners of proposed Lots 1, 2 and 3 shall comply with the following:

- a. All planting established in accordance with the Landscape Planting Plan [insert name + reference details of Landscape Planting Plan certified in accordance with Condition 16] shall be maintained by the owner and shall not be destroyed or removed.
- b. The owner shall replace any dead or dying plants with the same species in accordance with the [insert name + reference details of Landscape Planting Plan] within the following planting season.

13. Condition 8 -12 above shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 registered against the new record of title for Lots 1 - 4 (where applicable) of the subdivision of Lot 4 DP 5842 as identified in the condition and shall be prepared by the Council at the cost of the consent holder.

Riparian Planting

14. Riparian planting and fencing shall occur along the length of the Waiongana River within Lots 3 and 4. TRC riparian guidelines 23, 24, 25, 26 and 41 shall be used as a guide to inform the fencing and planting plan.

15. Fencing shall be stock proof permanent fencing as per the Taranaki Regional Council (TRC) Guidelines.

Mitigation Planting

16. A Landscape Planting Plan prepared by a suitably qualified expert in landscaping shall be submitted by the consent holder to the Development Control Lead and certified prior to the commencement of works. The Landscape Planting Plan shall provide the following:

- Road boundary planting along the frontage of Lots 1 and 2 to screen and or soften the future building platforms (as identified by condition 8).
- Planting along the driveways of Lots 1, 2 and 3 to screen and or soften the views into the building platform locations from the road.
- Identification of existing vegetation to be retained until new planting achieves specific heights. The heights that the new planting must achieve before the existing vegetation can be removed shall be identified in the Landscape Planting Plan.

- Plant species, which must all be native varieties and include the numbers, size, spacing, layout and grade.
- Methods of ground preparation, fertilising, mulching, spraying.
- Maintenance and weed management.

All works shall be carried out in accordance with the Landscape Plan certified in accordance with this condition.

17. Prior to issue of certification under Section 224 of the Resource Management Act 1991, the consent holder shall complete planting in accordance with the Landscape Planting Plan certified in accordance with Condition 16.

18. In the event that application is made to the New Plymouth District Council for certification pursuant to Section 224 of the Resource Management Act 1991 before riparian planting and fencing under condition 14, 15, and the planting approved under Condition 16 is completed, then the consent holder shall pay to the New Plymouth District Council a bond in the form of a refundable cash deposit.

The purpose of this bond shall be for ensuring compliance with Condition 14, 15, 16 and 17 and shall only be entered into if the Council is satisfied that the amount of the bond is sufficient to achieve this purpose, and that 25% of the estimated cost for the maintenance period has been added.

References

Dravitzki, M. (2021). *LANDSCAPE AND VISUAL IMPACT ASSESSMENT FOR A FIVE LOT SUBDIVISION; 24 Te Arei Road West, New Plymouth.*

Quin, R. (2022). *Submission on a resource consent application subject to public or limited notification, SUB21/47978, Wayne Curry, 24 Te Arei Road West, New Plymouth, 5 Lot Rural Subdivision.*

Additional Assessment 1

Regarding the changes to the vehicle crossing an assessment of the new proposal against the transport Chapter of the PODP is provided below:

Transport			
TRA N-R1	Roads and vehicle access points.	The standards set out in Council's Land Development and Subdivision Infrastructure are Standard Local Amendments; and all Transport Effects Standards are complied with.	As proposed this subdivision provides for this standard as much as practicable. The proposed separate crossings for Lots 1 & 2 ensure suitable separation distance and while access for Lot 3 is shifted west to a position better suited for heavy traffic. Restricted Discretionary.
TRA N-S2	Design standards for vehicle access points onto a local road, collector road, or arterial road.	Compliance with TRAN – Table 4 and TRAN Figure 3.	As proposed this subdivision provides for this standard as much as practicable. The proposed separate crossings for Lots 1 & 2 ensure suitable separation distance and while access for Lot 3 is shifted west to a position better suited for heavy traffic. Restricted Discretionary.
TRA N-S3	Vehicle access points	All new vehicle access points must comply with the standards set out in section 3 of the Council's Land Development and Subdivision Infrastructure Standard Local Amendments.	As proposed this subdivision provides for this standard as much as practicable. The proposed separate crossings for Lots 1 & 2 ensure suitable separation distance and while access for Lot 3 is shifted west to a position better suited for heavy traffic. Restricted Discretionary.
TRA N-S5	Maximum width of vehicle access points	9m	As proposed this subdivision provides for this standard. All access points will be required to be formed to this standard when they are constructed. Permitted.
TRA N-S18	Requirements for driveways - design	Every parking, loading, and standing space must have driveways and aisles for entry and exit of vehicles to and from the road, and for vehicle manoeuvring within the site.	As proposed this subdivision provides for this standard. All driveways will be required to be designed to this standard when they are constructed. Permitted.

		<p>Access and manoeuvring areas must accommodate the 85th percentile car tracking curves in TRAN - Figure 7 in TRAN-S10.</p> <p>The required driveway must not include any space used for on-site parking, loading, or standing space, or vehicle access point.</p> <p>Where an activity or subdivision involves the creation of a vehicle access point, the formation of the vehicle access point must be compliant with TRAN-S4.</p>	
TRA N-S19	Requirements for driveways - construction and formation	<p>All driveways must comply with the following standards:</p> <p>Minimum width of driveway: 3.5m; and</p> <p>Maximum gradient of driveway: 1:5.</p>	<p>As proposed this subdivision provides for this standard. All driveways will be required to be formed to this standard when they are constructed.</p> <p>Permitted.</p>
TRA N-R9	High trip generator activities	<p>1) For new activities:</p> <p>a. any of the activities listed in TRAN - Table 1 that comply with the stated thresholds; and</p> <p>b. all Transport Effects Standards are complied with.</p> <p>2) For existing activities:</p> <p>a. no change or variation to an existing lawfully established activity listed in TRAN – Table 1.</p>	<p>The subdivision activity proposed will not be in excess of 25 dwellings or creating 25 allotments.</p> <p>Permitted.</p>

While Restricted Discretionary the matter NPDC's has restricted its discretion for assessment are provided below:

1. Adverse effects on the safe, efficient and effective operation of the road transport network.

As proposed, it is unlikely that the new separate access points for Lots 1 and 2 or the new access for the Chicken Farm operations at Lot 3 will comply with the line-of-sight requirement of 160m+ for 100km/ph.

For the separate access at Lots 1 and 2 the line of sight is non-compliant only to the west. In this regard oncoming vehicles are forced to slow down before they cross the train tracks which results in a much more practicable speed of 70-80km/h which it is complaint.

For the new crossing servicing Lot 3 the line of sight is non-compliant only to the east. In this regard, oncoming vehicles are forced to slow down as they come to the corner and cross the bridge which results in a much more practicable speed of 70-80K km/h which it is complaint. In addition to this I would anticipate that trucks and other heavy vehicles manoeuvring from the Poultry Operation would benefit from the extra 55m of road to the west as opposed to the current situation.



Figure 1: Proposed Line of Sights and Associated Mitigation (GRIP 2026).

2. The ability to provide an adequate and reliable firefighting water supply.

There is no issue in this regard.

3. The effects of non-compliance with any relevant Transport, Zone or Overlay rule or effects standard and any relevant matters of discretion in the infringed rules or effects standards.

For TRAN-S2 and TRAN-S3 the matter of discretion listed is:

1. *The potential for adverse effects on the safety and efficiency of the road transport network resulting from the nature, use, location and design of the vehicle access point.*

In this regard I adopt my assessment from point 1 above.

Additional Assessment 2

In addition to the matters above, wider discussions surrounding this application have commented on “similar” surrounding applications being rejected under the following points and I would just like to use this formal response to provide a case for both on behalf of the client.

s104(1)(b) - Inconsistency with Objectives and Policies – It is acknowledged that the application as read today is inconsistent with the Objectives and Policies of the Rural Production Zone within the Proposed New Plymouth District – Part Operative Plan 2025. However, it is requested that this application be treated appropriately as it is materially different in that it was submitted under the old District Plan back in 2021, in which the application was accepted as a Discretionary activity for the number of Lots (5) proposed. Since then, this has been reduced to a total of four (4) Lots which would have carried the Restricted Discretionary activity status under that plan.

In this regard, we implore the processing of this application to consider the principles of natural justice in so far as the applicant has been undertaking an almost 5 year consenting journey which has been subject to both changes in Central and Local Government planning regulations to which was not on the fault of the applicant. Throughout this process the applicant has been incredibly fair and patient undertaking and facilitating extra expert evidence and mitigation wherever possible. This has resulted in an outcome that I am positive would have been accepted under the rules the original application was lodged under. As such, I implore you to use the discretion available to you to manage this unique situation as the effects have been proved to be minor and appropriately managed.

s104(1)(c) - District Plan Integrity and Precedent – As discussed above, this application is materially different to any applications which could be lodged in direct proximity to the site or indeed across the region as a whole. This is because all applications with similar non-complaint features will be processed as a non-complaint activity under the new plan which now has legal effect. Therefore, NPDC is easily able to be confident that it is able to appropriately reject these applications to protect the surrounding rural character and amenity. Therefore, no precedent is set by granting this application and the integrity of the plan maintained.

Please let me know if the information as set out satisfies your request for further information,

A. Vogt.

Antony Vogt | Planner | Juffermans Surveyors Ltd

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Appendix 1 - Updated Scheme and Written Approval