

My name is Daniel Forbes. I am an Environmental Advisor at Contact Energy and here to represent Contact in support of our written submission. Contact owns and operates the Te Rapa gas-fired thermal co-generation plant on the Fonterra Te Rapa Dairy Factory site.

Our Te Rapa Co-Gen is essentially a gas-fired power station which provides Fonterra's process steam and electricity needs. It also supplies an additional 30MW of electricity to the national grid. It operates 24 hours a day, 7 days a week. There is also a large auxiliary boiler on site which is used from time to time when the main unit is not operating.

It goes without saying that the Te Rapa Co-Gen is critical to the operation of the Fonterra site, and important in its own right as an electricity generation site.

The Te Rapa Co-Gen makes unavoidable noise, emissions to air, and has visual amenity aspects. These are currently all well managed by the way we operate the equipment; by stringent resource consent conditions; and by appropriate zoning and location in relation to other residents.

My colleague, Chris Drayton, who cannot be here today, made a submission on behalf of Contact in November 2017 opposing the Plan Change and has met with John Oliver and Paul Radich, the planners for Te Awa Lakes to learn more about the proposal and the potential impacts on our operation.

I wish to highlight to the Hearings Panel that Contact Energy is not interested in using RMA process to interfere with well planned, well located and sensible developments near our activities. We respect the rights of landowners, businesses and residents to enjoy and make the most of their land. However, this must not be at the expense of impinging on long-established, well managed and properly located existing activities, particularly highly significant ones like the Te Rapa Dairy Factory.

Our submission is simple, and revolves around two points:

1. The need for the Hearings Panel to be completely satisfied that there is no potential for 'reverse sensitivity' effects from giving a green light to many hundreds of future residents living near to a nationally important heavy industrial site; and, secondly
2. To express our concern and frustration at having a well-established, well signalled and thoroughly consistent regional and district planning framework being potentially overturned by ad hoc development. We urge both Councils and the Hearings Panel itself to be very careful and thoughtful about whether the Te Awa Lakes proposal is consistent with the objectives, policies and outcomes of the key Regional and City Council plans and policy statements.

In respect of the reverse sensitivity issue, while we felt reasonably comfortable with the response of the Applicant's Planners at our meeting in October, we have not had the benefit of hearing expert evidence on issues like noise, visual, traffic, amenity, lighting and planning that the Hearings Panel and Council planners will have. The sheer fact is that a buffer distance of only 350m to many hundreds of future residents seems bound to create tensions. From our perspective, the onus is on the Applicant to satisfy the Hearings Panel and the Council planners that the proposal will not eventually give rise to new operating constraints or limitations that could reduce the viability or long-term flexibility and investment at or around Te Rapa.

If during the course of this hearing the Hearings Committee isn't satisfied about that, it must either decline the Plan Change, or impose rules or conditions to ensure that any tensions are properly mitigated, including:

- Realistic noise receiving rules at new residences, including at night-time (preferably 45dBa)
- A 'no complaints' covenant on each title
- Ensuring that the Plan Change itself clearly signals to potential residents the amenity expectations and reality of living near to large industrial activities
- Strong residential design requirements for managing noise in particular, including
 - best practicable building design and materials
 - building and living zone orientation
- Ensuring that any structure plan addresses impacts from the Te Rapa site including effective buffers, set-backs, screening, bunding or other approaches that may be necessary.

In relation to issue two, the integrity of the relevant plans and policy statements, once again we are relying on the Councils and the Hearing Panel to approach things impartially and dispassionately and to uphold their own planning frameworks. Our understanding is that for a number of decades successive District and Regional Plans have delivered a clear and consistent signal to the community, landowners, and residents about landuse patterns and amenity expectations in this area – namely, that this is an industrial, not a residential environment. It seems to us that allowing the proposed Plan Change would completely undermine these long-standing directions. In particular, if it isn't clear that the Plan Change gives effect to the Waikato Regional Policy Statement, then it's difficult for us to see how it can possibly be allowed. Contact believes it has a legitimate expectation that it can rely on the provisions of these publicly notified, well consulted upon and thoroughly tested planning frameworks, and that the Councils will uphold them when challenged.

In summary, Contact Energy has considerable doubts about the appropriateness of the Te Awa Lakes proposal and its ability to manage impacts on its industrial neighbours. I have appeared today for Contact to remind both Councils and the Hearings Panel that we are relying on their professional skill and good judgement to deliver an outcome which is consistent with their planning framework and realities of the existing environment.

If in doubt, we are of the view that the Hearing Panel should decline the Plan Change or, alternatively, ensure robust rules and conditions are in place to address potential land use conflicts or compromise the operation of its industrial neighbours.

Thank you for your time.