

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

**UNDER

IN THE MATTER**

the Resource Management
Act 1991 ("RMA")

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

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

29th July 2026

1. INTRODUCTION

- 1.1 This statement provides my reply in relation to planning matters that arose in the Hearing of 21 July 2026.
- 1.2 Specifically, those matters are:
- (a) A query from the Commissioner regarding the activity status of a potential future variation to increase in the scale or intensity of the poultry farm;
 - (b) Proposed scheme plan amendments, included in **Addendum A**; and
 - (c) Proposed draft condition amendments.

2. ACTIVITY STATUS OF A POTENTIAL FUTURE VARIATION

Query

- 2.1 As I understand it, the Commissioner's query was as follows:

Would the increase in the scale or intensity of the poultry farm activity require consent [under the PODP] and if so, under what rule/s, and what would the activity status be?

Scale and Intensity

- 2.2 As discussed during the Hearing, when the current poultry farm (intensive indoor primary production) was established, it was a permitted activity. This means existing use rights now apply.
- 2.3 If the scale or intensity of the poultry farm increased such that the effects of the use were no longer similar in character, intensity and scale to those associated with the existing activity, an assessment against the PODP provisions would be required.
- 2.4 By way of example, an increase in the character, intensity or scale could arise from additions to the existing poultry sheds or from increasing the number of birds housed in the existing sheds.

Applicable PODP Provisions

- 2.5 The following PODP definition is applicable to the poultry farming activity:

INTENSIVE INDOOR PRIMARY PRODUCTION: "has the same meaning prescribed in the National Planning Standards (as set out below).

means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry."

- 2.6 In the RPROZ zone, intensive indoor primary production is a restricted discretionary activity. The relevant rule is RPROZ-R12, which provides as follows:

RPROZ-R12 - Intensive indoor primary production

Activity status: RDIS

Where:

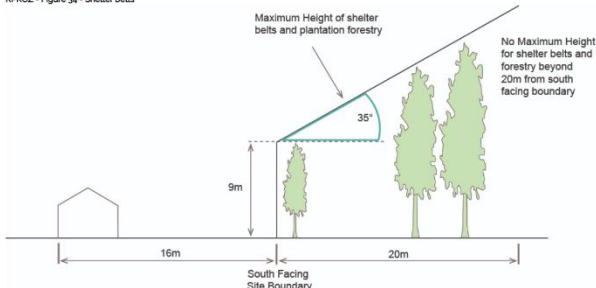
- 1. all Rural Production Zone Effects Standards are complied with.*

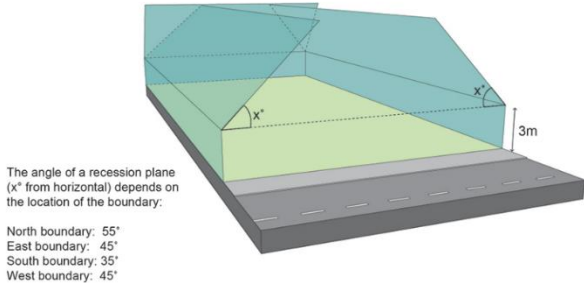
Activity status where compliance not achieved: DIS

- 2.7 An application for land use consent under RPROZ-R12 would therefore be required to increase the poultry farm's intensity or scale.
- 2.8 As per (1) in the rule, the activity status is then dependent on whether the RPROZ Effects Standards are complied with.

2.9 The following worked example (**Table 1**) is based on a scenario where additional birds are housed in the existing buildings. I have used this example given that increasing the use of existing buildings is generally more economic than constructing additional building and as discussed in the hearing between Mr Curry and the Commissioner, the area remaining in proposed Lot 3 is not conducive to supporting further sheds of any similar scale to the existing sheds.

Table 1: Assessment of increase in intensity of activity against RPROZ Effects Standards

Effects Standard	Standard	Assessment
RPROZ-S1 - Maximum structure height	1. Residential unit: 8m above ground level. 2. All other structures: 12m above ground level.	The sheds are not taller than 12 m - complies
RPROZ-S2 - Minimum structure setbacks	1. From any road boundary (including state highways): a. residential unit: 30m; b. artificial crop protection structures and crop support structures: 5m; c. all other structures: 20m. 2. From a side boundary: a. agricultural, pastoral and horticultural activity structures (excluding rural industry activities): 10m; b. artificial crop protection structures and crop support structures: 3m; c. all other structures (including rural industry activities): 15m. 3. From established intensive indoor primary production structures: a. sensitive activities on any other site: 400m. 4. From the boundary of a site zoned as Future Urban: a. artificial crop protection structures and crop support structures: 5m; b. all other structures: 100m. 5. From a mineral extraction activity (either legally operating or consented for future use): a. sensitive activities on any other site: 500m. <i>This standard does not apply to:</i> 1. Stock loading races or stock loading yards associated with an agricultural, pastoral and horticultural activity on site. 2. Stock fences (excluding solid or close boarded fences).	1. The sheds are greater than 20 m from the road boundary – complies 2. The northern shed is some 8 m from a side boundary – does not comply 3. The standard does not apply because it directs that sensitive activities are to be placed away from established poultry farm structures, not vice versa. 4. The sheds are further than 100 m from any Future Urban boundary – complies 5. The standard does not apply as it relates to mineral extraction activities.
RPROZ-S3 - Shelter belts	<i>The maximum height for trees planted on or after 28 November 1998 where:</i> 1. Located within 20m of a side boundary that faces south west, south east or anywhere in the arc between 135 degrees to 225 degrees with north being 0 degrees, see RPROZ - Figure 34; and 2. An existing residential unit or horticultural use is located on an adjacent site within 16m of that boundary, see RPROZ - Figure 34. RPROZ - Figure 34 - Shelter belts 	The increase in poultry number would not involve shelterbelts – can comply.

Effects Standard	Standard	Assessment
RPROZ-S4 - Height in relation to boundary	No part of any building shall project beyond the height in relation to boundary planes shown in RPROZ - Figure 35 from points 3m above a site boundary. RPROZ - Figure 35 - Height in relation to boundary  The angle of a recession plane (x^* from horizontal) depends on the location of the boundary: North boundary: 55° East boundary: 45° South boundary: 35° West boundary: 45°	The existing buildings are sufficiently low that they do not exceed the planes indicated – complies.
RPROZ-S5 - Maximum number of residential units	(Not addressed as not relevant to the poultry farm activities)	N/A
RPROZ-S6 - Maximum gross floor area	- For rural produce retail activities: 40m² and no more than one per site. - For intensive indoor primary production: 6,000m² per site. - All other buildings: on sites smaller than 4ha: 400m² per site (total maximum for all other buildings per site). This standard does not apply to: - Residential units, minor residential units, sleep outs and papakāinga. - Greenhouses and tunnel houses.	Poultry shed area on the site is 4455.92 m ² which complies with the maximum 6,000 m ² per site standard.
RPROZ-S7 - Farm quarry requirements - maximum quarry area	(Not addressed as not relevant to the poultry farm activities)	N/A
RPROZ-S8 - Fencing requirements for the keeping of goats within a Goat Control Area	(Not addressed as not relevant to the poultry farm activities)	N/A

2.10 From the assessment in **Table 1** above, the setback of a shed from a side boundary does not comply with one of the Effects Standards. Although this breach is reflective of the existing use and buildings, the Effects Standard breach is a non-compliance.

2.11 Accordingly, for the above worked example, the proposed increase in intensity of use would require land use consent under RPROZ-R12 as a **Discretionary** activity.

2.12 If however an applicant was able to address the setback breach (for example, altering or removing the northernmost shed to comply with the setback), a **Restricted Discretionary** consent would still be required. This is a less likely scenario, but not fanciful.

- 2.13 In that instance, the consent authority's discretion would be restricted to the following matters of RPROZ-R12:

Matters over which discretion is restricted:

- 1. The extent to which the intensity and scale of the activity and built form (design, siting and external appearance) may adversely impact on rural character and amenity or pose a risk to people, property and the environment.*
- 2. The extent to which building design, siting and landscaping of the structures minimises the extent of impervious surfaces.*
- 3. Location of outdoor storage areas.*
- 4. Traffic generation (including cumulative effects from other rural industry located nearby), traffic and road safety and efficiency, parking and access.*
- 5. Management of construction work, including hours, noise, traffic generation and parking, dust, and light.*
- 6. Hours and days of operation and the extent to which they impact on nearby activities.*
- 7. The extent to which noise and light overspill impact on rural character and amenity.*
- 8. The extent to which the size, design and type of any signage is compatible with rural character and amenity.*
- 9. Impact on amenity values of nearby sensitive activities.*
- 10. The effects of non-compliance with any relevant Rural Production Zone Effects Standards and any relevant matters of discretion in the infringed effects standards.*

Conclusion in regard to the Commissioner's Query

- 2.14 In summary:

- (a) An increase in the scale or intensity of the poultry farm activity that is outside the scope of its existing use rights, would require land use consent under the PODP Rule RPROZ-R12;
- (b) This is more likely to be a Discretionary activity, if utilising the existing buildings; and
- (c) This is less likely to be a Restricted Discretionary activity, if adjusting the activity to comply with all Effects Standards is undertaken.

- 2.15 The context for the Commissioner's query was whether in a post-subdivision, post Lot 1 and 2 residential development scenario, the future owners may be subject to unacceptable effects because of an increase in the farm's scale

or intensity which was outside of the control of New Plymouth District Council (NPDC).

2.16 In this regard, I comment that:

- (a) As a Discretionary activity (RMA s104B) the consent authority may grant or refuse the application, and has full discretion on matters of assessment and conditions to impose under s108. In my opinion, it is likely that NPDC would consider effects on owners and occupiers of Lots 1, 2 and 4;
- (b) As a Restricted Discretionary activity (RMA s104C), the consent authority may grant or refuse the application, whilst restricting its consideration to the matters 1-10 listed for RPROZ-R12 as provided above. In my opinion, the matters available to NPDC include consideration of effects on owners and occupiers of Lots 1, 2 and 4. Those matters include rural character, traffic generation, hours and day of operation, noise, light, rural amenity, and specifically “9. *Impact on amenity values of nearby sensitive activities*”; and
- (c) To conclude, I consider any increase beyond existing use rights would necessitate further consenting processes that would ensure potential future effects on the residents of Lot 1, 2 and 4 residents can be assessed and appropriately managed, with the overall outcome of either potential consent pathway being at the discretion of NPDC.

3. PROPOSED SCHEME PLAN AMENDMENTS

- 3.1 Please find attached in **Addendum A** the amended proposed scheme plan to replace any previous version.
- 3.2 To clarify, the Commissioner asked where the measurement of 82 m between the proposed Lot 2 Building Area and the closest poultry shed was obtained from. This figure was mentioned in my substantive evidence. In the Hearing I indicated that this was from a figure in the application material, however on review of the material again I have not found the figure. I had in fact scaled the 82 m (Lot 2) and 162 m (Lot 1) Building Areas from the scheme plan produced by Juffermans Surveyors Limited.
- 3.3 The scheme has now been amended to reflect matters discussed in the Hearing as follows:
 - (a) The Building Area of proposed Lot 2 has been moved and reduced in a southwest direction. This has increased the distance between the

Building Area and the closest poultry shed to 110 m, with a dimension added to reflect this. In my opinion, the dimensions of the updated area provide a reasonable area available for geotechnical testing for a suitable building platform with secondary area if complications should be found in the test area. This was a factor I communicated to the Licensed Cadastral Surveyor Kathryn Barrett who then drew this amended scheme plan, to ensure that a reasonable area is provided to address building platform requirements.

- (b) Lot 1 has been marginally adjusted in shape as follows:
 - (i) Squared in its northern extent to provide western Lot 2 Building Area further from the poultry shed;
 - (ii) A wider angle / splay for the driveway to the Lot 2 vehicle crossing, to support safe and efficient vehicle access and egress. The vehicle crossing has not changed location. This change results in a more typical and functional vehicle access outcome than entering a crossing directly into an acutely angled driveway. In this regard the change is respectfully proposed;
 - (iii) A minor reduction in Lot 1 area by 79 m² to no less than 5,000 m². The 79 m² is now incorporated in proposed Lot 2 due to the abovementioned changes. The integrity of the shaded 'No buildings, no trees > 4m' has been maintained i.e. it has not moved from its location on the previous scheme plan. As the integrity of the shaded area is maintained, I consider the proposed activities remain consistent with the application for which the submitter provided written approval.
- (c) An easement for existing powerlines servicing proposed Lot 3 has been created over proposed Lot 4. This is consistent with how I suggested an easement condition in the draft conditions presented in the Hearing with my evidence summary.
- (d) Locations of hedges in proposed Lots 2 and 3 have been adjusted marginally to better explain their proposed locations with reference to the draft Landscape Planting Plan provided with my evidence. The hedges have been retained in the amended scheme plan for continuity between application information, however the conditions of consent and the formal Landscape Planting Plan they require will

be the main methods for providing and protecting mitigation planting.

- 3.4 All side boundary setbacks remain at 15 m as per the earlier scheme plan.
- 3.5 As per the Hearings Report Addendum which provided Appendix V of the Regional Air Quality Plan for Taranaki, and as mentioned in the Hearing, the proposed 110 m distance from the closest part of the nearest poultry shed to the Lot 2 Building Area is closer to the recommended 100 or 200 m for residential units from less than 30,000 up to 59,999 birds (**Figure 1**), noting there are approximately 34,000 birds at the site. Increasing the distance between the residential and poultry farm activities further mitigates actual and potential adverse effects of conflict between the uses.

Table 1: Recommended buffer distances

Number of poultry	1. Distance to nearest off site dwellinghouse	2. Distance to nearest sensitive area (refer to Policy 2.3)	3. Distance to road	4. Distance to any boundary
	metres	metres	metres	metres
Fewer than 30,000	100	100	100	50
30,000 – 59,999	200	200	100	50
60,000 – 79,999	300	300	100	50
more than 80,000	400	400	100	50

Figure 1: Extract from Appendix V of the Regional Air Quality Plan for Taranaki via the Hearings Report Addendum

4. PROPOSED CONDITION AMENDMENTS

- 4.1 Rather than provide a further amended set of conditions, the following targeted amendments are proposed (**Table 2**). Proposed changes are in **bold**, with deletions in ~~red-strikethrough~~.

Table 2: Proposed Condition Amendments

Hearings Report Version	Proposed Condition	Reason for Change
DRAFT Subdivision Conditions		
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	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	To require that the subdivision occurs as per the amended scheme plan.

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)

March 2026, ~~and~~ 13 April 2026 **and as amended in the Right of Reply to the Hearing**, 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~~)

'Lots 1 – 4 being a Proposed Subdivision of Lot 4 DP 5842', dated 29/07/2026, prepared by BTW Company, Drawing No. 260425.00-SC-02, Sheet 1, Revision A2.

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

18. g) Identification of existing vegetation in lots 1, 2, 3 and 4 to be **enhanced or** retained until new planting achieves specific heights, **and the height at which it should be maintained in perpetuity. For the avoidance of doubt, any hedge that is not already providing a dense screen of vegetation at least 1.8 m in height must be enhanced. Planting must be enhanced to consist of a double line of evergreen screening trees within at least a 3 m wide strip, capable of reaching 1.8 m height in five years.**

To clarify which hedging is appropriate to maintain in its current state, and what must be enhanced in order to have an appropriate mitigative effect.

DRAFT Land Use Conditions

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

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

To require that the development on proposed Lots 1 and 2 occur as per the locations depicted on the

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.

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)~~

'Lots 1 – 4 being a Proposed Subdivision of Lot 4 DP 5842', dated 29/07/2026, prepared by BTW Company, Drawing No. 260425.00-SC-02, Sheet 1, Revision A2.

Copies of the approved plans are attached.

amended scheme plan.

4.2 The reasons for the proposed amendments are:

- (a) To reference the amended scheme plan; and
- (b) In response to the Commissioner's suggestion to consider the effectiveness of the existing planting on proposed Lots 2 – 4, particularly that south of the Building Area on proposed Lot 3. The applicant has considered this and proposes to assess and enhance existing planting in order to provide further mitigation of landscape and visual effects where necessary. The wording of the condition requires review of the existing planting be undertaken by the suitably qualified expert in landscaping, and if it is not both sufficiently dense and tall, for it to be enhanced. There are then instructions on how it must be enhanced, similar to how the other additional mitigative planting is to be undertaken. The word 'native' has been omitted as most of the existing hedges are exotic evergreen species such as cedars. It is considered reasonable to enhance them either with other exotics (e.g. like for like) or natives. The anticipated outcomes of the condition are for example that the planting south of the proposed Lot 3 Building Area will require enhancement, whereas the roadside hedge in the southern extent of Lot 1 will not.

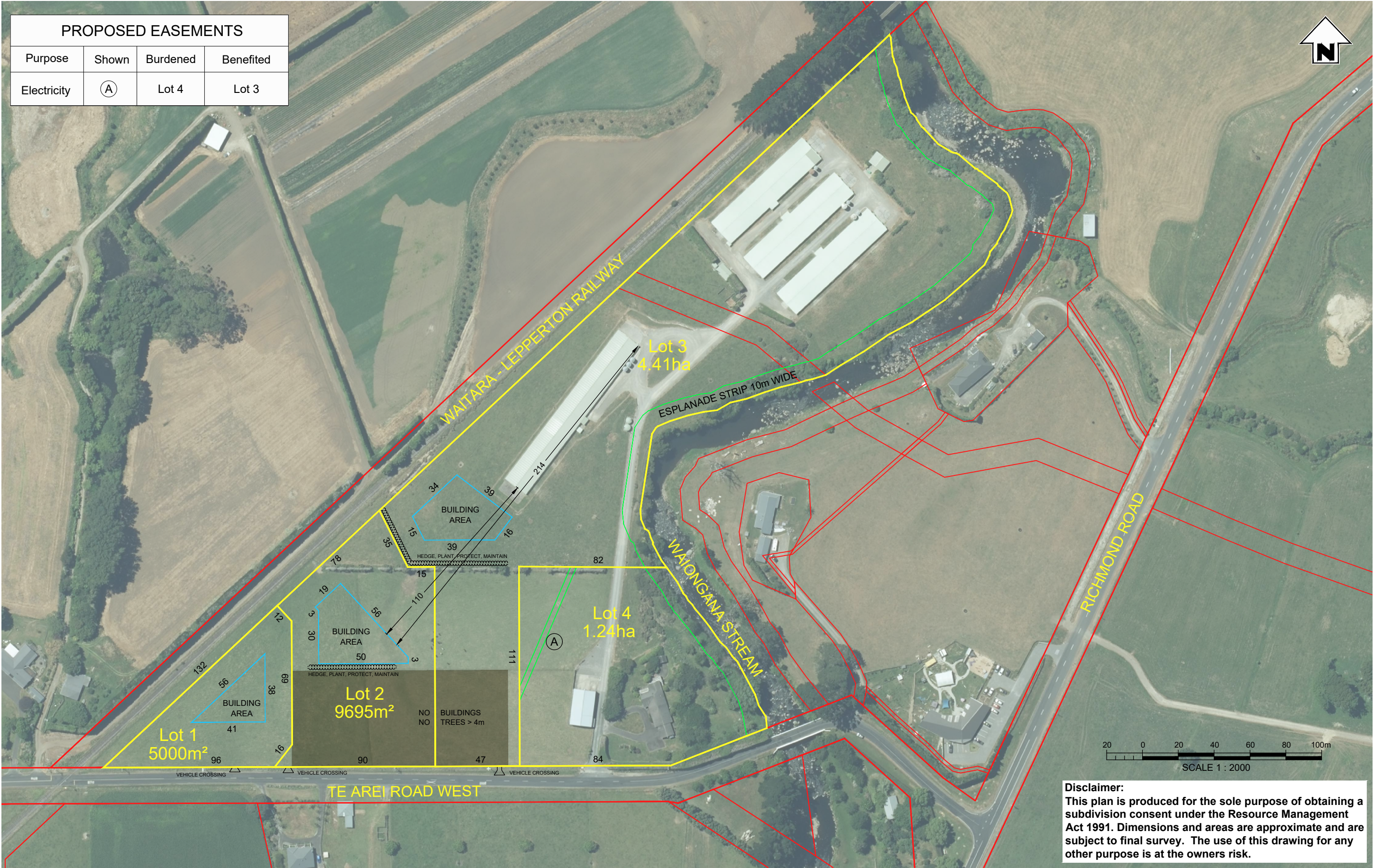
Darelle Martin

29th July 2026

Addendum A – Amended Proposed Scheme Plan

File Name: C:\126\data\BTW\126\260425.00-SC-02-SCHEME.dwg - A3 SCHEME PLAN Plot Date: 29/07/2026 Plot Time: 13:12

PROPOSED EASEMENTS			
Purpose	Shown	Burdened	Benefited
Electricity	(A)	Lot 4	Lot 3



Disclaimer:
This plan is produced for the sole purpose of obtaining a subdivision consent under the Resource Management Act 1991. Dimensions and areas are approximate and are subject to final survey. The use of this drawing for any other purpose is at the owners risk.

BTW
COMPANY

**SURVEYING
ENGINEERING
PLANNING
ENVIRONMENT**

**Lots 1 - 4 being a Proposed Subdivision of
Lot 4 DP 5842**

LOCAL BODY New Plymouth District Council		TITLE POPUANUI CHICKENS LIMITED 24 TE AREI ROAD WEST, SENTRY HILL COMPRISED IN: RT TNB1/586			
PROJECT No. 260425		ORIGINAL SIZE A3			
A3 SCALE 1:2000		DRAWING No. 260425.00-SC-02			
SURVEYED -		SHEET 1			
DRAWN K. BARRETT		REVISION A2			
CHECKED -					