

Statement of Andy Watson

Mayor, Rangitikei District Council

Plan Change 2, Industrial Zone – Rangitikei District

Introduction

1. Thanks for the opportunity to reply to the revised position put by the independent planner, Mr Greg Carolyn of The Catalyst Group Planning & Environment Limited, in respect to this plan change.
2. The planner's new report is a substantial change in position to the report submitted and supported by Council.
3. There have been substantial changes including;
 - a) Area to be re-zoned; scale and balance land zoning
 - b) Activity Status; Restricted Discretionary vs. Discretionary
 - c) The proposed objectives and policies
 - d) Insertion of public notification Rule
4. Council would like to note that the changes are substantial and that we support some of the proposed changes, note some of the proposed changes and do not support others.
5. For the sake of clarity, this statement will address the matters outlined in paragraph 3 above, in the same order as listed.

Scale of the Re-zone

6. Council's preference is to have an industrial zone greater than the 40ha available as was proposed in the s32 report.
7. Notwithstanding this, Council do support the reduction in the area to be rezoned to Industrial to 40ha as outlined in My Carolyn's right of reply on the basis that the remainder of the site retain its rural zoning as the next best alternative. We agree that this would allow a substantial buffer zone to the north and east of the proposed industrial development. I note that retention of the rural zoning requires any industrial activity within this buffer zone to obtain a land use consent as an unrestricted discretionary activity in the Rural Zone, under the operative District Plan.

Restricted Discretionary vs. Discretionary Activity Status

8. Zoning an area for industrial use gives Council as an authority the ability to organise aggregation of industrial activity leading to a planned/strategic efficiency of town planning and for new industry seeking a site it provides a framework of rules that gives some degree of surety of planning.
9. Discretionary activities are useful where (because of environmental or site constraints) the effects of the activity are so variable that it is not possible to prescribe standards to control them in advance.
10. Restricted discretionary activities are those for which the Territorial Authority has restricted the exercise of its discretion. Restricted discretionary rules are helpful where council wants to focus on the management of a specific form of activity that has a specific set of cause/effect matters at issue.
11. In this case it is considered that the potential effects as a result of any new industry in the area is well understood and has been extensively discussed throughout this plan change process. Those include:
 - a. Traffic/Roading standards
 - b. Lighting
 - c. Three waters (sewer, water and stormwater)
 - d. Building height
 - e. Amenity (incl. screening)
 - f. Noise
 - g. Earthworks
 - h. Hazardous substances
 - i. Signage
 - j. Loss of versatile soils
12. In addition to this, the Regional Council would form a part of any consenting application process for new industry at the site, primarily addressing potential effects relating to air pollution including odour, smoke and dust and discharge to land. It is noted that Mr Carolyn's s42a report states that the proposed change in zoning would cause no change in the Resource Management Act 1991 framework at the regional level, that is, the regional management of air discharges on this site would be no different between rural and industrial zoning. It is Council's view that the Plan Change

should not seek to duplicate the roles and responsibilities of the Regional Council and instead leave regional management of the environment with the Regional Council.

13. Finally, it is noted that it would be a requirement of the new plan provisions that any application considered by the Rangitikei District Council be considered at the same time as any resource consent sought by an Applicant from the Manawatu-Wanganui Regional Council pursuant to Section 102 of the Resource Management Act, further negating the need to include rules which address those matters within the jurisdiction of the Regional Council.

14. Finally, it is my view that a discretionary activity status for any new industry within the plan change area would give no guidance/surety to the developer and the economic/strategic gains would be in doubt with developers seeking easier options elsewhere.

The Proposed Objectives and Policies

15. For the sake of clarity, I refer to each of the proposed objectives and policies in the order outlined within Mr Carolyn's Right of Reply.

Objective 5A

16. Council supports the proposed objective.

Objective 5B

17. Council supports the proposed objective.

Policy A1-5 1A

18. Council support the proposed policy. However, I note that this policy is in conflict with the proposed mandatory public notification rule. The policy alludes to the remedy/mitigation of effects generated from activities in the Industrial Development Capacity Area, whereas public notification implies effects beyond the site boundaries on the environment to be minor or more than minor. For clarity, Council supports the Policy, however does not support the mandatory public notification clause, as outlined in the following paragraphs.

Policy A1-5A

19. Council supports the Industrial Development Capacity Area shall be used for industrial activities and that the balance land shall retain its rural zoning.
20. As stated in paragraph 18, Council support the proposed policy, however note that this policy is in conflict with the proposed mandatory public notification rule.

Policy A1-5 5B

21. Council's preference is to re-zone a greater area than 40ha. Notwithstanding this option, Council support rezone of the 40ha.

Policy A1-5 5BA.

22. Council supports the policy.

Policy A1-5.6

23. Council supports the policy.

Policy A1—5.7

24. Councils understands this policy refers to the use of single use plastics. Council believes that the intent of this policy has merit, but sits outside of the Plan Change process and is more relevant at the Regional Council level opposed to at this microscale level.

Infrastructure policies A5-1 and A5-1 12 relating to traffic.

25. Council supports:
 - a) All heavy traffic, including construction traffic, should be limited to Makirikiri Road.
 - b) Council would be happy with a restriction limiting no further accesses to be constructed off Wings Line to service any new development noting that any existing farm access would be limited to existing farming activities.
26. Council notes that employee light traffic (cars) to administration buildings may be from Wings Line via the access ways already in existence.

Policies A5-1 13 and A5-1 14

27. Council notes/comments:

- a) These two policies relate to the collection of stormwater and trade waste and are very specific in nature.
- b) There are general rules given within the operative plan that are completely restrictive on any property owner, in that the effects of storm water are managed so that they do not impact on others (refer General Standard B1.4 (Surface Water Disposal) of the operative District Plan).
- c) Considers the impact of any discharges to land in the short term would be addressed and managed by the Regional Council and that existing provisions within the One Plan would address/apply to any development at the site.
- d) Council is committed to developing through the long term plan construction of a new waste water plant and pipelines which will serve to protect the Tutaenui stream and comply with Horizons consents.

Policy a5-1 15

28. Council notes/comments:

- a) Council believes these policies are inappropriate to this zoning and have not been raised other than in general terms of infrastructure by the submitters. An assurance was given that Council will be able to maintain supply and the interested party referred to agreements in principal in place with the Malting Company for provision of bore water.
- b) Council considers that these matters are more appropriately addressed/managed by the Regional Council and that existing provisions within the One Plan target this.
- c) It is likely that any development anywhere within the district there will be a need for both non potable water, usually provided by bore water for industry and a municipal supply of treated water. Any use of treated water would by definition diminish the supply. It is up to Council to plan for that use and to have a water strategy for the future, something that Council has and is continuing to develop. Substantial investment has and is continuing to being made as was outlined within Mr Peter Beggs evidence tabled at the hearing.

Insertion of mandatory Public Notification Rule

29. Mr Carolyn proposes the insertion of a Rule into the District Plan which requires that any industrial activities located within the Industrial Development Capacity Area be publicly notified pursuant to section 95A(7) of the Resource Management Act 1991 (hereon referred to as the Act).
30. Council do not support the insertion of the mandatory notification rule.
31. Instead, it is Council's view that the provisions of section 95 (A-G) of the Act should apply to any application made for development within the Industrial Development Capacity Area and that an application specific notification assessment for every application lodged is the appropriate notification regime, opposed to the mandatory public notification proposed.
32. Council has a once in a generation chance to rebuild the rail hub and to attract a considerable world leading technology. The requirement to publically notify could delay and hinder that opportunity as a result of un-related trade competitive behaviour. While trade competition is not a material consideration under the Act, the reality is that mandatory public notification of any application within the Industrial Development Capacity Area, specifically in relation to Bio Forestry, would in all reality provide for that opportunity.
33. It is considered that mandatory notification is pre-emptive and a heavy handed approach to potential development within the Industrial Development Capacity Area. It is Council's view that mandatory public notification assumes effects on the environment to a minor or more than minor degree where in reality this may not be the case. For example, it is feasible that smaller ancillary forestry commercial enterprises could seek to establish at the site such as a saw sharpening business.
34. Mandatory public notification removes the ability to undertake a site, case, scale and effects specific assessment. Mandatory public notification would circumvent the need to undertake any section 95 assessment and would in all likelihood choke any development potential of the site. Mandatory public notification does not enable a commensurate approach to any consent lodged and removes the ability to undertake an effects based notification assessment. It is Council's view that mandatory public notification circumvents the purpose of the section 95 notification tests.

35. In addition to this, it is my view that mandatory public notification of any new industry within the 40ha could drive unintended perverse outcomes. For example, under the provisions proposed, it would be a discretionary activity to establish a new industrial operation within both the 40ha area to be zoned, and the contiguous Rural zoned land (referred to as the 'buffer' zone), the only difference being mandatory public notification of the activity within the Industrial Zone, and no mandatory public notification of the activity within the adjacent Rural Zone. Mandatory public notification of applications for development within the Industrial Development Capacity Area may drive unintended development within the adjacent Rural zoned land which would be an unintended outcome of the Plan Change.
36. Council do consider that it is important that a robust assessment of the actual or potential effects of all development at the site are carefully considered, and done so on a case by case basis. Council considers that section 95 of the Act is the appropriate statutory framework to undertake this assessment. Section 95 of the Act contains sufficient provision to publicly notify a resource consent application where the effects of that proposal are assessed as being minor or more than minor on the environment. In summary, there is sufficient provision with the Act to consider effects on the environment which are minor or more than minor and the mandatory public notification rule is not appropriate or necessary.
37. Council understands the concerns of the submitters and understands in particular the concerns raised by Auret Racing and the Walsh dairy farm. Council considers that a restricted discretionary process, including the existing s95 notification assessment regime would provide the mechanism to appropriately consider those concerns and any actual or potential effects.

Thank you for the consideration.

Andy watson

Mayor - Rangitikei District Council

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