

14 October 2024

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Tena koe Jessica

RE: LUSE-202.2024.00001922.001 & LUSE-202.2024.00001922.002 - Responses to S92 Requests

Thank you for your letter dated 4 July 2024 requesting further information in association with various matters relating to a proposal from Agright New Zealand OPCO1 Limited (the Applicant) to construct and operate two chicken broiler farms on Wani Road, Netherton.

This letter sets out Tranche 1 of the Applicant's responses to the further information requests. Some responses make reference to other reports or documents provided as "Attachments" to this letter. Responses to requests related to air quality matters will be provided in Tranche 2 in due course.

GENERAL

Request:

- 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.*

Response:

Rural fencing, typical of working dairy farms, will be utilised to demarcate all farm site boundaries. Given the nature of activities occurring on the sites, security-type boundary fencing is not required. Post and rail fencing with lockable gates will, however, be used at the site vehicle entrances to improve site security. Overall, perimeter fencing will remain in keeping with the existing rural environment.

Request:

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.

Response:

Relevant standard 8.2.5.3 (2) states that:

In all zones, 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.

End lights at each shed will be pointed to the ground. Outside lights will only be on for a brief time during initial setup of each catch.

Figure 1 shows photos of night-time lit areas at a representative shed opening. **Figure 2** shows photos of actual lux measurements being made at night.



Figure 1: Photos showing visual lighting impacts at shed openings



Figure 2: Photos showing lux measurements (Left: Lux reading within the lit area. Right: Lux reading approximately 15m away from lit area)

Lux levels will be well below 8 at any point on or directly above the boundary of any adjacent site or road and performance standard 8.2.5.3 (2) will be easily met.

Request:

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.*

Response:

As set out in Table 19 of the AEE, any signage will comply with Permitted Activity Rule 7.6(3)(b)(iii) which states:

One sign, on the subject site, not exceeding 1.5m² in area, bearing the occupier's and/or property's name.

For the avoidance of doubt, each site may include no more than one sign near the entrance, and any sign erected will be less than 1.5 m² in area.

Request:

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).*

Response:

Harvesting trucks will arrive night and day and park within about 5m from the open doorway at each shed. A forklift will then be used to load chickens onto the trucks.

On average, it will take approximately 3 hours to undertake a harvest “catch” on one shed. Harvesting catches will typically be undertaken on only one shed per day. Each shed will require two catches to harvest, so there is a total of 12 catches undertaken on a 6-shed farm per batch.

Request:

5. *Please detail the time period for which the outdoor free-range areas will be open per day.*

Response:

In general, the outdoor free range areas will be available to the chickens between dawn and dusk from when they're 21 days old (extreme weather events excluded). Chickens from 1 to 21 days old will be kept inside.

Request:

6. *Please provide an assessment of potential glare from the proposed buildings on surrounding properties and road users.*

Response:

The relevant performance standard for glare (8.2.5.3 (1) states that:

In all zones, buildings are to be constructed and finished to ensure reflection (glare) from the building surfaces does not reflect into adjoining properties, or into the vision of motorists on a street or road.

Glare effects are addressed in the Landscape and Visual Assessment (LVA) prepared by Mansergh Graham Landscape Architects Ltd. A full copy of the LVA is provided in **Attachment 1**.

The LVA identifies that Farm 2 could result in potential glare towards the south of the farm buildings on Wani Road.

Regarding glare effects, page 45 of the LVA notes that,

“with the establishment of the proposed mitigation planting around Farm 2, this will also prevent any potential glare from the Farm 2 buildings affecting drivers on this part of Wani Road. As such, performance standard 8.2.5.3(1) is achieved.”

The mitigation planting referred to is shown in Figures 19 and 20 of the LVA. No other “adjoining properties” or roads are considered adversely affected by glare.

Request:

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).*

Response:

Assessments for air quality, traffic and noise have been based on worst case scenarios where both farms are stocked on the same day and follow the same growing cycle.

Request:

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.

Response:

A Landscape and Visual effects assessment has been undertaken by Mansergh Graham Landscape Architects Ltd and a full copy of their assessment report is provided in **Attachment 1**.

The LVA recommends specific mitigation planting plans for each farm as shown in Figures 19 and 20 of the report. The applicant is happy to adopt and implement these planting plans as recommended.

Overall, the LVA report concludes that:

- With the implementation of the proposed mitigation measures and the establishment of the mitigation planting, the adverse effects of the proposed broiler farm development on the

existing landscape, natural character and visual amenity values will be **below the minor** threshold of the RMA;

- From a landscape perspective, the proposed development is consistent with the overall requirements and intent of the relevant landscape and amenity objectives and policies of the OHDP and sections 6(a), 6(b) and 7(c) of the RMA. There is therefore no reason that consent should not be granted subject to the implementation of the recommended mitigation (screen planting).

Request:

9. *Please provide readable versions of the site layout plans attached to the application form.*

Response:

Higher quality versions of the site layout plans are provided in **Attachment 2**. These are also provided separately as individual PDF files.

Request:

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.*

Response:

The chicken broiler farms and associated workers dwellings will be subdivided off from the dairy farm in future.

AIR QUALITY

Request:

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.

Response:

A revised Air Quality Assessment is being prepared by Pattle Delamore and Partners Ltd which specifically addresses effects on residents within existing houses that will be owned by the Applicant. This will be provided in Tranche 2 of the applicant's responses.

Request:

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).

Response:

This will be addressed in the revised Air Quality Assessment to be provided in Tranche 2 of the applicant's Responses.

Request:

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.

Response:

This will be addressed in the revised Air Quality Assessment to be provided in Tranche 2 of the applicant's Responses.

FARM PRODUCTIVITY ASSESSMENTS

Request:

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.

Response:

Response to this request is addressed in the letter prepared by AgFirst provided in **Attachment 3**.

Request:

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.

Response:

It is accepted that the predominant food for the chickens will be imported chicken feed, however, the point being made in the Productivity Assessment reports was that without the free-range areas (i.e. the pasture covered areas for chickens to range), which rely on site soils to grow grass, there is clearly no way the broiler farms can be classified as being “free-range”. This is an important distinction to meet both market demand for free-range chicken meat and to adhere to animal welfare requirements.

Notwithstanding, as a result of recent amendments to the NPS-HPL, intensive indoor farming activities are now not considered an inappropriate use or development of highly productive land (subject to appropriately minimising or mitigating any loss of the availability and productive capacity of highly productive land in the district and appropriately minimising or mitigating any reverse sensitivity effects (Clause 3.9 (3)) as detailed in the response to request 17 below).

Request:

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.

Response:

Response to this request is addressed in the letter prepared by AgFirst provided in **Attachment 3**.

Request:

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.

Response:

As noted above in the response to request 15, the NPS-HPL has recently been amended to include intensive indoor primary production on the list of activities at Clause 3.9 (2) that are not considered inappropriate for the use or development of highly productive land. As set out in the relevant section 32 analysis¹, this amendment has come about because the status quo does not explicitly enable development of intensive indoor primary production and greenhouses on HPL, resulting in significant barriers for these developments.

The section 32 analysis also recognises that the amendment will result in some loss of HPL as a result of enabling intensive indoor primary production and greenhouses. However, noting that benefits will arise from additional intensive production, and the area of HPL expected to be used by these industries is small, the proposal does not significantly affect the availability of HPL for land-based primary production.

It is also noted that these amendments are now in force.

As a result of recent discussions with you about the recent NPS-HPL amendments, it is understood that the Applicant's response to request 17 should now focus on providing further assessment in respect of how the application aligns with sub clause (3) of Clause 3.9 of the NPS-HPL which states:

¹ Managing the use and development of highly productive land – Potential amendments to the NPS-HPL: Evaluation report under section 32 of the RMA (August 2024) [NPS-HPL S32 Report](#)

- (3) *Territorial authorities must take measures to ensure that any use or development on highly productive land:*
- (a) *minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in their district; and*
 - (b) *avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on land-based primary production activities from the use or development.*

In respect of sub clause (3)(a):

The Farm Productivity Assessment reports provided in Appendices 2 and 3 of the AEE showed that the proposed North and South Broiler Farms will remove 7.11 hectares (or 4.8% of the total existing farm grazing area) and 6.75 hectares (or 7.9% of the total existing farm grazing area) of land from primary production respectively. These reductions comprise land proposed for the chicken shed buildings, chicken farm hardstand and roading areas and chicken free-range areas. When the free-range areas are factored into this assessment, while accepting that these areas will still remain in productive use, the proposed North and South Broiler Farms will remove even less land from primary production, equating to 4.15 hectares (or 2.8% of the total existing farm grazing area) and 3.79 hectares (or 4.5% of the total existing farm grazing area) respectively.

Notwithstanding the relatively small losses of highly productive land the proposal results in, as a proportion of the existing dairy farmland holdings, given the reference to *highly productive land “in their district”* (emphasis added) within sub clause (3)(a), it is considered more appropriate to compare the scale of the loss with the wider stock of HPL across the Hauraki District. In this respect, the Manaaki Whenua website shows there is a total of 56,945 hectares of Highly Productive Land within the Hauraki District (**Figure 3**). Therefore, the area of highly productive land lost due to the two proposed chicken broiler farms (7.94 hectares) represents approximately 0.01% of the district’s stock of highly productive land. This is considered minimal to the point of being almost inconsequential.

Overall observations that contribute to the proposal’s minimisation and mitigation of loss of the availability and productive capacity of highly productive land in the district include:

- > The use of stormwater swale areas and shed wash water irrigation areas as land-based primary production areas for growing grass to be fed to cows on the farm (and potentially elsewhere). To this extent, these areas will remain in use for primary production purposes, and in doing so, minimise the total loss of the availability and productive capacity of highly productive land within the site;
- > The chicken sheds and hardstand areas being predominantly located on LUC-3 soils, which are at the lower end of the scale in terms of productivity capability, minimises HPL impacts to the extent

that the sheds could have been proposed on much higher value soils within the District, but weren't; and

- > The loss of HPL is also mitigated through the production of high value organic source of fertiliser for farming activities within the district.

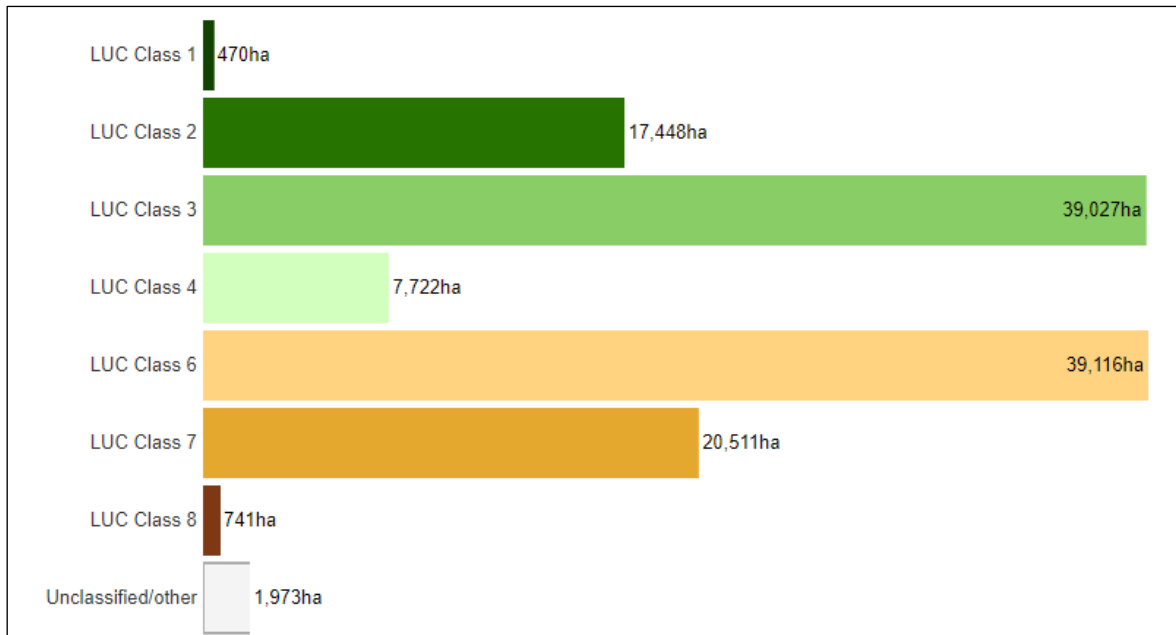


Figure 3: Bar graph of Highly Productive Land Areas within the Hauraki District

In respect of sub clause (3)(b):

On the basis that indoor chicken farming activities typically occur in the Rural Zone, and in fact, are provided for by the Hauraki District Plan Rural Zone rules, this proposed development of chicken broiler farms in the Rural Zone will not generate any conceivable reverse sensitivity effects. Moreover, it is considered that, with the sites' production of a high value organic fertiliser, that can be used by neighbouring farms, this proposal is synergistic with both existing and future rural land use occurring close by.

PSI

Request:

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.*

Response:

A revised PSI report has been prepared by CSI and a copy is provided in **Attachment 4**. This revised PSI includes assessment of future worker dwellings. The overall conclusion is that it is highly unlikely there will be a risk to human health or the environment if the sites are developed into broiler farms with workers cottages.

Request:

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.*

Response:

The original PSI did cover the footprint of all earthworks referenced in request 19. Notwithstanding, the revised PSI report in **Attachment 4** makes this clearer.

EARTHWORKS

Request:

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.*

Response:

The table below sets out the earthworks information for the parameters requested. Please refer to **Figure 4** and **Figure 5** for relevant earthwork site plans.

Area	Exposed Area (m ²)	Topsoil Strip Volume* (m ³)	Total Cut Volume (m ³)	Fill Volume Required (m ³)	Imported Hardfill Volume (m ³)	Max Cut Depth (m)	Max Fill Depth (m)	Reference Plan
Farm 1	84,480	14,780	7,590	36,840	14,470	1.4	1.6	C2110
Farm 2	77,013	23,104	5,628	37,098	8,366	1.4	1.8	C2210

**Topsoil Strip volume to be reused as non-structural fill for range swales*

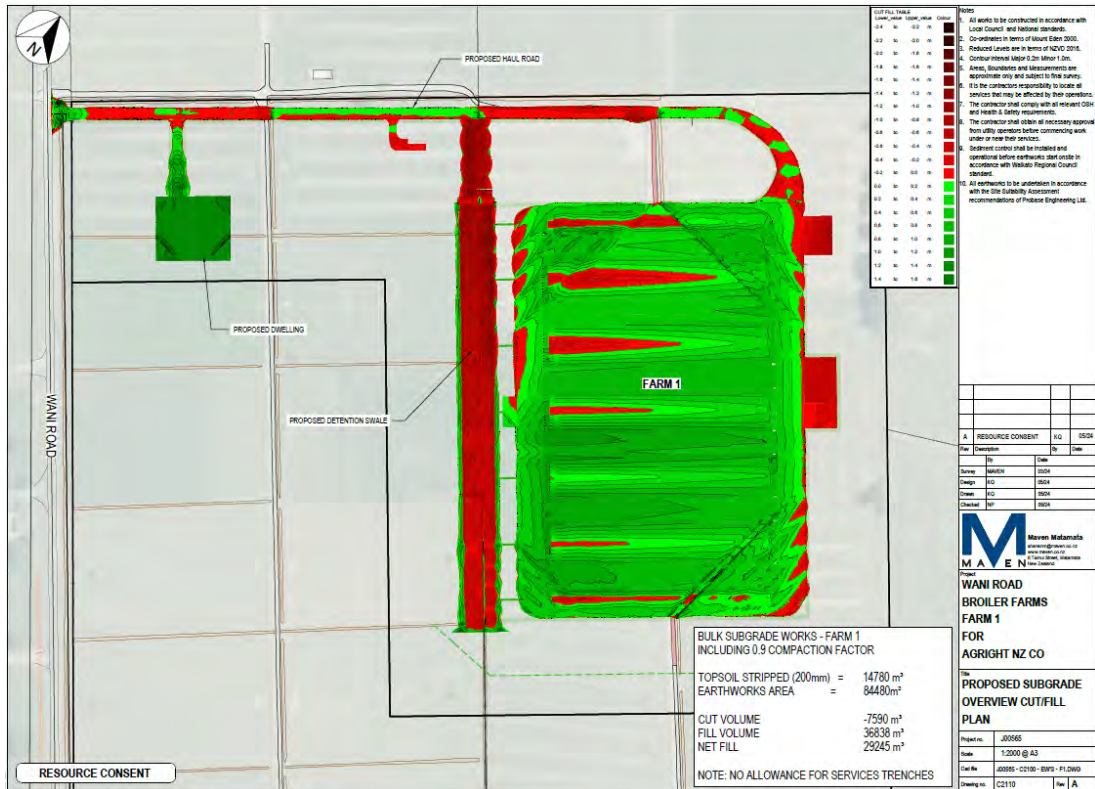


Figure 4: Earthworks cut and fill plan – Farm 1



Figure 5: Earthworks cut and fill plan – Farm 2

Request:

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.

Response:

While final construction methodologies will depend on the contractor selected. Generally, it's expected that any material excavated will be kept on site, either as structural fill, landscape fill or topsoil. It's not expected materials will be transferred between the two farm sites.

Imported hardfill will be required for the sheds, which will come from an offsite source (see response to request 22).

Request:

22. Please detail where the hardfill to create the proposed shed platforms and hardstand areas will come from.

Response:

Fill source will be confirmed as part of the civil construction tender process. Source sites located close to the development are likely to be favoured - based on lower haulage cost.

SITE SERVICING

Request:

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.

Response:

Since lodging the consent application, the Applicant has drilled two successful groundwater bores and is currently preparing a separate application to seek a resource consent from the Waikato Regional Council to take and use groundwater. Following initial discussions with Waikato Regional Council staff, the Applicant and their technical advisors are confident that securing groundwater take consent is highly likely. To this extent, the Applicant is no longer contemplating any need to utilise the district's reticulated water supply network.

Request:

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.

Response:

Wash water will enter underground wastewater pipelines beneath each shed which reticulates wash water to a centralized below-ground wastewater storage sump. Washwater will then be pumped from the sump to the irrigation field at required rates.

Wash water volumes generated from each farm will be minimal, at around 288 m³ annually, and easily complies with relevant Waikato Regional Plan permitted activity requirements (including maximum application rates, maximum nutrient loading rates and avoidance of overland flows etc). This is set out in Section 4.2.2 of the AEE.

Request:

25. 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.

Response:

As shown in the table provided in response to request 20, both sites require surplus fill to reach design ground levels. To minimise imported fill volumes, all cut material will be utilised on site. It follows that, there is not likely to be any spoil produced that requires off-site disposal. In the unlikely event any unsuitable materials are encountered, these will be disposed of at a licensed cleanfill disposal site.

Request:

26. Please demonstrate that the effluent irrigation areas will comply with Standard 8.5.2.3 of the Hauraki District Plan.

Response:

Compliance with Standard 8.5.2.3 of the Hauraki District Plan is specifically addressed in Table 20 within Section 4.3.5 of the AEE.

Request:

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.

Response:

Potable water for dwellings will be supplied via rain harvesting from dwelling roofs. Dwelling roof stormwater will be directed to on-site soakage with excess directed to overland flow paths.

On-site WWTPs will be used to treat and dispose to ground all domestic wastewater generated from each site and from new worker dwellings. These WWTPs will be installed and operated in accordance with manufacturers recommendations and will comply with relevant Waikato permitted activity rules. This is set out in Section 4.2.2 of the AEE.

More details on these matters will be confirmed at the building consent stage.

MANA WHENUA CONSULTATION

Request:

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

Response:

Attachment 5 provides a copy of further post-lodgement communications to mana whenua advising them of the application being lodged along with a link to all the consent application documentation. There has been no subsequent replies by any of the mana whenua groups subsequent to this communication being sent.

Yours sincerely,



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