

HAURAKI DISTRICT COUNCIL

HEARINGS AND JUDICIAL COMMITTEE

MINUTES OF A MEETING OF THE HEARINGS AND JUDICIAL COMMITTEE HELD IN THE COUNCIL CHAMBERS, WILLIAM STREET, PAEROA ON THURSDAY, 13 MAY – 9.00AM, RECONVENED ON 24 MAY – 1.00PM AND 21 JUNE 2021 – 1.00PM

COMMITTEE

Cr P A Milner (Chairperson), His Worship the Mayor, D A Adams and D M Carmine (Commissioner)

IN ATTENDANCE

Hauraki District Council - Mary Mueller (Planner), Louise Cowan (Resource Consent Team Leader), Eugene Kroukam (Development Engineer), Peter Thom (Group Manager Community Development)

Karakia timatanga

Mayor Adams opened the meeting with a karakia.

APOLOGIES

RESOLVED

THAT the apology of Cr A Spicer and Cr P Buckthought be received and sustained.

HJC21/01

Carmine / Adams

CARRIED

LATE ITEMS

There were no late items received.

CONFIRMATION: HEARINGS AND JUDICIAL COMMITTEE MINUTES – 21-12-20 - 2876219

RESOLVED

THAT the minutes of the meeting of the Hearings and Judicial Committee held on Monday, 21 December 2020 are received and confirmed as a true and correct record.

HJC21/02

Adams/Milner

CARRIED

The Chairperson opened the hearing at 9.05am and advised that the hearing would be recorded for accuracy and administrative purposes.

LIMITED NOTIFIED RESOURCE CONSENT APPLICATION

PROTECTIVE CROPPING LTD – 232 TRIG ROAD SOUTH, WAIHI

Application under Section 88 of the Resource Management Act 1991 to establish a 28.1ha horticultural greenhouse development including associated activities.

Tabled Documentation:

Tabled document A – Key parties to the Hearing

Tabled document B – Joan Forret – legal submission

Tabled document C – Statement of evidence – Geraldine Jaques and Kevin McCowatt

Tabled document D – Jon Styles – revised noise level contour

Tabled document E – Mary Muller – HDC Planner

Tabled document F – Peter Molloy

Tabled document G – Philip Barrett

Tabled document H – Joan Forret on behalf of Geraldine Jaques and Kevin McCowatt

Tabled document I – Philip Barrett (Addendum)

In attendance:

Applicant - Protective Cropping Ltd (PCL)

Philip Barrett (Consultant Planner), Rene DeWit (CEO), Peter Molloy (Berry Farmer), David Mansergh (Landscape Architect and Recreation Planner), Tara Hills (Direction Traffic Design Limited), Jon Styles (Styles Group Acoustic and Vibration Consultants)

Submitter/s

Joan Forret (Harkness Henry) on behalf of submitters G Jaques and K McCowatt. Tanya McCowatt.

Applicant's Presentation:

Mr Philip Barrett, Planning Consultant introduced the Applicants experts and spoke to his pre-circulated evidence.

Mr Peter Molloy, Berry Grower provided a list of key parties as tabled document A and spoke to a slideshow presentation as tabled document F.

Mr Molloy noted the property was perfect for the growing of berries and that Protective Cropping would be a major employer in the area, with up to 100 people employed in both a part time and full time basis.

The Protective Cropping concept had been designed to address the growing of berries economically and to produce berries right through the year. The twin skin plastic houses had been designed so that the stormwater and water management provided no run off into the Council system as everything is caught and recovered back into the plants. This ensured zero waste or impact on the neighbours.

Adjourned 9.55am – Reconvened 10.45am.

The Chair sought clarification regarding employment and salary expectations of the employees. Mr Molloy advised that the pay range was \$45,000 – \$150,000 with approximately one hundred staff, of which eleven were employed on a fulltime basis.

Mr Barrett commented that the general public perceived the activity as an industrial activity but that Protective Cropping did not think so. As a point of clarification Ms

Cowan advised through the Chair that there was a specific definition within the Operative Hauraki District Plan for Factory/Intensive Outdoor Farming. This activity is a discretionary activity within the Rural zone. The component identified as (e) under this definition is the one that is used when assessing and considering the activity as proposed.

Tara Hills from Direction Traffic Design Ltd spoke to her pre-circulated evidence.

Ms Hills noted that item 6.1 points (1), (2) and (4) – (10) as referenced in her evidence had no recommended changes. Ms Hills advised that Point 6.1 (3) had changed to include a full diagram D access.

Jon Styles from Styles Group Acoustics and Vibration Consultants spoke to his pre-circulated evidence.

Mr Styles advised a change to Attachment 1 of the pre-circulated evidence. The wooden fence was to go straight across to the other red section and be acoustically effective.

In response to questions, Mr Styles advised that the typical noise levels for chillers etc. could vary hugely, but in this instance it would be well screened behind buildings or barriers.

The Chair queried that if the carpark was to move 100m to the east, what would the acoustic effect be on the submitters. Mr Styles noted the noise levels would be similar or perhaps lower.

Ms Cowan sought clarification from Mr Styles regarding the report provided by Ms Hills. Condition 9 advised there was one light vehicle space provided in the carpark, did the noise modelling include that space and did the modelling also include forklifts etc.

Mr Styles advised that was not included in the noise model, and his recommendation was that that space was best located near to the main buildings. If that were the case, the use of that space including unloading etc would be less than noise of cars parking at the boundary.

Mr Barrett advised that the PCL position was that there was no loading or unloading to be completed in the carpark area.

David Mansergh Landscape Architect and Recreation Planner spoke to his pre-circulated evidence.

Mr Mansergh noted the overviews provided by Mr Molloy in his evidence (tabled evidence F) were pictured by drones, and that type of view would not be seen from ground level.

Mr Mansergh noted that at point 50 of his evidence the ratings have changed from NZILA.

The Committee queried if there had been any modelling completed to show what the impact of mitigation planting/screening was, or if a time analysis had been completed as the plants grew. Mr Mansergh noted that you could rerun the model with actual factual data once it occurred, but suggested that it was unnecessarily expensive and that once the mitigation planting had gone in, there would be screening.

Ms Forrett sought clarification through the Chair regarding point 115 and the effect on rural character and amenity of the 2m high fence directly on the boundary. Mr Mansergh noted that the owners did not want any planting there and the fence was a side agreement between the applicant and the submitter. The fence was not a rural fence.

Adjourned 12:21 – 13:00

Mr Barrett returned at point 40 of his pre-circulated report.

Mr Barrett noted that point 48 iii could be achieved at less than minor.

In relation to the hours of operation, Mr Molloy noted that the crops growing now are berry fruit. When the crops are due to be harvested, you have a range of options, either get more people or pick longer. Sometimes the most practical option was to extend the hours. In the application PCL had acknowledged that times may vary with a start time before 7am and a 1pm finish.

Ms Cowan identified through the Chair that 'dawn to dusk' can vary across seasons and daylight savings which made it very difficult to monitor. The Chair sought clarification as to how often PCL would need to start before 7am? Mr Molloy advised that perhaps at 6am for ten times a year, 6.30am starts thirty times a year, the rest of the time, start at 7am.

Mr Barrett suggested that a condition be created to allow for seasonal fluctuation. The Panel advised that can be discussed later.

Addendum to Mr Barretts evidence (tabled document I)

Mr Barrett noted that there would be an intermediate, temporary measure of shelter fencing erected to protect the tunnel houses for Stage 1. The fence, from the diagrams provided, would infringe the distance to boundary and height in relation to boundary rule for structures. Mr Barrett requested that the Panel consider this as part of the wider application as it was an integral part of the overall activity. The fence would be located on the south western boundary of the site with the neighbour to the south west directly affected. This neighbour had provided written approval to the shelter fence activity.

Mr Mansergh noted that the fence was not likely to affect his opinion in relation to rural character and amenity, as already given.

Mr Barrett summarised that they had understood the effects of the application and that the majority were less than minor and would support an approval of the application.

Mr Mansergh had summarised his view and confirmed the wider effects over time would diminish and that visually the application and the operation as a whole could easily be subsumed into the rural environment with less than minor effects.

Ms Cowan sought clarification regarding earthworks cut and fill balance contour plan, red and green lines showing 2m height closest to Waihi Beach Road Plan 20085/EW001. Mr Barrett advised that the rainfall in a space of a period shows what was required and they have to shape the soil to achieve that. Moving soil, we are not scraping it away, we are taking a point through the middle and tipping it. This plan shows there was an understanding that the land was cut and fill. Ms Cowan queried what are the figures showing? Mr Barret advised that it ranges from 0.6 to 1m, to get that platform, the land will be lowered and then raised through the cut and fill onsite to bring to desired contour.

Mr Barrett noted that the land itself would not be raised to such an extent that it would affect the efficiency of the shelterbelt mitigation. Stages 2 and 3 would require more earthworks. Mr Barret would expect there would be consent changes on that regard. They would not be importing material or exporting anything, all materials would be contained within site. Mr Barrett would confirm the numbers. Where the land was to be filled and cut it was raising the land but did not compromise the ability of the proposed shelterbelts to mitigate visual effects. The levels of the land would not be raised so much that there would be a change to what would be seen externally from the site. At best about 0.6 of a metre for some parts of the site. Ms Cowan noted that the contour of the site was being changed quite a bit in proximity to Waihi Beach Road, and asked whether

the applicant had considered amenity effects in relation to landscape views from the road.

Mr Mansergh confirmed that the additional ground level would still be sufficiently screened by the proposed shelter belts once these were sufficiently established.

Adjourned 13:51 – 14:00

Submitters Presentation:

Ms Joan Forret spoke on behalf of submitters Geraldine Jacques and Kevin McCowatt (tabled document B).

The new request for a 6m high fence was outside the scope of the application and Councils reporting officer was entitled to have time to determine if anyone was affected by that fence.

Ms Forret commented that she would describe this application and consultation with the applicant in terms of 'shifting sands' with the submitters speaking to different representatives of PCL and receiving different replies. PCL had provided two examples of 'shifting sands' that had been introduced at the hearing regarding the additional 120 non-permanent staff that might be on the site and the change to the fence. Neither of these had been discussed previously.

Ms Forrest advised that in terms of noise there was a difference between a maximum noise limit in the rural zone and that becoming the normal limit. Normal rural activities do not occur all the time, they are seasonal and often infrequent.

Ms Forrett spoke to Tabled evidence F

The photos that were shown at Kaipaki are fairly direct of the intensity of the use of the land and the change that would occur. It's that change in character that was concerning.

Ms Jaques spoke to Tabled Evidence C

Ms Jaques advised that although the fence and the trees had been mentioned on numerous occasions, they did not request to have the trees removed, PCL requested they be moved.

The Committee sought clarification from Ms Forret regarding her definition of rural character. Ms Forret commented she knows what isn't rural character, and solid fencing across the back of a rural property was not rural character, nor was intensive site coverage. In this particular case, the number of rules that were triggered in this application, was not entirely consistent with rural character.

Ms Forrett queried why the carpark had to be behind the submitters' property.

Mayor Toby requested that the Applicant provide clarification on:

- staff numbers and discretionary,
- days of operation and hours,
- side agreement,
- carpark.

Adjournment 15:25 to reconvene on 24th May 2021 with the expectation that if there was expert evidence to be presented that would be pre-circulated by Monday 17th May 2021.

Monday 24 May 2021

Hearing reconvened at 13:00.

COMMITTEE Cr P A Milner (Chairperson), His Worship the Mayor, D A Adams and D M Carmine (Commissioner)

IN ATTENDANCE **Applicant**
Philip Barrett (Consultant Planner), Rene DeWit (CEO), Peter Molloy (Berry Farmer).

Via Zoom:

David Mansergh (Landscape Architect and Recreation Planner), Tara Hills (Direction Traffic Design Limited), Jon Styles (Styles Group Acoustic and Vibration Consultants).

Submitter/s

Joan Forret (Harkness Henry) on behalf of submitters G Jaques and K McCowatt. Tanya McCowatt.

Hauraki District Council

Mary Mueller (Planner), Louise Cowan (Resource Consent Team Leader), Eugene Kroukam (Development Engineer), Peter Thom (Group Manager Community Development) Lisa Madgwick (Planning Administrator).

Further Submitter Presentation

Joan Forett tabled document H on behalf of Geraldine Jaques and Kevin McCowatt.

The Chair sought clarification from Ms Jaques regarding the fence that had been erected. The Chair questioned whether rather than the current wooden fence, with gaps, would an acoustically rated fence erected one metre from the boundary to allow for planting be acceptable? Ms Jaques advised that acoustically it would be acceptable, but not visually.

Council Staff Presentation

Planner (Mary Muller)

Ms Muller took the Planners report as read, and spoke to tabled document E.

Ms Muller noted that the proposed activity came under the definition of "factory farming", not "farming" in the District Plan. "Rural Production Activities" reference "farming" and rural land use activities that rely on the productive capacity of the land. The proposal does not rely on the productive capacity of the land, and "factory farming" was excluded from the definition of "farming". The definition of "Rural Production Activities" was not relevant to this application. "Factory farming" was the only definition relevant to the activity as proposed.

Ms Muller spoke in regards to the location of buildings in the Rural Zone in relation to a "permitted baseline" assessment, noting that a milking shed and yards were required to be located 50m from the boundaries, and that a Rural Contractors depot should not be operated within 50m of the boundary and 100m from an existing dwelling on a separate title. In response to a question from the Chair, Ms Muller advised that the buildings and carpark associated with PCL was within 100m of the boundary to Ms Jaques and Mr McCowatt's property.

Development Engineer (Eugene Kroukam)

Mr Kroukam advised that given that Ms Jaques and Mr McCowatt harvest rainwater from the roof for drinking water, a 100m buffer should be allowed for, in relation to the dust associated with car parking activities.

Adjourned 13:36 – 13:45.

Applicants Right of Reply

Mr Barrett spoke to tabled document G

Mr Barrett noted regarding the Council report that there are two Waikato Regional Council (WRC) consents that apply. The first one was seeking to find groundwater, which has been lodged with Council for the bore to be established on the site. Earthworks are through the District Council. The rules are set up for diverting water, taking water and so forth that have come from streams, rivers etc. The applicant was proposing to capture rainwater and PCL will be holding it in a pond system in the middle of the property, no stream bed or lake bed or Council drains are interfered with. Discharge of water was going to be even less. The only water take was from the ground and that was lodged with WRC.

Ms Cowan suggested that the applicant confirm with WRC if they require any additional consents, and noted that the current Tirohia Resource Consent required a surface water take from WRC where stormwater was collected, stored and then reused. It would be in the applicant's best interest to ensure that no additional consents were required from WRC prior to commencement of activities on the site. Ms Cowan noted that it would be best to avoid compliance issues in relation to WRC matters.

The Committee sought clarification from Mr Barrett if any other locations had been considered for the carpark. Mr Barrett advised there had been no consideration to other locations at this time, and that the acoustic effects were minor and that the carpark was sited to allow acoustic mitigation.

Mr Molloy commented that PCL had been expecting conditions and mitigating hours to be required. Mr Molloy noted that if requirements were imposed they would adhere to them. However, he noted that PCL would require flexibility to run the business.

Adjourned 14:37 – 14:42

Mr Barrett noted that PCL position was that there was no other practical option to relocate the carpark. The Committee noted that the site visit they undertook showed plenty of land to place the carpark, rather than right beside the neighbour concerned.

Mr Molloy advised if you position staff car parking and entry/egress incorrectly, you cannot control where people go and what they do. They don't pay lip service to manage that, people wasting time costs money.

The Committee queried why the carpark could not be relocated further way from the submitters property. Mr Barrett advised that the acoustic levels were within the allowances of the District Plan in the rural area and the location of the carparks was allowed for.

Adjourned 14:56 - 15:00

Mr Barrett sought clarification regarding permitted baseline of location of the carparks and advised that PCL would give consideration to moving the carparks. The Chair noted that knowing that was the direction that PCL were heading, would help.

PCL agreed to undertake a redesign of the carpark location and provide a new plan to the Committee.

The Mayor sought clarification if PCL would have that as a condition. Mr Barrett noted they would.

Adjourned 15:04 on 24th May 2021 to reconvene on 21 June 2021 at 13:00.

Monday 21 June 2021

Hearing reconvened at 13:00.

COMMITTEE Cr P A Milner (Chairperson), His Worship the Mayor, D A Adams and D M Carmine (Commissioner)

IN ATTENDANCE **Hauraki District Council**
L Cowan (Resource Consents Team Leader), M Muller (Planner), E Kroukam (Development Engineer) and L Madgwick (Planning Administrator)

The amended car parking plan provided by the applicant was received.

The Chairperson closed the hearing at 13:05 and advised that Council's decision was reserved until it had considered the evidence presented and all other relevant matters.

DECISION

PROTECTIVE CROPPING LIMITED

RESOLVED

THAT the staff planners report be received.

HJC21/03

Milner / Adams

CARRIED

RESOLVED

THAT pursuant to Sections 104 and 104B of the Resource Management Act 1991, the Hearings and Judicial Committee grants consent to:

Decision A

That pursuant to Sections 104 and 104B of the Resource Management Act 1991, the Hauraki District Council Hearings And Judicial Committee (under delegated authority) grant consent to this limited-notified, Discretionary activity application to establish a 28.1ha horticultural greenhouse development at 232 Trig Road South Waihi being legally described as Lot 3 D0442591, in three stages, over a maximum period of seven years, subject to the following conditions:

General

1. That the tunnel house development must proceed in accordance with the information submitted with the application by Cheal Consultants Ltd on behalf of Protective Cropping Ltd (PCL) and all further information submitted with the application and identified under LUSE-202.2020.00001276.001, along with the following plans by Cheal Consultants Ltd which have been signed and stamped 'Approved':
 - 'Proposed Horticultural Land Use of Lot 3 DP 442591', Reference: 200085-LU003 Rev H, Sheet 1 of 3 revision date 06/07/2021;

- 'Proposed Horticultural Land Use of Lot 3 DP 442591', Reference: 200085-LU003 Rev I, Sheet 2 of 3 revision date 06/07/2021.
- 'Proposed Horticultural Land Use of Lot 3 DP 442591', Reference: 200085-LU003 Rev I, Sheet 3 of 3 revision date 29/06/2021.
- Greenhouse Specifications by Haygrove Ltd – Appendix 2 of application document.

In circumstances where there is any conflict between the documents listed in Condition 1 and the conditions of this consent, the conditions must prevail.

2. The Consent Holder shall notify the Hauraki District Council's Group Manager – Community Development in writing 15 working days prior to the date initial site construction works are to commence.

Hours of operation

3. All activities associated with factory farming at the site must comply with the following specified hours of operation:
 - a. Daily operation of all facilities between 06:30 and 19:00; and
 - b. No operation of any activities prior to 09:00 or after 17:00 on Sundays or public holidays.

Advice Note: all activities must still comply with the noise standard at the notional boundary of any dwelling not owned by the consent holder as per the noise conditions contained within this consent.

Factory Farming Activity

4. That only produce sourced from within the site (grown in the tunnel houses) can be processed within the utilities building.
5. There shall be no direct sales of produce from the site.

Advice Note: no gate produce stalls or similar are permitted.

Building design

6. The maximum floor area of the utilities building/packing centre is to be 3,200m².
7. That all exterior surfaces (walls, joinery and roof) of the utilities building/packing centre must be of a colour selected from the Hauraki District Council landscape colour chart (British Standard Colour Range - BS5252) or constructed of a material that falls within this colour range. Additionally, all exterior surfaces of the building must have a reflectivity value not exceeding 32%.

Landscaping Mitigation

8. That prior to consented activities associated with the commencement of Stage 1 becoming operational the consent holder shall remove the hard stand area adjoining Lot 1 DPS 84502.
9. That the north-western portion of the site identified in red within the plan in Appendix A shall not be utilised for any activity associated with factory farming except for the directional signage identified within Condition 46.
10. Within 6 months of consent being granted and prior to consented activities associated with the commencement of Stage 1 becoming operational the consent holder shall submit to the Hauraki District Council's Group Manager – Community Development for technical certification, a Landscape Mitigation Implementation Plan (LMIP) that identifies how the following landscape and visual amenity mitigation measures (as contained within the *Proposed Tunnel House Development 232 Trig Road South, Waihi - Landscape and Visual Assessment Report* prepared by Mansergh Graham Landscape Architects (Version R1, dated July 2020)) will be achieved:
 - a. The establishment of continuous shelterbelts comprising of *Cryptomeria japonica* (Japanese Cedar), or a similar performing species, around the perimeter of the application site and *Casuarina cunninghamiana* (She-Oak), or a similar performing species, internally to the site in general accordance with the locations shown on Plan 200085-LU003 Rev H with revised date 06/07/2021.
 - b. Each shelterbelt shall be planted at a size and spacing that ensures that it can achieve a minimum height of 2m within 2 years of planting and shall be maintained at a minimum height of 6m.
 - c. The shelterbelts adjacent to Trig Road South and Waihi Beach Road shall be set 10m back from the property boundary to avoid services and shall comply with all aspects of the Electricity (Hazards from Trees) Regulations 2003.
 - d. An access strip of 1.5m or as needed to allow for trimming and maintenance of the shelterbelt, may be left between the shelterbelt and the property boundary. A 3.5m wide gap may be left in each shelterbelt for access purposes.
 - e. All existing trees and hedgerows within the site, that do not need to be removed for the construction of the consented activity, shall be retained until the shelterbelt planting required under subclause a. above, reaches a height of 4m.

11. The LMIP shall include:
 - a. The timeframe for completing the requirements set out in Condition 10 (above).
 - b. A planting plan that shows the locations of all plantings.
 - c. A schedule of all plants to be utilised, comprising:
 - i. botanical name;
 - ii. common name;
 - iii. numbers;
 - iv. size/grade of plants at time of planting;
 - v. spacing;
 - vi. height that planting will be maintained.
 - d. Draft specification for the implementation of landscape mitigation works including, but not limited to:
 - i. Site preparation;
 - ii. Plant size and quality requirements;
 - iii. Supply of plants, delivery, and temporary storage;
 - iv. Timing of planting;
 - v. Planting;
 - vi. Fertiliser requirements;
 - vii. Watering requirements;
 - viii. Mulch requirements;
 - ix. Inspections and maintenance (during establishment);
 - x. Replacements;
 - xi. Record keeping.
 - e. Long term management and maintenance programme to ensure the survival and viability of the mitigation planting including:
 - i. Timing of maintenance inspections and works;
 - ii. Tasks to be undertaken during regular scheduled maintenance;
 - iii. Replacement strategies for any dead plants;
 - iv. Contingency planning, for example, irrigation in the event of a drought.
12. All mitigation planting established as a requirement of Condition 11 (above) shall be maintained for the duration of the consented activity. The consent holder shall ensure that all mitigation planting is maintained in good health. All external shelterbelts shall be no less than 6m high. Shelterbelts shall be maintained at a width that is either visually impervious, or a minimum of 2m wide.

Carpark Fencing

13. Prior to any use of the car parking area associated with the consented activity, a close board fence 1.8m high, with no gaps along its length or at its base, must be constructed on the western edge of the carpark as per the location (pink line) shown in Appendix B.

Acoustic Fencing and Landscape Requirements adjoining Lot 1 DPS 84502

14. Prior to the commencement of any activity on the site, an acoustic fence no less than 2.0m in height, with no gaps along its length or at its base, must be constructed on the north side of the access track as per the location (pink line) shown in Appendix C. The construction of the fence will commence 12m from the western site boundary adjoining Trig Road South and continue in an unbroken line to the northern edge of the existing barn. The surface density of the fence must be no less than 10 kg/m², with any timber palings overlapped or battened.
15. The acoustic fence must be maintained to be acoustically effective for duration of the consented activity.
16. Within 6 months of consent being granted and prior to consented activities associated with the commencement of Stage 1 becoming operational, the consent holder shall submit to the Hauraki District Council's Group Manager – Community Development for technical certification, a Landscape Mitigation Implementation Plan (LMIP) in relation to the Landscape Area (red oblong) identified in Appendix D. The purpose of the LMIP will be to show how the application site can be effectively screened from the dwelling located on Lot 1 DPS 84502.
17. The LIMP shall include:
 - a. A planting plan that shows the locations of all plantings.
 - b. A schedule of all plants to be utilised, comprising:
 - i. botanical name;
 - ii. common name;
 - iii. numbers;
 - iv. size/grade/height of plants at time of planting;
 - v. spacing;
 - vi. height that planting will be maintained.
 - c. Draft specification for the implementation of landscape mitigation works including, but not limited to:
 - i. Site preparation;
 - ii. Plant size and quality requirements;
 - iii. Supply of plants, delivery, and temporary storage;

- iv. Timing of planting;
 - v. Planting;
 - vi. Fertiliser requirements;
 - vii. Watering requirements;
 - viii. Mulch requirements;
 - ix. Inspections and maintenance (during establishment);
 - x. Replacements;
 - xi. Record keeping.
- d. Long term management and maintenance programme to ensure the survival and viability of the mitigation planting including:
- i. Timing of maintenance inspections and works;
 - ii. Tasks to be undertaken during regular scheduled maintenance;
 - iii. Replacement strategies for any dead plants;
 - iv. Contingency planning, for example, irrigation in the event of a drought.
18. Planting identified within the LMIP provided under conditions 10, 11, 16 and 17 shall be completed within the first planting season following certification by the Hauraki District Council's Group Manager - Community Development.
19. All mitigation planting established as a requirement of conditions 10, 11, 16 to 18 above shall be maintained for the duration of the consented activity. The consent holder shall ensure that all mitigation planting is maintained in good health.

Noise

20. That all components of the factory farming activity shall be conducted to ensure that the following noise levels are not exceeded within the *notional boundary* of any residential property:

Standard	L_{Aeq} (15 mins)	L_{AFmax}
On all days 7.00am – 10.00pm	50dB	NA
On all nights 10.00pm – 7.00am	40dB	65dB

Notional Boundary

Means a line 20 metres from and parallel to the facade of the dwelling or building used for accommodation, or camping facility, or the legal boundary, where this is closer to the dwelling or building.

Residential Property

Means any occupied dwelling, community house or any form of tourist accommodation lawfully established which is located on a separate Certificate of Title from that on which the noise level of an activity is being measured and assessed.

Noise Management Plan (NMP)

21. The consent holder shall submit a Noise Management Plan (NMP) for certification by the Hauraki District Council's Group Manager – Community Development. The NMP shall be submitted 10 working days prior to undertaking any physical works on the site including earthworks, site preparation and/or construction works. The objective of the NMP is to set out the noise mitigation and management measures that are necessary to:

- i. Ensure that the noise emissions comply with the noise limits set in condition (20); and
- ii. Minimise the noise levels at the notional boundaries of dwellings not owned by the consent holder.

The NMP shall address the following matters:

- Procedures and requirements for the installation of signage in the staff car park areas directing users to minimise noise as far as practicable;
- Procedures for ensuring that management and supervisors make all staff aware of the need to minimise noise in the staff car parks at all times on a regular basis;
- Procedures for ensuring that trucks are not left idling while being loaded or unloaded or at any time when it is not necessary to have the engine running;
- Procedures for ensuring that if any forklifts are required to be used on the northern loading / unloading dock, that they are electric; and
- Procedures to ensure that all machinery and equipment that generates noise that is audible at the notional boundary of any dwelling not owned by the consent holder is maintained in a way that minimises noise levels as far as practicable.

Wind Noise from Structures

22. Throughout the duration of the consent any loose fitting or damaged plastic or materials on the tunnel house structures that could generate wind noise, must be immediately repaired.

Construction Noise

23. Construction activities may only be undertaken between the hours of 07:30 and 18:00, Monday to Saturday and shall be designed and undertaken to ensure that construction noise from the site does not exceed limits of 75 dB LAeq and 90 dB LAmax. All construction noise must be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction Noise.

Truck movements and use of forklifts

24. Truck and forklift movements shall be prohibited on the site outside the hours of 07:00 to 22:00.

Mechanical plant

25. The selection, placement and mitigation of external mechanical plant on site must be designed to comply with a noise limit of 30 dB LAeq at the notional boundary of any surrounding site not owned by the consent holder. Compliance with this design limit will be confirmed by an appropriately qualified acoustics consultant (e.g. a Member of the Acoustical Society of New Zealand) at the building consent stage for the utilities building/packing centre. Details of the acoustic consultant's involvement shall be demonstrated to Hauraki District Council's Group Manager - Community Development at their reasonable request, provided that request is made within 12 months of the date that the external mechanical plant is commissioned.

Tonal reverse alarms

26. Tonal reverse alarms are prohibited on all vehicles and mobile machinery that are permanently located on the site. Broadband reverse alarms may be used if reverse alarms are required.

Light Spill

27. All artificial lighting shall be installed, designed, shaded and arranged in order that the level of lighting measured horizontally or vertically at any point on or directly above the boundary of any adjacent site or road is no greater than 8.0 lux.

General Engineering

28. That the consent holder must appoint a representative in respect of engineering works, through whom all correspondence, relating to engineering matters, will be undertaken. Council's Development Engineer shall be notified in writing of the name and contact details of the representative prior to the commencement of construction activities on site.

Construction Management Plan

29. For the purpose of managing construction effects, a Construction Management Plan (CMP) shall be submitted to the Hauraki District Council's Group Manager - Service Delivery for certification at least 10 working days prior to commencement of works.

The CMP shall address widening of Trig Road South from 5m to 6m, including but not limited to the following:

- a. Construction staging;
 - b. Hours of work;
 - c. Roles, responsibilities and contact details, including for public queries;
 - d. Nature and duration of temporary traffic control for Trig Road South and the area of widening;
 - e. The maintenance of access for residents adjacent to the area of works;
 - f. Parking for construction staff;
 - g. Measures to prevent, monitor and remedy the tracking of debris onto the formed section of Trig Road South;
 - h. The management of dust; and
 - i. Site rehabilitation.
30. Construction must not commence until the CMP, detailed in condition 29 above, has been certified by the Hauraki District Council's Group Manager – Service Delivery.
31. Construction must proceed in accordance with the certified CMP, detailed in condition 29 and 30 above.

Dust Management

32. There must be no discharge of dust to air that causes an objectionable or offensive effect beyond the boundary of Lot 3 DP 442591. If offensive or objectionable dust emissions do occur beyond the site boundary, the dust-causing activity shall cease immediately and shall not recommence until appropriate measures have been put in place to prevent recurrence of a similar event.

Measures for control may include, but are not limited to:

- the application of water to surfaces that are exposed or excessively dry;
- maintenance of all access and manoeuvring areas in order to reduce the creation of dust and prevent deposition of dirt or other material onto public roads;
- covering an exposed area with a coating of geotextile, grass and/or mulch; and

- maintenance of a permanent water supply on the site to control dust by dampening down unsealed access roads or working areas.

Advice Note: That, for the purposes of this consent condition, the Hauraki District Council will consider an effect that is objectionable or offensive to have occurred if any appropriately experienced officer of the Council determines it so after having regard to:

- a. The frequency, intensity, duration, location and effect of the dust emissions, and/or*
- b. Receipt of complaints from neighbours or the public, and/or*
- c. Where relevant written advice from an experienced officer of the Waikato Regional Council or the Waikato District Health Board has been issued.*

Trig Road South widening

33. Trig Road South is to be widened to a 6m width from the Waihi Beach Road intersection to the proposed Diagram D vehicle crossing. This section of Trig Road South shall be provided with a granular overlay strengthening of the existing 5m sealed pavement. All costs associated with the road widening to be borne by the consent holder.

Vehicle Crossing

34. The consent holder shall construct the proposed vehicle crossing to a Diagram D (Transit Planning Policy Manual) standard. All work shall be at the consent holder's expense.
35. That the first 25m of the access way from the edge of the Diagram D vehicle crossing at the western site boundary adjoining Trig Road South into the site shall be sealed to a width of 6m.
36. The existing vehicle crossing serving the dwelling located on Lot 3 DP 442591 at 232 Trig Road South must be permanently closed. The pavement shall be removed and the road berm, water table and fence line reinstated as per approved plan.

Parking

37. That prior to the use of the carpark by the staff, the 88 parking spaces and associated manoeuvring areas on the site, as shown on the approved Site Plan titled 'Proposed Horticultural Land Use of Lot 3 DP 442591', Reference: 200085-LU003 Rev H, Sheet 1 of 3 revision date 06/07/2021; shall be formed and drained with a permanent "all weather – standard", dust-free surface which is trafficable under all weather conditions and includes compacted aggregates low in fines.

38. The 88 parking spaces and manoeuvring areas shall be clearly marked and identified by permanent means. The parking and manoeuvring areas shall thereafter be permanently maintained and retained for on-site access, parking and manoeuvring.
39. There shall be a minimum aisle width of 7.7m within the parking area.

Internal access ways

40. Internal access ways associated with the Utilities Building as shown on the approved Site Plan titled 'Proposed Horticultural Land Use of Lot 3 DP 442591', Reference: 200085-LU003 Rev H, Sheet 1 of 3 revision date 06/07/2021; shall be formed and drained with a permanent "all weather – standard", dust-free surface which is trafficable under all weather conditions and includes compacted aggregates low in fines.
41. The access ways associated with the utilities building shall be formed to a minimum width to allow for truck turning incorporating a Vehicle Trailer (17.9m long) with a 12.5m radius.

Access

42. All PCL site access is to be via the new Diagram D vehicle crossing on Trig Road South.
43. The end of the existing right of way accessed from Waihi Breach Road is to be gated at the southern end to ensure that this access is not used by PCL staff, deliveries or visitors.
44. All suppliers and contractors are to be informed by the Consent Holder of the requirement for Heavy Commercial Vehicles to access the site from Waihi Beach Road via the northern portion of Trig Road South west only.
45. A "no left turn" sign (RG-8) with a supplementary "trucks" sign is to be installed within the site at the Diagram D vehicle crossing to advise heavy vehicles exiting the site of a no left turn requirement.
46. Directional site signage is to be provided within the site at the Trig Road South/Waihi Beach Road intersection to direct all PCL traffic to the Diagram D vehicle crossing on Trig Road South. The location of the signage is to be certified by Hauraki District Council's Group Manager – Community Development.

Earthworks

47. That the consent holder shall implement the requirements of Waikato Regional Council's "Erosion and Sediment Control - Guidelines for Soil Disturbing Activities" dated January 2009 and updated in 2014 to mitigate dust, sedimentation and erosion. In particular, the consent holder will need to:
- Control all surface runoff from the exposed bare surface areas associated with the site excavations to prevent silt contamination of downstream.
 - Contact the Hauraki District Council's Development Engineer (07 862 8609) to organise an engineering site inspection of the silt control measures prior to the commencement of earthworks.
 - Ensure all bare ground surface areas are treated to prevent dust during and after construction.
48. Prior to any earth disturbing activities on-site the consent holder shall put erosion and sediment control measures in place in accordance with the Sediment Erosion Control Plan drawn by Cheal Consultants Ltd titled 'Sediment and Erosion Control Strategy', reference 200085-201, Rev A, dated 28/10/2020.
49. That the consent holder shall make good any damage to the road infrastructure caused by construction machinery during the construction operations.
50. That any soil spilled or tracked onto any public road during the earthworks and construction shall be removed from the road immediately without being allowed to enter storm water channels and catchments.

Complaints Register

51. The Consent Holder shall maintain a complaints register. The register must include the following:
- a. The date, time and duration of the incident that has resulted in the complaint;
 - b. The location of the complainant;
 - c. The cause of the incident where appropriate; and
 - d. Any corrective action undertaken by the consent holder in response to the complaint.

The Consent Holder shall forward an annual summary of the complaints register for the year ending 31 July to Hauraki District Council's Group Manager – Community Development by 31 August. The register must be available to Council at all other times within five working days of its written request.

Review Condition

52. Pursuant to Section 128 of the Resource Management Act 1991, the conditions of this consent may be reviewed by Hauraki District Council between 6 months and 2 years after the date of granting of this consent, and 6 months to 2 years after the commencement of Stages 2 and 3. The review will be undertaken at the Consent Holder's cost, in order to:
- a. Deal with any adverse effects on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage, in particular:
 - Traffic effects associated with the road widening and access as this is dependent on the scale of the activity and traffic volumes at peak periods, which are uncertain;
 - Unforeseen light effects on the adjacent properties;
 - Unforeseen noise effects on the adjacent properties dependant on the scale of the activity and hours of operation; and
 - Dust effects.
 - b. Vary the monitoring and reporting conditions in order to take account of any new information that may be received.

Advice Note: Under Section 128 of the RMA the conditions of this consent may be reviewed by the Hauraki District Council at the Consent Holder's cost in the following circumstances:

- i. To provide compliance with any relevant national environmental standard that has been made since the commencement of this consent.*
- ii. At any time if it is found that the information made available to the Hauraki District Council in the application contained inaccuracies which materially influence the decision and the effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions.*

Fees

53. That pursuant to Section 36(1)(b) of the Resource Management Act 1991, the applicant shall pay Hauraki District Council charges for receiving, processing and granting the Resource Consent.
54. That pursuant to Section 36(1)(c) of the Resource Management Act 1991 the applicant shall pay Hauraki District Council a fee of \$110.00 for the administration associated with monitoring the consent, and thereafter shall pay to Hauraki District Council, all costs that arise for monitoring this consent, including all costs

associated with site visits, and the consideration and certification of plans and details associated with the consent, as appropriate. Note that the actual monitoring costs will be charged.

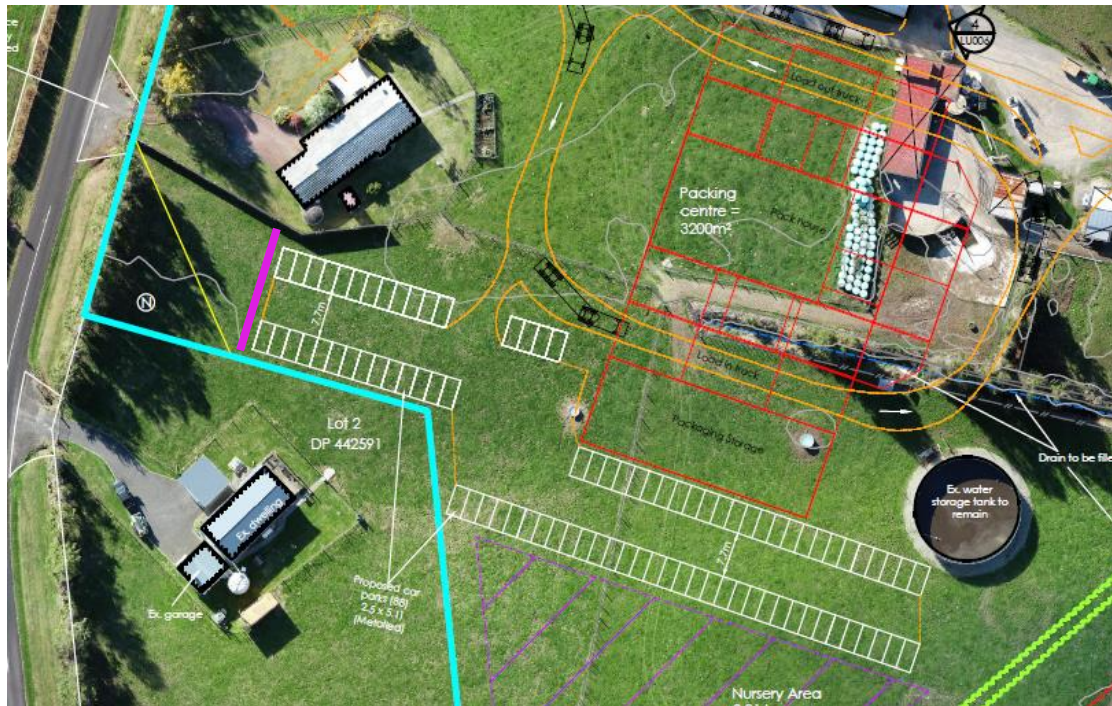
Advice Notes

- *Any work undertaken in the road reserve, including entrance construction, shall be processed under a Corridor Access Request. This must be submitted for approval 10 working days prior to the commencement of any works. All enquiries in this regard must be directed to the Technical Services Business Unit Support Officer on 07-862 8609.*
- *24 hours notice must be given for any engineering inspections that are required to be undertaken during engineering works. The Design Plans acceptance letter will indicate the frequency of inspections required. All requests in this regard must be directed to the Hauraki District Council Development Engineer, on 07-862 8609.*
- *Building consent will be required from Hauraki District Council for the construction of the tunnel house structures. Toilet facilities will be required for the tunnel houses prior to the utility building being constructed.*
- *The consent holder shall ensure that all necessary consents from the Waikato Regional Council have been obtained prior to giving effect to this consent.*
- *This resource consent does not negate the need to apply for resource consents under any relevant Waikato Regional Council rules.*
- *Compliance with NZECP34:2001 is mandatory for all buildings, landscaping, structures, earthworks and mobile plant within close proximity to all electrical lines.*

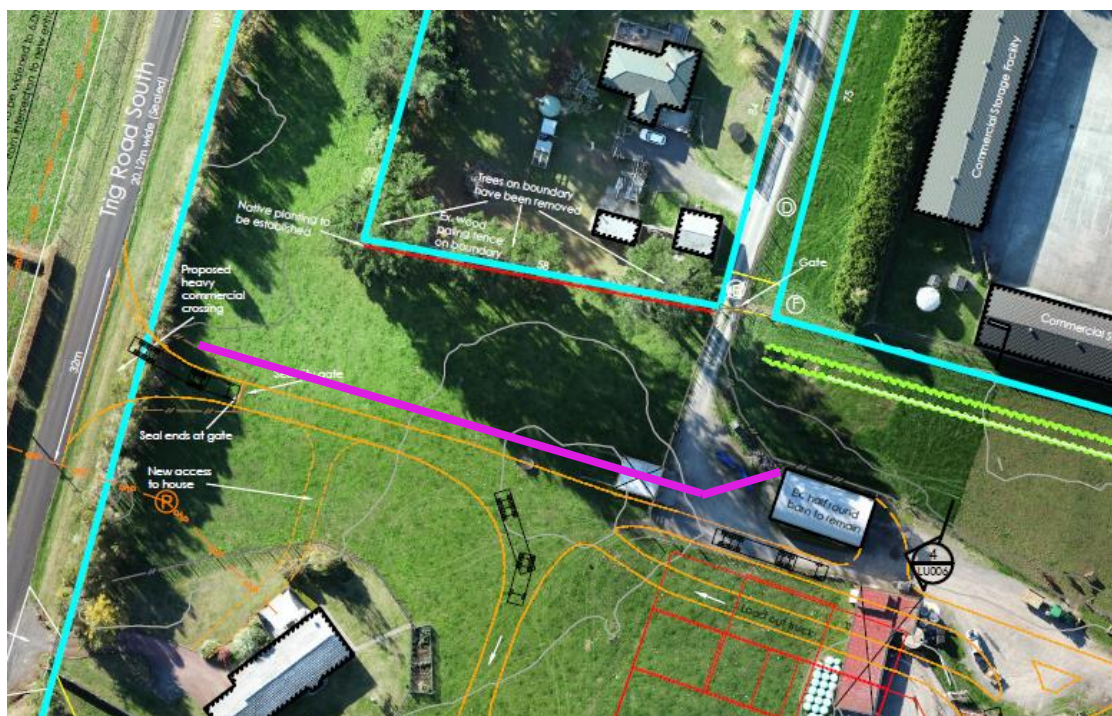
Appendix A – Area (in red) to be excluded from any Factory Farming Activity



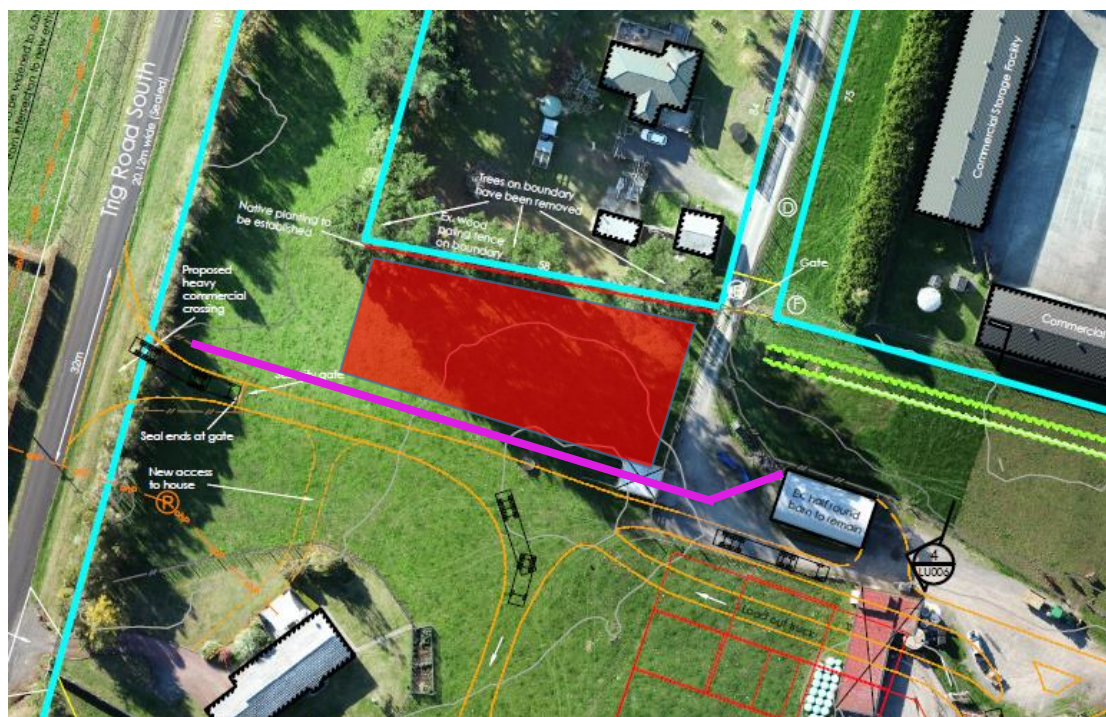
Appendix B – Location of close board fence on western edge of car park (pink line).



Appendix C – Location of Acoustic Fence (pink line).



Appendix D – Location of landscaping adjoining Lot 1 DPS 84502 (red box).



Decision B

That pursuant to Sections 104 and 104B of the Resource Management Act 1991, the Hauraki District Council Hearings And Judicial Committee (under delegated authority) grant consent to this non-notified, Discretionary activity application to establish temporary shelter fencing within the site and other yard setback and height in relation to boundary requirements of the Operative Hauraki District Plan (2014) at 232 Trig Road South Waihi, being legally described as Lot 3 DP 442591, for a term of five years, subject to the following conditions:

1. That the shelter fence shall be constructed in accordance with the signed and stamped 'Approved' Plans:
 - 'Proposed Horticultural Land Use of Lot 3 DP 442591', Reference: 200085-LU007, Rev B, dated 07/04/2021.
 - 'Side Boundary Typical Cross Sections for Landscaping' and 'Central Access Typical Cross Section', Reference SK-200085-006, dated 26/06/2020.
2. That the western fence is located on the south western boundary of the site adjoining Section 36 Block IV Aroha Survey District for a maximum length of 560m adjacent to the area specified as Stage 1.
3. That the western shelter fence is to be located a minimum of 2.0m from the common boundary of Lot 3 Deposited Plan 442591 with Section 36 Block IV Aroha Survey District.

4. That the fences will be a maximum of 6.0m in height and constructed of vertical timber supports and attached green netting.
5. Throughout the duration of the consent any loose fitting or damaged fencing materials on the shelter fences that could generate wind noise, must be immediately repaired.
6. That the shelter fences shall be removed 5 years from the commencement of the consent.
7. That pursuant to Section 36(1)(b) of the Resource Management Act 1991, the applicant shall pay Hauraki District Council charges for receiving, processing and granting the Resource Consent.
8. That pursuant to Section 36(1)(c) of the Resource Management Act 1991 the applicant shall pay Hauraki District Council a fee of \$110.00 for the administration associated with monitoring the consent, and thereafter shall pay to Hauraki District Council, all costs that arise for monitoring this consent, including all costs associated with site visits, and the consideration and certification of plans and details associated with the consent, as appropriate. Note that the actual monitoring costs will be charged.

Advice Note

- *That building consent may be required for the fence structures from Hauraki District Council. Please contact the Hauraki District Council's Duty Building Control Officer to discuss building consent requirements.*

6.0 Reasons for the decisions

The reasons for this decision are as follows:

1. All considerations under Section 104 are subject to Part 2 of the Resource Management Act 1991 ('the Act'), which sets out the purpose and principles of the legislation. The proposal is not contrary to Section 5, 6 or 7 of the Act. There is nothing in the proposal that would conflict with the principles of the Treaty of Waitangi (Section 8). Overall, the application would not offend any of the matters contained within Part 2.
2. The proposal is a Discretionary activity under the Operative Hauraki District Plan (2014). Any adverse environmental effects resulting from the proposal are deemed to be less than minor or can be avoided or mitigated by the imposition of appropriate consent conditions.
3. The proposal is consistent with and overall, achieves the relevant standards, objectives and policies of, the Operative Hauraki District Plan (2014).

4. The Committee have given careful consideration to all information received from the applicant and from submitters. The Committee do not find that the effects in contention are significant enough to decline consent. The Committee consider that the actual and potential effects associated with the establishment and operation of the proposed Factory Farming activity are less than minor or can be avoided or mitigated to an acceptable level by measures included in the application and by the conditions of consent.

HJC21/04

Milner / Adams

CARRIED

CONFIRMED

P A Milner
Chairperson