

BEFORE THE SELWYN DISTRICT COUNCIL
AND CANTERBURY REGIONAL COUNCIL

UNDER

The Resource Management Act 1991 (**Act**)

IN THE MATTER OF

CRC156387 – Discharge of dust and odour;
155187A – To undertake a boundary adjustment;
155187B – To retain an existing dwelling on an
undersized area; and
155188 – To reconfigure an existing bulk garden supply
business, and utilise land for bulk storage of raw product

**DECISION OF HEARING COMMISSIONER DAVID CALDWELL
10 SEPTEMBER 2015**

Appearances**Applicants:**

Amanda Dewar, Solicitor

Nigel Odering, General Manager

Grant Farrell, Technical and Quality Manager

Andrew Craig (Landscape)

Richard Chilton (Air quality)

Dr Kelly (Health effects)

Jeremy Trevathan (Noise)

Nick Fuller (Traffic)

Justine Ashley (Planning)

Submitters:

Sok Chuey Lee and **Graeme Albert McDonald**

Michael and Ellen Rogers (together with M Rogers in support)

Canterbury Regional Council officers:

- **Helen Lawrence** – Graduate Environmental Planner
- **Donovan Van Kekem** - Air Quality Scientist

Selwyn District Council:

- **Rachael Carruthers** – Resource Management Planner

Introduction

- 1 I have been appointed by the Selwyn District Council and the Canterbury Regional Council as independent commissioner to hear and determine applications made by Southern Horticultural Products Ltd (trading as Intelligro) (**Intelligro**) for:-
 - (a) landuse consent to reconfigure its bulk garden supply business as 1394 Main South Road;
 - (b) landuse consent to utilise approximately 2.5 ha of land at 1366 Main North Road for the bulk storage of raw product; and
 - (c) subdivision consent to undertake a boundary adjustment between 1394 Main South Road and 1414 Main South Road to incorporate an additional 19 metre wide strip of land which is to be used for stormwater disposal.
- 2 I have also been appointed by the Canterbury Regional Council to hear and determine an application for discharge to air of dust and odour emissions associated with the reconfiguration at 1394 Main South Road, and the bulk storage of raw product at 1366 Main South Road.
- 3 For completeness I was also appointed to determine associated non-notified regional consents. These do not form part of this decision.

Background

- 4 The applications were submitted in April 2015. The applications were limited notified on 25 May 2015 with submissions closing on 23 June 2015.
- 5 Those notified were:-
 - 554 Jones Road – Timargo Holdings Ltd
 - 538 Jones Road – BC Chalmers
 - 524 Jones Road – JW & JS McFaill
 - 510 Jones Road – A, PM, TC & YM Anderson
 - 486 Jones Road – MP & EP Rogers
 - 482 Jones Road – MD & DO Kerr
 - 474 Jones Road – Ken & Catherine Calder Family Trust
 - 468 Jones Road – RD & YN Lamond
 - 1312 Main South Road – Van Der Brink Poultry Ltd
 - 1386 Main South Road – VA Brien
 - 552 Johns Road – MacLee Holdings Ltd
 - 1427 Main South Road – AJ & JC Ryan
 - 182 Paige Place – GA & LSC McDonald

- 287 Larcombs Road – Larcomb Properties Ltd
- 307 Larcombs Road – KV Bowan & DJ Houston
- 1359 Main South Road – Ashmark Holdings Ltd

6 Submissions were received from the following:-

Submitter	Support/oppose/neutral	To be heard
Kenneth James and Catherine Calder	Support	No
Mark Etheridge	Support	No
Malcolm and Jill Hurrell	Support	No
Stephen Bleeker	Support	No
Tony and Jude Ryan	Neutral	No
Ross and Yvonne Lomond	Neutral	No
Michael and Ellen Rogers	Oppose	Yes
Sok Chuey Lee and Graham McDonald	Oppose	Yes

- 7 The issues raised in the various submissions included dust and odour, airborne spores/pathogens causing health issues, spontaneous combustion, proximity of the operation to residential housing, increase in the scale of the operation, impacts on residential amenity, noise, lack of information in relation to vehicle movements, further future expansion and potential effects on groundwater.
- 8 I am informed that Environment Canterbury advised Tuamuto Runanga, Te Runanga o Ngai Tahu, Selwyn District Council, Canterbury District Health Board and Trustpower of the receipt of the applications and requested responses by 23 April 2015. None were received.
- 9 Written approval has been provided by the following:-
- a. William Cameron and Gavin Eastwick – 1354 Main South Road
 - b. Vivienne Brien – 1356 Main South Road
 - c. Nelson Odering – 1414 Main South Road
 - d. Phyllis Sitarz, Worcester Trustee Services Ltd – 1366 Main South Road

Hearing and procedural matters

- 10 I raised a potential conflict of interest arising from the fact that one of the submitters, Mr Etheridge, was a client of my firm. Comment was received

from the submitters M and E Rogers in relation to that issue. I considered the issues raised. Given that Mr Etheridge was not appearing in support, and that his submission did not identify any issues of concern, and that my firm did not act for him in terms of the submission, there was no conflict of interest.

- 11 Ms Lee and Mr McDonald raised an issue relating to my profile on my firm's website which indicated that I tended to act for developers. I considered and responded to that issue. I did not consider that in any way can create an actual or perceived conflict of interest.
- 12 The hearing of the applications commenced on Wednesday 19 August 2015 with the submissions and evidence being heard over two days. The hearing adjourned on 20 August 2015. Intelligro provided a final set of proposed conditions on 21 August.
- 13 I undertook a site visit on 21 August 2015. The site visit had been discussed during the hearing. I attended the application site accompanied by Mr John Dwyer. Mr Dwyer is a consultant for Intelligro, but was not a witness in these hearings. Mr Dwyer simply escorted me around the site. I then attended the property of Ms Lee and Mr McDonald. Ms Lee identified the boundaries of the property. I also attended the property owned by Mr and Mrs Rogers. Mr Rogers was present.
- 14 I also took the opportunity to drive around the immediate area including Jones Road, Weedons Ross Road, State Highway 1, and Larcombs Road, stopping at various locations. The weather conditions were fine. When I commenced the site visit there was no wind, there having been a light frost that morning. By the time I had completed my site visit, a light to moderate north east breeze was blowing.
- 15 The hearing was closed on Monday 24 August 2015.

The existing activities and the proposal

- 16 Intelligro currently undertakes the processing, storage, composting and supply of landscape, garden and nursery products including bark, compost, garden and lawn mixes, bagged garden additives, aggregates, potting mix, pots, and a range of gardening equipment. These are available by bulk purchase and delivery, or by direct sale from the site. The hours of operation are between 7 am to 6 pm Monday to Friday, 8 am to 5 pm on Saturday, and 9 am to 4 pm on Sunday and public holidays.
- 17 The processing activity involves the storage of bark, sawdust, chippings, chicken and pig manure and sand. This is then aged or composted, before being mixed and processed to achieve product specifications. Fertiliser and other additives are mixed and the resulting product is stored until ready for packaging or sale directly from the site.
- 18 There are any number of existing buildings located centrally on the site. The storage of raw materials primarily occurs at the rear of the property. At present, and unconsented, raw material is stored outside the boundaries of the 1394 Main South Road property, on adjoining land owned by Kiwirail, and on 1366 Main South Road.
- 19 Production does not occur on Sundays or public holidays.
- 20 Light vehicles access from State Highway 1 and heavy vehicles access from Weedons Ross Road. While employment fluctuates on a seasonal basis, there are, at times, up to 25 full time equivalent staff on the site.

- 21 I was advised that the key changes proposed arise primarily as a result of a designation for the Christchurch Southern Motorway Stage 2 project for the 4 laning of the Main South Road. The width of land designated for road widening purposes along the frontage of 1394 Main South Road is 24.4 metres. This prevents any direct vehicle access from State Highway 1.
- 22 Alternative vehicle access to all properties located in the block between Weedons Ross Road and Curraghs Road is to be provided by the creation of a new service road located at the rear of those properties. Intelligro's position is that this requires significant reconfiguration to accommodate both the loss of available land and a new public access point.
- 23 The changes proposed are addressed in the respective Section 42A Reports and the application. The changes are summarised in Section 3 of the AEE largely as follows:-
- All vehicle movements will be via a new sealed service road. The bulk storage along the railway line (presently unconsented) is to be transferred to 1394 Main South Road with the storage and primary screening of raw material to occur on 1366 Main North Road.
 - The retail area is to be located to the north eastern corner of the site and a new retail and staff amenities building will be constructed adjoining the existing warehouse.
 - Concrete storage bins are to be relocated to the southern and north eastern parts of the site.
 - A sealed visitor and staff access road is to be formed along the eastern boundary of the site. Visitor parking is to be located along the east of the site (6 marked visitor parking spaces and 16 marked staff parking spaces) and unloading and loading for various vehicle types will be provided throughout the site.
 - Crushing and screening is to occur primarily in the north western part of the site and open storage piles for various products are to be located within the south western boundary of the site.
 - A 1.8 metre high barrier from interlocking concrete blocks is to be installed along the full extent of the south eastern boundary and portions of the northern boundary. The bulk of the site is to be paved.
 - New stormwater management facilities are to be constructed adjacent to the State Highway 1 frontage and an adjoining 19 metre strip of 1414 Main South Road is to be utilised for stormwater irrigation.
 - New signage is to be erected, and existing signage repositioned.
 - New landscaping is proposed along both road frontages and all existing landscaping will be retained throughout the site where practicable to do so.
 - A sealed 5 metre wide access/driveway is to be formed internally within the leased area at 1366 Main South Road.
 - A subdivision, by way of boundary adjustment, is sought to enlarge 1394 Main South Road by incorporating a 19 metre strip (4,922 m²) from the 1414 Main South Road property for stormwater management purposes. This area is to be subject to an open space covenant to prevent the

erection of a further dwelling and the use of that strip for any future residential density calculations.

- Maximum vehicle movements are assessed at 262 vehicle movements per day, translating into approximately 428 ecm/day when averaged over the week and taking into account the number of heavy vehicles that are likely to be assessing each site.
- 24 A number of mitigation measures are offered including site works, landscaping, upgrading of infrastructure, sprinklers, and adoption of an Air Quality Management Plan (**AQM**).
- 25 The scale of the activity is not proposed to increase.

The site and locality

- 26 The properties subject to the application are located at 1366, 1394 and 1414 Main South Road being:-
- Lot 2 DP 22430 being 4.0469 ha in area (CT-CB1D/1162);
 - Lot 1 DP 25904 being 4.1227 ha in area (CT-CB8B/55); and
 - Lot 2 DP 25904 being 4.2062 ha in area (CT-CB8B/712).
- 27 The site is bounded by Main South Road to the south and Main South Line to the north. The 1394 Main South Road site contains the present business operations as described earlier. There are a number of concrete storage bins located near to the front of the site containing various landscape and garden supply products. There is a small office, carparking area, a bagging shed, a composting shed, an additional shed, staff parking, and a 1,000 m² warehouse. There is also a dwelling located on the site. The site at 1366 Main South Road (or part of that site – approximately 2.5 ha) is leased by Intelligro and is presently used for the open storage and primary screening of bark (unconsented). The remainder of the leased site is utilised for residential and livestock purposes.
- 28 The immediate locale is characterised by 4 ha allotments. There is a mix of rural and light commercial activities. There are a number of businesses including Digger Link Excavator Sales & Spares, Brinks Chicken processing factory, Sheds NZ and Custom Made Garage Doors. There are a number of dwellings in the locality. Predominantly its character appears to be commercial. State Highway 1 is a significant factor in the overall amenity of the area and noise from the highway was noticeable during my site visit as, to a lesser degree, was the noise associated with traffic from Jones Road.

Existing Use Certificate/History of the site

- 29 The site at 1394 Main South Road has been used for the processing, storage, compost and supply of landscape garden and nursery products since 1989 when consent was granted to “relocate a horticultural (growing medium) processor” to the site. It seems clear from the documentation that there was considerable growth after 1989 in terms of character and intensity of scale, including building development and other activities. From the one to two employees indicated in 1989, by 2008 there were 25 fulltime equivalents.
- 30 An application dated 4 February 2013 was made to the SDC for an existing use certificate pursuant to Section 139A of the Resource Management Act 1991 (**the Act**). On 7 March 2013 a Certificate of Existing Use 135037 was issued. The activity is described as “to operate a business involved in the

processing, storage, composting and supply of landscaping, garden and nursery products, as described in application 135037. The business operates 7.00am – 6.00pm Monday to Friday, 8.00am – 5.00pm on Saturday and 9.00am – 4.00pm Sunday. A total of 25 full time equivalent staff are employed on the site.”

- 31 The Certificate states that as at 7 March 2013 the activity described above is accepted by the Selwyn District Council as a use of land allowed by Section 10 of the Resource Management Act 1991 and can lawfully be carried out.
- 32 I accept that the activities carried out in accordance with the existing use certificate form part of the existing environment. While some issue was raised regarding the legality of that existing use certificate, it stands. It has not, to my knowledge, been set aside.
- 33 However it is clear that a number of the activities which are at present undertaken on, or adjacent to, the site are not lawfully established or consented. These include the bulk storage along the Kiwirail line, and the significant storage and initial screening of bulk primary product at the Arbuckle’s site. Those activities do not form part of the existing environment as they are not lawfully established. Furthermore, the existing use certificate is of no relevance to the determination of the air discharge application which is currently unconsented. I return to this issue in my assessment of effects.

The hearing

- 34 **Ms Dewar** as Counsel introduced Intelligro, briefly outlined the operations and reconfiguration, addressed the “key legal consideration” in terms of the statutory framework, identifying the application is non-complying and discussing the legal tests relevant to that status. She submitted the Section 104D gateway did not create a de facto prohibited activity, and that the proposal meets the threshold tests in s104D. Ms Dewar addressed the air discharge consent, commented on the environment and the relevance of the existing use certificate, addressed the evidence to be given on effects, commented on the Officers’ reports and submissions, and concluded the only appropriate outcome was for consent to be granted in accordance with the conditions provided.
- 35 **Mr Nigel Odering**, General Manager, Director and shareholder of Intelligro gave evidence. He had prepared a written brief of evidence which was filed on 4 August 2015 and provided a summary statement at the hearing. He addressed the background to Intelligro, the site, the proposal and its key components noting after it becoming aware of the upgrading of Main South Road, Intelligro had limited its investment in the current layout resulting in the site being muddier than normal. His evidence was that prior to this it had spent approximately \$40,000.00 per annum on site up-keep including internal roadway maintenance. Mr Odering also commented on the submissions. He stated the scale of the operation is not sought to be altered. He noted Intelligro intends to operate at the current level, current times, and within the footprint of the reconfiguration sought. His evidence was that Intelligro would not be composting in any different manner than currently in either scale or process. He recorded it would not be composting on the leased site at 1366 Main South Road. He advised Intelligro had examined all alternatives possible in response to the land taken by NZTA and concluded the current application was the best alternative.
- 36 He addressed dust and the steps to be taken to address that; noise and the steps to be taken to address that; odour and a number of the concerns addressed by the submitters. In terms of dust he noted Intelligro had purchased a vacuum sweeper cleaner and it was sealing all travel ways, and

installing more dust suppression sprinklers. In terms of odour, he noted the concerns raised. He did not accept the odour concerns raised by the Rogers originated from the activities Intelligro has undertaken. He also addressed consultation. Mr Odering also gave some brief evidence in reply.

- 37 **Mr Grant Farrell**, the Technical and Quality Manager of Southern Horticultural Products provided evidence in relation to his role, the accreditation of Intelligro with the Nursery Industry Accreditation Scheme, Australia, that it is a certified growing media supplier with Ecohort, discussed New Zealand Standard NS4454:2005, the external audits and internal procedures that had been put in place.
- 38 In response to questions, Mr Farrell confirmed he is based on the site. He advised the external audit last year was the first. A number of the auditing and process steps referred to in his evidence are reasonably recently introduced. This is not in any way intended as a criticism, but rather as an illustration of a more considered and formalised management strategy. Mr Farrell also usefully explained the testing process, the following of a batch through the process with chemical analysis, including pH, conductivity and nitrogen, and the pasteurisation process.
- 39 **Mr Andrew Craig**, Landscape Architect, filed a written brief of evidence on 4 August 2015 and a summary at the hearing. Mr Craig also took me through the landscape plan and the amendments that have been made to it in terms of additional planting, and also addressed alterations to conditions. Mr Craig provided a useful description of the environment. In essence his opinion came down to the question of whether the site is going to be better or worse or the same under the proposed changes. It was his evidence that it will be better, much more orderly, and with improved landscaping. Mr Craig also provided a series of photographic and graphic attachments.
- 40 In terms of 1366 Main South Road, he noted not all the trees are owned by the applicant or lessor but discussed the additional measures to be incorporated on that site. In terms of the height of the planting and the landscape mitigation he did not consider that was a concern. He discussed the taller trees which were going to be incorporated and he noted in terms of the main site that internally there was little room for mitigation by way of landscaping within the site. In terms of landscape effects he described the question as really that of what is expected. He noted that this is a working environment and certainly was not out of place. In terms of the windrows he considered they were expected within the rural environment and from an associative effects perspective, he considered the activities are expected in this area.
- 41 Mr Craig also discussed the conditions relating to retention of the Eucalyptus trees on the present neighbouring property, but subject to the subdivision consent. In terms of the State Highway frontage, he accepted the planting by NZTA was important and acknowledged it was beyond the control of this hearing. He considered it would be significant if the planting anticipated as part of the designation process did not proceed.
- 42 **Mr Richard Chilton**, an air quality expert, gave evidence in relation to the air discharge. In summary, he considered the odour from the compost operation following redevelopment would be similar or less than the odour of the existing operation but there was potential for further reduction in effects given greater levels of monitoring and refinement of the management processes. He concluded the existing and future odour effects are likely to be no more than minor. He noted dust emissions may have resulted in adverse effects in the past. He also stated that to date there have been relatively few measures used to control dust but a comprehensive suite of dust mitigation measures

was now proposed to coincide with the redevelopment. He concluded that provided the dust mitigation measures were implemented as recommended in the proposed conditions, and monitored for effectiveness, he expected the dust effects to be no more than minor.

- 43 He addressed the adverse health effects of discharges of fungal spores and pathogens noting that he was not aware of this having previously been raised in relation to composting and/or similar processes and was unaware of fungal spores and pathogens resulting in an increase in health effects in surrounding communities. He noted the fungal spores and pathogens were ubiquitous in the rural environment, particularly here where there are a number of intensive agricultural activities, and he recommended some additional procedures to be incorporated into the Air Quality Management Plan. Mr Chilton then addressed the issues raised by the Rogers in their submission.
- 44 He expected the odour and dust effects on the McDonald property to be no more than minor. In terms of the Rogers, he addressed the issues in terms of fungal spores and pathogens in so far as they related to his expertise. His evidence was that having been involved over many years in several large scale composting operations, neither he nor his colleagues were aware of spores and pathogens resulting in increased adverse health effects in surrounding communities. He also gave evidence of a discussion with Professor David Murdoch of the Otago University who advised that his research did not show clusters of hospitalisations around large scale composting facilities. He noted the significant distances to the Rogers property, especially from the main site, and that the frequency of moderate to strong dry winds that blow towards the Rogers residence from either of the sites was estimated to be approximately 0.2% of the year.
- 45 **Mr Jeremy Trevathan**, Acoustic Engineer, again provided a written brief of evidence dated 4 August 2015 and summarised his evidence at the commencement of the hearing. In summary, he noted his understanding the existing noise generating activities were legally established. He also observed the traffic on adjacent roads is a dominant source of noise in the receiving environment.
- 46 In response to questioning, he considered a noise management plan may be useful, particularly dealing with issues such as tailgate banging. He considered that provided there is no noticeable increase in noise levels associated with the activity at the notional boundary of any surrounding properties, then noise effects will not be significant. In a worst case scenario noise effects would be the same or lower than those generated by the existing layout and his analysis showed it would comply with the District Plan day and night time noise limits. Overall he concluded the effects were no more than minor.
- 47 **Mr Nicholas Fuller**, Senior Transport Engineer, again provided a written brief of evidence and summary at the hearing. He described the traffic assessment summary, traffic generation and surrounding road network effects, site access arrangements and carparking. His evidence was that the traffic generation of the proposed activities are not predicted to increase, and therefore the traffic effects on the surrounding road network would be no different than what would otherwise have occurred. His evidence was that the site accesses had been designed to comply with the relevant Selwyn District Council standard to result in a safe and efficient form of access, and adverse traffic or transport related effects would be less than minor from a traffic engineering perspective.
- 48 **Ms Justine Ashley**, a Planner of some experience, and who prepared the application, provided evidence in chief on 4 August 2015, and provided a

summary at the hearing. Ms Ashley also provided an additional oral summary introducing the proposed conditions.

- 49 Ms Ashley addressed the effects, concluding that the first limb of the s104D threshold test for a non-complying activity was met. Similarly she concluded there was no conflict with the policy outcomes sought by the Selwyn District Plan, nor any conflict with the NRRP or proposed Canterbury Air Regional Plan.
- 50 **Dr Francesca Kelly** provided a written brief of evidence on 4 August 2015 and a summary at the hearing. Dr Kelly is a consultant public health physician and has been in practice as a consultant specialist for over 25 years. Dr Kelly identified the potential health hazards from raw materials and composting noting that without suitable operational controls, the raw materials used by Intelligro have many intrinsic potential hazards but the majority of these can be either avoided by selection of types and sources and materials, or controlled by operational management. Her evidence was that pathogenic bacteria from manure have a poor survival rate in aerobic composting processes and the viruses are inactivated by heat. Her evidence was that spent mushroom compost is pasteurised and has a very low microbiological hazard risk. Her evidence was also that it is stored in a manner that does not allow it to become a growth media for organisms. In terms of wood chipping and fine woody material, she noted this is accepted into the site in large quantities and can produce allergic and irritant reactions. She addressed the proposed controls, submissions, Officer's report and relevant conditions. I address her evidence again in my subsequent assessment of effects.

Submitters

- 51 I then heard from **Mr Graeme McDonald** and **Ms Lee**. Mr McDonald provided oral evidence that he had lived at his present location for 8 years. He discussed the consultation process and his views on that. He expressed some firm views in relation to the opinion evidence provided by the experts for Intelligro and identified his concerns relating to the use of eucalyptus trees for stormwater disposal, "the stench" from the leachate, concerns about property values and concerns in relation to the landscaping. He is concerned about stockpiled product being moved closer to them.
- 52 Ms Lee had prepared a written statement. She raised concerns in relation to what she described as a conflict of interest, a lack of a quantitative risk assessment, inconsistencies with overseas practice. She also discussed symptoms that her family, and particularly her son, had experienced in terms of asthma, upper airway irritation and mucous membrane irritation. She addressed the scale of the activity and growth that had occurred. She addressed the reasons for objecting, submitting that the reconfiguration would intensify dust emissions, and there would be greater effects from moving or relocating storage from the railway leased land to 100 metres from their home. She addressed at some length the "dangerous" microbes in the composting process, suspected water quality contamination, and a number of other matters. She commented on Dr Kelly's evidence noting it was a qualitative assessment, not site specific, and not a quantitative risk assessment. She was somewhat critical of the evidence led on behalf of Intelligro and a perceived lack of consultation.
- 53 She provided excerpts and commented on a number of articles from various writers. She commented in relation to Dr Kelly's evidence on legionella and attached a written statement from an ex-employee who claims to have contracted Legionnaires disease in 2001.

- 54 Ms Lee spent some time on the consultation process and her concerns with that; she raised concerns in relation to the landscape plan, air quality evidence, the lack of a history of complaints, and submitted the most sensible outcome was for Intelligro to move to a site which is large enough for its operations. Ms Lee also provided comment on additional consent conditions, essentially to ensure that chicken and pig manure was not delivered to the south and south eastern boundary nor stored along the south/south west boundary. She also sought further conditions in relation to “organic dust” and monitoring. Further, she suggested that compost windrows and composting materials should not be relocated within 250 metres of the nearest neighbour who objected.
- 55 Ms Lee produced a series of photographs and video footage. A number of these were screened. One of the videos appeared to show considerable dust coming off a compost pile, and also being generated by a digger moving on the site. The wind on that day appeared to be a strong norwesterly and the dust was clearly visible.
- 56 We then heard from **Mr and Mrs Rogers**. Mr Mitchell Rogers, the submitters’ son, provided oral evidence as to his experiences. He provided his view that Intelligro appeared to have grown significantly over the last 5 years. He commented on his respiratory problems noting they disappear when he is overseas. He outlined his concerns in relation to water and dust and commented on odour, particularly events on 30/31 July where he found the odour was very bad on Jones Road. He noted his friends say their house “stinks” and that dust is a problem in the summer, mainly when the northwest wind changes to southwest. He considered the dust affecting them comes primarily from the Arbuckle site.
- 57 Mr Michael Rogers then made his presentation on behalf of himself and his family. Mr Rogers raised a number of issues with the proposal. He discussed experiences with odour and again addressed health issues. His evidence was that the main problem from their perspective in terms of odour was with the “half-baked compost” when in an anaerobic stage. He noted it was hard to control weather. His evidence was the dust was worse when the wind changed from north west to south west. He discussed health issues that he and Ms Rogers had experienced, including a fungal ball experienced by Mrs Ellen Rogers and the effects it has had on her health. He distinguished between the odour from this activity and other sources. He described it as “different”. His evidence was the odour varied, sometimes it was present for an hour or so, and sometimes for considerably longer. It is noticeable early mornings and in a straight southerly. He discussed concerns in relation to Mr Chilton’s evidence noting he was not asked to participate in the community feedback programme which Mr Chilton had undertaken. He also outlined a number of concerns with the conditions.

Officers Reports

Canterbury Regional Council

- 58 **Mr Van Kekem**, an air quality expert, spoke to his report. He confirmed his recommendation to grant the air discharge consent. He spent some time going through the proposed conditions. I address this later in my consideration of air quality effects.
- 59 **Ms Lawrence** spoke to her report, discussed groundwater monitoring, discussed the complaints issue which had been raised and addressed her recommendation. Her recommendation remained the same, grant subject to conditions. Again I address her report in my subsequent assessment.

Selwyn District Council

- 60 **Ms Carruthers** then spoke to her report. Again she confirmed her recommendation provided the conditions remained essentially the same. She did however suggest some changes to the conditions including some additional ones. She discussed the evidence on effects, traffic, hours of operation, movements between the Arbuckle site and the main site and if there were to be a specific condition regarding the amount of compost stored on site it could be broken down between the Arbuckle and main site. Ms Carruthers addressed integrity and precedent and had no concerns in relation to those issues. She discussed the characteristics of this “strip” of land. Overall she considered the effects were no more than minor and the application was not contrary to the relevant objectives and policies. I discuss Ms Carruthers’s report where relevant in my overall assessment.

Reply

- 61 Ms Dewar presented an oral reply. She noted in terms of the site at 1366, Mr Arbuckle had agreed with retention of the shelter belt that was provided. In terms of the NZTA designation and it’s obligations to undertake planting, she advised Intelligro was willing to accept a condition it will plant a row of trees on that land prior to it being sold. Ms Dewar advised that was not a problem with NZTA, and it provided some certainty.
- 62 She addressed a number of the issues which were raised in relation to volumetric measurements, weather station windspeed, and noted use of the wind data from the Christchurch International Airport was conservative. Ms Dewar advised Intelligro was happy to keep a weather station on site. She raised concerns in relation to some of the conditions, particularly in relation to visible dust and cessation of activities on days where wind exceeds a certain speed. She noted Ms Ashley’s suggestion that proposed condition 12 be amended to address minimising dust. She addressed the appropriateness or otherwise of a noise management plan which Intelligro’s noise expert had considered may be appropriate. Ms Dewar submitted it was not necessary given compliance with the Plan, the presence of the State Highway, and the distance of submitters.
- 63 In terms of the Regional Council consents, Ms Dewar advised Intelligro would provide a limitation on the materials. In terms of condition 7 she noted chicken and other manure would be encapsulated under the windrow as soon as practicable but in any event within 2 hours or the same day as delivered. In terms of condition 8, and the aerobic conditions, she noted the Wasteminz guidelines but that care needed to be taken in using these guidelines. She submitted it was the oxygen levels which are the key determinant and that should be sufficient. She submitted volumetric controls were “more trouble than worth” and the focus should be on conditions addressing effects. In terms of monitoring and testing and the issue of whether that should be weekly or daily, she suggested twice weekly would be appropriate. In relation to the location of the weather station, she confirmed Intelligro had no issue with a weather station being provided on site, the issue was determining an appropriate location.
- 64 She addressed a number of specific conditions, their enforceability and the appropriateness of them being included in an Air Quality Plan. She commented on the monitoring condition proposed to be deleted (relating to monitoring for spores and similar). She referred to the evidence of Dr Kelly. Ms Dewar submitted Dr Kelly’s evidence should be preferred in this circumstance as she had been to the site, her evidence was clear that pasteurisation was the key and she had noted that while monitoring of algal plates would collect spores, most were likely to be inactive. She also

reiterated the difficulties establishing where spores came from, particularly in an environment where they appear to be largely endemic. Ms Dewar referred to Dr Kelly's caution against relying on overseas data as that dealt with a number of diseases which are not present in New Zealand. Overall, in terms of health issues, she submitted that there was no evidence at all that any of the health symptoms complained of were related to the Intelligro activities.

- 65 She discussed further conditions which had been raised during the course of the hearing including identification of machinery location, which she agreed would be marked on the landscape plan. She also confirmed there was no concern with a condition, as suggested by Ms Carruthers, that any buildings are to comply with the District Plan requirements.
- 66 In relation to the discharge conditions and the appropriateness of them, she submitted there is no difficulty with management plans being used in these circumstances. Enforcement, she submitted, rests with the Region. She submitted a restriction on the number of vehicle movements was not warranted as there were no adverse effects identified.
- 67 In relation to the materials stored on the site, and whether that should be limited by a volumetric condition, she advised that was strongly opposed. She submitted if any such limitation was to be imposed it would need to be considered carefully and it was better to deal with effects based conditions. Ms Dewar also addressed the issue of precedent and submitted this was in essence a true exemption given this was an existing operation, on land subject to a designation.
- 68 Ms Dewar commented on the submitters concerns. She confirmed Intelligro denied the health issues were related to its operation. She also confirmed Intelligro accepted there had been dust and odour issues, but it stood by the evidence there had been little adverse effect.
- 69 In terms of the McDonalds, she submitted they appeared to be complaining about consultation. In relation to the note from the ex-employee on health issues, which was provided as part of Ms Lee's evidence, she stated Mr Odering could not recall that. She then addressed dust issues noting the photographs and videos shown did not mean the dust was affecting the McDonalds.
- 70 In terms of the Rogers and complaints stated to have been made, she advised that was "news" to the Oderings and at no time had Mr and Mrs Rogers complained to the Oderings.
- 71 In relation to concerns around the noise from backing loaders, in particular, that was being addressed as soon as practicable.

Assessment

- 72 In assessing the applications, I have considered the application documentation and Assessment of Environmental Effects (**AEE**), the s42A Reports and technical reviews, all submissions received and the evidence provided prior to and during the hearing.
- 73 Given the nature of the application and the opposition to it, and to avoid having to repeat large parts of the evidence where it is referred to in my assessment, I have included a reasonably detailed summary of the evidence presented. While my assessment does not specifically address every point raised, I confirm I have considered all the matters raised in making my determination.

- 74 There is an issue as to the nature of the environment against which my assessment should be conducted. In making my assessment, I am required to consider the actual and potential effects of the application on the environment. I have addressed the existing environment in paragraphs 26 to 29 of this decision and do not repeat my findings here.

Status of the Application

- 75 The starting point for the assessment of the application is to determine the status of the activity. All parties accepted it is to be assessed as a non-complying activity under s104D.

Statutory Considerations

Section 104, 104B and 104D RMA

- 76 In terms of my decision making on the applications, I am required to have regard to the matters listed in sections 104, 104D and 105 of the Act.
- 77 Section 104(1) RMA sets out the matters which I must have regard to in my consideration of the applications. The relevant matters are as follows:-
- (a) *any actual and potential effects on the environment of allowing the activity; and*
 - [[(b) *any relevant provisions of—*
 - (i) *a national environmental standard:*
 - (ii) *other regulations:*
 - (iii) *a national policy statement:*
 - (iv) *a New Zealand coastal policy statement:*
 - (v) *a regional policy statement or proposed regional policy statement:*
 - (vi) *a plan or proposed plan; and*]]
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- 78 Section 104 RMA also contains other matters which may be relevant to my consideration including s104(3)(a)(ii) – this prevents me from having regard to any effect on a person who has given written approval to the application.
- 79 Section 104(1) RMA provides that the matters listed are subject to Part 2, which includes Sections 5 through to 8. I address Part 2 RMA matters subsequently.
- 80 For non-complying activities, the requirements of s104(1) apply and in addition s104D RMA contains particular restrictions for non-complying activities. It provides:-
- (1) *Despite any decision made for the purpose of [[section [95A\(2\)\(a\)](#) in relation to adverse effects]], a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—*
 - (a) *the adverse effects of the activity on the environment (other than any effect to which [[section [104\(3\)\(a\)\(ii\)](#)]] applies) will be minor; or*
 - (b) *the application is for an activity that will not be contrary to the objectives and policies of—*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*

- (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
- (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

(2) *To avoid doubt, section [104\(2\)](#) applies to the determination of an application for a non-complying activity.]*

- 81 The issue of whether an effect is or is not minor is one which is to be made considering the adverse effects as a whole. Minor means lesser or comparatively small in overall size or importance.
- 82 In relation to the second part of the threshold test, the word “contrary” means: opposed to in nature, different to or opposite.
- 83 Pursuant to s104B I may grant or decline consent. In the exercise of that discretion, I am required to have proper regard to the purpose of the RMA. This essentially involves an overall judgment.
- 84 Pursuant to s108 if I grant the application, I may impose conditions.

Section 105 RMA discharges

- 85 In terms of s105, when considering a s15 discharge application, I must, in addition to s104(1) have regard to –
- (a) The nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
 - (b) Intelligro’s reasons for the proposed choice; and
 - (c) Any possible alternative methods of discharge, including discharge to any other receiving environment.
- 86 I have had regard to these matters in considering the application for discharge to air.

Part 2 RMA

- 87 As noted, my consideration of the application is subject to Part 2 of the RMA. Ss6, 7 and 8 contribute to and inform my evaluation under s5 RMA.
- 88 The RMA has a single purpose. Section 5 provides:-
- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
 - (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

- (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

89 Section 6 identifies matters of national importance that I must “recognise and provide for” in my decision making. There are none which have been brought to my attention in this application.

90 Section 7 lists a number of matters to which I am required to have “particular regard to”. Relevantly these include:-

- (b) *The efficient use and development of natural and physical resources;*
- (c) *The maintenance and enhancement of amenity values;*
- (f) *Maintenance and enhancement of the quality of the environment.*

91 Finally in relation to Part 2 matters, s8 requires that I take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Issues in contention

92 The principle issues arising from Intelligro’s application were, essentially related to the effects. A number of effects were raised but the principle contentions related to the air discharge permit and associated amenity and health concerns.

93 An issue is also raised in relation to consultation or a lack thereof. Whilst consultation can of course be important, there is no duty to do so. I do not consider it is necessary to make a decision about whether or not adequate consultation occurred. It is not determinative and I address it no further.

94 I now address the issue of effects.

Actual and potential effects on the environment

95 In carrying out my assessment of actual and potential effects, I am not to have regard to any effects on those who have given written approval¹. Written approval was provided by the owners and occupiers of 1354, 1356, 1414 and 1366 Main South Road.

Visual effects/amenity and rural character

96 Primary evidence on this issue was provided by Mr Craig. Mr Craig prepared the landscape plan and assessment which was incorporated into the application. That was reviewed by Mr Densem, an experienced and well qualified landscape architect, for the Selwyn District Council. There was a considerable degree of agreement between Mr Craig and Mr Densem. Mr Densem suggested additional plantings and increasing landscaping along the northern boundary. These have largely been incorporated.

97 A number of other conditions to mitigate landscape effects were suggested and discussed throughout the course of the hearing.

¹ RMA section 104(3)(a)(ii)

- 98 Mr Craig described, accurately in my view, the surrounding area. It was his opinion the only potential adverse landscape effect was visual. His evidence was that this could be addressed by the conditions and mitigation offered, including the NZTA planting along the State Highway frontage. Mr Craig identified some additional planting which was to occur on this site. When I asked Mr Craig about the importance of the NZTA planting, given this is not a matter within my control, he advised it was significant. In light of that, Intelligro subsequently offered a condition to plant trees on the land to be acquired by NZTA, prior to its sale. Ms Dewar advised NZTA is agreeable to that being undertaken.
- 99 Given the combination of the proposed planting now to be undertaken on the NZTA land, the additional treatments to be incorporated within the site at the State Highway frontage, and given that views of the site are essentially fleeting as vehicles travel along State Highway 1, I consider the visual effects from that perspective are appropriate. I acknowledge the State Highway frontage is also visible from parts of the property owned by the submitters Mr McDonald and Ms Lee.
- 100 One of the unfortunate aspects of the size of the 1394 site is there is little room for on-site landscaping. There is to a degree a reliance on retention of shelter belts, not all of which are within Intelligro's control. This is particularly relevant along the eastern boundary although of course the owners and occupiers of that land have given written approval. The boundary treatment at the northern end of the 1394 site appears to be appropriate, acknowledging there will be some delay before the planting reaches a useful height. When questioned, Mr Craig did not consider there was any merit in having a minimum planting size condition given the nature of the environment and the screening along that boundary. On the western boundary, a buffer strip is to be retained for stormwater disposal purposes. During the hearing Intelligro sought a change to the proposed condition which required retention and placement of the existing eucalyptus trees on that area to enable some of the trees to be removed but replaced, providing screening is retained. Mr Craig had no concerns with the proposed change of conditions from a landscape perspective.
- 101 The Arbuckle site provides a somewhat limited canvas for mitigation. Intelligro has now offered a proposed condition 4 which provides:-
- The earth bund under construction along the northern boundary of 1366 Main South Road shall be completed (including planting and grass) within 6 months of this consent being granted. The earth bund shall be maintained in grass cover.*
- 102 This condition addresses a concern raised by Mr and Mrs Rogers.
- 103 A further condition is proposed in relation to the Arbuckle site that the existing shelter belts along the northern, eastern and western boundaries of 1366 Main South Road shall be retained. I queried whether or not those were in the control or ownership of the applicant, given this was a leased site.
- 104 A handwritten agreement dated 19 August 2015 was produced in closing by Ms Dewar whereby the Arbuckle's (lessors) agree the existing shelter belts would be retained, and maintained during the time the site is used by Southern Horticultural Products Ltd. While of course enforcement of a contractual agreement is beyond the jurisdiction of the Councils, the reality is such a condition requires that they be retained. If not, then Intelligro will be in breach. I record that the condition in relation to the retention of the existing shelter belts was offered by Intelligro.

- 105 The landscape plan prepared by Andrew Craig Landscape Architects Ltd dated August 21, 2015 is the proposed site plan. That is a reasonably detailed plan in so far as it relates to 1394 Main South Road. It incorporates the composting stockpiles in terms of location and approximate length. The plan shows no stockpiling along the front of the site and no stockpiles any closer to the concrete wall which is to be constructed north of the nitrate tank and essentially in line with the south eastern corner of the existing shed. The area which is presently shown on that plan as being clear of composting stockpiles must remain so. I consider this is important for both visual/amenity issues, and also for air discharge issues.

Conclusion on Visual Effects/Amenity and Rural Character

- 106 Overall I consider the adverse visual and landscape effects are no more than minor, given the lawfully established activity on site, the nature of the surrounding area, the substantial improvements to the overall landscape treatment of the site, and general site management and conditions offered.
- 107 In terms of overall amenity, I address that subsequently in my discussion of s7 matters.
- 108 I accept Mr Craig's evidence on this issue, and have also given consideration to the technical report provided by Mr Densem.

Noise

- 109 Noise is an issue which has been identified in both the application and submissions, particularly the submissions of Mr and Mrs Rogers.
- 110 The AEE contains a detailed acoustic report prepared by Acoustic Engineering Services Limited. Mr Trevathan provided evidence. He has visited the site to observe the current operation. He conducted an analysis that was, in his opinion, representative of the worst case situation. He concluded noise emissions at the notional boundary of nearby dwellings associated with any of the proposed reconfigured layouts would be the same as or lower than generated by the existing layout and would comply with the District Plan day and night time noise limits. He concluded the noise effects associated with the proposal would be adequately mitigated and should be less than minor.
- 111 Mr and Mrs Rogers raised a number of issues including whether the noise control should apply at the boundary of the property, rather than the notional boundary. Mr Trevathan considered the use of the notional boundary was reasonable given the rural setting and that this was consistent with the approach of the District Plan.
- 112 Mr Rogers had also identified specific noise sources of concern, including vehicle backing alarms, banging of tail gates, grinding of wood products and screening operations. The written statement provided at the hearing focused more on the effects associated with the air discharge but still addressed concerns as to the equipment being used on the site, and the noise issues. The Rogers sought the completion of the bund which is presently under construction along the Jones Road frontage of the Arbuckle site.
- 113 The reporting officer for the Selwyn District Council, Ms Carruthers, noted the rural area had a higher threshold of acceptable noise than residential areas and accepted the Acoustic Engineering Services Limited assessment and conclusions. She considered the adverse effects from noise resulting from the application would be less than minor.

- 114 Mr Trevathan's evidence was helpful. In questioning, he explained his evidence and the diagrams. It appeared to me, prior to discussions with Mr Trevathan, his findings that noise levels at the Rogers' property in particular would be the same or slightly decreased, notwithstanding the use of machinery and traffic movements to the Arbuckle site, were counterintuitive. He was however confident in his modelling.
- 115 Mr and Mrs Rogers are concerned in relation to the "grinding" machine, which is described as seeming to go on for days. Mr Rogers described this as a big machine with a 500 horse power engine.
- 116 They also raised issues in relation to reverse beeping from vehicles, loaders in particular, and the movements between 1366 and 1394.
- 117 I discussed with Mr Trevathan the possibility of a noise management plan given the nature of the issues which he confirmed that may be useful. This was firmly opposed by the Applicant and addressed by Ms Dewar in her closing.
- 118 Having carefully considered the issue, the nature of the noise, the environment, and Mr Trevathan's opinion, I am of the view that a noise management plan is appropriate. This need not be particularly onerous. A condition I consider appropriate is as follows:
- a. Within three months of the granting of this consent, a Noise Management Plan shall be prepared and provided to the Selwyn District Council. The Noise Management Plan shall identify all noise sources, demonstrate the proposed noise controls to be implemented and how noise will be controlled so as to achieve compliance with the noise limits specified.
 - b. The Noise Management Plan shall address the following matters:
 - a. Identify activities that have potential to generate noise;
 - b. Outline the management measures to ensure noise limits are met;
 - c. Provide details of relevant vehicle and plant specifications and any maintenance requirements to avoid excessive noise emissions;
 - d. Contingency measures in the event noise limits are exceeded; and
 - e. Methods of handling noise complaints.
- 119 With that condition, I am satisfied the noise effects will be no more than minor.

Traffic effects

- 120 Mr Fuller provided traffic and transportation evidence. Mr Fuller relied on a traffic assessment prepared by a colleague which was submitted as part of the resource consent application for 1394 Main South Road. That assessment relied on existing traffic generation estimates. His evidence was clearly given on the basis the activity will continue to operate in a similar manner as the existing operation². Mr Fuller outlined the average daily traffic

² Statement of Evidence, Paragraph 11

generation of the existing operation as provided to him by Intelligro. These were:-

- a. Up to fifty staff vehicle movements per day;
- b. 144 visitor vehicle movements per day;
- c. 58 truck movements per day; and
- d. 10 truck and trailer movements per day.

- 121 He considered this level of traffic was well within the capacity of the future road network. His evidence was there should be no safety concerns with regards to the surrounding road network.
- 122 Overall he considered closing the existing access to Main South Road would result in traffic safety and efficiency benefits for the wider road network, reducing side friction and the potential for conflicts to occur. Mr Fuller anticipated there would not be any increase in internal movements.
- 123 The evidence was that the rear access road (assumed to be designed and constructed fit for purpose) will access a number of the properties. Provided vehicle crossings for both 1366 and 1394 Main South Road are constructed in accordance with Diagram E10.D - "Commercial and Heavy Vehicle Access Standard for all Roads" it was concluded the overall effects on the surrounding traffic network would be less than minor. Parking does not appear to be an issue.
- 124 Overall I agree the traffic effects are likely to be less than minor.

Dust and odour

- 125 The applicant recognised the composting operations carried out at 1394 Main South Road have the potential to result in adverse odour effects. Ms Ashley noted these require consideration under both the Selwyn District Plan and the NRRP/and the Proposed Canterbury Air Regional Plan.
- 126 Mr Chilton provided detailed evidence in relation to this issue. His company, Golders, had produced the Assessment of Effects on the Environment – Air Quality Report, and the draft Air Quality Management Plan.
- 127 Mr Chilton had visited the site on a number of occasions and a thorough assessment appears to have been undertaken. I note there was some criticism by the submitters Mr and Mrs Rogers that they had not been consulted or interviewed for the environmental survey. There is a questionnaire response included in the application from 182 Paige Place which, very much in summary, indicated there was dust issues at times. It noted dust was a big issue on windy days and described the effect of dust as being of some annoyance and the intensity of the dust when it occurs as being strong. The response to that survey indicated dust from local sources in or around the home was noticed sometimes. There is an additional comment that on windy days they could see clouds of dust as high as trees during summertime. They noted dust was the big issue on windy days. The dust was described as being of some annoyance and the intensity of the dust when it occurs as being strong.
- 128 It also notes the most common cause of the dust as light particles blowing off the top of the Southern Hort site, recording it was not really an issue and only occurred when there was a strong wind.

- 129 Ms Lee referred to that survey in her written statement, noting it was done anonymously without it being revealed as to its reason or purpose. Ms Lee remembered addressing with the surveyor the thick cloud which could ascend to the top of gum trees. It was also noted as not really being an issue and only in strong wind. The survey also identified odour at times causing annoyance and identified the common cause being animal smells – faeces. The smell is described as distinct with a note to the side “never smelt compost”, but listed (in relation to how often the odours had a number of effects on them) “sometimes”.
- 130 The survey responses are of course in relation to activities occurring at that time. I do not consider it is of particular relevance to the determination of this application. Ms Lee has expressed a strong concern in relation to the proposed reconfiguration, particularly that many tonnes of fine compost are to be relocated from a distance of more than 300 – 500 metres away along the railway lease land to within 100 metres of their home and living space. She was concerned the windrows were lined up in a straight line along the western boundary and across the southern boundary, contrary to the landscape plan, and it was that move which gave rise to the concern about an increase in effects.
- 131 Mr and Mrs Rogers identified odour and dust, as noted in the summary of evidence, their son Michael also gave evidence in that regard. What is clear from the surveys, and the submissions, is that some of the neighbours are at the least, conscious of odour from the Intelligro operation.
- 132 Mr Van Kekem in his technical review and in his presentation to the hearing, addressed this issue. He agreed with the major potential areas of dust emissions which had been identified by Intelligro but the turning of windrows also needed to be addressed. He also suggested the sweeper which had recently been purchased for dust control needed to be maintained in good working order. Overall he considered the proposed approach to dust control is appropriate and consistent with MfE guidance. He would not expect nuisance dust effects beyond 100 metres from the activities proposed if unmitigated. With effective mitigation, the potential can be reduced to “nearly nothing”. His recommendation was grant for a 20 year term on various conditions proposed.
- 133 During the course of the hearing, Mr Van Kekem focussed largely on conditions. In essence he was satisfied with proposed condition 1 and the proposed amendments and condition 3 and amendments. Condition 4 he disagreed with to some extent; he confirmed that “temporary stored” means within a day. He was happy with the changes proposed to condition 6 and condition 7. In terms of condition 8, he still generally considered it helpful.
- 134 In terms of monitoring on a weekly or daily basis, he suggested the daily basis was consistent with the guidelines and it should remain on a more frequent basis.
- 135 In terms of the proposed condition which referred to no visible dust, he considered that was clear and enforceable. He acknowledged it was stringent. I consider it is overly restrictive.
- 136 In relation to the issue of a weather station on the site, he confirmed it would still be useful. He did not consider the Christchurch International Airport was appropriate for assessing what happens on this site. He considered it was appropriate to have a weather station on site as it would record both higher and lower wind speed. That is relevant for dust and odour respectively. He considered the addition of the reference to Appendix K to the NZ Standard in the Air Management Plan was very useful and those steps were considered

to be best practice. Overall there was not a great degree of difference between Mr Van Kekem and Mr Chilton in terms of dust.

- 137 I consider compliance with the conditions I will impose will achieve, dust effects that are no more than minor.
- 138 In terms of odour, as with the dust assessment, the appropriate assessment is of the effects of the activity proposed, not by reference to a difference or similarity between what is currently happening.
- 139 The submitters evidence was that the find odour disturbing at times. Indeed Intelligro accepted both dust and odour have at times been issues, but disagreed as to the scale of ways to the significance of any adverse effects.
- 140 It is clear on the evidence that good management and compliance with conditions will be crucial to ensuring the adverse effects of odour are no more than minor, and certainly to avoid any offensive and objectionable odour.
- 141 I anticipate there will be times when an odour may be discernible but that, in itself, does not mean it is objectionable and offensive. Overall, I am satisfied that with the conditions of consent attached and compliance with those (which I am to assume) effects of odour will be no more than minor.

Effects on public health

- 142 Health effects were addressed very fully by Mr McDonald and Ms Lee, and by Mr and Mrs Rogers. As noted in the summary of evidence, this issue was addressed by Mr Chilton and Mr Van Kekem from an air quality perspective. Again, as addressed in the summary, Intelligro called Dr Kelly to provide expert advice.
- 143 I found Dr Kelly's written evidence to be very helpful. I again found her oral comments and responses to my questions very useful. It is clear from her evidence that management practices and compliance with conditions are fundamental.
- 144 Her evidence was that composting does have a wide range of potential issues, some which can be avoided and some which can be mitigated. She discussed the mixing with woody materials and the benefits of that, the importance of same day incorporation of product containing animal waste, the importance of maintenance of aerobic conditions. The importance of the maintenance of aerobic conditions was described as absolutely critical. Legionella's can survive in damp conditions. Putrefaction is seen as a real health issue resulting from an aerobic state. In terms of avoidance, her evidence was clear it is important that relationships with suppliers are sound, and the health of animals of the suppliers were checked, as is the quality of materials to be accepted. She again noted the same day incorporation reduces microbiological hazards. She also noted New Zealand did not have the same issues as a number of the overseas jurisdictions, for example, with avian flu.
- 145 There was considerable criticism of her report and evidence during the course of the hearing, and particularly in relation to her "qualitative" assessment and reliance on the evidence of Mr Chilton. In my judgment, her evidence was sound.
- 146 I do not downplay the importance of the submitters' concerns in relation to health issues. I am satisfied on the balance of probabilities that adverse health effects will be no more than minor. In reaching this finding, I

acknowledge adverse health effects, if they were to occur, are significant even if of low probability.

Positive effects

- 147 A number of witnesses for Intelligro spoke of the positive effects and identified these. There are of course direct economic benefits. I accept that, in addition to the direct economic benefits to Intelligro and its staff, there are benefits in terms of the creation of a valuable resource from waste products.

Overall conclusion of effects

- 148 Overall, and following a consideration of all of the evidence, submissions and information presented, I am satisfied the overall effects will be no more than minor, subject of course to appropriate conditions.

Relevant planning provisions

- 149 An analysis of the relevant planning provisions was provided by Ms Carruthers in her s42A Report, Ms Lawrence in her s42A Report, by Ms Ashley on behalf of Intelligro and briefly by other experts in so far as they were relevant to their areas of expertise. The relevant planning provisions were also addressed in some detail in the AEE at pages 27 to 34.
- 150 In terms of the Selwyn District Plan, the relevant objectives and policies are captured, in a tabulated form, at pages 27 to 30 of the AEE. Ms Carruthers helpfully attached the relevant objectives and policies of the partially operative District Plan as Appendix K to her s42A Report. I agree that captures the objectives and policies relevant to the applications to the District Council.
- 151 Ms Carruthers also addressed the Regional Policy Statement (**RPS**) in Section 13 of her Section 42A Report identifying Chapter 6 of the RPS. In her opinion the RPS definition of rural activities was of particular importance. She expressed some doubt as to whether or not the activity met the definition in the Regional Policy Statement of rural activity, noting the source of the primary product was within a rural area. She considered that overall the activities may be sufficient to meet the criteria of a “rural activity” and if so there were no RPS provisions that were of any particular relevance. She also considered if the activity was an “urban activity” the RPS contained strong policy directions that such activities should be confined to existing Greenfield urban areas, but noted Policy 6.3.1 which provides “it is anticipated that established urban activities located outside of the identified urban areas will be able to continue to operate their activities, with any expansion considered on a case by case basis”. Her opinion was that if this was to be assessed “urban activity” it was entitled to be considered on a case by case basis.
- 152 Ms Carruthers also identified the recovery strategy for Greater Christchurch. Her opinion was it would not be inconsistent with the recovery strategy or the Land Use Recovery Plan (**LURP**). I agree.
- 153 Ms Ashley’s evidence referred back to the assessment in the AEE. In terms of the Selwyn District Plan she considered the provisions of the Plan relating to rural-based industrial activities seek to safeguard amenity values, maintain rural character, avoid reverse sensitivity effects and ensure a safe and efficient use of the roading network. She also addressed the provisions of relevance to the proposed boundary adjustment which seek to maintain residential density standards consistent with the relevant zoning. On the basis of her assessment of the effects and taking into account the presence of the existing business operations she considered the proposed

reconfiguration was consistent with the relevant objectives and policies of the SDP.

- 154 Ms Ashley addressed the Canterbury Regional Policy Statement, again identifying Chapter 6 and uncertainty as to whether the proposal fitted within the definition of either a “rural” or “urban” activity. In the circumstances, she considered taking into account the efficiencies gained from enabling the business to continue to operate from its existing site, together with the mitigation measures offered to maintain and improve (where possible) the environmental effects she did not consider the proposal would weaken the recovery and rebuilding outcomes sought by the RPS. Again she addressed the recovery strategy and concluded it was not inconsistent with those provisions.

- 155 Ms Ashley stated objective B3.4.1 and objective B3.4.2 of the District Plan were “critical”. These provide, respectively:-

The District’s rural area is a pleasant place to live and work in

A variety of activities are provided for in the rural area, while maintaining rural character and avoiding reverse sensitivity effects.

- 156 Her assessment against those objectives was that the suite of mitigation measures proposed will ensure the overall amenity values of the receiving environment are enhanced as a result of the proposed reconfiguration. In terms of Objective B3.4.2 she stated a variety of rural, commercial and industrial activities were already present within the surrounding area, resulting in a somewhat mixed character that is dominated by the adjoining State Highway and railway network. I agree.
- 157 The relevant policies implementing Objectives B3.4.1 and B3.4.2 are Policy B3.4.1 (recognising a variety of activities occur), Policy B3.4.3 (avoiding, remedying or mitigating significant adverse effects of activities on the amenity values of the rural area), Policy B3.4.4 (ensuring adverse effects from “rural based” industrial activities in the Rural (Inner Plains) zone be mitigated, and “other” types of industrial activities in all Rural Zones avoided, remedied or mitigated to the extent that adverse effects are no more than minor). Overall, given the suite of mitigation measures which are proposed, I consider the proposed reconfiguration of the 1384 site, and storage and preliminary screening of bark on 1366 to be consistent with those objectives and policies.
- 158 Policy B3.4.5 is not, in my view, offended given the existing activities on the site.
- 159 The other policies of particular relevance are Policy B3.4.12 (noise) and Policy B3.4.15 (mitigation of nuisance effects on adjoining dwellings caused by dust from earthworks, or stockpiled material).
- 160 In relation to the objectives and policies relevant to the boundary adjustment I consider that notwithstanding the reduction in the size of the property at 1414 Main South Road, objectives B4.1.12 and B4.1.6 are met.
- 161 Overall I consider that the proposal is largely consistent with the relevant District Plan objectives and policies.

Regional Objectives and Policies

- 162 The relevant policies of the NRRP are in relation to air quality (AQL1), odour nuisance (Policy AQL5) and dust nuisance (Policy AQL6). I agree that with appropriate conditions the proposal is not in conflict with those provisions.
- 163 I note the explanation to Policy 6 states that activities should internalise their effects unless it is shown, on a case by case basis, they cannot reasonably do so. The explanation further notes there is a greater expectation of internalisation of effects on newly established activities than older ones. That is because new activities are not encumbered by existing plant and processes and have easier access to contemporary technology. In terms of the discharge to air, I have assessed and considered that application on the basis it is a newly established activity.
- 164 The objectives and policies of the proposed Canterbury Air Regional Plan were also addressed by Ms Ashley and Ms Lawrence. Again I consider the discharge to air is consistent with Objective 5.4, Policy 6.5 and Policy 6.24, subject to appropriate conditions, particularly those which avoid offensive or objectionable effects, and adverse effects on human health. Ms Lawrence in the s42A Report identified the relevant provisions of the NRRP and the proposed Canterbury Air Regional Plan, particularly at her paragraphs 77 to 82. Again, subject to conditions, Ms Lawrence considered the activity was consistent with the objectives and policies of the NRRP, and was expected to be consistent with the objectives and policies of the PCARP.
- 165 Overall I conclude that the proposal is, subject to conditions, consistent with the relevant district and regional objectives and policies.

Section 104D Jurisdictional hurdles

- 166 In the preceding sections of this decision I have set out my key findings in relation to what I consider to be the principal matters in contention, largely that of effects. In terms of the statutory tests, I have found the effects can be avoided, remedied or mitigated by conditions to a point of less than minor and therefore pass the first gateway test.
- 167 In relation to the second gateway test, I have assessed the activity against the objectives and policies outlined in the preceding paragraphs. After taking into account the conditions proposed and those which I consider should be imposed, I am satisfied the granting of the consent would meet the second threshold test. I now consider the proposal under Part 2 of the RMA.

Part 2

- 168 In terms of Section 6 matters of national importance, I am required to recognise and provide for those. No matters of national importance are identified in the evidence and I agree there are none.
- 169 In terms of Section 7 I have had particular regard to the relevant provisions including the efficient use of natural resources, the maintenance and enhancement of amenity values and the quality of the environment. I find the use of this site is an efficient use of resources in the particular circumstances. In terms of maintenance and enhancement of amenity values and the quality of the environment, overall I consider the proposal with the conditions imposed will ensure the maintenance and enhancement of amenity values and the quality of the environment in and around this site. In terms of the landuse components, I confirm I have taken into account the existing use certificate, but have not done so in terms of the discharge to air. My findings in that regard arise primarily from the significant mitigation measures

proposed, the conditions both as proposed and to be imposed and the evidence heard.

- 170 I do not consider there are any Section 8 matters of relevance and certainly none were brought to my attention.

Overall evaluation

- 171 My decision requires an overall judgment to achieve the purpose of the RMA after taking into account the relevant factors identified in s104, avoiding consideration of any irrelevant matters, and allowing for a comparison of conflicting considerations, the scale and degree of conflict, and their relative significance or proportion in the final outcome.
- 172 I have discussed in some length the actual and potential effects on the environment and the mitigation measures proposed.
- 173 In exercising my discretion I have of course considered all of the findings which I have reached in accordance with the statutory framework. I consider the effects of the proposal can be appropriately avoided, remedied or mitigated by the conditions imposed and the consents are consistent with the relevant planning framework.
- 174 Having considered the application documents, all of the submissions which were made, the evidence provided at the hearing, and the s42A Reports, I conclude the purpose of the Act is best met by granting of the applications subject to conditions.

Conditions and monitoring

- 175 A final proposed set of conditions was provided by Intelligro incorporating a number of amendments discussed during the hearing. In terms of the Selwyn District Council boundary adjustment application (155187) and retention of dwelling (157187A and B) I propose no changes to those conditions. I consider they are appropriate.
- 176 In terms of application 15518A (business re-orientation and expansion) the additional conditions 4 and 5, which were offered in response to submissions from the Rogers and Selwyn District Council reporting officer respectively are appropriate.
- 177 In terms of landscaping, an alteration was proposed to condition 7 which relates to retention of the trees in the "landscape buffer strip". That was endeavoured to be changed to enable removal of trees provided vegetative screening is maintained. That was further amended to ensure that vegetative screening was maintained at all times.
- 178 I am reluctant to allow that alteration. It is my view the trees provide a wider benefit and should be retained as originally proposed.
- 179 Otherwise, the landscaping conditions are appropriate.
- 180 In relation to noise, I have discussed earlier in this decision the appropriateness or otherwise of a Noise Management Plan. In my view it is appropriate. It is a means of ensuring the conditions are met. The proposed condition 5 refers to the activities being managed (my emphasis) so as not to exceed the specified limits. In my judgment, a Noise Management Plan to address that management, and to ensure the conditions of consent are met, is appropriate.

- 181 I have also added some additional wording in relation to the affected parties' approval aspect of condition 15. This is to address the situation where affected party approval may be withdrawn.
- 182 In terms of proposed condition 16 relating to the word "practicable" and the replacement of reversing beepers, the evidence of Mr Odering was quite clear this is achievable and in fact is being implemented.
- 183 In Intelligro's final proposed conditions, there has been an addition of a volumetric measure in terms of the amount of chicken manure and other materials that can be temporarily stored. I raised this issue on a number of occasions throughout the course of the hearing. The application has clearly been made on the basis there is no increase in the scale of the activity or changes in process (other than changes required as a result of mitigation methodologies). I have received no evidence on what quantum might reflect the scale of the existing activity. I am therefore reluctant to enshrine the numbers suggested by Intelligro in reply. However, the condition I impose assures all parties that the scale of the activity is to remain the same as at present.
- 184 In terms of dust, condition 25 was the subject of some dispute. I agree a condition which requires no visible dust emissions is onerous. Sweeping and vacuuming can in fact generate visible dust.
- 185 It was proposed by the Environment Canterbury reporting officer that dust generating activities cease when certain wind speeds are met. That was opposed by Intelligro on the basis it was overly onerous, and the wind speed was particularly low.
- 186 I have included a condition requiring dust generating activities to cease in the event of visible dust blowing beyond the boundary until appropriate mitigation measures are in place. I consider this is reasonable and appropriate in the circumstances.
- 187 There was considerable dispute between Intelligro's experts and Mr Van Kekem in particular in relation to the appropriateness or otherwise of a condition requiring the conducting of an airborne spore/pathogen monitoring programme. Mr Chilton's evidence was that this condition was not appropriate or necessary and should be deleted. In addition he commented the proposed consent condition was impractical, imprecise and unclear and would not assist in determining adverse effects.
- 188 Dr Kelly did accept that it may be possible to have some monitoring within the site but more appropriately sampling to see if the hazards are there, rather than monitoring ambient air.
- 189 Mr Van Kekem remained of the view the monitoring was appropriate noting this type of monitoring was required for similar activities. He noted this was primarily for workplace exposure but can provide baseline information. It requires drawing of air for a fixed period of time. This is then sent to a laboratory and incubated and the results are then made available.
- 190 I have considered all of the evidence on this issue, and the concerns expressed by the submitters. In my judgment, it is appropriate that some monitoring of airborne spores/pathogens should occur during the first year of the exercise of the consent. At the least, this will provide information to the Canterbury Regional Council which could inform any review. I do not however consider that should be a condition but rather should be included within the Air Quality Management Plan.

Odour conditions – Selwyn District Council

- 191 The proposed conditions of consent in relation to the business re-orientation and expansion for the Selwyn District Council, and the air discharge consent from the Canterbury Regional Council largely reflect each other.
- 192 In terms of the Air Quality Management Plan, Ms Lawrence advised the Selwyn District Council did not wish to be involved in the certification process for that. I consider that is appropriate. In my judgment it is appropriate the Selwyn District Council is provided with a copy of the certified Air Quality Management Plan, and any update. In my judgment it is not necessary or appropriate that the specifics of that Management Plan are addressed through the District Council consent. I accept dust is of course a relevant issue for the District Council and indeed is addressed in its District Plan. Odour is also relevant to the District Council from an amenity perspective.
- 193 In terms of the Management Plan, the conditions originally proposed by the Canterbury Regional Council incorporated an Air Quality Management Plan which was to be provided and approved by the consent authority prior to the exercise of consent and for a further management plan for the composting operation. That has now been incorporated into the one condition.
- 194 The conditions proposed by Intelligro require the preparation and submission to the Canterbury Regional Council the Air Quality Management Plan, rather than prior to commencement as originally proposed. The conditions put forward by Intelligro no longer require approval or certification.
- 195 Management plans are to ensure compliance with the conditions of consent. Certification is appropriate, and in my view necessary. This is now included in the conditions of the Environment Canterbury discharge consent.

Duration of consent

- 196 Ms Lawrence's recommendation was for a 20 year term on the discharge to air consent. She considered that was appropriate and sufficient to give the applicant a degree of commercial security. There appeared to be no opposition to that, and it was certainly not a matter which was raised in the evidence or submissions on behalf of Intelligro. Overall I consider that is an appropriate term, recognising the nature of the environment, the level of investment, and the requirement for commercial security.

Decision

- 197 For the reasons addressed above, all consents are granted, pursuant to Sections 104, 104B and 104D of the Resource Management Act, subject to the attached conditions.

Dated 10 September 2015

D C Caldwell
Independent Commissioner

ANNEXURE 1**Selwyn District Council*****155187A and B - Boundary adjustment and retention of the existing dwelling on Lot 2***

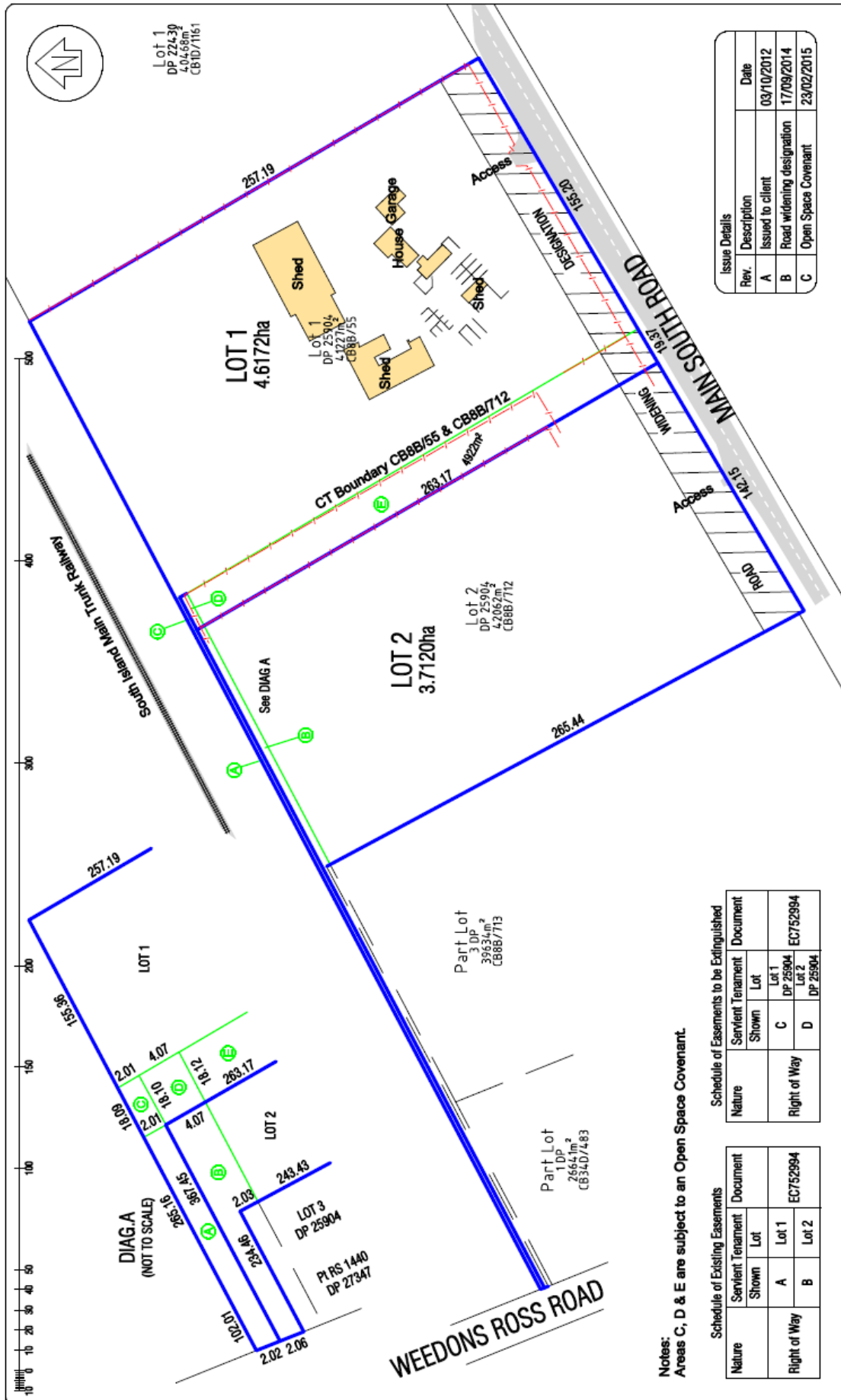
1. That the following conditions shall be met prior to the issue of the Section 224(c) Completion Certificate, at the expense of the Consent Holder.
2. That the subdivision shall be undertaken in general accordance with the attached approved application plan (marked SDC 155187A) and the details included with the application, except where varied by the following conditions of consent.
3. That all required easements shall be created and granted or reserved.
4. That, in relation to Lot 1:
 - a) No dwelling is permitted within Areas 'C', 'D' or 'E'.
 - b) That Areas 'C', 'D' and 'E' shall not be utilised for the purpose of contributing to any future calculation of dwelling density and/or lot size calculation and/or any future boundary adjustment under the rules of the District Plan.

Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the certificate of title to issue for Lot 1.

NOTES TO THE CONSENT HOLDER

- a. Pursuant to section 125 of the Resource Management Act 1991, if not given effect to, this resource consent shall lapse five years after the date of this decision unless a longer period is specified by the Council upon application under Section 125 of the Act.
- b. In accordance with Section 36 of the Resource Management Act 1991, the Council's basic monitoring fee has been charged.

SDC 155187A



Issue Details		
Rev.	Description	Date
A	Issued to client	03/10/2012
B	Road widening designation	17/09/2014
C	Open Space Covenant	23/02/2015

Date: 23/02/2015	CT Ref: C888/55 & C888/712	A4 Sheet
Surveyed:	Total area: 8.3289ha	Revision
Drawn: LS	Client:	C
Checked: RV	Scale: 1:2500	Series 1 of 1
Local Authority: Selwyn District Council		Ref: 2236

**Lots 1 & 2 Being Proposed Subdivision
(Boundary Adjustment) of Lots 1 & 2 DP 25904**

ACCESS LAND SURVEYING LTD.
Reuben Vos Registered Professional Surveyor/Licensed Cadastral Surveyor
BSurv MNGS Member of Consulting Surveyors NZ
PO Box 28172 Christchurch 8242 160 Selwyn St. Spraydon
access@landsurveying.co.nz p. 332 1870 f. 332 1876 m. 0274 987 240

ANNEXURE 2

155188- Business reorientation and expansion

General

1. That the reconfiguration of Intelligro's existing bulk garden supply business at 1394 Main South Road (currently Lot 1 DP 25904); and expansion to utilise approximately 2.5ha of 1366 Main South Road (Lot 2 DP 22430) for the bulk storage of raw product associated with Intelligro's operation shall proceed in general accordance with the attached approved site plan (dated 21 August 2015) and the details included with the application, except where varied by the following conditions of consent. The spatial extent (only) of the two locations is shown in the attached *Aerial Photograph 1*.
2. That the maximum number of staff employed by the business at the sites described in condition 1 shall be limited to 25 full time equivalents.
3. That the hours of operation shall not exceed:
0700 - 1800 Monday - Friday;
0800 - 1700 Saturday; and
0900 - 1600 Sunday and public holidays.
4. The earth bund under construction along the northern boundary of 1366 Main South Road shall be completed (including planted in grass) within 6 months of this consent being granted. The earth bund shall be maintained in grass cover.
5. The proposed *retail and staff amenities* building shall comply with the applicable building height, recession plane and setback from boundary controls in the Selwyn District Plan.

Landscaping

6. Landscaping shall be implemented in general accordance with the attached Site Plan (dated 21 August 2015).
7. The existing shelterbelt along the western side of the repositioned windrows at 1394 Main South Road shall be retained. Where any tree dies or becomes diseased, it shall be removed and replaced with the same or similar species to achieve equivalent levels of screening of the site.
8. That the area of 1394 Main South Road shown as 'Landscape buffer strip' shall remain planted in trees. Where any tree dies or becomes diseased it shall be removed and replaced.
9. That a 2m wide landscaping strip shall be provided along the northern boundary of the site. The strip is to be planted in *Lawsons Cypress* within 12 months of the commencement of the consent. Where any tree dies or becomes diseased, it shall be removed and replaced with the same or similar species to achieve equivalent levels of screening of the site.
10. That the existing shelterbelts along the northern, eastern and western boundaries of 1366 Main South Road shall be retained. Where any tree dies or becomes diseased, it shall be removed and replaced with the same or similar species to achieve equivalent levels of screening of the site.
11. Prior to the acquisition by the Crown of the 0.3782 hectare strip on the southern boundary of 1394 Main South Road pursuant to the Public Works Act 1981, the Applicant shall plant (and maintain) one row of trees from the species list included in the *TA Landscape Plan* (as attached) along the length of the fence adjacent to what will become the southern boundary of 1394 Main South

Road following the acquisition.

Vehicle crossings

12. That at the time the new slip road is constructed, the vehicle crossings to 1394 Main South Road and shown on the approved site plan and 1366 Main South Road shall be formed and sealed in accordance with the requirements of Diagram E10.D (attached, which forms part of this consent), and thereafter maintained.

Signs

13. That two new temporary 3m² free-standing signs may be erected on the SH1 frontage to advise passing motorists of the new access arrangements. These temporary signs shall be removed within 12 months from the date they are erected.

Noise

14. All fixed processing (screening and crushing) activities shall be confined to the northwestern corner of the site at 1394 Main South Road as shown on the approved site plan. Processing activities occurring on 1366 Main South Road shall be limited to primary screening only.
15. That no screening or crushing equipment shall be operated during the period 0700 - 0730 hours Monday to Friday.
16. Other than construction activities as defined separately, noise from all activities on site including any mobile machinery and vehicles is to be managed so as to not exceed the following limits, measured at the notional boundary of any other site not owned by the applicant, or where affected parties approval has not been obtained:

Daytime (0730 to 2000 hours) - 60 dB L₁₀ and 85 dB L_{max}
Night time (2001 to 0729 hours) - 45 dB L₁₀ and 70 dB L_{max}
17. Within three months of the granting of this consent, a Noise Management Plan shall be prepared and provided to the Selwyn District Council. The Noise Management Plan shall identify all noise sources, demonstrate the proposed noise controls to be implemented and how noise will be controlled so as to achieve compliance with the noise limits specified.
18. The Noise Management Plan shall address the following matters:
 - a. Identify activities that have potential to generate noise;
 - b. Outline the management measures to ensure noise limits are met;
 - c. Provide details of relevant vehicle and plant specifications and any maintenance requirements to avoid excessive noise emissions;
 - d. Contingency measures in the event noise limits are exceeded; and
 - e. Methods of handling noise complaints.
19. Reversing beepers on loaders shall be replaced with alternative warning systems such as white noise, or directional units, where it is practicable and safe to do so.
20. Construction activities shall be managed in accordance with the requirements of *NZS6803:1999 Acoustics - Construction Noise* and any noise generated shall comply with the limits given in Table 2 of that standard for typical duration activities, being:

		L _{eq}	L _{max}
Monday - Friday	0630 - 0730	60	75
	0730-1800	75	90
	1800-2000	70	85
Saturday	2000 - 0630	45	75
	0630 - 0730	45	75
	0730-1800	75	90
Sunday and public holidays	1800-0630	45	75
	0630 - 0730	45	75
	0730-1800	55	85
	1800-0630	45	75

Odour

21. The raw materials used in the manufacture of compost shall be limited to the following: wood materials, chicken manure, spent mushroom-substrate compost, and pig litter. No other putrescible or potentially putrescible waste is to be used as raw material for the composting operation. Putrescible waste includes domestic/municipal refuse, food matter, animal carcasses and other animal waste.
22. The amount of chicken manure, spent mushroom-substrate compost, and pig litter brought onto the site shall not exceed the average quantities brought onto the site in the 12 month period prior to 21 August 2015.
Advice note: This condition is intended to ensure no increase in the scale of the composting activities and the effects of those activities.
23. Temporary storage of chicken manure, spent mushroom-substrate compost, or pig litter is not to occur within 15 m of the site boundary and is to be located as far from neighbouring residents as possible.
24. All chicken manure, spent mushroom-substrate compost (required for composting), or pig litter shall be encapsulated into a windrow as soon as practicably possible, but in any event within the same day as received on-site, and within 2 hours on rainy days.
25. There shall be no noxious, objectionable or offensive odour, suspended particulate, or deposited dust resulting from the consent holder's activities to the extent that causes an adverse effect at or beyond the boundary of the consent holder's premises.
26. The consent holder shall provide the Selwyn District Council with an Air Quality Management Plan (**AQMP**) as certified pursuant to Condition 21 of Resource Consent CRC156387. At all times, the consent holder shall ensure that the Selwyn District Council has a copy of the most recent version of the AQMP.
27. The AQMP shall be reviewed once every two years, and updated as required, and the outcome of the review and any update, shall be provided in writing to the Selwyn District Council by 1 July. At all times, the consent holder shall ensure that the Selwyn District Council has a copy of the most recent version of the AQMP.

Dust

28. A site wide vehicle speed limit of 15 km/hr shall apply, which is to be clearly signposted on all internal roads.
29. All internal sealed roads and the entrance and exit to the sites are to be swept/vacuumed regularly to minimise dust emissions. Sweeping/vacuuming

shall occur at a minimum frequency of weekly.

30. The consent holder shall keep and maintain the following information.
 - a. The date, time and volume of any material brought onto the site;
 - b. The type of material and its source.
 - c. Copies of these records shall be made available to the Council at any time as may reasonably be requested.
31. The consent holder shall maintain records of any odour or dust complaints received by the consent holder, and provide these to Selwyn District Council on request. These complaint records shall include:
 - a. Name and location/address and telephone number of complainant when odour/dust is detected (if provided);
 - b. Date and time of the odour/dust detection;
 - c. Weather conditions, including wind direction and speed at the composting facility when odour/dust detected;
 - d. Strength of the odour complained of;
 - e. Any possible cause for the odour complained of; and
 - f. Any corrective action taken
32. Compost windrows shall be constructed to facilitate aerobic conditions. All compost windrow piles shall be approximately eight to ten metres across at the base and not more than four meters high.
33. Dust emissions from all handling operations, including crushing, screening, turning, loading and unloading operations, shall be kept to a practicable minimum through the use of water sprays or fogs, or other means of dust control to the satisfaction of the Manager, to ensure that dust emissions are minimised. Dust suppression equipment shall be maintained in good condition and no part of the process shall be operated without dust suppression equipment being fully operational and functioning correctly.
34. All raw material and finished product stockpiles shall be dampened to ensure that dust emissions are minimised.
35. In the event of visible dust blowing beyond the boundary, dust generating site activities shall cease until appropriate mitigation measures are in place.
36. Windrows shall only be turned at times which are least likely to cause offence to neighbours. Consideration shall be given to the wind speed and direction during turning.

Review

37. That pursuant to section 128 of the Resource Management Act 1991, the Council may review all conditions by serving notice on the consent holder within 1 month of any 12 month period following the date of this decision, in order to deal with any adverse effects on the environment that may arise from the exercise of this consent.

NOTES TO THE CONSENT HOLDER

- a. Pursuant to section 125 of the Resource Management Act 1991, if not given effect to, this resource consent shall lapse five years after the date of this decision unless a longer period is specified by the Council upon application under Section 125 of the Act.
- b. In accordance with Section 36 of the Resource Management Act 1991, the

Council's specialised monitoring fee has been charged.

- c. The notional boundary is located 20 metres from the facade of any dwelling, or the legal boundary where this is closer to the dwelling.
- d. Please note that this resource consent is not an authority to build. A building consent will also be required before construction begins.
- e. Noise levels shall be measured and assessed in accordance with *NZS6801:1991 Acoustics - Measurement of Sound and NZS6802:1991 Assessment of Environmental Sound*.

ANNEXURE 3

Environment Canterbury

CRC156387 To discharge dust and odour from the storage and blending of materials for the production of compost, and ancillary activities

- (1) The discharge shall only be contaminants generated from the production of compost and the storage and processing of horticultural and landscaping products from 1366 and 1394 Main South Road, Templeton, legally described as Lot 2 DP 22430 and Lot 1 DP 25904, identified as 'Applicant's sites' on Plan CRC156387, attached to and forming part of this consent.
- (2) There shall be no noxious, objectionable or offensive odour, suspended particulate, or deposited dust resulting from the consent holder's activities which causes an adverse effect at or beyond the boundary of the consent holder's premises.
- (3) The raw materials used in the manufacture of compost shall be limited to the following: wood materials, chicken manure, spent mushroom-substrate compost, and pig litter. No other putrescible or potentially putrescible waste is to be used as raw material for the composting operation. Putrescible waste includes domestic/municipal refuse, food matter, animal carcasses and other animal waste.
- (4) The amount of chicken manure, spent mushroom-substrate compost, and pig litter brought onto the site shall not exceed the average quantities brought onto the site in the 12 month period prior to 21 August 2015.

Advice note: This condition is intended to ensure no increase in the scale of the composting activities and the effects of those activities.

- (5) All chicken manure, spent mushroom-substrate compost (required for composting), or pig litter shall be encapsulated into a windrow as soon as practicably possible, but in any event within the same day as received on-site, and within 2 hours on rainy days.
- (6) Compost windrows shall be constructed to facilitate aerobic conditions. All compost windrow pile shall be approximately eight to ten metres across at the base and not more than four meters high.
- (7) The composting process shall be controlled to ensure an aerobic condition is maintained throughout the windrows to ensure that offensive odours are not produced. In any event, the windrows shall be maintained to ensure a minimum oxygen level of 5%.
- (8) The windrow temperature, moisture content, and oxygen level shall be measured twice weekly and recorded. Records shall be kept and provided to Canterbury Regional Council, Attention: RMA Compliance and Monitoring Manager upon request.
- (9) The leachate pond which is used to collect storm water runoff from the composting process shall be fitted with a mechanical aerator such that a dissolved oxygen content of greater than 1% can be maintained.
- (10) A site wide vehicle speed limit of 15 km/hr shall apply, which is to be clearly signposted on all internal roads.

- (11) All internal sealed roads and the entrance and exit to the sites are to be swept/vacuumed regularly to minimise dust emissions. Sweeping/ vacuuming shall occur at a minimum frequency of weekly.

General

- (12) The consent holder shall keep and maintain the following information.
- a. The date, time and volume of any material brought onto the site;
 - b. The type of material and its source.
 - c. Copies of these records shall be made available to the Canterbury Regional Council, Attention: RMA Compliance and Monitoring Manager at any time as may reasonably be requested.
- (13) The consent holder shall maintain records of any odour or dust complaints received by the consent holder, and provide these to the Canterbury Regional Council, Attention: RMA Compliance and Monitoring Manager on request.
- (14) These complaint records shall include:
- a. Name and location/address and telephone number of complainant when odour/dust is detected (if provided);
 - b. Date and time of the odour/dust detection;
 - c. Weather conditions, including wind direction and speed at the composting facility when odour/dust detected;
 - d. Strength of the odour complained of;
 - e. Any possible cause for the odour complained of; and
 - f. Any corrective action taken
- (15) Dust emissions from all handling operations, including crushing, screening, turning, loading and unloading operations, shall be kept to a practicable minimum through the use of water sprays or fogs, or other means of dust control to the satisfaction of the Canterbury Regional Council RMA Compliance and Monitoring Manager, to ensure that dust emissions are minimised. Dust suppression equipment shall be maintained in good condition and no part of the process shall be operated without dust suppression equipment being fully operational and functioning correctly.
- (16) All raw material and finished product stockpiles shall be dampened to ensure that dust emissions are minimised.
- (17) In the event of visible dust blowing beyond the boundary, dust generating site activities shall cease until appropriate mitigation measures are in place.
- (18) Windrows shall only be turned at times which are least likely to cause offence to neighbours. Consideration shall be given to the wind speed and direction during turning.
- (19) Particular care shall be taken to avoid airborne emissions from the handling and mixing of raw animal manure containing feed stock, the turning of unpasteurised compost windrows, or active aeration of the leachate pond. Consideration shall be given to the wind speed and direction during these activities.
- (20) A trained site staff member is to conduct a visual dust and odour assessment of the site twice daily. Records of these observations are to be kept by the applicant and provided to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager upon request.

Air Quality Management Plan

- (21) Within three months of the date of issue of this consent, the consent holder shall prepare and submit to the Canterbury Regional Council, attention: RMA Compliance and Enforcement Manager an Air Quality Management Plan (**AQMP**) for the composting operation for certification. The composting operation shall be managed in accordance with this plan, and a copy shall be held onsite by the operator at all times. The plan shall include, but not be limited to, the following:
- a. describing measures to be undertaken to achieve compliance with the conditions of this consent;
 - b. a detailed description of the compost operation, including hours of operation;
 - c. acceptable feedstock, unacceptable feedstock, site access and security; and
 - d. a description of activities that may generate odour or dust, and measures in place to avoid, remedy or mitigate those discharges; and
 - e. a description of how the leachate and stormwater collection system will operate, including when and how collected leachate will be pumped onsite back over the windrows and/or off site for disposal to land; and
 - f. the means of receiving, recording in writing, and dealing with any complaints; and
 - g. a list of site management structure and responsibilities; and
 - h. a list of after hours contact details in case of any emergency of problems; and
 - i. contingency plans in the event of system malfunctions or breakdowns.
 - j. procedures for effective pasteurisation of compost in accordance with Appendix K of New Zealand Standard 4454:2005; and
 - k. monitoring programme for airborne spores/pathogens.
- (22) The AQMP shall be reviewed once every two years, and updated as required, and the outcome of the review and any update, shall be provided in writing to the Canterbury Regional Council, attention: RMA Compliance and Monitoring Manager by 1 July. The Manager will advise the Consent Holder in writing if any aspects of the AQMP are considered to be inconsistent with the provisions of this consent. At all times, the Consent Holder shall ensure that the Canterbury Regional Council has a copy of the most recent version of the AQMP.
- (23) The Consent Holder shall install and maintain a data logging weather station in an unobstructed central location on the site to record weather conditions on-site and for the purposes of assessing the need for mitigation measures and to inform the AQMP review.

Administration

- (24) The lapsing date for the purposes of Section 125 of the Resource Management Act 1991 shall be the 31 August 2020.
- (25) The Canterbury Regional Council may, on any of the last five working days of August each year, serve notice of its intention to review the conditions of this consent for the purposes of:
- a. dealing with any adverse effect on the environment which may arise from the exercise of this consent and which it is appropriate to deal with at a later stage; or
 - b. requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment; or
 - c. complying with the requirements of a relevant rule in an operative regional plan.

- d. Requiring further mitigation if odour emission test results, verified complaints and/or any other relevant information indicate non-compliance with Condition (2), as determined by an officer of the Canterbury Regional Council.



