

Hamilton City Operative District Plan October 2017 Proposed Plan Change 2 –Te Awa Lakes Private Plan Change

(Form 5 - Submission on a Publicly Notified Plan Change Under Clause 6 of the First Schedule to the Resource Management Act 1991)

Send completed submission forms to:

Address: Submissions Proposed Plan Change 2- Te Awa Lakes Private Plan Change
Economic Growth and Planning Unit
Hamilton City Council
Private Bag 3010
Hamilton 3240

Email: districtplan@hcc.govt.nz

IMPORTANT REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 4.30PM, 29 NOVEMBER 2017

Please print and do not use pencil. Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available in a summary sheet from the Council, on the Council website Hamilton.govt.nz/teawalakes, or phone (07) 838 6810 (Economic Growth and Planning Unit).

To: Hamilton City Council

Submission on: Hamilton City Operative District Plan October 2017 Proposed Plan Change 2-Te Awa Lakes Private Plan Change

Your full name: CHRIS DRAYTON

Company name: CONTACT ENERGY LIMITED

Your postal address: PO Box 10742, WELLINGTON 6143

Your email address: chris.drayton@contactenergy.co.nz

Contact name and address for service of person making the submission:

This is the person and address to which all communications from the Council about the submission will be sent. You do not need to fill this in if the details are the same as the above

Telephone number: 027 511 0365

1. The specific provisions of the Proposed Plan Change that my submission relates to are as follows: [Please refer to the specific section or part]

ALL - opposed to rezoning in principle

2. My submission is that:
[State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons]

Please see attached submission in separate document

3. I seek the following decision from the Hamilton City Council:
[Give precise details]

Deny the rezoning application for the reasons outlined in the attached submission

4. I ~~do~~ wish to be heard in support of my submission.
[Please cross out the part of the statement that does not apply to you]

5. If others make a similar submission I ~~would~~ be prepared to consider presenting a joint case with them at any hearing.
[Please cross out the part of the statement that does not apply to you]

A. J. Taylor
[Your signature or that of the person authorised to sign on behalf of the person making this submission]

29-11-2017
[Date]

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Please be aware when providing personal information that submissions may be reproduced and included in Council public documents. These documents are available on Council's website.

Submission by Contact Energy Limited on Proposed Plan Change 2: Te Awa Lakes Private Plan Change

The nature of Contact Energy's activities at Te Rapa

Fonterra operates a dairy manufacturing plant at Te Rapa Road, within what is currently a rural/industrial area to the north of Hamilton, making butter products, skim milk and whole milk powders.

Contact Energy Ltd, who makes this submission on the proposed Te Awa Lakes Plan Change on its own behalf, has a service contract with Fonterra to manage and operate the natural gas-fired co-generation plant located on the site. The Te Rapa co-generation facility is essentially a large thermal power station providing for the process steam and electricity needs of the Fonterra factory as well as a significant surplus of electricity (approximately 30 MW) to the national grid.

Contact's power station at Te Rapa consists of

- A natural gas fired turbine, which can generate up to 45 MW of electricity (around 14MW is used by the Te Rapa Dairy factory), and a heat recovery steam generator able to generate up to 180 tonnes of high pressure steam per hour for Fonterra. It is designed and managed to operate 24 hours a day, 7 days a week, subject to maintenance.
- A natural-gas/diesel fired, 127 MW (net) rated auxiliary boiler used when the co-generation plant is not operating (e.g. for maintenance purposes).

Planning considerations at Te Rapa

Activities at the Te Rapa site are managed by way of a comprehensive suite of RMA consents and the rules in the Te Rapa North Industrial zone, including conditions and rules designed to set the expectations and reasonably manage the health, amenity and enjoyment of the nearest neighbours that may otherwise be affected by discharges of noise, odour, or other contaminants. The area is currently largely pastoral, interspersed with some rural-residential living, and zoned in the Hamilton City Plan for Industrial purposes. The Hamilton urban area lies at least 1 km to the south of the power station site. The nearest residences along River Road are understood to be approximately 450 m to the east-northeast of the power station; 400 m to the north-northeast (at the northern site boundary on Te Rapa Road) and 400 m to the south-south east (along Meadow View Lane). The nearest urban residential areas are approximately 1.3 km to the southeast, across the Waikato River along River Road.

In general terms, outside of the isolated rural residences in the area around the site, the receiving environment is currently not considered to be particularly sensitive to potential effects from the Te Rapa site, and zoned appropriately.

Reverse sensitivity

Contact Energy's main concern about the proposal is the potential impact of 'reverse sensitivity' from the location of new and potentially sensitive residential activities and accommodation in proximity to what is a now a large-scale, long-term, lawfully operating, and appropriately zoned heavy industrial site.

Contact is concerned that the introduction of new and incompatible uses, especially on this scale, may impact its own and Fonterra's long-standing activities and limit our ability and flexibility to operate what is a regionally and nationally strategic industrial and electricity generation site. New residents in the proposed Te Awa Lakes zone would understandably tend to have higher amenity expectations that may create unwarranted pressure to further reduce noise, light, venting, visual amenity or other effects of emissions from current or new industrial uses. This is highly likely to give rise to new and unnecessary operating constraints or limitations that can reduce the viability or long-term flexibility and investment at the Te Rapa site.

Contact is of the view that the Applicant has the burden of proving that the amenity experienced in the proposed new zone will be comfortable and appropriate to avoid, remedy or mitigate actual or potential effects, otherwise the existing zoning pattern should apply.

Integrity of the relevant Plans and Policy Statements

The Fonterra Te Rapa Site has been operating for 50 years. Through successive District (and Regional) Plans, the historic zoning of the site and surrounding areas and receiving environments, has delivered a clear and consistent signal to the community, landowners, and residents about landuse and amenity expectations, and crucially, provided opportunities to expand or co-locate.

Likewise, the Waikato Regional Policy Statement has identified Te Rapa North, including the Hutchinson Road area as a "Strategic Industrial Node", specifically to be put aside for locating new and existing industrial activities across the region.

Allowing the proposed Plan Change would completely undermine these long-standing planning strategies and expectations by allowing strategically identified industrial land to be used in an ad hoc, unplanned way for new residences. The location is surrounded by the motorway, industrial land and other incompatible areas, and will be cut off from links to other residential areas.

This is likely to have significant adverse economic effects for the Te Rapa North area, Hamilton City and potentially on a region-wide basis.

Other effects

Contact is also concerned, though likely to be less directly affected by other associated effects of the proposed plan change, including on traffic movements and safety, including any constraints that might be imposed on the Te Rapa site from additional traffic at Te Awa Lakes

Relief sought

Contact is therefore **opposed** to the proposed rezoning of the area, as being inappropriate, unnecessary and suboptimal RMA planning, and wishes Council to **decline** the proposed plan change.

Should Council disagree, and it decides to allow a rezoning to proceed, Contact submits that it must put in place stringent requirements to address potential reverse sensitivity impacts, and require the Applicant to take steps to avoid, remedy or mitigate the actual and potential impacts from existing or potentially new and expanded industrial activities from the adjacent zones, including

- Realistic noise receiving rules at new residential boundaries, including at night-time, when the Te Rapa site will continue to operate;
- Require 'no complaints' covenants on each title;
- Ensure that policies, issues and rules in the Plan Change clearly signal to potential residents the amenity expectations and reality of living in a zone adjacent to existing and potentially new, industrial activities;
- Impose strong residential design requirements to manage noise in particular, including best-practicable building design and materials elements; and building and living zone orientation;
- Ensure that any structure plan that is approved is designed to take into account and address impacts from the Te Rapa site and adjacent rural and industrial zones, including effective buffers, set-backs, screening, bunding or other approaches that may be necessary.

Chris Drayton
Environment Manager
For and on behalf of Contact Energy Limited

29 November 2017

chris.drayton@contactenergy.co.nz