**BEFORE THE RANGITIKEI DISTRICT COUNCIL**

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| IN THE MATTER OF | the resource Management act 1991 |
| AND | |
| IN THE MATTER | of a proposed plan change to the Rangitikei District Plan at 1091, 1151 and 1165 State Highway 1 Marton |

# REPLY SUBMISSIONS

Dated: 29 June 2020


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NJ-028474-188-298-V1:JGP-e

**CLOSING SUBMISSIONS**

[1] This document records brief notes of submissions given orally at the close of the hearing held on this plan change on Thursday, 18 June 2020.

[2] In relation to submissions given by counsel for Howard and Samantha Walsh, the following submissions were given in reply.

(a) Counsel accepted the proposition that s 32(1)(2)(c)[1] is not intended to be relied upon as a trump card consideration in circumstances where an evaluation report could have, but did not, include sufficient information that correspond to the scale and significance of the environmental, economic, social, and cultural effects anticipated from the implementation of the proposal;

(b) It was accepted that the risk of not acting, in respect of the area marked as "buffer" for light industrial use, was not material as there was limited information as to demand for light industrial land use in that area. Counsel observed that Mr Carlyon's recommendations may have been misunderstood but in any case it was accepted that the buffer should not be used for light industrial and Mr Carlyon's reply confirmed that;

(c) On the other hand, counsel submitted that after hearing from the Council as plan change proponent and submitter New Zealand bio forestry, there was a material risk associated with not acting in relation to the plan change for the purposes of s 32(1)(2)(c). Evidence was heard as to the suitability of the site for the purposes of the rail siding and New Zealand Bio forestry, and that if at least 40 ha is not provided for industrial land, the

[1] assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

economic benefits to the Rangitikei community associated with industrial development would not accrue;

(d) in relation to the submission that s 32(1)(c) could not be met in relation to this plan change, it was observed that the submission did not go so far as to say that there is no legal opportunity for information deficiencies in any s 32 analysis to be cured through the Schedule One progress of the plan change. Counsel submitted that the true criticism was that acknowledged information deficiencies in the initial s 32 analysis had not been cured through the schedule one process. In that regard, Counsel invited the Commissioner to consider that submission in relation to the progression of recommended plan provisions and how they constrain the anticipated effects of the proposed plan change and correspondingly the level of detail required under s 32(1)(c).

(e) Counsel rejected a submission that was interpreted as implying that a plan change of this scale was wholly unsuitable in the Rangitikei District, given its low population base and housing supply issues, and belonged in a district with a larger population base. Counsel made the general submission that Rangitikei District has a function to provide objectives, policies, and methods to provide land for its expected business demands under s 31(1)(aa), and further to the sustainable management purpose of the RMA to enable people and communities to provide for their social, economic and cultural well-being. Rangitikei was entitled to plan for large scale industrial development of this type to meet the needs of the Rangitikei community.

[3] In relation to all evidence given by Mr Thomas for submitter Fraser Auret Racing, the following submissions were given in reply:

(a) it was not accepted that there were only two options available to the Commissioner in terms of the Commissioner's power to make decision on submissions under Schedule One.

(b) It was submitted that, without limitation, default options had presented as available:

(i) decline the plan change if the commissioner considered that there was an absence of sufficient information. Counsel submitted that this option may be "tossing the baby out with the bathwater" in respect of that part of the plan change for which there was good evidence of demand and in respect of which issues may be addressed by appropriate provisions within the scope of the plan change;

(ii) Obtain further technical reports in reliance on the Commissioner's is under s 41C. Counsel submitted that, while available, this option was not favoured because it would result in further cost and delay, with the cost borne by the rate paying community. Counsel submitted that all parties present deserved some finality through this process;

(iii) Consider further revised planning recommendations from Greg Carlyon as outlined at the conclusion of the hearing, and as would be submitted within one week.

(iv) Consider some other appropriate response, with analysis as required under s 32AA.

Nicholas Jessen