

In response, quote consent references:
LUSE-202.2024.00001922.001 & LUSE-202.2024.00001922.002
In response enquire to: Jessica Andrews



4 July 2024

Agright New Zealand OPC01 Limited
C/- Mitchell Daysh
PO Box 1307
Hamilton

Email: mason.jackson@mitchelldaysh.co.nz

Attention: Mason Jackson

Dear Mason

Resource Consent Application – s92 Request for Further Information & s37 Extension of Processing Timeframes

Application Numbers:	LUSE-202.2024.00001922.001 & LUSE-202.2024.00001922.002
Applicant:	Agright New Zealand OPC01 Limited
Address:	780 and 874 Wani Road, Netherton
Proposed Activity:	To establish, operate and maintain two six-shed chicken broiler farms and associated farm worker dwellings, earthworks, access, servicing and on-site storage of LPG and diesel.

S92 Further Information Request -

Thank you for your resource consent application, which we received on the 7th June 2024 and deposit paid on 13 June 2024. Following a review of the application documentation and site visit, the following further information is requested pursuant to section 92 of the Resource Management Act 1991.

General

- 1) Please provide details regarding any fencing proposed, including for security and health and safety purposes. It is recommended that any fencing is in keeping with the existing environment and rural character.
- 2) Please provide details of any exterior lighting proposed and an assessment as to whether the lighting will comply with the permitted rules and standards in the Hauraki District Plan.
- 3) Please provide details of any signage proposed and assessment as to whether the signage will comply with the permitted rules and standards in the Hauraki District Plan.

- 4) Please detail the process to be taken and machinery involved with harvesting the chickens and the likely timeframes for when this will occur (i.e. will this occur during daytime or nighttime hours and the expected duration).
- 5) Please detail the time period for which the outdoor free-range areas will be open per day.
- 6) Please provide an assessment of potential glare from the proposed buildings on surrounding properties and road users.
- 7) Please detail whether the AEE and associated specialist reports have been assessed on the basis that the two farms will operate on the same growing cycle or whether the cycles are likely to be staggered (i.e. operating at different stages of the growing cycle).
- 8) The AEE includes a limited assessment of rural character, landscape and visual effects and no mitigation measures are proposed in order to screen or obscure views of the proposed development from the immediate and wider environment. A rural character, landscape and visual effects assessment prepared by a suitably qualified professional is required in order to assess the actual and potential adverse effects of the proposal and provide suitable mitigation measures where considered necessary. The assessment should include consideration of cumulative effects associated with the establishment of both chicken broiler farms within close proximity.

Note: Consideration should be given to installing earth bunds and/or shelter belts along site boundaries in order to obscure views of the proposal.

- 9) Please provide readable versions of the site layout plans attached to the application form.
- 10) Please advise whether the chicken broiler farms and associated workers dwellings will be held and operated as part of the two wider dairy farm holdings or whether the chicken broiler farms and associated workers dwellings will be subdivided off from the dairy farm in future.

Air Quality Report

- 11) Please provide an assessment of the rationale for excluding the existing dwellings located on the wider dairy farm areas located at 780 & 874 Wani Road as sensitive receptors in the Air Quality Report. The dwellings are contained on separate allotments to the proposed chicken broiler farms and from my understanding the houses are occupied by farm workers.

No written approvals have been provided from the owners or occupiers of these dwellings/sites, therefore the potential odour nuisance effects of the proposal on the owners and occupiers of these nearby dwellings is a relevant consideration to this application.

The Air Quality Report should in my opinion assess the potential odour nuisance effects on all nearby dwellings, including those located on the two operational dairy farms. Please update the Air Quality Report accordingly.

- 12) Please advise whether the Air Quality Report has accounted for the timing in which the growing and cleaning cycles will occur (i.e. whether there is a possibility that the cleaning cycles for both farms will overlap and lead to cumulative odour effects on neighboring dwellings).

- 13) Please provide an assessment of the potential odour effects on nearby vacant allotments in which a dwelling could be established as a permitted activity.

Note: The Hauraki District Council will be taking into account the results of the specialist review of the Air Quality Report to be commissioned by the Waikato Regional Council.

Productivity Assessments

- 14) The application form highlights land parcels in which the chicken broiler farms and associated worker dwellings will be located on. Comparatively, the Productivity Assessment assesses the rural productivity effects of the proposal on the two dairy farms which are located over multiple allotments and contained within separate records of title. These records of title could individually be sold off or retired from productive use.

Please provide further analysis of rural productivity effects on the two consent areas/land parcels to which the proposed chicken farms and associated workers dwellings are proposed. This information is required in order to better understand the effects that the loss of productive land will have on the specific land parcels subject to these land use consent applications.

- 15) The Productivity Assessment notes that free range chicken production is a form of land-based primary production and that the proposal has a clear reliance on the land. Please provide further analysis on these matters in the context of the two proposed chicken broiler farms, in which the predominant food source will be via the chicken feed.
- 16) The Productivity Assessment asserts that the land required under buildings and hardstand areas has a similar role to dairy sheds, herd homes, feed pads and laneways on dairy farms. Please provide further assessment in relation to this matter, particularly in the context of the scale of the proposal.

National Policy Statement on Highly Productive Land

- 17) The Farm Productivity Assessment reports determine that the proposed chicken farms will permanently remove 7.11 hectares (northern farm) and 6.75 hectares (southern farm) of land from primary production, excluding chicken free range areas and pastoral cut and carry areas).

The legal opinion determines that the proposal meets two exceptions in Clause 3.9(2) of the NPS-HPL on the basis that the activity will support the dairy farm operations through supply of chicken manure as fertilizer and that the proposal is a small-scale and temporary land use.

I disagree with these statements, noting that the dairy farm is not necessarily reliant on the use of chicken manure fertiliser as part of its operations, the farms are proposed on separate land parcels to the dairy farms, the two chicken broiler farms are large scale developments, and the district land use consent is enduring.

Please provide a further detailed assessment of the proposal against Clause 3.9 of the NPS-HPL.

Note: The Hauraki District Council will be seeking a legal opinion in response to the National Policy Statement on Highly Productive Land considerations for this application.

Preliminary Site Investigation

- 18) The PSI report for 780 Wani Road does not assess the land in which the future workers dwelling is proposed. Please amend the PSI Report or provide an addendum assessing this portion of land.
- 19) The land area assessed in the PSI Report for 874 Wani Road does not cover the entire consent area, specifically the portion of the chicken broiler farm which extends further east towards a drainage canal. Large-scale earthworks are proposed in this location in order to construct the stormwater swale. Please amend the PSI Report or provide an addendum assessing this portion of the land.

Earthworks

- 20) Please provide a summary table for each of the proposed earthwork areas which details the proposed area and volume of all cut and fill, the maximum cut and fill heights and an accompanying plan differentiating the earthworks areas.
- 21) Please confirm whether the cut and fill will be balanced between the two consent areas or whether spoil will be disposed of off site, noting that the application states that the two chicken broiler farms are to be constructed over different stages. If spoil will be removed for the site, please confirm where the spoil will be transported to.
- 22) Please detail where the hardfill to create the proposed shed platforms and hardstand areas will come from.

Site servicing

- 23) Please provide confirmation of the proposed water source for the chicken broiler sheds as well as the anticipated volumes required associated with the operation of the chicken broiler farms.

Note: Approval will be required from the Hauraki District Council to utilise the reticulated water supply network.

- 24) Based on the engineering plans and site management plan, it appears that washdown effluent is to be collected in sealed tanks and irrigated within an allocated irrigation area. Please provide details as to how the washdown effluent will be handled on site.
- 25) Please provide details as to how wastewater generated from the site office will be treated and disposed of on-site and advise whether resource consents will be required and/or sought.
- 26) Please demonstrate that the effluent irrigation areas will comply with Standard 8.5.2.3 of the Hauraki District Plan.
- 27) Please provide details of how the future workers' dwellings will be serviced in terms of water supply, stormwater management and wastewater treatment and disposal, and advise whether any resource consents will be required and/or sought.

Mana Whenua Consultation

- 28) Please provide evidence of any further consultation undertaken with mana whenua following the initial consultation undertake prior to lodgement of the application.

Providing the information

Please provide this information in writing within 15 working days. If you will not be able to provide the information by that date, please contact me before then to arrange an alternative time. We will not work on the application any further until either you provide this information, or you state that you refuse to provide it.

If you refuse to provide the information, or if you do not submit the information to us within 15 days (or by another other agreed time), the RMA requires that we publicly notify your application.

Once you have provided the requested information, I will review what you have provided to make sure it adequately addresses all of the points of this request. The time for you to respond to this letter will be excluded from the processing timeframes. I will be able to give you an updated forecast on a date for this once you have provided the information requested above, or we have discussed the application again.

Section 37 Extension to Processing Timeframes –

Section 37A(4)(b)(ii) of the RMA allows a time period to be extended but not more than doubled due to special circumstances, including those existing by reason of scale or complexity. The processing time periods have been extended for these applications due to the scale and complexity of the applications and the range of resource management considerations for these applications which will require specialist legal and engineering inputs. The time periods have been extended by 20 working days.

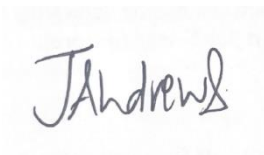
In extending the time periods, the following matters have been considered:

- The interests of any person who may be affected by the extension (including the applicant);
- The interests of the community in achieving an adequate assessment of the proposal; and
- The Council's duty to avoid unreasonable delays in making decisions under the RMA.

In accordance with section 37A(6) of the RMA, no persons other than the applicant were identified as being directly affected by the time extension.

Please do not hesitate to get in touch with me if you have any questions or require further clarification.

Kind regards,

A handwritten signature in dark ink, appearing to read 'J Andrews', is shown within a light grey rectangular border.

Jessica Andrews

Senior Planning Consultant (on behalf of the Hauraki District Council)