

DECISION REPORT ON RESOURCE
CONSENT APPLICATION
SUB21/47978 AND LUC26/48992 TO
NEW PLYMOUTH DISTRICT COUNCIL

POPUANUI CHICKENS LIMITED

24 Te Arei Road West, Sentry Hill

24 August 2026

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OVERVIEW

Decision following the hearing of an application for resource consent under the Resource Management Act 1991 (“RMA”).

This resource consent is GRANTED subject to conditions for the reasons herein.

Table 1 – Application Summary Details

Application Numbers:	SUB21/47978 and LUC26/48992
Applicant:	Popuanui Chickens Limited
Proposal Summary:	Subdivision consent to create Lots 1 & 2 respectively as vacant lifestyle sites, Lot 3 as the poultry farm balance Lot and Lot 4 as a lifestyle site with an existing dwelling; and Land use consent to enable residential dwellings to be constructed on each of Lots 1 and 2 within 400m of indoor intensive rural production structures (the poultry sheds).
Site Address:	24 Te Arei Road West, Sentry Hill
Legal Description:	Lot 4 DP 5842 held in RT TNB1/586 issued on 7 June 1967
Site Area:	7.2 hectares
Date of Application:	Subdivision Consent: December 2021 Land Use Consent: 16 March 2026
Relevant District Plan:	New Plymouth District Plan 2005 (“ODP2005”); and Part Operative New Plymouth District Plan 2025 (“PODP”)
Applicable Zoning and Overlays:	Rural Environment Area (ODP2005); and Rural Production Zone (PODP)
Application Activity Status:	Subdivision: Discretionary Activity (Rules Rur78, Rur79, Rur81, Rur82, Rur83 & OL58 of ODP2005) is the overall status. Land Use: Restricted Discretionary Activity (Rules RPROZ-R3 & RPROZ-R38 of PODP).

Table 2 – Hearing Summary Details

Hearing Date:	21 July 2026
Independent Commissioner:	Philip McKay
Appearances for Applicant:	Lauren Wallace – Legal Counsel Wayne Curry – Applicant Representative Darelle Martin - Planning
Appearances for New Plymouth District Council:	Nicola Laurenson – Section 42A Reporting Officer
Hearings Administrator	Claire Kelly
Commissioner's Site Visit:	Undertaken on afternoon of 20 July 2026 (prior to hearing)
Hearing Closed:	31 July 2026

1. INTRODUCTION

1.1 DELEGATION

1. This decision is made on behalf of the New Plymouth District Council (“Council”) by an independent hearing commissioner, Philip McKay,¹ appointed under section 34A of the Resource Management Act 1991 (“RMA”) to hear and decide this application.

1.2 PROCEDURAL MATTERS PRIOR TO HEARING

2. The resource consent application by Popuanui Chickens Limited (“the Applicant”) was limited notified to the owners and occupiers of 39 Te Aeri Road West (Rachelle Quin & Kerry Rawlinson) on 9 May 2022. A submission in opposition was subsequently received from Rachelle Quin.² That submission was withdrawn on 21 January 2026 so there were no live submissions on the application at the time of the hearing.
3. I am aware that there was a significant time lag between the submission being lodged and the submission being withdrawn, during which there were amendments to the application³ and responses to further information requests provided. The details of which are well documented in the s42A Report.
4. I was appointed to hear and determine the application on 19 February 2026. Directions for the pre-exchange of reports and evidence were issued as part of the hearing notice from Council, on 6 May 2026, with the hearing originally scheduled for 10 June 2026.
5. A memorandum from the recently appointed Counsel for the Applicant was received on 4 June 2026 seeking adjournment of the hearing and a new hearing date in July 2026. This was requested to allow time for a new brief of planning evidence and legal submissions to be prepared prior to the hearing and to adequately respond to the recommendation in the s42A Report for consent to be refused.
6. In response to that Memorandum, I issued a Minute⁴ which agreed to the request to adjourn the previously scheduled hearing and to confirm a new hearing date of 21 July 2026. That Minute also directed an addendum to be provided to the S42A Report to provide further clarification of the potential direct effects from the operation of the poultry farm on the future residents of Lots 1, 2, and 4.

¹ Who is certified with a Chairing Endorsement under the Making Good Decisions programme (re-certified in June 2026), and who is a planner and resource management practitioner with over 33 years of practice.

² Dated 1 June 2022.

³ Including a reduction in the number of Lots from 5 to 4 and the addition of a land use consent application to enable dwellings on Lots 1 and 2 to be built within 400m of intensive rural production buildings.

⁴ Dated 8 June 2026.

7. The Addendum to the s42A Report was provided on 18 June 2026. This was followed by the Applicant's planning evidence⁵ and a statement from Mr Wayne Curry as Applicant.⁶
8. I conducted a visit to the site of the proposed application, at 24 Te Arei Road West ("the Site") the day prior to the hearing on the afternoon of 20 July 2026. I was accompanied by Ms Claire Kelly, Council Governance Advisor. We parked on proposed Lot 4 and walked over proposed Lots 3 and 2 from where we viewed proposed Lot 1 and the poultry buildings on Lot 3. We spent some time at the northern extent of proposed Lot 2 to understand the proximity of the poultry sheds to that location. We also walked around the outside of all four of the poultry buildings on proposed Lot 3 in gaining an understanding of the noise and odour levels from the ventilation systems and from the poultry within the buildings.

1.3 MATERIAL CONSIDERED AND HEARING PROCESS

9. Prior to the commencement of the hearing the following documentation was provided to me and reviewed:
 - a. The Popuanui Chickens Limited original subdivision application,⁷ prepared by Juffermans Surveyors Limited, which did not include any written approvals;
 - b. The Popuanui Chickens Limited land use consent application,⁸ also prepared by Juffermans Surveyors Limited.
 - c. Various items of further information to the original subdivision application and subsequent land use consent application received between 29 March 2022 and 13 April 2026. That timeline is well documented in Table 1 of the s42A Report, with all relevant information included in the appendices to that report.
 - d. The reporting officer's s95A & s95B RMA notification and limited notification assessment reports for subdivision consent SUB21/47978;⁹ and for the land use consent LUC26/48992;¹⁰
 - e. A report on the Application prepared under section 42A of the RMA by Ms Nicola Laurenson ("the s42A Report"),¹¹ Consultant Planner, for the Council;

⁵ Prepared by Ms Darelle Martin and dated 3 July 2026.

⁶ Also dated 3 July 2026.

⁷ Received by Council on 6 December 2021

⁸ Dated 20 March 2026.

⁹ Prepared by Nicola Laurenson and dated 30 March 2022.

¹⁰ Prepared by Nicola Laurenson and dated 7 May 2026.

¹¹ Dated 11 May 2026.

- f. Statement of Planning Evidence in support of the Application;¹²
 - g. Memorandum from Counsel for the Applicant seeking adjournment of the hearing originally scheduled for 10 June 2026 to a new hearing date in July 2026 and seeking leave to file new planning evidence and legal submissions in advance of the new hearing date.¹³
 - h. A Report titled ‘Addendum to Section 42A Report to Address Potential Direct Effects of the Poultry Farm on the Future Residents of Lots 1, 2 & 4’, prepared by Ms Nicola Laurenson (“the s42A Addendum”);¹⁴
 - i. Statement of planning evidence in support of the Application;¹⁵
 - j. Statement of evidence from the Applicant, Wayne Curry of Popanui Chickens Ltd;¹⁶ and
 - k. Legal Submissions on behalf of the Applicant.¹⁷
 - l. LGOIMA response from Taranaki Regional Council confirming that there are no compliance issues with the Applicant’s Air Discharge consent.¹⁸
10. The s42A Report analysed all the information received in relation to the Application along with the submission received and subsequently withdrawn and set out the timeline of events and information provided since the lodgement of the original subdivision application in December 2021. Following assessment under sections 104, 104B, and 106 of the RMA, the s42A report recommended that consent be refused to both the subdivision and land use consent applications.
 11. At the commencement of the hearing, I asked if there were any procedural matters, including conflicts of interest that needed to be addressed.
 12. There were no conflicts of interest or other procedural issues raised at the hearing.
 13. The s42A Report was taken “as read” at the hearing as was the statement of pre-exchanged planning evidence. At the hearing Ms Wallace presented her legal submissions, after which Mr Curry presented his evidence and Ms Martin tabled and presented a summary statement of evidence.¹⁹ Ms Laurenson commented on the information provided on behalf of the Applicant by evidence and legal submissions

¹² Dated 20 May 2026 and prepared by Mr Antony Vogt (Consents Planner, Juffermans Surveying Limited).

¹³ Dated 4 June 2026.

¹⁴ Dated 18 June 2026.

¹⁵ Dated 3 July 2026 and prepared by Ms Darelle Martin (Senior Consultant Planner, BTW Company Limited).

¹⁶ Dated 3 July 2026.

¹⁷ Dated 13 July 2026 and prepared by Ms Lauren Wallace (Counsel for the Applicant, Govett Quilliam).

¹⁸ Dated 11 June 2026 and forwarded for the hearing record by Ms Laurenson on 20 July 2026.

¹⁹ Dated 21 July 2026.

since her s42A Report and s42A Addendum were produced, and reaffirmed the recommendation in her s42A Report.

14. At the end of proceedings, after hearing from the Applicant's legal counsel and witnesses, the s42A reporting officer, and a verbal right of reply from the Applicant's counsel, the hearing was adjourned. The adjournment was made pending a written right of reply from Ms Wallace and a statement of evidence from Ms Martin to advise the activity status that would apply under the PODP if the poultry farm was to be expanded in the future.
15. That requested information was provided on 30 July 2026 (but dated 28 July 2026), and I asked Ms Straka, Council Manager Governance (on behalf of Ms Kelly) to advise the parties that the hearing formally closed on 31 July 2026.
16. Finally, on procedural matters, due to the preparation of this decision being disrupted by unforeseen personal circumstances, I extended the timeframe for issuing this decision to 16 working days under s37(1)(a) of the Resource Management Act. In extending the timeframe I took into account the interests of all parties involved in this process who would be directly affected by the extension and the interests of the community in ensuring that an appropriate assessment of the effects of the proposal and its consistency with the relevant statutory instruments is undertaken (pursuant to s37A(1) of the RMA).

1.4 SUMMARY OF EVIDENCE

17. Section 113(1)(ad) requires a decision on a resource consent application to include a summary of the evidence heard. A summary of the evidence heard at the hearing is included in Schedule 1 to this decision. Where necessary, I discuss evidence directly relevant to the issues in contention with the Application in the body of this decision. I also note that copies of all written material and statements of evidence associated with this hearing are held by Council and currently available on its website.²⁰

2. DESCRIPTION OF THE PROPOSAL & SITE

18. The proposed subdivision has been modified since the original application was lodged in December 2021, and accordingly I refer to the s42A Report and Applicant's evidence for current descriptions of the proposal and site. The s42A Report details the proposal in Table 2,²¹ with the key points summarised below:

²⁰ Te Arei Road

²¹ S42A Report (under paragraph 3.1).

- a. Proposed Lot 1 of 5,079m² as a vacant lifestyle site²² with a proposed new vehicle crossing – land use consent is sought to enable a future dwelling within 400m of intensive primary production buildings.
 - b. Proposed Lot 2 of 9,016m² as a vacant lifestyle site²³ with a proposed new vehicle crossing. A no build area with a vegetation height limit of 4m is also proposed over the front 50m portion of this allotment and the neighbouring front portion of Lot 3. – Land use consent is sought to enable a future dwelling within 400m of intensive primary production buildings.
 - c. Proposed Lot 3 of 4.39ha as the balance Lot²⁴ containing the productive poultry farm, and a 10m Esplanade Strip adjacent to the Waiongana Stream. Earthworks are proposed within the esplanade strip to enable the removal of the existing accessway to the poultry sheds, to be replaced with riparian planting. A new entrance and accessway is proposed on this Lot.
 - d. Proposed Lot 4 of 1.24ha containing the existing dwelling and farm shed. A section of the 10m Esplanade Strip adjacent to the Waiongana Stream is also proposed over this Lot.
19. The subdivision proposal also includes specific mitigation to address landscape and visual effects which have been informed by Landscape Architect Ms Martha Dravitzki with some mitigation measures following discussions with the neighbour and resulting in the submission being withdrawn (including the 50m deep no build areas at the Te Arei Road West frontages of Lots 2 and 3).
20. In addition to the landscape and visual mitigation measures a no-complaints / reverse sensitivity covenant is also offered over Lots 1, 2 & 4 in favour of Lot 3 and vehicle crossing and access formation conditions are also offered.²⁵
21. Further to the above, Ms Martin in her Statement of Evidence (“SOE”) also includes additional amendments (or offered conditions) to respond to the s42A Report and further address potential effects, including:
- a. A volunteered acoustic insulation requirement to be applied via consent notice to proposed Lots 1, 2 and 4, for any new residential units or additions to existing residential units based off standard NOISE-S3 of the PODP.²⁶

²² Now reduced in area to 5,000m² with the final version of the subdivision plan submitted with the closing submissions.

²³ Now increased in area to 9,695m² with the final version of the subdivision plan submitted with the closing submissions.

²⁴ Now increased to 4.41ha with the final version of the subdivision plan submitted with the closing submissions.

²⁵ A full copy of all proposed conditions is included in Appendix D to the s42A Report.

²⁶ SOE of D Martin (paragraphs 7.4 – 7.8).

- b. Other amendments to the proposed conditions to be more specific, measurable, achievable, relevant, or time-bound.²⁷
22. A description of the Site and surrounds at 24 Te Arei Road West is set out in the s42A Report²⁸ in copying the description from the original subdivision application. I note that description is now out of date in describing the poultry operation as including 75,000 – 100,000 birds. As set out in Schedule 1 to this decision, Mr Curry’s evidence confirms that the poultry farm has been changed to a breeding operation of 34,000 birds and is now managed by Tegal. The external appearance of the poultry farm buildings however remains unchanged from the description provided in the s42A Report.
 23. From my site visit I am satisfied that the remainder of the site description provided in the s42A Report is accurate. The s42A Report states that the site is rural in character and includes openness, natural features and rural production activities including a poultry farm, and that the site and immediately surrounding area are consistent with the underlying rural zoning being rural in character.²⁹

3. RESOURCE CONSENT REQUIREMENTS AND ACTIVITY STATUS

24. The relevant district plan for assessing the status of the proposed subdivision is the ODP2005 as at the time that the application was lodged, December 2021, the then Proposed District Plan decisions on submissions had not been made.³⁰ These decisions were publicly notified on 13 May 2023.³¹
25. The relevant district plan for assessing the status of the land use consent application to establish future dwellings on Lots 1 and 2 within 400m of intensive rural production buildings is the PODP.
26. The Site is located within the Rural Environment Area of the ODP2005 and is within the Rural Production Zone under the PODP.
27. The s42A Report sets out the relevant ODP rules for assessing the status of the subdivision as originally lodged.³² The following summary is based off that assessment but modified to account for the amended subdivision plan with the reduction to 4 Lots and the shifting of boundaries:

²⁷ SOE of D Martin (paragraph 7.9).

²⁸ S42A Report (paragraphs 4.1 – 4.3).

²⁹ (Paragraphs 4.4 & 4.7)

³⁰ Section 88A of the RMA applies.

³¹ S42A Report (paragraph 2.4 & Table 1).

³² S42A Report (paragraph 6.3 & Table 3).

- a. Rule Rur78 – Discretionary Activity (creation of an additional three allotments greater than 4,000m² in area from a parent title with a remaining balance area exceeding 4ha).
 - b. Rule Rur79 – Discretionary Activity (proposed vehicle access point for Lots 1 and 3 does not meet the required minimum sight lines for a 100km/hr road).
 - c. Rule Rur81 – Controlled Activity (Lots 1, 2 & 3 are capable of providing on-site storm water disposal, water supply, and wastewater disposal), while Lot 4 already contains these services within its proposed boundary.
 - d. Rule Rur82 – Discretionary Activity (a stable building platform for Lots 1 & 2 can be provided subject to an Engineering Report being provided prior to s224, however Lots 1 & 2 cannot contain a dwelling as a permitted activity due to the proximity of the poultry sheds).
 - e. Rule OL58 – Discretionary Activity (an esplanade strip of 20m in width is required, and a strip of 10m in width is proposed).
28. Ms Martin agrees with the overall activity status under the ODP being that of a Discretionary Activity,³³ but does not comment any further on the ODP rules assessment provided in the s42A Report.
29. Ms Laurenson also assesses the status of the subdivision against the PODP in the s42A Report and concludes that it would be a non-complying activity under Rule SUB-R4 as the subdivision will create three additional titles and the balance lot will not exceed 20ha.³⁴ Ms Laurenson goes onto assess the proposal against other relevant PODP rules and standards and establishes that:
- a. SUB-S2 Requirements for Building Platforms – is not complied with as RPROZ-S2 requires a 400m setback between dwellings and intensive indoor primary production structures.
 - b. SUB-S6 Network Utility Services – it is not confirmed that telecommunication lines are available to service the new allotments.
 - c. SUB-S8 Esplanade Reserves or Strips – a 20m wide esplanade strip is required, and a 10m wide strip is proposed.
 - d. WB-R4 Earthworks on a site containing or adjoining a natural waterbody – earthworks are required to disestablish the existing accessway that is within the proposed esplanade strip and plant the area with riparian vegetation – Restricted Discretionary Activity.

³³ Statement of Evidence of D Martin ("SOE of D Martin") (paragraph 8.1).

³⁴ S42A Report (paragraph 6.9 and Table 4).

- e. WB-R6 Subdivision of land containing or adjoining a natural waterbody – Restricted Discretionary Activity.
 - f. NU-R43 Subdivision of land containing a Gas Transmission Pipeline Corridor – this corridor does not contain any allotment boundaries or proposed new buildings and physical access to it is maintained. – Controlled Activity.
 - g. RPROZ-R3 Residential Unit – Future dwellings on proposed Lots 1 and 2 cannot meet RPROZ-S2 (Minimum structure setbacks). – Restricted Discretionary Activity.
 - h. RPROZ-R38 Building Activities – Future dwellings on proposed Lots 1 and 2 cannot meet RPROZ-S2 (Minimum structure setbacks). – Restricted Discretionary Activity.
 - i. RPROZ-S2 Minimum structure setbacks – Is not complied with as future dwellings on proposed Lots 1 and 2 will be located within 400m of an intensive indoor primary production structure.
30. Ms Laurenson sets out that pursuant to s88A of the RMA, the application continues to be processed as a discretionary activity, being its status as the time of lodgement under the ODP.³⁵ Ms Laurenson also concludes that the proposed land use consent is a Restricted Discretionary Activity under the PODP, under which it was lodged on 16 March 2026.³⁶ Neither of these conclusions nor the overall status of the proposed subdivision as a discretionary activity are contested.
31. The s42A Report also considers the application against the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (“NESCS”) and concludes that the site is not a “piece of land” under the NESCS provided that confirmation is provided at the hearing that there has been no discharge of animal wastewater within the proposed lifestyle lots (1, 2 & 4). This was confirmed by Mr Curry and Ms Martin at the hearing that the discharge to land is only in the immediate vicinity of the poultry sheds from wash down water. Ms Martin’s assessment confirms that the wastewater discharge is to production land that remains unchanged by the proposed subdivision, and that the NES-CS need not be applied further.³⁷ I agree that is the case.
32. The Application is therefore to be assessed with an overall discretionary activity status.

³⁵ S42A Report (paragraph 6.11).

³⁶ S42A Report (paragraph 6.12).

³⁷ SOE of D Martin (paragraphs 9.2 – 9.8).

4. RELEVANT STATUTORY REQUIREMENTS

33. Section 104(1) of the RMA sets out the mandatory matters to which I must have regard when considering the Application and submission received. These include any actual or potential effects on the environment of allowing the activity, and the statutory instruments set out in subsection (1)(b). Those instruments considered relevant in this case are set out latter in this decision.
34. Section 104B of the RMA states that after considering an application for a discretionary activity, the application may be granted or refused, and if granted conditions may be imposed under s108 of the RMA.

5. CONSIDERATION OF THE PRINCIPAL ISSUES IN CONTENTION

5.1 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

35. The following sets out my findings on the actual or potential effects on the environment of the proposal as is required under section 104(1)(a).
36. The S42A Report categorises the relevant effects to be had regard to in the assessment of this application as follows:
 - a. Landscape and Visual Effects;
 - b. Rural Character Effects;
 - c. Servicing Effects;
 - d. Traffic Effects;
 - e. Building Platforms, Conflict between Use and Reverse Sensitivity Effects; and
 - f. Effects on Waterbodies.
37. Ms Laurenson in her assessment helpfully states where she considers the corresponding effects to be acceptable with appropriate conditions for the following effects: Servicing Effects,³⁸ Traffic Effects,³⁹ Reverse Sensitivity Effects,⁴⁰ and Effects on Waterbodies.⁴¹ As these effects are not contested, I need not consider them any further, aside from my consideration of conditions should consent be granted.
38. My decision needs to focus on the principal issues in contention, which in regard to effects on the environment includes Landscape and Visual Effects, Rural Character Effects, and Building Platforms – Conflict between Use.

³⁸ S42A Report (paragraph 9.24).

³⁹ S42A Report (paragraph 9.26).

⁴⁰ S42A Report (paragraph 9.30).

⁴¹ S42A Report (paragraph 9.37).

39. I set out these effects categories under the subheadings below and consider the evidence received both from the s42A Report and on behalf of the Applicant, regarding each effect, along with relevant legal submissions.

5.1.1 Landscape and Visual Effects

40. The s42A Report explains that the application was accompanied by a Landscape and Visual Assessment prepared by Ms Dravitzki, which was peer reviewed on behalf of the Council by Mr Richard Bain and that the landscape architects were in agreement that with the mitigation proposed the level of change on the wider environment was low.⁴²
41. Ms Laurenson points out that the respective landscape assessments were based on the 5 lot subdivision as originally lodged and were undertaken in the context of the ODP2005 and that the subsequent amendments to the subdivision reduce the number of allotments, introduce a no build area within 50m of the road frontage on Lots 2 and 3, and add additional hedge areas. On that basis Ms Laurenson states the amendments to the layout do not appear to increase the landscape effect when considering what was assessed as part of the notification assessment.⁴³
42. Ms Laurenson however states that within this revised planning context (of the PODP), there is concern that the proposal has the potential to adversely affect visual amenity values and in particular, the number and spatial distribution of the proposed new allotments may result in a perceived reduction in openness and spaciousness within the landscape as there is no 20ha balance.⁴⁴
43. Ms Wallace submits the LVA and peer review remain technical evidence, and that the physical landscape has not changed in a way that invalidates that assessment. Ms Wallace submits the landscape experts did have regard to the PODP's objectives and policies and that there is no contrary landscape evidence demonstrating that the proposal would produce unacceptable landscape or visual effects.⁴⁵
44. While acknowledging that district plan provisions do provide some context for a landscape assessment, I find agreement with Ms Wallace that an assessment of landscape and visual effects is technical evidence, and there is no contrary landscape evidence to that provided by Ms Dravitzki and Mr Bain.
45. Ms Martin sets out the landscape mitigations associated with the amended subdivision layout and provides her understanding of the basis on which the LVA and

⁴² S42A Report (paragraphs 9.8 – 9.12).

⁴³ S42A Report (paragraphs 9.13 - 9.14).

⁴⁴ S42A Report (paragraph 9.16).

⁴⁵ Legal Submissions on behalf of the Applicant (paragraphs 6.4 – 6.6).

peer review were undertaken, including reference to both the ODP2005 and the then Proposed District Plan.

46. Ms Martin's evidence is that all landscape and visual effects matters raised by the landscape architect experts are resolved and that the proposal adequately mitigates actual or potential adverse effects on landscape, character and the visible environment.⁴⁶
47. I am generally in agreement with Ms Martin and Ms Wallace and find that potential landscape and visual effects are able to be appropriately mitigated with the subdivision layout and consent conditions proposed. That said, district plan provisions generally provide greater context to assessing rural character effects, which I consider below.

5.1.2 Rural Character Effects

48. Ms Laurenson explains that the notification report on this application found rural character effects on the wider environment to be no more than minor, with the proposal being assessed in the context of the ODP2005, with a balance area of greater than 4ha for three additional allotments being a discretionary activity.⁴⁷ Ms Laurenson then explains that under the PODP the equivalent subdivision with a balance area of less than 20ha is a non-complying activity and therefore the reduction in spaciousness from what exists is not anticipated and contributes to an adverse effect that may be unacceptable.⁴⁸
49. After setting out the PODP description of the Rural Production Zone Ms Laurenson states that the PODP has significantly shifted the context in what constitutes 'spaciousness' when looking at rural character effects relating to subdivision and that the subdivision would provide the ability for an additional three dwellings,⁴⁹ if granted. Ms Laurenson states no such development is currently anticipated to be able to occur on the site given the non-complying status of the additional allotments but acknowledges that the mitigation proposed will ensure the site remains and looks 'rural' rather than 'urban'.
50. In her effects conclusion Ms Laurenson states that it is reasonable to conclude that the proposal would not result in a low-density built form as envisaged by the PODP

⁴⁶ SOE of D martin (paragraphs 10.10 – 10.12).

⁴⁷ S42A Report (paragraphs 9.17 – 9.18).

⁴⁸ S42A Report (paragraph 9.19).

⁴⁹ One each on the vacant lifestyle lots (Lots 1 & 2) and the potential for a manager's residence to be erected on the poultry farm balance lot (Lot 3), which may or may not be taken up.

and that on balance she considers that the overall landscape, visual, and rural character effects arising from the proposal are unacceptable.⁵⁰

51. Ms Martin does not consider that a 20ha balance lot is the dominant defining factor of rural character. She states that the PODP does consider / contemplate the granting of rare or atypical rural subdivision without a 20ha balance through a non-complying consenting pathway.⁵¹ I must record here that I do not agree with Ms Marton that a district plan could be said to 'consider or contemplate' a certain type of subdivision if it categorises that type of subdivision as a non-complying activity.
52. Ms Martin compares the respective definitions of Rural Character in the PODP and the ODP2005 and observes that there are similarities and that neither definition places any reliance on a lot size requirement. She then provides her opinion that the LVA and its peer review remain valid and that the experts assessed Rural Character in a way which remains applicable under the PODP framework.⁵²
53. Ms Martin sets out that spaciousness is only one element of rural character and that other elements from the PODP definition include vegetation of varying types, low density built form and open space between buildings, predominance of primary production orientated activity as the prevailing working environment, and lack of urban infrastructure.⁵³ I agree that spaciousness is only one element of the PODP rural character definition and that these other elements are also relevant.
54. Ms Martin then goes on to assess the open space available exclusive of buildings and curtilage that would result from the proposal. Identifying that significant portions of proposed Lots 1, 2 and 4 would remain as open space, while the balance lot would have 2.84ha remaining after the poultry facilities and space for a new house and shed have been accounted for.⁵⁴ Ms Martin also observes that the 50m deep and 115m wide "no buildings and no trees taller than 4m area" on the frontage of proposed Lots 2 and 3 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.⁵⁵
55. Ms Martin goes onto conclude that when assessed against the aspects that contribute to rural character, the proposal with its mitigation measures, is in order to be consistent with rural character as envisaged by the PODP; and that the proposals effects on landscape, visual and rural character matters are acceptable.⁵⁶ Having

⁵⁰ S42A Report (paragraphs 9.40-9.41).

⁵¹ SOE of D Martin (paragraphs 10.13 & 10.28(c)(ii)).

⁵² SOE of D Martin (paragraphs 10.14-10.16).

⁵³ SOE of D Martin (paragraph 10.17).

⁵⁴ SOE of D Martin (paragraphs 10.19 – 10.23).

⁵⁵ SOE of D Martin (paragraph 10.26).

⁵⁶ SOE of D martin (paragraph 10.64).

considered the s42A Report and the evidence of Ms Martin and also having regard to my site visit and the hearing, I also find this to be the case.

56. Ms Wallace submits on rural character that the proposal creates a small rural subdivision in an already modified rural environment, while providing for low density built form and substantial ongoing primary production use.⁵⁷ I find the last matter to be of particular relevance given the definition of rural character in the PODP references “...a predominance of primary production orientated activity as the prevailing working environment...” In that regard I find the ongoing productive poultry farming operation on proposed Lot 3 maintains the prevailing working environment, which would unlikely be the case for an equivalent sized area of land in grazing pasture which would have less predominance as a working environment.
57. Ms Wallace goes onto submit that I can properly rely on the expert landscape evidence, together with Ms Martin’s planning evidence, to find that landscape, visual effects and rural character effects are acceptable.⁵⁸ For the reasons set out above I do find that to be the case. While I agree with Ms Laurenson that there has been a significant shift in the PODP by requiring a minimum balance area of 20ha, I consider that to be more relevant to my assessment under section 104(1)(b) of the RMA than to my assessment of effects on the environment.

5.1.3 Building Platforms – Conflict between Use

58. While Ms Laurenson accepts that reverse sensitivity effects can be mitigated by the offered reverse sensitivity covenant, she considers that the adverse effects of the poultry farm operations on the future owners of Lots 1, 2 and 4 are not avoided, remedied or mitigated by the proposal. Ms Laurenson references amenity effects from traffic, noise and odour as being of concern and states that there remains the potential for unacceptable adverse amenity effects on the future owners of these lots.⁵⁹
59. Ms Laurenson references RPROZ-P3 in using the term ‘avoid’, which establishes a clear expectation that new sensitive activities should not be enabled where they would compromise the functioning of existing rural production activities. Ms Laurenson concludes that the subdivision creates the opportunity for new sensitive activities to establish, and the smaller balance Lot further decreases the separation distance between the existing poultry activity and future dwellings, and that effects relating to land use conflict are unacceptable.⁶⁰

⁵⁷ Legal Submissions on behalf of the Applicant (paragraph 6.14).

⁵⁸ Legal Submissions on behalf of the Applicant (paragraph 6.15).

⁵⁹ S42A Report (paragraphs 9.27-9.29).

⁶⁰ S42A Report (paragraph 9.30).

60. I find the potential direct effects of the poultry farm on future residents is an important matter and that to contemplate granting consent to the subdivision I need to be satisfied that such effects can be appropriately avoided or mitigated. For this reason, and to better understand the nature of the potential adverse amenity effects on future residents, in Minute 1, I directed an addendum to the s42A Report to quantify the likely nature of such effects for this proposal.
61. In the s42A Addendum Ms Laurenson references the Section 32 analysis for the Rural Production Zone and sets out the policy rationale for the rules and setback standards relating to intensive indoor primary production buildings and advises that the minimum setback distance standards have been carried over from the ODP2005.⁶¹ Ms Laurenson then identifies that the origin of the 400m setback is grounded in the Taranaki Regional Air Quality Plan ("RAQP") and its predecessor. Reference is made to Appendix V of the RAQP in which the maximum recommended buffer distance guideline is 400m. Acknowledgement is also provided that a range of site-specific factors must also be considered including prevailing wind direction, the placement and orientation of shed doors, and the location of discharge points, including ventilation outlets and waste.⁶²
62. The s42A Addendum also advises that there have been 50 complaints about poultry farm activities made to NPDC since 1 January 2005 (including 16 relating to odour and 14 relating to noise) but no complaints have been received about the application site.⁶³ Ms Laurenson then provides a breakdown of the odour and noise complaints and advises that five of the odour complaints and six of the noise complaints were from residents located within 400m of farms of a similar scale to that in the proposal. Ms Laurenson then concludes that the complaint history demonstrates that increased separation distances progressively reduce both the frequency and intensity of effects.⁶⁴
63. The s42A Addendum attaches a copy of the TRC Air Discharge Permit for the site which lapses on 31 December 2027. Prior to the hearing⁶⁵ Ms Laurenson provided a LGOIMA response from Taranaki Regional Council confirming that there are no compliance issues with the Applicant's Air Discharge consent.
64. Ms Laurenson identifies that changes have occurred in the nature and characteristics of the activity since the original subdivision was lodged (changing to breeder hens) and states that it is important that any evidence-based effects assessment is based on

⁶¹ S42A Addendum (paragraphs 2.1-2.7).

⁶² S42A Addendum (paragraphs 2.11-2.13).

⁶³ S42A Addendum (paragraphs 3.1-3.4).

⁶⁴ S42A Addendum (paragraphs 3.5-3.10).

⁶⁵ Received on 20 July 2026.

the current and consented nature of the activity. The location of the existing dwelling is identified as 125m from the nearest poultry shed, with the building platforms on Lots 1 and 2 having separation distances of 175m and 100m⁶⁶ from that shed respectively.⁶⁷

65. Based on the information gathered in the s42A Addendum, Ms Laurenson states that there is a high likelihood that adverse amenity effects will be readily perceptible and intrusive at times, particularly in the case of Lot 2. Ms Laurenson notes that the application does not include site-specific technical assessments (such as odour dispersion modelling or acoustic assessments) to demonstrate that amenity effects on future residents can be avoided or mitigated and goes on to conclude that adverse effects associated with land use conflict are likely to be unacceptable.⁶⁸
66. Ms Martin in her SOE provides separate assessments of noise, odour and light effects, and then provides an assessment of conflict of use and reverse sensitivity effects. I summarise her key findings on each of these matters as follows.
67. In regard to noise, Ms Martin states that on her morning site visit she heard vehicle noise from a van arriving with a lawn mower and then noise from the lawn mower maintaining the grounds around the poultry sheds, as well as the mechanical hum of a poultry feed machine and ventilation systems. She also states that once she was within the vicinity of proposed Lots 1 and 2, the poultry farm noises were indiscernible and that Mr Cury confirmed that experience of the day's noise was typical. Ms Martin goes on to state that on her evening site visit there was no discernible noise from the poultry farm.⁶⁹ I find the description provided by Ms Martin to be consistent with my experience of the noise on the site from my site visit on the afternoon prior to the hearing,⁷⁰ including that no poultry farm noise was discernible from the vicinity of proposed Lots 1 & 2.
68. Ms Martin then goes on to summarise the poultry farm activities with the greatest potential to generate noise being a poultry food delivery truck 1 – 2 times a week and occasionally at night, and for shed cleanouts at new poultry batch time twice per year. The shed clean outs may involve up to 10 truck movements and cleaning equipment including water blasters. Ms Martin observes that this number of vehicle movements does not trigger the high trip generator rule in the PODP and is consistent with noise anticipated in the rural environment.⁷¹ Mr Curry's evidence confirms that this level of activity for the current poultry breeder operation which commenced on 1 November

⁶⁶ Noting that Ms Martin's evidence states the separation for the Lot 2 building platform is 82m.

⁶⁷ S42A Addendum (paragraphs 4.4-4.7).

⁶⁸ S42A Addendum (paragraphs 4.9-4.12).

⁶⁹ SOE of Ms Martin (paragraphs 10.33-10.34).

⁷⁰ 20 July 2026,

⁷¹ SOE of Ms Martin (paragraph 10.35).

2023 is significantly less than for the previous broiler operation, including reduced traffic movements, reduced night time activity, and only two runs and associated cleanouts per year.⁷²

69. Mr Martin states that acoustic insulation requirements⁷³ are volunteered for new houses or additions on proposed Lots 1, 2 and 4 to provide further mitigation from noise effects. Given the above, and the absence of complaints regarding the poultry farm on the site, including when it was being operated as a more intensive broiler farm, I find that adverse noise effects on the future residents of Lots 1, 2 and 4 are likely to be appropriately avoided or mitigated.
70. Regarding odour effects, Ms Martin summarises the conditions in the TRC Discharge Permit that the poultry farm is operating under. These include a maximum floor area for the poultry sheds (based on the existing floor area), a limit on the mass density of birds within those sheds, and use of best practicable options to minimise adverse effects from air discharges. Cleaning of sheds is limited to a maximum of 4 days within every 50 day period (which is currently only being undertaken twice per year). Ms Martin goes on to state that the potential for adverse odour effects on future residents will be sufficiently mitigated such that they are appropriate based on: the odour effects being consented and monitored by TRC, being managed consistent with best practice guidelines, the two residential units on the opposite side of the river being equivalent distances to the proposed building platforms with no complaints ever being received from those residents, and her observations from her site visit where there was no odour present in the south of the site in the areas where Lots 1, 2 & 4 are proposed.⁷⁴
71. Ms Martin then concludes that she considers odour effect to be mitigated such that they are appropriate.⁷⁵ Again, I record that my site visit observations were the same as Ms Martin's that there was no discernible odour from the poultry farm within the areas of proposed Lots 1, 2 and 4.
72. Mr Curry sets out his experience of living on the site in his SOE, stating that he does not hear any noise from the poultry operation at night, and rarely hears noise during the day. Regarding odour, Mr Curry states he has not experienced any objectionable odour associated with the current operation and that the prevailing wind is west to southwest, meaning the poultry sheds are down wind of his house (on proposed Lot 4) and also down wind of the proposed new Lots (1 & 2). He states that neither he, nor

⁷² SOE of Mr Curry (paragraphs 3.1 – 4.12).

⁷³ In the form of standard NOISE-S3 of the PODP.

⁷⁴ SOE of Ms Martin (paragraphs 10.42-10.43).

⁷⁵ SOE of Ms Martin (paragraph 10.44)

Tegal, have ever received any complaints about noise, odour, traffic movements or lighting from the poultry farm.⁷⁶

73. Taking the above matters into account, I am inclined to agree with Ms Martin that odour effects on the future residents are able to be avoided and mitigated such that they are appropriate but return to this matter below. I also note that following review of the reports and evidence prior to the hearing I had reservations about the appropriateness of the 82m proximity of the building platform on proposed Lot 2 to the poultry sheds.
74. Ms Martin goes onto comment that on her night time site visit there were no adverse lighting effects with the exterior lighting on the poultry sheds being equivalent to domestic lighting. She also points out that a consent notice is proposed on each lot that all external lighting must be hooded or cast down, and concludes that light effects are appropriately mitigated.⁷⁷
75. Under the heading '*Building Platforms, Conflict of Use and Reverse Sensitivity Effects*' Ms Martin identifies 5 existing dwellings and a childcare centre within 300m of the poultry sheds on the Applicant's property, with the closest of those dwellings only being separated by 88m (232 Richmond Road) and 107m (10 Te Arei Rd West). Ms Martin observes there have been no complaints from any of these parties about the poultry farm in its 18 years of operation.⁷⁸ Ms Martin identifies that the future dwellings on Lots 1 and 2 may be 162m and 82m respectively from the nearest poultry shed which is comparable to the closest existing dwellings, and on that basis concludes that the future dwellings on proposed Lots 1 and 2 can be undertaken without residents being subject to unacceptable adverse effects from the poultry farm.⁷⁹
76. Despite Ms Martin's evidence, I was concerned with the lack of separation of the building platform on Lot 2 to the nearest poultry shed and stated this concern at the hearing. I also questioned whether the PODP provides certainty that resource consent would be required if the operations of the poultry farm were to be intensified above their current level and asked if these matters could be addressed in the written right of reply. I consider that later matter to be important in providing certainty that either the current level of amenity effects from the poultry farm will remain, or that if there is intensification resource consent would be required with consideration given to the effects on proposed Lots 1, 2 & 4.

⁷⁶ SOE of W Curry (paragraphs 5.1 – 5.6).

⁷⁷ SOE of Ms Martin (paragraphs 10.45-10.47).

⁷⁸ SOE of Ms Martin (paragraph 10.59).

⁷⁹ SOE of Ms Martin (paragraph 10.60).

77. Ms Martin's reply evidence states that the current poultry farm was established as a permitted activity under the district plan in effect at the time and therefore operates under existing use rights. If the built extent or birds being housed in the poultry farm were to be increased in scale and intensity above the existing use rights levels, then the intensive primary production rules of the PODP would be triggered. Land use consent would be required under rule RPROZ-R12 for intensive indoor primary production as a restricted discretionary activity if consent standards were complied with or otherwise as a discretionary activity under the same rule. Ms Martin identifies that the northern shed would not meet a boundary setback and therefore discretionary activity consent would be likely.⁸⁰
78. In her reply evidence Ms Martin concludes that 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 can be assessed and appropriately managed.⁸¹
79. Ms Martin's reply evidence attaches an amended subdivision scheme plan on which the building area of proposed Lot 2 has been moved and reduced in a southwest direction, which increases the distance to the closest shed to 110m (previously being 82m). Ms Martin notes some minor consequential amendments in the areas of Lots 1 and 2 but confirms that the 'no buildings area' on the frontage of Lots 2 and 3 has not been changed.⁸²
80. Ms Martin also points out that Appendix V of the RAQP recommends a separation of 100m for buildings housing fewer than 30,000 birds and a separation of 200m for buildings housing 30,000 – 59,999 birds, with the poultry farm on the site currently operating with 34,000 birds.⁸³
81. In her closing submissions, Ms Wallace points out that with the revised scheme plan the future dwelling on Lot 2 will be located at least 110m from the wall of the nearest poultry shed and at least 214m from the nearest shed's exit end (located at the northern end of the shed). Ms Wallace also notes that on a proportional basis Appendix V of the RAQP would equate to a buffer distance of 113m⁸⁴ for 34,000 birds and that the buffer distances are to be calculated from the shed exit, provided all emissions are minimised. On that basis Ms Wallace submits that the proposal should be assessed as meeting the separation distance that the regional planning framework

⁸⁰ Reply SOE of D Martin (paragraphs 2.2-2.13).

⁸¹ Reply SOE of D Martin (paragraphs 2.16).

⁸² Reply SOE of D Martin (paragraphs 3.1-3.3).

⁸³ Reply SOE of D Martin (paragraph 3.5).

⁸⁴ Which may well be achieved for Lot 2, depending where on the building platform the future dwelling is located.

indicates is appropriate to avoid or minimise odour and dust effects from an operation of this kind.⁸⁵

82. In making a finding on the overall direct effects of the poultry farm on the future residents of Lots 1, 2 & 4 I acknowledge the assessment undertaken by Ms Laurenson and her concerns given the 400m separation standard of the PODP and the originally proposed separation distance of the building platform on Lot 2 in particular. The s42A Addendum information has been helpful in establishing the RAQP origins of that standard, in providing a copy of the TRC Air Discharge Permit, and in providing general commentary on complaints received by NPDC on poultry farm operations and in confirming the absence of complaints regarding the subject site.
83. I must record that I was disappointed to hear in response to my question that Ms Laurenson had not walked over the site or been on the site to physically observe the poultry operation from Lots 1 and 2. From my site visit I found the nature of the topography of the site to be relevant in clearly separating Lot 1 from the poultry operation, but with the reduced separation of Lot 2 the potential for future amenity effects remained in question, despite there being no such effects during my visit. I find the subsequent changes to the scheme plan and landscape plan to increase the separation of the building platform on Lot 2 to 110m and to provide hedging between that building platform and the southern poultry shed⁸⁶ to make a material difference after having walked over that area of the site. It was also helpful to observe the nature of the constant noise sources in the vicinity of the poultry sheds and the distances at which they can no longer be heard. In summary, I found that visiting the site has provided important context for understanding the information provided in the evidence of Ms Martin and Mr Curry.
84. My finding on the issue of 'Conflict between Use' is that with the amended scheme plan and other offered conditions of consent, I accept the closing submission of Ms Wallace that the site-specific evidence demonstrates that actual amenity effects at the distances proposed for the future building platforms (and the existing dwelling on Lot 4) are and will be acceptable.⁸⁷
85. I therefore find under section 104(1)(a) of the RMA that after having regard to any actual and potential effects on the environment of allowing the activity, that with the offered conditions, such effects are able to be appropriately avoided, remedied and mitigated.

⁸⁵ Closing Submissions on behalf of the Applicant ("Closing Submissions") (paragraphs 2.1 – 2.4).

⁸⁶ By the proposed strengthening of condition 18(g) as attached to Ms Martin's Reply SOE.

⁸⁷ Closing submissions (paragraph 4.10)

6. STATUTORY INSTRUMENTS

6.1 DISTRICT PLAN AND PROPOSED DISTRICT PLAN

86. The two planners are in agreement that under s104(1)(b)(vi) of the RMA consideration is only required to be given to the objectives and policies of the PODP, and that aside from determining the activity status of the subdivision application at the time of lodgement, the ODP2005 has no further relevance.⁸⁸

6.1.1 Proposed New Plymouth District Plan

87. The s42A Report provides a comprehensive assessment of the relevant objectives and policies of the following PODP Chapters: Subdivision, Rural Production Zone, Transport, and Waterbodies.⁸⁹ Ms Laurenson concludes:

- a. Subdivision Chapter – *“While able to be serviced, the subdivision is ultimately inconsistent with the objectives and policies for rural subdivision relating to rural character and conflict of use.”*
- b. Rural Production Zone Chapter – *“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. The proposal does not avoid creation of residential / lifestyle activities that are not ancillary to rural activities and will be created in a location alongside a poultry farm where conflict effects on the future owners are not avoided.”*
- c. Transport Chapter – *“The proposal is able to accommodate access for all allotments in a safe and efficient manner. In this regard the proposal is compatible with the relevant objectives and policies relating to servicing and transport.”*
- d. Waterbodies Chapter – *“Based on the assessment of effects made under earlier paragraphs I consider the proposal to be consistent with the objectives and policies identified above...Fencing and planting along all riparian margins is proposed in perpetuity along with a 10m wide esplanade strip. Whilst a reduction from 20m is proposed, access to the strip will not be compromised nor will the ability to protect and enhance natural character. The reduction has been agreed between the applicant and Council and conditions are proposed.”*

88. In summarising her conclusions on the PODP objectives and policies, Ms Laurenson states that the proposal seeks to fragment rural land to a level that is not anticipated

⁸⁸ S42A Report (paragraphs 6.5, 6.6, 6.11 & 9.63), SOE of Ms Martin (paragraph 8.2).

⁸⁹ S42A Report (paragraph 9.60, Tables 9 & 10).

by the District Plan, with no retention of a large balance allotment to maintain spaciousness and openness that characterise the Rural Production Zone, and that the proposal would introduce conflicts that the zone seeks to avoid.⁹⁰

89. Ms Martin agrees with Ms Laurenson that the proposal is consistent with those objectives and policies relating to servicing, transport / access and waterbodies. Those PODP provisions are therefore uncontested, and I need not consider them further. Ms Martin however disagrees with Ms Laurenson conclusions on the objectives and policies relating to rural subdivision (in the Subdivision Chapter) and the Rural Production Zone.⁹¹
90. Ms Martin includes a comprehensive assessment of the PODP objectives and policies in Addendum C to her SOE, while commenting on the key provisions in contention in the body of her SOE. Ms Martin's opinion is that the proposed activities demonstrate appropriate consistency with the relevant objectives and policies of the PODP and that the predominant primary production, role, function, and character of the proposed lots and the RPOZ will be maintained.⁹²
91. Regarding the Rural Subdivision objectives and policies, I find SUB-P10 and SUB-P12 to be the most relevant to this application. At this point I note the full wording of the relevant objectives and policies are provided in tables 9 & 10 of the s42A Report and in Addendum C to Ms Martin's SOE, so there is no need for me to quote these provisions in full in this decision.
92. Regarding SUB-P10(3) I find the key consistency issues to be that the proposed balance lot at 4.41ha is significantly smaller than the 20ha required by the rules but does retain its productive capacity with retention of the existing poultry farming operation.
93. In terms of SUB-P10(4), which is prefaced by '*avoiding subdivision that would...*', I find the key issues to be whether the proposal would compromise the Rural Production Zone and / or is more typical of development in urban areas.
94. Ms Laurenson sets out her concerns with SUB-P10 stating that not having a large balance area is problematic for maintaining spaciousness and results in a cluster of allotments alongside the poultry farm and considers the proposal to be inconsistent with SUB-P10. Ms Martin's assessment in her Addendum 3 is that the matters in (4) are not compromised by the subdivision so it does not need to be avoided. Based on my effects findings above I agree that the subdivision will not compromise the productive

⁹⁰ S42A Report (paragraph 9.65)

⁹¹ SOE of D Martin (paragraph 8.8).

⁹² SOE of D Martin (paragraph 8.9)

poultry farm on the balance lot or rural character and therefore does not trigger the avoid clause.

95. Regarding SUB-P12, which is an ‘ensure policy’, the themes again include maintaining rural character and amenity and minimising reverse sensitivity effects and conflict with activities permitted in the zone, as well as appropriateness for land use intended by the zone. Ms Laurenson acknowledges that the balance area will provide for the continuation of existing primary production activity but raises concerns with the subdivision not being anticipated by the spatial outcomes of the PODP by changing the development pattern and resulting in land uses that are incompatible with the operation of the poultry farm. Ms Martin’s assessment states a change in a development pattern of a site is not in itself adverse as the site will be consistent with development in the area and the potential for land use conflict is sufficiently mitigated. I agree with Ms Martin on the last point but find Ms Laurenson’s point that the level of development is not anticipated by the spatial outcomes of the plan to be relevant to achieving, or not, the planned character of the Zone. In that regard I find that the proposed subdivision has a degree of inconsistency with policy SUB-P12.
96. Turning to the Rural Production Zone objectives and policies, I find the key directive ‘avoid’ Rural Production Zone policy, to be RPROZ-P3. It seeks the avoidance of incompatible activities to the Zone that will result in reverse sensitivity or conflict, or adverse effects on rural character and amenity values and the productive potential of the land. While based on my section 104(1)(a) effects findings, effects relevant to those matters will be avoided or mitigated, RPROZ-P3 goes onto specifically list residential activities and rural lifestyle living not ancillary to rural activities as incompatible.
97. In assessing that there are likely to be adverse effects on the future occupiers of the lifestyle sites Ms Laurenson concludes that the proposal is inconsistent with part 1 of RPROZ-P3 and partly consistent with part 2 relating to effects on highly productive soils and amenity effects but goes onto state the proposal is “*contrary to the most directive avoid requirements of RPROZ-P3.*”⁹³
98. Ms Martin concludes that the proposed activities have been designed to be broadly consistent with the provisions (of the policy) and are therefore not required to be avoided.⁹⁴ Ms Wallace submits that where the plan uses the term avoid, the inquiry does not end with the presences of a sensitive activity near primary production and that the relevant provisions require further assessment, which she states Ms Martin has done. Ms Wallace submits that the reporting planner’s approach places disproportionate weight on the 20ha standard and 400m setback and makes reference to *Brial v Queenstown Lakes District Council* [2022] NZCA 206. In that

⁹³ S42A Report (Table 10).

⁹⁴ SOE of D Martin (paragraph 8.8(c)).

case the Court of Appeal held that the minimum lot size cannot be appropriately regarded as a bottom line.

99. I find that in this case, the proposal does appropriately address the two avoid clauses, but that there is some inconsistency insofar as the policy goes on to list residential activities and rural lifestyle living that are not ancillary to rural activities as an incompatible activity. Clearly, residential activity on proposed Lots 1, 2 and 4 will all be within that description of an incompatible activity. I however acknowledge the point made by both Ms Martin and Ms Wallace that the plan still permits residential activities within this zone and allows for the creation of rural lifestyle sites in specific circumstances (including the requirement for a 20ha balance), despite such activities being listed as incompatible. Nevertheless, I still find there to be an inconsistency with that aspect of RPROZ-P3.
100. As for the remaining objectives and policies of the Rural Production Zone, Ms Laurenson also identifies inconsistency with objectives RPROZ-O5 & RPROZ-O7 and policy RPROZ-P7 due to the lack of separation between the new sensitive activity and the poultry farm. Ms Laurenson states that the new allotments cannot mitigate or avoid potential effects such as odour from the poultry farm and had the site been larger there would be opportunities for larger buffer areas while providing the open space character anticipated in the Rural Production Zone.⁹⁵ On this point Ms Martin states from the evidence available, the poultry farm is not causing conflict with other land uses, and it is not reasonable to assume that conflict would be created as a result of the subdivision and subsequent development.⁹⁶ For the reasons set out in my decision on s104(1)(a) effects matters, I find agreement with Ms Martin on this matter. I also find the Brial case referenced by Ms Wallace to be relevant insofar as the 400m setback is not a bottom line if there is evidence that land use conflict can be avoided and mitigated with a lesser set back in the circumstances of the site, which based on the evidence is the situation here.
101. In terms of Ms Laurenson's summary of her objective and policy assessment I find agreement with her statement that the proposal seeks to fragment rural land to a level that is not anticipated by the District Plan, but based on the evidence I do not agree that the proposal will introduce a conflict of land uses that the zone seeks to avoid.

6.1.2 Overall Conclusions on District Plan Objectives and Policies

102. I therefore find that the proposed subdivision to create the three rural lifestyle lots without a 20ha balance is inconsistent with the avoid direction of Policy RPROZ-P3 (by

⁹⁵ S42A Report (Table 10).

⁹⁶ SOE of D Martin (paragraph 8.8(b)).

creating lifestyle lots not ancillary to rural activities). As the subdivision can achieve all other aspects of the policy aside from being inherently for rural lifestyle living however, I do not find it to be contrary to this policy. In terms of the rural subdivision policies, I find some inconsistency with the ensure policy SUB-P12. I am however generally satisfied that the proposal achieves consistency with other relevant objectives and policies. In making my overall decision on this application I need to determine the significance of the inconsistencies with RPROZ-P3 and SUB-P12, which are key policies to the new rural subdivision direction of the PODP.

103. Ms Wallace submits that on a fair and integrated reading, the overall thrust of the objectives and policies of the Plan are not contravened and the proposal is not contrary to the plan's core outcomes.⁹⁷ I agree that this is the case in regard to avoiding land use conflict and reverse sensitivity effects, but find that this proposal does create lifestyle sites outside of the rural subdivision approach of the PODP.
104. Ms Wallace goes on to that that any inconsistency is limited and outweighed by the evidence that the effects are acceptable.⁹⁸ While there are inconsistencies with aspects of PDP policies SUB-P12 and RPOZ-P3, I agree that the effects are acceptable and find that there is a finely balanced tension between the acceptability of effects and the inconsistency with the rural subdivision zone direction of the PODP. Therefore, in an overall sense I find that the proposal is not contrary to the objectives and policies of the PDP, despite the acknowledged inconsistency with aspects of policies SUB-P12 and RPOZ-P3.

6.2 NATIONAL POLICY STATEMENTS

105. Under s104(1)(b)(iii) I am required to have regard to any relevant national policy statements. The s42A Report has regard to the National Policy Statement for Freshwater Management 2020. Ms Laurenson states she is satisfied that the development is consistent with the provisions of that NPS, in having regard to the Waiongana Stream and the proposed esplanade strip.⁹⁹
106. The s42A Report also has regard to the National Policy Statement for Highly Productive Land 2022 ("NPS-HPL") identifying that the site contains portions of LUC2 and LUC3. Ms Laurenson explains that Ag-First provided an assessment against the NPS-HPL and concluded that the proposal meets the exemption provisions of Clause 3.10 and that Mr Stuart Ford was engaged to peer review that report and agreed with

⁹⁷ Legal Submissions on behalf of the Applicant (paragraph 9.6).

⁹⁸ Ibid.

⁹⁹ S42a Report (paragraphs 9.45 & 9.46).

the conclusion that clause 3.10 is satisfied. Ms Laurenson therefore concludes that the proposal is consistent with the NPS-HPL.¹⁰⁰

107. Ms Laurenson states that there are no national environmental standards relevant to the application, having already confirmed that the proposal does not involve any pieces of land subject to the NEC-CS.¹⁰¹

108. Ms Martin agrees with Ms Laurenson on those matters¹⁰² and there being no evidence to the contrary I find the proposal to be consistent with the provisions of the NPS-FW and NPS-HPL.

109. Ms Martin also provides an assessment of the proposal against the NPS for Natural Hazards 2025 (“NPS-NH”) and concludes that the proposal is consistent with the objective and policies of the NPS-NH. Having considered Ms Martin’s assessment I agree with that conclusion.

6.3 REGIONAL POLICY STATEMENT FOR TARANAKI 2010

110. In her s42A Report Ms Laurenson identifies some inconsistency with both the Air Quality and Amenity objectives and policies from the proposal but accepts that it is consistent with the RPS in other regards. Ms Laurenson states the proposal does not provide mitigation to reduce nuisance effects (should such effects exist) for the new owners of Lots 1, 2 and 4.

111. Ms Martin disagrees with Ms Laurenson’s conclusions on the RPS drawing on her evidence relating to odour effects and rural amenity. Based on my effects findings I find agreement with Ms Martin that the proposed activities are consistent with the relevant provisions of the RPS.

7. OTHER CONSIDERATIONS

7.1 OTHER MATTERS

7.1.1 Relevant Iwi Management Plan

112. In regard to s104(c) of the RMA and any other matter considered relevant, the s42A Report refers to Tai Whenua, Tai Tangata, Tai Ao, the Iwi Management Plan for Te Atiawa iwi, and references a number of relevant objectives and policies¹⁰³ and

¹⁰⁰ S42a Report (paragraphs 9.47 - 9.51).

¹⁰¹ S42a Report (paragraph 9.51).

¹⁰² SOE of D martin (Paragraphs 9.8 – 9.10)

¹⁰³ S42A Report (paragraph 9.67).

concludes that the proposal is generally consistent with them notwithstanding that the esplanade strip does not achieve the 20m referenced in this Plan.¹⁰⁴ Ms Martin also agrees that this is the case.¹⁰⁵

113. Given the above evidence, I find that the proposed subdivision will be consistent with the Te Atiawa Iwi Management Plan, subject to conditions requiring implementation of the proposed earthworks sediment and erosion controls and riparian planting.

7.1.2 Precedent & District Plan Integrity

114. Ms Laurenson raises concern that there are many properties within the Rural Production Zone that are less than 20ha and states that *“this application by nearly all counts is inconsistent with the provisions of the PODP...”*¹⁰⁶
115. She however goes on to state *“I consider there are unique aspects of this application which take the proposal outside the generality of cases and create a clear distinction ...”*. The aspects listed include the application having been made under the ODP2005 in 2021 as a discretionary activity, at the time of the application a residential dwelling on Lots 1 & 2 would have been a controlled activity, and that the submission in opposition was subsequently withdrawn.¹⁰⁷ On that basis Ms Laurenson concludes that it is unlikely that the decision would set a precedent which will influence the way in which future applications are dealt with under the PODP.¹⁰⁸
116. Ms Martin states her agreement the application would not create a precedent and adds that the site itself is unique in having no directly adjoining neighbours, being boarded by the road, railway and river.¹⁰⁹
117. Under the heading ‘District Plan Integrity’ Ms Laurenson states there are unusual circumstances which make the application distinguishable and cites the processing history of the application (having been lodged in 2021 under the ODP2005) which cannot now be replicated. For this reason, Ms Laurenson considers the granting of consent will not undermine the integrity of principal provisions within the PODP.¹¹⁰
118. Ms Martin also agrees that the application is unusual and distinguishable and that it will not affect PODP integrity.¹¹¹

¹⁰⁴ S42 Report (paragraph 9.70).

¹⁰⁵ SOE of D Martin (paragraph 9.21).

¹⁰⁶ S42A Report (paragraph 9.77).

¹⁰⁷ S42A Report (paragraph 9.78).

¹⁰⁸ S42A Report (paragraph 9.79).

¹⁰⁹ SOE of D Martin (paragraph 12.4).

¹¹⁰ S42A Report (paragraphs 9.85-9.86).

¹¹¹ A42A Report (paragraphs 12.5-12.6).

119. For different reasons, both Ms Laurenson, nor Ms Martin afford little weight to matters of precedent and district plan integrity.
120. Given that I have found a degree of inconsistency with the PDP rural subdivision avoid policy RPROZ-P3 (albeit that I found general consistency with other relevant objectives and policies), it is important that I am satisfied that the granting of this application would not create any expectations for other applications that are inconsistent with RPROZ-P3 in creating new lots for lifestyle living without a 20ha balance area.
121. On that basis I find it significant that the subdivision has lodged under the ODP2005 and has an overall status of a discretionary activity, which would not be available to any future applications creating rural lifestyle sites with a similar sized balance area.
122. Given the above, I find that granting approval to this application would not cause an adverse precedent effect and nor will it affect the integrity of the PODP.

7.2 SECTION 106 OF THE RMA

123. I agree with the conclusions in the S42A Report and by Mr Ms Martin that there is no reason to decline this application under s106 of the RMA.¹¹²

7.3 PART 2 OF THE RMA

124. The Court of Appeal judgement *RJ Davidson Family Trust v Marlborough District Council* clarified that for resource consent applications where the relevant plan provisions have clearly given effect to Part 2, there may be no need for decision makers to refer to Part 2 if doing so “*would not add anything to the evaluative exercise.*”
125. Ms Laurenson provides the view that the PODP is such that no recourse to Part 2 is necessary.¹¹³ M Martin agrees with that a Part 2 assessment is not required.¹¹⁴
126. I therefore find that I do not need to give reference to Part 2 in making this decision.

8. CONCLUSIONS ON 104 ASSESSMENT

127. Following my analysis of the principal issues in contention with the Application (including both the subdivision and land use consent) and my findings that:

¹¹² S42A Report (paragraph 10.4), and SOE of D Martin (paragraph 12.8).

¹¹³ S42A Report (paragraph 11.1).

¹¹⁴ SEO of D Martin (paragraph 9.22).

- a. any adverse effects on the environment are able to be appropriately avoided, remedied and mitigated with the conditions proposed;
- b. that the proposal is not contrary to the objectives and policies of the PODP and generally consistent with other relevant statutory instruments; and
- c. will not result in a precedent or PODP integrity issues,

I find that the Application merits approval under s 104B of the RMA.

128. I now turn to the issue of the conditions that ought to be imposed on the consent to be granted.

9. CONSENT CONDITIONS

129. I acknowledge Ms Laurenson for providing a set of draft conditions in her s42A Report¹¹⁵ despite recommending that consent be refused. Ms Martin briefly commented on those draft condition in her SOE and proposed some amendments and additions (namely a consent notice requiring internal noise insulation standards to be met for new dwellings and additions on Lots 1, 2 & 4).¹¹⁶ In her summary evidence tabled at the hearing Ms Martin provided an amended set of draft conditions with additional changes to those recommended in her SOE, which she states are functional and not substantive.¹¹⁷

130. In her verbal comments at the hearing Ms Laurenson responded to the questions that I raised regarding the appropriateness of the reverse sensitivity covenant wording (which listed the balance lot 3 as being subject to the covenant) and explained that in drafting the condition reference had been given to the recent New Zealand Defence Force v Selwyn District Council [2025] case. Ms Wallace subsequently provided that decision with her reply submissions as well as recommended amendments to the wording of that condition (28).

131. At the hearing I also questioned Ms Martin about whether the wording of the proposed landscape condition 18(g) adequately ensured screening hedges would be established and maintained between Lot 2 and the poultry sheds.

132. The evidence in reply of Ms Martin recommended additional changes to the following conditions: 1 (to reference the amended subdivision plans which provide a greater setback from the building area on Lot 2 to the poultry sheds and some minor consequential amendments to the Lot boundaries), and 18(g) (to specifically reference

¹¹⁵ Appendix F (subdivision consent) and Appendix G (land use consent).

¹¹⁶ Addendum A to SOE of D Martin.

¹¹⁷ Summary SOE of D Marting (paragraphs 2.32 & 2.33).

the hedge between Lot 2 and the poultry sheds and to require it to be maintained at a minimum height of 1.8m).

133. I have carefully considered the amended condition set provided by Ms Martin at the hearing and the subsequent recommended amendment to conditions 1, 18(g) and 28 provided with the reply evidence and closing submissions, and adopt the amended condition set with the subsequent amendments for this decision.
134. I have made some minor typographical amendments to the post hearing condition suite, and with those amendments I adopt the conditions as set out in Appendix A to this decision.

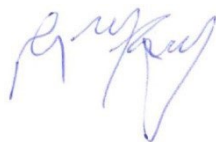
10. DETERMINATION

135. Pursuant to the powers delegated to me by the New Plymouth District Council under section 34A of the Resource Management Act 1991, I record that having considered the application documents, the applicant's evidence and legal submissions, the Section 42A Report, and having considered the various requirements of the RMA, I find that:

- a. The actual and potential adverse effects of the application, can be suitably avoided, remedied or mitigated by the imposition of conditions; and
- b. The application is consistent with the relevant provisions of the National Policy Statement on Freshwater 2022, National Policy Statement for Highly Production Land 2022, National Policy Statement for Natural Hazards 2025 and Regional Policy Statement for Taranaki, and is compatible with, and not contrary to, the relevant objectives and policies of the Partly Operative New Plymouth District Plan.

136. I therefore **grant** the application lodged by Popuanui Chickens Limited (SUB21/47978 and LUC26/48992) for resource consent to subdivide the site into 4 Lots and to enable a dwelling to be established on each of Lots 1 and 2 within 400m of intensive indoor primary production structures.

Signed by Independent Commissioner



Philip McKay

Dated: 24 August 2026.



A



APPENDIX A

Conditions of Consent – SUB21/47978
& LUC26/48992

APPENDIX A – DECISION CONDITIONS

A. Conditions – Subdivision Consent SUB21/47978

General 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 2025, 24 January 2026, 16 March 2026, 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 entitled '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.

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 taller than 4m' 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. 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 that need 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 New Plymouth District Council 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 is required with evidence that any existing septic tank/s & effluent soakage field/s serving the existing development on-site are contained wholly within the respective boundaries of Lots 3 and/or 4.
12. Prior to issue of certification under Section 224 of the Resource Management Act 1991, confirmation is required that existing stormwater soak holes or other soakage devices 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 state: "*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*".
14. An individual power connection must be provided to each of 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 (as applicable under condition 13) must be provided.

Vehicle Crossings

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

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 New Plymouth District Council Parks Lead. The esplanade strip instrument must include the following provisions:
 - a) The following acts are prohibited on the strip:
 - i. Wilfully endangering, disturbing, or annoying any lawful user of the strip (including the owner or occupier of the strip);
 - ii. Wilfully damaging or interfering with any structure adjoining or on the land, including any building, fence, gate, stile, marker, bridge, or notice;
 - iii. Wilfully 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 New Plymouth District Council 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 certified 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 certified 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 [insert areas] 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 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 for Lots 1, 2, 3 and 4 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.
- h) New water tanks on Lots 1, 2, 3 and 4 must be recessive shades less than 35% reflectivity and must be integrated with the residential unit design and either screened or planted from the view from the road, if not located underground.
- i) All new external lighting on Lots 1, 2, 3 and 4 must be hooded or cast down so that no lamp source is visible.
- j) Fencing on Lots 1, 2 and 4 must be limited to post and rail or post and batten only.
- k) On Lots 1, 2 and 4:
 - i. 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.
 - ii. Compliance with (i) 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.

- iii. Where the noise level specified in (1) above cannot be met with ventilating
- iv. 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.
- m) The consent holder or future owners of 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.

Advice Note: This condition has been volunteered by the consent holder on an Augier basis for the purpose of ensuring there is no further intensification of activities which would compromise the role, function and predominant character of the Rural Production Zone. This condition includes restricting the construction of any additional residential unit, sleep-out, minor residential unit and any Detached Minor Residential Unit under the National Environmental Standards for Detached Minor Residential Units 2025.

Reverse Sensitivity Covenant

28. The consent holder must, as volunteered by the applicant, register a covenant under the Land Transfer Act 2017 against the Records of Title for Lots 1, 2, and 4 to avoid reverse sensitivity effects on the established intensive indoor poultry operation (Poultry Farm) on the Lot 3 land, which is operated by Tegal Foods Limited. The covenant must:
- a) benefit Lot 3 and the operator of the Poultry Farm;
 - b) burden Lots 1, 2 and 4;
 - c) contain a no-complaints and no-opposition covenant, under which the registered proprietors of Lots 1, 2 and 4 covenant, for themselves and their transferees, assignees and successors in title, not to directly or indirectly complain about, submit on, object to, oppose, or fund or facilitate any other person to complain about, submit on, object to or oppose the Poultry Farm, including in relation to odour, discharges to air, water and land, noise, visual and traffic effects arising from the Poultry Farm, provided that the Poultry Farm is being lawfully carried out

in accordance with the relevant district or regional plan, resource consent, or existing use rights.

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

Advice Note: This condition has been volunteered by the consent holder on an Augier basis to reflect an agreement reached between the consent holder and Tegel Foods Limited. This covenant protects established intensive indoor primary production operating at the Tegel Foods Limited site.

Easements

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

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) 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.

B. CONDITIONS - LANDUSE CONSENT LUC26/48992

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 '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.

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

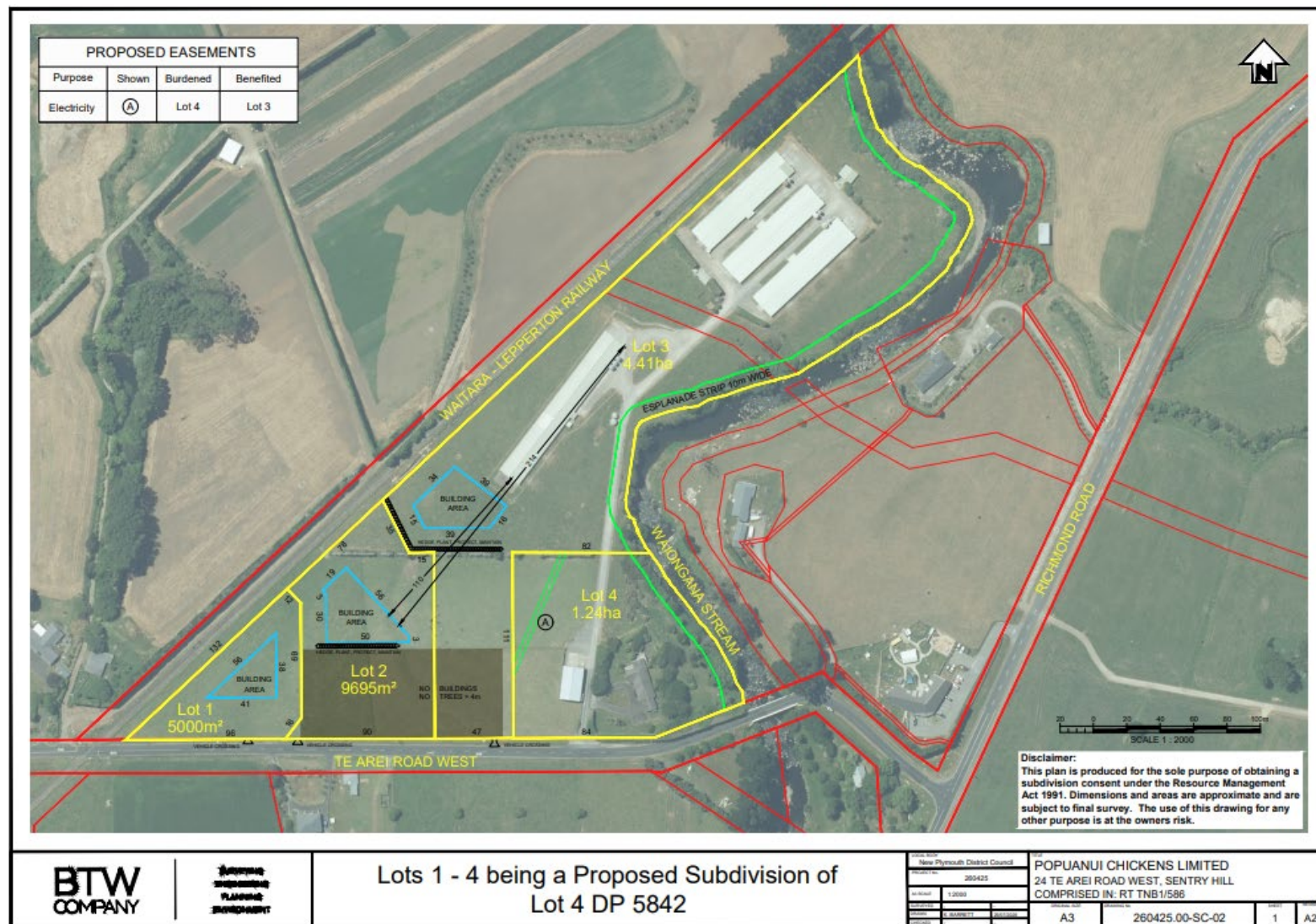
4. The Residential Unit within Lot 1 must be located in the area marked "Building Area" on the approved plan and the Deposited Plan for Lot 1.
5. The Residential Unit within Lot 2 must be located in the area marked "Building Area" on the approved plan and the Deposited Plan for Lot 2.

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.

Consent Lapse Date

- c) 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.



Decision Report – Resource Consents SUB21/47978 & LUC26/48992 – Popuanui
Chickens Limited, 24 Te Arei Road West – Decision Conditions