

Job Ref: 17013, RMA200204

5<sup>th</sup> March 2021

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Attn: Philip McKay

## **RMA200204 – Response to Section 92 Further information Request**

Dear Philip

Please find the responses to your Section 92 further information request below. Firstly, I take the opportunity to update several changes that have arisen over the course of the process to date.

### **Changes to Application:**

1. The underlying title has changed to Lot 1 DP 554782 (5.6590ha) as a result of the Stage 1 subdivision RM190134 and a copy of the CT is attached to this letter.
2. The proposed compost facility at Mt Herbert is to make Phase 1 substrate on site from raw materials (straw, gypsum and chicken litter) and process through to Phase 3 mushroom growing compost. In addition, the Mt Herbert site is to receive Phase 1 substrate from the existing TMM facility at Brookvale Road, Havelock North. The volume of compost produced per week does not change, but the Phase 1 substrate shall either be generated on site, OR Phase 1 substrate is received in covered truck and trailer units from Brookvale Road and loaded from the truck into the conveyer system within the Mixing Hall.
3. The end product (Phase 3 compost) is to be delivered back to the Brookvale Road site and eventually will go to other destinations for mushroom growing. The same truck and trailer units that bring in Phase 1 material to the Mt Herbert site, leave with Phase 3 material to take back to the Brookvale Road site.
4. The delivery of Phase 1 substrate has been factored into the updated odour assessment, and also reflected in the updated Transportation Assessment Report.
5. The proposed buildings are larger (total GFA 6,767m<sup>2</sup> instead of 5,960m<sup>2</sup>) and taller (12.6m instead of 9m) than originally set out on the Site Plan attached to original application. As a result, maximum building height (10m) is exceeded and therefore is a new matter of non-compliance.



6. The new rearrangement of underlying titles now positions the proposed activity on an area of 5.6590ha. The results site coverage (including impervious surfaces) is 31%, due to the much smaller land area and minor increase in GFA of the buildings. These changes are reflected on the Site Plan and assessment provided in this response.
7. There are currently private 'no compliant' covenants on Lots 8, 13 and 19 (Stage 1 subdivision). As a more robust way of avoiding future conflict on nearby lots that will eventually transfer to new future owners, TMM is to ensure consent notices referring to 'no complaint' clauses are attached to lots created through all stages (1 – 4) of the subdivisions on the balance TMM farm at Mt Herbert Road and Mangatarata Road. Consent notices across the balance area of the Mt Herbert farm will protect the establishment and ongoing operation of the proposed compost facility at Lot 1 DP 554782, and avoid reverse sensitivity effects on the new activity. In addition, any future landowner / occupier will have full knowledge of expectation of activities at Lot 1 DP 554782.
8. The applicant confirms that the land contained in Lots 1, 2, 3 and balance Lot 4<sup>1</sup> DP 554782 are to remain in TMM ownership. The land contained on the opposite side of Mt Herbert Road at 367 which was previously an orchard is to also remain in TMM (or related entity) ownership (Lots 1-2 DP 21840 Lot 1 DP 22481).

The following provides our responses as informed by our technical experts where required. The original request is set out in blue, and our response in black.

### Transportation Assessment

1. The application has been lodged with Appendix 4 being the TDG / Stantec Transportation Assessment for the previous application dated 2 May 2018. That assessment was based on an assessment of multiple activities with a higher traffic generation than the current application and included a number of safety recommendations to ensure adverse effects are avoided and mitigated. The Assessment of Environmental Effects ("AEE") provided with the current application notes the changes to the current proposal compared to that assessed in the May 2018 report. It is acknowledged that a lesser traffic volume is generated by the current proposal, however it is requested that an updated Transportation Assessment be provided so that the proposal can be assessed against current traffic information and so there is no confusion as to the potential traffic effects and recommended mitigation measures for the current proposal. As a minimum, it is requested that the updated assessment:
  - a. Assesses the current proposal only, and removes references to all activities and site locations that are not part of the current proposal.
  - b. Amends recommendations relating to accessway design and location accordingly, so that they specifically relate to the current proposal.
  - c. Provides an assessment of the on-site traffic flow, maneuvering and car parking shown in the current site plan against the District Plan requirements.
  - d. Provides any amendments to the 'Existing Transportation Environment' section of the assessment which may have occurred since May 2018, including updated traffic flow counts and crash history information.

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<sup>1</sup> This balance lot reduces down in size in Stage 4 and is Lot 21 (30.493ha)



- e. Amends section 4 'CHBDC Planning Strategies' to include consideration of the 'Central Hawke's Bay Integrated Spatial Plan 2020 – 2050'<sup>1</sup> which identifies the potential for additional residential and rural residential growth to the south of Mt Herbert Road immediately to the west of the existing settlement.
- f. Amends the Assessment of Traffic effects to apply to the current proposal only.
- g. Includes in the assessment consideration of the potential new residential dwellings on Mt Herbert Road and at the intersection of that road with Mangatarata Road following the implementation of the following subdivision consents/consent applications and recent building activity:
  - i. RM190134 (consent granted March 2020) – 2 new residential lots accessed off Mt Herbert Rd (and 1 off Mangatarata Rd);
  - ii. RM200168 (consent granted October 2020)- 4 new residential lots accessed off Mt Herbert Rd (and 2 off Mangatarata Rd);
  - iii. RM200184 (consent currently being processed) - 6 new residential lots accessed off Mt Herbert Rd; and
  - iv. Recent new dwellings, or dwellings under construction accessed from either Mangatarata Road or Mt Herbert Road that were not considered in the previous traffic assessment.
- h. Gives consideration to potential conflicts with passive transportation users of Mt Herbert Road and the adjacent pathways including the potential route for mountain bikers from the pathway across Mt Herbert Rd and along the right of way adjacent the site to the mountain bike park.
- i. Council's Land Transport Manager has requested that the following clarifications be made in the updated traffic assessment regarding the safety recommendations (based on the May 2018 assessment):
  - i. Acknowledgement of the process required to change a posted speed limit.
  - ii. Define what is meant by 'regrade' of:
    - 1. the gravel portion of Mt Herbert Road and
    - 2. the 'gravel path' from Access 1 to Access 3.
  - iii. Provide a design proposal for the upgrading of Mt Herbert Rd from Access 4 to Access 1 and for any other upgrades that are recommended in the updated report.
  - iv. Provide a plan of the recommended approach roadside signage.

## Response

Refer to the new Transportation Assessment which covers the above. A summary of the key matters and considerations is provided below:

1. **Forecast Development Traffic Generation:** The development is expected to generate on average around 30-32 vehicle movements at the site driveway each day, with approximately half of these involving light vehicles and the balance being trucks. Such volumes are not large and will not materially impact on the current good levels of service experienced at the connecting intersections of SH2 and associated Waipukurau town centre roading network (as described in Section 3.2 of the Transportation Assessment)<sup>2</sup>.
2. **Effects on Mt Herbert Road (sealed, unsealed):** Stantec have considered the additional traffic from the proposed compost facility, and the traffic generated from future development within the recently consented subdivision within the broader subdivision. Within the sealed (western) section of Mt Herbert Road, Stantec consider the network to operate safely.<sup>3</sup> Within the unsealed (eastern) section of Mt Herbert Road, Stantec are satisfied that the number of additional traffic movements (approximately 30vpd) can be safely accommodated without any widening of the current carriageway.

<sup>2</sup> Stantec, February 2021, Transportation Assessment Report, Section 9.2

<sup>3</sup> Stantec, February 2021, Transportation Assessment Report, Section 9.3



3. **Access to Gum Tree Farm MTB:** The change to those currently parking at Mt Herbert Road and biking up the existing driveway up to Gum Tree Farm MTB will be to cross over the new vehicle access to the compost facility site. A new informal parking area on Mt Herbert Road for MTB users shall be required to establish east of the current one. Recreational bikers will cross over the compost facility vehicle access along Mt Herbert Road and connect with the existing 464 Mt Herbert Rd driveway. Stantec consider potential conflict can be mitigated as vehicles entering and exiting the compost facility site shall be travelling slowly at the point of the driveway and will have good visibility of any cyclists in the carriageway<sup>4</sup>.
4. **Carparking on Site:** Additional carparks are provided on site, and a total of ten (10) parking spaces are shown on the Site Plan. The on-site parking supply has been informed based on the expected staff and visitor numbers, with the total of ten on-site car parks meeting anticipated demand associated with all staff and visitors at the site. There is space on site for additional carparking spaces should demand change in the future. Further, the design of the carparks shall meet the industry standard AS/NZS2890.1:2004 Parking Facilities – Off-street car parking', and will include provision for at least one accessible carpark as per the requirements of NZS4121:2001 Design for Access and Mobility<sup>5</sup>.
5. **Access Design and Location:** Stantec have assessed the design and location of the proposed access onto Mt Herbert Road, and also the secondary access from the existing 464 Mt Herbert Road driveway. The location of both points of access to the site are considered to meet sight line requirements of the District Plan. Although it is noted that to achieve the required 170m sightline to the east, along Mt Herbert, roadside vegetation (weeds) would need to be removed. The secondary access onto the existing driveway (light vehicles only) has good sightlines, yet a recommendation is made to install signage to the driveway egress to alert drivers of cyclists<sup>6</sup>. Stantec note the design of the new site vehicle crossing, granted by Council, is for 'Minimum vehicle crossings for Multiple Residential Property & Farming or Commercial Activity (TS-LT-2009-08.2)', yet they provide an amendment to this design in Appendix A of their report.
6. **Loading / Manoeuvring:** Section 10 of the Stantec report confirms the on-site manoeuvring and loading design provides for the servicing demands on site and are appropriate. Stantec have applied tracking curves and manoeuvring within the site and the Site Plan is updated to show these.

The updated assessment of transportation effects generated from the proposed compost production facility on the local road network (from the site to SH2) demonstrates that the generation of 30vpd (approximately) will have less than minor adverse effects for the following reasons:

- The number of vehicle movements generated are relatively low and can be accommodated into the local road network and will not materially impact the current good levels of service on the roads.
- Incorporating the traffic generated from the future residential development of recently consented (and processing) subdivisions (Stages 1 – 4) of the broader TMM farm, and the proposed compost production facility, Stantec find that the existing road environments and available sight distances enable the road network to continue to operate safely.

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<sup>4</sup> Stantec, February 2021, Transportation Assessment Report, Section 9.5

<sup>5</sup> Stantec, February 2021, Transportation Assessment Report, Section 7.1 and 7.2

<sup>6</sup> Stantec, February 2021, Transportation Assessment Report, Section 8.1 and 8.2



- The slow traffic environment and good visibility of cyclists will enable recreational cyclists to continue to park at Mt Herbert Road and use the RoW up to the start of the Gum Tree MTB park. Signage at the secondary access to alert drivers to cyclists will be established.
- Design and location of on-site servicing, carparking and accesses are appropriate and reflected on the updated Site Plan.

The applicant accepts the recommendations from Stantec and instead of incorporating the range of roading upgrades referred to in the 2018 report, the following actions are to be included in the proposal. Conditions of consent and advice notes are anticipated:

- 1) Extend the current 4.6m unsealed carriageway width on Mount Herbert Road from the RoW eastwards, to the proposed new main site driveway, and that the approved site access design be amended to take account of the right turn in/left turn out nature of vehicle movements to and from the site (as shown in the indicative design included at Appendix A), (Consent Condition);
- 2) Prior to the use of the secondary access onto the driveway at 464 Mt Herbert Road, a traffic sign reminding drivers to look out for cyclists going to/from Gum Tree Farm. (Consent Condition).
- 3) Applicant to liaise with CHBDC's Roading Manager to obtain permission to install additional advance warning 'end of seal' signage be installed for eastbound traffic, prior to the quarry access;

## Noise Assessment

2. The Noise Assessment memorandum dated 20 October 2020 is acknowledged. In respect of that memo, the following clarifications/information is requested:
  - a. The February 2018 Earcon report did not provide any sound power level comparison for a conveyor system. As a conveyor system is now proposed as part of the current application, please provide an assessment of the sound power level of that system, including whether it will result in any adverse noise effects.
  - b. Does the reference to the 'closest neighbouring receivers' relate to those residential receivers identified on the noise prediction modelling maps on pages 8 and 9 of the Earcon Acoustic report dated February 2018?
  - c. If yes, then those are all residential dwellings within land owned by the applicant (albeit that only one of these dwellings is on the subject site). Please provide comment on the potential noise effects on the closest residential dwellings on land not owned by the applicant.
  - d. Although there are no notional boundaries within the nearby Tukituki River pathway and reserve, please provide comment on the potential noise effects on users of those recreational areas.
  - e. Please provide comment on the potential for new dwellings, and therefore new notional boundaries, to create future difficulties in complying with the District Plan noise limits, including on the closest properties on the opposite side of the Tukituki River and on the consented but unimplemented new lots created by the subdivisions listed in item 1(g) above.

## Response

The updated noise assessment now reflects the noise generated by the conveyer system (a) which operates both inside and outside the buildings on site. With respect to (b), the "closest neighbouring







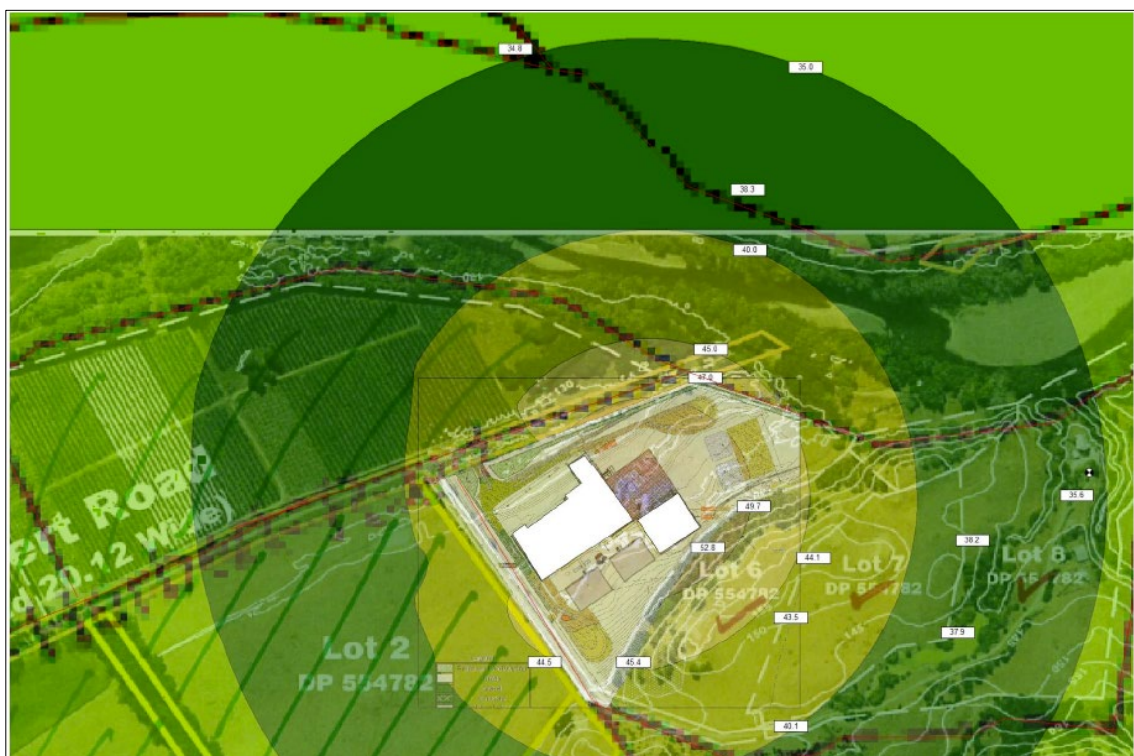
The noise assessment has expanded to beyond the river environment to the farmland to the north, where new future houses may be possible. The noise assessment has taken the closest boundary to the site and applied this instead of a notational boundary. The noise levels comply at these farm properties as shown in **Figure 1**.

(d) The nearby Tukituki River pathway and reserve,

The noise assessment has calculated the noise limits within the immediately adjoining area of the Tukituki River and esplanade and this is shown in **Figure 2**. The Figure shows concentric noise limits out from the proposed compost production activity. At the boundary of the river esplanade, there is a small area that reaches between 45 – 47 dBA, and beyond this area the noise is 40- 40dBA in the majority of the modelled area. This noise levels modelled demonstrate the expected noise is well under the daytime (55dBA) limit, and a small area shall exceed the night time time by 2dBA. The night time limit is applicable to Sunday's. Sundays will not typically have the loaders or conveyer system operating. The applicant anticipates the occasional Sunday where the working yard and Mixing Hall are to be used (8 times per year), so noise up to the 47dBA can be expected on those Sunday's.

Given the area of noise non-compliance is relatively small, the degree of non-compliance is marginal, the times this non-compliance would occur is low, the effects are considered to be less than minor on the Tukituki River, being part of the wider environment.

**Figure 2:** Noise assessment – TukiTuki River environment, Earcon, Memo, dated 4<sup>th</sup> March 2021







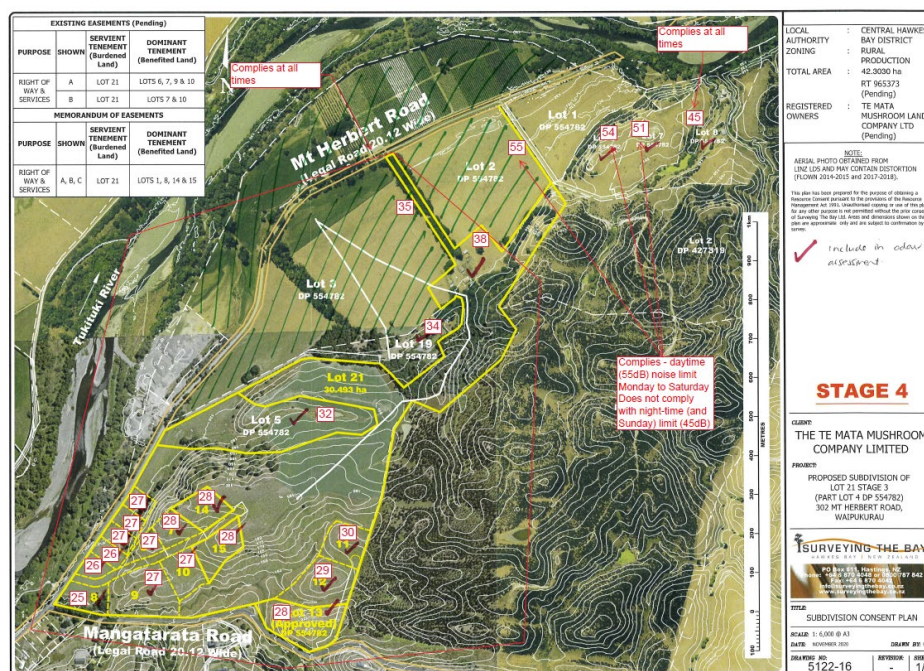
(e) Consented but unimplemented new lots created by the subdivisions within broader TMM Farm

The noise assessment is also updated to show the noise compliance limits within the subject site and wider farm property with respect to the proposed new lots both consented (Stage 1, 2 and 4) and currently being processed (Stage 3) and this is depicted in **Figure 3**. Lots 6 and 7 DP 554782 are immediately south-west of the proposed composting facility. The noise is expected to comply with the daytime noise limits at Lot 6, Lot 7 and Lot 2. Yet, the noise levels are not expected to comply with the night time (11pm – 6am Monday – Saturday, and All day Sunday) noise limits. The applicant intends to ensure these titles have consent notices securing a set of 'no complaint' clauses to protect the proposed compost production facility, and to also make future owners aware of the environment that they are buying into.

Lot 2 DP 554782 is situated to the east of the proposed compost facility, beyond the existing driveway to the rear of 464 Mt Herbert Road. This property is not for residential development, and this restriction was stipulated in the subdivision consent (RM190134). The noise levels at the closest boundary of Lot 2 DP 554782 do not comply with the nighttime noise, yet as this property (paddock) is to remain without a sensitive residential development on it, as such, the potential adverse noise effects are considered to be less than minor. This property shall have a 'no complaints' consent notice registered on the title, same as Lot 6 and 7.

All other new lots within the subject site and wider farm property comply with the Rural Zone noise limits.

**Figure 3<sup>8</sup>:** Rural Zone Noise Limits, compliance applied to the new subdivisions within the broader farm owned by TMM (existing and future) houses.



<sup>8</sup> The underlying map used for Figure 3 is the Stage 4 subdivision plan, which incorporates the lots consented as part of Stages 1 – 2 (and shows Stage 3 which is currently being processed) and so the best representation of potential future residential activities in closer proximity to the proposed compost production facility.





In summary, the actual and potential noise generated from the proposed compost facility has been reconsidered and includes noise from the conveyer system that operates both within and outside of the buildings on the site. The noise generated has been assessed in terms of the Rural Zone daytime and nighttime limits and has also been reassessed in terms of the updated Site Plan. The updated memo from Earcon provides this assessment and is attached to this letter.

The noise generated complies with the Rural Zone noise limits on all neighbouring rural and lifestyle properties beyond the subject site and wider farm area.

Night time noise limits cannot be met at Lot 2, 6 and 7 DP 554782. However these are to be subject to consent notices upholding 'no complaints' clauses and shall avoid adverse noise effects at these properties by ensuring future owners/occupiers are aware of the use of the land and occasional noise nuisance.

Finally, there is a small area within the Tukituki River esplanade where Rural Zone noise limits do not comply with the night time noise limits and are considered to generate less than minor adverse effects on the Tukituki River environment.

On this basis, actual and potential noise effects can be considered less than minor on adjoining parties and the wider environment.

### **Natural Hazards**

3. The AEE records that the site is subject to a flooding hazard (RM200204) and that this may be mitigated by raising building floor levels. To provide an understanding of the potential adverse effects that the flooding hazard may generate, please: identify any contamination or health and safety risks posed by the goodie water pond, organic matter, other contaminants or goods and materials stored on the site from either flooding, elevated ground water levels or stormwater flow and how such risks are proposed to be mitigated.

### **Response**

In terms of flooding, the site is shown to be within the 1/100 year return period event for river flood risk – as shown on the Hazard Portal. The site shall have enclosed and semi-enclosed buildings which will need to be designed to avoid, mitigate and remedy actual and potential effects from flood events of different magnitudes.

The remaining facilities and use of the site include the goodie water ponds, storage of raw materials (straw, chicken manure and gypsum), biofilters, shingle roads, grassed balance areas and perimeter landscaping. The storage of chicken manure and gypsum is within the semi-enclosed mixing hall therefore on raised floor levels and should be elevated sufficiently to not be subject to the 1/100 yr flood event.

Straw bales are to be stored on site on an open shingle area as shown on the Site Plan. These are not considered to be high risk contaminants sources.



The Biofilters are high sided structures, similar to an above ground swimming pool and unlikely to be inundated by flood water. Notwithstanding this, the biofilters would be filled with bark chips (or similar) and therefore a low risk substance should it enter flood waters.

The goodie water pond (which receives the washdown water and runoff from the working yard) has been designed to incorporate volume to provide for high rainfall events. The pond is to be approximately 4m deep with a 500m<sup>2</sup> surface area - but will usually operate at lower levels with a surface area of only 240m<sup>2</sup> (except in extreme rainfall events). Bunding solutions to reduce the frequency of flood waters potentially mixing with the contents of the pond are currently being investigated. Any such incidents however are only likely to occur during significant flood events when flows are significant, water quality already influenced by flood conditions and sue of the river is low.

Overall, should a 1 / 100 year event occur, and the goodie water, straw and shingle enter the flood waters, these would have negligible impacts compared to other local discharges into the river.

The applicant confirms that there are no other contaminants or goods and materials stored on site that could be a risk during a flood event.

#### Description of Proposal

4. It is acknowledged that a comprehensive description of the proposed composting operation is provided in the AEE and in the Odour Assessment. In relation to these assessments, the following information is requested:
  - a. An estimated weekly throughput of up to 900 tonnes of compost per week is provided on page 16 of the AEE. Based on this output, please describe:
    - i. The anticipated type and number of delivery trucks that will be required to remove this volume of finished compost per week; and
    - ii. The type and number of delivery trucks that would be required to deliver the raw ingredients each week of straw, chicken manure and gypsum to produce that amount of compost.
    - iii. Anticipated numbers and types of any other vehicles that will be required to access the site (excluding private staff vehicles).

#### Response

The applicant has relooked at the forecasted traffic movements that could be expected in conjunction with accepting raw materials to the site, and also the delivery of compost from the site. In addition, it has come to light that Phase 1 compost is to be delivered from the Brookfield Road site to the Mt Herbert site. The truck and trailer units heading to Mt Herbert site to pick up the Phase 3 compost are the same vehicles that bring the Phase 1 compost from Brookfield Road to Mt Herbert. This table provides the number of vehicles expected across the entire 7 day week.



**Updated Table 1:** Expected Average Weekly Vehicular Activity

Activity	Vehicle Type	Arrivals	Departures	Total
Delivery vehicles to remove compost from site (this incorporates the delivery of Phase 1 compost from Brookfield Road to Mt Herbert)	Heavy Goods Vehicle (truck and trailer unit)	12	12	24
Delivery of straw to site	Heavy Goods Vehicle (truck and trailer unit)	24	24	48
Delivery of gypsum to site	Heavy Goods Vehicle (truck and trailer unit)	2	2	4
Delivery of chicken litter to site	(truck and trailer unit)	4	4	8
Other vehicles/expected trips to the site	Light Goods Vehicle	6	6	12
Staff	Light Goods Vehicle	8	8	16
<b>Total</b>				

- b. Please provide a key / legend for the site plan included in Appendix 3. The buildings are helpfully annotated on the site plan, but it is difficult to interpret what the different shades of ground cover are depicting.

## Response

The internal roads and manoeuvring areas are surfaced in shingle. The working yard is concrete. All other areas are grassed. Perimeter planting is to be provided also. These surfaces are now annotated on the Site Scheme Plan, Drawing Reference 201.

- c. Please describe the type of external cladding proposed for the buildings and either more detailed building elevations or photographs of similar buildings so that an appreciation of the finished visual appearance of the buildings from Mt Herbert Road can be gained.

## Response

The Phase 3 tunnels and the Mixing Hall (5,136m<sup>2</sup>) and Bunkers (1,630.7m<sup>2</sup>) are clad in steel and concrete panels. They are utilitarian structures, designed for function rather than aesthetics. **Photos 1 – 5** below show the overall appearance of the various buildings and structures of a similar established facility. The example shown has an open Mixing Hall (**Photos 4 and 5**), whereas the proposed compost facility at Mt Herbert provides a roofed Mixing Hall area.

The photos are taken within the site and up close to the facilities, and not representative of the view from Mt Herbert Road. For instance, the covered Mixing Hall which contains the loading area for the conveyer will be screened from Mt Herbert Road. Main views of the buildings from Mt Herbert are the Phase 3 tunnels and is simply a large shed not out of place within a rural environment and similar to the example shown in **Photos 6 and 7**, which is a cool store (approximately 5,000m<sup>2</sup> in area and 12m in height) on the corner of Hill Road / Omahu Road, a Rural Zone site on the outskirts of Hastings. This



example has less road and boundary planting, so the proposed buildings at the site would be better screened and have less visual effects.

All of these buildings are setback into the rural site, complying with the 20m front yard setback and 10m side yard setbacks. The height of the buildings at the apex of the roof is 12.6m and therefore exceed the 10m height maximum. The collection of all the buildings and facilities (biofilters), parking, maneuvering areas does create a hub of activity and visual change to the site. To this end, the applicant has included landscaping along the front and sides of the site. This planting is amenity planting and so would not be required to comply with the 10m front setback as required in Rule 4.9.10. The intention of the planting was to provide a visual buffer of 4-8m in height to avoid adverse visual effects.

The existing rural character of the site and its surrounds are acknowledged and appreciated. Yet it is considered that the proposed compost facility can be positioned and operated effectively within this environment and have less than minor visual effects on the environment. The applicant anticipates on having detailed drawings to be able to submit to Council.

**Photo 1:** Conveyer (foreground) and Phase 3 tunnels in the background.







**Photo 2:** Conveyer and Phase 1 Bunkers



**Photo 3:** Conveyer within Phase 3 Tunnel building





**Photo 4:** Uncovered Mixing Hall (different to proposed compost facility)



**Photo 5:** Uncovered Mixing Hall (different to proposed compost facility)







**Photo 6 and 7:** Hill Road / Omahu Road, coolstore, 12m height, 5,000m<sup>2</sup> in area, 14m setback from the road and some planting on the road boundary.





- d. Please describe the surfaces proposed for the open working yard by the phase 1 bunker, the internal vehicle access areas and the straw storage yard.

### Response

The open working yard will be concrete. The internal vehicle access areas and straw storage yard is to be shingle.

- e. The tables on page 17 of the AEE set out week day and weekend traffic movements. It is unclear if the compost facility will operate 7 days a week. Please describe the proposed operating hours and days for the proposed activity.

### Response

The hours of the operation will be 24/7 aside from the hours of operation restricted (8am – 6pm) for certain composting activities as set out in the mitigation table in the AEE.

- f. To assist in providing an understanding of the biofilter like please provide photographs of a similar biofilter or elevation diagrams to show its intended form and appearance.

### Response

As of the updated Site Plan there are now two biofilters proposed. The look and appearance of the biofilter is similar to that at Brookvale Road, yet will be larger in area. Refer to Photos 1 – 3 below.

**Photo 1:** Brookvale Road biofilter





**Photo 2:** Brookvale Road Biofilter, bark chips fill the structure



**Photo 3:** Brookvale Road - Biofilter in the foreground





- g. To assist in providing an understanding of potential future effects please provide a plan of the wider area showing where the proposed residential lots referenced in 1.g)(i)-(iii) above are located in relation to the proposed composting activities.

## Response

Refer to additional plan (Drawing Reference 202) in drawing set.

## Cultural Values Consultation & Effects, and other consultation

5. Pages 31, 39 and 53 of the AEE refer to consultation undertaken with Taiwhenua o Tamatea. Please advise as to:
- The outcome of that consultation and any feedback received as to how the proposal may or may not affect cultural values; and
  - Whether consultation was undertaken with any other person or party.

## Response

Michael Whittaker from TMM met with approximately 10 people from Taiwhenua o Tamatea in 2018 to talk through the original proposal for the compost and mushroom farm proposed at the site. Two matters were raised. Firstly, the recorded archaeological site and secondly water quality.

Mr Whittaker explained the recycling of the runoff and washdown water from the yard into the goodie pond, and the reuse of this water as part of the compost process. We are advised that Taiwhenua o Tamatea were satisfied with this approach.

An improved understanding of the recorded archaeological site was carried out and re surveyed and shown on the new respective Certificate of Title (Lot 1 DP 554702). The archaeological site is also shown clearly on the Site Plan.

We are advised that the actions taken with the recorded archaeological site and understanding of how water is used on site resulted in Taiwhenua o Tamatea having no objection to the proposal. We are advised that the updated project, subject to this current application, was talked through with Roger Maarka in 2020, and no issues raised.

No other consultation was carried out with specific groups or individuals.

6. In assessing the potential effects on the statutory acknowledgement applying to the Tukituki River, page 39 of the AEE mentions that there are no discharges to land that may affect surface water quality. Please confirm whether there are any proposed discharges to water from stormwater or wastewater treatment systems.



## Response

We understand there will be the following three discharge activities:

1. Discharge of goodie water into land
2. Discharge of stormwater
3. Discharge of domestic wastewater arising from staff and visitors.

In terms of (1), resource consent to discharge washdown water arising from the goodie water pond has been lodged with HBRC.

Regarding (2), stormwater runoff the composting pad will be direct to the goodie water pond and will be reused within the compost production or regulated by the resource consent referred to above. This leaves stormwater runoff from the roofs of buildings and the shingle roads to be dealt with.

Stormwater runoff collected from the buildings (roof water) shall be drained to a detention basin collected, and then eventually drained to the open drain along the front of the site, which is to then discharge to the Tukituki River. The stormwater drainage design is currently being prepared by LDE.

Stormwater from the shingle roads will be captured within the road and soak to ground.

We understand resource consent to discharge stormwater As a Controlled Activity under Rule 43 of the RRMP.

Prior to construction, a plan showing the stormwater drainage across the site can be submitted for Council's records.

Turning to (3), domestic wastewater derived from staff and visitors is expected to be treated and discharged on site via a package treatment plant. With only 8 staff and perhaps 2 visitors, the system will be similar to those servicing rural and rural lifestyle dwellings in the area where connection to the municipal network is also unavailable.

## Construction Effects

7. To provide a better understanding of the potential construction effects, please estimate the duration of the proposed construction activities and advise whether any staging of the proposed buildings and facilities is proposed.

## Response

The investment required into the proposed compost facility is significant and the construction of the entire site is likely to be carried out, progressively, over three years. Over this three-year period, the duration of works is likely to be 18 months. Construction works will involve initial earthworks to prepare the site, install services, form the internal roads and maneuvering areas, excavate for the ponds and prepare the drainage across the site from the buildings to these. Details of the building foundations and works required to build the facilities, working yards and install the machinery are not yet known. Majority of the paddock within the site shall be subject to construction activities over the course of the



three year time frame. To provide a framework around the various construction activities over this timeframe, the preparation of a Construction Management Plan is offered up as a condition of consent. Within this Construction Management Plan, topic areas that will need to cover:

- Erosion and sediment control
- Adherence to an accident discovery protocol
- Dust management, particularly during summer months.
- Traffic management as part of the delivery of materials and imported machinery.
- Hours of operation
- Adherence with the New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise".

With a comprehensive Construction Management Plan in place, the various stages of construction works can be addressed and methods employed to avoid, mitigate and remedy actual and potential nuisance effects associated with earthworks, building and delivery of materials over the length of the construction project to ensure that overall, effects with regard to construction will be less than minor.

#### Relevant District Plan Assessment Criteria

8. The Rural Zone assessment criteria relating to Factory Farming are quoted on pages 32 and 33 of the AEE and the criteria have generally been assessed. Specific assessment and information is however requested in regard to criteria 14.4(4)(b)(ii)- (iv) and (f) in regard to waste management. It is not clear from the information provided whether all waste and stormwater runoff is collected and recirculated into the goodie water pond and whether there is a separate system for other stormwater and whether the facility will also produce solid waste and how that waste is intended to be disposed of. Please provide assessment of the proposed waste management system against the District Plan assessment criteria including the abovementioned matters.

Criteria 14.4(4)(b)(ii)- (iv) and (f) in regard to waste management is set out below:

- b) The degree to which the proposed factory farming operation is likely to lead to odour, dust, noise or health nuisances beyond the boundary of the site, and in particular, the technology and management systems proposed to mitigate noise or odour nuisance, including:*
- i) ....*
  - ii) the design of the buildings, facilities, and waste and noise management systems;*
  - iii) the management and operation of the waste and noise management systems;*
  - iv) waste treatment measures employed;*

#### Response

As described above in response (6) above, and in summary:

Waste	Design and Management
Wastewater – Washdown water from the working yard	Drained to goodie water pond. Reused on site or discharged to land (if there is an excess) to manage pond levels.
Stormwater – Roof water from buildings	Roof water collected, drained to detention basin / channel. Discharge to land, which may enter water.
Domestic wastewater	On-site wastewater treatment plant – similar to other domestic uses where connection to a municipal network is not available. The flow allowance for up to 8 staff and 2 visitors on site is likely





	to be less than 2m <sup>3</sup> . Subject to complying with all other performance standards with Rule 37 of the Regional Resource Management Plan is likely to be a permitted activity.
Solid Waste – By products, packaging, recycling and general waste	No by products to manage. Limited packaging. Any recycling and general refuse will shall be collected within the Mixing Hall and disposed of by a private refuse contractor or by TMM staff to the nearest landfill.

*f) Where a building is to be erected for the purpose of a factory farming operation refer to the assessment matters in 14.2.1 and refer to assessment matters in 14.2.13 for effluent disposal associated with a factory farming operation.*

#### Criteria 14.2.1(a) – (e)

##### *a) The degree to which the proposed buildings:*

- will be compatible with the character of the area, including the scale of other buildings in the surrounding area;*
- will overshadow adjoining sites and result in reduced sunlight and daylight;*
- will cause a loss of privacy through being over-looked from neighbouring buildings;*
- will block views from properties in the vicinity, or from roads or public open space in the surrounding area;*
- will diminish the openness and attractiveness of the street scene;*
- will detract from the amenity of adjoining sites, in terms of such matters as noise, odour, dust, glare or vibration occurring as a result of the building.*

#### **Response**

Collectively, the proposed composting buildings and facilities on the site are relatively large and expansive compared to what exists currently in the rural environment, although not inconsistent with other discrete examples in wider rural environments. The buildings are to be located on a relatively flat section and well setback from the road and adjoining properties. Beyond the buildings to the south, the land (currently a plantation) slopes upwards and eventually connects with the landform comprising the Gum Plantation on the HBRC land and mountain bike track. This background allows the buildings to sit nestled into the lower flat landform and goes some way to reduce the scale of the buildings when viewed from Mt Herbert Road. For example, the buildings would be more conspicuous on a flat plain with no backdrop. Groups of large trees and tree lined driveways are familiar characteristics within the immediate rural environment, therefore the use of landscaping along the road and sides of the composting facility site would be sympathetic way to mitigate the visual impact of the proposed buildings and compost facilities. The development will not create shadow or reduce privacy on adjoining properties. The proposed development is not within a known viewshaft and will not interrupt outlook from adjoining properties towards the Tukituki River.

The activity of producing compost for mushroom farming is a rural activity and belongs in a rural environment. The buildings are larger than what is permitted as of right, but given the nature of the site, use of setbacks, rural setting and landscaping, the size of buildings is considered appropriate and would generate less than minor adverse visual effects on the environment.



Noise generated by the activity generally complies with the Rural Zone noise limits. The specific areas beyond the proposed facility where noise limits are shown to be exceeded are considered to have manageable outcomes and the effects on the wider environment considered to be less than minor.

*b) The ability of the applicant to:*

- *provide adequate opportunity for garden and tree planting around buildings;*
- *provide adequate vehicle parking and manoeuvring space on site;*
- *provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site;*
- *mitigate any adverse effects of increased height or exceedence of the recession planes, such as through increased separation distances between the building and adjoining sites or the provision of screening;*
- *mitigate any adverse effects on people affected by the proposal.*

## **Response**

Adequate planting along the road and sides of the proposed composting facility is provided for where views of the development could be captured from Mt Herbert Road. There is adequate space for parking and vehicle manoeuvring on site. The balance area of the site is to be grassed and provides significant open space, which is rural in character. The main mitigation measures are the landscaping and setbacks from the road, side and rear boundaries.

*c) Where sewerage reticulation is not available to the site, the ability of the applicant to adequately dispose of effluent, which avoids:*

- *any potential contamination of groundwater;*
- *any potential slope instability problems;*
- *any potential odour, noise and vibration nuisance to neighbours;*
- *any potential seepage of effluent at ground surface.*

## **Response**

An office space and workshop are included on site and up to eight (8) staff and up to two (2) visitors will be on site. Ablution facilities will need to be provided and so an effluent system shall need to be designed and implemented that complies with the New Sewage System, Rule 37, in the Regional Resource Management Plan. The design of the system is to be prepared at the time of lodging Building Consent.

*d) The degree to which the non-compliance with the standard allows more efficient, practical and/or pleasant use of the remainder of the site.*

## **Response**

As discussed in the original application, the proposed compost facility including internal roads and manoeuvring areas contribute to a 9% building coverage and hardstand over the 16ha site. The permitted level for the site coverage is 7%. Now, with a reduced site area (5,6590ha) and an increase in GFA, the site coverage is higher at 31%. The proposed facility is concentrated on one area, leaving



the rest of the TMM farm (Lot 2 and 3 DP 554782 and land opposite at 367 Mt Herbert Road) parcels free of buildings and hardstand.

The hardstand areas are largely surfaced in shingle and are designed to avoid generating significant stormwater runoff and are also more in keeping with a rural environment as opposed to surfacing the trafficked areas in seal or extensive areas of concrete. The extent of building coverage and hardsurfacing is required to enable an effective compost production operation that enables machinery and composting substrate to be housed and majority of the Phase 1 process to be semi-enclosed. The hardstand areas enable safe and efficient maneuvering on site and out on to Mt Herbert Road.

*e) The degree to which alternative practical locations are available for the building.*

## **Response**

Prior to investing in the subject site and surrounding farmland, the applicant searched for an appropriate location for a new compost production facility. Influencing factors in site selection were (1) relatively large area of land, (2) proximity to TMM's Brookvale Road site, (3) connection to a good road network, (4) proximity to trained staff, (5) reliable long term water source, (6) connection to electricity possible (7) proximity to raw material supply (straw – sourced from CHB farmers), and (8) separation distances from sensitive activities, particularly residential development (including any future potential for residential – ie planned urban growth areas). To that end, a rural property was considered to be more appropriate than an industrial property within an urban area.

The subject site at 464 Mt Herbert Road fulfils these requirements, and it also was within a rural receiving environment where Prenters Quarry operates which produces noise, dust and traffic activity. Initially, TMM owned majority of the farmland along Mt Herbert Road from the Mangatarata Road intersection. Within this land area, the site for the proposed compost production facility was selected due to its separation and distance from existing lifestyle properties within the Rural Zone on Mangatarata Road. In addition, the topography of the subject area is flat and can be confined by the hills behind and existing 464 Mt Herbert driveway. While there are other flat areas within the Mt Herbert farm area, the chosen site is considered to be the most practical location.

### **Criteria 14.2.13. Effluent Disposal from Factory Farming - Rural Zone**

- a) The degree to which the effluent disposal operation is likely to lead to odour or health nuisances beyond the boundary of the site, and in particular, the technology and management systems proposed to mitigate the odour, including:
  - i) the volume and strength of effluent to be disposed;*
  - ii) the design of the waste management systems;*
  - iii) waste treatment measures employed.**
- b) The degree to which there are odour sensitive activities in the vicinity of the proposal.*
- c) The degree to which the proposed factory farming operation complies with relevant codes of practices promulgated by industry organisations.*



## Response

The effluent disposal referred to above is more likely to be referring to housed livestock and therefore not applicable to this application. The potential odour effects are subject to the HBRC discharge to air consent.

## Relevant Regional Policy Statement Provisions

9. The Regional Policy Statement objective and policies relating to the management of organic matter is assessed on pages 54 and 55 of the AEE. No assessment is however provided of policies 13 and 14. Please provide assessment of these two policies to complete the assessment of the provisions relevant to the management of organic matter.

## Response

Policy 13 and 14 of the Regional Policy Statement within the RRMP are set out below:

*POL 13 REGULATION - COMPOSTING 3.7.9 To require a resource consent to be obtained for the discharge of contaminants into air arising from the composting of more than 100 m<sup>3</sup> of compost and raw material per industrial or trade premise.*

Policy 13 sets a specific policy requiring resource consent for composting activities of more than 100m<sup>3</sup> of compost and raw material per industrial or trade premise. Rule 28 of the RRMP requires a discretionary consent for the discharge of contaminants to air where more than 100m<sup>3</sup> of compost is produced. In response to this policy and rule an application under Rule 28 has been made to HBRC (Ref APP-126012) concurrent to this land use consent.

### *POL 14 DECISION-MAKING CRITERIA – SEPARATION DISTANCES*

- 3.7.11 To require the establishment and maintenance of separation distances in relation to the storage, use or disposal of organic material to ensure that:
- (a) there is no direct runoff of leachate into surface water
  - (b) there is adequate vertical separation from groundwater, such that the activity is consistent with Objectives 21 and 22, and
  - (c) there are no offensive or objectionable odours imposed on neighbouring properties.

In regard to (c), this has been a primary factor in selecting the site in the first instance, and is demonstrated in the odour assessment associated with the composting activity to be achievable beyond the broader Mt Herbert farm site. Within the farm and at future sites within the Stage 1 – 4 subdivisions odour is likely to be noticeable at Lot 6 and 7 DP 5554782. With respect to the future lots within the Mt Herbert farm site, the applicant is going to ensure that all lots created as part of the Stage 1 – 4 subdivisions will have consent notices enforcing 'no complaint' clauses so to avoid future conflict between future residential activities and the proposed compost facility.

Turning to the discharge of washdown water from the goodie water pond, this will be a lined pond with a land application solution to avoid direct discharge into surface water in terms of (a). Regarding (b), the application lodged with HBRC for the land based application of this washdown water has considered loading rates, soil types and the depth to groundwater, while septation distances from a





public road and property boundaries consistent with HBRC'S standard conditions for dairy discharges have been proposed in regard to (c) i.e. 20m of any external property boundary.

#### Other Matters

10. Page 8 of the application AEE refers to the "...compost and mushroom growing operation..." Please confirm, or otherwise, that this is an error and that the proposed activity relates solely to compost production as stated elsewhere in the AEE.

#### Response

Error. The application only relates to a compost production facility, not mushroom growing operation.

We trust the information provided is sufficient to satisfy your information request. Please do not hesitate to contact us if we can be of any further assistance.

Your sincerely

**Claire Price BRP(HONs) MNZPI**

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Enclosed documents

1. CT Lot 1 DP 554782
2. Updated Transportation Assessment, Stantec, March 2021
3. Updated noise assessment, Earcon, March 2021
4. Updated Site Scheme Plan, AHA, Reference 201, dated 17/02/2021
5. Site in relation to subdivision within Mt Herbert Farm (Stages 1 – 4), AHA, Reference 202, dated 17/02/2021