

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 25 –  
Rezoning

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**PRIMARY STATEMENT OF EVIDENCE BY RICHARD MATTHEWS**

10 March 2021

FOR GENESIS ENERGY LIMITED SUBMITTER #924

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## EXECUTIVE SUMMARY

1. In my evidence, I have proposed changes to the Proposed Plan Urban Development / Residential Zone provisions, based on submissions and further submissions made by Genesis Energy Limited (“**Genesis**”), seeking to ensure that the ongoing operation, maintenance and upgrading of the nationally significant Huntly Power Station (“**HPS**”) is not compromised through or affected by intensification in the Residential Zone.
2. I consider that Policy 4.1.13 (Huntly) should be amended to provide for reverse sensitivity effects on regionally significant infrastructure to be avoided or minimised, consistent with the wording already used in Policy 4.1.13(ii).
3. I consider that residential intensification in the northern extent of the proposed Medium Density Residential Zone identified in the Kāinga Ora proposal, in the area north of Bell Crossing Street and between Great South Road and the Waikato River which is located across the Waikato River from the HPS, would increase the potential for reverse sensitivity effects on the HPS. Amending the proposed Medium Density Residential Zone for Huntly to provide for residential intensification in this area to be a restricted discretionary activity with Council discretion restricted to options for mitigating reverse sensitivity effects on the HPS would appropriately address the Genesis submission (#1345.118) and would reasonably mitigate additional reverse sensitivity effects in this location.
4. I support the recommended “Future Urban Zone” provisions for:
  - a. A new policy that urban development is to be in accordance with a Structure Plan that must show “*How potential conflicts between new residential areas and existing industry, regional infrastructure, mineral extraction, or intensive farming operations will be mitigated including the use of setbacks, open space, or large lots to create a buffer area*” (new Policy 1.4(a)(xi), Structure Plans); and
  - b. Identification of the potential for reverse sensitivity effects as a matter to which the Council restricts its discretion for applications for general subdivisions [proposed Rule XX.4.1.2, RD1(c)(ii)], boundary relocations [proposed Rule XX.4.1.3, RD1(b)(ii)] and development consolidation lots [proposed Rule XX.4.1.4, RD1(b)(ii)].

## **INTRODUCTION**

5. My name is Richard John Matthews. I hold the qualifications of Master of Science (Hons) degree specialising in Chemistry and have been working on resource consent applications (and their former descriptions under legislation prior to the commencement of the Resource Management Act 1991) since 1979 and advising on Regional and District Plan provisions since 1991.
6. I am a partner with Mitchell Daysh Limited, a specialist environmental consulting practice with offices in Auckland, Hamilton, Napier, and Dunedin. Mitchell Daysh Limited was formed on 1 October 2016, as a result of merger between Mitchell Partnerships Limited and Environmental Management Services.
7. I prepared evidence for the Proposed Waikato District Plan, Stage 1: Hearing 1, Chapter 1 Introduction, Hearing 2, Plan Structure and All of Plan, Hearing 7, Industrial and Heavy Industrial Zone, Hearing 8A Hazardous Substances & Contaminated Land, Hearing 18 Rural Zone, Hearing 21A: Significant Natural Areas, and Hearing 22 Infrastructure and Energy hearings. My experience is set out in my earlier evidence.
8. I have been providing planning advice to Genesis Energy Limited with respect to HPS activities since 1999 and am familiar with the power station operations, the resource consents applicable to the site and the Operative Regional and District Plan provisions relevant to the site.

## **Code of Conduct**

9. While not directly applicable to this hearing, I confirm that I have read the “Code of Conduct for Expert Witnesses” contained in the Environment Court Consolidated Practice Note 2014. I agree to comply with this Code of Conduct. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

## **Scope of Evidence**

10. My evidence discusses the Genesis Submissions (submitter ID 924) and Further Submissions (submitter ID 1345) on the Proposed Waikato District Plan (“**PDP**”) with respect to the matters addressed in the Section 42A Report Hearing 25: Zone Extents – Future Urban Zone and Residential Medium Density Zone prepared by

Mr Jonathan Cleese.

### **Genesis Energy Limited Background and Submissions**

11. Section 2 of the Genesis submission and my Hearing 1 and 2 evidence sets out the background to Genesis' interests in the Waikato District.
12. Genesis owns and operates the HPS. The HPS is located on Heavy Industrial Zone land bordering Rural Zoned land and activities related to the power station operation, such as coal receipt and ash management activities, are located on Rural Zone land.
13. The Submissions made by Genesis in respect of the Residential Zone primarily relate to ensuring that the ongoing operation, maintenance and upgrading of the nationally significant HPS is not compromised through or affected by sensitive activities in the Residential Zone. In this statement I focus on provisions relating to reverse sensitivity matters.
14. I have read the Section 42A Reports relevant to Hearing 25: Zone Extents – Future Urban Zone and Residential Medium Density Zone and the evidence presented on behalf of Kāinga Ora with respect to their recommended Residential Medium Density Zone in Huntly. I do not propose to repeat the matters addressed in those reports other than to highlight particular points and focus on the aspects addressed in the Genesis submissions and further submissions.

### **Regionally Significant Industry**

15. I have identified in my earlier evidence statements that the Waikato Regional Policy Statement (“**Waikato RPS**”) sets out an extensive range of policy directives in relation to the built environment, including identifying Regionally Significant Industry, confirming my opinion that the HPS should be identified as Regionally Significant Industry in the Waikato District Plan.
16. The Section 42A report for Hearing 25 “Zone Extents – Framework report” prepared by Dr Mark Davey acknowledges (Appendix 3, paragraph 59, page 75) that the HPS is a regionally significant industry and I agree with that assessment.

### **Reverse Sensitivity**

17. In my Hearing 18 Rural Zone evidence I discussed the provisions relating to

potential reverse sensitivity effects on the HPS. That evidence is directly relevant to the potential for reverse sensitivity effects on the HPS from activities in the Residential Zone.

18. In particular, intensive residential development adjacent to or near existing infrastructure like the HPS is likely to give rise to greater potential for reverse sensitivity effects on that infrastructure, through increased awareness of noise or discharges simply because there would be a larger number of people in closer proximity.
19. I agree with the statement in Paragraph 27 in Appendix 3 of the Section 42A report for Hearing 25 “Zone Extents – Framework report” (page 72) that the existing built environment in the locality is relevant to zoning proposals and that residential zoning near existing industry is generally undesirable because of impacts on the amenity, health and safety of future residents and because of the potential for reverse sensitivity effects on industry.
20. The Section 42A Report “Hearing 25: Zone Extents – Future Urban Zone and Residential Medium Density Zone” correctly (in my opinion) states (paragraph 192, page 53) that the National Policy Statement on Urban Development, the Waikato RPS’ and the District-wide Growth and Economic Development Strategy all promote an urban form that includes intensification, where that will (my emphasis) **“avoid areas that would give rise to significant reverse sensitivity issues with existing industry, regionally significant infrastructure, or other established activities that cannot be readily mitigated”** (paragraph 192(7), page 53).
21. In its Further Submission (1345.118) on the Kāinga Ora submission (949.154), Genesis confirms that it is largely supportive of promoting a compact urban form and increasing density in already developed areas but that it is concerned that an increase in residential development or density creates the potential for reverse sensitivity issues for existing activities like the HPS.
22. The Section 42A Report “Hearing 25: Zone Extents – Future Urban Zone and Residential Medium Density Zone” recommendations (paragraph 221(9), page 62) note that:

...the geographic extent of a MDRZ will need to be determined on a township-by-township basis through the upcoming hearings and as such

site-specific concerns raised by submitters regarding matters such as the character of Raglan or reverse sensitivity issues with Huntly Power Station will be able to be considered in more detail.

23. I consider that the Genesis concern with respect to reverse sensitivity matters can be addressed in three ways by:
- a. Identifying reverse sensitivity as a matter for consideration for any new residential development or zoning;
  - b. Assessing whether the medium density residential zone proposed for this hearing could result in increased potential for reverse sensitivity effects; and
  - c. Providing for consideration of potential reverse sensitivity matters to be a matter of Council discretion for subdivision, boundary relocation or lot consolidation applications.
24. I discuss each of these below.

### **New Residential Development**

25. Chapter 4.1 of the PDP identifies the proposed Strategic Direction for the Urban Environment in the District. This includes several objectives and policies relating to urban growth, density and development.
26. The direction for development in Huntly is set out in Policy 4.1.13 which states:
- (a) Huntly is developed to ensure:
    - (i) Infill and redevelopment of existing sites occurs;
    - (ii) Reverse sensitivity effects from the strategic transport infrastructure networks are avoided or minimised;
    - (iii) Development is avoided on areas with hazard, geotechnical and ecological constraints.
27. As stated in Policy 4.1.13, reverse sensitivity effects are considered in (ii). To address reverse sensitivity matter for new residential development or zoning, I consider that Policy 4.1.13 should be amended as follows:
- (a) Huntly is developed to ensure:
    - (i) Infill and redevelopment of existing sites occurs;

- (ii) Reverse sensitivity effects from the strategic transport infrastructure networks or on regionally significant infrastructure are avoided or minimised;
- (iii) Development is avoided on areas with hazard, geotechnical and ecological constraints.

### **Proposed Medium Density Residential Zone**

- 28. A map of the proposed Medium Density Residential Zone for Huntly has been identified in Appendix 2 of the “Proposed Waikato District Plan (Hearing 25- Zone Extents): Proposed Medium Density Residential Zone – Kāinga Ora – Homes and Communities: Section 32AA Evaluation Report Prepared for Kāinga Ora – Homes and Communities”, prepared by Beca Limited in February 2021.
- 29. The proposed zone appears to have been prepared taking into account the desirability of more intensive development occurring around the town centre and in a way that generally avoids the potential for reverse sensitivity effects on the HPS, with the exception of the northern extent of the proposed zone on the east bank of the Waikato River.
- 30. Noise levels from any activities typically propagate more readily across water surfaces than across land. Likewise, potential visual effects may be more in areas where there would be a more direct line of sight toward the HPS. In that regard, the northern extent of the proposed zone identified in the Beca report is located across the Waikato River from the HPS. In my opinion, residential intensification in this area would increase the potential for reverse sensitivity effects on the HPS, particularly for that area along the riverbank between Great South Road and the Waikato River.
- 31. As I have noted above, the Genesis Further Submission (1345.118) on the Kāinga Ora submission (949.154) confirms that it is largely supportive of promoting a compact urban form and increasing density in already developed areas but that it is concerned about the potential for increased reverse sensitivity issues.
- 32. The increased potential for reverse sensitivity effects in the location I describe above could be addressed in several ways, including by removing this area from the proposed Medium Density Residential Zone or by requiring any intensive development in this area to take steps to mitigate potential reverse sensitivity

effects. The latter could include increased acoustic insulation (as described in Appendix 1(6) in the Proposed Waikato District Plan) or covenants on titles alerting prospective owners to the matter.

33. In my opinion, amending the proposed Medium Density Residential Zone for Huntly to require that reverse sensitivity mitigation options be assessed for any residential intensification in the area north of Bell Crossing Street and between Great South Road and the Waikato River would appropriately address the Genesis submission (#1345.118) and would reasonably avoid additional reverse sensitivity effects in this location.

34. This could be achieved by:

a. Amending proposed permitted activity Rule 16A.3.1 Dwellings P1 to read:

*Up to three residential dwellings per site, **except for sites north of Bell Crossing Road and between Great South Road and the Waikato River in Huntly.***

b. Amending proposed restricted discretionary activity Rule 16A.3.1 Dwellings RD1 to read:

(a) *Four or more residential dwellings per site, **or on any site north of Bell Crossing Road and between Great South Road and the Waikato River in Huntly.***

(b) *Council's discretion shall be restricted to any of the following matters:*

*(i)...(vi) (unchanged)*

**(vii) For any site north of Bell Crossing Road and between Great South Road and the Waikato River in Huntly, provision of options to mitigate potential reverse sensitivity effects on the Huntly Power Station.**

35. The area of the proposed medium density zone I consider should be subject to the amended rule discussed above is identified in the plan in Appendix 1 as the area enclosed within the black line and labelled "Restricted Discretionary Activity Area".

### **Reverse Sensitivity - Subdivision**

36. The Section 42A Report “Hearing 25: Zone Extents – Future Urban Zone and Residential Medium Density Zone” recommendation with respect to the proposed new chapter “Future Urban Zone” (pages 36 – 42 and included in Appendix 2: Recommended text changes) includes:
- a. A new policy provision for urban development to be in accordance with a Structure Plan that must show “*How potential conflicts between new residential areas and existing industry, regional infrastructure, mineral extraction, or intensive farming operations will be mitigated including the use of setbacks, open space, or large lots to create a buffer area*” (new Policy 1.4(a)(xi), Structure Plans); and
  - b. Identification of the potential for reverse sensitivity effects as a matter to which the Council restricts its discretion for applications for general subdivisions [proposed Rule XX.4.1.2, RD1(c)(ii)], boundary relocations [proposed Rule XX.4.1.3, RD1(b)(ii)] and development consolidation lots [proposed Rule XX.4.1.4, RD1(b)(ii)].
37. I support these provisions in the policy and rule framework for future urban development as they give appropriate consideration to the potential for reverse sensitivity effects arising from future development.

### **CONCLUSION**

38. I consider that Policy 4.1.13 (Huntly) should be amended to provide for reverse sensitivity effects on regionally significant infrastructure to be avoided or minimised, consistent with the wording already used in Policy 4.1.13(ii).
39. I consider that residential intensification in the northern extent of the proposed Medium Density Residential Zone identified in the Kāinga Ora proposal, in the area north of Bell Crossing Street and between Great South Road and the Waikato River which is located across the Waikato River from the HPS, would increase the potential for reverse sensitivity effects on the HPS. Amending the proposed Medium Density Residential Zone for Huntly to provide for residential intensification in this area to be a restricted discretionary activity with Council discretion restricted to options for mitigating reverse sensitivity effects on the HPS would appropriately address the Genesis submission (#1345.118) and would

reasonably mitigate additional reverse sensitivity effects in this location.

40. I support the recommended “Future Urban Zone” provisions for:
- a. A new policy that urban development is to be in accordance with a Structure Plan that must show “*How potential conflicts between new residential areas and existing industry, regional infrastructure, mineral extraction, or intensive farming operations will be mitigated including the use of setbacks, open space, or large lots to create a buffer area*” (new Policy 1.4(a)(xi), Structure Plans); and
  - b. Identification of the potential for reverse sensitivity effects as a matter to which the Council restricts its discretion for applications for general subdivisions [proposed Rule XX.4.1.2, RD1(c)(ii)], boundary relocations [proposed Rule XX.4.1.3, RD1(b)(ii)] and development consolidation lots [proposed Rule XX.4.1.4, RD1(b)(ii)].

Richard Matthews

10 March 2021

## Appendix One: Proposed Medium Density Residential Zone Amendment

### Proposed Waikato District Plan Amended Zoning Plan

