

## S42A PLANNING REPORT ON AN APPLICATION FOR A RESOURCE CONSENT

<b>Application Number:</b>	LUC26/48992
<b>Proposal:</b>	To allow residential units to be constructed within proposed Lots 1 and 2 being a subdivision of Lot 4 DP 5842 (SUB21/47978) where they are within the setback of an established intensive indoor primary production structure.
<b>Applicant:</b>	Wayne Curry
<b>Site Address:</b>	24 Te Arei Road West, Sentry Hill, New Plymouth
<b>Legal Description:</b>	Lot 4 DP 5842
<b>Owner(s):</b>	Wayne Curry
<b>Zone:</b>	Rural Production Zone
<b>DP Overlays:</b>	Waterbody, Rail Corridor Vibration Alert Area, Rail Corridor Noise Alert Area, Gas Transmission pipeline, Gas Transmission Pipeline Corridor
<b>Date Application Received:</b>	16 March 2026
<b>Activity Status:</b>	Restricted Discretionary

### 1.0 DESCRIPTION OF PROPOSAL

- 1.1. Council has received an application for land use resource consent to allow residential units to be constructed within proposed Lots 1 and 2 being a subdivision of Lot 4 DP 5842 (SUB21/47978) where the building platforms are within the setback of an established intensive indoor primary production structure (on Lot 3). Subdivision application SUB21/47978 is being considered concurrently. If the subdivision layout and lot configuration are considered suitable, then the associated land use consent is integral to the development of the lots.

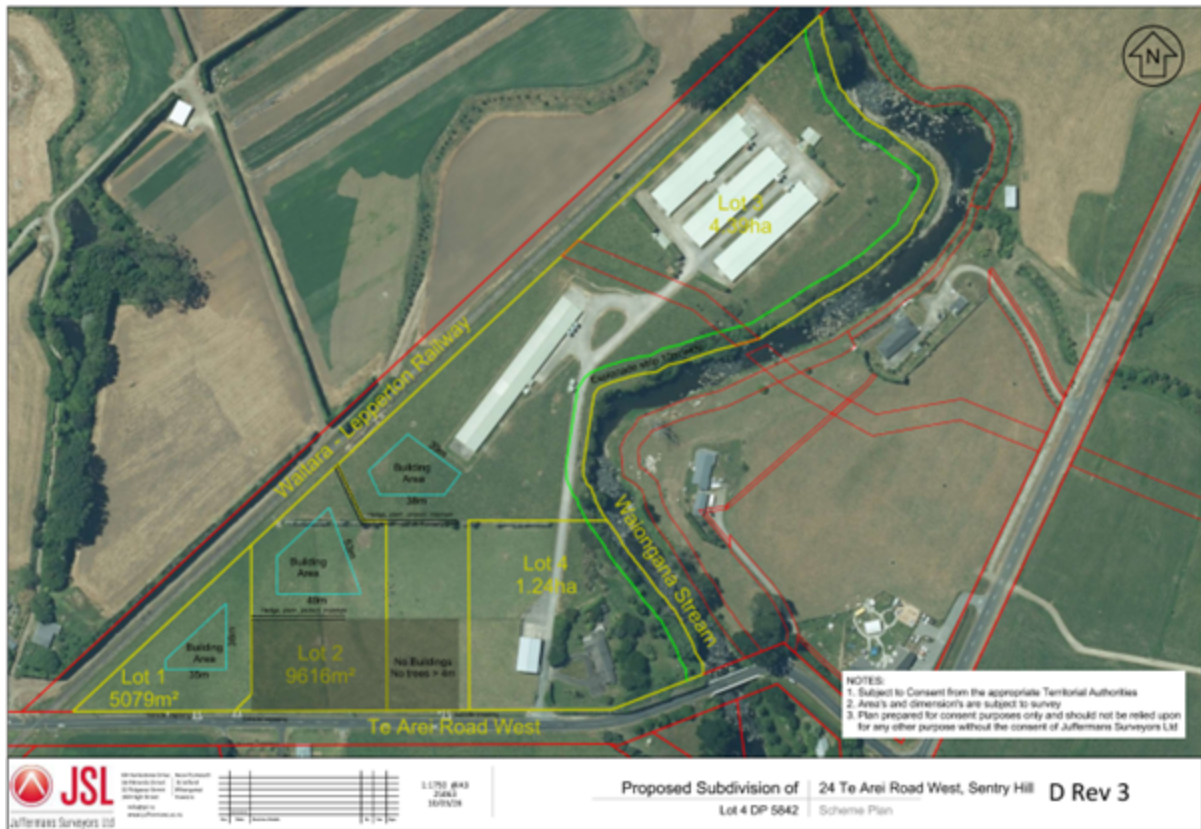


Figure 1. Subdivision Scheme Plan Showing Lots 1 and 2 Building Locations

## 2.0 SITE AND SURROUNDING AREA DESCRIPTION

- 2.1. The subject site is located at 24 Te Arei Road West Sentry Hill and is 7.2ha in area and comprises one title (Lot 4 DP 5842, dated 7 June 1967). Lots 1 and 2 have direct frontage onto Te Arei Road West, where the land is flat. The site as a whole consists of vacant pastoral land near the front of the site (where Lots 1 and 2 are located), a productive poultry farm of 75,000 to 100,000 birds, supporting amenity sheds (Lot 3), workshop and the applicant's existing dwelling (Lot 4).
- 2.2. The site extends northwards away from the road and shares common boundaries with the Waitara railway line to the north-west, Te Arei Road West to the south and the Waiongana Stream to the east. The primary natural gas supply pipeline to Auckland, for which Easement 9293519.2 dated 28 March 2013 exists, crosses the site east to west between the primary poultry sheds of Lot 1.
- 2.3. The Waiongana Stream is largely fenced and has some areas of vegetation which have been allowed to regenerate naturally with native species. A registered esplanade strip exists on the true right bank opposite the applicant site.
- 2.4. Te Arei Road West is a dual laned 'local' road with a posted speed limit of 100 km/h which has grass and gravel berms with stormwater managed by grass swales. It is lined by 11kV Overhead Power lines, an embedded water main and telecommunication cables run through the berm beside the proposed site.
- 2.5. The surrounds are mostly rural pastoral farming, interspersed with some smaller rural lifestyle lots.



Figure 2. Aerial of Subject Site and Surrounding Area

### 3.0 RELEVANT PLANNING PROVISIONS

#### Reasons for Consent

##### New Plymouth Part Operative District Plan (29 August 2025)

- 3.1. The Proposed District Plan became Part Operative on 29th August 2025. At this point of time, all rules under the Part Operative District Plan have either legal effect (pursuant to s86B) or are operative.
- 3.2. The site is located within the Rural Production Zone and is affected by the Waterbody, Rail Corridor Vibration Alert Area, Rail Corridor Noise Alert Area, Gas Transmission pipeline, Gas Transmission Pipeline Corridor overlays.
- 3.3. An assessment of this proposal against the rules in the Part Operative District Plan (PODP) has been completed and has identified the following rules which are relevant to this proposal:

<b>RPROZ - Rural Production Zone</b>	
<b>Activities Rules</b>	
<b>Land Use Activities</b>	
<b>RPROZ-R3 Residential unit</b>	
Activity status where compliance not achieved: RDIS	<b>Restricted Discretionary</b>



<b>Building Activities</b>	
<b>RPROZ-R38 Building activities (excluding relocation of a building)</b>	
Activity status where compliance not achieved: RDIS	<b>Restricted Discretionary</b>
<b>Effects Standards</b>	
<b>RPROZ-S2 Minimum structure setbacks</b>	
3. From established intensive indoor primary production structures: a. sensitive activities on any other site: 400m.	<b>Does not comply</b>

### Application Status

- 3.4. The proposal is a Restricted Discretionary activity under the Part Operative District Plan. All of the relevant provisions of the PODP are operative and therefore no regard is required to be had to the remaining provisions of the 2005 Operative District Plan that are still are in effect.
- 3.5. As the application is a Restricted Discretionary Activity, the matters which Council has restricted exercise of its discretion in are as follows:

<b>RPROZ - Rural Production Zone</b>
<b>Activities Rules</b>
<b>Land Use Activities</b>
<b>RPROZ-R3 Residential unit</b>
Activity status where compliance not achieved: RDIS
<p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> <li>1. The effects of non-compliance with any relevant Rural Production Zone Effects Standards and any relevant matters of discretion in the infringed effects standards.</li> <li>2. Where compliance with three or more Rural Production Zone Effects Standards is not achieved: <ol style="list-style-type: none"> <li>a. whether the activity is compatible with the character and amenity of the rural environment;</li> <li>b. the extent to which the intensity and scale of the activity and built form may adversely impact on rural character and amenity, or increase risk to people, property and the environment;</li> <li>c. safety and efficiency of the roading network; and</li> </ol> </li> </ol>



- d. the extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance in achieving the relevant effects standard.

**Building Activities****RPROZ-R38 Building activities (excluding relocation of a building)**

Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted:

1. The effects of non-compliance with any relevant Rural Production Zone Effects Standards and any relevant matters of discretion in the infringed effects standards.

**Effects Standards****RPROZ-S2 Minimum structure setbacks**

Matters of discretion if compliance not achieved:

1. The extent to which structure design, siting and external appearance adversely impacts on rural character and amenity.
2. Site topography and orientation and whether the structure can be more appropriately located to minimise adverse visual amenity effects or maintain, enhance or restore indigenous biodiversity values.
3. Effect on nearby properties, including outlook, privacy, shading and sense of enclosure.
4. The extent to which the reduction in the setback is necessary due to the shape or natural and physical features of the site.
5. The ability to mitigate adverse effects through the use of screening, planting, landscaping and alternative design.
6. The extent to which the reduction in setback would impact on the future ability for road widening requirements.

**4.0 NOTIFICATION ASSESSMENT****Written Approvals**

- 4.1. Section 95D(e) and 95E(3) of the RMA requires that Council must disregard any effect on a person who has given written approval to the application.
- 4.2. Written approvals have been received from the following parties and therefore, the effects on them are disregarded.

Name	Address
R Quin and K Rawlings	39 Te Arei Road West, Lepperton, New Plymouth



- 4.3. The written approval of the applicant (W Curry, Landowner and Manager of Poultry Farm on Lot 3 - 24 Te Arei Road West) is considered implicit and adverse effects on the applicant are also disregarded.

### Public Notification Tests - Section 95A

<b>Step 1: Mandatory notification – Section 95A(3) of the RMA</b>	
Has the applicant requested the application is publicly notified? (s95A(3)(a)) Public notification required where answer is yes	No
Are there any outstanding or refused requests for further information? (s95C and s95A(3)(b)) Public notification required where answer is yes	No
Does the application involve any exchange of recreation reserve land under Section 15AA of the Reserves Act 1977? (s95A(3)(c)) Public notification required where answer is yes	No

<b>Step 2: If not required by Step 1, notification is precluded if any of these apply – Section 95A(5) of the RMA</b>	
Does a rule or NES preclude public notification for all aspects of the application? (s95A(5)(a)) Public notification precluded by rule where answer is yes	No
Is the application a controlled and/or a boundary activity but no other activity? Public notification precluded by activity type where answer is yes	No

<b>Step 3: Notification required in certain circumstances if not precluded by Step 2 – Section 95A(8) of the RMA</b>	
Is the application subject to any rule or a National Environmental Standard (NES) that requires public notification? (s95A(8)(a)) Public notification required where answer is yes	No
Are the adverse effects of the activity/activities on the environment likely to be more than minor (as assessed below, where applicable)? (s95A(8)(b) and 95D) Public notification required where answer is yes	No

<b>Step 4: Public notification in special circumstances – section 95A(9)</b>	
If notification is not already required, do special circumstances exist that warrant the application being publicly notified? Public notification required where answer is yes	No



### **Adverse Effects on the Environment - Section 95D**

- 4.4. This assessment has been undertaken in accordance with Section 95D to determine whether the adverse effects of the activity on the environment are likely to be more than minor.

#### Adjacent Landowners and Occupiers

- 4.5. Pursuant to Section 95D(a), the Council must disregard any effects on persons who own or occupy the subject site and adjacent land.
- 4.6. Effects on persons who own or occupy the properties numbered in the s95E assessment (further in this report) have been disregarded as they either own or occupy the land on which the activity will occur or any land adjacent to that land.

#### Permitted Baseline Consideration

- 4.7. Pursuant to section 95D(b), if a rule or National Environmental Standard (NES) permits an activity with the same effect, then that adverse effect may be disregarded. This is referred to as the "permitted baseline."
- 4.8. The permitted baseline has not been applied.

#### Activity Status Consideration

- 4.9. As this proposal is for a **Restricted Discretionary Activity** under the **Part Operative District Plan**, pursuant to Section 95D(c), Council has restricted its discretion to the matters outlined in Section 3.5 of this report.

#### Trade Competition

- 4.10. Pursuant to Section 95D(d), the Council must disregard trade competition and the effects of trade competition in its assessment.
- 4.11. Trade competition and the effects of trade competition have been disregarded.

#### Assessment of Adverse Effects on the Environment

- 4.12. The assessment of adverse effects has been considered in the context of the relevant objectives and policies of the Part Operative District Plan and on the basis that subdivision SUB21/47978 has been granted consent (and Lots 1 and 2 can be created). Taking into account this and the effects that may or must be disregarded as aforementioned, the activity will have or is likely to have the following adverse effects on the environment:
- 4.13. Should subdivision consent be granted then Lots 1 and 2 will be created as lifestyle sized sections where the future use is anticipated to be rural lifestyle. The Part Operative District Plan allows for one Residential Unit to be constructed on a site (subject to bulk and location standards) it therefore follows that the addition of a residential unit on a new allotment would be an anticipated activity. The setback requirement creates an isolated effect that will be addressed in the limited notification assessment and overall, the adverse effects on the wider environment would not be more than minor.

Conclusion

- 4.14. Based on the assessment above, it is concluded that the activity will not have or is unlikely to have adverse effects on the environment that are more than minor.

Special Circumstances

- 4.15. There are no special circumstances existing in relation to the application that warrant public notification.

**Public Notification Conclusion**

- 4.16. It is concluded under s95A of the RMA that the application does not need to be publicly notified. Therefore, a determination is required as to whether the application is required to be limited notified under Section 95B.

**Limited Notification Tests - Section 95B**

<b>Step 1: Certain Affected Groups / Persons must be Notified – Sections 95B(2) and (3) of the RMA</b>	
Are any protected customary rights groups or customary marine title groups affected by the proposed activity? (s95B(2)) Limited notification required where answer is yes	No
Is the proposed activity on, or adjacent to, or may affect, land that subject of a statutory acknowledgement made under an Act specified in Schedule 11 of the RMA, and if so is the person to whom the statutory acknowledgement is made an affected person? (s95B(3)) Limited notification required where answer is yes	No

*Statutory Acknowledgement Holder*

- 4.17. The parent title for the site contains a Statutory Acknowledgement area to Te Atiawa. Lots 1 and 2 are well removed from the statutory acknowledgement (river and esplanade) and would not share a boundary with this area following subdivision. As land use consent will only be exercised if Lots 1 and 2 are created, I am of the opinion that the development would not create adverse effects on Te Atiawa due to the intervening distance.

<b>Step 2: If not Required by Step 1, Limited Notification Precluded in Certain Circumstances – Section 95B(6) of the RMA</b>	
Is the application for one or more activities that are exclusively subject to a rule or NES which preclude limited notification? (s95B(6)(a)) Limited notification precluded by rule where answer is yes	No
Is this a land use consent application for a controlled activity? Limited notification precluded by activity type where answer is yes	No

**Step 3: If not Precluded by Step 2, Certain other Affected Persons must be Notified – Sections 95B(7) and (8) of the RMA**

Where there is a boundary activity(s), is there any owner of an allotment with an infringed boundary that is an affected person? (s95B(7)) Limited notification required where answer is yes	N/A
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Are there any adversely affected persons under s95E (as assessed below, where applicable)? (s95B(8) and s95E) Limited notification required where answer is yes	No
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**Step 4: Further Notification in Special Circumstances – section 95B(10)**

Do special circumstances exist that warrant notification to any other persons not identified above? Limited notification required where answer is yes	No
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**Adversely Affected Persons - Section 95E**

- 4.18. This assessment has been undertaken in accordance with Section 95E to determine whether any persons are adversely affected by the proposed activity.

Permitted Baseline Consideration

- 4.19. Pursuant to Section 95E(2)(a), the consent authority may disregard an adverse effect if a rule or National Environmental Standard (NES) permits an activity with that effect.

- 4.20. The “permitted baseline” has not been applied.

Activity Status Consideration

- 4.21. The proposal is for a **Restricted Discretionary Activity** under the **Part Operative District Plan**. Pursuant to Section 95E(2)(b), only the matters over which the Council has retained control or restricted its discretion have been considered.

Assessment of Adversely Affected Persons*Potentially Affected Persons*

- 4.22. I consider that the only people who have the potential to be affected by the proposal are those people identified in Figure 3 below (Properties 1 – 8 and Subject Site). I do not consider that any other people/parties are affected based on the existing environment and the distance to other properties. The owners of property 6 and the owners of the subject site have given written approval or written approval is implicit. Adverse effects have been disregarded on these parties.



Figure 3. neighbouring parties considered under s95E

- 4.23. Properties 1-5 and 8 are not located within the vicinity of Lots 1 and 2 which would be the point of impact for any adverse effects, and these people are not considered to be affected by the proposal in a minor or more than minor way. Furthermore, regarding these properties, and property 7 the proposal to construct residential units on Lots 1 and 2 does not infringe any district plan rules or standards relative to these properties.
- 4.24. The only persons considered affected by the proposal to build Residential Units within the poultry farm setbacks on lots 1 and 2 (should subdivision consent be granted to create the lots) is the owner and operator of the poultry farm. The proposal to build Residential Units could lead to complaints about the poultry operation from future owners. Notwithstanding, the applicants are also the poultry farm operators and owner, and the written approval is implicit therefore, I have disregarded the adverse effects of reverse sensitivity on the owners of the subject site. The owners have stated that they are the owners and the managers of the poultry farm.
- 4.25. The owners of the site have a Farm Management Agreement with Tegal. Adverse effects on Tegal are required to be taken into consideration. In this case the applicant has provided evidence to demonstrate that Tegal are aware of the proposal to subdivide and build dwellings on the new allotments. The letter, signed by a Tegal representative acknowledges:



*“Tegal recognises that you may seek to sub-divide the current property/ title and will accept this, subject to any subdivision not impacting the lease of, access to, or operation of the farm.*

**No Complaints Covenants:** *Conditional on you entering into a no-complaints agreements/ covenants as appropriate”.*

- 4.26. The applicant is proposing reverse sensitivity covenants as part of the subdivision consent, should consent be granted, satisfying the concerns of Tegal. On this basis I consider that adverse effect son Tegal will be less than minor.

Conclusion

- 4.27. I am satisfied that there are no persons are affected by this proposal for the reasons above.

Special Circumstances

- 4.28. There are no special circumstances existing in relation to the application that warrant limited notification to any other persons.

**Limited Notification Conclusion**

- 4.29. It is concluded under s95B of the RMA that the application does not need to be limited notified.

**Recommendation**

- 4.30. For the reasons set out in the above assessment, under sections 95A, 95B, 95D & 95E of the RMA, the application for land use resource consent LUC26/48992 is approved to be processed on a non-notified basis.

<b>Name:</b> Nicola Laurenson	<b>Date:</b> 5 May 2026
<b>Position:</b> Consultant Planner	

**Decision**

- 4.31. Acting under Delegated Authority, and for the reasons set out in the above assessment, under sections 95A & 95B of the RMA, the application for land use relating to resource consent LUC26/48992 is approved to be processed on a non-notified basis.

<b>Name:</b> Richard Watkins	<b>Date:</b> 7 May 2026
<b>Position:</b> Principal Planner <b>under Delegated Authority</b>	



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth  
District Council**