

**IN THE MATTER** of the Resource Management Act  
1991

**AND**

**IN THE MATTER OF** Proposed District Plan Change for re-  
zoning of approximately 217 ha of rural  
land at 1165, 1151 and 1091 State  
Highway 1, Marton, to be industrial  
land.

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**SUPPLEMENTARY RIGHT OF REPLY OF GREG CARLYON  
ON BEHALF OF RANGITKEI DISTRICT COUNCIL**

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21 July 2020

## **Introduction**

1. My full name is Greg John Carlyon.
2. I am a Director and Practice Leader – Planning, at The Catalyst Group Planning & Environment Limited.

## **Qualifications and Experience**

3. My qualifications and experience are set out in my s 42A report (dated Friday 6 March 2020) at paragraphs [14] – [22].

## **Code of Conduct**

4. I confirm that I have read and agree to comply with the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014. I have prepared this planning evidence in accordance with the Practice Note, and this is within my area of expertise. I have not omitted to consider material facts known to myself that might alter or detract from my opinions expressed here. Where I have relied on data, information, facts, and assumptions on an area beyond my expertise, I have identified the source of that information.

## **Scope of Evidence**

5. As directed in the 7<sup>th</sup> Minute by the independent hearing commissioner (dated 7 July 2020), I am to provide:
  - a) A section 32AA assessment of the provisions in my right of reply
  - b) Recommendations on submissions, and
  - c) Responses to any material received from submitters on 6 July 2020 as directed in Minute 6.

## **Summary of hearing process**

6. Rangitikei District Council (as a local authority) held a public hearing into submissions on the proposed change to the district plan on Wednesday 17 and Thursday 18 June 2020. This hearing was heard by the independent hearing commissioner, who adjourned the hearing at the close of 18 June.

7. On 19 June 2020, the independent hearing commissioner issued Minute No. 6 which directed me as the reporting officer to provide a right of reply by 5PM Friday 26 June 2020.
8. On 30 June 2020, the independent hearing commissioner issued Minute No. 7 which enabled submitters the opportunity to provide comments on the changes recommended in my right-of-reply by close-of-business on Monday 6 July 2020.
9. As at 9AM Tuesday 7 July 2020, written responses were received from the following persons:
  - a) Nicolette Brodnax acting as legal counsel for submitters Howard and Samantha Walsh
  - b) Paul Thomas as a planning expert witness called by submitter Fraser Aurret Racing
  - c) Lynette Baish, a policy analyst at Manawatū-Whanganui Regional Council (in the capacity as a submitter)
  - d) Natasha Reid, a principal planner at Waka Kotahi NZ Transport Agency (in the capacity as a submitter)
  - e) Robert Snijders as a submitter
  - f) Johanna Verhoek as the consultant planner to Mayor A. Watson (in the capacity as the Mayor of Rangitikei)
  - g) Felicity Wallace as the representative to Interested Residents of Marton and the Rangitikei as a submitter
  - h) Philippa Hancock as a submitter
  - i) Gretta Mills as a submitter
  - j) Robert Gunn as a submitter
  - k) David Dean and Joy Bowra-Dean as submitters (received Tuesday 7 July 2020)
10. On 7 July, the independent hearing commissioner issued Minute No. 8 which directed me to provide the supplementary material to assist in the commissioners task specified in section 10 of schedule 1 of the Resource Management Act 1991. This supplementary material is due 5PM Tuesday 21 July 2020.
11. An excerpt of section 10 (Schedule 1 RMA) is appended to this evidence. To avoid doubt, the local authority:

- a) is not required to give a decision that addresses each submission individually and
- b) may address the submissions by grouping them according to—
  - i. the provisions of the proposed statement or plan to which they relate; or
  - ii. the matters to which they relate.
- c) must have particular regard to the further evaluation undertaken in accordance with section 32AA when making its decision.

### **Recommendations on submissions**

- 12. The following is supplementary planning evidence for the purpose of assisting the decision maker in reaching their conclusions on the provisions and matters raised in submissions.
- 13. In terms of the grouping of submissions, I consider that it is more appropriate in this case to group the submission according to the matters to which they relate rather than by provisions. I am of the opinion that this is more appropriate because the proposed change was notified with no changes to the objectives and provisions of the operative district plan, with the only change being to the zoning. Therefore, the matters raised in submissions are not arranged by provision, but rather by issue/matter.
- 14. A summary of the submissions and decisions requested was prepared by The Property Group and can be accessed on the Council webpage.<sup>1</sup> This summary document prepared by TPG groups the submissions by the matters to which they relate rather than by provisions. This information can be found on the last two pages of the document, also copied into this evidence without changes for the convenience of the decision maker.
- 15. My analysis of the submissions is presented in my section 42A report (dated 6 March 2020) beginning at [62]. A tabulated summary of further submissions is presented in Appendix 5 of the section 42A report dated Friday 6 March 2020, which can also be accessed on the Council webpage.
- 16. For the record, I have identified two aspects of the task before the decision maker that you may find to be problematic:

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<sup>1</sup> <https://www.rangitikei.govt.nz/council/publications/district-plan/proposed-plan-change-1165-1151-and-1091-state-highway-1-marton>

- a) Firstly, several submitters have presented concerns about the adequacy of information and evidence in the initial proposal.<sup>2</sup> Some further information has been able to be produced in preparation for and response to the June hearing process, for example the draft site plan including the buffer area.
  - b) This leads the decision maker to a second issue that the changes recommended in my evidence and right-of-reply are substantially different to what was initially notified in 2019. Legal Counsel Mr. Jessen presented both legal and written legal submissions at the hearing that these recommended changes were developed from the relief sought in submissions and therefore are within the scope available to a decision maker.
- 17. From the submissions, I identified that there are five options that could be reasonably considered by a decision maker. In summary, these options are to accept or reject the plan change, or to amend the plan change in response to matters raised in submissions (for which three alternatives were provided).
- 18. Option 1 is supported by submissions 1 and 11 which requested that the plan change be approved without any further amendments. I recommend that you reject submissions 1 and 11 and also reject further submissions 1, 2, 5, 7, 8, 9, 12, 13, 14, 18, and 21 to the extent that they support submissions 1 and 11. My reasons for recommending that these submissions be rejected are that the relief sought will give rise to significant potential effects on the environment. More specifically it will likely enable a management framework on the site as part of the industrial zone that fails to adequately avoid remedy or mitigate adverse effects at the boundary where there are sensitive receptors such as residential housing (submitter 2) and rural production (submitters 10 and 15). To reject submissions 1 and 11 in order to avoid significant potential effects, would be to accept submissions 4, 10, 12, 15 and further submissions 6, 16 and 17 in part to the extent that they oppose submissions 1 and 11.
- 19. Option 2 is supported by submissions 10, 12 and 15 which requested that the plan change be rejected completely. The basis of this opposition largely relates to the unknown scale and extent of proposed development for the site, the lack of certainty in the evidence presented, and the absence of best practice in the pre-hearing Schedule 1 process. I recommend that submissions 10, 12 and 15 be rejected in part but only to the extent that those submitters request that the plan change be rejected without the opportunity for development of a more comprehensive policy

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<sup>2</sup> Submitters 10, 12, 13, 15, 16, 17

framework to address the matters raised. To reject submissions 10, 12 and 15 will require that further submission 11 is accepted.

20. Option 3 is that the change of zoning to industrial be approved but that a new rule be included to ensure that the effects or policy gateway can be met. This option was developed from the matters raised in Submission 13 (Snijders) that requested a “sequential test” be applied to development and that applications for resource consent be publicly notified. I recommend that Submission 13 be accepted in part to the extent that it requires unrestricted discretion to be retained by Council, and that applications for resource consent be notified publicly. In order to accept submission 13, then further submission 11 (RDC) will need to be rejected in part to the extent that it opposes submission 13 (Snijders) and then also accept further submissions 6 (Wallace), 17 (Walsh) and 20 (Mills).
21. Option 4 provides for the change in zoning but introduces a policy pathway that defers industrial development on the site until such a time that spatial planning, development infrastructure and funding can be put in place. Submitters 12 and 15 that the design be developed through a structure plan process. Submitters 2 and 3 requested: access to the site occurs from Makirikiri Road, industrial development be located away from residential dwellings, that drainage impacts be managed, and that a buffer area be created. Submitters 4 and 9 requested that visual screening be provided. Although not explicitly requested by submitters 16 (KiwiRail) and 17 (Waka Kotahi NZTA), Option 4 was developed to provide the maximum certainty to submitters in their ability to participate in future planning decisions, including submitters 16 (KiwiRail) and 17 (Waka Kotahi).
22. Initial design of Option 4 was progressed through my supplementary evidence at the June hearing. The concept of a deferred structure plan received mixed responses from legal counsel and experts upon further analysis in evidence. Option 4 appeared to be supported, in principal, by Ms. Reid a principal planner at Waka Kotahi NZTA. Conversely, Option 4 was not support by Mr. Thomas a planning expert called by Submitter 10 (Fraser Aurret Racing). While this approach was initially developed to respond to matters raised in submissions 12 (Wallace), 15 (Walsh), 16 (KiwiRail), and 17 (Waka Kotahi NZTA), the approach was removed in my right-of-reply in preference for a more stringent consenting test.
23. Considering that matters discussed in [21] and [22] above, I recommend that submissions 10, 12, 13, 15, 16, 17 are accepted in part to the extent that they request further planning be undertaken. Albeit, in my right-of-reply I removed the recommendation for the structure plan there remains a need for deliberate and considered planning of the site, that is set out by submissions 10, 12, 13,

15, 16, 17. This would also require the rejection of submissions 1, 11, 14, 18 in part to the extent that they accept that proposed changes without the need for such planning.

24. Submitter 15 (Walsh) opposed the proposed change as notified on the basis that the scale of the zone is 'extremely large...., with an associated potential for large-scale cumulative effects'. Submitter 15 (Walsh) concluded that their opposition is conditional on their concerns being unresolved. Option 5 was developed to change zoning only to a smaller area of land, with the inclusion of a new policy to manage effects at the boundary of the site. I recommend that Submission 15 (Walsh) is accepted in part as quoted above and explain this further below. There are no further submissions which oppose submission 15 (Walsh).
25. Following the June hearing, options 3, 4 and 5 (described in full in the s 42A report at [137] onwards) are present throughout the evidence produced and have been further developed to further assist the decision maker.
26. In order to adopt the option presented in my right-of-reply dated 26 June 2020 the submissions would need to be accepted and rejected as presented in Table 2.
27. *Table 1: recommendations to accept or reject submissions*

Submission	Recommendation	Reason
1 (Dalrymple)	Reject in part	Submitter 1 requests that the council support the proposed plan change to rezone 217 ha of rural land to industrial which provides no space for buffer areas to be provided and therefore should be rejected in part.
2 (Calman)	Accept	Submitter 2 provides seven options which can be adopted to avoid, remedy, or mitigate potential adverse effects. These requests have been reflected into the proposed policies.
3 (Hancock)	Accept	Submitter 3 seeks the same relief as submitter 3.
4 (Dean and Bowra-Dean)	Accept in part	Submitter 4 seeks that the proposed change as notified should be rejected because of the unmanaged residual effects but does anticipate that further design work will need to be undertaken in order to manage effects from light spill, noise, air discharges and firefighting supply.
5 (Sinclair)	Accept in part	Submitter 5 submits that noise and traffic effects are unacceptable.
6 (Wigglesworth)	Accept	Submitter 6 seeks that landscaping be included to manage privacy effects.

7 (Pearson)	Accept	Submitter 7 submits that the condition of Wings Line is unsuitable for heavy truck movements.
8 (Reardon)	Accept	Submitter 8 submits that the condition of Wings Line is unsuitable for heavy truck movements.
9 (D and J Anderson Family Trust)	Accept	Submitter 9 seeks relief that buffering, and edge protection is provided along the western boundary of the site.
10 (Fraser Auret Racing)	Accept	Submitter 10 identified numerous short falls in the initial section 32 analysis and supporting evidence. I recommend that this submission is accepted in part to the extent that it identifies the incompleteness of information and provides further assessment of effects, legal tests, infrastructure provision, and consultation requirements.
11 (The Downs Group)	Reject	Submitter 11 submits that there will not be 'any negative impact from this re-zoning and the benefits to Marton and District will be many', without any evidence to support this claim.
12 (Wallace on behalf of IROMAR)	Accept in part	Submitter 12 seeks that a structure plan process be followed to provide for comprehensive planning and evaluation on the site. I recommend that this relief is accepted in part to the extent that the matters raised by the submitter should be carefully considered, a structure plan is not required if only one developer (NZ Bio Forestry) is located on the site. The relief sought by Submitter 12 is reflected into the policies and rules presented in my right-of-reply.
13 (Snijders)	Accept in part	Submitter 13 seeks that a "sequential test" be applied to development in Marton generally, including on the proposal site. I recommend that this submission be accepted in part to the extent that deliberate and considered planning can be undertaken either through a master plan process or piecemeal through resource consent. Option 4 initially proposed a structure plan process, which was subsequently amended at the June 2020 hearing to reduce the scope of the industrial land conversion to 40 ha, thereby removing the need for a structure plan. A sequential test as I understand it from the submission is able to be applied to an application for resource consent as part of an options assessment.
14 (Horizons Regional Council)	Accept in part	Submitter 14 accurately recognises that the proposal is not included in the District Council's Long-Term Plan or current Financial and Infrastructure Strategy. The submitter submits that this could be remedied through the implementation of a structure plan process.



15 (Walsh)	Accept	Submitter 15 identified numerous short falls in the initial section 32 analysis and supporting evidence. I recommend that this submission is accepted in part to the extent that it identifies the incompleteness of information and provides further assessment of effects, economic demand, legal tests, infrastructure provision, and consultation requirements.
16 (KiwiRail)	Accept	Submitter 16 identifies a lack of certainty that the adverse effects on the infrastructure network are appropriately planned for and funded, including cumulative effects.
17 (NZTA)	Accept	Submitter 17 identifies a lack of certainty that the adverse effects on the infrastructure network are appropriately planned for and funded, including cumulative effects.
18 (NZ Bio Forestry)	Reject	The submission does not contain any indicative design or request any relief sought.

### Further evaluation - section 32AA

28. In my section 42A report at [155] I said “*The proposed plan change has been plagued with incomplete information, and gaps in the assessment. This has led to tension between the submitters and the council*”. I still hold that view as I note the Council has not commissioned any design and assessments following notification, submissions, pre-hearing meetings, and the adjournment of hearing. Accordingly, I have not amend the position stated in the section 42A report (dated 6 March 2020) at Page 27 that the ‘*evidential base for the development is not present and largely speculative*’. I do accept the comments made by Paul Thomas at [13] of his response, Nick Jessen in his closing submissions at [3](b)(i), and Mayor Watson at [32] of his response.
29. As the Commission correctly identified at the hearing during the questioning of Mr. Thomas (planning expert called by submitter Auret Racing), there is often such a dilemma in RMA processes such as this one of what comes first, the supply or the demand.
30. Horizons staff Ms. L Baish has correctly identified in her response that the proposal does not align with the district council’s long-term plan and infrastructure strategy under the LGA 2002.
31. Therefore, Council is responding to an unforeseen market demand and opportunity, as eluded to by Mayor Watson in his response at [32].
32. None of this provides grounds to cut corners during the plan making process. The evidential requirements of the Act are clearly set out at section 32 and again at 32AA.

33. Section 32AA of the Resource Management Act 1991 requires further evaluation to be undertaken for any changes that have been made to the proposal since the publication of the initial evaluation report (in this case, the initial s 32 report was published by The Property Group in August 2019).
34. For the purpose of section 32(3) RMA, the amending proposal is that presented in my right of reply dated 26 June 2020 and the existing proposal is that which was notified in The Property Group report dated August 2019. An important part of the amended proposal in my right-of-reply (dated 26 June 2020) is the Comprehensive Development Plan (CDP) required by the mandatory notification rule. This is intended to act in a similar manner to a Development Concept Plan, which was discussed at the 18 June hearing. This CDP applies to the development of the 40-ha industrial development capacity area which is anticipated to be developed by the submitter NZ Bio Forestry LTD. In that case that NZ Bio Forestry does provide a CDP for the 40 hectare site, then subsequent and ancillary development proposals would not need to each produce their own CDP but rather operate in accordance with that CPD produced by NZ Bio Forestry. In the event that NZ Bio Forestry does not develop the site as proposed, and as a result the site is developed by several smaller businesses, there would remain the requirement for a CDP for the site, but in this case would most likely be led by Council. In any case, the balance of 177 hectares of land to the west would need to be remained as an effects buffer area.
35. Under sections 32(1) and 32(2) RMA, this evaluation is required to:
- a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA, and
  - b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives.
36. Any such assessment must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
37. When evaluating the efficiency and effectiveness of the provisions, an assessment must be made of the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
- a) economic growth that are anticipated to be provided or reduced
  - b) employment that are anticipated to be provided or reduced, and
  - c) if practicable, quantify the benefits and costs.

38. Considering that there is uncertain or insufficient information contained within this proposal, an assessment of the risk of acting or not acting must also be made. In this case, not acting would be retain the operative district plan as it is as it 21 July 2020 when this assessment is undertaken, and to act would be to implement the changes recommended in my right-of-reply dated 26 June 2020.

39. As per s 32(4) RMA, there is no national environmental standard that is relevant to this change.

40. In undertaking this section 32AA assessment, I primarily rely upon the following sources of information:

- a) The Section 32 report dated August 2019, authored by The Property Group, and including the supporting material to the extent that it remains relevant to the amended proposal.
- b) The Section 42A report dated 6 March 2020, authored by me
- c) The statements of evidence prepared by Ms. Natasha Reid (09 June 2020), Ms. Beals (09 June 2020), Mr. Paul Thomas (20 March 2020 and 9 June 2020), Mr. Peter Beggs (17 June 2020), Dr. Melissa Millerick-May (06 May 2020), Mr. Paul Wright (undated) and Ms. Lynette Baish (undated)
- d) Legal submissions of Mr. Jessen (17 June 2020 and 29 June 2020) and Mrs. Brodnax
- e) Statements prepared by submitters, and
- f) Lay evidence presented and heard at the hearing dated 17-18 June 2020.

#### **Section 32(1)(a) – the ‘most appropriate’ test**

41. The purpose of the Act is stated at section 5 and is not repeated here.

42. When considering the most appropriate ways to achieve the purpose of the Act, the reasonably practicable options identified above are:

- a) The current provisions of the operative district plan
- b) The existing proposal as notified (set out in the s 32 report by TPG, 2019), and
- c) The amended proposal as set out in my right-of-reply dated 26 June 2020.

43. Compared to the operative district plan, the existing proposal is unlikely to achieve the environmental and social bottom lines set out in section 5(2) of the RMA due to the large change in potential effects and the absence of safeguards.
44. Compared to the existing proposal, the amended proposal is much more likely to provide for those bottom lines set out in section 5(2) of the RMA as the proposed policies set out a clear consenting pathway in which careful and deliberate design is incentivised to avoid poor planning outcomes for the community. This is, of course, also premised that a healthy and safe environment and high standard of community well-being is a prerequisite for a thriving economy and these two objectives cannot be traded against each other.
45. Therefore, the first test which is presented in section 32(1)(a) of the RMA comes down to whether the amended proposal is the most appropriate way to achieve sustainable management compared to the 'do nothing' option. That is to say, the plan change as notified cannot be the most appropriate way to achieve the purpose of the RMA on the site.
46. I am of the opinion that, having considered all the information available at this time, the amended proposal is the superior option compared to the operative district plan for the reasons that it:
- a) Enables the development and use of industrial land in a manner which enables people and communities to provide for their economic well being
  - b) Provides for the protection and use of land as a buffer zone in order to allow people and communities to provide for their health and safety
  - c) Provides a more sophisticated policy framework to ensure that any proposal requires that effects are remedied and mitigated within the site and avoided beyond the site.
47. Turning to sections 6 and 7 RMA. The amended proposal strengthens provisions relating to avoidance of natural hazard areas, embraces the ethic of stewardship and maintains amenity values.
48. I am unable to comprehensively assess the objectives against section 8 RMA but will say that the amended proposal does enable tangata whenua to make public submissions on any specific application.

49. For these reasons, I am of the opinion that the amended proposal and its objectives best achieve the purpose of the RMA compared to two other reasonable options.

**Section 32(1)(b) – benefits and costs of the environmental, economic, social, and cultural effects**

50. Section 32 (1) requires the provisions in a proposal to be examined as to whether they are the most appropriate way to achieve the objectives by—

- a) identifying other reasonably practicable options for achieving the objectives; and
- b) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
- c) summarising the reasons for deciding on the provisions.

51. The reasonably practicable options are: do nothing; the amended proposal; the existing proposal which are set out above.

52. The benefits and costs of the environmental effects that are anticipated from the implementation of the provisions are as follows:

- a) To do nothing (i.e. not change the plan) would require that any new industrial development and land use to obtain a land use consent from the Council, as a discretionary activity within the rural zone. Based on an assessment of Objective 7A, it is my opinion that there would be incompatible land use between large-scale heavy industry on the site, and the Fraser Aurret Racing training centre to the north. Further, in reading policies A2-1.1 to 1.9 and A2-2.3 there is very little or no safeguards to ecosystem health. Therefore, the 'do nothing' option is likely to constitute a cost from adverse environmental effects.
- b) The existing proposal contains only those environmental safeguards which exist in the industrial provisions of the district plan which I determined in the s 42A report to be insufficient to protect life-supporting capacity in the instance that heavy industry was established on the site. Likewise, there would be significant conflict with the horse training farm to the north. Therefore, the existing proposal is likely to constitute a significant environmental cost.

- c) The amended proposal provides a significant increase in safeguards not only to the natural environment but also surrounding productive environment and the physical resources consisting locally of three water and transport infrastructure.

53. The benefits and costs of the economic effects that are anticipated from are as follows:

- a) Due to the conflict with Objective 7A it seems unlikely that the position economic effects of the opportunity are will be realised without a zoning change. Therefore, the 'do nothing' option would likely cause an economic cost to the local community.
- b) Both alternative options are anticipated to provide opportunities for economic growth and employment, as is presented in submission 14 (Horizons Regional Council) and the further submissions 11 and 19 made by Central Economic Development Agency (CEDA) and Rangitikei District Council, respectively.
- c) The existing proposal is likely to have an adverse effect on the economic well-being of Fraser Aret Racing (submitter 10).
- d) In this case the benefits and costs relating to economic growth have not been quantified throughout the hearing process due to a lack of detail.

54. The benefits and costs of the social effects that are anticipated from the implementation are as follows:

- a) The 'do nothing' is likely to result in a cost to the social wellbeing of the Marton being the lost opportunity to attract investment into the region.<sup>3</sup>
- b) The existing proposal is likely to attract both a high cost and high benefit to the community which is also likely to result in an inequitable outcome. That is, some submitters stand to receive an improvement in social and economic benefit from the proposal. However, the high social costs associated with living and working adjacent to heavy industry (which have not been qualified) are likely to fall on several adjacent properties (submitters Dean, Walsh, Aret, Hancock).
- c) The amended proposal includes safeguards for those submitters who live and work adjacent to the site and therefore the amended proposal goes some way to reduce that social cost while retaining the social benefit for other business owners in the

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<sup>3</sup> Notwithstanding the need for this investment to be high quality and not compromise other values held in the town.

District. The amended proposal presents, in my opinion, a significant improvement in social benefits/costs to the community compared to the existing proposal.

55. The benefits and costs of the cultural effects that are anticipated as largely unknown. What I can suggest is that the existing proposal is likely to provide little or no opportunity for hapū to be involved in future decision making on the site. While local hapū have not engaged in this plan change process, the amended proposal will require that the NZ Bio Forestry consents to be notified and this allows hapū to make a submission at that time as they wish.

*Table 2: A summary of the relative comparison of the environmental, economic, social, and cultural benefits and costs between the existing and amended proposal.*

Option	Costs	Benefits
Do nothing	<p><u>Environment</u> Misses an opportunity to upgrade three water and roading infrastructure in the District</p> <p><u>Cultural</u> Unknown</p> <p><u>Social</u> Loss of opportunity for those who identify with Marton's history as an industrial and freight hub</p> <p><u>Economic</u> Lost opportunity for economic growth and job creation, loss of investment into District. Continued export of forestry logs.</p>	<p><u>Environment</u> Land within the proposed buffer area will not be required to be used a buffer. Avoiding air discharges.</p> <p><u>Cultural</u> Unknown</p> <p><u>Social</u> Benefit to those who identify as modern-day Marton as a quiet rural town. Retention of rural land.</p> <p><u>Economic</u>, Avoiding impact on neighbouring businesses such as submitters Auret and Walsh and Hancock</p>
Existing proposal	<p><u>Environment</u> Lack of safeguards in district plan could result in quality of the environment not being maintained. Increased discharges and pollution from plastics. Decreased road safety.</p> <p><u>Cultural</u> Unknown but conservatively this could result in a potential effect on local hapū through effects on whenua and exclusion from participation</p> <p><u>Social</u> Health and amenity effects on neighbouring landowners. Loss of rural land to non-rural land use.</p> <p><u>Economic</u> High cost to businesses adjacent to the site i.e. Fraser Auret Racing. Loss of versatile soils to non-rural land use.</p>	<p><u>Environment</u> Investment and upgrade of three water and roading infrastructure in the District. Efficient use of rail network.</p> <p><u>Cultural</u> Unknown</p> <p><u>Social</u> Benefit to community well-being at District scale attributed to investment and revitalisation. New employment options.</p> <p><u>Economic</u> Large benefit to District economy. More efficient use of forestry logs and raw material outputs into the domestic market</p>
Amending proposal	<p><u>Environment</u> Reduced environmental effects</p> <p><u>Cultural</u> Ability of hapū in participate in consenting</p> <p><u>Social</u></p>	<p><u>Environment</u> Investment and upgrade of three water and roading infrastructure in the District. Reduced effects compared to existing proposal. Efficient use of rail network.</p> <p><u>Cultural</u></p>



	<p>The outcome is not the result of community-led long-term planning</p> <p><u>Economic</u> Reduced scale from 217 ha to 40 ha</p>	<p>Unknown, possible benefit arising from participation</p> <p><u>Social</u> Effects on neighbor's wellbeing is managed and ensures their ability to participate. New employment options.</p> <p><u>Economic</u> Benefit to local business from investment. Also, greater protection for adjacent businesses. More efficient use of forestry logs and raw material outputs into the domestic market</p>
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## Feedback received

56. As per s 32(4A) RMA, no feedback has been received from an iwi authority. However, feedback on the amending proposal was provided on Monday 6 July 2020 by those persons identified in [9]. Notwithstanding s 32(4A) RMA that advice is summarised below to assist the decision maker.

57. For the purpose of summarising this feedback, I have decided to group the responses by the matter to which they relate. Further, I have summarised any comment on specific provisions where they have been provided in responses.

58. *Table 3: Responses provided on Monday 6 July 2020 from submitters*

Topic	Response name and paragraph number	My comments
Information requirements	<p>Paul Thomas at [5], [6], [7], [10], [11], [21]</p> <p>Nicolette Brodnax at [3], [4], [5]</p>	<p>I agree with Mr. Thomas at his paragraphs [13] and [21] and Mrs. Brodnax at [5] that while the evidence base for the plan change is likely to be insufficient, the proposed amendments were develop in an attempt to provide certainty to submitters and the community. I would like to add here that the matter before the Commissioner relates only to the plan change and does not extend to any application for resource consent for a specific and detailed proposal. That is, the Commissioner will need to be confident that it would better achieve the purpose of the RMA for the identified 40 ha of land to be zoned industrial than it would if the land remains under rural zoning. There</p>

		<p>is no question before the Commissioner as to whether the deluded design of NZ Bio Forestry is acceptable or not (see statement from F. Wallace at [5], [9] and [13](ii)). Quite simply, that is a job for another day. However, I do agree with Mr. Thomas and Mrs. Brodnax, and as I presented verbally at the hearing the Environment Court has been consistent in its approach that we cannot 'unknow what we have heard'. This list of matters is accurately captured from F. Wallace (IROMAR) at [12] of their response.</p>
Area of rezoning and site planning	<p>Paul Thomas at [6], [16] – [20]</p> <p>Nicolette Brodnax at [3], [6] – [14]</p> <p>Mayor Watson at [7]</p> <p>Lynette Baish at paragraphs 4 and 5</p> <p>Felicity Wallace at [5], [6], [7], [11], [12]</p> <p>Robert Snijders at [1], [3]</p> <p>Robert Gunn at [1]</p> <p>Philippa Hancock at paragraph 3</p> <p>Joy and David Bowra-Dean</p>	<p>I disagree with Paul Thomas at [6] that the reduction in area from 217 ha to 40 ha is not the result of the inadequate evidence base, but rather a method used to significantly reduce the potential effects, and to migrate those effects to the south, allowing for buffering along the east and north of the site where sensitive receptors are located beyond.</p> <p>The logic used when preparing the draft site plan was to maximise frontage to the rail line, while providing access to Makirikiri Road and avoiding access onto Wings Line. In response to Mr. Thomas at [17], I recommend that the site plan tabled by NZ Bio Forestry at the hearing be rejected as it is contrary to the draft site plan and relies on access to Wings Line. Reduction of the proposal site from 217 ha to 40 ha was undertaken to significantly reduce the scale of potential effects, and to move these effects further south, and to provide an effects buffer on the east and north of the site. I disagree with Mrs. Brodnax at [3], I do not share the opinion that a structure plan would be required for the 40 ha on the assumption that only one operator (NZ Bio Forestry) develops that 40 ha. In the instance that NZ Bio Forestry does not develop the site, the proposed provisions of the plan do not preclude Council from undertaking a structure plan process with several small developers.</p> <p>In response to the point made by Mayor Watson at [7], the Council committed to restricting the scale of the initial development to 40 ha at the prehearing meeting held on 02/03/20. Further, restricting the area of rezoning to only 40 ha was then adopted into Option 5 of my section 42A report.</p> <p>I disagree with the opinions of Ms. Baish regarding the lack of certainty that 40 ha of land is “appropriately sized to [meet] the needs of the community and anticipated growth” (sic), in preference for that alternative opinion presented by Mr. Thomas at [21] of this response.</p> <p>In response to Mr. Snijders at [3], the submitter is correct that a descriptive or qualitative approach has been adopted</p>

		by the reporting team in the absence of quantitative or numerical data.
Schedule 1 process	<p>Paul Thomas at [7], [8], [34]</p> <p>Robert Snijders at [2], [3], [4]</p> <p>Gretta Mills at [2]</p>	Legal Counsel Mr. Jessen submitted at [3] of his written closing submissions, that the Commissioner is not restrained to only two options presented by Mr. Thomas. I support the options presented by Mr. Jessen at [3] (b) of his closing submissions.
Cumulative effects	<p>Paul Thomas at [9], [12]</p> <p>Natasha Reid at para 2</p>	In response to Mr. Thomas at [12], I recommend that this material from NZ Bio Forestry is rejected by the Commissioner, and this material is replied upon at the forthcoming resource consent process. I agree with Mr. Thomas at his [11] to the extent that he describes the material tabled by NZ Bio Forestry staff at the hearing.
Light industry land use	Mrs. Brodnax at [20]	There was commentary at the hearing relating to a “light industrial zone”. I submit that this was an irrelevant point for consideration as it was never proposed in the first place. The only reference to ‘light’ industrial was in relation to a potential land use within the buffer zone, for which the Rangitikei District Plan does not zone light and heavy industry separately, as some other Councils do (e.g., Auckland Unitary Plan).
State Highway planning	Natasha Reid	I agree with the comments made by Ms. Reid regarding funding mechanisms but do add that such funding is most likely to occur between NZTA and the Council outside of the Resource Management Act process. I agree with the conclusion reached by Ms. Reid regarding the WSP Opus traffic impact assessment (TIA) as there is now a change proposes to not rely upon Wings Line, and that changes the modelling assumptions in that TIA. In response to the commentary of Ms Reid regarding cumulative effects I acknowledge this point but also note the definition of ‘effect’ within the RMA is broad and encompasses many effects including cumulative effect. Regarding the Transport Agency as an affected person, it is envisaged that the Agency would be in agreement and party to any application made for large-scale development on the site i.e. they are a key stakeholder in this case. Therefore, in the regrettable situation that a developer applies for consent without the prior agreement of the Transport Agency, then the Agency will need to fall back on the public notification process as it has been made to do in this plan change. Regarding the inclusion of a TIA in the comprehensive development plan I agree that proposed Rules 1(b) and 2(a) in my right-of-reply could be made more explicit to include NZTA (and KiwiRail), but there is scope for a TIA to be requested within comprehensive development plan rule 1(b) “infrastructure function and upgrade”. This is also supported by proposed new infrastructure Policy A5-1.11.

Local Government long term plan and infrastructure planning	<p>Lynette Baish at paragraphs 3 and 6</p> <p>Robert Snijders at [2]</p> <p>Joy and David Bowra-Dean</p> <p>Gretta Mills at [2c]</p>	I support the views of Ms. Baish in her response as it relates to the apparent disconnect between strategic planning of threewaters and transport, and in doing so weakens the ability of future decision makers once applications for resource consent are lodged. Such an approach does not constitute sustainable or integrated management which is therefore contrary to RPS Policy 3-4 as identified by Ms. Baish in her EIC (26/06/2020).
Objective 5A	<p>Paul Thomas at [24]</p> <p>Mayor Watson at [16]</p>	These two objectives are not 'given' as provided by Mr. Thomas as the site is not currently serviced by development infrastructure such as roading and three waters. Therefore, these are outcomes that need to be achieved by Council through the development of the site.
Objective 5B	<p>Paul Thomas at [25]</p> <p>Mayor Watson at [17]</p> <p>Natasha Reid at Table 1</p>	
Policy A1-5.1A	<p>Mayor Watson at [18]</p> <p>Natasha Reid at Table 1</p>	I am of the opinion that the proposed policy is not contrary to the notion of mandatory public notification as the decision made by the consent authority under s 95A does not prejudice the position of the same authority under 104 and 104B. That is, despite any notification decision made under s 95A in relation to adverse effects the consent authority is able and required to make a decision in accordance with the matters identified in s 104 RMA. Further, the notification decision does not require any assessment of the policies of the plan and therefore the consent authority is unable to determine whether an application is consistent with policy direction at that time. The correct time for such consideration is at the decision-making stage under section 104.
Policy A1-5A	<p>Mayor Watson at [19], [20]</p>	There appears to be an inconsistency in the responses at [6] and [19]. That is, the Council wish for "an industrial zone greater than 40ha available" but then go on to support the Industrial Development Capacity Area which proposed Policy A1-5.5B restricts to 40 ha only, and that the "balance land shall retain its rural zoning". Mayor Watson then continues at [21] that while more than 40 ha is sought, the Council "support rezone of the 40ha".
Policy A1-5.5B and 5.5BA	<p>Paul Thomas at [26] – [28]</p>	While I agree with Mr. Thomas' conclusions regarding the value of a structure plan, one of the primary drivers for reducing the area of rezone from 217 ha to 40 ha is to remove the Clayton's plan change aspect of introducing a

	<p>Nicolette Brodnax at [12]</p> <p>Mayor Watson at [21], [22]</p> <p>Natasha Reid at Table 1</p>	<p>structure plan via further plan change. It is understood from evidence presented verbally at the hearing from Kim von Lanthem that NZ Bio Forestry will require 40 ha of area on the site. Therefore, proposed policy A1-5.5BA(ii) avoids effects from piecemeal or uncoordinated development in the event that NZ Bio Forestry does not develop the site as it currently proposes to do. This approach does not preclude any other applicant for resource consent from preparing a comprehensive development plan. This approach also does not preclude Council from preparing a later structure plan in the event that NZ Bio Forestry does not develop the site.</p>
Policy A1-5.6	<p>Paul Thomas at [29]</p> <p>Mayor Watson at [23]</p> <p>Natasha Reid at Table 1</p>	<p>I agree with Mr. Thomas here but add further that any such application for resource consent is able to be declined by the hearing panel (following public notification as requested by Mr. Thomas) if that noise and vibration effects cannot be demonstrated to be acceptable at the boundary.</p>
Policy A1-5.7	<p>Mayor Watson at [24]</p> <p>Natasha Reid at Table 1</p> <p>Felicity Wallace at [13](iii)(3)</p> <p>Gretta Mills in introduction</p>	<p>I remain of the opinion that NZ Bio Forestry (as a land use to the extent that it is relevant to sections 9(3) and 31 of the RMA) is a manufacturer has a responsibility under section 7(aa) of the RMA to be a product steward. My view on this matter is further informed by the consistent feedback from NZ Bio Forestry with the support of the District Council confirming that the industrial activities on the site will be representative of best practice in manufacturing and product stewardship. Additionally, the company's principals have advised consistently through the plan change process that resource use at the site would provide a nationally significant model for waste minimisation. This responsibility is also echoed in the Waste Minimisation Act 2008. I therefore recommend that the submission that this is more relevant "at the Regional Council level" be rejected and that the policy be included. The effects from the end use and disposal of plastic bottles needs to be considered at the manufacturing stage of the process. This is consistent with the recent decision from the High Court decision which stated the '<i>effects of plastic bottle disposal are too remote to be considered within the consent for the use of water for bottling</i>'.<sup>4</sup> Therefore, without the ability to consider the effects of plastic bottle disposal when making a decision on an application for water permit this reinforces the importance of undertaking the consideration at the manufacturing stage.</p> <p>This policy appears to be support, in principle, by F. Wallace in the response material.</p>

<sup>4</sup> *Aotearoa Water Action Inc V Canterbury Regional Council* [2020] NZHC 1625 [8 July 2020] at 252

Policy A5-1.11	Paul Thomas at [30]  Nicolette Brodnax at [16]  Natasha Reid at Table 1	
Policy A5-1.12	Paul Thomas at [31]  Natasha Reid at Table 1	Support comments from Ms. Reid at Table 1 in preference of any other commentary to the contrary e.g. evidence of NZ Bio Forestry tabled at the hearing.
Policy A5-1.13	Paul Thomas at [32]  Mayor Watson at [27]  Natasha Reid at Table 1  Gretta Mills at [1]	I note the wording of Mayor Watson at [27](d) that the “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 A5-1.14	Nicolette Brodnax at [15]-[19]  Mayor Watson at [27]  Natasha Reid at Table 1	At [15] and [16], Mrs. Brodnax submits that her clients (S and H Walsh) are concerned about their tile drain system and the upstream effects of increased stormwater accumulation in the event that the drainage network is blocked or damaged. I question whether Walsh have permission to drain their land and discharge water and contaminants onto neighbouring private property, and whether an assessment of the natural downstream ecosystem and other intakes were considered when those drains were installed. Either way, I think that the evidence of Mr. Wright was not disputed at the hearing and that this decision-making process does not turn on the issue of drainage. I note that Mrs. Brodnax provides no section 32AA assessment of the proposed changes to Policy A5-1.15.
Policy A5-1.15	Mayor Watson at [28]	I remain of the opinion that this policy should be retained for two reasons. Firstly, the policy adopts a ‘bottom-line’ approach in which the policy does not preclude the Council from performing its duties at a better standard than that set by the policy. Secondly, if the Council does perform its duties in a manner set out by Mayor Watson at [28] then it is likely that the policy will be complied with, thereby creating no greater restriction than is required to achieve sustainable management of resources, as was outlined by Mr. Beggs in evidence at the hearing.

Infrastructure policies A5-1 and A5-1.12	Mayor Watson at [25] and [26]  Robert Gunn at [4]	I recommend that the commentary of Mayor Watson at [25] and [26] is adopted to the extent that it is not contrary to the needs of Waka Kotahi NZ Transport Agency.
Mandatory public notification	Paul Thomas at [33]  Nicolette Brodnax at [21]-[26]  Mayor Watson at [29]-[37]  Natasha Reid at para [2] and Table 1  Robert Gunn [3]	<p>I remain of the opinion that mandatory public notification is necessary considering the incomplete planning for roading, threewaters, light spill and noise effects. I therefore suggest that any point made by submitters that mandatory public notification not be required, is rejected. I disagree with Mrs. Brodnax at [23] that individual parties need to be identified as being affected, considering that full and unlimited public notification is mandatory, in this case.</p> <p>I recommend that the argument presented by Mayor Watson at [35] is rejected in preference for that presented by Mr. Thomas at [17] in that the proposed industrial area is the only realistic for large-scale development on this site. Developing in the southern extent of the site, as noted by Mr. Thomas, provides to buffers to the east and north of the site to be retained. I reject the opinion of Mayor Watson at [35] on the basis that heavy-industrial land uses within that buffer zone would likely be unable to achieve the sustainable management threshold and therefore such an application would likely be declined. I accept that point of Mayor Watson at [33] that mandatory notification is a heavy handed approach, but I think that such an approach is necessary considering the deficient of deliberate and careful planning undertake at the pre-notification stage.</p>
Mandatory Information Rule	Natasha Reid at Table 1  Lynette Baish at 7	Accept comments from N Reid and L Baish.
New objective	Nicolette Brodnax at [11]	While I think that there may be value in exploring the amendments proposed by Mrs. Brodnax at [11], I note that no section 32AA assessment is provided in the response.
Activity class (status) of rule	Mayor Watson at [8]-[13]  Lynette Baish at para 6  Robert Gunn at [2]	I remain of the opinion that unrestricted discretionary activity remains the most appropriate classification for the activity and that outstanding issues (identified above by other experts) are better managed through policy than rules. In response to Mayor Watson at [11], to have an RDA rule that restricts discretion to no less than ten (10) matters is contrary to best practice, as the discretion is so wide that it is effectively unrestricted, hence the UDA rule classification. These matters are then captured in the Mandatory Information Rule and the section 88 process. I also recommend that the opinion of Ms. Baish is rejected here because certainty has not been provided to the community that large-scale industry on this site can be serviced by good-quality development infrastructure.

## **Consequential alterations and other matters**

57 The following alteration is recommend for the proposed plan arising as a consequence of submissions made:

- a. I agree with Natasha Reid from Waka Kotahi NZ Transport Agency that mandatory information rule 1(b) and 2(a) could be made more explicit that they do apply to NZTA infrastructure and that a TIA is within scope of those rules.

## **Conclusion**

58 In response to Minute 8, this supplementary evidence has:

- a. Provided recommendations on whether matters raised in submissions should be accepted, accepted in part, or rejected
- b. Provided an analysis of the amended proposal presented in my right-of-reply against the legal requirements in section 32AA RMA
- c. Provided responses to the matters raised in the supplementary material from submitters dated 7 July 2020.

59 This supplementary evidence is premised on three reasonable options:

- a. Do nothing, retain the district plan without changes
- b. Existing proposal presented in the section 32 report (TPG, 2019), and
- c. Amended proposal presented in my right-of-reply (266 July 2020).

60 This supplementary evidence has found that large-scale heavy industry development and land use over the entire 217 ha site will be inconsistent with the objectives and policies of the operative district plan rural zone. Therefore, to do nothing is not the most appropriate way to achieve the purpose of the Act in this case.

61 Between the existing proposal and the amended proposal, it is the amended proposal that sets out a more thorough, descriptive approach to achieving the purpose of the RMA in this case compared to the notified version of the plan change which is most likely to result in significant effects on the environment, the health of the neighbouring community, and the viability of the horse training facility to the north of the site.

62 Both alternative options are likely to result in opportunities for economic growth and the creation of jobs, relative to the 'do nothing' approach. In the instance that both alternative proposals can



realise the economic benefit that is offered by NZ Bio Forestry LTD then the question ultimately comes down to whether the amended proposal can adequately protect the social, economic, and cultural well-being of the community and to provide for their health and safety from adverse effects.

- 63 It is my opinion that the plan change itself as amended by recommendations contained the ROR and this supplementary evidence is sufficient to provide a robust regulatory framework under which the subsequent applications for resource consent will be considered against, and that good quality outcomes are able to be achieved. Notwithstanding that any subsequent application for resource consent may be granted or refused on its merits at the time.

**Greg Carlyon**

**Tuesday 21 July 2020**

List of appendices:

- 1) Excerpts from section 10 of schedule 1 of the RMA and also section 32AA of the RMA
- 2) The proposed provisions from my ROR dated 26 June 2020 (without change)
- 3) Grouping of submissions by the matters to which they relate (taken from TPG (2019) without changes)

Appendix 1: Excerpts of section 10 of schedule 1 RMA 1991 and section 32AA

*Section 10 Decisions on provisions and matters raised in submissions*

*(1) A local authority must give a decision on the provisions and matters raised in submissions, whether or not a hearing is held on the proposed policy statement or plan concerned.*

*(2) The decision—*

*(a) must include the reasons for accepting or rejecting the submissions and, for that purpose, may address the submissions by grouping them according to—*

*(i) the provisions of the proposed statement or plan to which they relate; or*

*(ii) the matters to which they relate; and*

*(ab) must include a further evaluation of the proposed policy statement or plan undertaken in accordance with section 32AA; and*

*(b) may include—*

*(i) matters relating to any consequential alterations necessary to the proposed statement or plan arising from the submissions; and*

*(ii) any other matter relevant to the proposed statement or plan arising from the submissions.*

*(3) To avoid doubt, the local authority is not required to give a decision that addresses each submission individually.*

*(4) The local authority must—*

*(aaa) have particular regard to the further evaluation undertaken in accordance with subclause (2)(ab) when making its decision; and*

*(a) give its decision no later than 2 years after notifying the proposed policy statement or plan under clause 5; and*

*(b) publicly notify the decision within the same time.*

*(5) On and from the date the decision is publicly notified, the proposed policy statement or plan is amended in accordance with the decision.*

*Schedule 1 clause 10: replaced, on 1 October 2009, by section 149(9) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).*

*Schedule 1 clause 10(2)(ab): inserted, on 3 December 2013, for all purposes, by section 84(1) of the Resource Management Amendment Act 2013 (2013 No 63).*

*Schedule 1 clause 10(4)(aaa): inserted, on 3 December 2013, for all purposes, by section 84(2) of the Resource Management Amendment Act 2013 (2013 No 63).*

*Section 32AA Requirements for undertaking and publishing further evaluations*

*(1) A further evaluation required under this Act—*

*(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*

*(b) must be undertaken in accordance with section 32(1) to (4); and*

*(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*

*(d) must—*

*(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*

*(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

*(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

*(3) In this section, proposal means a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act.*

*Section 32AA: inserted, on 3 December 2013, for all purposes, by section 70 of the Resource Management Amendment Act 2013 (2013 No 63).*

*Section 32AA(1)(d)(i): amended, on 19 April 2017, by section 15(1)(a) of the Resource Legislation Amendment Act 2017 (2017 No 15).*

*Section 32AA(1)(d)(i): amended, on 19 April 2017, by section 15(1)(b) of the Resource Legislation Amendment Act 2017 (2017 No 15).*

*Section 32AA(3): amended, on 19 April 2017, by section 15(2) of the Resource Legislation Amendment Act 2017 (2017 No 15).*

## Appendix 2: Proposed provisions from right of reply

## **Appendix 1 – planning framework modified from supplementary evidence (clean version)**

The following proposal should be read in conjunction with all operative district plan objectives and provisions including but not limited to policy A5-1.6 (transport); A4-1.4 and A4-1.7 (natural hazards); A4-2.1 (hazardous substances). The following provisions are applied through an 'Industrial Development Capacity Area'.

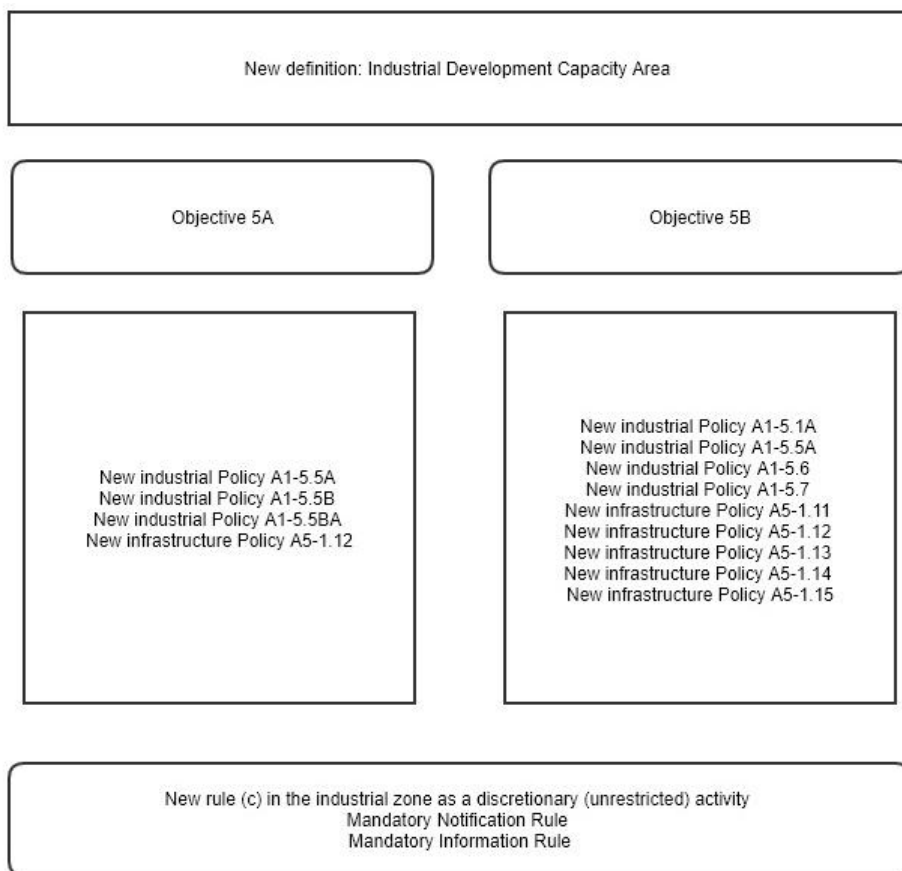


Figure 1: proposed planning framework.

### **Maps**

District Plan Maps 4 and 21 are amended to reflect the change in zoning from rural to industrial in order to give effect to Objective 5B.

### **Definition**

New definition: Industrial Development Capacity Area means the concept identified on Site Plan ID 36549684 dated 02 June 2020.

## **Objectives**

New industrial Objective 5A: The Industrial Development Capacity Area is established.

New industrial Objective 5B: Development and use of the Industrial Development Capacity Area is sufficiently planned to ensure that the development outcomes are consistent with the purpose of the RMA, and its ongoing operation is provided for with good-quality development infrastructure.

## **Policies**

New industrial Policy A1-5.1A: Adverse effects (including but not limited to emissions, particulate matter, noise and vibration, odour, lighting and glare, building bulk dominance and shading) generated from activities as part of the Industrial Development Capacity Area shall be remedied and or mitigated within the boundary of the Industrial Development Capacity Area and avoided beyond the buffer zone boundary.

New industrial Policy A1-5.5A: The Industrial Development Capacity Area shall be buffered from the eastern (State Highway 1) and northern (Wings Line) road boundaries. The buffer shall be used for rural activities under the rural zone, and may otherwise be used to remedy and mitigate effects arising from any industrial activity within the Industrial Development Capacity Area. This buffer will be no less than 177 hectares (177 ha) in scale.

New industrial Policy A1-5.5B: The Industrial Development Capacity Area shall be limited to 40 hectares (40 ha) in scale.

New industrial Policy A1-5.5BA: industrial development and use of the Industrial Development Capacity Area shall be undertaken in a comprehensive and integrated manner to ensure:

- i. any actual or potential effects of the use and or development are controlled, and
- ii. effects from uncoordinated development are avoided.

New industrial Policy A1-5.6: Effects from the emission of noise and vibration from the operation of the Industrial Development Capacity Area shall be mitigated within the IDCA boundary and avoided beyond the buffer zone boundary.

New industrial Policy A1-5.7: When considering an application for resource consent to manufacture and produce single use plastic products, the decision maker shall have regard to:

- i. the ethic of stewardship
- ii. the efficient use and development of natural and physical resources
- iii. any finite characteristics of natural and physical resources
- iv. the end use and disposal of that plastic product.

New infrastructure Policy A5-1.11: In the establishment and operation of the Industrial Development Capacity Area, adverse effects on safe operation of critical infrastructure and network utilities are avoided by ensuring that upgrades to development infrastructure are functional prior to the increased demand on road and rail networks being realised.

New infrastructure Policy A5-1.12: Access into and out of the Industrial Development Capacity Area shall be restricted to Makirikiri Road only.

New infrastructure Policy A5-1.13: In the establishment and operation of the Industrial Development Capacity Area an integrated stormwater management approach shall be designed and implemented. The network shall conform with the Auckland Council Water Sensitive Design for Stormwater Guidance Document 2015/004 (GD04). As part of the stormwater network, the following will be implemented:

- i. A stormwater collection and treatment wetland shall be constructed and maintained on the site; the wetland shall be sized at 2% of contributing catchment area or 3% of the site (6.51 ha), whichever is greater.
- ii. All new impermeable surfaces constructed on the site shall be connected into the designed stormwater network in order to achieve volume neutrality.

New infrastructure Policy A5-1.14: All tradewaste connections made to the Industrial Development Capacity Area will enter a collection, storage, treatment, and discharge system (this may or may not be the municipal sewerage system) in a manner that:

- i. safeguards the life-supporting capacity of air, water, soil, and ecosystems.
- ii. avoids, remedies, or mitigates any adverse effects of activities on the environment.
- iii. maintains and enhances the quality of water in the Tutaenui Stream.
- iv. consider and recognise te mana o te wai of the Rangitikei and Tutaenui catchments.

New infrastructure Policy A5-1.15: All potable/industrial water connections made to the Industrial Development Capacity Area will be provided by a source that does not lead to:

- i. over allocation of any surface water or groundwater zone.
- ii. depletion effects of the municipal water supply.

**Rules** (on page 58 of the operative district plan)

The following are Discretionary Activities in the Industrial Zone:

- a) any activity that is not a permitted, or restricted discretionary activity^ in the Industrial Zone, and any activity that is not specifically provided for in this Plan.
- b) any offensive activities.
- c) Any industrial activities\* located within the Industrial Development Capacity Area.

### **Mandatory Notification Rule**

All applications lodged under (c) must be publicly notified under section 95A(7) of the Resource Management Act 1991.

### **Mandatory Information Rule**

Without limitation on any requirement of section 88 of the RMA 1991, or any other requirement in the District Plan, a resource consent application prepared under (c) must be lodged with the Council with the following mandatory information:



1. A comprehensive development plan for the entire Industrial Development Capacity Area, which provides sufficient information to demonstrate consistency with the objectives and policies of the district plan and, at minimum, design of the following aspects:

- (a) site arrangement including internal roading, building platforms and landscaped areas
- (b) infrastructure function and upgrade [including but not limited to local roading and threewaters]
- (c) sources of air discharge, light and noise emission
- (d) natural hazard avoidance
- (e) staging and construction management
- (f) hours of operation
- (g) location of elite and versatile soils

2. an assessment of effects arising from the implementation of the comprehensive development plan including, at minimum, consideration of the following matters:

- (a) roading efficiency and safety [including local roading network]<sup>1</sup>
- (b) rural productivity and amenity from inappropriate use and development [including effects on Crofton]
- (c) landscape values
- (d) noise [and vibration] effects
- (e) [light spill]
- (f) [risk to human health]
- (g) [hydrology and drainage], and
- (h) [loss of elite and or versatile soils]
- (i) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:

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<sup>1</sup> Where I have included any text within [square brackets] this is to identify matters raised by submitters or the Commissioner during the hearing.

- (j) ADVICE NOTE: Any resource consent considered by the Rangitikei District Council under this rule will be considered at the same time as any resource consent sought by an Applicant from Manawatu-Wanganui Regional Council, in accordance with section 102 of the Resource Management Act 1991.

### Appendix 3: Table excerpt from summary of submissions



# SUMMARY OF DECISIONS REQUESTED

For the Proposed Plan Change at 1165, 1151, 1091 State Highway 1, Marton

*Disclaimer: This document provides a summary of the decisions requested by persons making submissions on Rangitikei District Council's Proposed Plan Change. Whilst every possible care has been taken to provide a true and accurate summary, the information contained within this document is not required by the Resource Management Act 1991 to provide a full account of the submissions received. Accordingly, readers wishing to understand the submissions are advised to refer to the full copy of the original submissions.*

Summary of submitters				
#	Submitter	Address for service	Support/oppose/amend	Wishes to be heard
1	Hew Dalrymple	158 Dalrymple Road, Bulls 4894	Support	Not stated
2	Amanda and Craig Calman	70 Wings Line, RD 1, Marton	Oppose	No
3	Philippa Hancock	76 Wings Line, Marton	Oppose	No
4	David M. Dean, Joy Bowra-Dean	19 Goldings Line, RD 1, Marton 4787	Oppose	Yes
5	William and Carol Sinclair	89 Wings Line, RD 1, Marton 4787	Oppose	Yes
6	Elaine Mary Wigglesworth	67 Goldings Line, RD 1, Marton 4787	Neutral	No
7	Lorraine Pearson	71 Marumaru Street, Marton	Not stated	No
8	Kathleen Reardon	13c Wanganui Road, Marton	Not stated	Yes
9	D and J Anderson Family Trust	1108 SH1 RD1, Marton	Oppose	Yes, would consider joint case
10	Fraser Auret	73 Wings Line, RD 1, Marton 4787	Oppose	Yes, would consider joint case
11	The Downs Group	PO Box 275, Marton 4741	Support	No
12	Ms F. Wallace representing the Interested Residents of Marton and the Rangitikei	15 Bond Street, Marton 4710	Oppose	Yes, would consider joint case
13	Robert Snijders	5 Grey Street, Marton 4710	Oppose	Yes
14	Horizons Regional Council (Pen Tucker, Senior Policy Analyst)	Private Bag 11025, Manawatu Mail Centre, Palmerston North 4442	Generally supports	Yes, would consider joint case
15	Howard and Samantha Walsh	1233 State Highway 1, RD 1, Marton 4787	Oppose	Yes, would consider joint case
16	Kiwirail (Rebecca Beals)	PO Box 593, Wellington 6140	Neutral	Yes
17	New Zealand Transport Agency (Letitia Jarrett, Principal Planner)	PO Box 1947, Palmerston North 4440	Cannot form a position at present	Yes
18	NZ Bio Forestry Ltd	PO Box 10799, Wellington 6143	Support	Yes

Summary of support / opposition			
Support	Support with condition	Neutral/ not stated/ position reserved	Oppose
1, 11, 18	14	6, 7, 8, 16, 17	2, 3, 4, 5, 9, 10, 12, 13, 15
Summary of topic areas			
Topic		Submissions	
Increase in population		4, 15 (infrastructure)	
Growth (economic) and employment		1, 4, 11	
Positive social		1	
Who will benefit		4	
Traffic / roading		2, 3, 4, 5, 7, 8, 10, 13, 15, 16, 17	
Noise		2, 3, 4, 5, 9, 10, 15	
Air pollution (including dust)		2, 3, 9, 10, 15	
Odour (including smoke)		4, 10, 15	
Property values		2, 3, 9	
Drainage		2, 3, 7, 8, 15	
Visual and landscape amenity		2, 3, 9, 12, 15	
Light spill		4, 10	
Fire risk		4	
Construction effects		4	
Quality of life		5	
Privacy		6	
Versatile soils		10, 12, 13, 14, 15	
Impact on adjacent business (race-horsing)		10	
Geotech		14	
Rail network		16	
GPS		17	
Cumulative effects		15, 17	
Scale		4, 12, 15	
Land demand		4, 10, 13, 15	
Site location (options)		4, 10, 11 (positive), 12, 13	
Alternatives		10, 11	
DP Review		13	
Development Contributions Review		13	

Infrastructure (assessment)	10, 15
LGA alignment	12, 14
Structure Plan / Development Plan	12, 13, 15
Staging	17
OnePlan (Regional Policy Statement)	10, 14, 15
Purpose of the RMA	10, 12, 15
Evaluation (against Act, Plans, Policies, etc)	10, 12, 15
Consultation	10, 15
Information omitted or further required	10, 12, 13, 15, 16, 17
Business opportunities	18