

<b>Date:</b>	27 September 2022	<b>App Number:</b>	LU/0323/21
<b>Reporting Planner:</b>	Todd Whittaker	<b>Site Visit on:</b>	20 July 2022

<b>Applicant:</b>	Global Contracting Solutions Limited
<b>Property Address:</b>	401 Racecourse Road, Te Awamutu
<b>Legal Description:</b>	Lot 1 DPS 12327, Lot 1 – 2 DPS 52865, Part Lot 1 DP 18196, Part Lot 7 DP 20887, Part Lot 1 DP 24251 and Part Lot 2 DP 30449 (CFR SA44C/676)
<b>Site Area:</b>	64.1711 ha
<b>Activity Status:</b>	Non-complying activity
<b>Zoning:</b>	Industrial Zone Residential Zone Rural Zone
<b>Policy Area(s):</b>	Specialised Dairy Industrial Area Dairy Manufacturing Noise Contour Airport Approach Surface Cultural Landscape Area Alert – Mangapiko Stream Flood Hazard Area
<b>Designation(s):</b>	N/A
<b>Proposal:</b>	Construct and operate plant to generate power through combustion of refuse derived fuel

## 1 INTRODUCTION

### 1.1 Description of site

The subject site has a relatively complex arrangement, with the subject proposal only pertaining to the southern portion of the site. This is accurately described by the applicant's agent as follows:

*The subject site is located in the north of the urban area of Te Awamutu, adjacent the urban area boundary. The subject site comprises the southern lots of title SA44C/676, that is Part 7, DP 20887; Lot 1 DPS 12327 and various part lots which make up the right of way access mouth at the intersection with Racecourse Road. That part of the site subject to this application comprises approximately 11ha. In landform terms the site comprises for the most part a series of terraces which gently cascade down to the Mangapiko Stream which forms the site's southern boundary. The highest parts of the site are those furthest from the stream adjoining the north-eastern boundary; the lowest parts of the site*

*those adjoining the Stream and the western boundary. As the site is entered from Racecourse Road topography is level and maintains the same form as the properties to the north and south of the right of way. This quickly changes as the accessway opens out onto the site proper with landform splitting between an upper shelf and a lower terrace down to the stream. Further towards the centre of the site upper and lower terraces meld more smoothly to a fairly uniform slope before taking a more defined form to the rear of the site's northern dwelling.*

*Geological mapping of the area indicates the site is likely to be underlain by the younger soils of the Piako sub group to the south west of the site, and the older soils of the Hinuera Formation to the north east. The Piako Subgroup is described as alluvial and colluvial sand, silt, mud and clay with local gravel and peat beds. The Hinuera Formation is described as cross bedded pumice, sand, silt and gravel with interbedded peat.*

*Drainage generally follows the slope of the land down towards the Stream and the western boundary. There are some localised wet areas which flow via open channel, draining to a culvert located towards the south of paddocks and on to the Mangapiko Stream. Some paleo channels identified through the site suitability aerial assessment appear to have been filled to allow for better pasture utilisation. A drain is located at the base of the terrace in the east of the site which opens onto Mangapiko Stream near almost at the centre of the eastern reach.*

*The site is currently overwhelmingly pasture. There are some isolated stands of trees at the base of the terrace scarp in the east of the site, and around dwellings in the north-east of the site. At the boundary with the Stream pasture finishes in streamside vegetation containing a mixture of native and introduced species. At points pasture confronts the stream directly, contributing to at times what can be considered degraded stream margins, especially in the west of the site.*

*The predominant land use across the site is dairy support farming. Dwellings for the current owner and farm staff are located near the north-east boundary on the top terrace. Some minor quarrying for sand and deposition of clean fill has taken place in the east of the site at the base of the steeper terrace scarp. Fill was placed in this location during construction of the nearby wastewater plant.*

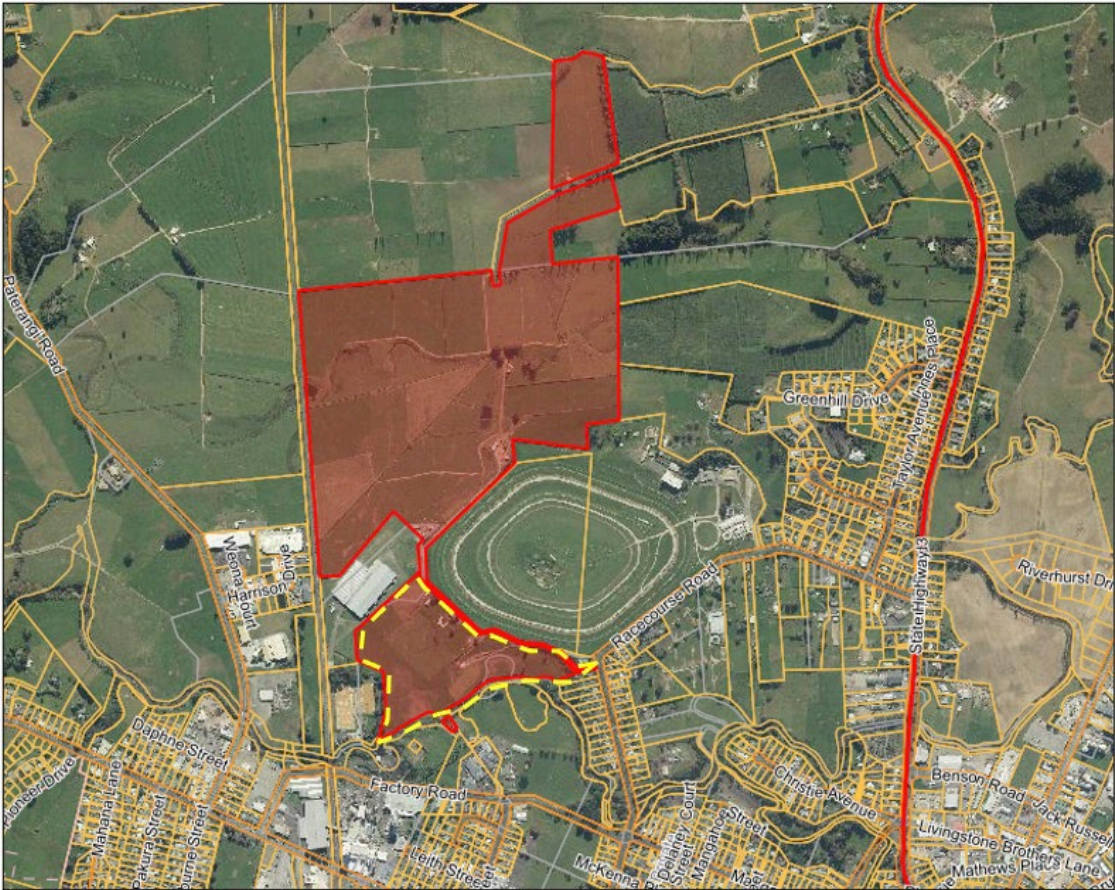
*Access to the site is solely gained from Racecourse Road. The accessway entrance is located just south of the curve of Racecourse Road as it turns south-east off from its previous south-west trajectory. A paved access road follows the right of way along the site's northern perimeter, by which vehicle access is gained for the site's dwellings and further dwellings and farm buildings to the north. The site's dwellings gain potable water supply from a water main located primarily on the racecourse site. As no reticulated systems are available stormwater and wastewater disposal for both are on-site.*

*A curiosity of the site is that it also extends to an isolated exclave on the opposite side of the Mangapiko Stream (see Appendix A title plan). This slip of land is part of Part 7, DP20887 and is heavily vegetated and is not proposed to form part of the application site. It's isolation is likely a product of an historical shift in the course of Mangapiko Stream, as can be seen from the review of historical photographs accompanying the Preliminary Geotechnical Investigation.*

Te Awamutu Racecourse is identified as growth cell T13, anticipated to accommodate approximately 420 dwellings.

Refer to **Figures 1 to 5** for aerial and Planning Maps.





**Figure 1:** Aerial photograph of full site (site shown in red), with application site area contained to southern section of site (bordered by dashed yellow line)



**Figure 2:** Aerial photograph showing closer view of application site



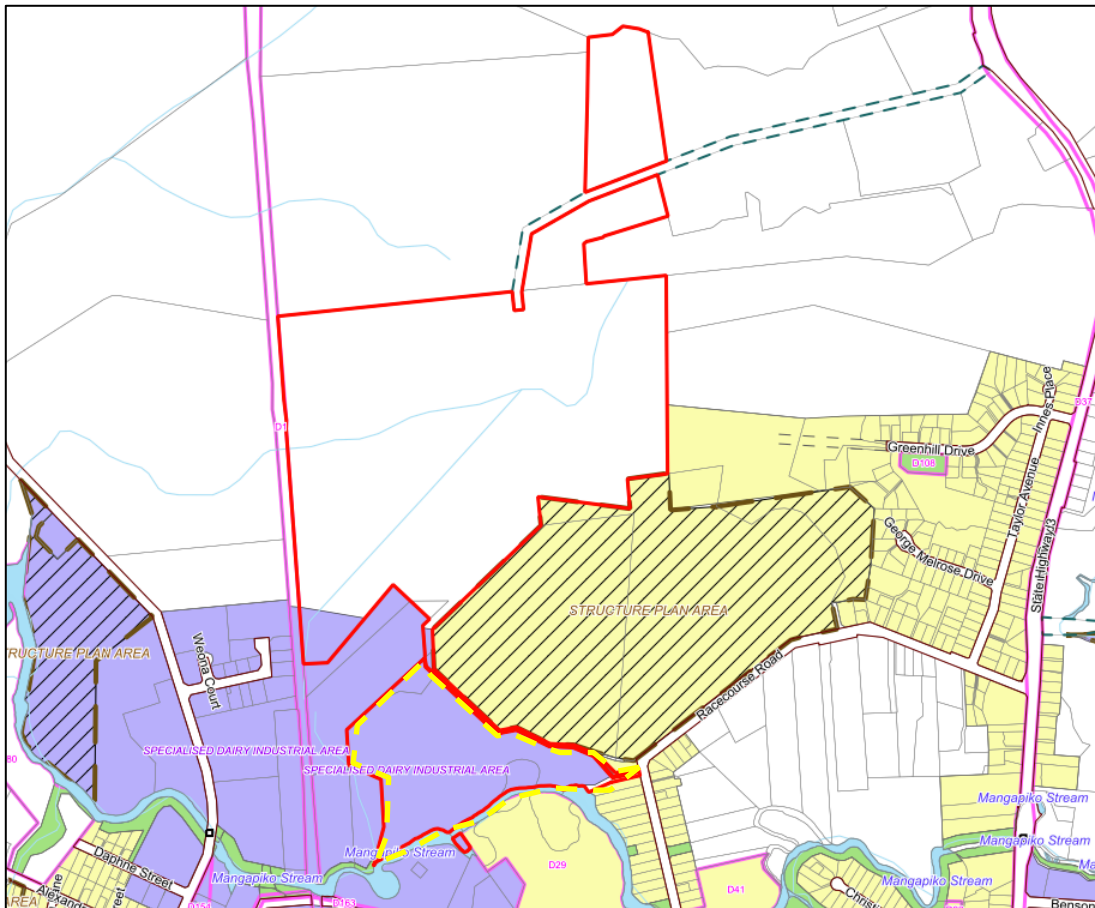


Figure 3: District Plan Zone

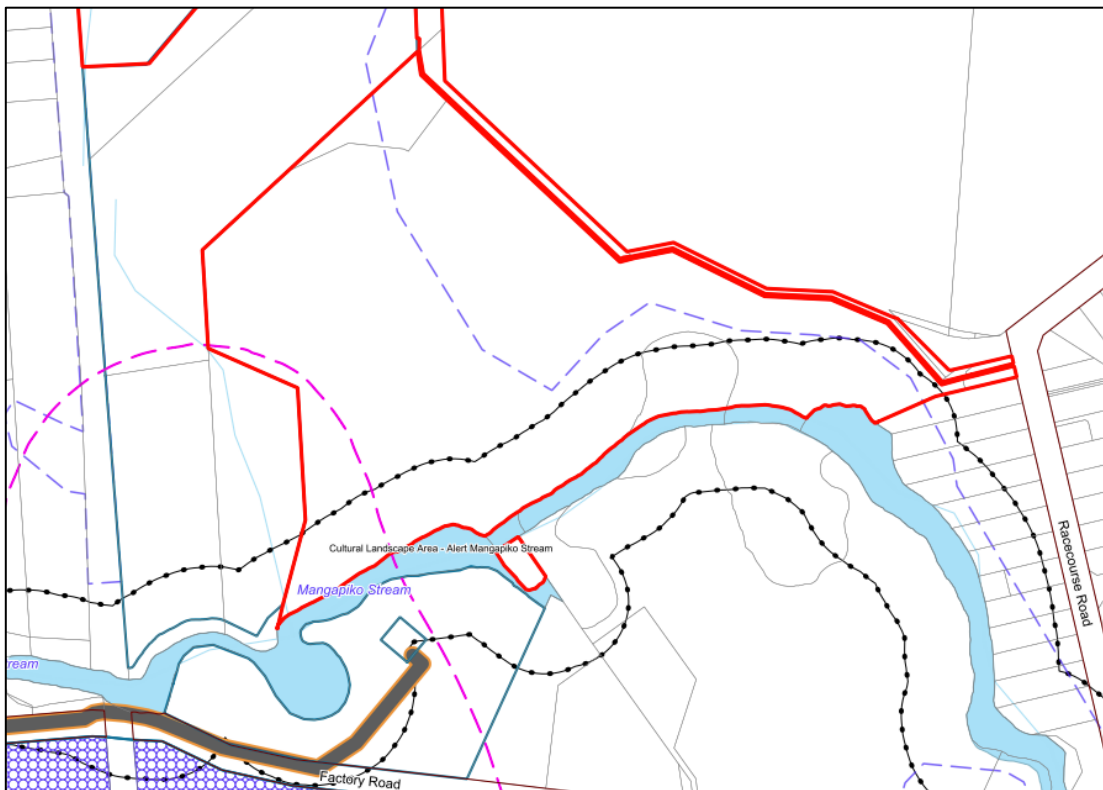


Figure 4: District Plan Policy Overlays

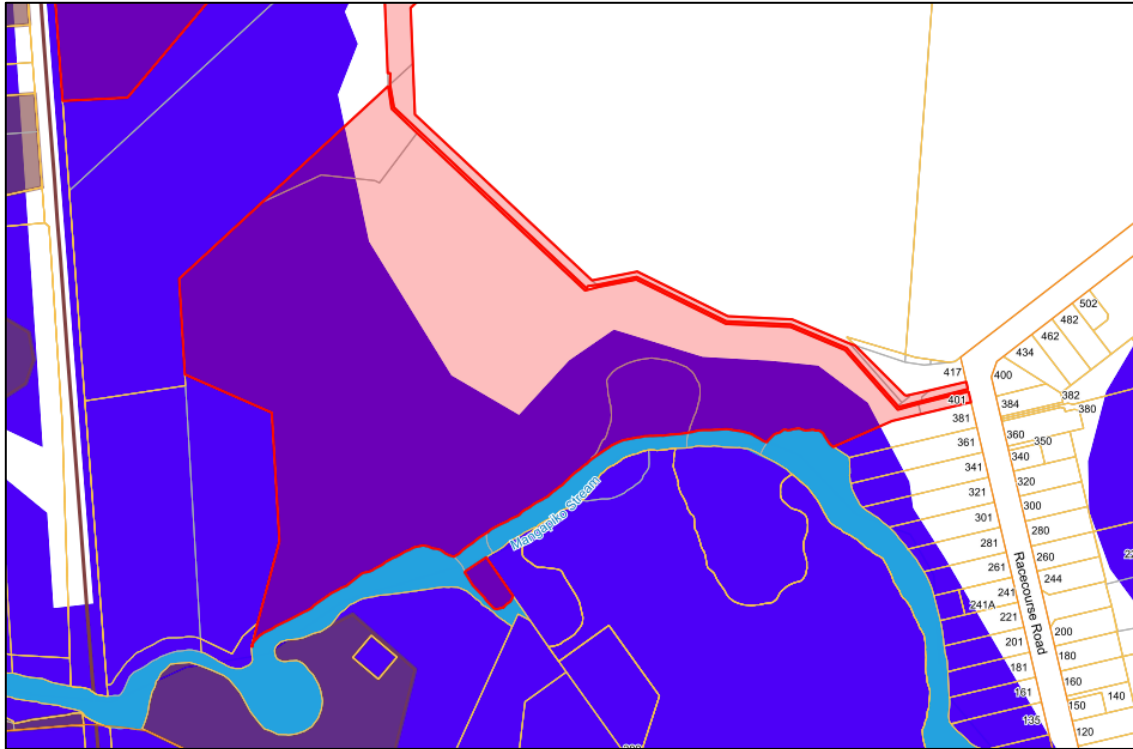


Figure 5: Special Features Map

## 1.2 Legal interests in the property

Table 1 below summarises the relevant interests on the principal application site.

Title Reference	Legal Description	Size	Date Issued	Relevant Interests
SA44C/676	Lot 1 DPS 12327, Lot 1 – 2 DPS 52865, Part Lot 1 DP 18196, Part Lot 7 DP 20887, Part Lot 1 DP 24251 and Part Lot 2 DP 30449	64.1711 ha	19 September 1989	<ul style="list-style-type: none"> <li>▪ Subject to Section 36 (4) Counties Amendment Act 1961 (excepting Lots 1 and 2 DPS 52865)</li> <li>▪ Subject to Section 308 (4) and (5) Local Government Act 1974</li> <li>▪ Subject to Section 59 Land Act 1948 (affects Lot 1 DPS 12327)</li> <li>▪ Appurtenant hereto are rights of way created by Transfer 234866 (affects part Lot 2 DP 30449)</li> <li>▪ Subject to rights of way over part created by Transfer 234866 (affects Lot 7 DP 20887)</li> <li>▪ Subject to a rights of way created by Transfer S105336</li> <li>▪ Appurtenant hereto are rights of way created by Transfer S397503 (affects part Lot 1 DP 18196, part</li> </ul>

				<p>Lot 7 DP 20887, part Lot 1 DP 24251 and part Lot 2 DP 30449)</p> <ul style="list-style-type: none"> <li>▪ Appurtenant hereto is a right of way created by Transfer S413120 (excepting Lots 1 and 2 DPS 52865)</li> <li>▪ Subject to rights of way over part coloured yellow on DPS 11877 created by Transfer S5413118</li> </ul>
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**Table 1:** Existing title and interests of Principal Application Site

The above listed interests do not restrict the proposal from proceeding. The Applicant states that the rights of way currently enjoyed over the land will be corrected at a future point.

The Applicant has also advised as part of S.92 Response submitted on 8 July 2022, that the Applicant has also now purchased 417 and 381 Racecourse Road. The legal details for these properties are as follows:

Title Reference	Legal Description	Size	Date Issued	Relevant Interests
494041	Lot 1 – 3 DP 424188 and Lot 1 DP 36301	1,817m <sup>2</sup>	9 March 2011	<ul style="list-style-type: none"> <li>▪ Appurtenant hereto is a right of way created by Transfer S234866</li> <li>▪ Subsection 241 and 242 of the RMA</li> </ul>
SA699/274	Lot 2 DP 18196	1,998m <sup>2</sup>	9 June 1938	<ul style="list-style-type: none"> <li>▪ Fencing Agreement</li> </ul>

**Table 2:** New titles purchased (Note: legal ownership has not changed as at 19/09/22 based on LINZ search)

### 1.3 Proposal

Pursuant to Section 88 of the Resource Management Act 1991 (RMA), Global Contracting Solutions Limited (the Applicant) has applied for a land use consent to establish a waste to energy plant, known by the Applicant as the 'Paewira Plant', on part of the subject site at 401 Racecourse Road, Te Awamutu. The proposal relates to some 11 ha located at the southern end of the site, to be accessed off of Racecourse Drive. The remainder of the site will be unaffected, apart from a change in access arrangements.

The overall site layout is shown in **Figure 6** and elevations plans shown in **Figure 7**.

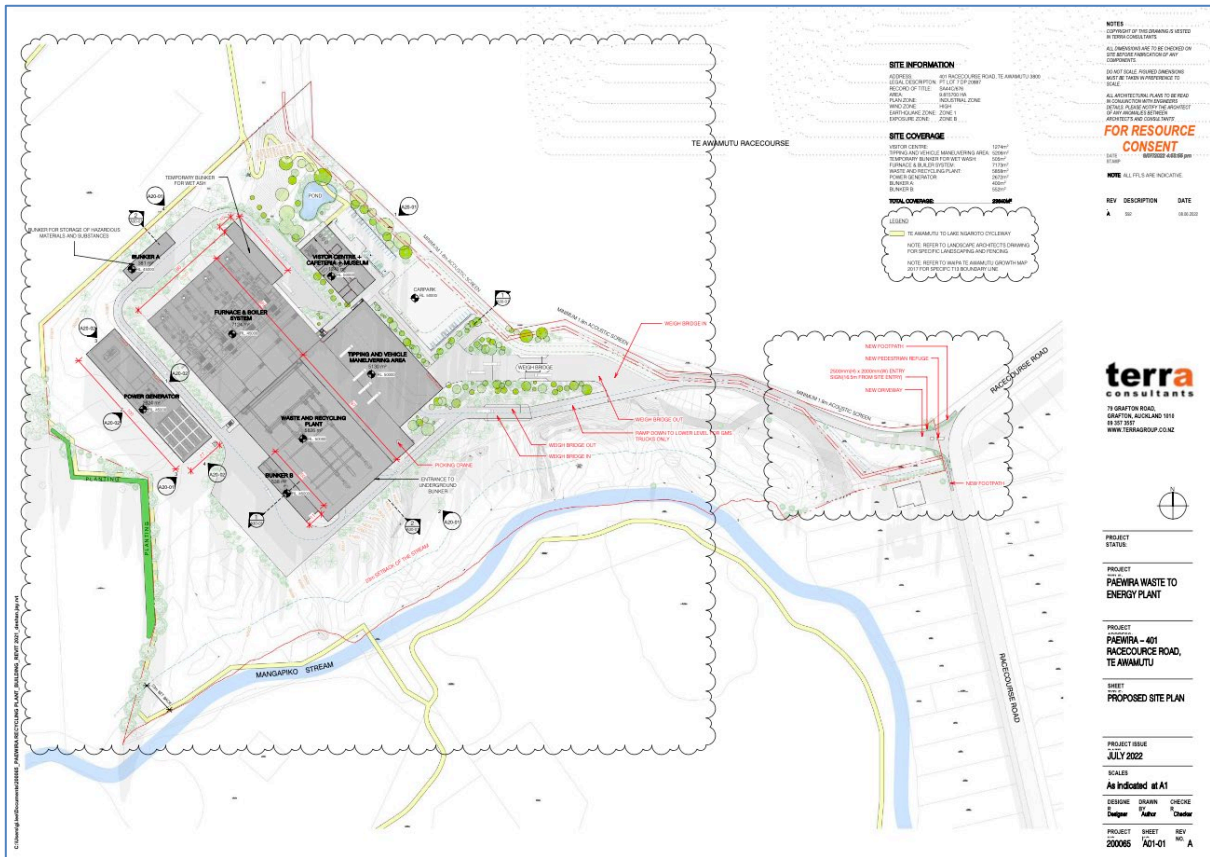


Figure 6: Site Layout Plan

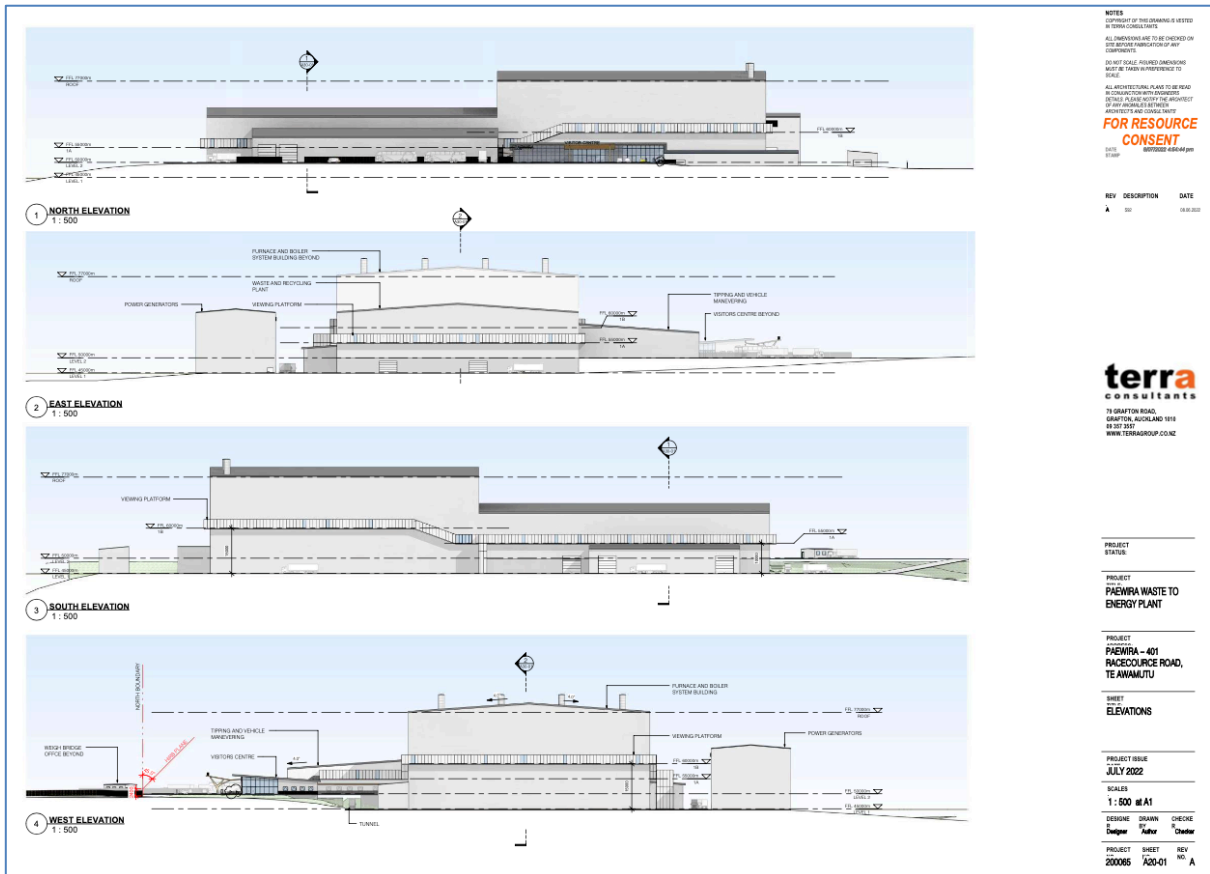
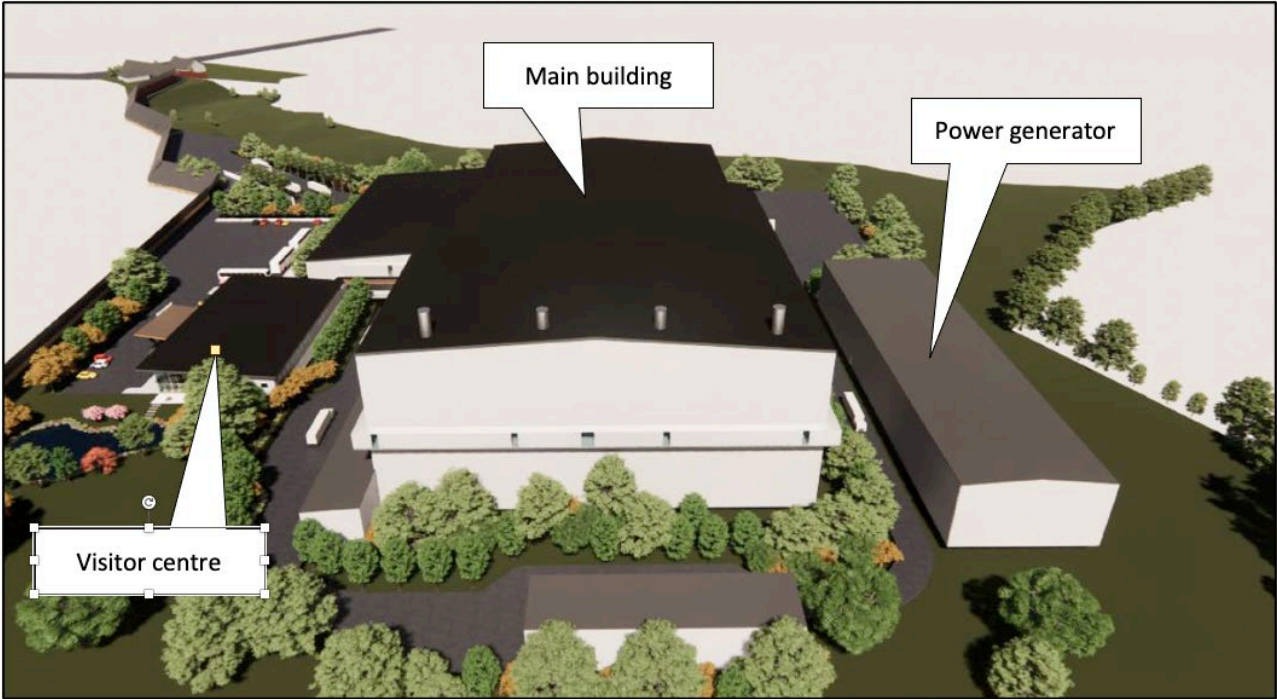


Figure 7: Elevation Plan



The Applicant has also provided a visual perspective as shown in **Figure 8**.



**Figure 8:** Visual perspective looking southwards over site (towards Racecourse Road entry), showing building placement and scale

The waste to energy plant is an electricity generating plant fuelled through the combustion of ‘refuse derived fuel’ (or RDF). That fuel, also known as feedstock, is proposed to be sourced by collecting, sorting, shredding and dehydrating waste collected by councils (also referred to as municipal solid waste, or MSW) and other waste in order to gather combustible components of that waste. Electricity is generated through combusting the fuel in order to heat water, which then produces steam which in turn is used to drive turbine blades.

Material will be trucked to the site from those collection facilities, and received in either a dumping area for material to be sorted, or in a separate area for pre-processed and sorted materials. The dumping will occur all internal to the buildings on the site. The Applicant assumes that 480 tonnes of material per day will be received per day, being slightly more than that actually anticipated to be required for the operation of the plant, in order to provide a conservative assessment. The Applicant explicitly states that no MSW that is remediated waste will be used as RDF.

The plant will generate 15 megawatts (MW) of electricity, which the Applicant states is sufficient to provide for energy for 14,000 households. While the plant will operate on a continual 24 hours a day, seven days a week basis, heavy vehicles movements associated with the facility are proposed to be restricted to between the following hours:

- Monday to Saturday – 7am and 5pm
- Sundays and Public Holidays – 8am to 5pm



Some 60 persons are expected to be employed, with a total of around 40 persons on site during daytime hours and 20 staff at night.

An 'Education and Exhibition' visitor centre, museum and café is proposed as part of the operation. It is intended for the centre to include exhibitions regarding the operation of the facility and to showcase its benefits, as well as include acknowledgement and reference to mana whenua involvement and association with the site.

The proposal will involve three main buildings on the site:

- the 'main building';
- the power generator; and
- the visitor centre, museum and café, including staff amenities.

The main building will be the largest building on the site, some 18,100m<sup>2</sup> in area, that that houses the tipping and manoeuvring area, a waste recycling facility, and the furnace and boiler system. The tipping and manoeuvring area is some 5,130m<sup>2</sup> in size, with a maximum height of 14m. The waste recycling facility will occupy some 5,826m<sup>2</sup> of the building, and have a maximum height of 21m. The furnace and boiler system will occupy 7,124m<sup>2</sup>, with the height of this part of the building reaching a maximum of 35m (30m at eaves). The chimney stack, located at the western end of this building, will have a maximum height of 38m above ground level. The main building is proposed to be constructed of concrete pre-cast walls and metal roof on steel purlins.

The power generator building will sit to the south-western of the main building, being an enclosure housing an internal building for the turbines and alternator, as well as the steam discharge units. This building will be some 2,700m<sup>2</sup> in area, and have a height of 14m.

The visitor centre building will sit on the north-eastern side of the main building, comprising a museum/gallery space, cafeteria area, seminar room, meeting rooms and staff amenities. This building will be some 1,250m<sup>2</sup> in area and have a maximum height of 7m.

Entry to the site is to be taken from Racecourse Road, with an internal road layout designed to enable trucks to circulate in a one-way system within the site, and to allow vehicles access the on-site parking for cars and buses. The proposal is predicted to generate some 378 vehicle movements per day, 84 movements during the peak hour.

The existing vehicle crossing is proposed to be widened to ensure minimal queuing onto Racecourse Road. While the proposed widening of the crossing and creation of the accessway will occur entirely within the boundaries of the site, the Applicant notes that historic development of the neighbouring land.

## ***Servicing***

In terms of water supply, a new 150mm diameter connection to the existing public watermain is proposed to service the site. The daily operational demand volume for the plant has been calculated as approximately 170m<sup>3</sup> over 24 hours. An on-site backup storage tank is proposed to provide for 5 days of storage (850m<sup>3</sup>). Rainwater harvesting tanks are proposed to supplement the water needs of the facility.

Wastewater from staff and visitor amenities is proposed to be managed by way of a new connection to the public wastewater system on Racecourse Road. Wastewater associated with the operation of the plant facility, including wash water, is not suitable to be directed to the public system and is to be directed to waste storage tanks on-site and subsequently hauled off-site in sealed trucks and disposed of at a managed waste facility. The daily liquid process waste volume is estimated to be 36.7m<sup>3</sup>, plus approximately 120m<sup>3</sup> of daily washdown water. The on-site storage tanks will provide for 5 days of storage volume.

Stormwater collected from the building rooftops will be directed to a proposed stormwater pond to be established near the visitor centre, or to rainwater harvesting tanks for reuse on the site. Stormwater from paved surfaces on the site (carparking and internal roading) will be directed to swales and rainwater gardens for treatment, with some catchpits and manholes required to provide treatment in some instances. This stormwater will then be directed to the two existing outfalls on the site that discharge to the Mangapiko Stream.

## ***Storage of Hazardous Substances***

Hazardous substances will need to be stored on site as part of the operation of the facility. These substances will include diesel (5,000 litres), urea (15m<sup>3</sup>), sodium bicarbonate (15m<sup>3</sup>), trisodium phosphate (500 litres) and ammonium hydroxide (140 litres). All of the chemicals and diesel will be stored in tanks, in a manner that complies with the relevant legislative requirements. The Applicant has undertaken an effects ratio assessment of the proposed volume of diesel to be stored on site (being the only type of hazardous substance specifically controlled under the District Plan), which identifies the risk ratio being within the permitted threshold.

## ***Landscaping***

A draft landscaping plan has been prepared, with the Applicant noting there is significant opportunity for landscaping on the site, with some 55% of the application site being open permeable surfaces. Planting is proposed along the site's entrance and accessway, and around the buildings. The stormwater pond in the north-western corner of the site will form an amenity area, with planting around this feature.

The Applicant notes there is significant opportunity for restoration of the Mangapiko Stream margins that border the southern boundary of the site.

### ***Earthworks and Construction***

Site investigations indicate that the presence of geotechnical instability, and ground improvements or specific foundation designs will be required for the development, with piles anticipated to be required to reach between 12m and 19m below ground level.

Pre-loading of the soils to induce settlement is proposed. Some 60,000m<sup>3</sup> of clean fill material is anticipated to be imported onto the site for pre-loading, with these soils to be removed some 12 to 18 months later.

Earthworks will be required over an area of 70,000m<sup>2</sup>, with a total volume of 292,000m<sup>3</sup> of soil disturbance (including cut to fill, importation of fill, and removal of unsuitable materials) proposed. Cuts of up to some 4.3m metres and fill of up to 6.8m are indicated. Erosion and sediment controls are proposed, including a stabilised construction entrance, super silt fences along the earthworks boundaries, decanting earth bunds and dirty water diversion bunds.

### **Amendments to Application**

The application was amended as part of the S.92 response dated 8 July 2022 and included an alternate access and entrance design which was facilitated by the purchase of 417 and 381 Racecourse Road.

The S.92 Response also provided the following amendments to the application;

- Provision for colour and facade treatment to provide additional mitigation of visual and landscape effects,
- Provision for additional planting along the former racecourse boundary (although this is no approval for the proposed landscaping strip within the former racecourse land),
- Reassessment and reduction of traffic generation associated with operational traffic, and
- Clarification of details in relation to fencing and signage along entrance to the site.

## **1.4 Process Matters**

The application material includes the primary AEE and appendices, a response to the Section 92 request which is dated 8 July 2022. In addition, the Applicant has provided additional assessment (email and attachments received 1 September 2022) of the actual and potential effects of the activity in terms of the statutory notification assessment.

It is noted that a concurrent application for air discharge, stormwater discharge and imported clean fill for preloading is also being processed by the Waikato Regional Council. Waipa District Council and the Waikato Regional Council have been liaising in terms of the respective assessments of the application material and the processing of the applications.



## 2 REASON FOR THE APPLICATION

A land use consent as described under Section 87A of the Act is required for the reasons set out below.

### 2.1 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES)

These regulations came into force on 1 January 2012 and apply when a person wants to do an activity described in Regulation 5(2) to 5(6) on a piece of land described in Regulation 5(7) or 5(8). Following a review of the historical aerial photographs contained within Council's records, a HAIL activity does not appear to have been undertaken on the site. In accordance with Regulation 5(7), the site is not a 'piece of land' and consent is not required under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

### 2.2 Waipā District Plan Rule Assessment

An assessment of the proposal's compliance with the relevant rules of the District Plan has been completed. In summary, Table 3 below outlines the relevant rules relating to the proposed activity.

Rule #	Rule Name	Status of Activity	Comment
<b>SECTION 2 - RESIDENTIAL ZONE</b>			
2.4.1	Activity status table	Non-complying	The activity is not listed in activity status table Rules 2.4.1.1 to 2.4.1.4, and therefore requires consent as a non-complying activity
2.4.2.8	Maximum building length	Restricted discretionary	The proposed acoustic fences to be installed along the accessway adjoining Residential Zone sites will exceed the maximum building length control. This non-compliance results in the proposal requiring consent as a restricted discretionary activity.
2.4.2.26	Noise	Discretionary	The level of noise predicted to be received at 381 Racecourse Road will exceed the permitted daytime limit of 50 dBA by 3 dBA, and at 417 Racecourse Road by 1 dBA. This non-compliance results in the proposal requiring consent as a discretionary activity.
2.4.2.33	Sign	Discretionary	Proposed Signage exceeds the permitted provisions.
2.4.2.35	Earthworks	Discretionary	Proposed earthworks exceed the permitted activity rule provisions for of 25m <sup>3</sup> or 250m <sup>2</sup> .

<b>SECTION 7 – INDUSTRIAL ZONE</b>			
7.4.1	Activity status table	Restricted discretionary	The proposal is located within a Specialised Dairy Industrial Area and is not an activity listed as permitted in this area, and therefore requires consent as a restricted discretionary activity under Rule 7.4.1.3(d).
7.4.1	Activity status table	Non-complying	The activity is not included in activity status table Rules 7.4.1.1 to 7.4.1.4, and therefore requires consent as a non-complying activity under Rule 7.4.1.5(m).
7.4.2.2	Minimum building setback from internal boundaries	Discretionary	Buildings required to be setback 5m from internal site boundaries that adjoin any zone other than the Industrial Zone. The acoustic fence will be up to 2.5m tall and located on the boundary with the former racecourse.
7.4.2.6	Height	Discretionary	The proposed structure will have a height of up to 38m as it relates to the chimney stacks, where a maximum height of 20m applies in this zone.
7.4.2.11	Design and layout of development adjoining water bodies and reserves	Discretionary	The design and layout of buildings are required to be designed to ensure adjoining water bodies and reserves are fronted by a transparent window comprising clear glass or similar to provide active engagement with the feature.
7.4.2.13	Landscaping and screening	Discretionary	Along boundaries adjoining the Residential Zone or Deferred Residential Zone, a 3m deep landscaping strip is required and the landscaping shall form a solid screen. A landscaping strip and solid visual screen is not proposed along the boundary common with the Racecourse land.
7.4.2.18	Noise	Discretionary	Compliance of noise limits will not comply at the site boundary.
7.4.2.32	Earthworks	Discretionary	Permitted volume of 1,000m <sup>2</sup> is exceeded.
7.4.2.34	Temporary construction buildings	Restricted discretionary	Construction duration will exceed one year.
<b>SECTION 15 – INFRASTRUCTURE, NATURAL HAZARDS, DEVELOPMENT &amp; SUBDIVISION</b>			
15.4.2.14	Site suitability: within or adjoining a Flood Hazard Area	Non-complying	Performance standard in terms of site levels have been identified by the Applicant as non-complying in terms of freeboard.
15.4.2.15	Site suitability: within or	Non-complying	Part of site development is located in a High Risk Area

	adjoining a Flood Hazard Area		
15.4.2.18	Infrastructure within the urban limits	Non-complying	Part of the recycling wastewater will be collected and disposed to an off-site facility.
SECTION 16 - TRANSPORTATION			
16.4.2.5	Vehicle entrance separation from intersections and other vehicle crossings	Discretionary	The proposed vehicle crossing will be located 7.5m from a neighbouring crossing, where a distance of either less than 4m or more than 11m is required.

**Table 3:** District Plan rule assessment

As outlined in the table above, the application is deemed to be a Non-Complying Activity being the highest status indicated by the above rules.

### 3 STAFF/TECHNICAL REVIEW COMMENTS

Advice and technical review comments have been received from the following personnel and have informed the notification assessment and recommendation;

- Noise - Rhys Hegley (Hegley Acoustic Consultants)
- Transportation - Naomi McMinn (Graymatter Limited)
- Reserves/Open Space - Anna McElrea (Xyst Limited)
- Infrastructure and Servicing Eva Cucvarova (Waipa DC)

The comments and technical advice are discussed further in the notification assessment below.



## **4 ASSESSMENT FOR THE PURPOSE OF PUBLIC NOTIFICATION**

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### **4.1 Adequacy of information**

It is my opinion that the information contained within the application (which includes the S.92 response and additional assessment from the applicant on notification) is suitable for the purpose of making a recommendation of and decision on notification.

I note that the Applicant has consulted with mana whenua however the response and feedback is ambiguous as it provides some positive responses to the proposed development while also supporting a Cultural Impact assessment to be completed and reserving a right to make a submission in the event that the application is publicly notified.

I have also had an opportunity to review a draft notification report for the regional council consent applications in which there are a number of areas where insufficient information has been presented to reach a decision that the effects of the proposal are minor. This assessment has been taken into account as part of the land use matters where there is some overlap in assessment.

### **4.2 Mandatory Public Notification - Section 95A(2) & (3) – Step 1**

Council must publicly notify the resource consent where:

- a) it has been requested by the Applicant; or
- b) a further information request has not been complied with or the Applicant refuses to provide the information pursuant to Section 95C; or
- c) the application has been made jointly with an application to exchange recreation reserve land under Section 15AA of the Reserves Act 1977.

In this instance, none of the above situations apply, therefore public notification is not required under Section 95A(2) and 95A(3).

### **4.3 Public notification precluded – Section 95A(5) – Step 2**

The consent is for a resource consent for one or more activities and there are no rules in a National Environmental Standard or the District Plan relevant to this proposal that preclude public notification.

The application is not for a resource consent for one or more of the following:

- a) Controlled activity;
- b) A restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity;

As such, the application is not precluded from public notification.

#### **4.4 Public notification required in certain circumstances – Section 95A(8) – Step 3**

Council must publicly notify the resource consent where:

- a) The application is for a resource consent for one or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification; or
- b) The consent authority decides, pursuant to Section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

In this instance, public notification is not required by a rule or a national environmental standard. Refer to Section 4.5 and 4.6 of this report for Council's assessment of the effects.

#### **4.5 Effects that may or must be disregarded – Section 95D(a), (b), (d) and (e)**

Pursuant to Section 95D, if a rule or national environmental standard permits an activity with that effect the adverse effect of that activity may be disregarded.

##### **4.5.1 Permitted Baseline**

Pursuant to Section 95D, a Council may disregard an adverse effect of the activity on the environment if the plan or a national environmental standard permits an activity with that effect (i.e. the Council may consider the 'permitted baseline'). The permitted baseline is a concept designed to disregard effects on the environment that are permitted by a plan or have been consented to with regard to who is affected and the scale of the effects.

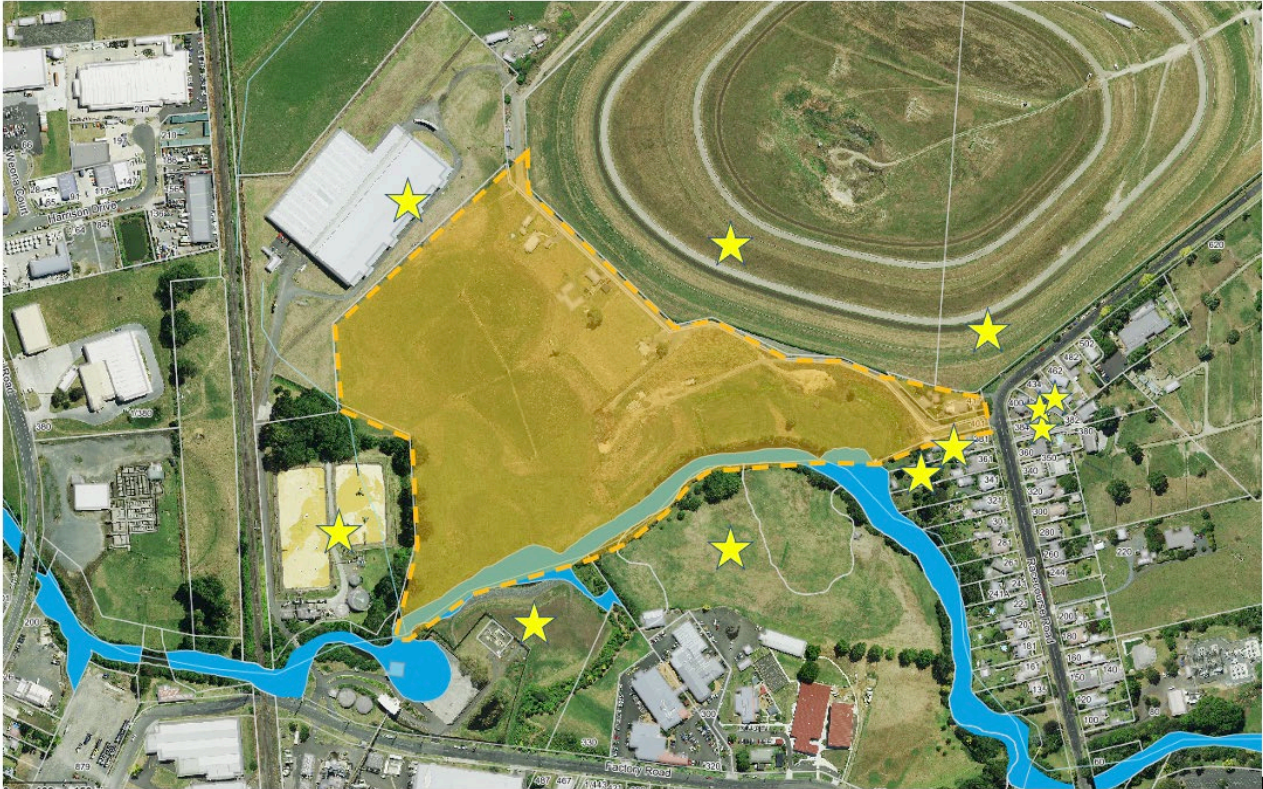
The District Plan provides for industrial activities on the site as a permitted activity and subject to series of performance standards. These standards include bulk and location standards, landscaping, noise and vibration, signage, and maximum earthworks standards.

The site would have the opportunity to establish a range of industrial and service activities on the site and it is appropriate to consider the effects of 'complying' industrial activities as a permitted baseline. This includes the opportunity to building to a maximum height of 20m.

In my view there are two factors that limit the application of the permitted baseline. Firstly, the site is subject to a flood hazard overlay so this places a qualification of the extent of development that can occur on the site as a permitted activity. The second matter is that the access leg to the site has a Residential Zoning. This may infer that the industrial development of the site was anticipated to be served and developed from the Factory Road and that the residential dwellings along Racecourse Road would not have otherwise anticipated an entrance to a significant industrial activity.

**4.5.2 Land excluded from the assessment**

For the purpose of assessing an application to establish whether public notification is required, effects on owners and occupiers of the subject site and adjacent sites, and persons whom have given written approval **must** be disregarded. The adjacent properties to be excluded from the public notification assessment are shown in Figure 8 below.



**Figure 8:** Adjacent properties map (Subject site highlighted in red)

The Applicant has advised as part of the material submitted with the S.92 response (Terra Consultants letter dated 8 July 2022) that they have purchased 417 and 381 Racecourse Road.

In addition, a written approval has been received from Dave Owen and Angela Holt as the registered owners of 417 Racecourse Road. As such no assessment of effects is required on this party.

**4.6 Assessment of Adverse Environmental Effects – Section 95D**

Part 2 of the Act explains the purpose is to “promote the sustainable management of natural and physical resources”. In addition, it is noted the meaning of ‘effect’ is defined under the Act as:

- In this Act, unless the context otherwise requires, the term **effect** includes—*
- (a) any positive or adverse effect; and*
- (b) any temporary or permanent effect; and*
- (c) any past, present, or future effect; and*
- (d) any cumulative effect which arises over time or in combination with other effects — regardless of the scale, intensity, duration, or frequency of the effect, and also includes—*



- (e) *any potential effect of high probability; and*
- (f) *any potential effect of low probability which has a high potential impact.*

The following assessment has taken into account the AEE and technical appendices submitted by the Applicant and the advice and technical reviews undertaken on behalf of Waipa District Council.

#### **4.6.1 Landscape and Visual Effects**

The main building for the furnace and boiler system will occupy 7,124m<sup>2</sup>, with the height of the building reaching a maximum of 35m (30m at eaves) with the chimney stack, located at the western end of this building having a maximum height of 38m above ground level.

The building height exceeds the maximum permitted height of 20m by a significant proportion and the Applicant has presented comprehensive information on the landscape context of the site and locality and potential effects on landscape values and visual effects. The Applicant proposes substantial amounts of planting to mitigate the effects of the bulk and height of the development and also proposes building colours and facade treatment to further mitigate effects. The Applicant's assessment is that any effects on the environment will be no more than minor.

It is noted that the site is zoned for Industrial activities and does not hold any specific landscape values in terms of the District Plan planning framework. The other industrial activities including the Fonterra site also provide a context and backdrop of large buildings and structures which are considered to moderate the effects of the bulk and height of the proposed development.

Having carefully considered the issues associated with the scale and the proposed buildings, I have reached the view that the adverse effects in terms of landscape values and visual character are likely to be more than minor. The assessment is based on the following considerations:

- The proposed building height significantly exceeds the permitted activity height of 20m,
- While comprehensive planting is proposed, this will have limited utility in terms of mitigating the additional height of the building development above 20m given from various vantage points and perspectives,
- The mitigation will take a number of years to be established in order to provide any or effective mitigation,
- Advice received from the regional council confirms the Applicant's assessment that in certain climatic conditions, the air discharge will be visible as a water vapour plume. This will provide additional focus and prominence to the industrial activity and its effects in terms of landscape and visual effects, and

- From the landscape assessment and visual montages which run in series of no planting, planting after 5 years and planting at maturity, it is clear that the planting and visual effects of the buildings can be mitigated from some perspectives and is heavily influenced by orientation and respective levels with the site. There are other perspectives where the landscaping and planting provides little mitigation and this demonstrates the variability of vantage points around and to the site.

In my opinion, the extensive planting and context of the site will provide mitigation of landscape and visual effects to a varying degree depending on the orientation and perspective of the viewer. The building will have a wide viewing catchment and given the matters raised above, I have considered that there are adverse effects in terms of landscape and visual effects that are likely to be more than minor.

#### **4.6.2 Noise and Other Amenity Effects**

The Applicant has presented a noise report outlining the noise sources from construction and ongoing operation noise. This had modelled noise levels which show compliance at the site boundaries or within the property boundary of the adjacent sites.

The noise report has been independently reviewed and this has largely endorsed the noise assessment although there have been some questions raised in terms of the compliance assumptions based on noise emissions and the adjacent racecourse site.

As the noise emissions only affect the adjacent properties, it is considered that any adverse effects in terms of the broader environment are less than minor.

Amenity effects may also arise through the 24/7 operation of the site, additional traffic movements, lighting, signage and also are tied to the visual and landscape effects discussed above. Generally speaking, the level of amenity effects will reduce with increasing distance from the site and will be influenced by the context of the receiver's site and proximity to other activities and transport corridors.

In my view, careful consideration will need to be given to the conditions of any consent to ensure that any adverse effects are appropriately mitigated, particularly given the 24/7 nature of the activity. Taking into account the mitigation measures proposed by the Applicant, in my opinion it will be possible to impose conditions such that the adverse effects on amenity values with regard to the broader environment will be minor.

#### **4.6.3 Effects on the roading network**

Traffic and the effects on the roading network are an instrumental part of the District Plan direction to ensure an integrated approach to land use and transport. At a local scale the integration of new activities need to ensure that the roading network can continue to function in a safe and efficient manner.

A Transportation Assessment prepared was included with the application which assessed operational traffic to be 378 movements per day (2,890 car equivalents per day) with a peak movement of 84 vehicle movements per hour. This assessment was revised as part of the S.92 response to a 185 movements per day (1,360 car equivalents per day) based on a more refined assessment and description of the likely operational traffic.

A key amendment which is presented in the S.92 response is also a revised dual lane industrial vehicle entrance onto Racecourse Road which has been facilitated by the Applicant's purchase of two properties adjoining the access leg serving the site.

The original application material and the S.92 response have been independently reviewed and this has not identified any issues in terms of the capacity of the roading network or safety and efficiency issues that will have more than minor adverse effects. It is noted that consultation with Waka Kotahi was recommended and this has not been undertaken.

It is considered that there are no transportation issues which would require public notification.

#### **4.6.4 Effects on Infrastructure**

How and where infrastructure occurs is critical to the suitability of a development and the resulting use of the area.

Technical review comment have been received from Councils Development Engineers with respect to water supply, wastewater, stormwater and earthworks.

In terms of water supply, Waipa Council is currently finalising water modelling to ascertain whether it will be possible for the municipal network to supply the Applicant's assessed water demand of 170m<sup>3</sup>/day. The application has been submitted on the basis that the network will be able to provide this supply and that Council will need to complete the water modelling exercise.

If the municipal supply does not have sufficient capacity to supply the Applicant's demand, then Council has the ability to refuse a connection and therefore any adverse impacts on the water reticulation network are safeguarded by any new connection being at Council's discretion. As such, there are no adverse effects that can be contemplated which have more than a minor effect, as in any such scenario the Applicant would not be able to secure a connection. Clearly, the Applicant's proposal and industrial process is heavily dependent on a water supply and if the water modelling demonstrates that any connection is problematic, then the Applicant will need to revisit its proposal and identify an alternate water supply.

Wastewater disposal to the municipal reticulation network will include normal flows from amenities for staff and the visitor centre. This has been assessed at a volume of 26m<sup>3</sup>/day and Council's Development Engineers have confirmed that this is acceptable.



There will also be wastewater collected from the recycling building and this will be collected into storage tanks and transported off site to a managed waste facility. There is also 120m<sup>3</sup>/day of wash down water which is proposed to be transported off site.

The Applicant is proposing a private stormwater collection and treatment process and this will require discharge consents which are being processed by the Waikato Regional Council. Waipa Council Development Engineers have raised some concerns regarding the ground water levels and potential issues with the design of retention ponds which will need to be further examined as part of the regional council consenting process.

In term of the identified flood hazard overlay, the Applicant has provided an assessment of the site development in terms of potential flood levels on the proposed development and in terms of whether the works will displace floodwater or exacerbate flood levels on surrounding sites and property. Minimum floor levels have been identified for the future buildings and the assessment has modelled a water level increase of 120mm with a flood spread of *2m in isolated places*. It is noted that the regional council is taking a lead role in regards to the effects on flood areas and levels and they have raised a number of issues with the quality of information and assessment regarding the identified flood issues.

Overall, based on the technical reports provided with the application and Council's Development Engineering Team advice, it is my opinion that any adverse effects on infrastructure and servicing will be less than minor, noting that the stormwater design and treatment system will be further assessed by the regional council.

In terms of flood impacts, I defer to the regional council assessment and the conclusion that it is not possible to reach a conclusion that the adverse effects are less than minor.

#### **4.6.5 Cultural Values**

The site is subject to the Mangapiko Stream – Cultural landscape Area and the Applicant has provided evidence of consultation with mana whenua including a response email from Alana Mako of Waikato Tainui dated 28 June 2022.

The Applicant has recognised the cultural significance of the Mangapiko River which runs along the boundary of the site and has proposed setbacks for earthworks and building and is also proposing stormwater treatment processes for the discharge to the river. This discharge is subject to a consent process through the regional council.

It is difficult to come to a clear position on the cultural values of the site and any potential impacts given that a Cultural Impact assessment has not been completed and the response from Waikato Tainui is ambiguous.

Based on the material available to me, while there are no significant issues clearly identified in terms of cultural values, it is also apparent that a full assessment of cultural values and effects has not been completed.

On this basis, I cannot make a final assessment in terms of cultural values and I am also mindful that aspects of the proposal will be addressed through the regional council consenting process. In my opinion, a notification process will provide further opportunity to receive submissions and further information from mana whenua with regards to any actual or potential cultural effects.

#### **4.6.6 Summary of Effects**

I have not reached the view that all adverse effects of the proposal will be minor or less than minor and as such it is my opinion that the application warrants public notification.

### **4.7 Special Circumstances – Section 95A(9) – Step 4**

Section 95A(9) makes provision for Council to determine that public notification is required, notwithstanding any decisions regarding the other notification tests set out in S95A .

It is my recommendation that the application is notified on the basis that the adverse effects are likely to be more than minor as set out in the discussion above.

If this recommendation is accepted, then it is questionable whether a decision is required on special circumstances as the notification assessment must be followed in sequential steps with the adverse effects decision (Step 3) coming before the special circumstance decision (Step 4).

Certainly, there are many aspects to this application which are quite unique and which would in my opinion when considered as a whole could justify a decision for notification under special circumstances. These include;

- The nature of the waste to energy plant raises key issues around waste minimisation which has significant public interest,
- The proposal includes the use of an access leg which is part of the Residential Zone,
- The scale of the building bulk is significant in term of its non-compliance with the maximum permitted height of 20m, and
- The application has a non-complying status and represents a new form of technology and process for waste stream in the New Zealand Context.

In my opinion, if the application was not publicly notified in terms of an effects threshold, then there would be grounds for notification under special circumstances.

#### **4.8 Summary of Public Notification Assessment**

Pursuant to Section 95A, the application has been assessed to determine if public notification is required. In this instance, and for the reasons outlined above, it is considered that the proposal warrants public notification. For this reason the application is not required to be assessed pursuant to Section 95B for limited notification. However an assessment of parties to be served notice will be required as part of the service of the application.

### **5 SECTION 95 NOTIFICATION RECOMMENDATION AND DECISION UNDER DELEGATED AUTHORITY**

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Pursuant to section 95 A & B application LU/0323/21 for a non-complying activity shall proceed on a **Public Notified** basis for the reasons discussed above.

**Reporting Officer:**



**Todd Whittaker**  
**Consultant Planner**  
**Dated: 27/09/22**

**Approved By:**



**Quentin Budd**  
**Consents Team Leader**  
**Dated: 28 September 2022**