

BEFORE THE INDEPENDENT HEARINGS PANEL FOR THE PROPOSED WAIKATO  
DISTRICT PLAN

**IN THE MATTER OF**      the Resource Management Act 1991

**AND**

**IN THE MATTER OF**      Proposed Waikato District Plan, Stage 1: Hearing 7, Industrial  
and Heavy Industrial Zone

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**SUMMARY STATEMENT FOR GENESIS ENERGY LIMITED SUBMITTER #924**

21 JANUARY 2020

RICHARD MATTHEWS, MITCHELL DAYSH LIMITED

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## Summary

1. I consider that the Proposed Waikato District Plan should make it clear which industrial activities within the district are “Regionally Significant Industries”, and that the HPS needs to be explicitly identified as such. This could be achieved by way of a schedule added to Chapter 30 of the District Plan identifying Regionally Significant Industries (including the Huntly Power Station), or alternatively, by a change to Policy 4.6.2 as proposed in Genesis submission point 924.44 identifying the HPS as regionally significant industry in accordance with the Regional Policy Statement definition.
- 1A Ms McCartney<sup>1</sup> considers that it is not necessary to amend Policy 5.3.17 (as recommended by Mr Eccles) or to amend Policy 4.6.2 in the manner requested by Genesis.
- 1B I participated in mediation proceedings that resulted in settlement of appeals to the Proposed Waikato Regional Policy Statement (“RPS”) regarding provisions relating to Regionally Significant Infrastructure and Regionally Significant Industry and am aware of the background to why the definition in the RPS of “Regionally Significant Industry” refers to such industry being identified as being “identified in regional or district plans”, which is the basis of the Genesis submission point.
- 1C As I understand the distinction between “regionally significant infrastructure” and “regionally significant industry” in the RPS, infrastructure can be recognised by reference to particular characteristics, such as generating electricity to feed into the national grid or having a network function (such as telephone, water or electricity lines or a road) and it does not have a particular location requirement. Conversely, significant industries can vary depending on the location or function / industry served and their particular contribution to a District. At the time, the Waikato Regional Council decided that such industries would need to be identified specifically by identifying the “benefits that are significant at a regional or national scale” (RPS definition) for such industries. This recognises the very point that Ms McCartney<sup>2</sup> makes that

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<sup>1</sup> Paragraph 108, Section 42A Report, Rebuttal Evidence Hearing 7: Industrial Zone & Heavy Industrial Zone; Report prepared by: Jane Macartney 13 January 2020.

<sup>2</sup> Ibid, paragraph 107.

“there are numerous industries in the district that could be captured by such a term”.

1D In my opinion, industries that are “regionally significant” for Waikato District should be individually and specifically identified (perhaps as a Schedule to the District Plan) to avoid any doubt or uncertainty as to what is “regionally significant industry” in the Waikato District. I note that “regionally significant infrastructure” and “regionally significant industry” are provided for differently in the RPS (the former being a characteristic of the built environment that must be planned and provided for; the latter being an activity that should be supported because of its regionally significant benefits) and identification of each is important to “unlocking” the policy provisions that apply to such activities.

1E I agree with Ms McCartney<sup>3</sup> that the Huntly Power Station fits with the RPS definition of “regionally significant infrastructure”. The Huntly Power Station is undeniably “regionally significant” and is infrastructure used for the generation of electricity that is fed into the National Grid. However, it is equally an “industry”, as recognised by a heavy industry zone for the site in the District Plan and because it exhibits many characteristics associated with industrial activity (such as vehicle movements, product storage, air emissions etc.) that are not normally associated with other infrastructure activities. In my opinion, the Huntly Power Station should be identified in the Waikato District Plan as a “regionally significant industry”.

2. I consider that educational facilities are not appropriate or efficient uses of industrial zoned land and that permitted or restricted discretionary status for such activities in industrial zones is not appropriate. I agree with the recommendation (paragraph 243) in Part B of the section 42A Report on submissions and further submissions on the Industrial Zone and Heavy Industrial Zone provisions that the Ministry of Education submission regarding education facilities in industrial zones be rejected.

3. Section 8.4.8 of NZS 6802:2008 Acoustics – Environmental Noise recognises that when a notional boundary noise limit is adopted, a potential issue arises where new dwellings or sensitive activities may be established, causing a change in the location of the boundary relative to the noise emitter which can

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<sup>3</sup> Ibid, paragraph 106.

lead to reverse sensitivity effects. In my opinion, in order to define a noise compliance limit, the location of the notional boundary relative to existing noise sensitive activities needs to be fixed.

4. I consider that the notional boundary compliance limit in Rule 21.2.3.2 should be tagged to dwellings existing at a specific date. The date adopted by the Environment Court (and Waikato District Council) for the present Operative District Plan was 25 September 2004. I consider that this date should be included within Rule 21.2.3.2.

5. I support the changes to the noise rules proposed by Mr Ellerton in his evidence.

5A I note that the rebuttal evidence from Mr Styles (on behalf of Havelock Village Limited) supports the “date stamp” approach proposed by Mr Ellerton, as does the expert advice<sup>4</sup> to the Council on noise matters.

5B The Genesis submission on noise simply seeks to preserve the status quo at the Huntly Power Station site with respect to noise matters to provide certainty for the site and community.

6. In my opinion, Rule 21.3.1 Height – General should be amended to include the Operative Plan building height limits in the PDP rule in order to continue provide for the existing HPS building envelope.

6A Ms McCartney reserves<sup>5</sup> any change in recommendation on the matter of building height at the Huntly Power Station site until details are provided at the hearing. Genesis simply seeks to preserve the status quo at the Huntly Power Station site with respect to building height to provide certainty for the site and community.

6B I note that the Huntly Power Station site is characterised by the scale of the present buildings on the site and no change is proposed with respect to that. Any development on the site would occur within the building envelope already provided for on the site and would not result in additional adverse effects. The

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<sup>4</sup> Noise Matters - Advice on specific issues - Proposed Waikato District Plan, prepared by Malcolm Hunt, dated 17 January 2020.

<sup>5</sup> Paragraph 114, Section 42A Report, Rebuttal Evidence Hearing 7: Industrial Zone & Heavy Industrial Zone; Report prepared by: Jane Macartney 13 January 2020.

peaker units identified in my evidence as being a possible future development on the site would likely be of a similar scale to Unit 6 (the smallest of the six generation units on the site) and would likely be located in the vicinity of Unit 6 on the site.

- 6C Ms McCartney has sought clarification<sup>6</sup> as to when the air discharge consents for the peaker generation units were granted and when these need to be given effect to. Discharges to air from peaker units would fall within the scope of the existing air discharge consents for the site (which included consideration of future development scenarios) so no new consents are required, nor would the current consents lapse as they have already been given effect to. This is consistent with the approach being sought with respect to the District Plan in that a degree of future proofing for the site is being sought, consistent with what is provided for now.
7. In order to ensure that the electricity generation activities on the HPS are explicitly provided for, I consider that Rule 21.1.1 (1) should be amended by explicitly providing for electricity generation activities and associated coal stockpiling activities at the HPS.
8. I agree with Genesis, other submitters and the author of the s42A Report relating to the Industrial and Heavy Industrial Zone that signage for health and safety or asset identification purposes or that is required by legislation be identified as a permitted activity in the PDP.
9. As the PDP does not have a chapter dealing specifically with general rules that have District-wide application, I consider that it would be prudent to include a rule with the wording recommended for Rule 14.3.1 P11 in each Zone identified in the PDP.
- 9A Ms McCartney notes<sup>7</sup> that amendment of Rule 14.3.1 P11 “does not introduce any inconsistency in respect to how Chapter 14 currently manages district-wide matters”. While I accept that chapter headings do not necessarily infer detail as to what a chapter actually deals with, in this case it would be helpful if the Chapter heading is changed (from “Infrastructure and Energy”) to “*Infrastructure, Energy and Other District Wide Matters*” if indeed the chapter

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<sup>6</sup> Ibid, paragraph 114.

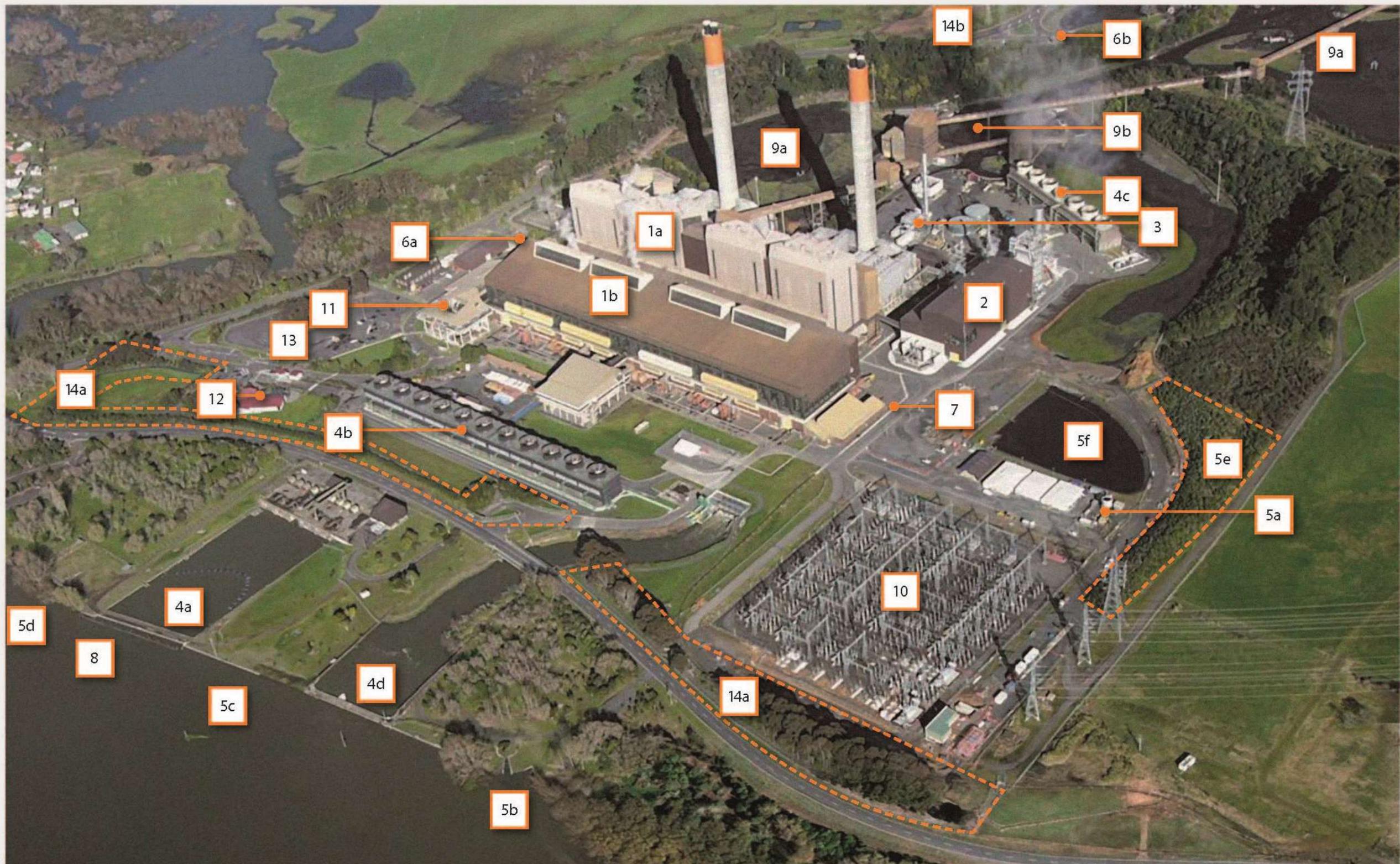
<sup>7</sup> Ibid, paragraph 120.

is intended to deal with district wide matters other than infrastructure and energy.

10. In addition to ensuring that the rule does apply to any signage for health and safety or asset identification purposes or that is required by legislation be identified as a permitted activity, I consider that it would be helpful to clarify that “required by legislation” includes required by regulations associated with legislation.

Richard Matthews

21 January 2020



- 1a. Units 1-4 Boiler House
- 1b. Units 1-4 Turbine Hall
- 2. Unit 5
- 3. Unit 6
- 4a. Cooling Water Intake
- 4b. Helper Cooling Tower

- 4c. Unit 5 Cooling Tower
- 4d. Cooling Water Outfall
- 5a. Stormwater Treatment Facilities
- 5b. North Stormwater Outfall
- 5c. Central Stormwater Outfall

- 5d. South Stormwater Outfall
- 5e. Unit 5 Bund
- 5f. Flocculation Pond
- 6a. Water Treatment Plant
- 6b. Truck Wash

- 7. Ash Treatment and Disposal Line
- 8. In-River Iowa Vanes
- 9a. Coal Stockpiles
- 9b. Coal Handling Area
- 10. Transpower Switchyard

- 11. Administration Building
- 12. Seminar Building
- 13. Staff Carpark
- 14a. Screen Planting
- 14b. Clean Fill Site

**Appendix One: Summary of Proposed Changes**

**Policy 4.4.2 – Noise**

- (a) The adverse effects of noise on residential amenity are minimised by:
  - (i) Ensuring that the maximum sound levels are compatible with the surrounding residential environment;
  - (ii) Limiting the timing and duration of noise-generating activities, including construction and demolition activities;
  - (iii) Maintaining appropriate setback distances between high noise environments and sensitive land uses **and noise-sensitive activities**;
  - (iv) Managing the location of sensitive land uses **and noise-sensitive activities**, particularly in relation to lawfully-established high noise generating activities; and
  - (v) Requiring acoustic insulation where sensitive **land uses and noise-sensitive** activities are located within high noise environments.

**Rule 21.2.3.2 Noise – Huntly Power Station**

P1	Noise generated by emergency generators and emergency sirens.
P2	<ul style="list-style-type: none"> <li>(a) Noise measured <b><u>within</u></b> the notional boundary <b><u>of any dwelling existing as at 25 September 2004</u></b> in the Rural Zones shall not exceed:                             <ul style="list-style-type: none"> <li>(i) 55dB (LA<sub>eq</sub>) 7am to 10pm; and</li> <li>(ii) 45dB (LA<sub>eq</sub>) and 75dB (LA<sub>max</sub>) 10pm to 7am the following day.</li> </ul> </li> <li>(b) Noise measured within <b><u>any Residential Zone land where a dwelling exists as at 25 September 2004</u></b> shall not exceed:                             <ul style="list-style-type: none"> <li>(i) 50dB (LA<sub>eq</sub>) 7am to 7pm; and</li> <li>(ii) 45dB (LA<sub>eq</sub>) 7pm to 10pm; and</li> <li>(iii) 40dB (LA<sub>eq</sub>) and 65dB (LA<sub>max</sub>) 10pm to 7am the following day.</li> </ul> </li> <li>(c) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 “Acoustics Measurement of Environmental Sound”</li> <li>(d) Noise levels must be assessed in accordance with the requirements of NZS 6802: 2008 “Acoustics Environmental Noise”</li> </ul>

**Appendix 1: Acoustic Insulation**

Table 14: Internal sound level

Area	<u>Type of occupancy/activity</u>	Internal design sound level, dB LA <sub>eq</sub> (24 hour)
Within 350m of Huntly Power Station	<u>Bedrooms in residential activity buildings, travellers accommodation, home occupation, home-stays and Papakainga housing</u>	<u>35</u>
Dwellings in the Business Zone	<u>Educational buildings (teaching spaces)</u>	<u>35</u>
Dwellings in the Business Town Centre Zone	<u>Other habitable rooms in residential activity</u>	40
Within 100m of the Tamahere Commercial Areas A, B and C	<u>Hospital wards</u>	<u>35</u>
Multi-Unit Development	<u>Hospital, all other noise sensitive areas</u>	40
Comprehensive Development – Rangitahi Peninsula	<u>Residential</u>	<u>35</u>

**Rule 21.3.1 Height – General**

P1	<u>Except within the Huntly Power Site, T</u> he maximum height of any building shall be: (i) 35m for 2% of the net site area; and (ii) 20m over the balance of the net site area.
<u>P2</u>	<u>Within the Huntly Power Site, the maximum height of any building shall be:</u> <u>(i) 50m; and</u> <u>(ii) 35m over 90% of the net site area.</u>
RD1	(a) A building that does not comply with Rule 21.3.1 P1 (b) Council’s discretion is restricted to the following matter: (i) effects on amenity.

**Rule 21.1.1 Permitted Activities**

Activity		Activity specific conditions
P1	Industrial Activity	Nil
P2	Trade and industry training activity	Nil
P3	Truck stop for refuelling	Nil
P4	Office ancillary to an industrial activity	Less than 100m <sup>2</sup> , or 30% gross floor area of all buildings on the site.
P5	Food outlet	Less than 200m <sup>2</sup> gfa. gross floor area
P6	Ancillary retail	Does not exceed 10% of all building on the site.
P7	Emergency services training and management activities	Nil
P8	Ancillary activity	Nil
P9	Construction or demolition of, or alteration or addition to, a building	Nil
<b><u>P10</u></b>	<b><u>Electricity generation at the Huntly Power Station site and associated coal stockpiling</u></b>	<b><u>Rule 21.2.3.2 Noise – Huntly Power Station</u></b>

**Rule 14.3.1 Permitted Activities P11** in each Zone identified in the PDP.

Signage required for health and safety or asset identification purposes and/or required by legislation **or any associated regulations**

In addition, a rule similar to that proposed for Rule 14.3.1 (P11) be inserted into each Zone identified in the Proposed District Plan