

Schedule 1 – Summary of Evidence

Evidence for the Applicant – Popuanui Chickens Limited

1. The Applicant was represented by legal counsel **Ms Lauren Wallace** (Govett Quilliam) who presented opening submissions (that were also provided in writing prior to the hearing¹), and a verbal right of reply at the hearing, followed by a reply in writing following the adjournment of the hearing.²
2. In accordance with the directions set out in the notice of hearing,³ and updated by Minute 1,⁴ expert evidence for the Applicant was pre-circulated on 3 July 2026, and in the case of Ms Martin an additional written summary of evidence was provided at the hearing. The key points made by Ms Wallace in her legal submissions are summarized in the body of this decision.
3. Ms Wallace referenced in her legal submissions, the following cases: *Auckland Council v High Quality Ltd* [2024] NZHC 2238; *Foodstuffs (South Island) Ltd v Christchurch CC* [1999] NZRMA 481 (HC); and *Brial v Queenstown Lakes District Council* [2022] NZCA 206. In her closing submissions, Ms Wallace referenced: *Royal Forest and Bird Protection Society of New Zealand Inc v New Zealand Transport Agency* [2024] NZSC 26; and *Dye v Auckland RC* [2002] 1 NZLR 337 at [32]. With her closing submissions, Ms Wallace provided electronic copies of *Brial v Queenstown Lakes District Council* [2022] NZCA 206; and *New Zealand Defence Force v Selwyn District Council* [2025] NZEnvC 210, the latter of which was referred to in the hearing as an authority on no-compliant / reverse sensitivity covenants.
4. The following expert evidence was presented on behalf of the Applicant, listed in order of appearance at the hearing.
5. **Mr Wayne Curry** (representative of the Applicant being a director of Popuanui Chickens Limited) and registered owner of 24 Te Arei Road West (“the Site”) provided a statement of evidence. Mr Curry’s evidence sets out his association with the site and poultry farm, which he operated as a broiler farm from 2008 – November 2023 but has leased to Tegal since that time. Mr Curry’s evidence explains the difference between the previous broiler operation with up to 75,000 birds accommodated per run and 6 – 7 runs per year and the current breeder rearing operation with 34,000 birds and 2 runs per year. Mr Curry also provides specific details on the use of Shed 4, being the closest poultry building to proposed Lots 1 & 2, and the general reduction in activity and intensity from the previous broiler operation to the current breeder rearing operation.
6. Mr Curry explains that he lives on the Site (on proposed Lot 4) and does not experience objectionable noise or odour and that neither he nor Tegal have received any complaints about

¹ Dated 13 July 2026.

² Dated 28 July 2026.

³ Dated 6 May 2026.

⁴ Dated 8 June 2026.

the operation of the poultry farm. Mr Curry states the reason for the subdivision is to realise some value from the property while allowing the poultry farm operation to continue.

7. **Ms Darelle Martin** (Planner, Member of New Zealand Planning Institute (“NZPI”), and Senior Planner at BTW Company Limited) provided planning evidence on behalf of the Applicant. Ms Martin’s evidence describes her involvement with the application, which commenced in June 2026 after both the respective subdivision and land use consent applications had been lodged (by Juffermans Surveyors Limited) and planning evidence had been submitted by the Applicant’s previous agent. Ms Martin’s evidence states that she adopts the Application and visited the Site on 15 June 2026.
8. Ms Martin’s evidence describes the proposal and the updates to it, the relevant district plans and the broader regulatory framework applicable to the Application. Ms Martin’s evidence then assesses the effects on the environment of the proposal, the s42A Report and s42A Report Addendum, and comments on the potential conditions of consent from the s42A Report, including the recommendation of new conditions and amendments to conditions. Ms Martin’s evidence concludes by disagreeing with the recommendation of the s42A Report to refuse consent and states the consents are appropriate to grant in relation to the current consenting framework subject to conditions.

Council Section 42A Reporting Officer

9. The reporting officer, **Ms Nicola Laurenson** (Consultant Planner, for New Plymouth District Council, Member of NZPI) provided a comprehensive s42A Report and a subsequent s42A Report Addendum as is summarized in the body of this decision.
10. Following the submitter’s presentation, Ms Laurenson provided a verbal response to the Applicant’s evidence and legal submissions and answered questions on her s42A Report and s42A Report Addendum. While Ms Laurenson acknowledged the improvement to the Applicant’s position as a result of Ms Martin’s evidence she maintained her opinion that consent should be refused. Ms Laurenson did, however, also provide comments on the conditions of consent recommended in her s42A Report should consent be granted and the amendments proposed to those conditions by Ms Martin.