Job Ref: 17013

17 December 2018

Hastings District Council
Private Bag 9002
Hastings 4156

Attn: Janeen Kydd-Smith c/- Murray Arnold

RMA20180414 I RESPONSE TO FURTHER INFORMATION

The following is our response to your request for further information dated 16 October 2018 which raised queries in relation to the following matters:

1. Oxidization Pond and Pump Shed
2. Phase 2 Tunnel Building
3. Existing/Consented/Proposed Buildings
4. Schedule Site (S37)
5. Total Building Coverage
6. Intensive Rural Production – Minimum Yard and Setback Distances
7. Effects on Existing Amenity Values
8. Schedule 4 and Section 104 Matters
9. Transportation Assessment

Some queries in relation to (1), (3), (5) and (6) require updates to plans/new plans to be prepared. This work is still in progress and will be provided as a separate response.

Oxidization Pond and Pump Shed

Please confirm whether the oxidation pond and pump shed are included as part of the subject proposal for which resource consent is sought.

Approval of the oxidation pond and pump shed are included as part of the subject proposal for which resource consent is sought. This was always intended as part of describing the existing operation, identifying the pond as a point of non-compliance and including consideration of the pond in the Assessment of Environment Effects. We appreciate this may not have been clear from the description of the proposal.

Please provide an assessment of the proposal in terms of the effects of the oxidation pond and pump shed on existing amenity values.

As outlined in the application document, the main outcome associated with the setback distances pertaining to the pond, with which it fails to comply, is that "*neighboring activities will not be adversely affected by odour associated with the storage, treatment or utilisation of organic matter and effluent from the Intensive Rural Production Activity*".

In terms of the overall effects of the pond and pump shed on existing amenity values, which includes consideration of odour, effects in the receiving context are considered to be less than minor. We note the following in coming to this view:

- The establishment of a pond of this nature is not foreign to a rural environment,
- As an odour source, the pond has been assessed by AQP to have a low/low-moderate potential odour impact,
- The scale of structures is not significant – certainly no more so than the existing and approved structures beyond,
- The new pond was established in the vicinity of a previous one i.e. it is not a foreign concept for this general area of the site to accommodate a pond, while the new pond was in fact constructed for the purposes of reducing the odour potential of the previous pond system i.e. to improve amenity values,
- The pond and pump shed are not especially viewable from any nearby dwelling. Indeed, the immediate area on the adjoining site is a narrow strip of land at the base of a slope with limited utility / used for lifestyle/hobby farming purposes only,
- No traffic is associated with the pond, in fact managing wastewater on-site reduces traffic generation.

Please provide an assessment of the earthworks associated with constructing the oxidation pond in relation to the relevant District Wide Activity rules and performance standards in Section 27.1 Earthworks, Mineral Aggregate and Hydrocarbon Extraction of the Proposed Hastings District Plan.

The following discussion considers the relevant Assessment Criteria in Chapter 27.1.7. We note however that the earthworks associated with the construction of the pond were undertaken some time ago and that the proposal to authorise these and the following assessment is made on a retrospective basis.

27.1.7A LAND DISTURBANCE AND VEGETATION CLEARANCE

(a) The effects of land disturbance and vegetation clearance will be assessed in terms of their effects on:

(i) The life-supporting capacity of soils.
(ii) Soil erosion and stability.
(iii) Soil Runoff and Sedimentation.
(iv) Natural landforms and contours.
(v) Flora and fauna.
(vi) Significant cultural, ecological and historic heritage sites (including archaeological sites).
(vii) Composition and characteristics of any fill used.

(b) In making an assessment, regard will be had to the following:

(i) The extent of removal of vegetation, topsoil and subsoils at any one time.
(ii) Methods to separate soil horizons during stripping.
(iii) Measures to safeguard the life supporting capacity of stockpiled soils.
(iv) The potential or increased risk of hazards from the activity, including potential risk to people or the community.
(v) Sediment control measures, including measures to prevent sediment run-off into Council's reticulated network.
(vi) Rehabilitation of site (including backfilling, re-spreading of subsoil and topsoil, contouring, repasturing and revegetation).
(vii) Land capability and potential end uses of the site.
(viii) Information on any relocation of fill on or offsite.
(ix) Siting, construction and maintenance of internal access roads.
(x) Effect on flow paths and floodways.
(xi) Measures to avoid the disturbance of archaeological sites (noting that any disturbance of an archaeological site will require separate approval under the Heritage New Zealand Pouhere Taonga Act 2014.

Comments

The matters outlined in (b) have been considered in coming to the following views around the matters listed in (a):

- As outlined in the main application document, effects arising from the proposal on the life supporting capacity of the soil, including the construction of the pond, can be considered minor,
- The area of the works is essentially flat in terms of risks associated with instability or erosion,
- Being excavation for a pond, it is likely that runoff and sediment control was effectively managed during the works, while there is no on-going need for any such measures,
- Besides the pond there was no change to the finished contour of nearby land,
- There are no known cultural heritage or archaeological sites on the property, and there was no unexpected discovery of any archaeological items,
- No material was removed from the site,
- No fill was used.

27.1.7B VISUAL IMPACT

(a) The visual effects of the activity will be assessed in terms of its potential effect on:

- (i) The residential or recreational (including tourism) use of land in the vicinity of the activity.
- (ii) The existing character of the locality and amenity values.
- (iii) Whether the land is covered by Outstanding or Significant Landscape Areas will be assessed under the Assessment Criteria 27.1.7F.

(b) In making that assessment regard shall be had to:

- (i) Planting, screening and other amenity treatment to minimise visual impact.
- (ii) Site location including locality, topography, geographical features, adjoining land uses.
- (iii) Height of soil stockpiles and cuttings.
- (iv) Rehabilitation of the site, including contouring, landscaping and re-vegetation.
- (v) Duration, rate and extent of extraction.
- (vi) Lighting - intensity, direction and positioning of lighting in relation to the effects of glare on the surrounding environment and adjacent land uses.

Comments

The matters outlined in (b) have been considered in coming to the following views around the matters listed in (a):

- The pond is not especially viewable from any nearby dwelling,
- The earthworks were relatively minor and not inconsistent with the site's rural surrounds, nor is the establishment of a pond of this nature foreign to a rural environment,
- The site is not located within or near an area of Outstanding Natural Value,
- No specific rehabilitation was required.

27.1.7C EFFECTS ON OTHER LAND USES AND ADJOINING PROPERTIES

The extent to which the activity will interfere with, or adversely affect, the current use of the land on which the activity is sited, or adjoining land uses. Consideration will be given to any potential effects of the proposed activity on adjoining properties and land uses, such as effects on surface drainage patterns, dust nuisance, or adverse effects on adjoining buildings. Permanent effects will be given more weight than temporary effects. Consideration will also be given to methods to avoid adverse effects on land use activities which are allowed in the Zone where the activity is located, such as the distance of activities from boundaries, and methods to avoid disturbance to adjoining properties, including livestock, particularly during birthing, and dust on fruit, particularly during harvesting season.

Comments

The earthworks appear to have had no effect on other land. Nuisance effects were presumably managed at the time. The effects of the pond's operation have been considered above and in the main application document.

27.1.7D NOISE

In assessing the impact of noise, regard shall be had to the noise sensitivity of the receiving environment, including adjacent land uses, where it is proposed to undertake the activity. Consideration will also be given to hours of operation of the activity.

Comments

Construction noise was presumably managed according to District Plan standards.

27.1.7E EFFECTS ON SPECIFIC DISTRICT WIDE ACTIVITIES AND LOCATIONS

The extent to which the activity will interfere with, or adversely affect:

(a) Access to and along watercourses and waterbodies.

(b) Recreation, Conservation or Natural Areas (see District Plan Section 13.1 Open Space Environments).

Comments

Not applicable to this site.

27.1.7F EARTHWORKS WITHIN OUTSTANDING NATURAL LANDSCAPES (ONFL)

Comments

Not applicable to this site.

27.1.7G ADDITIONAL SPECIFIC ASSESSMENT CRITERIA FOR MINING AND EXPLORATION ACTIVITIES ONLY

Comments

Not applicable to this activity.

In terms of the Outcome associated Performance Stannard 27.1.6D relating to excavation as follows, the cuts/excavation associated with constructing the pond are not highly visible, while management of the pond in relation to safety falls under the operation's health and safety obligations.

> *'Large scale cuts will be avoided where they are highly visible in nature and have potential safety issues.'*

In summary, the extent of earthworks associated with the pond were/are unlikely to have any significant adverse effects on people, property and the environment, including effects on the character and visual amenity of the area in the receiving context. Overall, the effects of these earthworks already undertaken can be considered less than minor.

Please clarify whether more than 25m³ of topsoil, sand, gravel metal or earth was removed from the site during construction of the oxidation pond.

We are advised by the applicant that no topsoil, sand, gravel metal or earth was removed from the site during construction of the pond, and that all excavated material was retained on-site through spreading and use within various bunds used to delineate different components of the overall operation.

Please provide confirmation that the pond, shed and associated infrastructure are located entirely within the subject site and do not encroach into the adjoining property.

The Plan provided in **Attachment 1** confirms that the full extent of the pond is within Lot 2 DP 16311. Further detail in relation to the pump shed will be provided in responding to the item under 'Existing/Consented/Proposed Buildings' below.

Phase 2 Tunnel Building

Please clarify the method of amalgamation between the properties for which the application is proposed. Would it be anticipated that a section 108 condition be imposed and the titles be held together in one certificate of tile, or that they be effectively held together under section 37 of the Building Act?

It is anticipated that the two properties will be held together under section 37 of the Building Act as part of the Building Consent process.

Please clarify whether the 'Future tunnel' is an existing building to which the new phase 2 tunnel (being the shaded area) will be attached, or otherwise?

The building referred to as the 'Future Tunnel' is the existing Phase 2 Tunnels and the shaded area the proposed extension. The proposed extension will be attached to the existing Phase 2 tunnels.

Existing/Consented/Proposed Buildings

Please provide a single site plan that shows all existing, consented and proposed buildings on Lot 2 DP 7771 and Lot 2 DP 16311.

This information is in the process of being prepared and will be provided once received.

Please identify what activities consented under RMA203130216 have been undertaken or will be undertaken before the consent lapse date. If none, please clarify whether it is intended to apply to Council for an extension to the consent lapse date under section 125 of the Resource Management Act 1991 and on what basis?

The applicant has advised that site works have been undertaken to prepare the ground for the new buildings, with a number of the building platforms constructed and formed awaiting building

construction. Water and power have also been installed to service the new buildings. The estimated costs of these works in giving effect to this consent fall in order of $330,000.

As outlined in Condition (2) of RMA20130216, some of the building work was dependent on the completion of the subdivision of the adjoining site and the amalgamation of part of that site with one of the subject titles (Lot 2 DP 7771). The amalgamation of titles was required to be completed before giving effect the consent for Mushroom House Stage Two.

The subdivision referred to was part of a Hastings District Council project to acquire land for municipal servicing purposes. We are advised by the applicant that Council has recently advised him that the section 224 certificate has been signed, and the LT plan has been lodged with Land Information NZ.

On the basis of these works/activities being undertaken and the associated investment in relation to realizing RMA203130216, it is considered that RMA20130216 has been exercised. We await confirmation from Council if its view is contrary to this.

Schedule Site (S37)

Please clarify the activity status of the proposal in relation to the unscheduled site (i.e. Lot 2 DP16311) and the scheduled site.

It is acknowledged in the application document that Lot 2 DP 16311 is not located within S37. The commentary was intended to explain that the activities undertaken on both sites, for various reasons/interpretations, both commence to be assessed under Rule PP22 as a Restricted Discretionary Activity and following an assessment of the Performance Standards go onto fall under Rule PP25 as a Discretionary Activity.

On the unscheduled site, IRP activities are provided for as a Restricted Discretionary Activity under Rule PP22. Those not able to meet one or more of the General Performance Standards and Terms in Section 6.2.5 and/or Specific Performance Standard 6.2.6A fall to be considered under Rule PP25 as a Discretionary Activity.

As the footprint of the extended Phase 2 tunnel building will be located within 50m of the boundary (104 Arataki Road), Performance Standard 6.2.6A(b)(iii) is unable to be met thus the Discretionary Activity status would apply.

In terms of the Scheduled Site, and as outlined in the application document, composting, mushroom growing, and retail sales of mushrooms and compost are classified as a Permitted Activity under Rule PP12 where they are undertaken on Lot 3 DP28543, Lot 2 DP 7771 and part of Lot 1 DP 16311 - provided they comply with the General Performance Standards and Terms for the Zone and District Wide Activity rules.

As in the case of the unscheduled site, the footprint of the extended Phase 2 tunnel building will be located within 50m of the boundary (104 Arataki Road), thus Performance Standard 6.2.6A(b)(iii) is unable to be met. It is therefore assumed that the rule framework as outlined above will fall to apply, and that the works on the schedule site would fall to be assessed as a Discretionary Activity under Rule PP25.

Total Building Coverage

Please provide detailed calculations for the total building coverage for each site (i.e. comprising the proposed building coverage plus the existing and consented (RMA20130216) building coverages for each site).

This information is in the process of being prepared and will be provided once received.

Intensive Rural Production – Minimum Yard and Setback Distances

Please provide a plan showing the location and distances of all residential buildings or any building being part of a marae, place of assembly, commercial activity or industrial activity on another site that are within 150 meters of the proposed Phase 2 Tunnel.

This information is in the process of being prepared and will be provided once received.

Effects on Existing Amenity Values

Please clarify the impact of odour from the proposed composting activities on existing amenity values at all stages (i.e. within the first 8 months, near to 200 tonnes per week production without mitigation at 200 tonnes per 7-day period, and post 200 tonnes per 7-day period production with mitigation).

This item requires consideration of odour impacts on existing amenity values:

1) Within the first 8 months,
2) Near to 200 tonnes per week production without mitigation at 200 tonnes per 7-day period,
3) Post 200 tonnes per 7-day period production with mitigation).

The overall purpose of the upgrades (and application) is to reduce the effects of odour and to improve existing amenity values. The following considers (1) and (3) followed by consideration of (2).

Within the First 8 Months

This period represents the time until the first round of upgrades is undertaken i.e. within 8 months of consent being granted. Over this time (referred to as 'current' in the table below) the operation will be run under existing processes as summarised below.

The following conclusions can be reached in regard to the operation under this scenario while the first round of proposed upgrades is developed:

- The potential for odour to impact sensitive receptors will remain 'moderate' to 'high' during weekdays (except Wednesdays),
- Although good practice processes will continue to be undertaken, and although some aspects will meet the *best practicable option* or better i.e. best practice, the *best practicable option* bar will remain to be met 'throughout'.

Owing to the 'moderate' to 'high' potential odour impact, there is risk of more than minor effects during this time.

Nevertheless, a lead-in time to undertake upgrades is required and this 'higher' risk and associated actual or potential effects will only occur for a limited and somewhat short duration in the context of the consented term.

Table 1: Outcome Analysis over the 8 month period following the grant of consent

Odour Source		**Potential Impact Rating** (taking into account the time of day when the activity is actually carried out)						
	Stage	**Mon**	**Tues**	**Wed**	**Thurs**	**Fri**	**Sat**	**Sun**
Bale wetting	Current	GP	GP	GP	GP	GP	GP	GP
Chicken litter/gypsum storage and handling	Current	BP	BP	BP	BP	BP	BP	BP
Chicken litter/gypsum mixing	Current							
Laying out bales/ breaking/ mixing/placing into bunker	Current				GP			
First and second turning of compost in Phase 1 bunkers	Current	GP				GP		
Transfer of compost from Phase 1 to Phase 2	Current		GP					
Phase 2 composting	Current	BPO	BPO	BPO	BPO	BPO	BPO	BPO
Emptying of Phase 2 tunnels	Current		BP					
Recycled water drainage / collection	Current	BP	BP	BP	BP	BP	BP	BP
Recycled water storage pond	Current	BP	BP	BP	BP	BP	BP	BP

Potential for adverse odour impacts at sensitive receptors

Not active	Low	Low-Moderate	Moderate	Moderate – High	High

Practice Rating

Good Practice	GP
Best Practicable Option	BPO
Best Practice	BP

The Period Following the Increase in Production to 200 Tonnes and Thereafter

The following upgrades would have been progressively implemented prior to increasing production to 200 tonnes per 7 days:

- Extend the length of existing bunkers by approximately 10m to contain the turning machine and turned compost within the bunker during the bunker to bunker transfer process, and construct a canopy over the extended bunker entrance containing

additional air extraction to the existing biofilter to assist capturing odour while doors are open during the process,

- Construct a new building to the west of the Phase 1 bunkers adjacent to the Phase 2 tunnels with a hopper under an extended eave alongside. This building will incorporate loading of the turned compost into the Phase 2 tunnels so that final turning and mixing can be undertaken in a semi enclosed environment - the building will be ventilated to a new biofilter with sufficient design capacity.
- Spent compost will be stored within either of the following areas:
    - On a concrete pad in the existing spent compost area located at the front of the site under a canopy to keep the spent compost dry – any remaining compost will be removed from the site within 7 days,
    - On a concrete pad in the centre of the site - any remaining compost will be removed from the site within 7 days.
- Construction of a third bunker within the Phase 1 composting process,
- Bale spiking,
- Pre-wetting over an aerated pad draining to the existing sump,
- Bale mixing and breaking using a bale breaker machine,
- Constructing a semi enclosed bale blending line with targeted air extraction.

At this point, all components of the operation would meet the *best practicable option* bar, with only 'low' to 'low-moderate' potential for odour to arise across the boundary.

The proposed upgrades under this scenario (referred to as 'final' in the table below) represent a considerable reduction in odour potential compared to the existing situation and the extent of nuisance effects in terms of Objectives 17 and 18 of the RPS as expanded upon below.

Overall, the *best practicable option* bar (or better i.e. best practice) will be met across all processes, and the odour profile across all the processes involved in the operation will be characterised by 'low' and 'low-moderate' potential odour impacts.

Table 2: Outcome Analysis upon increasing production beyond 200 tonnes per 7 days.

Odour Source		Potential Impact Rating (taking into account the time of day when the activity is actually carried out)						
	Stage	**Mon**	**Tues**	**Wed**	**Thurs**	**Fri**	**Sat**	**Sun**
Bale wetting	Current	GP	GP	GP	GP	GP	GP	GP
	After 8 months	GP	GP	GP	GP	GP	GP	GP
	Final	**BPO**	**BPO**	**BPO**	**BPO**	**BPO**	**BPO**	**BPO**
Chicken litter/gypsum storage and handling	Current	BP	BP	BP	BP	BP	BP	BP
	After 8 months	BP	BP	BP	BP	BP	BP	BP
	Final	**BP**	**BP**	**BP**	**BP**	**BP**	**BP**	**BP**
Chicken litter/gypsum mixing	Current							
	After 8 months							
	Final							
Laying out bales/breaking/ mixing/placing into bunker	Current				GP			
	After 8 months				GP			
	Final				**BPO**			
First and second turning of compost in Phase 1 bunkers	Current	GP				GP		
	After 8 months	BPO				BPO		
	Final	**BPO**				**BPO**		
Transfer of compost from Phase 1 to Phase 2	Current		GP					
	After 8 months		BPO/BP					
	Final		**BPO/BP**					
Phase 2 composting	Current	BPO	BPO	BPO	BPO	BPO	BPO	BPO
	After 8 months	BP	BP	BP	BP	BP	BP	BP
	Final	**BP**	**BP**	**BP**	**BP**	**BP**	**BP**	**BP**
Emptying of Phase 2 tunnels	Current		BP					
	After 8 months		BP					
	Final		**BP**					
Recycled water drainage / collection	Current	BP	BP	BP	BP	BP	BP	BP
	After 8 months	BP	BP	BP	BP	BP	BP	BP
	Final	**BP**	**BP**	**BP**	**BP**	**BP**	**BP**	**BP**
Recycled water storage pond	Current	BP	BP	BP	BP	BP	BP	BP
	After 8 months	BP	BP	BP	BP	BP	BP	BP
	Final	**BP**	**BP**	**BP**	**BP**	**BP**	**BP**	**BP**

Potential for adverse odour impacts at sensitive receptors

Not active	Low	Low-Moderate	Moderate	Moderate – High	High

Practice Rating

Good Practice	GP
Best Practicable Option	BPO
Best Practice	BP

Near to 200 tonnes per week production without mitigation at 200 tonnes per 7-day period

The following upgrades would have been undertaken within 8 months of granting consent until increasing production to 200 tonnes of compost per 7 days:

- Extend the length of existing bunkers by approximately 10m to contain the turning machine and turned compost within the bunker during the bunker to bunker transfer process, and construct a canopy over the extended bunker entrance containing additional air extraction to the existing biofilter to assist capturing odour while doors are open during the process,
- Construct a new building to the west of the Phase 1 bunkers adjacent to the Phase 2 tunnels with a hopper under an extended eave alongside. This building will incorporate loading of the turned compost into the Phase 2 tunnels so that final turning and mixing can be undertaken in a semi enclosed environment - the building will be ventilated to a new biofilter with sufficient design capacity.
- Spent compost will be stored within either of the following areas:
    - On a concrete pad in the existing spent compost area located at the front of the site under a canopy to keep the spent compost dry – any remaining compost will be removed from the site within 7 days,
    - On a concrete pad in the centre of the site - any remaining compost will be removed from the site within 7 days.

As illustrated in the table below, the following conclusions can be reached regarding the operation under this scenario:

- The *best practicable option* bar (or better i.e. best practice) will be met across all aspects of the process with the exception of those processes associated with bale wetting, breaking and mixing,
- The potential for odour to impact sensitive receptors will overall be 'low' to 'low-moderate', with only the bale breaking and mixing processes presenting a 'moderate' risk on a Thursday. This represents a considerable reduction in the extent of nuisance effects in terms of Objectives 17 and 18 of the RPS as expanded upon below,
- The *best practicable option* bar (or better i.e. best practice) can be met across all process days with the exception of Thursdays,
- Thursdays, during which the bale wetting, breaking and mixing processes will be carried out have attracted the lowest number of complaints (refer Table 7 of the AQP Report) – confirming the sources of greatest potential impact have been the first to be focused on and reduced.

Table 3: Outcome Analysis following upgrades due 8 months following the grant of consent

Odour Source		Potential Impact Rating (taking into account the time of day when the activity is actually carried out)						
	Stage	**Mon**	**Tues**	**Wed**	**Thurs**	**Fri**	**Sat**	**Sun**
Bale wetting	Current	GP	GP	GP	GP	GP	GP	GP
	After 8 months	GP	GP	GP	GP	GP	GP	GP
Chicken litter/gypsum storage and handling	Current	BP	BP	BP	BP	BP	BP	BP
	After 8 months	**BP**	**BP**	**BP**	**BP**	**BP**	**BP**	**BP**
Chicken litter/gypsum mixing	Current							
	After 8 months							
Laying out bales/breaking/ mixing/placing into bunker	Current				GP			
	After 8 months				**GP**			
First and second turning of compost in Phase 1 bunkers	Current	GP				GP		
	After 8 months	**BPO**				**BPO**		
Transfer of compost from Phase 1 to Phase 2	Current		GP					
	After 8 months		**BPO/BP**					
Phase 2 composting	Current	BPO	BPO	BPO	BPO	BPO	BPO	BPO
	After 8 months	**BP**	**BP**	**BP**	**BP**	**BP**	**BP**	**BP**
Emptying of Phase 2 tunnels	Current		BP					
	After 8 months		**BP**					
Recycled water drainage / collection	Current	BP	BP	BP	BP	BP	BP	BP
	After 8 months	**BP**	**BP**	**BP**	**BP**	**BP**	**BP**	**BP**
Recycled water storage pond	Current	BP	BP	BP	BP	BP	BP	BP
	After 8 months	**BP**	**BP**	**BP**	**BP**	**BP**	**BP**	**BP**

Potential for adverse odour impacts at sensitive receptors

Not active	Low	Low-Moderate	Moderate	Moderate – High	High

Practice Rating

Good Practice	GP
Best Practicable Option	BPO
Best Practice	BP

As outlined above, the upgrades that would remain to occur would include:

- Construction of a third bunker within the Phase 1 composting process,
- Bale spiking,
- Pre-wetting over an aerated pad draining to the existing sump,
- Bale mixing and breaking using a bale breaker machine,
- Constructing a semi enclosed bale blending line with targeted air extraction.

Although the 3rd bunker would not be constructed at this time, following the proposed extension of the existing bunkers this will only be required in response to volume i.e. the proposed extensions and associated extraction will enable this aspect of the process to meet the *best practicable option* bar while production levels are less than 200 tonnes per 7days, thus the additional bunker is only required to accommodate production increases.

Odour control associated with bale breaking and mixing will remain the same until compost production increases beyond 200 tonnes per 7 days.

As such, if production was to remain near but not greater than 200 tonnes per week, the potential for odour to impact sensitive receptors will overall be 'low' to 'low-moderate', with only the bale breaking and mixing processes presenting a 'moderate' risk on a Thursday.

Here we note:

- There would have been considerable reduction in the extent of nuisance effects on existing amenity values,
- Thursdays, during when the assessed risk is greater, has in fact attracted the lowest number of complaints (refer Table 7 of the AQP Report),
- The outcomes by this time are expected to have already exceeded those envisaged under DP100128A, which is granted for a period expiring in 2025.

At what level of compost production (tonnes per 7-day period) and with what upgrades will potential odour levels be either "low-moderate" or low impact"?

The potential odour impact from all sources has been assessed to be low-moderate upon increasing production beyond 200 tonnes per 7 days. All the proposed upgrades (as outlined above) are required to achieve this.

It must be emphasized however that from the period commencing as early as 8 months after the granting of consent that it will only be on a Thursday, during which the bale wetting, breaking and mixing processes will be carried out, where the potential odour impact may be 'moderate'.

As outlined above, this represents a considerable reduction in the extent of nuisance effects very quickly, while it is noted Thursdays, during when the assessed risk is greater, has in fact attracted the lowest number of complaints (refer Table 7 of the AQP Report) – confirming the sources of greatest potential impact have been the first to be focused on and reduced. Outcomes by this time are also considered to exceed those envisaged under DP100128A.

Schedule 4 and Section 104 Matters

Please provide a record of any consultation undertaken, as per Schedule 4, including the owners(s)/occupiers) of 104A Arataki Road and 108 Arataki Road.

The applicant has advised that multiple discussions have been held with the owners of these properties, however as outlined in the application document, no formal consultation has been undertaken or records kept in regard to this landuse proposal.

Please provide an assessment having regard to the relevant provisions of the Hawkes Bay Regional Policy Statement and Hawkes Bay Regional Resource Management Plan, particularly OBJ 17, OBJ 18 and POL 7.

The purpose of a Regional Policy Statement is to provide an overview of the region's resource management issues and the policies and methods proposed to achieve the integrated management of natural and physical resources. The Hawke's Bay Regional Policy Statement is contained in Chapters 2 and 3 of the Regional Resource Management Plan document, which also contains the Regional Plan.

The purpose of a Regional Plan is to assist a Regional Council to carry out its functions in order to achieve the purpose of the RMA. To this effect, Regional Plans contain Objectives, Policies and Rules. These form the overall regulatory framework for the management of land, air, surface water, groundwater and the coastal marine area. The Objectives and Policies of the Regional Plan are contained in Chapter 5 of the Reginal Resource Management Plan document.

It is common for the presence of existing activities that may cause conflict with new activities and the risk of reverse sensitivity issues to arise are to be acknowledged when that new activity is first proposed. **Policy UD12(l)** validates this view in that it requires territorial authorities to have regard to the avoidance, remediation or mitigation of reverse sensitivity effects arising from the location of conflicting land use activities.

This isn't to say that existing activities don't have a duty under Section 17 of the RMA to avoid, remedy, or mitigate any adverse effects that may arise in the context of the environment as it develops, however there is a clear theme in the following Objectives and Policies, which may be different from other planning frameworks, of protecting those existing activities provided *best practicable options* are adopted.

In the case of an existing activity (including its expansion), **Objective 17** sets out to remedy or mitigate the 'extent' of nuisance effects arising from the present location of conflicting land use activities. Remedying or mitigating the 'extent' of nuisance effects could mean reducing the distance from a site that offensive or objectionable odour maybe detected or implementing changes/mitigation to reduce the frequency that offensive or objectionable odour is detected.

For the expansion of existing activities that are tied operationally to a specific location, **Objective 18** seeks the mitigation of off-site impacts or nuisance effects arising from the location of conflicting land activities adjacent to, or in the vicinity of areas required for current or future operational needs.

Both Objectives consider the expansion of existing activities however the main difference between the two seems to be that Objective 18 ensures that land surrounding areas required for an expansion are considered in the same manner as land surrounding the existing areas of an activity. This difference is not a relevant matter in this particular case however as odour sources will generally remain within the current footprint. Nevertheless, as this proposal involves both an 'existing' component as well as an 'expansion' component, both Objectives are relevant.

Objective 16 relates to future activities, but on the basis of the proposal being an expansion of an existing activity and not a new activity on the site, it is not considered to be applicable.

Policy 5 is to use non-regulatory methods as set out in Chapter 4 of the RRMP, in particular liaison with territorial authorities, as the primary means of preventing or resolving problems arising from incompatible land use activities and implementing the problem-solving approaches set out in Policies 6 and 7.

This Policy recognises that while the issues that arise are controlled by the HBRC, the conflict between incompatible land uses has generally arisen as a result of past land use planning decisions, and that as a result, there is need for a collaborative approach to prevent and resolve problems that arise.

Policy 6 relates to future activities, but in a similar manner to Objective 16 is not considered to be strictly applicable. Indeed, the activity is existing and this is validated by the site being scheduled in the District Plan.

Policy 7 seeks to adopt the following approach for addressing existing problems arising from conflicting land use activities that are adjacent to, or within the vicinity of each other:

(a) Recognise existing lawfully established resource use activities that are operated in a manner that adopts the *best practicable option*, or which is otherwise environmentally sound.
(b) The HBRC will place emphasis on holding discussions and providing information as the primary means of conflict resolution.
(c) In the event that further action is necessary, the HBRC may adopt a range of methods to seek to address the problem, including one or more of the following:
    (i) Working with organisations representing resource users, if such organisations exist
    (ii) Promoting the use of community working groups which bring affected people together in order to discuss the problem
    (iii) Using an independent facilitator to mediate between disputing parties
    (iv) Using the services of independent experts to carry out investigations and for Council to use that information to guide resource user/parties in dispute.

Of particular relevance to establishing the context in which this resource consent application is to be assessed, this Policy expressly recognises the rights of existing lawfully established activities that adopt the "*best practicable option*" or which are otherwise environmentally sound.

Best Practicable Option is defined in the RRMP and Section 2 of the RMA as meaning:

> *In relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to—*
> (a) *The nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and*
> (b) *The financial implications, and the effects on the environment, of that option when compared with other options; and*
> (c) *The current state of technical knowledge and the likelihood that the option can be successfully applied*

Policy 8 requires regard to be given to the following matters when considering conditions of resource consents for activities involving the discharge of odour into air:

(a) The likely frequency and duration of odour events,
(b) The nature of the odour,
(c) The nature of the local environment where odour may be experienced and the reasonable expectation of amenity within that environment given its zoning,
(d) Any antecedent or contributing factors, including climatic or topographical features,
(e) The extent to which lawfully established resource use activities operate in a manner that adopts the *best practical option*, or which is otherwise environmentally sound.

There is specific reference in the explanatory notes to taking into account such factors as the frequency, intensity, duration, offensiveness and location of odour events when determining resource consent conditions - confirming the intention is not to prevent odour outright, rather avoid, remedy or mitigate as appropriate and reasonable.

Objective 20 applies to the management of organic material derived from industries processing primary products and seeks to achieve the management and use of organic material in a manner that does not result in any adverse effects on humans or the environment.

In support of Objective 20 are Policies 11, 12, 13 and 14. **Policy 11** is relevant insofar as its general approach of encouraging the composting of suitable material rather than disposal. Policy 12 relates to discharge activities from the use of organic material, Policy 13 to composting specifically, and Policy 14 to separation distances.

Policy 12 sets out the circumstances where the Council may request a management plan, while **Policy 13** sets out the mechanism to require a resource consent for composting activities involving more than 100 m^3 of compost and raw material. This is given effect through Rule 28 of the RRMP.

In regard to air quality, **Policy 14** requires the establishment and maintenance of separation distances to ensure that there are no offensive or objectionable odours imposed on neighbouring properties.

Objective 39 is contained in the Regional Plan chapter of the RRMP document and seeks the maintenance of a standard of ambient air quality that is not detrimental to human health, amenity values, or the life-supporting capacity of air, and which meets National Environmental Standards.

Objective 39a is similar and refers to maintaining a standard of local air quality that is not detrimental to human health, amenity values or the life supporting capacity of air. Objectives 39b and 39c relate to PM_{10} and are not applicable.

Objectives 39 and 39a are supported by **Policy 69,** which goes on to outline a number of environmental guidelines to manage the effects of activities affecting air quality in accordance with. These guidelines are contained in Table 6 of the RRMP, of which only Guideline 1 pertaining to odour is applicable. Here it is stated that "there should be no '*offensive' or 'objectionable'* odour beyond the boundary of the subject property".

'*Offensive'* is defined in Chapter 6.1.4(b) of the RRPM document as "*giving or meant to give offence, disgusting, foul-smelling, nauseous, repulsive*". '*Objectionable'* is defined as "*open to objection,*

unpleasant, offensive". Chapter 6.1.4(b) goes onto state "*Case law has established that what may be offensive or objectionable under the RMA cannot be defined or prescribed except in the most general of terms. Each case will depend upon its own circumstances.*

It is further stated that an assessment in relation to '*offensive' or 'objectionable'* odour will take into account the FIDOL factors, these being frequency, intensity, duration, offensiveness and location.

The factors outlined in 6.1.4(b) align closely with those outlined in Policy 8 of the RPS – being the higher order document, and it is implicit that implementation of Guideline 1 in Policy 69 does not anticipate the prevention of odour beyond the boundary outright, rather the avoidance of *offensive or objectionable* odour – applying a *best practical option* approach as continuously referred to throughout Policy 7 and 8 of the RPS.

Policy 69a relates to PM10 levels and is not applicable.

Key points include:

(1) The Policy framework recognises that conflict between incompatible land uses has generally arisen as a result of past land use planning decisions, and that as a result there is need for a collaborative approach to prevent and resolve problems moving forward,

(2) The establishment and maintenance of separation distances are key matters in managing the potential for offensive or objectionable odours – however in this case past planning decisions have already allowed residential development to protrude beyond industry accepted separation distances,

(3) Just because the issue of reverse sensitivity may not have been successfully managed when considering a Plan Change or Structure Plan process, the general thrust of Policy UD12(l) that reverse sensitivity effects should be avoided, remedied or mitigated when dealing with urban growth and existing activities should not be lost when dealing with successive RMA processes and can be reflected in many indirect ways such as timeframes within which further odour control is to be implemented,

(4) Objectives 17 and 18 do not seek the avoidance of odour outright; rather they seek the 'extent' of effects to be remedied or mitigated. This could mean reducing the distance from a site that offensive or objectionable odour maybe detected, or implementing changes/mitigation to reduce the frequency that offensive or objectionable odour is detected,

(5) The 'bar' for existing activities and the expansion of existing activities to meet is the *'best practicable option'*.

Being a Discretionary Activity under both the Regional Plan and Hastings District Plan, these provisions must be given regard to in considering the application against Part 2 of the RMA. Not to be confused with the policy based gateway test associated with a Non-Complying activity, where an application is tested as to whether or not it is contrary to provisions, not every provision needs to be met in the strictest sense. Indeed, it is a matter of coming to an overall judgment of a proposal taking an array of matters into account in terms of Part 2 of the RMA.

Objectives 17 and 18 effectively require a reduction in the extent of odour. This is achieved over progressive 'time based' and 'production level' upgrades, with those sources of the greatest potential odour impact being focused on firstly - and essentially immediately taking the time associated with

design, statutory approvals processes and construction timeframes into account. The proposal can therefore be considered consistent with these overarching Objectives.

Taking the more specific Policies into account, it is has been demonstrated that the Policy intent through Policies 7 and 8 of the RPS and Policy 69 of the Regional Plan is not to prevent odour beyond the boundary outright, rather the avoidance of *offensive or objectionable* odour – applying a *best practical option* approach.

The operation finds itself in a classic example of reverse sensitivity, and although the decision to rezone and the success of the ensuing framework to manage its effects is beyond recourse, its consequences are there to be managed by all.

This view is validated in Policy 5 of the RPS where there is a clear message that a collaborative approach is required to prevent and resolve problems that arise from incompatible land use issues. In this case, it is proposed that the applicant exercises its 'collaborative' role by undertaking the proposed upgrades, and that the authorities and community exercise theirs through allowing the time and the production levels necessary to implement the proposed odour control measures.

Indeed, being directed in a similar manner as the applicant, authorities and the community must acknowledge Policy 7, which clearly states existing lawfully established activities that are operated in a manner that adopts the *best practicable option*, which the proposal does/will, must be recognized. As demonstrated above, aspects of the operation already meet the *best practicable option* bar, and in some aspects exceed it. The progression towards the *best practicable option* in the remaining aspects, and in some aspects beyond, is clear, and on this basis the proposal qualifies to receive the acknowledgement referred to in Policy 7, which can be duly implemented by allowing the time associated with the progressive upgrades.

While the option of relying on the establishment and maintenance of separation distances has been denied to the applicant by past planning decisions, implementing the messages in Policies 5 and 7 around collaboration, through allowing time to upgrade, can still enable the general thrust of Policy UD12(I) to be achieved i.e. reverse sensitivity effects should be avoided, remedied or mitigated when dealing with urban growth.

Although this outcome, or the outcome of similar Policies at the time may not have been given the opportunity to be achieved during the re-zoning process, the approach embodied in this proposal does, albeit somewhat retrospectively and in a form that has resulted in greater onus on the applicant than the proponent of the change in environment giving rise to the issue.

It is also important to recognize that these policy approaches would not have leapt to requiring relocation of the existing activity as a result of a more sensitive activity establishing in close proximity. This is echoed in Policy 6 of the RPS, which recognises that the future establishment of potentially conflicting land use activities adjacent to, or within the vicinity of each other is appropriate, provided no existing land use activity, which adopts the best practicable option (which the proposal does), is restricted or compromised.

The premise that the operation is not inappropriate for the site and warrants recognition is therefore valid, and on the basis that the 'method' or 'vehicle' of this recognition (being the progressive

upgrades under the collaborate approach outlined above) is also valid, and that there will be a considerable reduction in potential odour impact, the proposal can overall be considered consistent with the policy framework of the RPS and Regional Plan.

Transportation Assessment

A detailed response to these items has been prepared by Stantec and is provided in **Attachment 2**. Responses are summarized below.

Please clarify whether the Arrivals, Departures and Totals provided in the table [Table 2 on page 9 of the Strategy Report] are vehicle movements per day?

It is confirmed that the existing trip generation summarised in Table 2 provides Arrivals, Departures and Totals as vehicles movements per day.

Please clarify what the current number of vehicle trips generated by the Retail Shop are for an average full weekend (i.e. Saturday and Sunday) and what the proposed increase in vehicle activity will be for the Retail Shop over the full weekend.

Based on historic transaction data, the average number vehicle trips for a full weekend (i.e. Saturday and Sunday) is 332 (based on an average of 166 transactions and assuming one transaction involves two movements in and out).

Stantec note that it is not anticipated that the proposal will lead to a change in the existing activity of the retail shop. That said, it should be appreciated that the details expressed are averages, such that in practice transactions and vehicle movements are likely to vary day-to-day.

Please reassess the proposal against the relevant requirements for access in Table 26.1.6.1-2.

The access has been assessed against Table 26.1.6.1-2, with Table 2 providing an update to Table 7 of the original TAR. Full compliance with the relevant requirements for access in Table 26.1.6.1-2 is achieved.

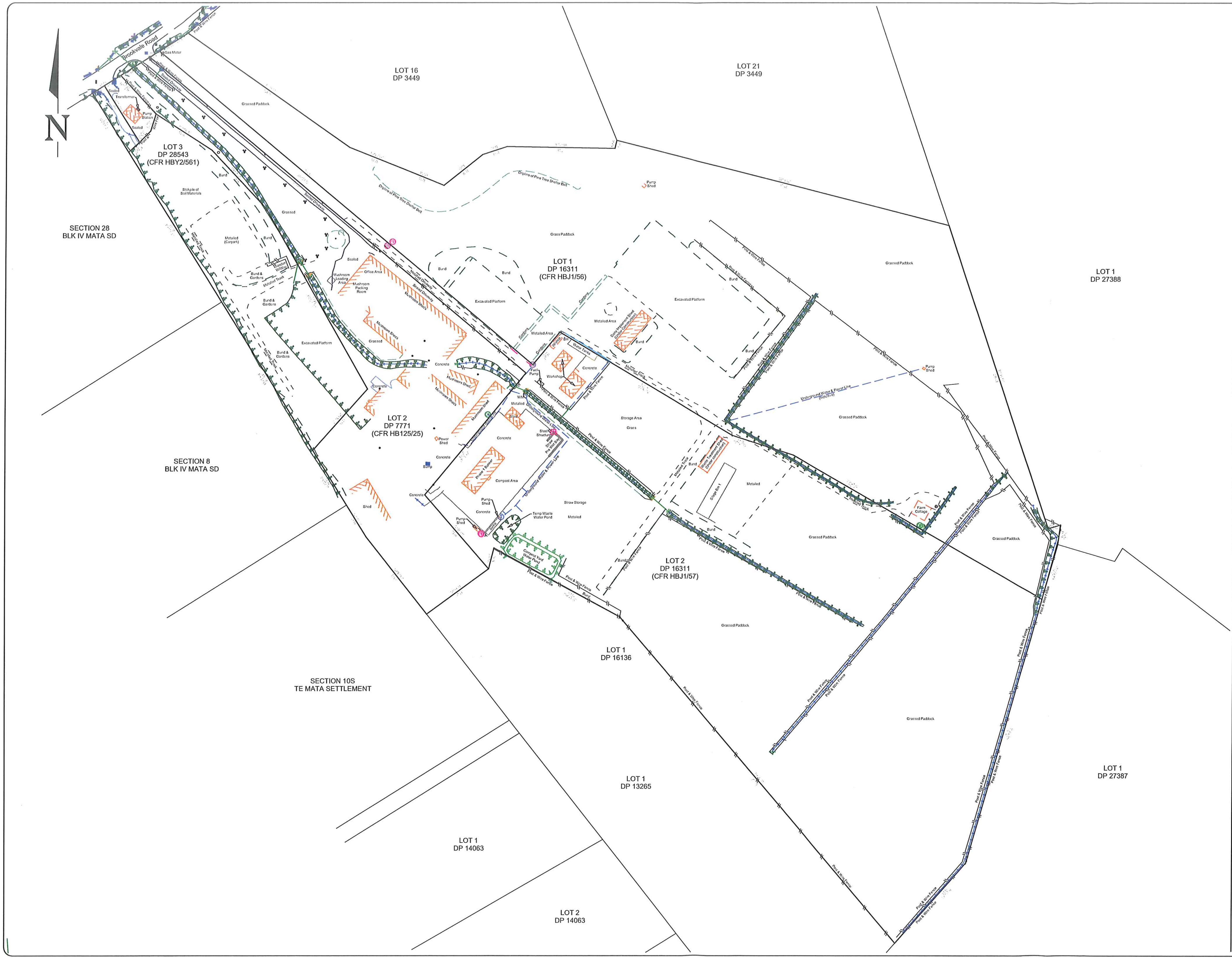
We trust the information provided is sufficient to satisfy the information request (with the exception s noted). Please do not hesitate to contact us if we can be of any further assistance.

Your Sincerely

Cameron Drury BRP(HONs) MNZPI
Principal Planner I Director
E cam@stradegy.co.nz
M 027 283 0017

Attachment 1

Pond on Lot 2 DP 16311



COORDINATE DATUM: NZGD 2000, HB CIRCUIT

DATE OF SURVEY: 04/04/13 - 17/09/14

BOUNDARY DIMENSIONS ARE ADOPTED FROM DP 7771, DP 16311, DP 27387, DP 28543

NOTES:
- This plan was prepared to show site information to plot scale only.
- The services shown on this plan are those visible at the time of survey.
- Before construction a full services search should be conducted with the appropriate authorities.

CLIENT:

WHITTAKER

PROJECT:

TOPOGRAPHICAL SURVEY OF LOTS 1,2 & 3 DP 28543, LOTS 1 & 2 DP 16311 AND LOT 2 DP 7771

SURVEYING THE BAY
HAWKES BAY | NEW ZEALAND
PO Box 611, Hastings, NZ
Phone: +64 6 870 4048 or 0800 787 842
Fax: +64 6 870 4042
info@surveyingthebay.co.nz
www.surveyingthebay.co.nz

TITLE:

TOPOGRAPHICAL PLAN

SCALE: 1:1250 @A1

DATE: 30-09-2014 **DRAWN BY:** MT

DRAWING NO: 3446/07 **SHEET:** 1/1

Attachment 2

Stantec Section 92 Traffic Response

07 December 2018

Stradegy
308 Queen Street East
HASTINGS 4122

Attention: **cam@stradegy.co.nz**

Dear Cameron
174-176 Brookvale Road, Hastings
Section 92 Traffic Response

This letter has been prepared in response to Hastings District Council's Request for further information (Ref 58916#0095), dated 16 October 2018, and should be read in conjunction with the Transport Assessment Report (TAR) dated April 2018.

The Council's request for further information and clarification includes four traffic matters. These are set out in turn below (in italics), followed by our response to each.

Trip Generation

(i) Table 2 on page 9 of the Stradegy report, refers to existing trip generation. Please clarify whether the Arrivals, Departures and Totals provided in the table are vehicle movements per day?

It is confirmed that the existing trip generation summarised at Table 2 provides Arrivals, Departures and Totals as vehicles movements per day.

Retail Shop

(ii) Section 5.5 (pages 15-16) of the Transportation Assessment report contained in Appendix 2 of the Stradegy report identifies the number of vehicle trips generated by the existing activities on the sites on an average Saturday (Table 5), and the proposed increases in vehicular activity on Saturdays as a result of the subject proposal (Table 6). However, it is understood that the Retail Shop is open 7 days a week. Please clarify what the current number of vehicle trips generated by the Retail Shop are for an average full weekend (i.e. Saturday and Sunday) and what the proposed increase in vehicular activity will be for the Retail Shop over the full weekend.

The Te Mata Mushroom Company has provided transaction data for the retail shop for a full year, as presented in Table 1 below, covering the period October to September. The data for both a Saturday and Sunday is provided.

Stantec New Zealand
Cnr 143 Dalton St & 60 Station St
Napier South
Napier 4110

PO Box 13-052
Armagh
Christchurch 8141

TEL +64 6 929 0524

Table 1: Retail Shop Transactions

	Saturday	Sunday	Weekend Average
Oct-16	104	74	89
Nov-16	95	61	78
Dec-16	104	55	80
Jan-17	86	61	74
Feb-17	96	64	80
Mar-17	83	61	72
Apr-17	97	70	84
May-17	98	46	72
Jun-17	103	76	90
Jul-17	103	67	85
Aug-17	108	83	96
Sep-17	116	82	99
Average / Year	99	67	83

As shown the Saturday transactions average 99 per day, with the average Sunday transactions being less at 67 per day.

The April 2018 TAR estimates that on a typical Saturday 200 vehicle movements would occur. This was based on the average 99 customer transactions for the year, assuming one transaction involved two vehicle movements (in and out). On a Sunday, as above, customer transactions and vehicle movements are less.

As included in the TAR, it is not anticipated that the proposal will lead to a change in the existing activity of the retail shop. That said, it should be appreciated that these details are averages, such that in practice transactions and vehicle movements vary day-to-day.

Access Width Standards

(iii) The Transportation Assessment report (Table 7, pages 20-24) assesses the proposal against the relevant District Plan performance standards and terms in Section 26.1 Transportation and Parking. The proposal has been assessed against Table 26.1.6.1-3 in relation to minimum widths of access – commercial and industrial (page 20). However, that table is not relevant to the proposed activities. Instead, Table 26.1.6.1-2 Minimum Legal Widths of Private Access Rural Environments – Commercial, Industrial and Other Activities is relevant. The assessment (page 20) also incorrectly identifies the proposed activity as not complying with the pedestrian and cyclist movement (shared in movement lane) requirements, for the reason that there is no pedestrian footpath or specific cycle facilities provided along Brookvale Road. Please reassess the proposal against the relevant requirements for access in Table 26.1.6.1-2.

The access has been assessed against Table 26.1.6.1-2. Table 2 below provides an update to Table 7 of the TAR.

Table 2: Updated Table 7

Table 26.1.6.1-2 Minimum Legal Widths of Private Access Rural Environments – Commercial, Industrial and Other Activities		Compliance
1-3 sites		
(i)	Target Operating Speed = 10km/h	Compliant
(ii)	Minimum legal access width = 6m	Compliant – Existing access width = 6.4m
(iii)	Max grade = 20% sealed	Compliant – The internal roads are generally flat
(iv)	Pedestrian movement = Shared	Compliant – no dedicated pedestrian footpath is provided. A wide gravel verge is available to pedestrians in the event cars occupy the internal road.
(v)	Passing, parking, loading and shoulder = Parking	Compliant
(vi)	Cyclist movement = Shared	Compliant – no dedicated cycle path is provided, and cyclists would cycle along the internal road.
(vii)	Minimum formed movement lane = 3m	Compliant

Access Separation Standards

(iv) The Transportation Assessment Report has incorrectly assessed the proposal against General Performance Standard and Term 26.1.6A(2) Distance of Accesses from Road Intersections, which is not relevant, as it only applies to Residential, Industrial and Commercial Zones, and within 100m of a State Highway in rural zones.

It is accepted that that these provisions are not relevant in this instance.

We trust that the information provided above properly clarifies the further information sought by Council.

Yours sincerely

Glen Randall
Principal Transportation Engineer
Stantec New Zealand

Mark Georgeson
Central Regional Group Manager