

From: "rex" <rex@jssl.nz>
Sent: Tue, 22 Mar 2022 21:41:46 +1300
To: "Nicola Laurenson" <Nicola.Laurenson@npdc.govt.nz>
Cc: "Wayne Curry" <wcurry@xtra.co.nz>; "Stephen Lumb" <Stephen@jssl.nz>; "Zane Wood" <Zane.Wood@npdc.govt.nz>
Subject: RE: SUB21/47978 Popuanui Chickens Te Arei West Request for Further Information Response
Attachments: 20175 - Curry s92 Response 22 March 2022.pdf

Evening Nicola,

Please find attached our completed responses to your request of 24 February. One trusts you will find these satisfactory so we can proceed with having the application processed and consent issued as this has been around for an overly excessive time given the delays with initial consultation with Te Ataiawa and processing times within NPDC, 12 months now which is somewhat ridiculous I am sure you will agree.

Regards

Rex Hurley | Planner | Juffermans Surveyors Ltd
M 027 445 8330
Prospero Place | PO Box 340, Stratford 4332

-----Original Message-----

From: Nicola Laurenson <Nicola.Laurenson@npdc.govt.nz>
Sent: Thursday, 24 February 2022 12:59 pm
To: rex <rex@jssl.nz>
Cc: Wayne Curry <wcurry@xtra.co.nz>; Stephen Lumb <Stephen@jssl.nz>
Subject: Re: SUB21/47978 Popuanui Chickens Te Arei West Request for Further Information Response

Hi Rex,

Thanks for your email and s92 response. It is really appreciated.

I have added the request and response to a table to tick off what is satisfied and what needs a bit more information.

This document is attached. Hopefully it is straight forward - if not feel free to give me a call.

I'm going to say to you what I said to another agent earlier this week, some of the s92 items around rule compliance confirmation is to identify what needs consent and why. These requests don't need comments or an assessment on why consent can be granted, just the facts of compliance or otherwise. Where an effects assessment is required I have requested this as a separate item. Hopefully this comment can help with responding - I will also try to be more explicit when making these two different types of requests in the future.

Kind regards,

Nicola

From: rex <rex@jssl.nz>
Sent: Friday, 18 February 2022 11:28 a.m.
To: Nicola Laurenson
Cc: Wayne Curry; Stephen Lumb
Subject: SUB21/47978 Popuanui Chickens Te Arei West Request for Further Information Response

Kia ora Nicola,

Please find attached our response to your s92 RFI of 28 January 2022.

Ngā mihi

Rex Hurley | Planner | Juffermans Surveyors Ltd M 027 445 8330

Prospero Place | PO Box 340, Stratford 4332

[JSL Logo] [cid:image002.png@01D824BB.CDAE0DD0]

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[30c43c866781&auth=cc4a478d9e57d67493289f4fdff4ebf72f28de27-c8c9855281ad14341f17602db00bb316494f47da>](https://ddec1-0-en-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=http%3a%2f%2fsmxemail.com&umid=72f7f7fd-6e74-4f7f-88ab-30c43c866781&auth=cc4a478d9e57d67493289f4fdff4ebf72f28de27-670728e21b67fb76929dd754b13406e50fb31201)

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Our ref: 20175

22 March 2022

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 Record of Title.

A) Response accepted by NL 24 February.

B) It is suggested registered interests 10861106.8, 10861106.9 and 10861106.10 would not be passed down to the new rural residential allotments as they are registered no complaints interests for a Poultry Farm operation against other rural lifestyle properties and the operation of an Early Childhood Centre in Richmond Road. This Poultry operation is at odds with the amenity and character of a rural residential lifestyle allotments and a early childhood operation whereas new rural residential lifestyle allotments are not therefore there is no need to carry these three registered interests through to the new allotments.

It is suggested that registered interest 10861106.7 would be passed down, although possibly not in its entirety, to the new rural residential allotment as no complaints/no objection to the renewal of the existing resource consent for the operation of the poultry farm in proposed Lot 1. The component that would not be required is the blocking of the development of a Poultry operation at the neighbouring property Lot 7 DP 506322 that has been previously subdivided, as that was specific to a balance Lot of that previous application and therefore not relevant to these sites either due to the specific statement nor are any of the new Lots of a suitable size for a competing operation.

The previous statement lodged on 16 February stating this was an irrelevant interest was incorrect.

2.0 Poultry Farm Operation.

C) Incident management is provided as by off site staff per the Tegel supply agreement as exists currently. Please refer to the following response from the applicant with regards this question.

“this is irrelevant as from 2014 to 2020 Tegel had leased the farm from me with their staff running it who lived off farm and they manned the alarm system. From 2020 till now I have a manager running the farm , who also lives off farm. We have annual welfare audits done and there is no issue with the farm run by staff who live off farm. It isn't a requirement to live on site , you only have to be able to respond in a timely manner.”

D) Response accepted by NL 24 February.

E) Response accepted by NL 24 February.

3.0 Building Platforms.

F) As previously stated Lot 1 does not comply with Rur 82 therefore the application can be considered a Discretionary Activity which the application was originally submitted as such.

However, as per Page 24 of the original application, and our response of 16 February a solution to this issue for Lot 1 has been offered.

With regards to Lots 2, 3 and 4 Appendix 22.1 states:

“...shall allow the BUILDING to comply with the conditions for a permitted activity under this plan.”

Therefore, our initial assessment stating that RUR82 could be complied with was incorrect as each of the new allotments are not within the defined “permitted” distance of 400m. Therefore, the development of the Lots will need to be considered as a **Discretionary** activity under Rule RUR82.

	minimum setback for HABITABLE BUILDINGS (excluding TEMPORARY BUILDINGS) from the PERIMETER of an intensive poultry farming operation not on the same SITE, where the farm has:				1) Construction and siting of the HABITABLE BUILDING. 2) Mitigation measures such as landscaping or screening.	n/a
Rur28	2,000 to 29,999 poultry	100m	less than 100m	n/a		
Rur29	30,000 to 59,999 poultry	200m	less than 200m	n/a		
Rur30	60,000 to 80,000 poultry	300m	less than 300m	n/a		
Rule No.	Parameter	Conditions Permitted	Standards and Terms		Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
			Controlled	Discretionary		
Rur31	greater than 80,000 poultry	400m	less than 400m	n/a		
Note: 1) The minimum setbacks are derived from the Appendix III “Good management practices for intensive poultry farming” in the Regional Air Plan for Taranaki. 2) The Regional Air Plan for Taranaki (1997) has rules pertaining to the establishment of intensive poultry farming operations.						

G) Response accepted by NL 24 February.

H) As all Lots are not within the 400m permitted distance indicated in RUR31 but within the Controlled activity distance the application now takes on further context as a Discretionary activity in addition to that submitted with the original application. As such the assessment of the non-compliance for each Lot is as follows:

Lot 1 as per response 3F above.

Lots 2, 3, 4 and 5 are within the defined distance as a controlled activity as per RUR31. As Lot 5 contains an existing consented dwelling, as do the properties at 10 Te Arei Road and 232 Richmond Road, that are within the defined distance of 400m for a permitted activity and that this is an existing and known environment it is considered that the effects do not change, nor increase or decrease so therefore the introduction of an additional 3 rural residential allotments that have the capability to provide a building platform 100m or more from the poultry sheds is not seen out of context in the local environment especially given that the dwelling at 232 Richmond Road that has been previously consented by New Plymouth District Council is only 88m from the poultry operation.

Therefore, it is suggested that to maintain consistency in the application of decision making that this application be approved.



Figure 1: Indicative distances of poultry operation from current consented dwellings and potential building platforms for Lots 2, 3 and 4.

I) The proposed Lot 5 dwelling is 126m from the first poultry shed not within 100m as stated by you.



Figure 2: Indicative distances of poultry operation from Lot 5 and neighbouring dwellings .

4.0 Building Platforms.

J) The box hedging providing the existing boundary planting is between **Lot 1** and Lots 2, 3, 4 and **not** Lot 5 as stated in your response of 24 February.

Lot 1 would become the incumbent lot of a proposed consent condition which could be:

Planting

“That a consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered against the Records of Title for Lots 1, 2, 3, and 4 as follows:

“That hedges along the northern boundaries of the property from which this allotment (being Lot 4 DP 5842) shall be maintained at a height of no less than 1.8m in height”

Building Restrictions

Response accepted by NL 24 February.

Lot 4 Electricity Consent Notice

Response accepted by NL 24 February.

K) Response accepted by NL 24 February.

L) Response accepted by NL 24 February.

5.0 NES CS.

M) NES Activity 5G to this site does not apply as while TRC Discharge Permit R2/4131-2 – Land Animal Waste exists it has not been utilised. Please refer to the following response from the applicant with regards this question.

“In my ownership and to my knowledge there has never being any effluent discharge or dead stock disposed of on any of the land. All dead stock are frozen and picked up by Tegel to be disposed now for all the time I have owned the farm.”

6.0 LVIA Update.

N) Response accepted by NL 24 February.

7.0 Esplanade Strip.

O) Response accepted by NL 24 February.

P) The applicant accepts the requirement for a 10m wide esplanade strip on the true left bank as per the following response from the applicant with regards this question.

“I don't have a problem with a 10mtr esplanade strip.”

Q) Response accepted by NL 24 February.

Access.

R) Response accepted by NL 24 February.

Yours faithfully,



Rex Hurley | Planner | Juffermans Surveyors Ltd
M 027 445 8330

Prospero Place | PO Box 340, Stratford 4332

