

**BEFORE AN INDEPENDENT HEARING COMMISSIONER  
AT NEW PLYMOUTH**

**UNDER  
  
IN THE MATTER**

the Resource Management  
Act 1991 ("RMA")

of an application by POPUANUI  
CHICKENS LIMITED for  
subdivision and land use  
consents relating to the land  
at 24 Te Arei Road West,  
Sentry Hill, New Plymouth  
(SUB21/47978 /  
LUC26/48992) (the  
"Application").

**SUMMARY STATEMENT OF EVIDENCE OF DARELLE MARTIN (PLANNING)  
ON BEHALF OF POPUANUI CHICKENS LIMITED (THE APPLICANT)**

**21<sup>st</sup> July 2026**

**1. INTRODUCTION**

- 1.1 I provide a brief summary of my evidence and conclusions, clarify a minor piece of policy assessment I omitted, and I also provide a replacement set of draft conditions in Addendum A with some further suggested amendments.

**2. SUMMARY OF EVIDENCE**

- 2.1 My primary statement of evidence comprises the following key findings and conclusions.

*Planning Status*

- 2.2 The site is located in the Rural Production Zone of the Part Operative District Plan (PODP).
- 2.3 The subdivision has a Discretionary activity status, which it retains as it was applied for under the 2005 Operative District Plan (ODP), and land use consent to subsequently develop proposed Lots 1 and 2 is also sought. This subdivision would have a Non-Complying activity status if applied for under

the PODP, which means that the PODP can contemplate such subdivisions that are atypical.

- 2.4 The PODP is now the overriding district plan under which the proposed activities must be considered.
- 2.5 The key issue is per paragraph 1.5 of the Hearings Report, *"whether the creation of the proposed allotments is appropriate in terms of the District Plan framework including the site's capacity to accommodate the resulting development."*
- 2.6 The query stems from the size and development on the lot/s pre- versus post-subdivision. Development for consideration includes a poultry farm and rural-residential uses.
- 2.7 A suite of proposed draft conditions accompanies the application and includes mitigation measures. An acoustic insulation requirement for new residential units on proposed Lots 1 and 2 and additions to the existing Lot 4 residential unit is also volunteered.
- 2.8 The conclusions of my planning assessment differ from several in the Hearings Report and I summarise these as follows:
  - (a) Rural character includes openness and spaciousness amongst other contributing factors, as reflected in the objectives and policies of the PODP. A rigid 20 Ha balance allotment requirement is not reflected in those provisions. The design of the subdivision and development will maintain rural character in my opinion.
  - (b) Site-specific and existing environment information demonstrates that the poultry farm is avoiding and mitigating adverse conflict and reverse sensitivity effects with receptors in proximity, which suggests that residential units on proposed Lots 1, 2 and 4 will also coexist with the poultry farm.
  - (c) The objectives and policies of the Subdivision and RPOZ chapters are not significantly directive that they require the avoidance of the proposed activities.
- 2.9 Matters relating to contaminated soil, freshwater, highly productive land, cultural effects, building platforms, servicing and transport (roading effects) are consistent between the Hearings Report and my assessment and I will not revisit these here.

- 2.10 Further information has been provided in my evidence to explain how any matters relating to natural hazards can be appropriately controlled via conditions of consent.

*The Part Operative District Plan*

- 2.11 The PODP is a prescriptive plan with an activities-based approach to managing the different zones. Activities fall into categories from appropriate to inappropriate. Methods of management and control will influence which category activities fall into. Compatible activities should be located in the same area and character and amenity of the zone will reflect them.
- 2.12 The objectives and policies of the PODP guide the consideration of activities as being appropriate or not, compatible or not, and whether they fit the character and amenity of an area. They require assessment of activities against similar key matters to what has been addressed in the effects assessment, such as spaciousness, conflict, reverse sensitivity and compromise of existing activities' operations, and the character / role / function of the Rural Production Zone. I have provided an in-depth assessment against the provisions in my evidence.
- 2.13 I make minor amendments in assessing Policy RPOZ-P6, as follows:
- (a) In point 2, the sentence should read "*The access is located on this Local Road which has ~~slower~~ **lower** traffic volumes than the other two hierarchies of road listed.*"
  - (b) The assessment against point 6 should be labelled 7.
  - (c) Assessment against point 6 is as follows: The poultry farm is designed and constructed to avoid effects on the railway, gas pipe and river features of the site via setbacks, and via avoiding discharge to the stream. This will not change as a result of the subdivision, though an esplanade and riparian planted strip will further buffer the facility from the stream.

- 2.14 I find the proposed activities to have been designed, with ongoing management and mitigation features, to be consistent on the whole with the relevant objectives and policies of the PODP.

*Broader Regulatory Framework*

- 2.15 Aligned with finding the proposal consistent with the PODP, I consider the activities are consistent with the relevant objectives and policies of the RPS.

- 2.16 There are no other regulatory documents under which I consider any matters to be outstanding.

*Assessment of Environmental Effects*

- 2.17 With regard to **landscape and visual effects**, I consider there is sufficient expert information from the application process, including the LVIA of the application and its Council peer review outcomes, that remains valid and commensurate to the application in context of assessing it under the PODP today. The application adopts the mitigation measures recommended by the LVIA and these have immediate (e.g. planting requirements) and long-term effect (e.g. protecting planting in perpetuity, controls on number and appearance of residential units). The mitigation measures are sufficient to mitigate adverse landscape and visual effects.
- 2.18 **Rural character** is a combination of elements including spaciousness, vegetation, low density built form and space between buildings, a predominantly primary production / working environment, with lack of urban infrastructure. The concept of rural character was similar under the ODP to what it is under the PODP. It does not rely on a specific lot size to be achieved or maintained.
- 2.19 The combined spaciousness / low-density built form aspects are a focus of the Hearings Report, which considers that spaciousness is not appropriately maintained. My opinion differs, as I consider that sufficient unbuilt space available for the likes of grazing or growing crops forms the majority area of each proposed lot. The 4.39 Ha balance lot also represents a large lot in practical terms.
- 2.20 The mitigation measures proposed include controls that relate to the elements that make up rural character. They include a large 'no buildings' area. Overall, I consider adverse rural character effects to be appropriately mitigated.
- 2.21 With regard to **noise** effects, from my understanding of the existing environment and operations, combined with standards set in the PODP and an acoustic insulation control, I consider adverse noise effects to be adequately mitigated.
- 2.22 With regard to **odour** effects, from my understanding of the existing environment and operations, combined with the controls set by the TRC discharge to air consent, I consider adverse odour effects to be adequately mitigated.

- 2.23 Considering **light** effects, from my understanding and experiences of the site, plus the requirement to cast down or hood any additional lamps via consent notice, adverse light effects are adequately mitigated.
- 2.24 **Reverse sensitivity** effects are satisfied by way of utilising no-complaints covenants on all lots outside of the poultry farm lot, to protect its operations. On this matter, my evidence and the Hearings Report are aligned.
- 2.25 I consider that **conflict** effects are mitigated for the proposed activities. Conflict has been mentioned to potentially arise from traffic, noise, light and odour effects. I make my conclusions after considering a combination of the site, its operations, the existing environment and receptors, complaint history as outlined in the Hearings Report Addendum, and the mitigation measures proposed. I note that Ms Wallace has provided a letter from one of the residents in proximity to the poultry farm activities, which is consistent with how I have understood the effects that the poultry farm to be managed.
- 2.26 Overall, I consider that adverse effects from the proposal are sufficiently mitigated such that they will be acceptable.

#### *Submissions*

- 2.27 Matters of the submission made by a neighbour have been resolved.

#### *Hearings Report and Addendum*

- 2.28 On **precedent**, the conclusion of the Hearings Report and my assessment are aligned; consents for the proposed activities will not create a precedent. I also consider this site to be unique.
- 2.29 On **District Plan Integrity**, I do not consider the proposed activities irreconcilably clash with the principal provisions of the PODP. The Hearings Report concludes (overall) that the proposal will not affect PODP integrity, and on this I agree.
- 2.30 The proposed subdivision, and subsequent development for rural-residential uses, are not required to be refused or declined under RMA **s106 and s106A**. My evidence addresses natural hazard risk as being appropriate for the proposed activities.
- 2.31 I consider the proposal is sufficient for granting when considered against s104 on its merits. This is in terms of both effects and consistency with the relevant objectives and policies of the regulatory instruments.

### *Conditions of Consent*

- 2.32 I provide an amended set of draft conditions for consent in **Addendum A**. These can replace the set I provided in my evidence. I have marked up the changes to that set in colour, and have added reasons for the suggested changes in a third column. Reasons include having received comments from a Senior Surveyor at BTW who provided a brief technical review of the conditions. To clarify, expert evidence from a surveyor is not provided because there are no outstanding technical survey matters, as there are planning matters.
- 2.33 The new changes to the conditions are for function of consent conditions only and are not substantive. I can take the Commissioner through the proposed changes to conditions now if required.

### *Conclusion*

- 2.34 Overall, I consider the proposal achieves the purpose of the RMA to promote the sustainable management of natural and physical resources, and that with the design proposed and the suggested conditions of consent (with requested amendments), adverse effects will be appropriately mitigated. Subdivision and land use consent are appropriate to grant, subject to conditions.

Darelle Martin

21<sup>st</sup> July 2026

## **Addendum A – Amended Draft Conditions of Consent**

## **DRAFT Subdivision Conditions**

### **Hearings Report Version**

### **Proposed Condition**

### **Reason for Change**

(blank if the Hearings Report  
version is supported)

### **General Conditions:**

#### **General Accordance**

1. The use and development of the land must be as described within the application SUB21/47978 received by the council on 4 December 2021 and further information received on 28 March 2022, 20 August 2025, 24 January 2026, 16 March 2026, and 13 April 2026 and be generally in accordance with the following plans except as amended by the conditions below:

Plan(s) entitled 'Proposed Subdivision of Lot 4 DP 5842, 24 Te Arei Road West, Sentry Hill' dated 10/3/26, prepared by Juffermans Surveying, D REV 3. (ECM9719991)

2. Pursuant to Section 36 of the Resource Management Act 1991 the Consent Holder must pay the actual and reasonable costs incurred by the New Plymouth District Council when monitoring the conditions of this consent.

### **Section 223 Certification**

Building and Vegetation  
Restriction Areas

3. Prior to approval under Section 223 of the Resource Management Act 1991, the following areas must be shown on the Land Transfer Plan

a. 'No buildings /No trees' areas on Lots 2 and 3 as set out on the approved plan.

a. 'No buildings / No trees **taller than 4 m'** within the shaded areas on Lots 2 and 3 ~~as set out~~ on the approved plan.

To clarify that shorter trees are permitted.

To clarify which areas are subject to the restrictions.

b. Building Platforms on Lots 1, 2 and 3 as set out on the approved plan.

b. Building Platforms on Lots 1, 2 and 3 restricted to areas as set out on the approved plan.

To clarify the purpose of the area as a restriction.

Esplanade strip to be shown on LT Plan

4. Pursuant to the provisions of s230 and s232 of the Resource Management Act 1991 the Land Transfer Plan must include an esplanade strip adjoining the Waiongana Stream within Lots 3 and 4. The width of the strip must be 10m and must be for the purpose of providing riparian protection and pedestrian access.

**Additional condition:**

**Easements**

**Any required easements must be shown on the LT plan and duly granted.**

An electricity easement, and possibly a telecom easement, will be required over Lot 4 in favour of Lot 3 for the existing supply via power poles and lines.

It is appropriate to show these easements during the 'Section 223' processes.

## Section 224 Certification

Standard for engineering works to be complied with

5. Prior to certification under Section 224 of the Resource Management Act, all related works shall comply with the New Plymouth District Council Land Development and Subdivision Infrastructure Standard (Local Amendments Version 3).

Erosion and Sediment Control Plan

6. At least 20 days prior to the commencement of any earthworks authorized under this consent on the site, the consent holder must submit an Erosion and Sediment Control Plan, for certification by the New Plymouth District Council Monitoring Officer or nominee.

6. At least 20 days prior to the commencement of any earthworks authorized under this consent on the site, the consent holder must submit an Erosion and Sediment Control Plan, for certification by the New Plymouth District Council Monitoring Officer or nominee. **The Erosion and Sediment Control Plan must detail the measures to be implemented to prevent silt or sediment from entering the stream.**

The effects of the earthworks in proximity to the stream are to be controlled by the ESCP, and this is in relation to one of the rules under which consent is required (WB-R4). The required content of the ESCP must therefore be stated.

7. The Consent Holder must ensure that the certified erosion and sediment control measures are implemented prior to commencement of the works.

The erosion and sediment control measures must be maintained for the full duration of the works and shall not be removed without prior approval from the New Plymouth District Council Monitoring Officer.

#### Geotechnical Assessment Report

8. Prior to issue of certification under Section 224 of the Resource Management Act 1991, a Geotechnical Assessment Report must be submitted to Council, prepared by a suitably qualified Geo-Professional in accordance with Section 2.6.1 of the of the New Plymouth District Council Land Development and Subdivision Infrastructure Standard (Local Amendments Version 3). The purpose of this report is to demonstrate Lots 1, 2 and 3 contain a compliant building platform suitable for residential building foundations, as well as suitable areas of land for the disposal of wastewater and stormwater on-site.

8. Prior to issue of certification under Section 224 of the Resource Management Act 1991, a Geotechnical Assessment Report must be submitted to Council, prepared by a suitably qualified Geo-Professional in accordance with Section 2.6.1 of the of the New Plymouth District Council Land Development and Subdivision Infrastructure Standard (Local Amendments Version 3). The purpose of this report is to demonstrate Lots 1, 2 and 3 contain a compliant building platform suitable for residential building foundations, as well as suitable areas of land for the disposal of wastewater and stormwater on-site. Minor error.

9. If the Geotechnical Assessment Report identifies limitations needed to be raised with future property owners, the consent holder must apply for consent notices at the time of Section 224 certification. The limitations and ability to

identify constraints on consent notices will be considered by Council at the time of the Section 224 certification and the Planning Lead shall retain discretion of whether consent notices are applicable in this regard.

### Servicing

10. Confirmation that there are no cross-boundary water connections is required. The existing water connection must continue to service Lot 4 of this development.

11. Prior to issue of certification under Section 224 of the Resource Management Act 1991, confirmation with evidence that any existing septic tank/s & effluent soakage field/s serving the existing development on-site are contained wholly within the respective boundaries of Lots 3 and/or 4.

11. Prior to issue of certification under Section 224 of the Resource Management Act 1991, confirmation **is required** with evidence that any existing septic tank/s & effluent soakage field/s serving the existing development on-site are contained wholly within the respective boundaries of Lots 3 and/or 4.

Minor change to complete the sentence.

12. Prior to issue of certification under Section 224 of the Resource Management Act 1991, confirmation is required that existing stormwater soakholes or other soakage devices serving the existing development on-site are contained wholly within the respective boundaries of Lots 3 and/or 4.

13. An individual telecommunication connection must be provided to Lots 1-4.

**13. Either:**

**a) An individual telecommunication connection must be provided to Lots 1-4;**

**or**

**b) A consent notice must be registered on the title for the relevant lot to the effect that "A telecommunications connection has not been provided at the time of subdivision as several options exist for connection at the time of development, such as wireless or satellite internet".**

As it is proposed that additional telecommunications connections are delayed until time of development, flexibility in complying with the condition is required.

14. An individual power connection must be provided to Lots 1-4.

15. Prior to certification under Section 224 of the Resource Management Act, confirmation from the provider(s) that telecommunications and power connections have been provided to Lots 1-4 must be provided.

15. Prior to certification under Section 224 of the Resource Management Act, confirmation from the provider(s) that telecommunications and power connections have been provided to Lots 1-4 **(as applicable, per condition 13)** must be provided.

To make this condition dependent on / consistent with the outcomes of the previous condition regarding telecom connections.

#### Vehicle Crossings

16. Prior to issue of certification under Section 224 of the Resource Management Act 1991, the consent holder must construct and seal new vehicle crossings serving Lots 1, 2 & 3 in accordance with the New Plymouth District Council Land

16. Prior to issue of certification under Section 224 of the Resource Management Act 1991, the consent holder must construct and seal new vehicle crossings serving Lots 1, 2 & 3 in accordance with the New

For certainty for the consent holder and Council. Lots 1 and 2 are rural-residential and a Type G crossing is a suitable standard to facilitate anticipated vehicles.

Development and Subdivision Infrastructure Standard (Local Amendments Version 3).

Plymouth District Council Land Development and Subdivision Infrastructure Standard (Local Amendments Version 3). **Lots 1 and 2 must have a Rural Type G crossing (rural residential or medium service), and Lot 3 a Rural Type H crossing (tanker or heavy service).**

Lot 3 requires a larger Type H crossing because this is of a standard suitable to facilitate poultry farm vehicles e.g. trucks.

a) The new vehicle crossings must comply with the New Plymouth Part Operative District Plan Transport effects standards in relation to sight visibility and separation distances.

a) **Except as provided for in the application**, the new vehicle crossings must comply with the New Plymouth Part Operative District Plan Transport effects standards in relation to sight visibility and separation distances.

The application includes breaches of sight distance. The condition should reflect this.

b) The vehicle crossings for Lots 1 and 2 must be separated by a minimum of 10m, measured centreline-centreline of the crossings.

Upgrade of existing vehicle crossing

17. Due to the age and condition of the existing access, prior to issue of certification under Section 224 of the Resource Management Act 1991, the consent holder must reseal the formation of the existing vehicle crossing that shall service Lot 4 in accordance with the New Plymouth District Council Land Development and Subdivision Infrastructure Standard (Local Amendments Version 3) to the satisfaction of the Planning and Development Lead.

17. Due to the age and condition of the existing access, prior to issue of certification under Section 224 of the Resource Management Act 1991, the consent holder must reseal the formation of the existing vehicle crossing that shall service Lot 4 in accordance with the New Plymouth District Council Land Development and Subdivision Infrastructure Standard (Local Amendments Version 3) to the

As for proposed Lots 1 and 2, proposed Lot 4 is rural-residential. A Type G crossing is suitable for its use.

satisfaction of the Planning and Development Lead. **Lot 4 must have a Rural Type G crossing (rural residential or medium service).**

Mitigation landscape planting plan to be provided

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

a) Road boundary planting along the frontage of Lots 1, 2 and 3 to screen and or soften the future building platforms.

a) Road boundary planting along the frontage of Lots 1, 2 and 3 to screen and or soften the future building platforms. **Plants must be a double line of mixed evergreen native screening trees within a 3 m wide strip, capable of reaching 1.8 m height in five years.**

Detail for how the planting can be completed in order to meet the requirements of the condition is required. These specifications were provided in the LVIA.

b) 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.

b) 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. **Planting must be no less than 10 m in length as measured from the road boundary. Plants must be evergreen native screening trees within a 3 m wide strip, capable of reaching 1.8 m height in five years.**

As above.

c) Plant species, which must all be native varieties and include the numbers, size, spacing, layout and grade.

d) Methods of ground preparation, fertilising, mulching, spraying.

e) Maintenance and weed management including a maintenance period of 24 months.

f) The heights that the new planting must achieve before the existing vegetation can be removed shall be identified in the Landscape Planting Plan.

g) Identification of existing vegetation in lots 1, 2, 3 and 4 to be retained until new planting achieves specific heights.

g) Identification of existing vegetation in lots 1, 2, 3 and 4 to be retained, **and the height at which it should be maintained in perpetuity until new planting achieves specific heights.**

The Applicant is comfortable with protecting some established hedging in perpetuity, and this would provide more certainty on management of effects for future landowners and Council (e.g. monitoring staff).

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

#### Mitigation planting

19. 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 18.

20. 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 the maintenance period for all planting approved under Conditions 18 and 19 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 18 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 50% of the estimated cost for the maintenance period has been added.

#### Riparian Planting and fencing

21. Riparian planting and fencing shall occur along the length of the Waiongana River within Lots 3 and 4 in accordance with TRC riparian guidelines 23, 24, 25, 26 and 41. Riparian planting shall be for a width of 5m and subject to a maintenance period of 24 months.

22. The consent holder shall ensure that the riparian margins are fenced with a stock

proof fence. The consent holder's attention is drawn to the following minimum standards for fencing:

Number of wires 7

Posts 5 metres apart maximum

Battens 5 between posts  
minimum

The fence is to be otherwise in accordance with Clause 7 of the Second Schedule to the Fencing Act 1978.

23. 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 the maintenance period for all planting approved under Condition 21 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 21 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 50% of the estimated cost for the maintenance period has been added.

#### Esplanade Strip

24. Prior to issue of certification under Section 224 of the

Resource Management Act 1991, the consent holder shall prepare an easement strip instrument to the satisfaction of the Parks Lead. The esplanade strip instrument must include the following provisions:

a) The following acts are prohibited on the strip:

- i. Willfully endangering, disturbing, or annoying any lawful user of the strip (including the owner or occupier of the strip);
- ii. Willfully damaging or interfering with any structure adjoining or on the land, including any building, fence, gate, stile, marker, bridge, or notice;
- iii. Willfully interfering with or disturbing any livestock lawfully permitted on the strip.

The prohibitions referred to in paragraphs (ii) and (iii) above 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). 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) Access to the Strip

i. Any person shall have the right, at any time, to pass and repass over and along the land over which the strip has been created, subject to any other provisions of the easement or instrument.

ii. 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.

d) Variation of esplanade strip

For the event of the grantee undertaking fencing of the strip and riparian planting, this instrument will be varied in accordance with s234 (3) of the Resource Management Act 1991 and the prohibitions in (a)(ii) and (iii) and (b)(v) and (vi) extended to include the owner of the strip. (With the exception of those parts of the strip where existing access tracks provide vehicular and stock access to other parts of the grantors property.

25. Prior to s224 any driveways or development in lots 3 and 4 shall be relocated out of the area to be set aside for the esplanade strip to the satisfaction of the Parks Lead.

Ongoing Conditions of Consent  
(Subject to a consent notice)

26. Pursuant to s221 of the Resource Management Act 1991, a consent notice must be registered on the Records of Title for Lots 3 and 4, advising the registered proprietors of the following requirements:

a. Riparian planting and fencing within Lots 3 and 4 along the length of the Waiongana River must be retained, maintained

and enhanced on an on-going basis and any dead or diseased species within the riparian planting shall be replaced as soon as practicable within the next planting season and any damaged fencing along the riparian margins shall be replaced to ensure stock proof fencing permanently along the stream margins.

27. Pursuant to s221 of the Resource Management Act 1991, a consent notice must be registered on the Records of Title for Lots 1, 2 3 and 4, as volunteered by the applicant, advising the registered proprietors of the following requirements:

a. All planting established in lots 1, 2, 3 and 4 in accordance with the Landscape Planting Plan must be maintained by the owner and must not be destroyed or removed.

b. The owner must replace any dead or dying plants with the same species in accordance with the Landscape Planting Plan within the following planting season.

a. All planting established in lots 1, 2, 3 and 4 in accordance with the **certified** Landscape Planting Plan of subdivision consent SUB21/47978 (located in Council record ECM xxxxxx) must be maintained by the owner and must not be destroyed or removed.

b. The owner must replace any dead or dying plants with the same species in accordance with the **certified** Landscape Planting Plan of subdivision consent SUB21/47978 (located in Council record ECM xxxxxx) within the following planting season.

The consent notice needs to refer to an actual document so that it can be complied with / monitored. The certified Landscape Plan is the appropriate document.

As above.

c. Residential units on Lots 1, 2 and 3 must be limited to the areas marked and defined on DP on the survey plan.

c. Residential units on Lots 1, 2 and 3 must be limited to the areas marked Area X LT XXXXXX on Lot 1, Area X LT XXXXXX on Lot 2, and Area X LT XXXXXX on Lot 3.

It is correct for the consent notice for each lot to refer to a specifically surveyed and named area. Those areas are always named with a letter.

d. All new buildings on Lots 1, 2, 3 and 4 must be single storey and less than 6m in height.

d. All new buildings on Lots 1, 2, 3 and 4 must be single storey and less than 6m in height **above existing ground level as existed at the time of subdivision.**

A confirmed ground level is required in order for a designed building to demonstrate compliance relative to that level.

e. Only one residential unit can be constructed on Lots 1, 2, 3 and 4. No minor residential units are permitted to be constructed, and no detached minor residential units are permitted to be constructed.

f. All new buildings on Lots 1, 2, 3 and 4 must 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.

g. All new driveways and accessways must be finished in rural material and shall be a mid to dark grey in colour.

g. All new driveways and accessways must be finished in rural material and shall be a mid to dark grey in colour. **There must be no use of pillars or block wall entranceways or plain white concrete.**

These restrictions were from the LVIA and further clarify the controls on driveway / fencing / landscape design for the mitigation of effects.

h. New water tanks on Lots 1, 2, 3 and 4 must be recessive shade less than 35% reflectivity and must be integrated with the residential unit design and either screened or planted from the view from the road, if not located underground.

i. All new external lighting on Lots 1, 2, 3 and 4 must be hooded or cast down so that no lamp source is visible.

j. Fencing on Lots 1, 2 and 4 must be limited to post and rail or post and batten only.

**k. On Lots 1, 2 and 4:**

**1. Any noise sensitive activity with a noise sensitive room in a new building or addition to an existing building shall be designed, constructed, and maintained to meet an internal noise level of:**

**a. 40 dB LAeq (24 hour) inside all noise sensitive rooms with ventilating windows open.**

**2. Compliance with (1) above shall be achieved if, prior to the construction of any building containing a noise sensitive room, an acoustic design certificate from a suitably qualified and experienced acoustic consultant is provided to the Council which certifies that the proposed design and**

[These restrictions are proposed as explained in the evidence.](#)

construction of the building or additions will achieve the internal sound levels. The building shall be designed, constructed, and maintained in accordance with the design certificate.

3. Where the noise level specified in (1) above cannot be met with ventilating windows open, a ventilation system shall be installed in the noise sensitive room(s) that meets the following requirements:

a. the room is to be provided with a mechanical ventilation system with air flow rates adjustable by the occupant in increments up to a high air flow setting of at least 1 air change per hour; and

b. the room is provided with cooling and heating that is adjustable by the occupant and can maintain the inside temperature between 18°C and 25°C; and

c. any ventilation system installed in compliance with (a) and (b) above shall not exceed noise levels greater than 35 dB LAeq (30s) when measured 1 metre from any grille or diffuser.

l. Lots 1, 2, 3 and 4 are restricted to one vehicle entrance per allotment.

This restriction was proposed via the

|

consent application process, via the LVIA.

#### **New Condition 28**

**287. Pursuant to s221 of the Resource Management Act 1991, a consent notice must be registered on the Records of Title for Lots 1, 2 3 and 4, as volunteered by the applicant, advising the registered proprietors of the following requirements:**

This restriction was proposed via the consent application process.

**“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.”**

#### New condition 29

**29. Pursuant to s221 of the Resource Management Act 1991, a consent notice must be registered on the Records of Title for Lots 2 and 3, as volunteered by the applicant, advising the registered proprietors of the following requirements:**

The shaded areas referenced earlier are required to form restrictions on the titles via the consent notice process. They require their own named areas to be shown on the LT plan.

“No buildings and no trees shall be taller than 4 m within the areas marked Area

[X LT XXXXXX on Lot 2 and  
Area X LT XXXXXX on Lot 3](#)".

#### Reverse sensitivity covenant

28. The consent holder must, as volunteered by the applicant, register a Covenant that has been agreed between the Consent Holder and Tegal Food Limited under the Land Transfer Act 2017 on the Records of Title for Lots 1, 2, 3 and 4 being to the effect of preventing specific activities and requiring consent from Tegal Foods Limited for other specified activities.

29. Prior to certification under Section 224 of the RMA, the consent holder must provide the Council a draft copy of the wording for the covenant and an undertaking from their solicitor that the covenant will be registered at the time new Records of Title are issued for Lots 1, 2, 3 and 4.

#### Advice Notes

##### a) Consent Lapse Date

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.

b) Development Contributions

A Development Contribution for off-site services of \$ 13,315.66 excluding GST for Lots 1, 2 and 3 is payable by the consent holder and shall be invoiced separately. The 224 release of this subdivision will not be approved until payment of this contribution is made.

c) Corridor Access

Any excavation that takes place within road reserve during this development shall require an approved Corridor Access Request (CAR). Refer to the “National Code of Practice for Utility Operators’ Access to Transport Corridors” for additional information.

Applications can be made via the website [www.beforeUdig.co.nz](http://www.beforeUdig.co.nz) or 0800 248 344. A CAR along with a Traffic Management Plan must be submitted a minimum of 5 working days before an operator intends to start work for minor works or 15 working days for major works and project works. All costs incurred shall be at the applicant’s expense.

## **DRAFT Land Use Conditions**

### **Hearings Report Version**

### **Proposed Condition**

**(blank if the Hearings Report version is supported)**

### **General Conditions**

#### General Accordance

1. The use and development of the land must be as described within the application LUC26/48992 received by the council on 16 March 2026 and be generally in accordance with the following plans except as amended by the conditions below:

Plan entitled 'Proposed Subdivision of Lot 4 DP 5842, 24 Te Arei Road West, Sentry Hill' dated 10/3/26, prepared by Juffermans Surveying, D REV 3. (ECM9719991)

Copies of the approved plans are attached.

#### Monitoring costs

2. Pursuant to Section 36 of the Resource Management Act 1991 the Consent Holder must pay the actual and reasonable costs incurred by the New Plymouth District Council when monitoring the conditions of this consent.

#### Monitoring Notification – Minor consents

3. The Consent Holder must notify the New Plymouth District Council Monitoring Officer at least 2 working days prior to the commencement of activities associated with this consent. The preferred means of contact is by email to [PlanningConsents.Monitoring@npdc.govt.nz](mailto:PlanningConsents.Monitoring@npdc.govt.nz).

Setbacks

4. The Residential Unit within Lot 1 must be located in the area marked "Building Area" on the approved plan and the Deposited Plan for Lot 1.

[Query with regard to potentially issuing two separate Land Use Consents', one that has Condition 4 and the other that has Condition 5. This would provide for ongoing compliance and monitoring per lot with clarity for landowners and NPDC.]

5. The Residential Unit within Lot 2 must be located in the area marked "Building Area" on the approved plan and the Deposited Plan for Lot 2.

#### Advice notes

a) The Records of Title for Lots 1 and 2 are encumbered with Consent Notices relating to building and development and a Reverse Sensitivity Covenant with Tegal Foods Limited. It is recommended that the consent holder also obtain a copy of these instruments when developing the site.

b) This consent does not allow for bulk and location consent beyond that required for the setback to the poultry farm. Further land use consents may be required.

#### c) Consent Lapse Date

This consent lapses 10 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.