

Form 5
Submission on publicly notified proposal for policy statement or plan

Clause 6 of First Schedule, Resource Management Act 1991

To Rangitikei District Council

Name of submitter: ***Interested Residents of Marton and the Rangitikei***

Interested Residents of Marton and the Rangitikei is a collective of individuals who are generally less familiar with RMA processes but share common concerns about the actual and potential adverse effects of the **Proposal**¹ on the environment. The submitter is not a trade competitor, has no interest in the land and does not have interests in other land for this type of **Proposal** and, as such, considers that the submitter represents a community interest. The submitter has sought preliminary planning and pedological advice to inform this submission.

Background Information

The Rangitikei District Council Long Term Plan 2018-2028 was adopted by Council on 28 June 2018. Under section 101B(5) of the Local Government Act 2002 the infrastructure strategy covers thirty years, from 1 July 2018 to 30 June 2048. In this 234 page document the word 'Industrial' is used on only four places. The references to 'Industrial' where found on page 121: under *Statement of Service Provision* relates to Water supply;

Measuring the average consumption of drinking water per day per resident does not distinguish between different uses. Rangitikei's consumption is likely to be higher than in urban districts because of the comparatively high incidence of industrial and agricultural use of supply. However, since such consumers are measured, it is feasible to provide a secondary measure which more accurately represents domestic consumption.

On page 174 in Section 5 under *Marton Industrial* this relates to Russell Street, Station Road and Wellington Road. On page 177 in Section 5 under *Rural South Industrial* relates to Porewa, Greatford and Rangitoto and on page 229 in the *Additional information: Section 6* for the *Current and Estimated Future Demand*, the following is tabulated, (emphasis added as highlighted in yellow):

SCHEME	CURRENT AND ESTIMATED FUTURE DEMAND	
	2005	2018
Marton	<i>The need for capacity upgrades in Marton is not likely to be driven by population growth. The current population is around 5,500 people and this is expected to remain static over the next few years. However high levels of I/I from poor condition earthenware and concrete pipes are known to be causing overloading of the treatment ponds.</i>	<i>The ability to cater for new industry in areas such as Marton is a consideration for wastewater as well as water. New industrial developments could require additional investment in reticulation as well as treatment, depending on their nature, and this must be included in future planning. The acceptance of leachate from the Bonny Glen landfill is under investigation at the moment. Any future expansion of the landfill could affect demand for wastewater services to an extent. Council is looking at a holistic solution for wastewater in Bulls and Marton, by investigating the option of conveying Marton wastewater to Bulls for treatment.</i>

¹ ***Proposed District Plan Change Report for rezoning at 1165, 1151, 1091 State Highway 1, Marton***

The Regional Growth Study and subsequent Action Plan identified six key growth areas for the Rangitikei (on page 18)

1. *Tourism and visitor services – to work in conjunction with Ruapehu and Whanganui districts to extend mountain biking trails throughout the area and create a joint tourism marketing approach for the wider range of outdoor and cultural tourism operations.*
2. *Sheep and beef farming and processing – there are opportunities to improve on- farm productivity and to increase value-added processing.*
3. *Land use intensification – by maximising the productive use of high quality (class 1 and 2 soils) for dairying and arable/horticultural uses.*
4. *Manuka honey – to maximise currently underused hill country for Manuka honey production.*
5. *Fresh vegetables – there is opportunity to increase fresh vegetable production for export by undertaking a joint effort of growers to focus on particular export markets.*
6. *Poultry and grain processing – for the expansion of the industry for supply to China and other Asian countries.*

However, on page 18 an additional 7th item is recorded as follows;

7. *Forestry harvesting*

A key change in the District's economy will be the harvesting of large scale forests which were established during the 1990s. This will result in peak harvest from 2027 – 2029. From 2018 to 2047 40% of the district tonnage occurs within the Parewanui / Santoft Road area. From 2027 to 2032 50% of district tonnage occurs on 3 roads within the Hunterville forest area (Turakina Valley Road, West Road and Watershed Road)⁶.

For completeness Footnote 6 recorded that; "Further comments on the approach taken to manage this issue are on page 94." At page 94 the notes relate to Roding Group Activities, inclusive of pavements and drainage. The Council's Significant Projects list outlined on p. 38/39 of the LTP does not list an Industrial Hub for Marton. It is therefore surprising that a zone change notification is underway for a significant project in the absence of a revision to the LTP and a proposed Structure Plan.

This is a submission on the following proposed plan change (the proposal):

Proposed District Plan Change Report for rezoning at 1165, 1151, 1091 State Highway 1, Marton. The land parcel for the proposal is described as 216.6 hectares of LUC Class 2 farm land and has boundaries to Wings Line, State Highway 1, Makirikiri Road and the Main Trunk Railway. The submitter contends, in the absence of better information, that the subject sites (the land subject to the proposal) is valuable land and necessary for primary production in the long term for the benefit of Marton residents and the Rangitikei District and contributes to the environmental wellbeing of the New Zealand population². The submitter is advised at Section 4.2 of the Proposal that there are no proposed changes sought to the Objectives, Policies and Rules of the Industrial Zone in the Plan and that the proposal seeks a rezone of Rural Zone land to Industrial Zone under the current plan provisions. It is questioned whether the submitter is placed in the unenviable position of not being able to suggest amended or additional wording to the provisions of the plan to mitigate or address any perceived potential effect of the plan change on the greater environment because to do so may be contrary to current environmental case-law and invalidate the submission.³ Whether that plays out or not,

² Our land is a Taonga – an irreplaceable treasure and a source of life and wellness for our country. Our economy depends on it. Our history and culture are tied to it. However our productive land is at risk. The Government is proposing a National Policy Statement for Highly Productive Land to improve the way highly productive land is managed under the Resource Management Act 1991.

³ Aspects of the statutory scheme applied by the High Court in *Palmerston North City Council v Motor Machinists Ltd [2014] NZRMA 519 (HC)* have now been replaced by section 70 Resource Management Amendment Act 2013. The new section 32 came into force on 3 December 2013.

the Act under section 32 (3) applies in the case of a plan change, and the plan change is required to be evaluated under the unchanged objectives of the operative district plan. We note that the proposal states that no alternatives⁴ for industrial land locations were considered. The submitter notes references to watercourses, flooding and ponding in the proposal, but does not locate an Iwi Impact Assessment, Freshwater NPS Assessment⁵, and the NPS-UDC⁶.

The specific provisions of the proposal that my submission relates to are:

Section 74(1) of the RMA sets out that a Council must prepare and change its district plan in accordance with both its functions under Section 31, and the provisions of Part 2. As part of any proposed plan change the proposal and its effects must be demonstrated in terms of section 32 of the Act that it is appropriate and in accordance with the purpose and principles of the RMA 1991. Section 32 (s32) of the RMA is integral to ensuring transparent, robust decision-making on RMA plan proposals. The Resource Legislation Amendment Act 2017 (amendments to the Act) encourages a quantification of costs and benefits in a clearly articulated manner which is proportionate to the type of proposal.

The *Interested Residents of Marton and the Rangitikei* have a genuine concern that the public has not been provided with an adequate opportunity through the notification process to enable submitters to disseminate the actual and potential effects of the application prior to making this submission. The submitter says that the approach to the plan change is somewhat unfair. The Submitter is not provided with access to the same information that the Council (in the proposal) states that they will rely on for their requested decision to rezone the land. This fact is contrary to the principles of natural justice and disadvantages the submitter in a manner that cannot be fairly overcome at a later stage in the Schedule 1 process under the RMA.

Notified information:

1. The Property Group Limited: *Proposed District Plan Change Report for rezoning at 1165, 1151, 1091 State Highway 1, Marton* document dated August 2019⁷ (42 pages in total).

This is the only document notified.

In addition the submitted located the draft proposed District Plan Change –Rural to industrial – invitation for feedback (1-21 July 2019)⁸. This link contained the DRAFT Property Group Limited report to Rangitikei District Council entitled; Draft District Plan Change Report for rezoning at 1165 State Highway 1, Marton, dated June 2019. The document at the link is a pdf it is 35 pages in total and contains no technical reports. This document is not part of the notified information but was

⁴ Notified Proposal at Section 11 page 34.

⁵ The National Policy Statement for Freshwater Management 2014 (Freshwater NPS) sets out the objectives and policies for freshwater management under the Resource Management Act 1991. It came into effect on 1 August 2014 and amendments made in August 2017 took effect on 7 September 2017.

⁶ The National Policy Statement on Urban Development Capacity 2016 (NPS-UDC) recognises the national significance of: urban environments and the need to enable such environments to develop and change providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments.

⁷ <https://www.rangitikei.govt.nz/services/planning-resource-consents/district-plan/proposed-plan-change-1165-1151-and-1091-state-highway-1-marton>

⁸ <https://www.rangitikei.govt.nz/services/planning-resource-consents/district-plan/proposed-district-plan-change-rural-to-industrial-invitation-for-feedback-1>

located in a separate part of the Councils website, prior to this submission, the submitter considers it to be an earlier version of the notified document at Item 1 above.

The 42 page notified document makes reference to the following specialist reports that have been produced to support the assessment under s 72-74 and s 32, the submitter is advised these include;

1. Martin Visser, BMS (Hons), RMA Commissioner. Land Supply / Demand (Industrial Land Demand + filling 217Ha & Existing Industrial Zoning in the Region) dated July 2019.
2. Martin Visser, BMS (Hons), RMA Commissioner. Economic Impact Assessment dated June 2019
3. Thomas Consulting (Malcolm Thomas, BAgEcon), Soils Economic Output dated 6 June 2019

The submitter is advised that the following reports will be produced to inform the Proposed Plan Change if it proceeds to a hearing:

4. Tonkin and Taylor (Emily Wright) Geotechnical – to be undertaken prior to the hearing
5. WSP Opus (Matthew Evis) –to be undertaken prior to the hearing

And that written advice has been received regarding the following matters:

6. Rangitikei District Council (Arno Benadie, Principal Infrastructure Advisor) Infrastructure Capacity 19 July 2019
7. Consultant & WSP Opus (Martin Visser, Consultant undertaken in consultation with Matthew Evis, Traffic Engineer (WSP Opus)) Projected Traffic Volumes dated 4 August 2019.

The submitter is advised at 6.2 to refer to 'Project Traffic Volumes' report by Martin Visser but that document is not attached and not notified with the proposed plan change. At section 6. *Assessment of Potential Effects Resulting from the Rezoning of Additional Industrial Land*, the submitter is advised that 'The effects are summarised below, with any relevant specialist reports used to inform the assessment provided as appendices.' However, none of the 7 reports referenced above are indexed to the report⁹ or attached as an Appendix and are not notified with the Proposed Plan Change. The proposal also relies on a Berl Economics 'Upper North Island Industrial Land Demand Report' (2015) as set out in Economic Impact Assessment Report prepared by Martin Visser, however that report is not contained in the notified documents either.

Marton:

Marton is the hub of the Rangitikei district of the Manawatu-Wanganui region of New Zealand's North Island. Situated 35 kilometres southeast of Wanganui and 40 kilometres north-west of Palmerston North, it is the largest settlement in the Rangitikei district, currently with approximately 5000 residents. The town was established in 1866, Marton developed from a significant agricultural base. Industrialisation followed the development of the main North Island trunk line in 1878, with Marton strategically placed at the junction of the Wellington-Auckland and Wellington-New Plymouth lines. Marton was a thriving railway junction for the next 100 years. However, the restructuring of the railways during the 1980s saw a significant reduction in rail traffic through the Marton junction and heralded the closure of much of the town's manufacturing base. Unlike the towns of Bulls and Taihape, Marton is a significant distance from the state highways and is thus less likely to capture the passing traffic. It is therefore more reliant on the immediate population and service sectors for its ongoing vibrancy and economic success.

⁹ See Notified Proposal Report, at Contents on Page 3 of the PDF document.

My submission is that:

Marton is essentially a small rural town. The proposal to rezone approximately 217 ha of land is significant and appears out of step with the previous planning direction of council. The volume of industrial land appears larger than the combined total of industrial land in Marton. However, the ability for Plan provisions to respond in an agile manner where there is demand for long term investment in a region may lead to positive effects with flow on economic benefit to the region. The economic effect may provide the township with opportunities to address the shortcomings of the local infrastructure as reported in the LTP information captured above.

Economic effect must be balanced with the size of the proposed industrial land involved in the rezone and how that interfaces with other Local Government Act processes which would typically be subject to a Structure Plan and be linked to the Councils LTP. The proposal as notified is silent on both. The submitter contends that there are likely to be visual effects on the State Highway and Railway Line leading to the Marton town-ship and on Wings Line and Makirikiri Road particularly where an interface with a residential or rural zone occurs at a boundary road.

As New Zealanders we care about *Tiaki*.¹⁰ New Zealanders have a special connection to the land, and want to help visitors travel safely and conscientiously. The *Tiaki Promise*¹¹ has a set of guiding principles for visitors to follow, showing them how to contribute to preserving and protecting our land. At a regional level the size of the industrial zone as it leads into Marton and as visitor's experience the industrial zone is likely to have effects that have not been assessed in the Proposal.

The submitter is unable to ascertain the merits of the proposal due to the absence of fully referenced materials and the fact that some reports required to inform of the effects of the proposal are not complete prior to notification. The submitter assumed that the materials were complete on the Councils website and due to other competing commitments did not have an opportunity to advance its submission until Sunday 22/9/19. Had circumstances been different this matter would have been raised with Council at an earlier date, to provide Council with the opportunity to upload and notify the documents and/or extend the submission period. However, a single day on the 23/9/19 prior to the close of submissions at 5pm does not appear to be a viable option for any submitter to assess the volume of material inherent to most technical reports.

The submitter in the absence of the technical reports could not confirm the validity of Councils s 32 assessment of the proposal or Section 72-75 matters, or how the proposal demonstrates that it gives effect to the RPS (Horizons Regional One Plan), nor could the submitter locate how the proposal has been assessed against the District Plan Objectives and Policies in a manner that transparently and robustly demonstrates consistency with Part 2 and Section 32 of the RMA. The proposal appropriately references the presence of the *Leedstown Fault* in relation to the land and the Mfe guidelines for active faults. However, at 6.4.3 this is linked to an acknowledgement that there are identified risks due to flooding, ponding, active fault-lines and there is a requirement for more robust detailed geotechnical assessment of the land. It suggests that the report (which is not available at this time) may identify that areas of the rezoned Industrial Land should not be used for Industrial purposes.

¹⁰ Tiaki means to care for people and place.

¹¹ Tourism New Zealand

I seek the following decision from the local authority:

While the submitter considers that Council might, (subject to advice¹²) be able to address the deficiencies in the notified documents by way of an extended further submissions process and that such a consideration may address natural justice matters and provide an opportunity for the submitter to refer specific matters to technical experts to inform their understanding of the proposal. It is unclear whether it would do so to a degree that the submitter would be comfortable in revising their primary submission that the proposed plan will not be in accordance with the purpose and principles of the RMA and is inappropriate in terms of section 32 of the Act. In addition the submitter seeks a clearly defined Structure Plan, detailing the proposed planting interface to the land from the South and Wings Line, State Highway 1, Makirikiri Road and the Main Trunk Railway. The Structure Plan should detail the planted corridors required for visual mitigation, denote plant sizes at time of planting, the variety of plants required to support lost biodiversity,¹³ detail the likely locations of any slip lanes for heavy transport vehicles entering and leaving the Industrial Zone from the State Highway and detail NZTA's approval of those connection points. In addition active engagement with Kiwirail would assist in the structure plan detailing likely locations for future rail sidings to the proposed Industrial land. The Structure Plan would logically identify no-build areas subject to the identified fault lines, any flood zones and/or mitigation ponds required for sediment control and/or stormwater controls in the future as the land use is converted from pastoral use to Industrial.

However, the relief sought for a detailed Structure Plan above, does not address the submitters contention that LUC Class 2 is highly productive land and that more robust information is required to satisfy whether it is consistent with the pending NPS-HPL and or the purpose of the Act to convert LUC Class 2 land to an Industrial use.

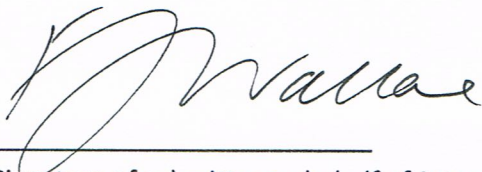
In the absence of the clarifications sought to understand the s32 as notified, the submitter advises that the proposed plan change is contrary to the sustainable management of natural and physical resources and is otherwise inconsistent with Part 2 of the Act (particularly Section 5(2)) and will impact significantly and adversely on the ability of people and communities to provide for their social, economic and cultural wellbeing.

The ***Interested Residents of Marton and the Rangitikei*** are **opposed** to the proposal in its current form, the proposal is not supported by robust technical assessment, the land rezoning has not been adequately assessed in terms of and the submitter says that in these circumstances they have no alternative but to seek that the proposal should be **declined**.

I wish to be heard in support of the ***Interested Residents of Marton and the Rangitikei*** submission. If others make a similar submission, I will consider presenting a joint case with them at a hearing.

¹² Any advice obtained should be transparently notified as part of further submissions.

¹³ Maseyk, F (2007) Past and Current Indigenous Vegetation Cover and the Justification for the Protection of Terrestrial Biodiversity within the Manawatu-Wanganui Region : Technical Report to Support Policy Development ISBN: 1-877413-78-X Report No: 2007/EXT/790



Signature of submitter on behalf of *Interested Residents of Marton and the Rangitikei*
(or person authorised to sign on behalf of submitter). 22nd September 2019

(A signature is not required if you make your submission by electronic means.)

Address for service of submitter: 15 Bond Street, Marton, 4710, New Zealand

Telephone: 06 327 7071

Fax/email: felicity@inspire.net.nz

Contact person: Ms F Wallace