

**BEFORE THE NEW PLYMOUTH DISTRICT COUNCIL APPOINTED INDEPENDENT
HEARINGS COMMISSIONER GINA SWEETMAN**

IN THE MATTER of the Resource Management Act 1991 (“RMA”)
AND
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 OF EVIDENCE OF BRANDEN JOSHUA DARLOW FOR THE APPLICANT
AARON STEPHENS**

9 December 2025

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1. INTRODUCTION

- 1.1 My name is Branden Joshua Darlow
- 1.2 I was engaged by Tara and Aaron Stephens to provide independent expert advice on the productivity of the subject site.
- 1.3 I am familiar with the site at 118 Wortley Road (the **Site**), having recently visited on the 3rd of November 2025.
- 1.4 I maintain that my initial productivity assessment of the Site accurately reflects the practical and functional realities for the application of the National Policy Statement – Highly Productive Land (**NPS-HPL**) concerning land-based primary production. My initial assessment prepared for Mr & Mrs Stephens – Highly Productive Land Assessment of 118 Wortley Road, December 2025 (**Detailed Productive – Capacity Assessment**) is attached to my evidence as **Appendix 1**.

2. QUALIFICATIONS AND EXPERIENCE

- 2.1 I am an Agribusiness Consultant with AgFirst Taranaki Ltd, a role I have held since 2024. Before this, I worked as a Soil Conservator at the Taranaki Regional Council, where I was responsible for farm-scale soil and Land Use Capability (LUC) mapping and the preparation of comprehensive farm plans. I have been involved in the agribusiness sector for the past four years and, before that, operated a dairy farming business in the Taranaki region.
- 2.2 I studied Agribusiness, majoring in International Business, at Massey University, Palmerston North. I hold Certificates for Land Use Capability Mapping and Livestock Feeding. I am also accredited with Farmax modelling. I am a member of both the New Zealand Association of Resource Management (NZARM) and the New Zealand Institute of Primary Industry Management (NZIPIM).
- 2.3 In my current role, I work across a range of environmental and primary sector projects, including the preparation of consent applications, Land Use Assessments, Land Use Capability mapping, as well as farm planning and management advisory.
- 2.4 Prior to my consultancy career, I was recognised as the winner of the Dairy Industry Awards as the Taranaki Dairy Manager of the Year 2020.

3. CODE OF CONDUCT STATEMENT

3.1 I have read the Environment Court's Code of Conduct for Expert Witnesses contained in the Court's Practice Note of 2023. I agree to comply with it.

3.2 I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

3.3 I have no commercial relationship with the applicant, save in my role as an expert in relation to this application, or other concurrent work for the applicant as an independent expert.

4. EXECUTIVE SUMMARY

- 4.1 This evidence responds, within my expertise, to matters raised in the Section 104 Officer's Report (Document Set ID 9489196, 1 May 2025), and further evidence of Ms Laurenson dated 25 November 2025, concerning productive capacity, cumulative loss and fragmentation, and the application of Policies 7–9 of the *National Policy Statement for Highly Productive Land (2022) August 2024* (NPS-HPL).
- 4.2 My Detailed Productive-Capacity Assessment confirms that the proposed subdivision retains at least 99 percent of the site's long-term productive potential in terms of pasture production, while it is still able to sustain the same number of animals. The proposed Lot 1 (1,245 m²) contains an existing dwelling and curtilage. Only 355 m² (0.03 ha) encroaches on productive land, having no material measurable effect on land-based primary production nor productive capacity on the Subject Site.
- 4.3 The NPS-HPL requires consideration of the availability and productive capacity of HPL within the district, not the number of historical titles. The proposed subdivision affects only 0.03 ha of Class 3 land across the site, which is 0.0001 percent of the district's Class 3 land, a negligible loss. While only 0.03 ha is removed by the proposal, this, in the context of the district's HPL, is unmeasurable.
- 4.4 No new dwellings or sensitive activities are proposed as a result of the subdivision, and written approval from the adjoining poultry farm operator ensures that reverse-sensitivity risks are avoided. The proposed Tegel covenant applies only to agricultural-scale activities and does not restrict normal pastoral use.

The subdivision therefore meets Clause 3.8 of the NPS-HPL: long-term productive capacity is retained, cumulative loss is avoided, and reverse-sensitivity effects are managed. The proposal is consistent with Policies 7–9 of the NPS-HPL and represents a negligible to no effect on the availability of highly productive land within the district.

5. NPS-HPL Introduction

5.1 As noted earlier, my evidence responds, within my expertise, to matters raised in the Section 104 Officer's Report to the Planning Lead (Document Set ID 9489196) dated 1st of May 2025 (and further evidence of Ms Laurenson's s42A report dated 25 November 2025), particularly regarding:

- (a) The retention of productive capacity under Clause 3.8(1)(a);
- (b) Cumulative loss and fragmentation under Clause 3.8(2)(a); and
- (c) The application of Policies 7–9 of the NPS-HPL.

6. Productive Capacity – Clause 3.8(1)(a) NPS-HPL

6.1 Ms Laurenson concluded that the applicant has not demonstrated the long-term retention of productive capacity. In response to this, I prepared a Detailed Productive Capacity Assessment that demonstrates the retention of the long-term overall productive capacity (see Appendix 1).

6.2 As detailed in my original Detailed Productive Capacity Assessment, the proposed Lot 1 comprises 1,245 m², of which approximately 890 m² is already occupied by an existing dwelling and curtilage and, therefore, not productive. Only 355 m² (0.03 ha) extends into the productive area of proposed Lot 2 shown in **Figures 3 and 4**.

6.3 No physical disturbance, vegetation removal, or drainage modification is proposed. The underlying soils (New Plymouth Sandy Loam 2c3 24.2 % of the site and Stratford Sandy Loam 3c4 85.29 % of the site) remain in situ, and the existing productive area continues to support grazing at its potential capacity, and what I believe to be the highest and best use for the property.

6.4 Using Land Use Capability and Revised Stock Unit (25 SU/ha) as detailed in my Detailed Productive Capacity Assessment, the proposed Lot 2 retains more than 99% of the site's estimated productive potential. The negligible reduction cannot, and will not, materially affect long-term capacity.

7. **Accordingly, the proposal satisfies Clause 3.8(1)(a); the productive capacity of the land is retained. Cumulative Loss and Fragmentation – Clause 3.8(2)(a) NPS-HPL**

7.1 Ms Laurenson suggests that this subdivision contributes to the cumulative loss and fragmentation of HPL because it forms the eighth allotment from the original parent title. While that historic context is noted, the NPS-HPL requires consideration of the *availability and productive capacity* of HPL within the **district**¹, not the count of historic titles. The historical subdivision has created minor fragmentation, with the proposal not adding any further new fragmentation or impact due to the existing presence of a dwelling and curtilage. Shown in **Photo 1** below.

Photo 1



7.2 The proposal as a whole affects only 0.03 ha of Class 3 land, equating to approximately 0.0001 % of the total Class 3 resource within the New Plymouth District². This is not a measurable cumulative loss of HPL.

¹ <https://environment.govt.nz/assets/publications/NPS-Highly-Productive-Land-Guide-to-implementation.pdf>

² [Land Use Capability » Maps » Our Environment](#)

- 7.3 The balance of proposed Lot 2 retains 3.23 ha of contiguous productive land with no change to topsoil, drainage, or management access. The proposal simply legalises an existing dwelling boundary and does not fragment usable pasture beyond its current extent, as shown in **Photo 2** below.

Photo 2



8. **Reverse Sensitivity – Clause 3.8(2)(b) and Policies 8–9 NPS-HPL**
- 8.1 No new dwellings or sensitive activities are proposed. The existing land-use pattern and relationship with the adjacent poultry farm remain unchanged. Written approval has been provided by the farm owner and operator (and other surrounding neighbours, as is discussed in Mr & Mrs Stephen's evidence). See **Photos 3 & 4** below, showing the poultry farm top left-hand corner and the Subject Site shown to the right side of **Photo 4**, and multiple existing dwellings in between.

Photo 3

Photo 4



8.2 Consequently, there is no increase in reverse-sensitivity risk, and the proposal is consistent with Policies 8 and 9 of the NPS-HPL.

9. Legal Constraints and Covenant

9.1 Ms Laurenson notes a covenant offered by the applicants. For clarity, the Tegel covenant addresses specific agricultural-scale activities that could interfere with the adjacent poultry operation; from my understanding, it does not restrict ordinary pastoral use, such as that currently taking place on the Subject Site.

9.2 Under the Government's *Freshwater Farm Plan Regulations 2023*, pastoral landholdings of 20 hectares or more are considered commercial-scale farms. At 3.23 hectares, the subject property is well below that threshold and cannot operate at a commercial scale, particularly given the limited versatility of the site due to size, shape and other physical constraints. The Tegel covenant, therefore, imposes no material constraint on land-based primary production.

9.3 The esplanade Strip of 15m, which largely occupies LUC 2c3 as shown in **Figures 1, 2 and 3**, is not anticipated to have constraints on the productivity of the site in the long term. The LiDAR Imagery shows that a large proportion of the area of LUC 2c3 is 35 – 42 degrees in slope, far too steep to operate machinery or farm to its productive capacity.

10. Policy Consistency

- 10.1 Policy 7 of the NPS-HPL states that subdivision of HPL should be avoided *except as provided for* in the NPS. Clause 3.8 explicitly provides for subdivision where productive capacity is retained. As demonstrated above, that criterion is met in the circumstances of this proposed subdivision application.
- 10.2 Policies 8 and 9 are satisfied because the land remains available for primary production and no new sensitivity effects arise. Accordingly, the proposal is not “inappropriate use or development” of HPL within the meaning of Policy 8.

11. Conclusion

- 11.1 The proposal retains the overall productive capacity of the land over the long term; It does not cause a measurable cumulative loss of HPL within the district; and it creates no new reverse-sensitivity effects.
- 11.2 I therefore remain of the opinion that the subdivision is consistent with Clause 3.8 and Policies 7–9 of the NPS-HPL and represents a negligible effect on the availability of highly productive land in the district. The overall productive capacity of the Site is retained over the long term, consistent with the NPS-HPL.

**Branden Joshua Darlow**

Agribusiness Consultant

9 December 2025

FIGURE 1




	<h3>Aaron & Tara Stephens</h3>	Scale: 1:1,500	Legend Property Boundary 3c 4 2c 3
	<small> Eagle Technology, Ltd., Stats NZ, NIWA, Natural Earth, © OpenStreetMap contributors, Eagle Technology, Land Information New Zealand, GIBCO, Community maps contributors </small>	0 18.8 37.5 Meters	
Author : BD	Coordinate System : NZGD 2000 New Zealand Transverse Mercator		

Figure 1: Land Use Capability on Subject Site

FIGURE 2



Figure 2: LiDAR Slopes on Subject Site

FIGURE 3

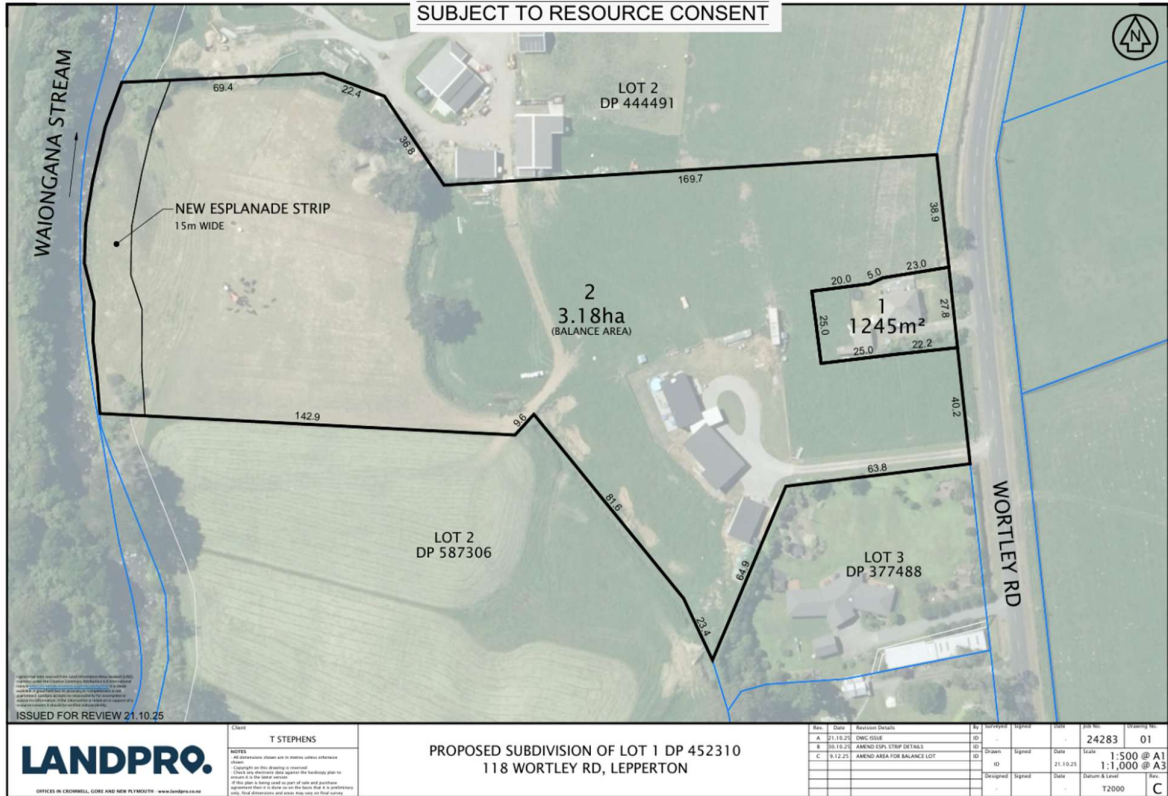


Figure 3: Proposed Subdivision on Subject Site

**APPENDIX 1 –
HIGHLY PRODUCTIVE ASSESSMENT
OF 118 WORTLEY ROAD
PREPARED FOR AARON & TARA STEPHENS
BRANDEN DARLOW DECEMBER 2025**