

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

UNDER	the Resource Management Act 1991 ("RMA")
IN THE MATTER	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")

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

3rd July 2026

1. INTRODUCTION

- 1.1 My full name is Darelle Marie Martin. I am a Senior Planner at BTW Company Limited, a multi-disciplinary consultancy with offices in New Plymouth, Hamilton, Raglan and Taupō. I hold a Bachelor of Science in Geography and Environmental Science (2012) and a Postgraduate Diploma (with Distinction) in AgriCommerce (2013) from Massey University. I am a Full Member of the New Zealand Planning Institute and am a committee member of the Taranaki branch of the Resource Management Law Association.
- 1.2 My past roles have included planning at a small consultancy in Nelson, in GIS at Powerco New Plymouth, and preparing Land Information Memoranda at New Plymouth District Council. I have been working for nearly eight years at BTW Company as a planner, undertaking a wide variety of land use and subdivision consent applications. I undertake planning work for a range of predominantly private sector clients throughout Taranaki across a wide variety of activities. My planning advice and project work typically relates to project management, policy analysis and resource consent matters and regularly involves engagement with stakeholders, including mana whenua.

- 1.3 I am familiar with the New Plymouth district and the Taranaki region, having spent the majority of my life living in the New Plymouth District. I live 10 kilometres south of the site, within the wider Lepperton community area that also encompasses the application site.
- 1.4 I am familiar with the Operative New Plymouth District Plan (2005) ('the ODP'), the New Plymouth Part Operative Proposed District Plan ('the PODP'), the Regional Policy Statement for Taranaki and other relevant planning documents. I was involved in submissions, hearings and appeals on the PODP so am familiar with the outcomes sought by the Plan and its evolution.
- 1.5 This evidence is given in support of the combined subdivision and land use consent application ("the application") lodged by Popuanui Chickens Limited, directed by Wayne Curry ("the applicant"), for a four-lot fee simple rural subdivision with subsequent establishment of a residential unit on each of proposed Lots 1 and 2, within 400 m of the existing poultry farm on the balance proposed Lot 4. These applications have been made in relation to the site located at 24 Te Arei Road West, Lepperton.
- 1.6 I am authorised to give this evidence on behalf of the applicant.

2. CODE OF CONDUCT

- 2.1 I confirm that I have read the Code of Conduct for expert witnesses contained in the 2023 Environment Court Practice Note and that I agree to comply with it. In particular, unless I state otherwise, this evidence is within my area of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

3. INVOLVEMENT IN THE APPLICATION

- 3.1 I was engaged by the applicant in June 2026, at the point in the process when evidence of the previous agent had been submitted and the hearing was scheduled to occur within a few days. The Commissioner's flexibility in allowing the hearing to be rescheduled in order for me to provide this evidence is appreciated.
- 3.2 I have read and adopt the consent application as the agent for the application process.
- 3.3 I undertook a morning site visit with the applicant and Ms Wallace (Legal Counsel for the applicant) on 15th June 2026.

- 3.4 I also stopped briefly outside the site at 6:50 pm on the 19th June 2026, when it was dark.

4. PURPOSE AND SCOPE OF EVIDENCE

- 4.1 In this matter, I have been asked by the applicant to address planning matters. I confirm that I have read the Application, notification documentation, s 92 responses and the Council Officer's Report. Except where my evidence relates to matters in dispute, I propose to only summarise the conclusions set out in the original application and amendments since.

- 4.2 My evidence is structured as follows:

- (a) The Application Site and Receiving Environment;
- (b) The Application, including updates;
- (c) Operative and Part Operative Proposed District Plan;
- (d) Broader Regulatory Framework - Section 104 RMA
 - (i) Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ('NES-CS');
 - (ii) National Policy Statement for Freshwater Management 2020 (NPS-FM);
 - (iii) National Policy Statement for Highly Productive Land 2022 (NPS-HPL);
 - (iv) National Policy Statement for Natural Hazards 2025 (NPS-NH);
 - (v) The Regional Policy Statement for Taranaki 2010 ('RPS');
 - (vi) Tai Whenua, Tai Tangata, Tai Ao 2019;
 - (vii) Part 2 RMA.

- 4.3 Actual and Potential Effects on the Environment;

- 4.4 Submissions;

- 4.5 Council Officer's Hearings Report (dated 11 May 2026);

- 4.6 Council Officer's Hearings Report Addendum (dated 18 June 2026);

- 4.7 Proposed Conditions of Consent; and

- 4.8 Conclusion.

- 4.9 In addition to the documents mentioned above I have also reviewed and considered the supporting statement of the Applicant.

5. SUMMARY

- 5.1 The key issue for consideration is as the Hearings Report states in paragraph 1.5:

"Notwithstanding, the primary matter for consideration is 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."

- 5.2 By way of a summary, my detailed analyses and assessments lead me to the opinion that actual and potential effects of all proposed activities are managed such that they are appropriate and consistent with the intent of the regulatory framework that applies.

6. THE APPLICATION SITE AND RECEIVING ENVIRONMENT

- 6.1 The application site ('the site') and immediate environment are described in detail in the application and the Council Officer's s42a Hearings Report (the 'Hearings Report'), and I will not repeat that information. From my site visit I can confirm that the site and Te Arei Road West remain substantially unchanged since lodgement of the application.

- 6.2 To clarify, the site to which the separate but bundled land use consent application applies will be proposed Lots 1 and 2 in a post-subdivision situation.

7. THE APPLICATION INCLUDING UPDATES

- 7.1 The proposal is well described in the application and post notification material, though because of multiple amendments over time it is best summarised in the Hearings Report.

- 7.2 Updates to the application material have occurred since the application was notified to the submitter, in association with addressing submitter concerns and updated RMA regulations. They are (to date):

(a) In response to submitter concerns:

- (i) A reduction in proposed lot numbers by one, to the current total of four lots;

- (ii) Utilisation of single crossings for each of proposed Lots 1 and 2;
 - (iii) Landscaping mitigation along the boundaries of Lot 1, 2 and 3; and
 - (iv) No build/trees taller than 4 m covenant over the area contained within Lot 2 and 3 adjacent to the road.
 - (b) An assessment of NPS-HPL matters, which has been peer reviewed.
 - (c) An application for land use consent for residential units on proposed Lots 1 and 2, combined with the main subdivision application.
 - (d) Some updates to volunteered draft conditions.
- 7.3 As part of my evidence, I also include additional amendments to the application to respond to some of the matters of the Hearings Report and further address potential effects. I address these next.
- 7.4 The proposal is to voluntarily include an acoustic insulation requirement via a consent notice on proposed Lots 1, 2 and 4. The wording is proposed in the set of conditions I provide in **Addendum A**. This will require new residential units on proposed Lots 1 and 2 to be completely designed with acoustic insulation, and for any new residential unit or additions to the existing residential unit on proposed Lot 4 to be the same.
- 7.5 The consent notice proposed is substantially based off the standard (NOISE-S3 - Noise insulation standards for noise sensitive activities - zone specific) of the Noise chapter that applies to establishing residential units within the State Highway Noise Control Boundary (SHNCB) of the PODP. The SHNCB is not well described in the PODP, but on the PODP maps it is demonstrated to capture areas in proximity to highways where noise effects are such they are desirable to mitigate for additional developments, so as not to cause conflicts and reverse sensitivity effects. In these areas, it is generally understood that noise levels can be at a scale that can cause adverse effects. I do not consider it necessary to go into further noise explanation on this matter, as I consider it is well-understood by people generally that traffic noise is loud within approximately 30 -50 m of a State Highway with 100 km/h traffic (for example).
- 7.6 The purpose of the acoustic insulation requirement in the PODP is reflected in the related policy of the Noise chapter "*NOISE-P2 - Require new noise sensitive activities locating along the edge of state highways to provide*

sound attenuation measures to protect indoor and outdoor amenity, where appropriate.”

7.7 The purpose of adding this requirement is to increase the resilience of residential uses to noise. In my opinion the evidence (presented later in this report) indicates that the poultry farm will not have significant noise effects on residents of the proposed Lots. Regardless, I consider that implementing a control on the lots themselves mitigates any potentially significant adverse noise effects from the surrounding area. Residential uses will be insulated from:

- (a) Generally all noise effects from the poultry farm, regardless of level or timing. The Hearings’ Report mentions particular concern for effects at night. In a residential unit insulated to the State Highway standard I consider it would be reasonably unlikely that any night noise on the poultry farm would be perceived;
- (b) Potential noise effects if Kiwirail should ever need to increase the use of the railway. Currently this is only used by a community group running slow-moving trips of 1-2 carriages of people a few times a month; and
- (c) Any other noise effects generally.

7.8 In basing the requirement off another which has been designed for understandably loud noise, to respond to potential noise from the poultry farm which has never received a noise compliant, this measure will provide an appropriate mitigation of noise effects.

7.9 I have also made some other amendments to the proposed conditions where I considered they could be more specific, measurable, achievable, relevant, or time-bound.

7.10 For clarity, the separate land use consent requested to be granted for construction of residential units on proposed Lots 1 and 2 is not required:

- (a) for proposed Lot 3 because the standard (RPROZ-S2) only controls separation of residential units from intensive indoor primary production on other sites; the building platform on Lot 3 and the poultry farm will be on the same site (Lot 3);
- (b) for proposed Lot 4 because it has an existing residential unit. In this case the distance of the residential unit from the poultry farm is captured under the subdivision Effects Standard “SUB-S2 -

Requirements for building platform(s) for each allotment" because it requires the "...buildings to comply with the standards for a permitted activity under this District Plan". Because it does not meet RPROZ-S2, it does not meet SUB-S2 and triggers consideration under the subdivision rule.

- 7.11 I have prepared my evidence on the basis of the additions and clarifications of the application and consent conditions as explained above and provided in the Addendums stated.

8. OPERATIVE AND PART OPERATIVE PROPOSED DISTRICT PLAN

- 8.1 The relevant statutory planning documents are generally addressed in section 6 of the Hearings Report, though I include assessment against the National Policy Statement for Natural Hazards 2025 later in this report. The proposed activities require consent under the PODP rules as listed in Table 4 of the Hearings Report, though the overall application maintains its discretionary activity status from being lodged under the ODP. Accordingly, the application is subject to section 104B of the RMA, may be granted or declined on any relevant matter, can have conditions imposed if it is granted, and will be considered under section 104.

Operative District Plan

- 8.2 I agree with the outcome of paragraph 9.63 of the Hearings Report and also have not addressed any ODP provisions, instead relying on those of the PODP.

Part Operative Proposed District Plan

- 8.3 The Part Operative District Plan (August 2025) ('PODP') is a prescriptive plan and has adopted an activities-based approach to manage the district, by providing zones in which activities fall into different categories such as appropriate, potentially appropriate subject to management and control, potentially inappropriate, or inappropriate. The premise is that compatible activities should be located in the same area and that the character and amenity of that area will reflect them.
- 8.4 As requested in the Hearings Report, I will clarify that connecting to a telecommunications service for every lot is not proposed for the subdivision. Proposed Lot 4 does have a connection for the existing residential unit. All others are proposed to be delayed until the time of development in the future. The reason is that since the PODP started substantially having legal

effect when its decision was released in early 2023, wireless communication technology and the uptake of it has increased, and wired connections are not as standard as they were. For instance, I live in the community and use Starlink satellite internet for all internet and phone call needs. Primo Wireless is a local company that offer wireless telecommunications. These are unable to be installed at the time of subdivision as they generally require a roof to connect equipment to, in order to place the receiver close to where it is needed (in the house). In this instance it is more efficient to delay such connections. I provide information from both Starlink and Primo Wireless in **Addendum B** that suggests these services are available (Starlink) or highly likely to be (Primo Wireless). I include an amendment to the telecommunications conditions to require either a connection or a consent notice on each lot accordingly.

- 8.5 In addition, I have added a general condition relating to granting any easements required. Previously an easement was proposed for powerlines that cross the site, though these service Lot 3 and are now contained in Lot 3 (now not requiring an easement).
- 8.6 In the Hearings Report, there are several points that I do not agree with, with regard to assessments of provisions of the Subdivision Chapter and Rural Production Zone Chapter (RPOZ). These are in the rows labelled 'Assessment' under each set of objectives and policies in the Hearings Report in Tables 9 and 10. I disagree that the proposal is significantly inconsistent with the relevant objectives and policies. With regard to paragraphs 9.61 and 9.62 of the Hearings Report which mention a lack of assessment against the provisions of the PODP in the application, I provide assessment in this evidence to address this, and to explain my points of disagreement as per my paragraph above. I provide detailed analysis against the relevant chapter objectives and policies in **Addendum C**.
- 8.7 I will clarify that neither the Hearings Report nor my evidence specifically address the Strategic Direction objectives of the PODP. These have the topics historic and cultural, infrastructure and energy, natural environment, rural environment, tangata whenua, and urban form and development. The explanation at the start of each chapter for the Strategic Objectives says *"For the purposes of preparing, changing, interpreting and implementing the District Plan all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these strategic objectives"*. The Hearings Report and my assessment have both followed this direction. The Strategic Objectives do not require individual assessment.

8.8 I generally disagree with the conclusions of paragraph 9.65 of the Hearings Report, and (per paragraph 9.66) I do not agree that the proposal is inconsistent (as a whole) with the objectives and policies of the PODP. I do agree that it is consistent with those relating to servicing, transport / access and waterbodies. Reasons for my differing views are summarised as follows:

- (a) The proposal is for lot sizes and numbers that the PODP does contemplate, albeit through an appropriately rigorous consenting process with (typically) a non-complying activity status. In this instance, the application is subject to a discretionary activity status and accordingly this application is to be assessed on all matters and against all provisions. The PODP does not necessarily require a 20 Ha allotment in order for spaciousness and openness to be achieved. The outcome of my assessment is that I consider the 4.39 Ha balance lot is large enough to be consistent with the intent of the PODP and that spaciousness and openness are achieved in the following ways:
 - (i) on each lot;
 - (ii) for the site as a whole, which includes Lot 4 as a large balance lot; and
 - (iii) for the RPOZ as a whole.
- (b) From the evidence available, the poultry farm is not causing conflict with other land uses, and it is not reasonable to assume that conflict will be created as a result of the subdivision and subsequent development;
- (c) The objectives and policies of the Subdivision and RPOZ chapters are not significantly directive that they require the absolute avoidance of the proposed activities. When the word 'avoid' is used it is typically then qualified by the activity needing to pass tests relating to matters such as 'compromise' and 'conflict'. If the activity does not pass the test, avoidance is required. The proposed activities have been designed to be broadly consistent with the provisions and therefore are not required to be avoided.

8.9 Overall, in my opinion the proposed activities demonstrate appropriate consistency with the relevant objectives and policies of the PODP. Predominant primary production, role, function, and character of the proposed lots and the RPOZ will be maintained.

9. BROADER REGULATORY FRAMEWORK - SECTION 104 RMA

9.1 Section 104 (1) outlines the matters that a consent authority must have regard to when considering an application for resource consent and any submissions received, subject to Part 2. Section 104(1) is as follows:

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M, have regard to—

(a) any actual and potential effects on the environment of allowing the activity; and

(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and

(b) any relevant provisions of—

(i) a national environmental standard:

(ia) a wastewater environmental performance standard:

(ib) a stormwater environmental performance standard:

(ic) an infrastructure design solution:

(ii) other regulations:

(iii) a national policy statement:

(iv) a New Zealand coastal policy statement:

(v) a regional policy statement or proposed regional policy statement:

(vi) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

NES – Contaminated Soil

- 9.2 The Hearings Report explains how the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) need be addressed for the site. The Hearings Report requests an update on the status of consent Discharge Permit R2/4131-2 issued by TRC.
- 9.3 To explain, the description of R2/4131-2 is *"To discharge poultry effluent from the cleaning of broiler chicken sheds by spreading onto and into land in the vicinity of the Waiongana Stream"*, and it expires 31st December 2027. I provide a copy of the consent and its processing officer's report in **Addendum D**.
- 9.4 The consent has been given effect to and discharges of poultry effluent and wash water from the sheds occurs in the northern area of the site, not south of the southernmost shed. The sloped shed floors grade downwards towards the northern doors of the sheds. When the sheds are cleaned twice a year, the litter is removed from the northern doors and any associated discharges of wash down water is to the land in paddocks, immediately west of the southern shed, and otherwise in the north of the site. The paddocks are grassed and used for grazing beef cattle.
- 9.5 The Hearings Report mentions *"NES Activity 5G"*. It is understood that this reference is to Hazardous Activities and Industries List (HAIL) activity G5 *"Waste disposal to land (excluding where biosolids have been used as soil conditioners)"*. This classification applies to this consented discharge, and the discharge areas qualify as a *"piece of land"* under the NES-CS.
- 9.6 NES-CS Section 5(7), explains how the NES-CS is to be applied in relation to production land (**emphasis added**):

Land covered

(7) The piece of land is a piece of land that is described by 1 of the following:

(a) an activity or industry described in the HAIL is being undertaken on it:

(b) an activity or industry described in the HAIL has been undertaken on it:

(c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.

(8) If a piece of land described in subclause (7) is production land, these regulations apply if the person wants to—

(a) remove a fuel storage system from the piece of land or replace a fuel storage system in or on the piece of land:

(b) sample or disturb—

(i) soil under existing residential buildings on the piece of land:

(ii) soil used for the farmhouse garden or other residential purposes in the immediate vicinity of existing residential buildings:

(iii) soil that would be under proposed residential buildings on the piece of land:

(iv) soil that would be used for the farmhouse garden or other residential purposes in the immediate vicinity of proposed residential buildings:

(c) subdivide land in a way that causes the piece of land to stop being production land:

(d) change the use of the piece of land in a way that causes the piece of land to stop being production land.

9.7 Production land is defined in the RMA:

production land—

(a) means any land and auxiliary buildings used for the production (but not processing) of primary products (including agricultural, pastoral, horticultural, and forestry products):

(b) does not include land or auxiliary buildings used or associated with prospecting, exploration, or mining for minerals,—

9.8 The piece of land associated with the discharge is confined to the north of the site as demonstrated and will remain in proposed Lot 3. The new building areas on the proposed lots are all outside of the piece of land and they are to be committed to these positions by being surveyed and shown on the Land Transfer Plan for NPDC approval. The production land will remain production land, and its use will not be changed. Accordingly, as per NES-CS Section 5(7), the regulation need not be applied further.

NPS – Freshwater Management

9.9 I agree that that proposal is consistent with the National Policy Statement for Freshwater Management 2020, as explained in the Hearings Report.

NPS – Highly Productive Land

9.10 I agree that that proposal is consistent with the National Policy Statement for Highly Productive Land 2022, as explained in the Hearings Report.

NPS – Natural Hazards

- 9.11 The National Policy Statement for Natural Hazards 2025 (NPS-NH) provides national direction under the RMA for managing natural hazard risks in land use planning and resource consent decision-making. It requires local authorities to apply a proportionate, risk-based approach to new subdivision, use, and development, based on the level of risk from hazards such as flooding, landslips, coastal erosion and inundation, liquefaction, active faults, and tsunamis. The NPS-NH aims to reduce exposure to unacceptable risk over time and promote safer, more resilient development outcomes across New Zealand. The relevant provisions of the NPS-NH are provided below, with assessment following in **Table 1**.

Table 1: NPS-NH Provisions

9.12 Part 2: Objective and policies
2.1 Objective
(1) Natural hazard risk to people and property associated with subdivision use and development is managed using a risk-based proportionate approach.
2.2 Policies
Policy 1: When considering natural hazard risk associated with subdivision, use or development, the risk level must be assessed using the risk matrix.
Policy 2: Natural hazard risk associated with subdivision, use and development must be managed using an approach that is proportionate to the level of natural hazard risk.
Policy 3: Where subdivision, use or development is assessed as having very high natural hazard risk, that risk must be avoided.
Policy 4: Where subdivision, use or development, including any associated mitigation measures, will create or increase significant natural hazard risk on other sites, that risk must be avoided or mitigated using an approach that is proportionate to the level of natural hazard risk.
Policy 5: Natural hazard risk assessment and decisions must be based on the best available information and must be made even when that information is uncertain or incomplete.

Policy 6: The potential impacts of climate change to at least 100 years into the future must be considered.

- 9.13 The NPS-NH applies to the following natural hazards as listed in the NPS-NH: (a) flooding; (b) landslips; (c) coastal erosion; (d) coastal inundation; (e) active faults; (f) liquefaction; and (g) tsunami.
- 9.14 In terms of those hazards, potential natural hazards for this application site can reasonably be limited to flooding (associated with the waterbody) and liquefaction. Any reasonably likely natural hazards will be addressed in the geotechnical reporting for the building platforms, and the report will include recommendations (if needed) to address risk. These will then form consent notices on the new titles, ensuring risk will be managed and designed for at the time of building consent for any residential unit.
- 9.15 With regard to flooding, this has not been an issue for the site. Proposed new building platforms are no less than 80 m from the stream and are generally up-gradient of it. With regard to liquefaction, in my experience with subdivision and development in Taranaki this has not been of a sufficient issue that subdivision or development has been totally prevented from occurring because of it. Specific engineering design is highly likely to be able to address ground conditions for this application. All risks present therefore are considered to be low.
- 9.16 Accordingly, the proposal is considered to:
- (a) Appropriately manage risk associated with the subdivision and subsequent development, proportionate to the level of risks present;
 - (b) Not be required to be avoided;
 - (c) Not create or increase risk to other sites; and
 - (d) Be informed by the best available information at this time.

Therefore, the proposal is consistent with the objective and relevant policies of the NPS-NH.

Regional Policy Statement for Taranaki

- 9.17 I disagree that there are aspects of the proposal that are inconsistent with the Regional Policy Statement for Taranaki (RPS), as mentioned in paragraph 9.59 of the Hearings Report.

- 9.18 With regard to Chapter 7 of the RPS and its provisions as stated in the Hearings Report (Table 6), for the reasons I explain throughout my evidence, I consider that the poultry farm demonstrates appropriate maintenance of air quality and mitigation of adverse effects on people, such that it is consistent with the objective and policy.
- 9.19 With regard to Chapter 10 of the RPS and its provisions as stated in the Hearings Report Table 8 (immediately after Table 6), for the reasons I explain in my evidence I consider that the proposed activities will appropriately provide for rural character and amenity, such that they are consistent with the objective and policy.
- 9.20 Overall, I consider the proposed activities are consistent with the relevant provisions of the RPS.

Tai Whenua, Tai Tangata, Tai Ao

- 9.21 I agree that the proposed activities are generally consistent with the matters of Tai Whenua, Tai Tangata, Tai Ao. Where they potentially are not (in relation to aspirations stated in the document for 20 m esplanade widths), I consider the planting proposed to mitigate this. No communications to the contrary have been received from tangata whenua.

Part 2 RMA

- 9.22 I agree that the PODP is settled against all other relevant and higher order documents sufficiently that a Part 2 assessment is not required.

10. ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

Positive Effects

- 10.1 The proposal results in the potential for three additional residential units to be established, contributing to housing supply. Residents will have access to and use other facilities in the community which has social and economic benefits e.g. Ruru House childcare centre, and Lepperton store and café. There will be associated demand for local construction and utilities services to support both the subdivision (e.g. installation of vehicle crossings) and subsequent development (full servicing and residential unit construction). The access point for the farm will also be moved improving traffic safety. These are minor positive and beneficial effects.

Landscape and Visual Effects

- 10.2 I consider that clarification on the outcomes of the proposed mitigation measures is required. I acknowledge that there have been several communications and updates to the application over time and I consider that the anticipated mitigation planting (and retaining of planting) has not been adequately illustrated to date, and has lost some of its detail in the draft conditions. I acknowledge that a draft plan was requested in the s92 request dated 28th January 2022 and has not been provided. As such, please see **Addendum E** for a draft Landscape Planting Plan, which is my interpretation of all planting matters in the application and how they are to be demonstrated on a future plan prepared by a landscape architect as per draft condition 18. At a high level, the draft Landscape Planting Plan demonstrates extensive new and existing vegetation, at four depths through the site i.e. roadside, Lot 2 building platform, Lot 3 building platform, and south of the northern three poultry sheds.
- 10.3 The Hearings Report questions the validity and application of the LVIA and its peer-review. Some wording in paragraph 9.13 around the LVIA and peer review comments being 'predominantly' used to inform the notification decision, may suggest that the reporting planner considers this expert technical information cannot go on to inform the substantive decision.
- 10.4 However, in my opinion the information assessed wider effects on the environment and zone and therefore remains valid for assessing this application. In my experience through rural subdivisions to date there are not typically two LVIA's (one for notification and one for the substantive decision).
- 10.5 With regard to the above, I make the following comments:
- (a) The LVIA was undertaken on the proposal to create four additional lots, which has since been reduced to three. The mitigation measures that have been carried through to today's application were designed for a greater sale and intensity of development than that now proposed. They therefore remain commensurate to the proposed activities and their potential effects.
 - (b) The definition of 'landscape' remains valid and the methods of assessment remain commensurate.
 - (c) Whilst Te Tangi a te Manu (the landscape assessment guidelines of the NZILA) were adopted the month after the LVIA was produced,

the LVIA used appropriate best practice guidelines which themselves are reference in Te Tangi a te Manu.

- (d) The LVIA did identify relevant objectives and policies of the Proposed District Plan (the version at the time) including those for the Rural Production Zone and Subdivision chapters. They have been refined in the Decisions version of the PODP but I do not consider them to conflict with the earlier Proposed District Plan versions. I acknowledge that the LVIA says "*The section of the Proposed District Plan relating to subdivision in the rural environment does not have legal effect and cannot be given weight to in the decision making process*". However, the LVIA author is not the party responsible for the decision making process. The LVIA then goes on to include the Proposed District Plan provisions anyway, which sets the scene for the remainder of the assessment in the LVIA.
- (e) The site and surrounding area description remains valid as there have been no substantial changes or new dwellings along Te Arei Road West since lodgement of the application (per a review of Google Earth satellite imagery that I undertook).
- (f) In my experience with rural subdivision the proposed mitigation measures remain of scale and content that would be valid today for a discretionary or non-complying subdivision application.
- (g) I do not consider that the LVIA relies heavily on the framework of the Operative District Plan in order to assess the effects of the activities. The LVIA states "*The landscape is described including key aspects that make an area distinctive. This process is known as landscape characterisation. This includes subjective value judgements made on the importance of the potentially affected landscape and is done so only by a suitably qualified landscape expert. The guiding source of the evaluation of landscape and effects is informed by the provisions of the RMA, and the operative District Plan. Other supporting documents potentially include relevant National Policy Statements; Regional Policy Statements; Iwi Resource Management Plans and relevant local asset management plans or strategies.*" I consider this statement clarifies that first and foremost a landscape assessment is completed on the terms of Landscape Architecture as a discipline with its own best practice, with guidance and being informed by district plan matters for context in assessment of a particular site.

- (h) For the reasons explained above, I consider the LVIA and peer review outcomes maintain their integrity for this hearings process and the decision-maker.

10.6 I understand that the peer reviewer made the following comment (emphasis added):

*"I do think that there is perhaps a contradiction here. The purpose of the limited dwellings to one per lot will maintain a degree of spaciousness but the roadside planting will create enclosure. **In the short term, until planting matures, the limit on dwellings will maintain spaciousness, but in the long term, as evident in other property's nearby, once roadside heading is above about 2m tall, buildings become largely invisible.**"*

10.7 There is a spelling mistake in the above and due to context, we can take 'heading' to mean 'hedging'. To explain the outcomes of the text in bold, this means that:

- (a) To address temporary effects while roadside hedge mitigation planting grows, the controls placed on dwelling numbers / locations / forms is appropriate to mitigate effects should residential units be built immediately; and then
- (b) Once hedging is above 2 m, this mitigates effects in perpetuity.

10.8 As per paragraph 9.12 of the Hearings Report, "*Ms Dravitzki and Mr Bain were in general agreement and that the significance of change was low on the wider environment*" (after mitigation, for a five-lot subdivision).

10.9 Changes were made to further reduce effects of the proposed activities as per paragraph 9.13 of the Hearings Report, and then paragraph 9.14 states (emphasis added):

*"9.14. The amendments to the layout do not appear to increase the level of adverse landscape effect when considering what was assessed as part of the notification assessment. There will not be an increase in the number of dwellings that can be constructed as a result of the amended layout and **changes are proposed that appear to address Mr Bain's comments about spaciousness at the round boundary of the site.**"*

- 10.10 From the above, and the remainder of the Hearings Report, it is understood that all landscape and visual effects matters raised by the Landscape Architect experts are resolved.
- 10.11 With regard to the proposed hedge planting, I would comment that this is a permitted activity that can be undertaken at any time. In the RPOZ chapter there are standards for shelter belt planting (RPROZ-S3), which apply to height limits on trees (9 m and upwards) in relation to side boundaries only, not road boundaries. Shelter belt and hedge planting is noticeable in this area. In the context of mitigation hedge planting being proposed for the subdivision, which will reduce the views into the site and its spaces, I note that this is consistent with what rural landowners undertake in this area as of right which then results in their land not being visible or contributing to spaciousness.
- 10.12 Overall, I acknowledge that landscape and visual effects from the site will change as a result of the proposed activities, but still consider that the proposal adequately mitigates actual or potential adverse effects on landscape, character and the visible environment as per the conclusion of the original application.

Rural Character Effects

- 10.13 I do not consider that a 20 hectare balance lot is the dominant defining factor for rural character being achieved and maintained. If it was of the significance that is messaged in the Hearings Report, this would be supported by a subdivision without this balance having a prohibited activity status. In the PODP, a greater than 20 Ha title that existed on 5th March 1999 and has not been subdivided before, is recognisable as the best site for subdivision. However, the PODP does consider / contemplate the granting of rare or atypical rural subdivision without a 20 Ha balance as a non-complying activity subject to it having no more than minor effects on the environment or not being contrary to the provisions (per the RMA 104D gateway tests).
- 10.14 I acknowledge the definition of Rural Character in paragraph 9.20 of the Hearings Report as:

Is the combination of elements and characteristics that make an area 'rural' rather than 'urban'. Rural character includes the key elements of spaciousness, vegetation of varying types, low density built form and open space between buildings, with a predominance of primary production orientated activity as the prevailing working environment, and typically lacks urban infrastructure such as kerb and channel,

street lighting, solid fences and footpaths, but can include network utilities such as telecommunications.

10.15 I note that it has substantial similarities to the ODP definition which was:

RURAL CHARACTER is the combination of elements that make an area 'rural' rather than 'urban'. Rural areas are typically distinguished by a dominance of openness and rural practices over man made structures not related to the primary use. RURAL CHARACTER includes the key elements of Spaciousness, Low density, Vegetated, Production Orientated, Working Environment, Rural Based Industry and Rural INFRASTRUCTURE. The elements of RURAL CHARACTER are further defined under these categories in the reasons to Issue 4.

10.16 I note that neither definition places any reliance on a lot size requirement. They both guide that there are several elements that contribute to an overall judgement. In this regard I do not consider that the LVIA or its peer review outcomes are rendered invalid. The landscape architect experts assessed Rural Character in a way which remains applicable under the current district plan framework.

10.17 I will assess spaciousness further in this section as it appears as a key issue in the Hearings Report. However, my opinion is that spaciousness is only one element of rural character, and the proposed activities demonstrate consistency with the others, those summarised as being:

- (a) vegetation of varying types;
- (b) low density built form and open space between buildings;
- (c) predominance of primary production orientated activity as the prevailing working environment; and
- (d) lack of urban infrastructure.

10.18 The concept of spaciousness is not further defined or explained in the PODP, though it was in the ODP as:

Spaciousness: Areas of open space used for grazing or growing crops. Although there are a variety of landscapes and uses in the rural area, it has an overall feeling of spaciousness.

10.19 Again, the definition does not involve a specified lot or balance lot size; it is subjective. Since 'spaciousness' has carried over into the PODP as

demonstrated above, we can reasonably take it to be very similar to the ODP definition. In this regard, a pre- and post- subdivision analysis of spaciousness is provided below.

- 10.20 On the current title there is a footprint of approximately 14,700 m² (**Figure 1**) committed to poultry farm activities, plus a 380 m² house and 300 m² shed. I have calculated the footprint of the poultry farm with curtilage rather than the building coverage, as the footprint is not reasonably available for grazing. On this 7.12 Ha site there is therefore 1.54 Ha of built form, this leaves 5.58 Ha of unbuilt space. The majority of the site is space, and therefore it achieves spaciousness.



Figure 1: Footprint of Poultry Farm

- 10.21 I use the same house size for the next exercise, as it is conservatively large (the median floor area of new homes consented in Taranaki was 206 m² in

2013, decreasing to 164 m² in 2022¹). I will use the maximum shed size of 400 m² per RPROZ-S6(3) of the PODP (Maximum gross floor area for all other buildings on sites under 4 Ha).

10.22 After subdivision:

- (a) Lot 1 of 5079 m², minus 780 m² of house and shed, has 4,299 m² of unbuilt space;
- (b) Lot 2 of 9616 m², minus 780 m² of house and shed, has 8,836 m² of unbuilt space;
- (c) Lot 3 of 4.39 Ha, which has 14,700 m² of poultry farm, plus 780 m² of new house and shed, has 2.84 Ha of unbuilt space remaining. The majority of the lot is therefore available as unbuilt space;
- (d) Lot 4 of 1.24 Ha, with its existing 680 m² of house and shed, has 1.17 Ha of unbuilt space.

10.23 In all instances, the majority of the proposed lots remain available for grazing and growing crops, which maintains spaciousness.

10.24 This is supported in the policies of the PODP, which I consider would be directive around a 20 ha balance if it was crucial to maintaining rural character, but this is not reflected in the PODP. I note the following policy as it applies to the Future Urban Zone, which directs a 20 ha balance:

SUB-P13 - Manage subdivision in the Future Urban Zone by:

1. providing for a minimum lot size for new and balance lots of 20ha only to ensure the subdivision design reinforces the role, function and character of the zone; and

2. avoiding subdivision that will compromise the ability in future to develop and use the Future Urban Zone for urban growth purposes in an integrated and comprehensive manner.

10.25 This is compared to the Rural Production Zone-specific policy, which is not directive on lot sizes but instead requires management of subdivision:

SUB-P10 - Manage the scale, design and intensity of subdivision in the Rural Production Zone by:

¹ <https://www.stats.govt.nz/news/median-floor-area-of-new-homes-consented-decreases-10-percent/>

1. *allowing one additional record of title for a small allotment only where there is a large balance area;*
2. *managing subdivision that does not comply with Subdivision Effects Standards;*
3. *managing subdivision that involves multiple allotments with a large balance area and only allowing multiple records of title from the parent title where the overall productive capacity of highly productive land will be retained over the long term; and*
4. *avoiding subdivision that would compromise the role, function and predominant character of the Rural Production Zone, or is more typical of patterns of development in urban areas.*

10.26 In coming to my conclusions on spaciousness, I also take into account the proposal to have a “*no buildings and no trees taller than 4 m*” area, secured by way of consent notice, along the road boundary and front paddocks of proposed Lots 2 and 3. This area is some 50 m deep and 115 m wide, or 5,750 m² in area. This will maintain a substantial area of unbuilt space immediately adjacent to the road where it is most likely to be perceived for its openness and spaciousness e.g. by passing traffic.

10.27 I therefore disagree with paragraph 9.21 of the Hearings Report, which states:

9.21. When considering subdivision at this intensity in the context of the changed planning framework, I consider that the rural character and amenity effects on the wider environment would not be acceptable. This is because subdivision that does not involve a record of title over 20ha in area is unable to promote overall spaciousness through low density built form. The proposal will result in additional built development on a small site that already contains significant development due the intensive poultry operation. Landscape mitigation and controls on the density of future development will mitigate effects of development but it will still be evident that intensification of development has occurred on the parent title when no such ability current exists.

10.28 The reasons for this are:

- (a) I do not consider that the planning framework has changed such that 20 ha is the sole determinant requirement for maintaining rural character and amenity, and therefore I consider the effects are acceptable;

- (b) Low density built form is being achieved on the proposed lots. The smallest is Lot 1 at over area 5,000 m² in area which meets the minimum lot size (4,000 m²) requirement in the PODP, and the largest is over 4 hectares. Per the proposed consent notices, each lot will only have one residential unit. Across this 7 hectare site, there will be a total of three additional residential units (noting that one is existing). These matters demonstrate a low density built form.
- (c) Potential for intensification of development on the parent title does exist, in two ways:
 - (i) A Detached Minor Residential Unit could be constructed as of right on the current title, for a total of two residential units;
 - (ii) As mentioned, the PODP contemplates rural subdivision without a 20 ha balance through a non-complying consenting pathway.
- (d) It is therefore oversimplification to state "*no such ability current exists*" as an absolute.

Noise Effects

- 10.29 In my opinion, although the proposal results in residential units within 400 m of the poultry farm, the potential for adverse noise effects on the residents are being and will be sufficiently mitigated such that they are appropriate, on the evidence as follows.
- 10.30 Noise effects will continue to be controlled by the rules and standards of the PODP which sets different limits for day and nighttime noise. This is an appropriate regulatory method for control of noise.
- 10.31 Noise is being managed consistent with best practice guidelines.
- 10.32 Noise effects (including on Lot 4) would occur on residential units at equivalent distances from the poultry farm as the two residential units immediately across the river, whose residents have not complained about the poultry farm (nor have any other people). Neighbouring residents have the ability to raise noise issues with Council, which would then be monitored by Council against permitted standards in the POD, and this has not occurred. This suggests that effects are being substantially internalised to the site, and/or any off-site are negligible.

- 10.33 On my morning site visit, I observed the following noises from the poultry farm: Vehicle noise from a person in a van who arrived with a trailer and then mowed the lawns around the sheds. The temporary mechanical hum of the feed machinery as I mentioned earlier, similar to a small car running, and I observed this from 20 m away. Minimal mechanical hum from the ventilation systems that move fresh air into the poultry sheds. Perhaps 1-2 other staff were outside, although by nature their activities are typically shed-based, and they arrive in light vehicles. Note that all chickens live inside the buildings. Once I was in the areas near proposed Lots 1 and 2, the poultry farm specific noises were indiscernible. Mr Curry confirmed that my experience of the day's noise was typical.
- 10.34 On my evening site visit there was no wind and the weather was fine. There was no discernible noise from the poultry farm, with the main noise being from the State Highways to the north (approx. 1.9 km) and east (650 m).
- 10.35 Activities with the greatest potential to generate noise effects are the likes of deliveries of poultry food, and shed clean out / new poultry batch time. These occur occasionally, respectively at once a month occasionally at night and (currently) twice a year. These activities occur the minority of the time. Noise from vehicles, including heavy machinery, is anticipated in the rural environment. The noise associated with the poultry farm is reasonably comparable to other rural activities that may occur in proximity to residential units as of right, and without any associated separation standards. To assess the activities further:
- (a) For the truck movements, noise will be associated with trucks driving in and out of the driveway on Lot 3 and turning around on-site. This is a short-term occurrence with associated effects. Trucks are used in the rural environment and their noise is anticipated to an extent. In my opinion a heavy vehicle visiting Lot 3 1-2 times a week, occasionally at night, will not generate noise that would be unexpected or out of character with this environment.
 - (b) For the shed clean-outs, generation of noise would occur from trucks carting poultry and litter / clean litter on and off site, machinery loading old litter and spreading new, and cleaning and washing of sheds. This is periodic noise, and involves one truck per day for the birds, plus about 10 trucks for the clean out. The threshold in the Transport Chapter of the PODP (Rule TRAN-R9) for which truck movements associated with primary production would be come a 'high trip generator activity' which requires resource consent, is

exceeding 200 vehicle movements a day. In a scenario with 11 trucks (22 movements), 5 staff (10 movements), and 10 residential movements a day, 42 vehicle movements on a clean-out day is a permitted activity under the PODP. Trucks, heavy machinery and water blasters are used in the rural environment and their noise is anticipated to an extent. In my opinion the occasional, temporary, shed clean-out noises that occur will not generate noise that is unexpected or out of character with this environment.

- 10.36 Notwithstanding the above, acoustic insulation requirements are volunteered for new houses or additions on proposed Lots 1, 2 and 4 as explained. These will further mitigate potential adverse effects of noise for residents.

Odour Effects

- 10.37 The Hearings Report Addendum explains through paragraphs 2.8 through 2.12, how the rationale for the PODP 400 m setback is grounded in the RAQP. I respond to the content of these paragraphs as follows.

- 10.38 The applicant has a Discharge Permit (Consent 5260-2.2) from TRC under the RAQP, *"To discharge emissions into the air from a poultry farming operation and associated practices including waste management activities"*. This expires December 31st, 2027. I provide a copy of the consent alongside the other TRC consent, in **Addendum D**.

- 10.39 Consent 5260-2.2 contains multiple conditions including:

- (a) A limit on poultry shed areas to 4455.92 m²
- (b) Limits on mass density of birds in the shed, which is a proxy for limiting the number of certain sized birds in the shed which may produce waste
- (c) Requirement to adopt the best practicable option to prevent or minimise adverse effects from the discharge to air, at all time;
- (d) Consult and obtain approvals from TRC before significantly changing the nature or quantity of contaminants being emitted;
- (e) Minimising emissions with best practices including using the most appropriate equipment, methods of control, supervision / operation / maintenance of all equipment and processes, and care of poultry;

- (f) Prohibition of offensive or objectionable odour being emitted beyond the boundary of the site, except for when sheds are cleared of birds and litter (which itself has a limit of 4 days in every 50 day period);
- (g) Restrictions on dust emission beyond the site boundary.

10.40 From my review of the air discharge permit, and Mr Curry's explanation of how the poultry farm operates, I consider there are sufficient existing regulatory measures in place for a poultry farm that is demonstrated to be operating at the highest level of best practice.

10.41 This is supported by there being no record of complaints about poultry farm odour for the application site. This suggests effects are sufficiently internalised, and/or that those off-site are negligible or otherwise generally acceptable.

10.42 My opinion is that although the proposal results in residential units within 400 m of the poultry farm, the potential for adverse odour effects on the residents are being and will be sufficiently mitigated such that they are appropriate, on the evidence as follows:

- (a) Odour effects are consented and monitored by TRC under the Air Discharge Permit;
- (b) Odour effects are being managed consistent with the best practice guidelines;
- (c) Odour effects would occur on new residential units at equivalent distances from the poultry farm as the two residential units immediately across the river, whose residents have not complained about the poultry farm;
- (d) On my morning site visit, I observed the following:
 - (i) There was no odour present in the south of the site in the areas where Lots 1, 2 and 4 are proposed;
 - (ii) For a few minutes, some feeding machinery relating to the silos next to the sheds was operating in order to move feed (a process internal to the silos and buildings). Minimal odour was present, of the nature of the same grain-based pelleted chicken feed available for purchase in the supermarket. I was approximately 20-50 m from the silos and ventilation system while this was occurring. I understand the feeding activity to

occur 1-2 times a day and that it is temporary. Regardless of the feeding frequency and duration, there was not any odour present that I consider to be offensive or objectionable. Mr Curry confirmed that my experience of odour on the site that day is typical of the situation the majority of the time.

- (e) On my evening site visit, it was still and clear, and no odour was present at the road boundary.

- 10.43 To address potential odour effects from the activity with greatest potential to generate them, which is shed clean out time, this occurs at a frequency I would state as occasionally. This is the minority of the time. The TRC consent provides for four days in every 50 for this activity, however now that the farm is a breeder rearing farm, this occurs twice a year. The TRC consent allows for this odour to be offensive and objectionable beyond the site (per condition 7), however the other conditions of the consent actively manage that odour and its potential effects. As I mentioned, there are restrictions and requirements on shed space, mass density, minimising effects, using best practice, and dust. These all contribute to controlling and mitigating the generation of odour from shed clean-outs. Shed clean-out odour is not therefore able to be generated and discharged unchecked.
- 10.44 For the reasons above, I consider odour effects to be mitigated such that they are appropriate.

Light Effects

- 10.45 On my evening site visit, it was dark. There was an exterior light on at the poultry farm, which was not pointed out towards the proposed lots. The effect was equivalent to a house with its outside porch light on, or to seeing a house with its lights on at night. These are consistent with rural character.
- 10.46 I consider that existing lighting effects are sufficiently mitigated such that they are appropriate, and that the proposed consent notice "*All new external lighting on Lots 1, 2, 3 and 4 must be hooded or cast down so that no lamp source is visible*" will adequately mitigate additional adverse lighting effects on the proposed future residents.
- 10.47 For the reasons above, I consider light effects to be mitigated such that they are appropriate.

Building Platform and Servicing Effects

10.48 I acknowledge that the application is not supported by a geotechnical suitability or assessment report, which typically accompanies new applications under the PODP in accordance with subdivision standard SUB-S2 (Requirements for building platform(s) for each allotment). In a rural setting, these reports have three key functions:

- (a) Confirming there is an appropriate building platform for a house;
- (b) Confirming that ground / site conditions are suitable for disposal of stormwater from hard surfaces such as roofs; and
- (c) Confirming that ground / site conditions are suitable for disposal of treated wastewater in a septic system.

10.49 The reports will make recommendations, usually regarding utilising Specific Engineering Design (SED), if ground / site conditions are not optimal for any of the above.

10.50 In my opinion the potential adverse effects of the delay of this reporting until a post-consent process are acceptable, as they are mitigated by the following factors which make the building areas in proposed Lots 1 - 3 low-risk:

- (a) They are flat or of a gentle gradient, not steeply sloped (prone to slippage);
- (b) They are not in proximity to any waterbody or low-lying areas and the PODP does not map stormwater ponding on them (i.e. factors for being prone to floods);
- (c) The PODP does not map any other natural hazard risk such as faultlines or volcanic hazards for this site;
- (d) There are three existing houses (#56, #39 and #24) within 200 m of the platforms, indicating a general suitability for houses with on-site stormwater and wastewater disposal in this area.

10.51 Accordingly, I consider that the effects of building platforms and servicing are acceptable.

Traffic Effects

10.52 For the reasons explained in paragraphs 9.25 and 9.26 of the Hearings Report, I agree that traffic effects on the roading network are acceptable.

Building Platforms, Conflict of Use and Reverse Sensitivity Effects

- 10.53 The outcomes of paragraph 9.28 of the Hearings Report is that reverse sensitivity effects on Lot 3 with the poultry farm are satisfied. I agree with this.
- 10.54 With regard to paragraphs 9.29 and 9.30, I do not agree that odour, noise and traffic effects are not mitigated by the proposal, such that potential conflict is appropriately mitigated, for the reasons as explained earlier.
- 10.55 In addition, information of the Hearings Report Addendum assists my assessment, as existing receptors of adverse effects are indicative of future receptors as a result of the subdivision and development.
- 10.56 Within 300 m of the poultry farm there are the following existing receptors of effects (**Figure 2**), and their approximate distances from poultry sheds:
- (a) Residential unit: 56 Te Arei Road West, 278 m
 - (b) Residential unit: 39 Te Arei Road West, 230 m
 - (c) Residential unit: 264 Richmond Road, 300 m
 - (d) Ruru House (childcare centre) at 246 Richmond Road, 250 m
 - (e) Residential unit: 10 Te Arei Road West, 107 m
 - (f) Residential unit: 232 Richmond Road, 88 m

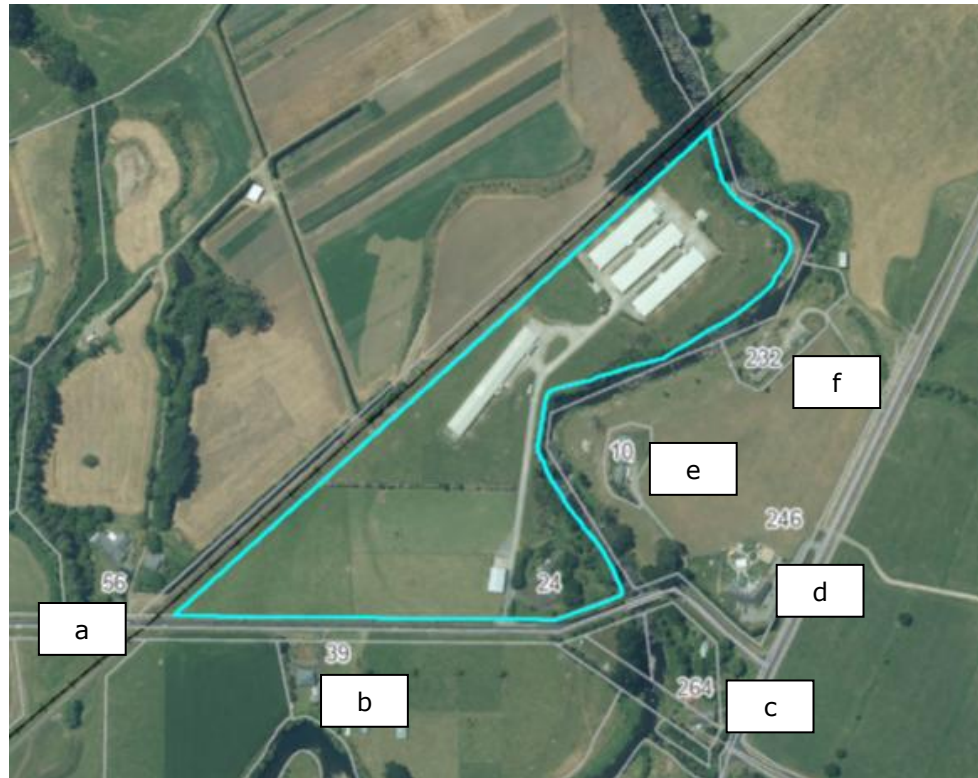


Figure 2: Receptors

10.57 Site photos also demonstrate the proximity of e. and f. in the list above to the poultry sheds, as per **Figure 3** and **Figure 4** below.



Figure 3: Residential unit at 10 Te Arei Road West as seen from the track near poultry shed #1



Figure 4: Residential unit at 232 Richmond Road as seen from immediately southwest of the most eastern poultry shed

10.58 In terms of effects from the poultry sheds, in my opinion, the proximity of:

- (a) 39 Te Arei Road West (b.) and 10 Te Arei Road West (e.) means these properties are most likely to observe traffic effects from use of the driveway;
- (b) Ruru House (d.), 10 Te Arei Road West (e.) and 232 Richmond Road West (f.) means these properties are most likely to observe noise effects;
- (c) 10 Te Arei Road West (e.) and 232 Richmond Road (f.) means these properties are most likely to observe light effects; and
- (d) all means that odour effects may be observed, per the Hearings Report Addendum.

10.59 As per the Hearings Report Addendum, there have been no complaints from any of these parties regarding the poultry farm which has been operational for 18 years. This provides a strong evidential basis to be satisfied that the poultry farm is appropriately mitigating actual and potential adverse effects off-site.

- 10.60 The proposed land use consent for developing Lots 1 and 2 with a residential unit each, would result in residential units being up to 82 m and 162 m respectively, from the nearest poultry shed. This is comparative to those at 10 Te Arei Road West (e.) and 232 Richmond Road (f.), across the river. From a review of Google Earth imagery, 10 Te Arei Road West was established by 2007 if not before, and 232 Richmond Road has been present since at least 2011. This is at the minimum a 15 year period where residential living and poultry farm activities have coincided, without complaint to NPDC. This is evidence that land use conflict is being appropriately mitigated, such that the establishment of residential units and living on proposed Lots 1 and 2 can be undertaken without residents being subject to unacceptable adverse effects from the poultry farm.
- 10.61 I therefore consider that effects relating to potential land use conflict are acceptable.

Building Platforms – Land use

- 10.62 I accept the content of paragraphs 9.31 through 9.35 and agree the subdivision and land use consent applications are tied.

Waterbodies

- 10.63 For the reasons as explained in paragraphs 9.26 and 9.37, I agree that effects on waterbodies are acceptable.

Summary

- 10.64 For reasons explained above I do not agree with several matters in the Hearings Report paragraphs 9.38 through 9.44. I summarise the reasons for this as:
- (a) The landscape and visual effects assessments from the technical experts remain appropriate and commensurate to this application and can be relied on for the substantive decision;
 - (b) Rural character has not undergone such redefinition for the PODP that it is now unattainable for this application. When assessed against the aspects that contribute to rural character, the proposed activities overall demonstrate rural character effects that are appropriate;
 - (c) The PODP does not direct that if a 20 ha balance lot is not provided, it is fatal to an application. The proposed activities design and place land use activities, built form, space, mitigation measures, and

planting, with due consideration in order to be consistent with rural character as envisaged by the PODP.

- (d) I agree that landscape, visual and rural character matters are related and can be assessed holistically. On balance, I consider the proposal's effects on these are acceptable.
- (e) Small scale rural production activities will be able to occur on all lots and this is not limited to the large lot;
- (f) Servicing and traffic effects are acceptable subject to conditions (a conclusion also reached in the Hearings Report); and
- (g) Effects of both reverse sensitivity and conflict are demonstrated to be adequately mitigated such that they are acceptable.

10.65 Overall, my opinion is that the actual and potential adverse effects of the proposed activities will be acceptable.

11. SUBMISSIONS

11.1 Matters of the submission made by the neighbour to the south have been resolved such that there are no outstanding effects on the submitter to address.

12. COUNCIL OFFICER'S HEARINGS REPORT

12.1 I have reviewed the Hearings Report for the Application.

12.2 I have addressed the bulk of relevant matters of the Hearings Report throughout my evidence. I add some commentary below on some matters.

12.3 Regarding 'Fairness and Injustice':

- (a) I have experienced the changing RMA framework both locally (PODP) and nationally (e.g. NPS-HPL) over the course of this application, through applying for subdivision and land use resource consents, and I do not have specific comments about fairness or injustice in relation to this subject application.
- (b) I would comment that the applicant has made effort to respond to matters as they arose for the application, and they have been numerous e.g. a change in PODP, a submission, and the NPS-HPL. In my opinion the application today is in a fair state to have been considered through the Hearings Reporting and then go on to be

considered by the Commissioner against the current consenting framework. It is not an outdated relic of ODP times.

12.4 With regard to 'Precedent', I agree with paragraphs 9.78 and 9.79 with regard to the granting of a consent not creating a precedent. I add:

(a) The site itself is unique. It has no direct private neighbours, being bordered by the railway, the road, and the river.

12.5 With regard to 'District Plan Integrity':

(a) I disagree with the conclusion in paragraph 9.82, as I consider the proposal does not irreconcilably clash with the principal provisions in the PODP.

(b) I agree with the content of paragraph 9.85 because the application is unusual and distinguishable.

12.6 Overall, I agree that the proposal will not affect PODP integrity.

12.7 With regard to the Section 104D Gateway Test, I agree that it does not apply.

12.8 With regard to 'Particular Considerations For Subdivision (S106)':

(a) I agree with the assessment in paragraphs 10.1 through 10.4. I add that no new natural hazard risk has been identified on the site since the lodgement of the application. Since geotechnical reporting by an engineer prior to titles being issued is required to address any reasonably likely natural hazard risk through recommended mitigation measures, I consider any potential natural hazard risk to be appropriately mitigated. There is no reason to decline consent under s106.

12.9 Section 106A of the RMA is mentioned as not having been provided for this application. The RMA requires this for land use consents, of which one is applied for in this instance. I provide assessment as follows. The section states:

Consent authority may refuse land use consent in certain circumstances

(1) A consent authority may refuse to grant a land use consent, or may grant the consent subject to conditions, if it considers that there is a significant risk from natural hazards.

(2) For the purposes of subsection (1), an assessment of the risk from natural hazards requires a combined assessment of all of the following taken together:

(a) the likelihood of natural hazards occurring (whether individually or in combination):

(b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards:

(c) whether the proposed use of the land would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b):

(d) whether the proposed use of the land would result in adverse effects on the health or safety of people.

12.10 Guided by the assessment completed earlier for the NPS-NH, I conclude that:

- (a) There is low likelihood of natural hazards occurring;
- (b) There is therefore low likelihood of material damage as a result, and this will be addressed through geotechnical reporting as explained;
- (c) The proposed use of the land (proposed Lots 1 and 2 for residential units) is therefore unlikely to accelerate, worsen or result in material damage. This is because it will have been designed per geotechnical reporting recommendations;
- (d) The proposed use of the land will not therefore result in adverse effects on health or safety of people; and
- (e) Therefore there is no reason to refuse the grant of land use consent on the basis of significant risk from natural hazards.

Overall Assessment to Grant or Decline Under the Part Operative District Plan

12.11 I disagree with several points of the assessment in section 12 of the Hearings Report. I have assessed all matters thoroughly earlier, and will only summarise here.

12.12 In terms of s104(1)(a):

- (a) Effects on rural character and amenity will be appropriate;
- (b) Low density built form will be achieved;

- (c) 'Spaciousness' will be maintained, and its interpretation includes consideration of a subjectively 'large lot' of no specific size;
- (d) Reverse sensitivity effects will be appropriate;
- (e) The evidence for this specific poultry farm does not indicate that there will be conflict, nuisance, or compromising effects. The evidence shows there are existing residential units in the same proximity as that proposed and that their occupants have not complained, linked with offsite effects being sufficiently negligible or managed;
- (f) The combination of design, operation and spatial separation on all lots mitigates conflict potential.

12.13 In terms of s104(1)(b):

- (a) The proposal is consistent with the NPS-HPL and the RPS;
- (b) When analysed in detail, the proposal is consistent with the objectives and policies of the PODP. The creation of these additional lots meets the certain circumstances messaged by the PODP.
- (c) Again, low density built form is achieved, and conflict is sufficiently mitigated.

12.14 With regard to s104(1)(c), I accept the explanation in paragraph 12.4.

12.15 With regard to paragraphs 12.5 and 12.6, I do not consider that weighting (or placing limited weight as suggested) on precedent and district plan integrity is needed. I consider the proposal is sufficient for granting when considered against s104 on its merits.

12.16 Overall, in my opinion the proposed activities are acceptable for granting consent in relation to the above framework.

13. PROPOSED CONDITIONS OF CONSENT

13.1 I provide a copy of the Hearings Report conditions, with requested amendments in context, in **Addendum A**.

14. CONCLUSION

14.1 In my overall judgment, with the suggested conditions, I am of the view that granting the consent will on balance be consistent with the objectives and

policies of the regulatory instruments and will achieve the purpose of the RMA to promote the sustainable management of natural and physical resources. I consider design of the subdivision and development will appropriately mitigate adverse effects, and that with the measures proposed and the suggested conditions of consent, the proposal will maintain rural character and amenity on the proposed lots and for the RPOZ as a whole. Accordingly, I disagree with the conclusion of the Hearings Report (paragraph 12.7) that the application should be refused. In my opinion the consents are appropriate to grant in relation to the current consenting framework subject to conditions.

A handwritten signature in black ink, appearing to read 'D. Martin', with a long horizontal stroke extending to the right.

Darelle Marie Martin
BTW Company Limited
3rd July 2026

Addendum A – Draft Conditions

DRAFT Subdivision 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 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**' areas on Lots 2 and 3 as set out on the approved plan.

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

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.

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.

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.

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

11. Prior to issue of certification under Section 224 of the Resource Management Act 1991, confirmation **is required** with

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.

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.

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.

Vehicle Crossings

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.

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”.

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.

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

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.

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.

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 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).**

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.

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. **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.

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.**

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.~~

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.

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

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.**

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.

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.

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.**

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 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.

New Condition 28

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:

“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.”

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.

New condition 30:

Easements

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

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 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.

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.

Addendum B – Information from Telecommunications Providers

Darelle Martin

From: Primo Helpdesk <helpdesk@primo.nz>
Sent: Wednesday, 24 June 2026 2:09 pm
To: Darelle Martin
Subject: #74281 New message in ticket

EXTERNAL MESSAGE

Hello,

An agent just replied to your ticket ([#74281](#)) - **[#BTW260425.00] Query on additional servicing capacity - 24 Te Arei Rd West .**

Message:

Kia ora,

Thanks for reaching out!

We have done some signal testing and preliminary results look promising, but we would need to do an on site signal test to 100% confirm being able to connect all 3 locations.

Kind regards
Anthony Finnerty

To view or add additional comments, you can reply to this email, or follow the link:
<https://my.primo.nz/public/tickets?ticket=T0RJMFItVTJaVEUyWmpoaU5tSTRPT3MrakhNd3BubUIySUxzVmw1UIQ2UT0>

Kind regards,
PRIMO



STARLINK

RESIDENTIAL

ROAM

AVAILABILITY ▾



AVAILABLE



COMING SOON



Service Address

24 Te Arei Road West, Sentry Hill, New Zealand



Addendum C – PODP Objectives and Policies Assessment

Subdivision	
Objectives	
SUB-O1 Subdivision results in the efficient use of land and achieves patterns of development that are compatible with the role, function and predominant or planned character of each zone.	The proposed activities result in three additional rural-residential properties with the ability to support three sets of residents, on a site that is not significantly productive such that it would be a significant change of rural productive land. The pattern created by the proposed activities is lots that meet the minimum lot size requirement, with a large balance lot, which is a pattern anticipated by the RPOZ. Productive rural uses and smaller-scale primary production, remain able to occur on the proposed lots alongside residential activity because they have buildings / space / the operational record to support them, consistent with the zone's role and function. The planned character of the zone is demonstrated both on an individual lot basis, for the overall subdivision site, and for this area in the RPOZ broadly. Consistent
SUB-O2 Subdivision is designed and located to avoid, remedy or mitigate adverse effects on the environment and occurs in a sequenced and coherent manner that: 1. responds to the site's physical characteristics and context including any non-scheduled features; 2. is accessible, connected and integrated with the surrounding neighbourhoods; 3. contributes to the predominant or planned character of the zone and a sense of place; 4. protects and enhances scheduled features; 5. provides accessible and well-designed open space areas for various forms of recreation, including sport and active recreation, for the health and wellbeing of communities; and 6. protects highly productive land in the Rural Production Zone.	The greatest potential for inconsistencies from the subdivision arise from the poultry farm as a physical characteristic of the site, and for lots that are out of character or place. The proposed activities are designed and located with features to mitigate effects. There is no specific sequence of subdivision expected in the RPOZ, as there might be for a large staged urban subdivision. The manner of the subdivision is coherent however, as it is designed as follows (per the numbered items in the objective): 1. The site has buffer areas from all features (e.g. railway, river, and road), and is an anomaly in this regard. It could not be reconnected with other adjacent sites without onerous use of resources. The proposed activities will place residential units on generally flat ground, with a setback from the poultry farm that is rational based on the effects of its operation to date. The proposal includes a no buildings / no trees taller than 4 m area, which 1) responds to

	feedback from a neighbour which forms part of the site's context, and 2) will maintain unbuilt space. 2. The proposed lots will be accessed by a Local Road, with State Highways nearby for trips to New Plymouth / Inglewood Waitara for shopping and other facilities, and is in the Lepperton community with its own services. 3. The design of the subdivision is three lots of greater than 4,000 m² and a large balance, which is a character of subdivision contemplated in the PODP. The proposal is consistent with rural character on both the lots, and for the area and zone more broadly, for reasons explained in the assessment of effects, with the key elements being: spaciousness, varied vegetation, low density built form, space between buildings, mostly primary production, and minimal urban infrastructure. The proposed lots and subsequent development represent a character of properties existing in this community as mentioned in this evidence, and are therefore consistent with the sense of place. 4. The proposal includes a planted esplanade strip along the river, and otherwise sets back future development from features such as the gas pipe and railway. 5. The site is not identified in the PODP as needing to provide public open space, which is more applicable in greenfields urban subdivision. No open space is included in the subdivision though this does not make the proposed activities inconsistent with the overarching policy. 6. Expert reporting has been provided to confirm that subdivision need not be avoided on the Highly Productive Land present. Consistent
SUB-O3	Te Arei Road West is sufficient to support additional crossings and use by residents, without upgrade. No other

Infrastructure is planned to service proposed subdivision and development in a manner that: 1. protects scheduled features; and 2. connects with the wider infrastructure network in an integrated, efficient and coordinated manner and is provided at the time of subdivision.	demand is placed on Council's three waters servicing as they are not available in this area. Water, stormwater and wastewater services can be designed and constructed on each lot to meet demand. New connections to power services are available, as is wireless internet for telecommunications. None of the above require any activities to occur near scheduled features. Infrastructure will either be provided at the time of subdivision, or delayed if more appropriate (e.g. wireless internet). Consistent
Policies	
SUB-P1 Allow subdivision that results in the efficient use of land, provides for the needs of the community and supports the policies of the District Plan for the applicable zones, where subdivision design: 1. reflects patterns of development that are compatible with, and reinforce the role, function and predominant or planned character of the zone; 2. does not compromise the integrity and planned outcomes for the zone with lot sizes sufficient to accommodate intended land uses; 3. in the City Centre, Town Centre, Mixed Use and Local Centre zones, minimises proliferation of vehicle crossings that could restrict the ability of pedestrians to move safely and efficiently along the street and within public places or reduces the presence of retail activity at the ground floor; 4. in the Commercial Zone/PREC13 - Ngā Motu Precinct, ensure that comprehensive, coordinated and efficient development occurs for the entire precinct; 5. in the Mixed Use and General Industrial zones, incorporates sufficient setbacks at residential zone interfaces (where subdivision adjoins such a zone) to provide sufficient space for planting and landscaping; 6. in the Large Format Retail Zone, avoids the fragmentation of land or creation of small allotments that would	The subdivision results in the efficient use of land for additional rural-residential uses, adding residents to the community. It is further assessed against policies of the RPOZ later in this table, and its design has regard for the specific points of the policy as follows: 1. The proposal will result in a pattern of development that is compatible with and reinforces the role, function and planned character of the zone, because of reasons explained including lot size and configuration, controls on development, and evidence that the existing poultry farm is compatible with the proposed proximity of residential activities. 2. Lot sizes are sufficient for new rural-residential activities that have a spatial buffer from poultry farm activities, and the poultry farm remains on the larger balance lot. 3. Not applicable. 4. Not applicable. 5. Not applicable. 6. Not applicable. 7. Each lot has sufficient space to accommodate on-site stormwater disposal from existing buildings and/or at the time of development in the future. 8. As explained, highly productive land is not required to be protected under the current regulatory framework and this is

limit or constrain the ability to use land for large format retail activities; 7. in the General Industrial, Large Format Retail, Residential and Rural zones, incorporates sufficient space for on-site stormwater disposal including the use of water sensitive and lowimpact design solutions; and 8. protects highly productive land in the Rural Production Zone.	supported by expert technical assessment in the application. Consistent
SUB-P2 Manage the subdivision of land and development of associated infrastructure so that nonscheduled features are appropriately considered in the site layout and design, and scheduled features are protected and enhanced.	The site lacks notable features other than those already noted in the PODP (scheduled features), which are addressed through: - Esplanade strip (river); - Easements (gas pipelines); - Setbacks (road and railway). Consistent
SUB-P3 Manage significant risks from natural hazards by restricting subdivision that: 1. creates new or exacerbates existing natural hazards including coastal hazards, erosion, slippage, subsidence, falling debris or flooding; or 2. results in adverse effects on the stability of land and buildings; and 3. does not provide safe, flood free and stable building platforms at the time of subdivision.	This policy is addressed for completeness. The site is not at significant risk from natural hazards, as this would be indicated on the PODP mapping if it were relevant. The subdivision will not create or exacerbate natural hazards, nor result in adverse effects on stability of land and buildings. As mentioned earlier, the site is reasonably anticipated to be able to provide safe, flood free building platforms, and this will be confirmed through the geotechnical reporting process prior to any issue of new titles. Consistent
SUB-P4 Require infrastructure to be provided in an integrated and comprehensive manner by: 1. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure; 2. ensuring that the appropriate infrastructure for the subsequent use of the land is in place at the time of subdivision or development; and 3. requiring connections to Council's reticulated systems in urban areas or appropriate on-site infrastructure to be provided in other areas, at the time of subdivision.	This policy is addressed for completeness. The proposed lots will be or able to be appropriately serviced by a road, three waters, power and phone connections. Where delayed (i.e. communication connection), this is because it is more efficient to connect a house to wireless internet once it is built, than to provide a connection to a 'best guess' location on the site which is then unused. Three waters servicing will be provided within the boundaries of each new lot. Consistent

Rural Subdivision	
SUB-P10 Manage the scale, design and intensity of subdivision in the Rural Production Zone by: 1. allowing one additional record of title for a small allotment only where there is a large balance area; 2. managing subdivision that does not comply with Subdivision Effects Standards; 3. managing subdivision that involves multiple allotments with a large balance area and only allowing multiple records of title from the parent title where the overall productive capacity of highly productive land will be retained over the long term; and 4. avoiding subdivision that would compromise the role, function and predominant character of the Rural Production Zone, or is more typical of patterns of development in urban areas.	This policy seeks to manage (i.e. control and organise) subdivision through several available methods, as applicable. Point 1. Relates to the controlled consenting pathway for creating a lot (no less than 4,000 m²) from a parent title, with a large balance area. This pathway is not applicable to this application. Point 2. Applies to this application. The activities will create lots that meet the minimum lot size, have building platforms, can be fully serviced, have vehicle access, and provide an esplanade strip. There are some marginal non-compliances with the standards, though overall the general intent of the standards is realised through the subdivision or subsequent development. For point 3. This proposed subdivision is being managed (via design, and thereafter ongoing controls via consents and/or restrictions on titles) as a proposal for multiple allotments with a large balance area, of which a minimum area requirement is not stated in the policy. This point mentions highly productive land because the NPS-HPL has directed this as a higher-order RMA regulation. In this regard the application is supported by a suitable expert report that confirms the subdivision is exempt from the requirements of the NPS-HPL. The point is partially applicable but the highly productive land aspect is not. Point 4 is consistent with the PODP considering a non-complying subdivision but only if it maintains the integrity of the role, function and predominant character of the RPOZ. It also seeks rural properties that are not typically urban. I break down the components of point 4 further as follows. Role: The role of the RPOZ is not defined in the PODP but can reasonably be inferred as providing predominantly for agricultural / pastoral / horticultural activities alongside residential / visitor accommodation, Māori purpose and rural produce retail activities (reflective of Policy RPOZ-P1 in the RPOZ chapter). The proposed subdivision provides for these roles being predominantly unbuilt space available for production, with supporting residential activities, and the

	continuation of an established poultry farm. There are no unaddressed identified off-site effects on other RPOZ sites that suggest the role of new rural-residential sites in the RPOZ would be compromised. Therefore, the role of the RPOZ is not being compromised by the proposed activities. Function: The function of the poultry farm and other paddock areas on Lot 4 will continue and is protected by the no-complaints covenants. The function of the proposed residential uses on the new lots is provided for by the proposed setbacks, acoustic insulation controls, and demonstrated negligible effects of the operation of the poultry farm. There are no identified off-site effects that suggest function of other sites will be compromised. Overall, the function of the RPOZ is not compromised by the proposed subdivision. Character: This has been analysed earlier in my evidence. For the reasons explained, including maintaining space and the other key elements of rural character, combined with these not being affected on other surrounding sites, it is demonstrated that the character of the RPOZ is not being compromised by the proposed subdivision. Urban patterns of development: Per the Subdivision chapter, the minimum lot size of the General Residential Zone (GRZ) which is a typical urban zone, is 400 m². Other bulk and location standards of development in the GRZ include building coverage of 40% of the site, and 1.5 – 3 m setbacks from boundaries. The proposed lots and their subsequent development have been designed to comply with the RPOZ standards. In comparison these require 4,000 m² lot sizes, do not have a coverage standard, and have 15-30 m setbacks. The proposed subdivision is therefore not a typically urban design. Overall, in relation to point 4 it is demonstrated that the proposed subdivision does not need to be avoided. For the reasons explained, the proposal is consistent with the policy. I disagree with the assessment against SUB-P10 in the Hearings Report, which states that "<i>In the case of the proposed</i>
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	<i>subdivision the balance allotment, Lot 3, is not a large balance area (the PODP requires 20ha)."</i> The policy does not place weight on a large balance allotment being 20 ha. I consider 4.39 hectares to be a reasonably large lot in its own right, because: - This is 10 times the area of the minimum lot size of the RPOZ. In the context of the RPOZ it is reasonable to call a 4,000 m² lot a small lot. I consider a lot that is this magnitude larger than the minimum lot, to be a large lot; - Taking into account the developed area of poultry farm on proposed Lot 3, and the remaining 2.84 Ha of unbuilt space as demonstrated earlier, the lot is too onerous to mow / will continue to support grazing animals and therefore constitutes a 'large lot'. The assessment has not addressed point 4 of the policy which I addressed earlier, but relies on 'large lot' commentary. As per my assessment above, the proposed activities demonstrate they will not compromise the role, function and character of the RPOZ (per point 4), and therefore go on to be consistent with the policy.
SUB-P12 Ensure that subdivision in the Rural Zones results in lot sizes and lot configurations that: 1. are appropriate for the development and land use intended by the zone; 2. are compatible with the role, function and predominant or planned character of the zone; 3. maintain rural character and amenity; and 4. are consistent with the quality and types of development envisaged by the zone objectives and policies, including by minimising any reverse sensitivity effects and conflict with activities permitted in the zones.	Similarly to earlier assessment, the size and design of all proposed lots and their subsequent development: 1. Are appropriate for rural-residential (Lots 1, 2 and 4) and larger scale continued productive use (Lot 3) as intended by the RPOZ; 2. Are compatible with the role, function and character of the zone; 3. Maintain rural character and amenity; and 4. Are broadly consistent with the RPOZ policy direction (as assessed later in this table). Reverse sensitivity effects and potential conflict with the poultry farm are minimised through development controls / no-complaints covenant and operational practices.

	Consistent I disagree with aspects of the following paragraph of the Hearings Report which are in context of assessing P12, and provide reasons afterwards: <i>"While the District Plan provides limited opportunity for the creation of lifestyle allotments within the zone, and the proposed lot sizes are capable of meeting the relevant minimum area standards, their establishment in this location is not anticipated by the spatial outcomes sought under the Plan. The introduction of additional lifestyle allotments would represent a change in the existing development pattern, compromising the current low-density built form and resulting in land uses that are incompatible with the operation of a working poultry farm. This has the potential to give rise to land use conflict."</i> Reasons: - The PODP provides several pathways for consideration of different spatial outcomes associated with the creation of rural-residential lots; - A change in a development pattern of a site is not in itself adverse. The development pattern on the site will change, and this will be consistent with the character of other sites and development in the area; - Low density built form will be maintained for reasons explained earlier; - Existing neighbouring residential uses demonstrate compatibility with the working poultry farm, and the evidence indicates that the proposed residential units will be the same; and - Therefore, the potential to give rise to land use conflict is sufficiently mitigated.
SUB-P14 Require subdivision design and layout in the Rural Zones to respond positively to, and be integrated with the surrounding rural or rural lifestyle context, including by:	The proposed subdivision responds positively to, and is integrated with surrounding rural context, in the following ways (per the listed points): 1. Setting new development back sufficiently from features such as the river, gas pipelines, poultry farm, the railway and road, supporting these features'

1. incorporating physical site characteristics, constraints and opportunities into subdivision design; 2. minimising earthworks and land disturbance by designing building platforms that integrate into the natural landform; 3. avoiding inappropriately located buildings and associated access points including prominent locations as viewed from public places; 4. incorporating sufficient separation from zone boundaries, transport networks, rural activities and rural industry to minimise potential for reverse sensitivity conflicts; 5. incorporating sufficient separation between building platforms and scheduled features to minimise potential adverse effects on those features and providing for the protection and maintenance of indigenous biodiversity; 6. where a subdivision has the potential to compromise cultural, spiritual or historic values of importance to tangata whenua, considering the outcomes of any consultation with tangata whenua, including any expert cultural advice provided with respect to: a. opportunities to incorporate mātauranga Māori into the design and development of the subdivision; b. opportunities for tangata whenua's relationship with ancestral lands, water, sites, wāhi tapu and other taonga to be maintained or strengthened; and c. options to avoid, remedy or mitigate adverse effects; 7. promoting sustainable stormwater management through water sensitive design solutions; and 8. in the Rural Lifestyle Zone, achieving patterns of development and allotment sizes that provide opportunities for rural lifestyle living.	ongoing functions and reducing interaction with them. Providing a substantial area of protected land (no buildings, no trees over 4 m) at the front of the site to contribute to ongoing unbuilt space. 2. The proposal utilises flat or gently sloping land for new residential units. This avoids the need for substantial earthworks and landform change. 3. Future buildings will comply with the bulk and location requirements, in known building platforms to be designated on the LT plan, and this ensures their appropriateness per the messaging of the PODP RPOZ effects standards. Proposed planting will generally screen views into the site from the road, being the main public place for viewing. 4. The subdivision is designed to set development back from all features listed in point 4, and has a reverse sensitivity restriction in relation to the poultry farm. 5. Proposed building platforms are set back from any scheduled features as previously explained. The proposal includes planting in the proposed esplanade strip which will protect and maintain indigenous biodiversity values along the stream corridor to a small degree. 6. The opportunity for feedback on the proposal was provided to Te Atiawa and no specific outcomes of consultation resulted. However, the inclusion of an esplanade strip and planting along the river are consistent with protecting cultural values that may be associated with it. 7. Stormwater on each lot is firstly likely to be captured for potable use, which is a sustainable use of rainwater. Overflows will soak to ground which is a typical practice, and not unlike what occurs naturally. 8. Is not applicable as the site is not in the Rural Lifestyle Zone.
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	Taking into account the assessment above, the proposed subdivision is consistent with the policy.
SUB-P15 Ensure that subdivision in the Rural Lifestyle or Rural Production Zones maintains or enhances the attributes that contribute to rural character and amenity values, including: 1. varying forms, scales, spaciousness and separation of buildings and structures associated with the use of the land; 2. maintaining prominent ridgelines, natural features and landforms, and predominant vegetation of varying types; 3. low population density and scale of development relative to urban areas; 4. on-site servicing and a lack of urban infrastructure; and 5. in the Rural Production Zone, the continued and efficient operation of rural activities and productive working landscapes.	The proposed subdivision appropriately maintains, and in aspects enhances, attributes for rural character and amenity values, in the following ways (per the points): 1. The combination of the existing buildings, plus controls on height and appearance of new buildings, all being spatially separate with noticeable unbuilt space, maintains rural character and amenity; 2. No prominent ridgelines are present. The river and its margin are maintained as the main natural feature. No landform change is required to facilitate the subdivision or development. As demonstrated earlier, each lot retains predominantly unbuilt, likely grassed space, with scattered existing and proposed hedges and the proposed riparian planting. 3. The proposal results in a total of four residential units over an area of seven hectares. The smallest lot is 5,079 m² in area and this (and all other proposed lots) is consistent with the minimum lot size requirement of 4,000 m². Accordingly, the subdivision demonstrates a low scale and density of development relative to urban areas. 4. On-site servicing is or will be provided. Power will be installed underground, and telecommunications can be supplied wirelessly at time of development. 5. The activities provide for the continued operation of rural activities and working landscape on the site in terms of both the poultry farm, with other undeveloped space making up the bulk of each lot being available for production. Rural activities on surrounding sites will also continue to operate, unaffected by the proposed activities.

	Taking into account this assessment, the proposal demonstrates that it is maintaining the attributes that contribute to rural character and amenity values, consistent with the policy.
In summary, the subdivision provisions set a multitude of parameters against which to consider different subdivision designs, including those which would be non-complying. In this case a sufficiently large balance allotment is being created, spaciousness is provided on each proposed lot and on the balance, and built form can reasonably be considered to be low density. Rural character is overall maintained, and conflict of use is mitigated. Overall, the proposal demonstrates consistency with the relevant subdivision provisions.	

Rural Production Zone	
Objectives	
RPROZ-O1 Productive land and resources support a range of production oriented and resource dependent activities.	A range of production oriented activities is supported on all proposed Lots. Consistent
RPROZ-O2 The Rural Production Zone is predominantly used for primary production.	As demonstrated earlier, the majority of each lot, the application site, and accordingly its contribution to the zone as a whole, provide for predominantly primary production activities. Consistent
RPROZ-O3 The role, function and predominant character of the Rural Production Zone is not compromised by incompatible activities.	As per earlier assessment, activities on all lots can be managed and/or are operated such that they will be compatible, and will therefore preserve the role, function and predominant character of the zone. Consistent
RPROZ-O4 Maintain the predominant character and amenity of the Rural Production Zone, which includes: 1. extensive areas of vegetation of varying types (for example, pasture for grazing, crops, forestry and indigenous vegetation and habitat) and the presence of natural features, historic heritage, Māori purpose activities, and large numbers of farmed animals; 2. low density built form with open space between buildings that are predominantly used for agricultural, pastoral and horticultural activities (for example, barns and sheds), low density rural living (for example, farm houses and worker's cottages) and community	The proposed activities will maintain the predominant character and amenity of the zone, with regard for the following factors (per the numbering of points): 1. The site will continue to contribute substantial unbuilt space and this is in a mixture of vegetation including pasture, hedges, and riparian planting. There is no notable historic heritage on the site. A large number of (indoor) farmed poultry will remain, as will several outdoor grazing animals such as beef or sheep. 2. Low density built form and space between buildings is achieved for reasons addressed earlier. Those buildings will be for

activities (for example, rural halls, domains and schools); 3. a range of noises, smells, light overspill and traffic, often on a cyclic and seasonable basis, generated from the production, manufacture, processing and transportation of raw materials derived from primary production; 4. interspersed existing energy activities and rural industry facilities associated with the use of the land for intensive indoor primary production, quarrying, and cleanfills; and 5. the presence of rural infrastructure, including rural roads, and the on-site disposal of waste, and a general lack of urban infrastructure, including street lighting, solid fences and footpaths.	agricultural (poultry) and rural living activities. 3. There will be some noises, smells, light overspill and traffic, often on a cyclic basis, from the poultry farm. There will be no complaints covenants in place to continue to provide for these for the operation of the poultry farm. To a small extent, these effects will also be generated on the other proposed lots. 4. There will be the poultry farming activity on one lot out of four, and there are none on other adjacent titles. This means that they remain interspersed with other activities. 5. Te Arei Road West does not require an upgrade to support any extra demand generated by the subdivision. On-site disposal of wastewater will occur in each lot. No urban infrastructure as listed will be visible in the landscape. For these reasons it is considered that the proposal achieves the objective for the zone as a whole.
RPROZ-O5 The Rural Production Zone is a functional, production and extraction orientated working environment where primary production and rural industry activities are able to operate effectively and efficiently, while ensuring that: 1. the adverse effects generated by primary production and rural industry activities are appropriately managed; and 2. primary production and rural industry activities are not limited, restricted or compromised by incompatible activities or reverse sensitivity effects.	It is demonstrated that the poultry farm and nearby residential activities are operating optimally and without conflict. As such it is considered that the zone will continue to support the poultry farm activity, with the new residential units nearby, and that these will be compatible. Reverse sensitivity effects are sufficiently addressed. Consistent
RPROZ-O6 Natural features, highly productive land, tangata whenua values, rural character and amenity are not compromised by adverse changes to landform, intensification of land use activities (excluding agricultural, pastoral and horticultural activities) and/or built form, or urbanisation.	Minimal landform change will occur and this will not be adverse. The addition of residential units and associated built form (e.g. a house and shed), will not compromise the listed aspects for the following reasons: - Regarding natural features, the building areas are set back from

	the river, which remains in Lots 3 and 4; - Highly productive land, as explained earlier, is not mandated to be protected on this site under the NPS-HPL; - Consultation outcomes did not result in notable tangata whenua values. Nonetheless, riparian planting along the river will contribute to its protection; - With regard to rural character and amenity: each lot will be mostly unbuilt space, and this space will be present between the building platforms on each lot, each lot will have varied vegetation, primary production will be maintained through grazing and poultry activities, and urban servicing is avoided. There is evidence that all activities will be able to occur whilst maintaining appropriate amenity for neighbours. Consistent
RPROZ-O7 Sensitive activities are designed and located to avoid conflict with primary production and avoid, or mitigate adverse reverse sensitivity effects.	There is potential for inconsistency with the objective if conflict is created. The addition of proposed residential units on Lots 1 and 2 has been designed and located with setbacks from the poultry farm, separate vehicle access, acoustic insulation, and no-complaints covenants. For conflict to occur, there must be effects generated by the poultry farm that result in a negative experience by neighbours. The evidence is that this is not occurring. The proposed activities therefore avoid conflicts and mitigate reverse sensitivity effects. Consistent
Policies	
RPROZ-P1 Allow activities that are compatible with the role, function and predominant character of the Rural Production Zone, while ensuring their design, scale and intensity is appropriate, including: 1. agricultural, pastoral and horticultural activities; 2. residential activities;	Agricultural / pastoral activities in the form of animal grazing will continue to be accommodated on each proposed lot, which will also accommodate residential activities. Design, scale and intensity of each is appropriate as follows: - Smaller scale grazing can occur on all lots. This is a reasonably low intensity activity without significant effects that require management, and is anticipated

3. residential visitor accommodation; 4. Māori purpose activities; and 5. rural produce retail.	be a generally appropriate surrounding activity (e.g. in unbuilt space) on all lots; - The residential activities are to be placed in specific building platforms, set back into their lots and from surrounding features including the poultry farm. There will be only one residential unit per lot, and other controls are placed on the appearance / height / acoustic insulation of buildings and servicing. All lots include some mitigative planting. Consistent
RPROZ—P2 Manage activities that are potentially compatible with the role, function and predominant character of the Rural Production Zone and ensure it is appropriate for such activities to establish in the Rural Production Zone, having regard to whether: 1. the activity is compatible with the character and the amenity of the rural area; 2. the activity will limit or constrain the establishment and operation of agricultural, pastoral and horticultural activities; 3. the activity will reduce the potential for versatile land to be used for productive purposes and in a sustainable manner; 4. adequate on-site infrastructure and services are available or can be provided to service the activity's needs; 5. adverse effects can be internalised within the activity's site; and 6. the activity will not result in conflict at zone interfaces. Potentially compatible activities include: 1. community facilities; 2. camping grounds; 3. sport and recreation activities; 4. rural industry; 5. aquaculture; 6. mining;	This policy is substantially drafted for a situation where a new potentially compatible activity seeks to establish. In this case, it must be applied in context of the established poultry farm as part of the existing environment, and its interaction with the residential units on proposed Lots 1, 2 and 4. The poultry farm is being managed to be compatible with the RPOZ, and the points of the policy are addressed as follows: 1. For reasons explained, the poultry farm will remain compatible with the character and amenity of the rural area. I note this policy has a wider view than specifying 'on other sites'. In this regard, poultry farms, grazing activities and residential units consistent with the proposal are widespread and mixed together across the broader Lepperton / Sentry Hill area. 2. The poultry farm does not impact continued grazing as an agricultural / pastoral activity on the proposed lots. 3. As above. 4. The poultry farm has on-site servicing and this will continue after subdivision. 5. It is demonstrated that the poultry farm is appropriately internalising adverse effects. This is anticipated to continue. 6. No zone interface is located in proximity to the site.

7. intensive indoor primary production; 8. rural transport activities; 9. Quarries; 10. retail activities (except supermarkets, large format retail activities and integrated retail activities); 11. business service activities; 12. commercial service activities; 13. industrial activities; 14. emergency service facilities; 15. educational facilities (except Māori purpose activities); 16. residential activities associated with Green School at Koru Road; and 17. community corrections activities.	Consistent
RPROZ-P3 Avoid activities that are incompatible with role, function and predominant character of the Rural Production Zone and activities that will result in: 1. reverse sensitivity effects or conflict with permitted activities in the zone; or 2. adverse effects, which cannot be avoided, or appropriately remedied or mitigated, on: a. rural character and amenity values; b. the productive potential of highly productive soils and versatile rural land. Incompatible activities include: 1. residential activities (except papakāinga) and rural lifestyle living that are not ancillary to rural activities; 2. retirement villages; 3. visitor accommodation (excluding residential visitor accommodation); 4. supermarkets; 5. integrated retail activities; and 6. large format retail activities.	For context, this policy is reasonably closely linked with non-complying activity rules RPOZ-32 through 37 in the PODP which include the activities listed from 2 – 6 under "<i>incompatible activities include</i>" in the policy. However, instead of "<i>residential activities (except papakāinga) and rural lifestyle living that are not ancillary to rural activities</i>", the rules list "<i>multi-unit developments</i>" which are three or more residential units per site. The messaging of this policy is consistent with three units per lot having a high activity status for resource consent application, whereas conversely a residential unit per rural lot is at a density of development that is permitted by the PODP. The latter is as per the design of this subdivision, which includes a control to prevent any more than one residential unit per site. Nonetheless, as read at face value, wording of the policy suggests that the policy requires assessment in relation to the proposed residential activities for this application. Broadly, one residential unit that complies with boundary setback standards, per lot that complies with minimum lot size standards, are activities that are compatible with the RPOZ. The proposed residential units and ongoing controls on titles are designed to address reverse sensitivity effects, and as the poultry farm operates with no conflicts currently, the evidence does

	not say that conflicts with it will arise for the new units. The design of the lots, controls on development, and mitigation planting, appropriately mitigate effects of the residential units on rural character and amenity values. Highly productive soils need not be avoided in this instance for reasons explained previously, but nonetheless there remains unbuilt space on all lots for production activities. Consistent I address some parts of the Hearings Report as follows: <i>"Overall, the proposal is only partly consistent with the objectives and policies of the zone and is contrary to the most directive 'avoid' requirements of Policy RPROZ-P3 and incompatible with RPROZ -P7 largely due to the size of the title being subdivided."</i> The policy has an apparently directive 'avoid' aspect, though this is depending on an activity being tested as: - <i>"incompatible with role, function and predominant character of the Rural Production Zone", or</i> - an activity that has the matters listed in 1 and 2(a,b) of the policy. In this instance, the proposed activities are not failing either test. The direction is therefore not to avoid them.
RPROZ-P4 Maintain the role, function and predominant character of the Rural Production Zone by controlling the effects of: 1. building height, bulk and location; 2. setback from boundaries and boundary treatments; and 3. earthworks and subdivision.	The role, function and predominant character of the zone is being maintained, as the proposed activities are designed with regard for the points of the policy as follows: 1. RPOZ standards would permit residential units of 8 m tall and all other structures (e.g. sheds) to be 12 m. The proposed activities include a consent notice on all lots to restrict all buildings to no more than 6 m tall. This, plus the controls on recessive colours with low LRVs, appropriately control the effects of building height and bulk. Location is addressed below. 2. The proposal to restrict buildings to footprints that substantially comply with the permitted boundary setbacks (30 m from a road boundary, 15 m from a side

	boundary) to control effects of the location of buildings. Boundary treatments are proposed in the form of road boundary hedge planting, plus limited on fencing to be post and rail or post and batten only. 3. Minimal earthworks are required to facilitate the subdivision, and for building on the platforms of Lots 1 and 2 thereafter, as the flat context of the land does not require extensive work in order to facilitate vehicle access / servicing / building. This proposed subdivision has been designed with extensive regard for maintaining the role, function and character of the zone. Consistent
RPROZ-P5 Require the effects generated by activities to be of a type, scale and level that is appropriate in the Rural Production Zone and that will maintain rural character and amenity, including by: 1. managing noise and light emissions to an acceptable level, particularly around sensitive activities; and 2. managing high traffic generation activities that compromise the safe and efficient use of the transport network.	This policy is addressed for completeness. The type, scale and level of effects generated by the poultry farm and new residential units are appropriate for the zone and to maintain rural character and amenity, with regard for the points listed as follows: 1. Neither use is anticipated to generate noise or light to an unacceptable level. This is currently demonstrated by the poultry farm, and residential activities are low-intensity activities in the rural environment. An acoustic insulation requirement is proposed on Lots 1 and 2 in order to manage noise received from other sites and activities. 2. The proposal does not involve high traffic generation activities. Consistent
RPROZ-P6 Ensure large-scale primary production and rural industry are designed and located appropriately, having regard to: 1. the duration or permanency of the activity; 2. whether the primary access is located on an arterial or collector road or a road designed to provide for anticipated traffic generation;	This policy is addressed for completeness. The poultry farm may potentially be considered to be a large-scale primary production activity; the PODP provides no guidance as to what constitutes large-scale. As a matter of background, it is of a similar size to the other poultry farming applications in this area. The poultry farm in relation to this subdivision and the proposed residential units, is designed and located

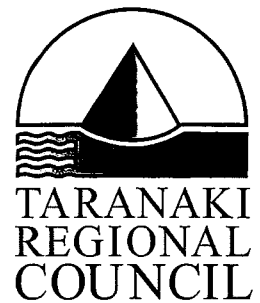
3. sufficient separation from sensitive activities by distance or topography to avoid risk to people, property and the environment; 4. whether the activity may compromise any cultural, spiritual or historic values of importance to tangata whenua, and if so, the outcomes of any consultation with tangata whenua, including any expert cultural advice provided with respect to mitigation options; 5. the extent of rehabilitation proposed and whether it will result in a net environmental benefit for the immediate area or community or establish land use appropriate to the area; 6. methods for avoiding adverse effects on scheduled features; and 7. minimisation of adverse visual effects through screen planting, building design, siting, and the retention of existing vegetation.	appropriately, with regard to the listed points as follows: 1. The activity may be long-term or permanent. It has operated for 18 years to date without complaint, and as no changes to the poultry farm operations form part of this application, this is anticipated to continue. 2. The access is located on this Local Road which has slower traffic volumes than the other two hierarchies of road listed. The new vehicle access will be further from a corner which restricts sight distances. 3. The poultry farm is of sufficient separation from the proposed sensitive activities, per the evidence relating to those of the same distance across the river. A hedge will contribute to this separation. Risks to people, property and environment are considered to be mitigated. 4. As the poultry farm is existing, there have been no indications of compromising effects on values of tangata whenua and no specific outcomes of consultation relating to this proposed subdivision with new residential units. 5. There is considered to be no notable need for rehabilitative actions in relation to the poultry farm, should it cease one day. These are typically associated with activities such as quarries where the landform is fundamentally altered. 6. The proposal includes screen planting both along the road and in lots and around building platforms. The poultry farm buildings are of a low profile, with light green walls and grey roofs, which contribute to mitigating effects. They are set back from the road and side boundaries, and hedges and riparian planting will be retained and enhanced on the site. Noting controls proposed regarding new building heights and appearances, and on lighting, the poultry farm will adequately minimise adverse visual effects.
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	Consistent
RPROZ-P7 Require sensitive activities to be appropriately located and designed to avoid or mitigate reverse sensitivity effects, risks to people, property and the environment, and conflict with activities permitted in the Rural Production Zone, including by: 1. ensuring sufficient separation by distance or topography between sensitive activities and zone boundaries, transport networks, primary production, significant hazardous facilities and rural industry; 2. adopting appropriate design measures to minimise the impact of off-site effects of rural industry that cannot be internalised within the rural industry activity's site; and 3. utilising landscaping, screen planting or existing topography to minimise the visual impact of rural industry.	The proposed residential activities are designed to mitigate reverse sensitivity effects through the no-complaints covenants proposed. There are considered to be no risks to people, property or the environment associated with the units. The overall proposal is designed to mitigate conflict between the units and the poultry farm including by way of acoustic insulation, and with regard to the points listed as follows: 1. In the context of the negligible effects from the operation of the poultry farm to date, there is sufficient separation distance for mitigation of effects, with a hedge buffer, between the units and the poultry farm. It has been demonstrated as sufficient by the same distance applying to other sensitive activities on sites nearby. 2. Is not relevant because the poultry farm is not what the PODP anticipates as 'rural industry', which would be an activity like a fertiliser depot; 3. As above. Consistent I note that the Hearings Report states <i>"Similarly, RPROZ-P7 requires sensitive activities to be appropriately located to avoid or mitigate conflict with activities permitted in the Rural Production Zone through separation and topography."</i> I consider this has omitted the aspect of the policy that provides for design of sensitive activities more broadly, not limiting that to a separation distance. In this regard proposed Lots 1, 2 and 4 will have acoustic insulation requirements. This increases their resilience to rural noises in proximity, generally. The policy also again relates to the concept of conflict. There is no evidence that the poultry farm is causing and will therefore cause effects that would result in conflict. Finally, the report states: <i>"Overall, the proposal is only partly consistent with the objectives and policies of the zone and is contrary to the most directive 'avoid' requirements of Policy RPROZ-P3 and incompatible</i>

	<i>with RPROZ -P7 largely due to the size of the title being subdivided."</i> I consider that P7 messaging is about considering sufficient separation distance amongst design factors, with this being a judgement based on the merits of the proposed activities. It puts no dependency on the size of a title being subdivided nor resulting lot sizes.
RPROZ-P8 Require that buildings and structures associated with large scale activities maintain rural character and visual amenity by: 1. locating buildings away from prominent ridgelines and providing separation between buildings; 2. requiring buildings to be designed to a form and scale that is in keeping with the rural landscape of the area; 3. softening with vegetation related to the area and using appropriate boundary treatments; and 4. minimising adverse visual effects through use of appropriate materials and recessive colours.	This policy is addressed for completeness, again as the PODP is not clear on the exact parameters of 'large scale activities'. 1. The poultry sheds avoid prominent ridgelines. Noting they form the existing environment, there is some separation between them, and the subdivision is designed with reasonable spatial buffers and hedges to separate new building platforms and the poultry sheds. 2. For reasons explained previously, the current poultry sheds are of a form and scale that is in keeping with the rural landscape of this area. Further, new buildings on Lot 3 will be subject to height, cladding and roofing colour controls that will achieve consistency with the rural landscape of the area. 3. Vegetation is proposed in mitigation plantings e.g. along the Lot 3 road boundary, and internal to the lot nearer to its building platform. This vegetation can be native to be consistent with the area. Boundary treatments include specifically rural fencing. 4. As above, recessive colours for building cladding and roofing will be mandated via a consent notice on the title for Lot 3. Consistent
I address some areas of the "Assessment - Rural Production Zone Chapter" in the Hearings Report, as follows. <i>"The Rural Production Zone Objectives and Policies outline the role, function and character for the zone, stating that it should be used predominantly for primary production and that it should not be compromised by incompatible activities such as residential and lifestyle activities that are not ancillary to rural activities."</i> It is true that Objective O2 is with regard to the predominant use being primary production. It is also true that Objective RPOZ-O4 (2) goes on to include low density rural living and community activities as being part of the predominant character and amenity of the RPOZ. I consider it oversimplification to only mention primary production as the RPOZ's role, function and character. I also reiterate that all proposed lots have predominantly unbuilt space that is available for rural activities.	

Addendum D – TRC Consent Information

- Discharge Permit R2/4131-2 and Officer's Report
- Discharge Permit 5260-2.2



CHIEF EXECUTIVE
PRIVATE BAG 713
47 CLOTEN ROAD
STRATFORD
NEW ZEALAND
PHONE: 06-765 7127
FAX: 06-765 5097
www.trc.govt.nz

Please quote our file number
on all correspondence

Discharge Permit
Pursuant to the Resource Management Act 1991
a resource consent is hereby granted by the
Taranaki Regional Council

Name of
Consent Holder: Popuanui Chicken's Limited
W & S Curry
24 Te Arei Road West
R D 3
NEW PLYMOUTH 4373

Consent Granted
Date: 30 April 2008

Conditions of Consent

Consent Granted: To discharge poultry effluent from the cleaning of broiler
chicken sheds by spreading onto and into land in the
vicinity of the Waiongana Stream at or about (NZTM)
1704691E-5678841N

Expiry Date: 1 June 2026

Review Date(s): June 2014, June 2020

Site Location: Te Arei Road West, Lepperton

Legal Description: Lot 4 DP 5842 Blk III Paritutu SD

Catchment: Waiongana

*For General, Standard and Special conditions
pertaining to this consent please see reverse side of this document*
www.trc.govt.nz

Doc# 505643-v1

Consent 4131-2

General conditions

- a) On receipt of a requirement from the Chief Executive, Taranaki Regional Council the consent holder shall, within the time specified in the requirement, supply the information required relating to the exercise of this consent.
- b) Unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent must be at the consent holder's own expense.
- c) The consent holder shall pay to the Council all required administrative charges fixed by the Council pursuant to section 36 in relation to:
 - i) the administration, monitoring and supervision of this consent; and
 - ii) charges authorised by regulations.

Special conditions

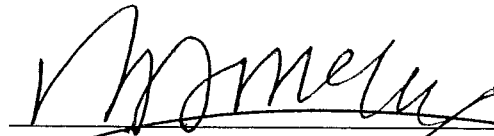
- 1. The exercise of this consent shall be undertaken substantially in accordance with the documentation submitted in support of application 4829. In the case of any contradiction between the documentation submitted in support of application 4829 and the conditions of this consent, the conditions of this consent shall prevail.
- 2. The volume of washdown water discharged shall be no greater than 4.5 cubic metres per poultry shed per day.
- 3. The consent holder shall at all times adopt the best practicable option, as defined in section 2 of the Resource Management Act 1991, to prevent or minimise any adverse effects of the discharge on the environment.
- 4. The exercise of this consent shall not result, or be liable to result in, any contaminant entering surface water.
- 5. The discharge licensed by this consent shall not occur within 50 metres of any well or bore used for water supply purposes, nor within 25 metres of any surface water body.
- 6. Over any 12 month period the amount of Total Nitrogen applied to land as a result of the discharge shall be no more than 200 kg per hectare of land used for effluent application over that period.
- 7. The discharge shall not result in ponding on the surface that remains for more than three hours after the discharge has ceased.

Consent 4131-2

8. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2014 and/or June 2020, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

Transferred at Stratford on 29 June 2008

For and on behalf of
Taranaki Regional Council

A handwritten signature in black ink, appearing to read 'M. Mearns', is written over a horizontal line.

Director-Resource Management

Memorandum

To Colin McLellan, Consents Manager
From Katrina Spencer, Consents Officer
File 4131 [4829]
Document 447187
Date 22 April 2008

To discharge poultry effluent from the cleaning of broiler chicken sheds by spreading onto and into land in the vicinity of the Waiongana Stream

Applicant	Egmont Chicken Company Limited
Postal address	24 Te Arei Road West, R D 3, New Plymouth
Site location	Te Arei Road West, Lepperton
Grid reference	2614782E-6240586N
Legal description	Lot 4 DP 5842 Blk III Paritutu SD
Catchment	Waiongana No: 394.000
Review date[s]	June 2014 and/or June 2020
Expiry date	1 June 2026

1. Introduction

Egmont Chicken Company Limited ['the applicant'] has lodged an application [4829] to discharge poultry effluent from the cleaning of broiler chicken sheds by spreading onto and into land in the vicinity of the Waiongana Stream.

Discharge permit 4829 was granted on 2 December 1992 and is due to expire in June 2008. The applicant has also lodged an application to renew discharge permit 5260 [application 4830] to discharge emissions into the air from a poultry farming operation and associated practises including waste management activities.

There is sufficient information provided with the application for an informed decision to be made, and the application [4829] has been processed in accordance with the Taranaki Regional Council's [Council] *Resource Consents Procedure Document*, and the Resource Management Act 1991 [the Act].

A draft of this report was sent to the applicant and they indicated that they had no concerns.

2. Regional Fresh Water Plan for Taranaki

The *Regional Fresh Water Plan for Taranaki* [RFPW] details Council policies in relation to fresh water. The RFPW has been operative since 2001.

This application falls under Rule 37 of the RFPW and is a controlled activity [that may be non-notified without written approval]. Rule 37 of the RFPW provides for the controlled activity status for the:

Discharge of piggery or poultry washdown water or poultry effluent onto or into land.

The standards and matters over which Council has reserved its control its discretion are discussed below.

2.1 Standards under Rule 37

Rule 37 has five standards/terms to be met:

- The discharge shall not result or be liable to result in any contaminant entering surface water;
- Discharge shall not occur within 50m of any bore or well used for water supply purposes;
- Discharge shall not occur within 25m of any surface water body;
- The discharger shall at all times adopt the best practicable option to prevent or minimise any adverse effects of the discharge on the environment;
- The effluent application rate shall not exceed 200 kg N/ha/yr.

The discharge will occur at least 25 metres from the Waiongana Stream onto and into land surrounding the sheds owned by the applicant, thereby meeting the first and third standard. The discharge will not be within 50 m of any known bore or well used for water supply purposes, which meets the second standard.

Appendix VIID of the RFPW contains information on good management practices for the discharge of poultry washdown water onto or into land, and provides general guidance on the best practicable option for preventing or minimising adverse effects on the environment for the discharge. The applicant has indicated in the application that they operate in accordance with Tegel Foods limited operations manual and the codes of practise set out by the Poultry Industry Association of New Zealand.

The small volume of washdown water, the small amount of solids and the infrequency of the discharge will ensure that the fifth standard is met.

It is therefore considered that application 4829 is classified as a controlled activity pursuant to Rule 37 of the RFPW. The matters over which Council has reserved its control with respect to Rule 37 of the RFPW are discussed in section 4.2.2 below.

2.2 Matters over which the Council has reserved its control

The Council is satisfied that the activity meets all the standards for a controlled activity. It must therefore grant the consent but may impose conditions in respect of those matters over which it has reserved control. Those matters over which the Council has reserved its control its discretion:

- Location and area of disposal;
- Design, construction, location, operation, and maintenance of effluent storage, treatment and disposal system;
- Conditions relating to minimum effluent quality and to volume and application rates;
- Administrative charges;
- Monitoring and reporting requirements;
- Duration of consent;
- Review of the conditions of consent and the timing and purpose of the review;
- The setting of conditions relating to the effects of the discharge on public water supplies.

3. Consultation

The applicant has consulted with surrounding landowners and occupiers, including all owners and occupiers of dwelling houses within 400 metres of the discharge point.

Any written approvals needed from affected persons are discussed under “Non-notification” below.

4. Non-notification

Section 93(1) of the Act states that a consent authority must notify an application for a resource consent unless:

- (a) *the application is for a controlled activity; or*
- (b) *the consent authority is satisfied that the adverse effects of the activity on the environment will be minor.*

Pursuant to Rule 37 of the RFWP the proposed activity is a controlled activity that may be non-notified without written approval from anybody who may be adversely affected. However the applicant has obtained written approval from neighbouring landowner and occupiers for both renewal applications [4829 & 4830]:

- KN & PL Rawlinson, 198 Richmond Road
- JG & MR Shepherd, 56 Te Arei Road West
- K Ruddick, 39 Te Arei Road West
- M Day [Tenant] of 264 Richmond Road owned by N Lockwood
- A Ryder, Te Arei Road West

This application is therefore being processed on a non-notified basis pursuant to section 93(1)(a) and 94(2).

5. Assessment of effects [relating to matters over which the Council has reserved control]

Egmont Chicken Company Limited [‘the applicant’] operates a poultry broiler farm located on Te Arei Road West near Lepperton [Figure 1]. The northern and eastern boundaries of the property border the Waiongana Stream. The Waiongana Stream is recognised in the RFWP as having high recreational values as stated in Appendix 1A of the RFWP.

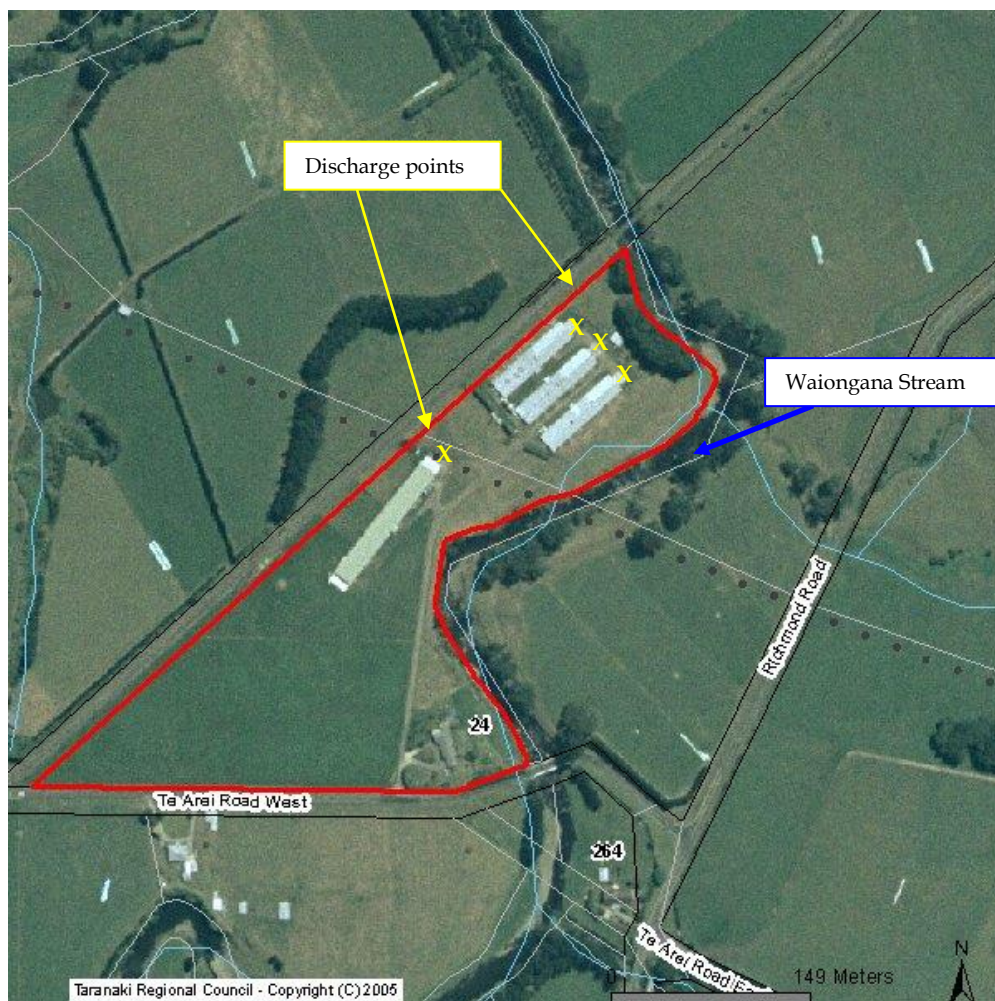


Figure 1 Location of the Egmont Chicken farm in relation to the Waiongana Stream and surrounding environment.

The property consists of four poultry sheds with a combined maximum capacity of 90,000 birds with six cycles per year. Solid waste produced on the poultry farm is removed from the property by Osflo Limited, approximately six times per year. Once the solid waste is removed from the site, the sheds are washed out for up to a week at a time [six times per year]. Wastewater from the cleanout of the sheds is discharged into the land surrounding the sheds. Consent 4131 authorises the discharge of 4.5 cubic metres per day of poultry farm effluent resulting from the cleaning of the poultry sheds.

The main concern relating to an activity of this nature is the potential for the discharged effluent to enter a surface waterbody such as the Waiongana Stream, a bore or well.

The three chicken sheds located on the northern part of the farm are in within 50 metres of the Waiongana Stream. However, any wastewater discharged from the sheds drains into a channel at the bottom of the washdown pads and then onto the surrounding pasture which separates the sheds from the Waiongana Stream.

The Council undertakes compliance monitoring of all poultry farms annually. The applicant has maintained a satisfactory level of compliance to the consent conditions set out under consent 4131.

The reporting officer visited the site on Thursday 24 April 2008 and confirmed details of the activity. Provided the activity is conducted in accordance with the application and in compliance with the recommended special conditions, then no significant effects are anticipated. It is recommended that special conditions, which reflect current Council policy, be attached to the consent.

5.1 Section 104 requirements

Subject to Part 2 of the Act, Section 104(1) requires a consent authority, when considering an application for a resource consent, to have regard to:

- a) *Any actual and potential effects on the environment of allowing the activity; and*
- b) *Any relevant provisions of-*
 - i) *a national policy statement;*
 - ii) *a New Zealand coastal policy statement;*
 - iii) *a regional policy statement or proposed regional policy statement;*
 - iv) *a plan or proposed plan; and*
- c) *Any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

The actual and potential effects of allowing the activity have been assessed and discussed in “Assessment of effects” above.

Section 104(2A) requires that when considering an application for a renewal of consent, the Council has regard to the value of the investment of the existing consent holder. The application has been processed in accordance with the requirements of the Act, and there are no other relevant regulations. There are no relevant national policy statements. The provisions of the New Plymouth District Plan are not considered to be relevant to this application.

The plans and policy statements that are relevant to this application are:

- the *Regional Policy Statement for Taranaki* [RPS];
- the *Proposed Regional Policy Statement for Taranaki* [PRPS], and
- the RFWP.

The RPS and the PRPS have 'high level' resource management policies including policies relating to the natural and physical resources of Taranaki. However, policies relevant to this application are refined and expanded on in the RFWP. Therefore, in having regard to the RFWP the Council is also having regard to the RPS and PRPS.

Relevant policies of the RFWP have been considered in the assessment of the application, specifically Policies 3.1.2, 3.1.3, 5.1.1, 6.2.1, 6.2.2, 6.2.3 and 6.2.4. The recommendation fulfils the Council's obligations under these policies.

In meeting the objectives and policies of the RPS, PRPS and RFWP the Council has also met the requirements of Part 2 of the Act.

5.2 Section 105 requirements

Section 105(1) of the Act states that if an application is for a discharge permit, or coastal permit to do something that would contravene section 15 or section 15B, the consent authority must, in addition to the matters in section 104(1), have regard to:

- a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and*
- b) the applicant's reasons for the proposed choice; and*
- c) any possible alternative methods of discharge, including discharge into any other receiving environment.*

Regard has been had to these matters in "Assessment of Effects" above.

5.3 Section 107 requirements

Under section 107(1) of the Act, the Council cannot grant a discharge permit [or a coastal permit to do something that would otherwise contravene section 15 or 15A] if, after reasonable mixing, the contaminant or water discharged [either by itself or in combination with the same, similar, or other contaminants or water], is likely to give rise to all or any of the following effects in the receiving waters:

- a) *The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials*
- b) *Any conspicuous change in the colour or visual clarity*
- c) *Any emission of objectionable odour*
- d) *The rendering of fresh water unsuitable for consumption by farm animals*
- e) *Any significant adverse effects on aquatic life.*

The Council is satisfied that these standards will be met.

6. Consent duration and review dates

An expiry date of 1 June 2026 is recommended in line with Council catchment based policy.

Recommended special condition 8 provides for review of the consent in June 2014 and/or June 2020 in accordance with standard Council Policy.

7. Monitoring

The proposed activity will be monitored for compliance to the special conditions set out in Section 10.

8. Recommended special conditions

The special conditions recommended are reasonably necessary to:

- Ensure that the standards and terms of the controlled activity are met.
- Ensure that the risk of poultry effluent wastewater reaching a water way is minimised.
- Ensure that the activity undertaken is of a scale consistent with the application and the assessment of environmental effects.
- Have been agreed to by parties to the application.

9. Reasons for recommendation

It is recommended that this non-notified application be approved for the following reasons:

- a) The requirements for non-notification have been satisfied.
- b) Provided the proposed activity is undertaken in the manner proposed and in compliance with the proposed conditions, then the exercise of this consent is unlikely to cause any significant adverse effects on the environment.
- c) The granting of this consent is consistent with the RPS, Regional Plans and the sustainable management of natural and physical resources. The proposal is therefore in keeping with the purpose and principles of Part 2 of the Act.

10. Recommendation

That application 4829, to discharge poultry effluent from the cleaning of broiler chicken sheds by spreading onto and into land in the vicinity of the Waiongana Stream, be approved for a period to 1 June 2026, with provision for review in June 2014 and/or June 2020, subject to the policies and conditions of the Taranaki Regional Council, and the following special conditions:

Special Conditions

- 1. The exercise of this consent shall be undertaken substantially in accordance with the documentation submitted in support of application 4829. In the case of any contradiction between the documentation submitted in support of application 4829 and the conditions of this consent, the conditions of this consent shall prevail.
- 2. The volume of washdown water discharged shall be no greater than 4.5 cubic metres per poultry shed per day.
- 3. The consent holder shall at all times adopt the best practicable option, as defined in section 2 of the Resource Management Act 1991, to prevent or minimise any adverse effects of the discharge on the environment.
- 4. The exercise of this consent shall not result, or be liable to result in, any contaminant entering surface water.
- 5. The discharge licensed by this consent shall not occur within 50 metres of any well or bore used for water supply purposes, nor within 25 metres of any surface water body.
- 6. Over any 12 month period the amount of Total Nitrogen applied to land as a result of the discharge shall be no more than 200 kg per hectare of land used for effluent application over that period.
- 7. The discharge shall not result in ponding on the surface that remains for more than three hours after the discharge has ceased.

8. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2014 and/or June 2020, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

Katrina Spencer
Consents Officer

Discharge Permit
Pursuant to the Resource Management Act 1991
a resource consent is hereby granted by the
Taranaki Regional Council

Name of
Consent Holder: Popuanui Chickens Limited
24 Te Arei Road West
RD 3
New Plymouth 4373

Decision Date (Review): 7 August 2015

Commencement Date 7 August 2015 (Granted Date: 30 April 2008)
(Review):

Conditions of Consent

Consent Granted: To discharge emissions into the air from a poultry farming operation and associated practices including waste management activities

Expiry Date: 1 June 2026

Review Date(s): June 2016, June 2017, June 2020

Site Location: 24 Te Arei Road, Lepperton

Legal Description: Lot 4 DP 5842 Waitara Dist Blk III Paritutu SD
(Discharge source & site)

Grid Reference (NZTM) 1704691E-5678841N

*For General, Standard and Special conditions
pertaining to this consent please see reverse side of this document*

General conditions

- a) On receipt of a requirement from the Chief Executive, Taranaki Regional Council the consent holder shall, within the time specified in the requirement, supply the information required relating to the exercise of this consent.
- b) Unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent must be at the consent holder's own expense.
- c) The consent holder shall pay to the Council all required administrative charges fixed by the Council pursuant to section 36 in relation to:
 - i) the administration, monitoring and supervision of this consent; and
 - ii) charges authorised by regulations.

Special conditions

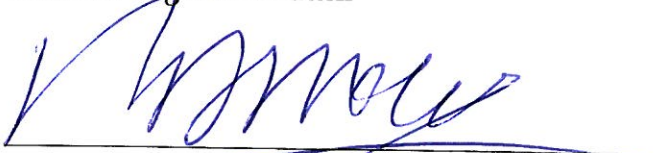
1. The total area of the sheds used for intensively housing poultry shall not exceed 4455.92 square metres.
2. The mass density in any shed shall not exceed 38 kg/m².
3. At all times the consent holder shall adopt the best practicable option, as defined in section 2 of the Resource Management Act 1991, to prevent or minimise any actual or likely adverse effect on the environment associated with the discharge of contaminants into the air from the site.
4. The consent holder shall at all times operate the poultry operations and associated activities in general accordance with the information provided in support of the original application for this consent and with any subsequent application to change consent conditions. Where there is conflict between applications the later application shall prevail, and where there is conflict between an application and consent conditions the conditions shall prevail.
5. Prior to undertaking any alterations to the poultry unit's processes, operations, equipment or layout, which may significantly change the nature or quantity of contaminants emitted from the site, the consent holder shall consult with the Chief Executive, Taranaki Regional Council, and shall obtain any necessary approvals under the Resource Management Act 1991 and its amendments.
6. The consent holder shall minimise the emissions and impacts of contaminants discharged into air from the site by:
 - a) the selection of the most appropriate process equipment;
 - b) process control equipment and emission control equipment;
 - c) the methods of control;
 - d) supervision and operation;
 - e) the proper and effective operation, supervision, maintenance and control of all equipment and processes; and
 - f) the proper care of all poultry on the site.

Consent 5260-2.2

7. The discharges authorised by this consent shall not give rise to an odour that is offensive or objectionable at any single location beyond the boundary of the site (except that odour occurring during removal of used litter and/or birds from sheds on up to 4 days in any 50 day period is to be disregarded when compliance with this standard is assessed).
8. The discharges authorised by this consent shall not give rise to suspended or deposited dust at or beyond the boundary of the site that, in the opinion of at least one enforcement officer of the Taranaki Regional Council, is offensive or objectionable. For the purpose of this condition, discharges in excess of the following limits are deemed to be offensive or objectionable:
 - a) dust deposition rate $0.13 \text{ g/m}^2/\text{day}$; and/or
 - b) suspended dust level 0.15 mg/m^3 .
9. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2014 and/or June 2015 and/or June 2016 and/or June 2017 and/or June 2020, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

Signed at Stratford on 7 August 2015

For and on behalf of
Taranaki Regional Council

A handwritten signature in blue ink, appearing to read 'A D McLay', is written over a horizontal line.

A D McLay
Director - Resource Management

Addendum E – Draft Landscape Planting Plan



Condition 18.a:



This planting will be maintained at no taller than 4 m consistent with volunteered Condition 3.a.

Condition 18.b:



Condition 18.g: Existing hedges to be maintained / extended.



