

IN THE MATTER of the Resource Management Act 1991  
AND  
IN THE MATTER of appeals under clause 14 of  
Schedule 1 to the Act  
BETWEEN BROWNRIGG AGRICULTURE GROUP  
LTD  
(ENV-2015-WLG-000059)  
APATU FARMS LTD  
(ENV-2015-WLG-000078)  
LONGVIEW GROUP HOLDINGS LTD  
(ENV-2015-WLG-000081)  
ERL INVESTMENTS LTD  
(ENV-2015-WLG-000085)  
GEORGE DAVIES and NEVILLE  
CHARLES GOLDIE (DRILLERS  
POULTRY FARM)  
(ENV-2015-WLG-000092)  
Appellants  
AND HASTINGS DISTRICT COUNCIL  
Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge C J Thompson sitting alone pursuant to section 279 of the Act.

IN CHAMBERS

### CONSENT ORDER

#### *Introduction*

[1] The Court has read and considered the appeal and the parties' draft consent order received 9 November 2016.



[2] Horticulture New Zealand gave notice of an intention to become a party under s 274 to appeals ENV-2015-WLG-000078 and ENV-2015-WLG-000081 and has signed the consent memorandum setting out the relief sought.

[3] The Court is making this order under s 279(1)(b) of the Act, such an order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for the present purposes that:

- (a) All parties to the proceedings have executed the memorandum requesting this order; and
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Act, including in particular Part 2.

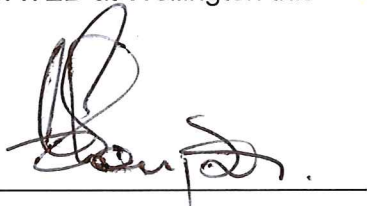
*Order*

[4] The Court orders, by consent, that the Proposed Hastings District Plan is amended as set out in **Annexure A** to this order, with additions shown in underline and deletions shown in strike-through.

[5] The appeals are otherwise dismissed.

[6] There is no order as to costs.

DATED at Wellington this 12<sup>th</sup> day of December 2016



C J Thompson  
Environment Judge



**Annexure A – Changes to Hastings District Plan required by Consent Order**

**Appendix 26 – Table of Scheduled Activities**

(a) Amend Appendix 26 as follows:

APPENDIX 26 TABLE OF SCHEDULED ACTIVITIES				
No.:	Site	Legal Description	Permitted Activities	Discretionary Activities
...				
S29	<u>Apatu Group</u>  2370 Omaha Road	Lot 3 DP 11200	Agricultural Contractors associated with Harvesting including Storage and Servicing of Vehicles. <u>The Handling, Storage and Distribution of Agricultural/Horticultural Produce, Ancillary Activities and Associated Buildings within the identified site boundary in Appendix 26, Figure 6.</u>	
...				
S42	<u>Brownrigg Agriculture Ltd</u>  80 Pukekura Settlement Rd, Poukawa	PT Section 8, SO Plan 1694 (HBP2/1132)	<u>The Handling, Storage and Distribution of Agricultural/Horticultural Produce, Ancillary Activities and Associated Buildings in general accordance with Appendix 26, Figure 7.</u>	
S43	<u>Longview Group</u>  91 and 93 Longlands Road	<u>Lot 1 DP 315732 and Lot 2 DP 382919</u>  <u>Lot 2 DP 315732</u>  <u>Lot 3 DP 382919</u>	<u>The Handling, Storage and Distribution of Agricultural/Horticultural Produce, Ancillary Activities and Associated Buildings within the identified site boundary in Appendix 26, Figure 8.</u>	

<u>S44</u>	<u>ERL Investments</u>  <u>13 Thompson Road</u>	<u>Lot 2 DP352630</u>	<u>The Handling, Storage and Distribution of Agricultural/Horticultural Produce, Ancillary Activities and Associated Buildings within the identified site boundary in Appendix 26, Figure 9.</u>	
<u>S45</u>	<u>Drillers Poultry</u>  <u>46 and 71 Bennett Road, Hastings</u>	<u>Lot 1 DP 457132</u>  <u>Lot 9 and 11 DP5181</u>  <u>Lot 4 DP563 and Pt Lot 62-64, 67 DP141</u>	<u>Poultry and egg farming and associated activities.</u>	

- (b) Add new:
- (i) Appendix 26, Figure 6 as attached as **Annexure B;**
  - (ii) Appendix 26, Figure 7 as attached as **Annexure C.**
  - (iii) Appendix 26, Figure 8 as attached as **Annexure D.**
  - (iv) Appendix 26, Figure 9 as attached as **Annexure E.**
  - (v) Appendix 26, Figure 10 as attached as **Annexure F.**
- (c) Amend the Planning Maps to identify new Scheduled Sites 42, 43, 44 and 45.

***Section 6.2 – Plains Production Zone***

- (d) Amend Section 6.2.6 – Specific Performance Standards and Terms as set out in **Annexure G.**
- (e) Amend Section 6.2.6 – Specific Performance Standards and Terms as follows (after 6.2.8D and before 6.2.8E):

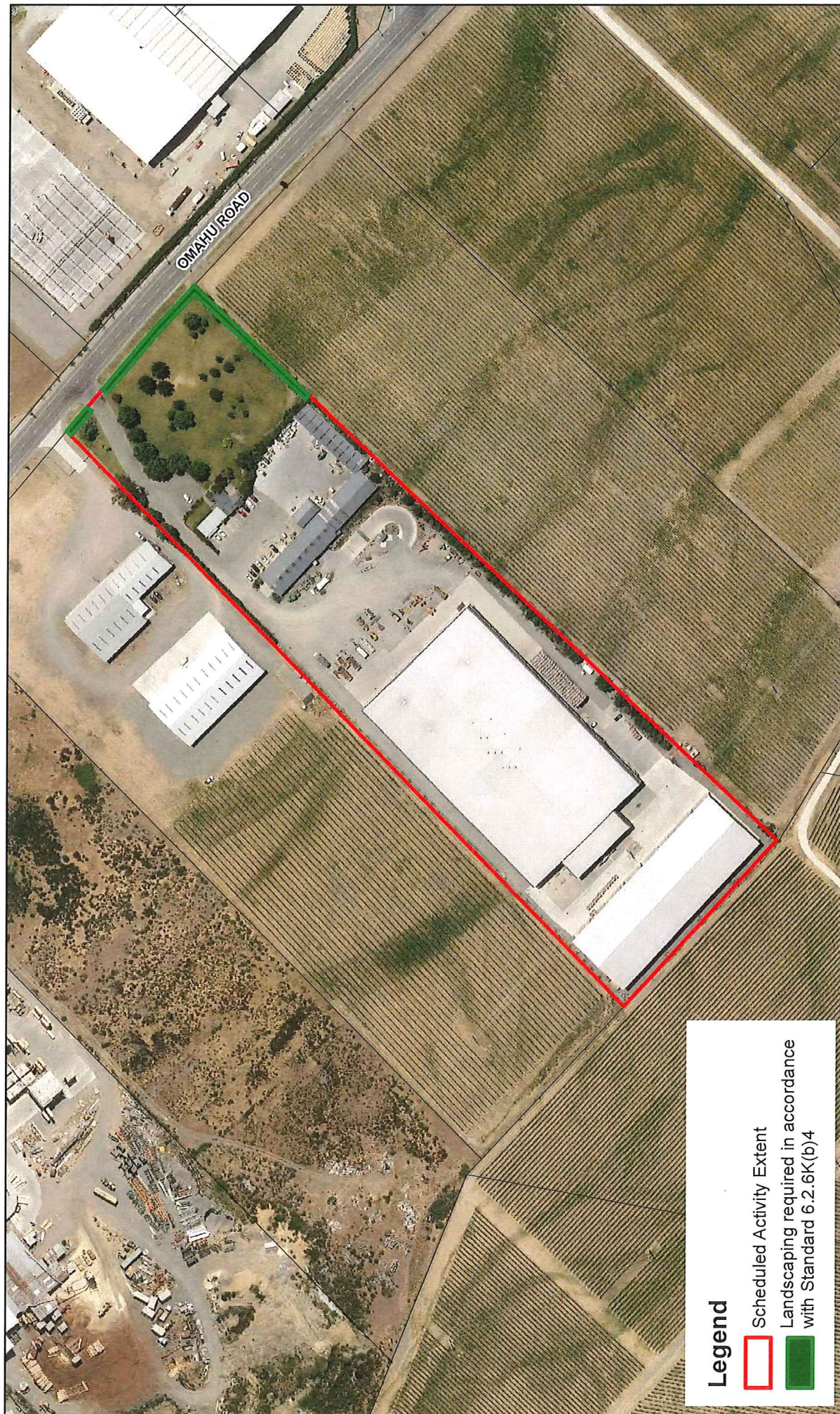
**6.2.8DA            POULTRY FARMING FOR MORE THAN 60,000  
BIRDS FOR SCHEDULED ACTIVITY 45**

In assessing Resource Consent applications for poultry farming as provided for in Scheduled Activity 45 that does not comply with the maximum of 60,000 birds, Council will have regard to the following effects and to what extent and by what means, these are able to be avoided, remedied or mitigated:

- (a) The potential for the activity to create unreasonable noise beyond the boundary of the site;
  - (b) The potential for a noxious, offensive or objectionable odour beyond the boundary of the site;
  - (c) The impact of traffic associated with the activity on the road network;
  - (d) The potential impact on existing amenity values.
-

**Annexure B – Plan to be added to Hastings District Plan as  
Appendix 26 Figure 6**





### Legend

- Scheduled Activity Extent
- Landscaping required in accordance with Standard 6.2.6K(b)4



Map Produced using ArcMap



## Figure 6 - Scheduled Activity 29 - Apatu

2370 Omahu Road - Lot 3 DP 11200

Area to be landscaped in accordance with Standard 6.2.6K(b)4.

Remaining boundaries are exempt from the landscaping requirement.

DATA SOURCE: Cadastral information derived from the Land Information New Zealand's Core Record System (CRS).  
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**Annexure C – Plan to be added to Hastings District Plan as  
Appendix 26 Figure 7**



## Legend

- Scheduled Activity Extent
- Landscaping required in accordance with Standard 6.2.6K(c)



Map Produced using ArcMap

mchaww

**HASTINGS**  
DISTRICT COUNCIL



## Figure 7 - Scheduled Activity 42 - Brownrigg

80 Pukekura Settlement Road - Part Sect 8 SO 1694

Area to be landscaped in accordance with Standard 6.2.6K9(c).

Remaining boundaries are exempt from the landscaping requirement.

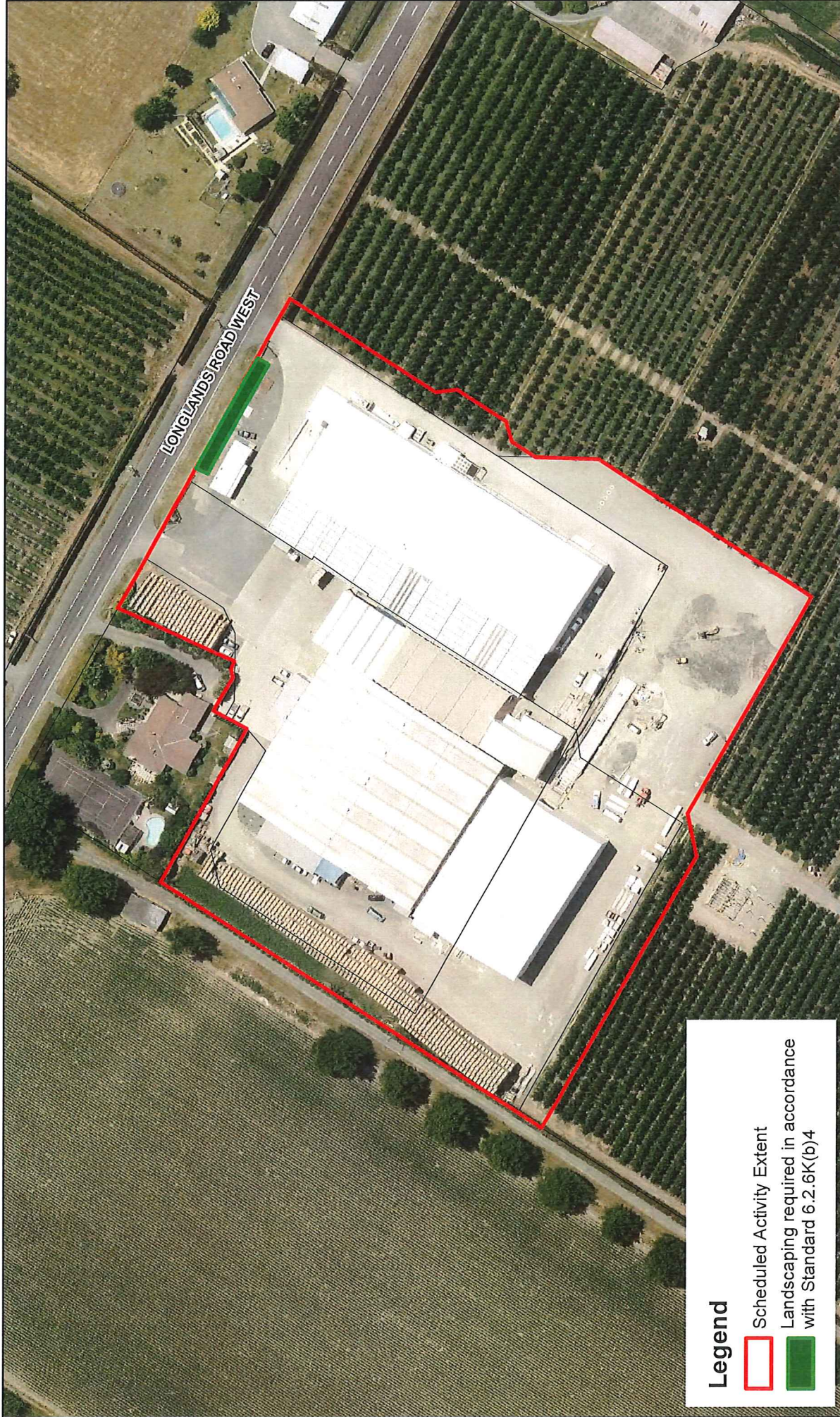
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**Annexure D – Plan to be added to Hastings District Plan as  
Appendix 26 Figure 8**





### Legend

- Scheduled Activity Extent
- Landscaping required in accordance with Standard 6.2.6K(b)4



Map Produced using ArcMap

mchahw

## Figure 8 - Scheduled Activity 43 - Longview

93 Longlands Road West - Lot 1,2 DP 315732 Lot 2,4 DP 382919 Lot 1 DP 480864

Area to be landscaped in accordance with Standard 6.2.6K(b)4.  
Remaining boundaries are exempt from the landscaping requirement.

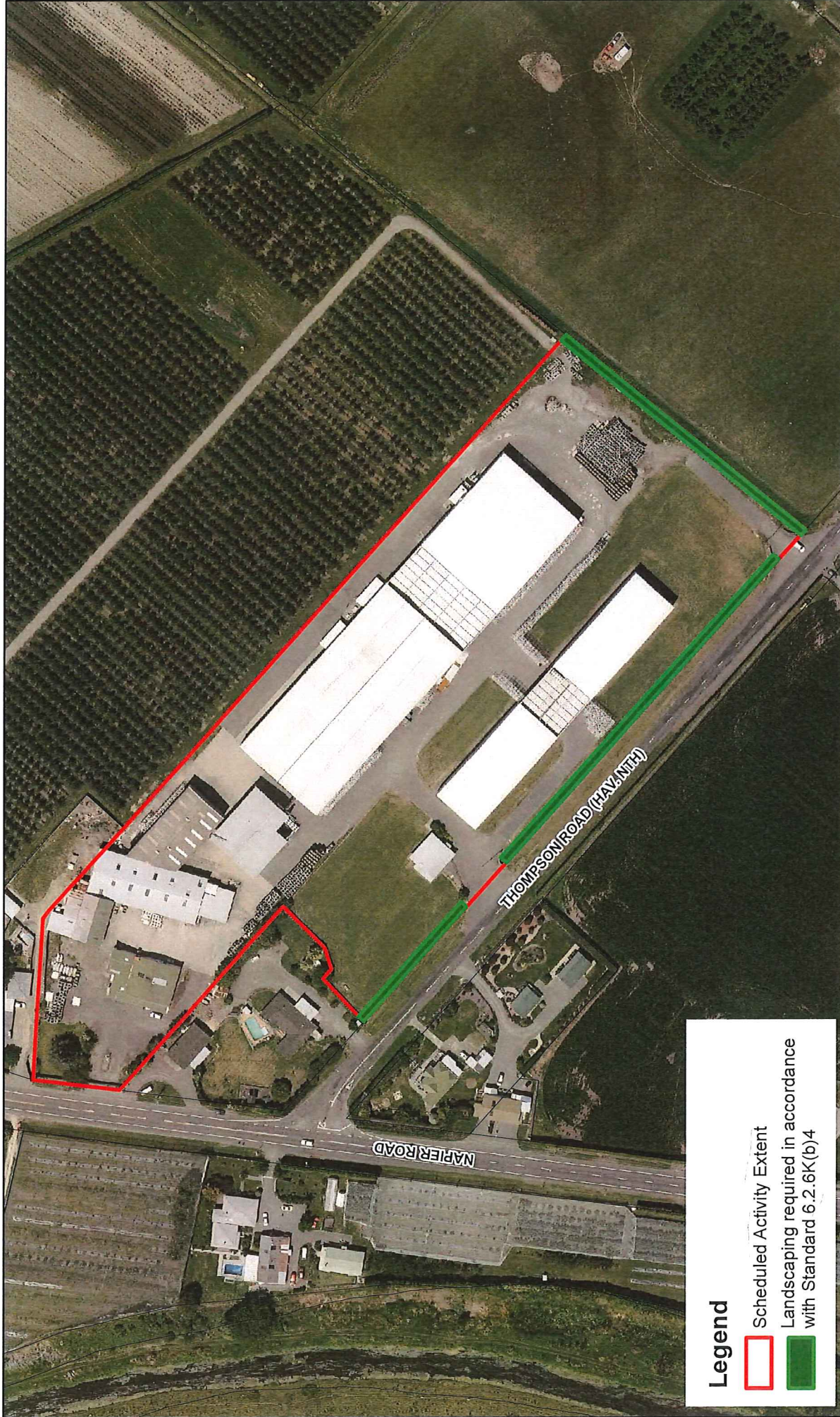
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**Annexure E – Plan to be added to Hastings District Plan as  
Appendix 26 Figure 9**



### Legend

- Scheduled Activity Extent
- Landscaping required in accordance with Standard 6.2.6K(b)4



Map Produced using ArcMap

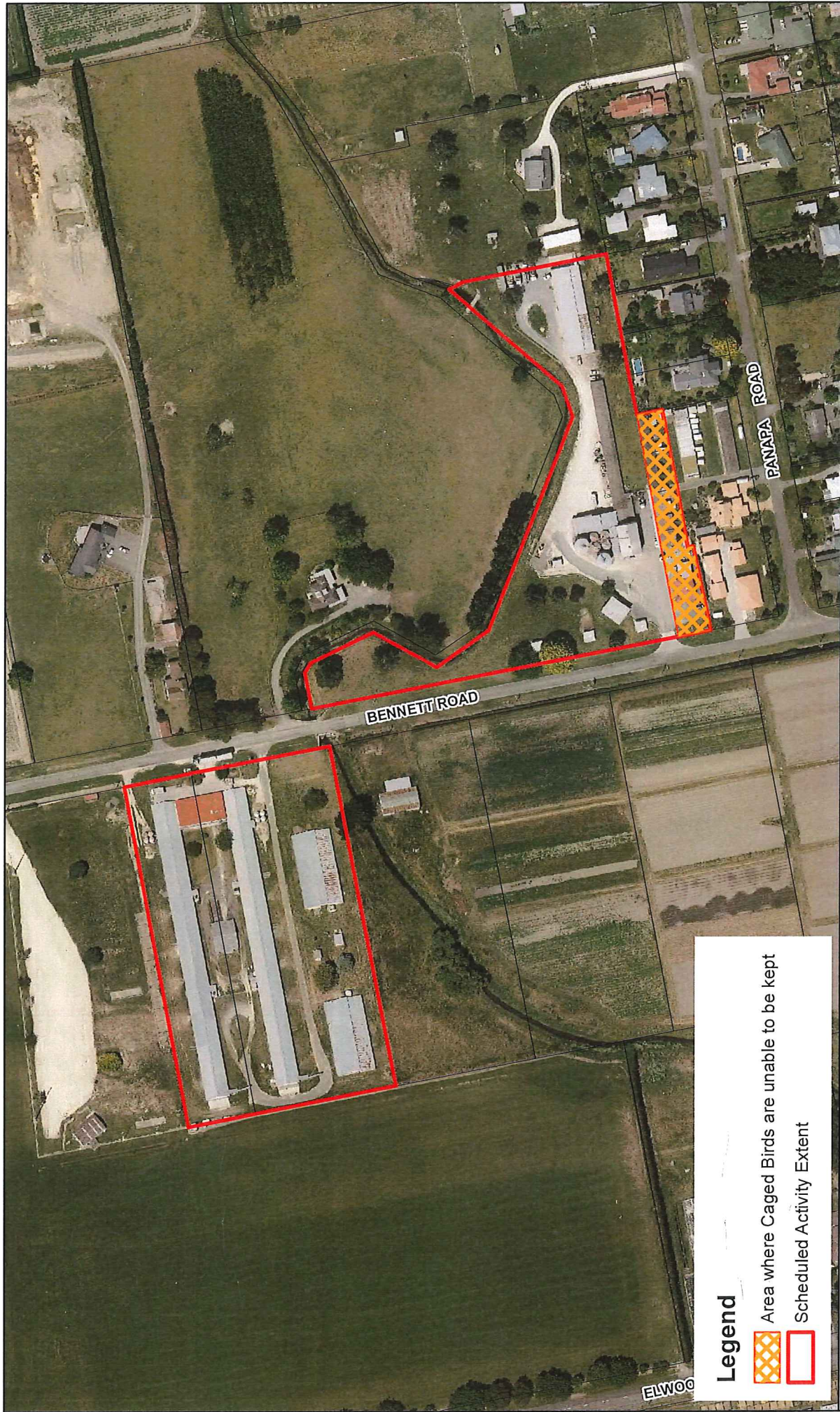
michaelw

**Figure 9 - Scheduled Activity 44 - ERL**  
 13 Thompson Road - Lot 2 DP 352630  
 Area to be landscaped in accordance with Standard 6.2.6K(b)4.  
 Remaining boundaries are exempt from the landscaping requirement.

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**Annexure F – Plan to be added to Hastings District Plan as  
Appendix 26 Figure 10**





**Figure 10 - Scheduled Activity 45 - Drillers Poultry**  
 46 and 71 Bennett Road - Pt Lots 62, 63, 64, 67 DDP141  
 Lot 4 DDP563 Lot 9, 11 DP 5181

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## **Annexure G – Amendments to Section 6.2.6 – Specific Performance Standards and Terms**

### **6.2.6K SCHEDULED ACTIVITIES**

Activities associated with Scheduled Activities shall comply with the General Performance Standards and Terms for the Zone and District Wide Activity rules with the following exceptions.

...

#### **(b) Scheduled Activities Nos 22-26, 29-31, and 33, 43 and 44**

##### **1. YARDS**

All buildings shall comply with the following minimum yard requirements:

**Front Yard** – 7.5 metres with the exception of Scheduled Site No 22 where the front yard setback is 80.0 metres.

**Side Yard** – 4.5 metres with the exception of Scheduled Sites 43 and 44 where the minimum side yard requirements is 15m.

**Rear Yard** – 7.5 metres with the exception of Scheduled Sites 43 and 44 where the minimum side yard requirement is 15m.

##### **2. HEIGHT**

The maximum height of buildings shall be 11 metres with the exception of Scheduled Activity 24 where the maximum height is 30 metres.

##### **3. BUILDING COVERAGE**

Buildings accessory to the Permitted uses of the Scheduled Activity shall be permitted to occupy the following maximum coverage of the site: 40%.

Scheduled Activity 29 is exempt from a maximum building coverage or hardstand area, except that on site wastewater and stormwater disposal shall be provided on site.

Scheduled Activities 43 and 44 are exempt from a maximum building coverage or hardstand area, except that no buildings shall be erected within 15m of the scheduled site boundaries, and on site waste water and stormwater disposal shall be provided on site.

##### **4. LANDSCAPING**

(a) At least 50% of any required yard shall be landscaped, planted and maintained for the full length of the boundary (excluding vehicle entrances)

(b) Any landscaping strip shall have a minimum width of 1.0 metre.

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- (c) Landscaping shall consist of a mixture of ground cover and specimen trees sufficient to reduce the visual impact of industry and to screen outdoor storage areas.
- (d) Planting shall be undertaken in accordance with a landscape plan to be submitted to Council for approval.
- (e) Landscaping on sites for Scheduled Activities 30 and 31 shall only be required in respect of the front yard, and for the site for Scheduled Activity 22 a landscaped strip of a minimum width of 25 metres shall be required in the front yard.
- (f) Landscaping on site for Scheduled Activity 29 shall only be required in the areas shown in Appendix 26, Figure 6
- (g) Landscaping on site for Scheduled Activity 43 shall only be required in respect of the front yard landscape area as identified on the site plan in Appendix 26, Figure 8.
- (h) Landscaping on site for Scheduled Activity 44 shall only be required in respect of the front yard and on the eastern boundaries as identified on the site plan in Appendix 26, Figure 9.

## **5. NOISE**

- (a) Activities shall comply with the provisions of Section 25.1 of the District Plan on Noise with the following exception.
  - (b) Additional standards apply to the concrete batching operations on Scheduled Site No 30 Lot 11 DP 12203 to control the adverse effect of noise of vehicles travelling to and from the site as follows:
    - (i) Operation of the concrete batching plant is restricted to the hours of 5am -7pm (Monday to Friday) and 6am- 4pm (Saturday, Sunday and Public Holidays).
    - (ii) No trucks shall leave the site prior to 5.30am (Monday to Friday) and on all other days trucks shall only leave the site from 6am-4pm.
  - (c) Additional standards apply to Scheduled Activity 44 to control the adverse effects of noise of the use of the site, including of vehicles travelling to and from, the site as follows:
    - (i) From 1 September 2016, activities on the site shall be carried out in accordance with a Noise Management Plan prepared for the site by a suitably experienced acoustic expert and provided to the Council, which sets out the means by which noise emissions are controlled to ensure the noise limits in Section 25.1 are achieved at all times. The Noise Management Plan is required to take
-

into account noise generated during the peak season.

Explanation: A lead-in time for the preparation of a Noise Management Plan is provided so that the landowner has time to engage an expert to undertake monitoring during the peak season and prepare the Report.

## **6. CONCEPT PLAN**

Any activity associated with Scheduled Activity 33 shall be in accordance with Fig 4 - Concept Plan in Appendix 26 of this document.

### **(c) Scheduled Activity No 42**

#### **1. HEIGHT**

- (a) The maximum height of buildings shall be 15 metres, with the exception of silos constructed in the general location shown on Appendix 26, Figure 7, for which the maximum height shall be 20 metres.

#### **2. CONCEPT PLAN**

Any activity associated with Scheduled Activity 42 shall be in accordance with Fig 7 - Concept Plan in Appendix 26.

#### **3. LANDSCAPING**

- (b) A 2.5 metre landscaping strip shall be provided, planted and maintained for the full length of the common boundary with Lot 1 DP 21520 Block XIII Te Mata SD.
- (c) Landscaping shall consist of a mixture of shrubs and specimen trees sufficient to reduce the visual impact of industry. All trees shall have a minimum height of 2.5 metres at planting.
- (d) Planting shall be undertaken in accordance with a landscape plan to be submitted to Council for approval.

### **(d) Scheduled Activity No 45**

#### **1. YARDS**

Buildings housing poultry reared intensively and yards accommodating poultry reared intensively shall be located a minimum distance of:

- (a) 50 metres from a residential building, or any building being part of a marae, place of assembly, commercial activity or industrial activity on another site;
  - (b) 15 metres from a property boundary;
  - (c) 20 metres from a public road.
-

## **2. LIMIT ON POULTRY NUMBERS AND LOCATION**

- (a) A maximum of 60,000 birds shall be kept on the Scheduled Site.
  - (b) Total bird numbers kept on the Scheduled Site shall be provided to Council officers on request.
  - (c) No caged birds shall be housed on the area shown with hatched marking on the site plan in Appendix 26, Figure 10.
-