

# SUBMISSION ON A PROPOSED PLAN CHANGE

Clause 6 of First Schedule, Resource Management Act 1991

Proposed Plan Change 4 (Noise) to the Rotorua District Plan

To: The Chief Executive  
Rotorua Lakes Council

Email: [anita.galland@rotorualc.nz](mailto:anita.galland@rotorualc.nz)

## Submitter Details

Full name of submitter: **Mercury NZ Limited ("Mercury")**  
Contact name: *Miles Rowe*  
Address for service: *PO Box 445  
HAMILTON 3240*  
Contact phone number: *(07) 857 0342 or 027 276 2532*  
Email: *miles.rowe@mercury.co.nz*

## Submission

This is a submission on the Proposed Plan Change 4 (Noise) to the Rotorua District Plan.

This submission is prepared in general accordance with Form 5 in Schedule 1 of the Resource Management (Forms, Fees and Procedure) Regulations 2003.

Mercury could **not** gain an advantage in trade competition through this submission.

**Mercury wishes to be heard in support of its submission.**

If others make a similar submission, Mercury will consider presenting a joint case with them at the hearing.



---

Stephen Colson  
**Manager Planning & Policy**  
Mercury NZ Limited

Date: 18 July 2017



# 1 Introduction

This document contains the submission by Mercury NZ Limited ('Mercury' or 'the Company') on Proposed Plan Change 4 – Noise ('the Plan Change') to the Rotorua District Plan.

This submission is structured as follows:

- Section 2 provides a brief introduction to Mercury and its activities within Rotorua District;
- Section 3 sets out submissions relating to particular provisions that affect the activities and interests of Mercury.

# 2 Mercury NZ Limited

Mercury is a publicly listed company and the third largest electricity generator in New Zealand, typically generating about 17% of New Zealand's electricity. In addition, the Company is the third largest retailer in New Zealand, selling electricity through various retail businesses.

Mercury's portfolio of generation assets throughout the North Island generate over 6,600 gigawatt hours of electricity per year. 100% of the Company's generation comes from renewable resources. This is comprised of the Waikato Hydro Scheme on the Waikato River, which includes part of the Ohakuri site in Rotorua District, and geothermal power stations in the Waikato and Bay of Plenty regions. In addition, Mercury has geothermal development interests in Rotorua District.

Mercury has an interest in the noise provisions in the Rotorua District Plan relating to the development and operation of renewable electricity generation activities, including for the purpose of drilling operations. Mercury also has an interest in noise provisions addressing reverse sensitivity effects on existing generation assets.



### 3 Specific Submissions

The section sets out the submissions by Mercury in relation to the Proposed Plan Change 4.

Specific Provision	Support / Oppose	The Submission is:	Relief Sought (additions <u>underlined</u> , deletions <del>struck through</del> ):
All of Plan Change 4	Support	<p>Mercury generally supports the reasons for the Plan Change, including reducing repetition, reducing inconsistencies in different parts of the Plan, condensing the noise provisions in a single chapter of the Plan, and addressing effects on noise sensitive activities in a more consistent manner.</p> <p>Mercury in particular supports:</p> <ul style="list-style-type: none"> <li>• Changes 3 &amp; 4 – new definition for ‘noise level’ that references relevant New Zealand Standards, and exemptions that apply, including ‘emergency drilling in relation to geothermal bores’.</li> <li>• Change 6 – new performance standard A116.3.2 for noise sensitive activities within the Electricity Generation Core Site Noise control Boundary.</li> <li>• Change 10 – amended definition for ‘noise sensitive activities’.</li> <li>• Change 13 – new performance standard A11.6.4 for construction noise that references NZS6803:1999 Acoustics – Construction Noise.</li> </ul> <p>There is however some unintended consequences of deleting the noise provisions in the Zone chapters and amalgamating into a single chapter, as addressed in other parts of this submission.</p>	<p>To retain the provisions in the new Noise Chapter A11, including corresponding deletions to the noise provisions in the Zone chapters, except where otherwise requested by this submission.</p> <p>Any further and consequential amendments to achieve the intent of this submission.</p>
A11.5 Rules, Table A11.5.1 Activities in all Zones, Performance standards A11.6.1 and A11.6.2	Oppose	<p>Currently infrastructure is provided for under rules for Part 15 (Infrastructure) of the Plan rather than the rules applying to the respective Zones. In particular, Part 15.5 Rules states “<i>Infrastructure is not subject to the rules and performance standards within the zone chapters, unless specifically stated or referred to.</i>” This applies to the operation, upgrade and maintenance of existing hydro electricity generation facilities which is a permitted activity under Rule 15.5.32. Part 15 does not include any noise-related performance standards, but noise conditions may be imposed where a resource consent is required for infrastructure.</p> <p>However, new Noise Chapter A11 under this Plan Change does not make any particular provision for infrastructure activities covered by Part 15 of the Plan with the result that the rules in A11.5 apply to <u>any</u> activity in <u>all</u> Zones. This may be an unintended consequence of the Plan Change but creates a problem for infrastructure activities where, under the current Plan, the infrastructure is not subject to the rules and performance standards applying within the Zones chapters.</p> <p>This is of particular concern to Mercury for the Ohakuri Electricity Generation Core</p>	<p>To amend section A11.5 Rules as follows, or words to like effect:</p> <p>“... Permitted and controlled activities shall comply with the relevant performance standards in section A11.6, <u>except that these performance standards do not apply to infrastructure activities provided by Part 15 Infrastructure.</u> ...”</p> <p>To amend the rule in Table A11.5.1: Activities in all Zones as follows, or words to like effect:</p> <p>“Any activity stated as a permitted activity, <u>excluding activities permitted by Part 15 Infrastructure,</u> that does not meet the performance standards in A11.6.”</p>



Specific Provision	Support / Oppose	The Submission is:	Relief Sought (additions <u>underlined</u> , deletions <del>struck through</del> ):
		<p>Site, which is dual zoned (Rural Zone and Water Zone), including difficulties in reconciling between performance standard A11.6.1 (noise generated and received within the same zone) with performance standard A11.6.2 (noise generated and received within different zones) across Zone boundaries for the same activity.</p> <p>The consequence of this is that some infrastructure activities that are otherwise permitted by Part 15 under the Plan will be a restricted discretionary activity under the rule in Table A11.5.1 if they cannot meet the performance standards in A11.6.</p> <p>Mercury considers that changes are needed to A11.5 Rules and Table A11.5.1 to remedy this issue.</p>	<p>Any further and consequential amendments to achieve the intent of this submission.</p>
<p>Performance standards A11.6.1 and A11.6.1.9</p>	<p>Oppose in part</p>	<p>Performance standard A11.6.1 specifies the noise limits that apply to each of the Zones, from A11.6.1.1 (Residential Zones) through to A11.6.1.10 (Reserves, Community Assets and Water Zones).</p> <p>The opening sentence of A11.6.1 states “<i>Noise levels shall not exceed the following limits when measured at any point within the <b>boundary of the receiving site</b></i>” but A11.6.1.9 for the Rural Zones states “<i>Noise levels shall not exceed the following limits when measured at any point within the <b>notional boundary of any rural dwelling</b></i>” (emphasis added).</p> <p>Technical this means noise limits within the Rural Zone are required to be met at the boundary of the receiving site <b>and</b> at the notional boundary. Part 3.3 of the Council’s Section 32 Report relating to Change 2 – Location of Noise Measurement, makes it clear that for the Rural Zones the notional boundary of any rural dwelling is the appropriate noise measurement point. This can be remedied by amending the opening sentence of A11.6.1.</p>	<p>To amend the opening sentence of performance standard A11.6.1 as follows, or words to like effect:</p> <p><u>“Unless otherwise specified in A11.6.1.1 to A11.6.1.10 below, noise levels shall not exceed the following limits when measured at any point within the boundary of the receiving site:”</u></p> <p>Any further and consequential amendments to achieve the intent of this submission.</p>

