
**Submission on Proposal to Change the Rangitikei District Plan
Proposed zoning of 217ha of rural land near Marton to Industrial
By Howard and Samantha Walsh**

To: Rangitikei District Council
Private Bag 1102
MARTON

1.0 EXECUTIVE SUMMARY

- 1.1 The Rangitikei District Council are proposing to zone 217ha of rural land to industrial near Marton. The submitters own land adjacent to the subject site and are concerned about the effects the proposed zone change will have on their property, workplace, and home as well as the general amenities of the area.
- 1.2 The submitters are particularly concerned that the level of information provided in the proposal, including on wastewater, drainage, wider impacts and traffic, is less than adequate to assess what the potential effects on them may be. The submitters are disappointed they were not consulted on this prior to notification as adjoining landowners. Consultation has been inadequate overall. Both consultation and evaluation, particularly given the scale of the proposal, are inadequate to comply with section 32 of the Resource Management Act, ('the Act') specifically and the Purpose and Principles of the Act as a whole. These include but are not limited to a whole of life cost analysis, integrated strategic planning, an appropriate tailored implementation plan, consideration of alternatives and whether the change is the best way to achieve the purpose of the Act, as well as how to avoid, remedy or mitigate the effects on the rural amenities. As such the Proposal also does not comply with, amongst others, OB1 of the National Policy Statement on Urban Development nor, inter alia, part 3 of the Regional Policy Statement.
- 1.3 The submitters are particularly, but not exclusively concerned about: the effect future development may have on the drainage of their property, that the permissive industrial rules do not require building setbacks or landscaping adjoining the rural zone, the potential discharges to air (odour, dust, toxic fumes), noise associated with industrial uses and traffic and traffic effects.
- 1.4 The proposed scale of the zone is extremely large and is unique for the area, with an associated potential for large-scale cumulative effects. The Proposed Plan change is justified as a unique opportunity to attract potential large-scale activities; however, reliance on existing rules, policies and objectives does not protect the site for that purpose and allows small-scale piecemeal development that could undermine the ability of Council to avoid remedy or mitigate the cumulative adverse effects of the holistic development. In addition, the Plan changes do not comply with the Council's section 31 functions, particularly with respect to control of effects. As a matter of good planning practice a Plan change of this significance should address whether existing section 75 issues are adequately addressed for the new zone.
- 1.5 The submitters oppose the proposed plan change. The opposition is conditional upon, at a minimum, their concerns being unresolved.

2.0 INTRODUCTION

- 2.1 Cheal Consultants Ltd were engaged by Howard and Samantha Walsh to make a submission on the Proposed Plan Change to Rangitikei District Plan (proposed zoning of 217ha of rural land near Marton to Industrial). Cheal are assisted by Edmonds Judd, Lawyers.
- 2.2 Howard and Samantha Walsh ("The Submitters") own and operate a dairy farm at 1206 and 1233 State Highway One, adjacent to two frontages of the proposed industrial land (Lot 1 DP 58092, Pt Lot 1 DP 4936 and Pt Lot 14 Deed 25A).

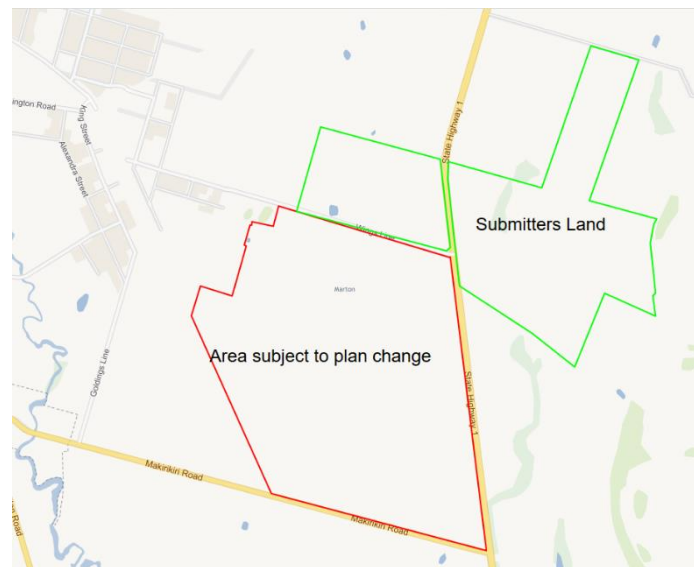


Image 1 Map of submitters landownership

- 2.3 The submitters are concerned about the effect the proposed plan change may have on their property, and how this will allow future unknown land uses to occur as permitted activities.
- 2.4 The submitters were not included in consultation prior to the plan change application or notification. Furthermore the plan change fails to assess the impact of the plan change on these adjoining properties.
- 2.5 The plan change documents fail to provide adequate information to assess fully the impact of the plan change on the submitters and their land.

3.0 KEY ISSUES

- 3.1 The following are the key issues the submitters consider to be important in relation to the proposed plan change:
- (a) Drainage/Earthworks;
 - (b) Discharges to air;

- (c) Industrial Noise;
- (d) Traffic Noise;
- (e) Traffic Generation;
- (f) Setbacks and Landscaping;
- (g) Assessment of alternative sites;
- (h) Loss of productive soils;
- (i) Economic Demand;
- (j) Water and Wastewater Infrastructure;
- (k) Lack of Consultation;
- (l) The appropriateness of the scale of the Plan change;
- (m) The speculative nature of the proposal;
- (n) Lack of an appropriate cohesive future plan including:
 - Specific proposed rules, objectives and policies for the site as a whole;
 - Consideration of cohesion with the ongoing development of the district;
 - Proposed mitigation of adverse effects;
 - Connectivity with the community;
 - Appropriate assessment of the likely cost of future infrastructure to Council;
 - Appropriate assessments against National Policy Statements;
 - Proposed staging;
 - Future impact on the development of Marton.

3.2 These key issues are assessed throughout this submission.

4.0 SUBMISSION

Drainage/Earthworks

4.1 The submitters are concerned that with future industrial development, earthworks may occur which will adversely affect the field tile drainage system, and new owners will not maintain this drainage system. This could prevent their property from adequately draining and compromise the productivity and value of their property. The submitters have field drains within their property which are required to drain the poor draining soils. These drains go under Wings Line into the area subject to the plan change. If the plan change area is earth worked and drains are compromised or not maintained the upstream drainage is affected, which would adversely affect the submitters' property. If the industrial land is subdivided, there will be multiple land owners to deal with which will further complicate the matter.

- 4.2 If the plan change is to progress, the submitters request that a comprehensive drainage plan is prepared and implemented prior to any works occurring within the plan change area, to avoid any adverse drainage effects to their property. Appropriate legal protection of the drains or drainage paths should be required within any final zone provisions.

Discharges to air

- 4.3 It is known that associated with heavy industrial areas there tends to be discharges to air – odour, fumes, dust. As the future land uses are currently unknown, there is a risk that toxic fumes, objectionable odour, and dust may adversely affect the submitter's property, which is also their workplace and home. The plan change enables this increased risk to potential exposure of irritable and/or harmful discharges to air and contamination of primary production land. No information has been provided on this matter in the plan change documents to enable adequate assessment.

Noise – Industrial

- 4.4 There is a risk if the land is zoned industrial and heavy industrial uses establish, the submitter's property, workplace and home will be subject to industrial noise. It is acknowledged that the industrial zone to be requires that "sound from any zone that is received in any other zone shall comply with the noise limits in the most sensitive noise zone", (i.e. rural zone) however the persistent 24 hour nature of noise emanated from the proposed industrial zone will adversely affect the character and the amenity of this rural zone. No information has been provided on this matter in the plan change documents to enable adequate assessment of the impact of noise on the existing homes and workplaces.

Noise – Traffic

- 4.5 There is a strong possibility that if the land is zoned industrial and heavy industrial uses establish, the submitter's property, workplace and home will be subject to an increase in traffic noise in the vicinity of their home and workplace. The nature of heavy vehicles and the possibility of 24 hour industrial activities and ongoing construction has the potential to impact on the day and night time noise environment on the adjoining properties.

Traffic

- 4.6 As a detailed traffic assessment has not yet been undertaken, there is insufficient information within the proposal to make an informed assessment as to the impact of the proposal on the traffic network and adjoining properties access and road use safety. The number of vehicle movements, timing of vehicle movements, vehicle routes and types of vehicle movements are all unknown.

- 4.7 It is anticipated that there will be a significant increase in heavy traffic especially at the Wings Line and State Highway One Intersection. The safety of this intersection and approaches to it are of paramount importance to the submitters, as they would most likely be first on the scene of accidents given their close proximity of living and working near this intersection. It is considered there will be a need to upgrade the State Highway One/Wings Line intersection, and the approaches to the intersection to safely manage the increase in traffic volumes.
- 4.8 Wings Line is a narrow rural road, which will need significant upgrading for the proposed increase in heavy trucks, and commuter traffic. Ability for walking and biking along Wings Line separate from the heavy traffic should also be included in these upgrades. These upgrades must not adversely affect both the road side and the drainage system which runs laterally under it.

Setbacks and Landscaping

- 4.9 The industrial zone has no requirements for building setbacks or landscaping adjoining the Rural Zone. It is considered there needs to be a building setback from the Rural Zone and a requirement for landscaping to help to provide mitigation from adverse visual, noise, and amenity effects.
- 4.10 It is considered that specific rules for this area should be developed, rather than applying the generic industrial rules to this area. The rules should at a minimum, include landscaping and setback requirements, the requirement for the comprehensive development plan, and the requirement for the legal protection of and implementation of appropriate drainage prior to any works on site.

Assessment of Alternatives

- 4.11 The proposal to zone 217ha of land as industrial was considered by the applicant to be more efficient and effective than to zone 100ha. However, it is not clear why 217ha of industrial land is needed at this time when the type of future industrial land use is unknown and speculative, and therefore the total area required over the next time period as industrial zoning is unknown. The proposal refers to large industrial activities such as Kinleith Mill, and Waingawa industrial areas requiring 150ha as examples. There is little information in the plan change documents detailing the time period over which the 217ha will developed nor a staging of the development. There is no protection of the land as targeted for large scale activities by prevention of the proliferation of small scale 'pepper-potted' subdivisions.
- 4.12 It is considered a suitable alternative is to zone 100ha, and if there is great uptake of development within this zone, further land could be rezoned over time.

4.13 The proposal does not include assessment of other potential locations for an industrial zone within the district or region. The proposal discusses the benefits of clustering similar or complementary activities. This could also occur at other existing industrial areas within the region or other rural sites. Population, housing, transport networks and amenities were not given sufficient consideration.

Economic Demand

4.14 The proposal does not demonstrate a demand for this land to be zoned industrial. The premise of the proposed plan change is to enable new investment in industrial activities in Marton by providing a large area of additional Industrial Zone Land. The Council are hoping that if there is land zoned industrial, then industrial business will come to Marton, and the target is the bio-forestry industry. The Long Term Plan 2018-2028 (LTP) states that large scale forest harvesting will peak from 2027-2029, and there could be more demand in 2043 as a result of the Governments "One Billion Trees" programme. There are many assumptions being made, and uncertainties around the necessity for this proposed plan change.

4.15 If the reason for the zoning the 217ha is to attract an industry that requires a large piece of land, then the area should be protected as such to prevent "piece meal" development occurring over time if a large industry doesn't eventuate. A requirement for use of this land should be a comprehensive development plan rather than many smaller ad hoc industrial developments, and/or significant restriction on future subdivision.

4.16 The economic report compares the economic benefits of the existing land use of grain, with the proposed land use of industrial which exaggerates the economic benefits. If more productive primary production land uses occurred on the land such as vegetable growing the difference in the economic benefits of industrial zone compared with the rural zone would be less.

4.17 The proposal suggests warehousing or bio-forestry on the site could result in approximately 1,800 to 2,400 FTE jobs across the district over a 10-year period. The concern about this potential job creation is the ability of Marton to have sufficient infrastructure to accommodate these new employees. There is already a shortage of suitable housing within Marton for existing residents. If the employees are going to commute from elsewhere, this will put pressure on the roading network, and does not contribute to the global efforts to curb CO2 emissions to reduce climate change. As no traffic impact assessment has been provided an assessment of this additional staffing traffic on surrounding roads and the submitters properties is not possible.

Loss of Productive Soils

4.18 The proposal acknowledges that there will be a loss of versatile soils, and concludes that the loss of the land area would likely have a small impact on the district. In light of the proposed National Policy Statement for Highly Productive Land, which has the overall purpose of maintaining productive land for its availability for primary production for future generations, and protect it from inappropriate subdivision, use and development; it is considered the loss of the highly productive land should be given more weight in the plan change decision making. The Manawatu-Whanganui Growth Study (2015) states the district has a significant amount of high quality land that could be made more productive, such as vegetable growing which would significantly boost the local economy and would provide benefits to Marton. This could be a viable alternative to maintain the productive land instead of rezoning it industrial.

Water and Wastewater Infrastructure

4.19 The submitter is concerned if new groundwater bores and groundwater takes are established to service the future industrial activity, these may have an adverse effect on their existing groundwater takes. No information has been provided on this matter nor on proposed wastewater infrastructure servicing in the plan change documents to enable adequate assessment. There is no evidence on the potential for future bore contamination or assessment of the likely impact of global warming.

Lack of Consultation

4.20 The submitters are questioning why they were not informed about this proposal earlier, given they are landowners adjacent to the subject site. They were not aware of the initial public consultation on the draft plan change as they do not receive the Whanganui Chronicle, and do not check the Council website. The submitters consider themselves to have a greater interest than the general public given the potential adverse effects on their property. This lack of early consultation is considered to prejudice the submitters in regards to procedural fairness, the inability of the submitters to input into the details of the plan change as notified and has provided difficulty for the submitters to obtain professional advice and prepare for this submission.

4.21 It is considered good planning practice to contact all adjacent landowners prior to public notification of a plan change, and this did not occur.

4.22 Further, the totality of lack of detail has prejudiced the ability of the public generally to submit. The process breaches good practice and law and cannot be adequately remedied by the preparation of information subsequent to the expiration of the submission period due to the scale of the deficiencies.

5.0 CONCLUSION

- 5.1 In summary, the submitters do not support the proposal based on the current information provided as there is not sufficient information to make an informed assessment on how the proposal will affect their property, workplace and home.
- 5.2 The submitters are concerned about the adverse effects the proposal may have on the drainage of their property especially if earthworks are undertaken or multiple new owners do not maintain the field tile drains. It is of the utmost importance to the submitters that the drainage of their property is not affected as this adversely affects the productive capabilities of the land, their income and ultimately the value of the land.
- 5.3 As the exact future land uses are unknown the effects are also unknown. There is no detailed traffic impact assessment, geotechnical assessment, information on drainage etc.
- 5.4 There has been no demonstrative need for 217ha to be zoned as industrial, and 100ha is thought to be a reasonable alternative in the meantime, until it is established that there is demand for 217ha.
- 5.5 While it is recognised that there could be potential economic benefits to the district if industrial land uses were to be developed in this location, they are speculative and insufficient information has been provided to demonstrate they could give effect to the Regional Policy Statement. The submitters want to safeguard their property, livelihood and the existing amenities from the effects of what may come in the future. The proposed plan change does not show an adequate consideration of balancing of the factors required by the Resource Management Act. It is contrary to the principles of the Act, cannot be mitigated and is contrary to sound principles of resource management.
- 5.6 The submitters would like to be involved in any further consultation, and would like the opportunity to speak at a hearing.

DATED 23 September 2019



Sarah Hunt

Senior Planner

Cheal Consultants Limited on Behalf of Howard and Samantha Walsh

Rangitikei District Council

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**FORM 5 – SUBMISSION ON PROPOSAL TO CHANGE THE
RANGITIKEI DISTRICT PLAN**

Proposed zoning of 217 hectares of rural land near Marton to industrial

Clause 6 of the First Schedule, Resource Management Act 1991

SUBMITTER/S DETAILS

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(if different from above)

SUBMISSION

I **support** the application

I **oppose** the application

My submission is *(specific parts of the plan change proposal; whether you wish to have the proposal amended; the reasons for your views)*

See the attached document

(continue on a separate sheet if necessary)

I seek the following decision from the Rangitikei District Council *(give precise details)*

See the attached document

I **wish** to be heard in support of my submission

I **do not wish** to be heard in support of my submission

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

Signature 

Date 23 September 2019

(Person making the submission, or the person authorised to sign on behalf of the person making the submission)

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

Please make sure the submission is received by the Council before the due date – i.e. 23 September 2019, 5.00 pm.