

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

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26 June 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 6<sup>th</sup> Minute by the independent hearing commissioner (dated 19 June 2020), I am to reflect upon the points made by submitters and to revise my recommended changes to the plan change provisions in liaison with Council's legal counsel as part of the Council's right-of-reply with the revised recommendations to be circulated to all parties by 5pm, Friday 26<sup>th</sup> June 2020.

## **Planning Context and Assessment**

6. For context, in my s 42A report, I concluded that there were five (5) reasonably practicable options.
7. Table copied from page 46 of the s 42A report (dated 06/03/20) without changes.

<p>Option 1 (plan change as notified).</p> <ul style="list-style-type: none"> <li>• Industrial activity is a permitted activity</li> <li>• Effects not demonstrated to be acceptable</li> <li>• Integrated management not achieved</li> </ul>	<p>Option 2 (refuse plan change)</p> <ul style="list-style-type: none"> <li>• Industrial activity is either a restricted discretionary activity or unrestricted discretionary activity</li> <li>• Potentially inappropriate land use for zoning</li> <li>• Applicable policies are restrictive, with no enabling policies</li> </ul>
<p>Option 3 (zone change with new rule)</p> <ul style="list-style-type: none"> <li>• Industrial activity is a non-complying activity</li> <li>• Subject to s104D gateway test</li> <li>• Appropriate land use for zoning</li> <li>• Policy suite is both restrictive and enabling</li> </ul>	<p>Option 4 (bespoke provisions)</p> <ul style="list-style-type: none"> <li>• Industrial activity is a restricted discretionary activity</li> <li>• Appropriate land use for zoning</li> <li>• Unique zoning tool, unique policy and rule for management of land use and development on the site</li> <li>• Efficient policy removal clause</li> <li>• Process for establishing certainty for submitters and Council</li> </ul>
<p>Option 5 (zone change with new Policy)</p> <ul style="list-style-type: none"> <li>• Rezone 40 ha as industrial, leaving 177 ha as rural</li> <li>• New policy managing effects within and outside of the site</li> </ul>	

8. In response to the matters raised in submissions and evidence presented to those submissions at the hearing, I propose the following changes to the notified district plan change before the independent hearing commissioner. These proposed changes are founded from options 4 and 5 of the s 42A report (dated 06/03/20), and also incorporate the proposed objectives, policies and rules from my supplementary evidence dated 02/06/20.
9. As per option 5, I proposed that only 40 hectares (ha) is rezoned to industrial and that this 40 ha is located to the west of the site as shown on draft site plan 36549684 in Appendix 1 of my supplementary evidence. Firstly, this allows integration of the industrial site into the proposed rail siding. Secondly, this allows a substantial buffer zone to the north and east of the proposed industrial development.
10. At the same time, I proposed the balance of the site (being 177 ha) retains its rural zoning and used as an effects buffer zone. Retention of 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.

11. I remain of the opinion that the policies from stage 2 of my supplementary evidence (see Appendix 1, below) are still necessary to manage potential effects from the new industrial zone. I have made some minor changes below, namely the removal of the deferral overlay, to address the “Clayton’s” issue raised in planning evidence of Mr. P. Thomas. This will, however, require a more stringent consenting pathway to be put in place to ensure that the matters which would be addressed in a subsequent plan change, are now addressed in any application made by developers.
12. I now propose that an appropriate classification of the rule is discretionary, which is an amendment to my supplementary evidence which stated that new rule should be restricted discretionary. This change is necessary, in my opinion, because of the deficiency of information and integrated planning undertaken during the plan change process and as a result it would be inappropriate to restrict the decision makers discretion during the consenting stage. This approach also provides an increased level of certainty to submitters.
13. I think that it is necessary to introduce new information requirements for any application made in the new industrial zone. I have addressed this below.
14. In response to submitters at the hearing, I have removed reference to ‘light industrial’ within the buffer zone. Further, I can confirm that the National Planning Standards does provide a definition for industrial.
15. Scope for the changes described above and presented below, is addressed in the legal submissions made by Mr. N. Jessen.

**Greg Carlyon**

**Friday 26 June 2020**

**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’.

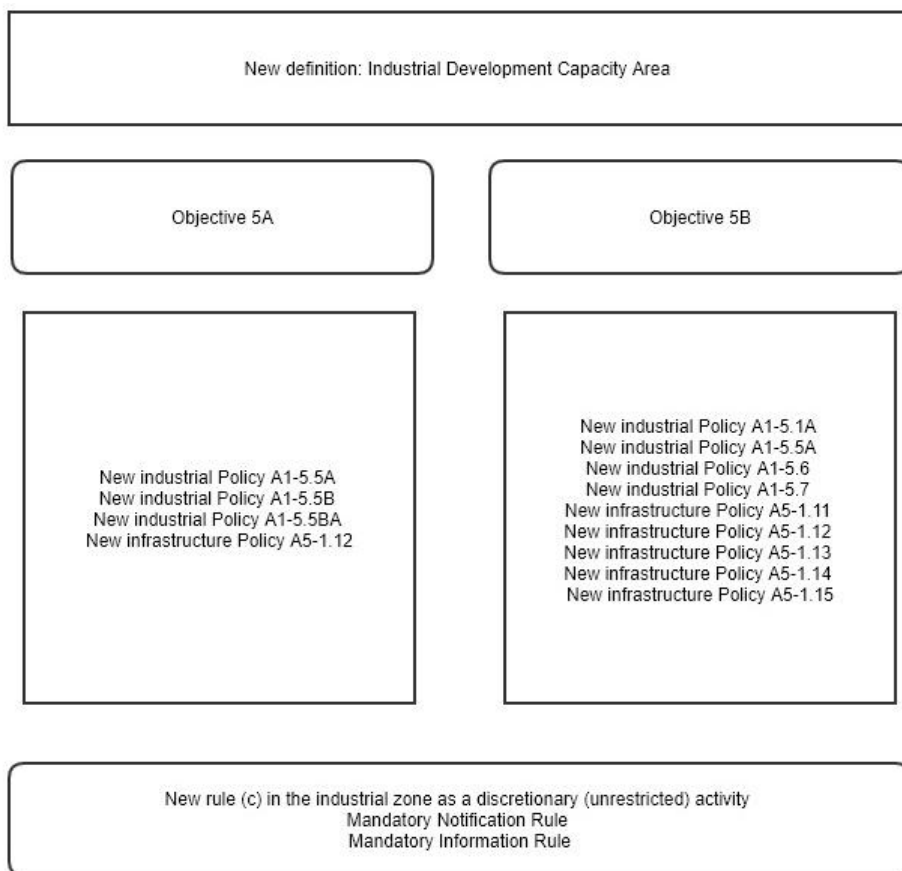


Figure 1: proposed planning framework.

**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<sup>^</sup> 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 2 – planning framework modified from supplementary evidence (tracked version)**

The following proposal should be read in conjunction with all operative district ~~p~~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 proposed provisions are split into two stages and are designed to be implemented through time:—~~

~~Stage 1: Industrial (Deferral) Overlay—~~

~~Stage 2: The following provisions are applied through an 'Industrial Development Capacity Area'.~~

### **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.

### **Definitions**

~~New definition: Industrial (Deferral) Overlay means temporary overlay established by Policy A1-5.4 until such a time that the Industrial Development Capacity Area is established located at:—~~

- ~~• 1165 State Highway 1, Marton (Lots: Pt Lot 2 DP 336499, Pt Lot 1 DP 11224, Pt Lot 2 DP 11224, Pt Lot 1 DP 10342, Lot 1 DP 82685, Pt Lot 4 Plan 25, Pt Lot 5 Plan 25, Pt Lot 6 Plan 25, Pt Lot 7 Plan 25, Pt Lot 9 Deeds Plan 25, Pt Lot 2 DP 497482)–~~
- ~~• 1151 State Highway 1, Marton (Lot 1 Deposited Plan 336499)–~~
- ~~• 1091 State Highway 1, Marton (Lot 1 Deposited Plan 497482)–~~

New definition: Industrial Development Capacity Area means ~~the structure plan produced through the process outlined in Policy A1-5.4 and is based on~~ the concept identified on Site Plan [ID 36549684 dated 02 June 2020].

### **Objectives**

~~New industrial Objective 5A: Amenity values surrounding the Industrial (Deferral) Overlay are maintained.—~~

New industrial Objective ~~5A~~5B: 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 ~~adequate good-quality~~ development infrastructure.

### **Stage 1 Policies and rules**

~~New industrial Policy A1-5.4: The Industrial (Deferral) Overlay must be managed in the following manner:—~~

- ~~a.— District Plan maps 4 and 21 are to be amended to implement the Industrial (Deferral) Overlay—~~
- ~~b.— Adverse effects generated by Industrial Activities\* within the Industrial (Deferral) Overlay must be avoided beyond the boundary of the Overlay.—~~
- ~~c.— Policy A1-5.4 must be removed upon notification of a plan change under Schedule 1 of the Resource Management Act 1991, which addresses the following matters, in addition to the matters identified in Section 32 of the Act:—~~
  - ~~i. a comprehensive structure plan for development use of the Industrial Development Capacity Area, and—~~
  - ~~ii. demonstration that investment in three water and roading improvements are explicitly provided for in the Long-Term Plan to implement the comprehensive structure plan.—~~

~~The following are Restricted Discretionary Activities in the Industrial Zone:—~~

- ~~a.— [existing rule in the district plan]—~~
- ~~b.— [existing rule in the district plan]—~~
- ~~c.— Any industrial activities\* located within the Industrial (Deferral) Overlay—~~

~~The matters over which the Council has restricted its discretion are:—~~

- ~~a.— the protection of rural amenity from inappropriate use and development—~~
- ~~b.— traffic and transport effects—~~
- ~~c.— effects on landscape values—~~
- ~~d.— hours of operation and noise effects—~~
- ~~e.— staging and construction management—~~
- ~~f.— natural hazard avoidance—~~
- ~~g.— effects on infrastructure function and upgrade—~~

~~For any application(s) for resource consent that is considered under this rule, the following persons must be considered to be an affected person for the purpose of notification, unless section 95E(3) of the Act applies:—~~

- ~~a.— KiwiRail Holdings Limited (KiwiRail)—~~
- ~~b.— NZ Transport Agency—~~
- ~~c.— Ngāti Apa—~~
- ~~d.— Whanganui District Health Board—~~

~~This clause does not preclude the notification of other affected persons. Nb. District Plan general rule B1.1-6 precludes public notification of restricted discretionary activities.—~~

## Stage 2 Policies

New industrial Policy A1-5.1A: Adverse effects ~~on amenity~~ (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 ~~zone boundary~~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 ~~contain a boundary buffer along~~ the eastern (State Highway 1) and northern (Wings Line) road boundaries ~~to a setback of no less than 400 m at all times~~. The buffer shall be used for ~~light industrial and or rural and or conservation~~rural activities under the rural zone, and may otherwise be used to ~~a purposes to~~ remedy and mitigate effects arising from ~~the any~~ industrial activity on the productivity and amenity of neighboring rural and residential land. ~~This buffer will be 97 177 hectares (97 177 ha) in scale within the Industrial Development Capacity Area~~. This buffer will be no less than 97 177 hectares (97 177 ha) in scale.

New industrial Policy A1-5.5B: ~~Stage one of the~~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:

- a) any actual or potential effects of the use and or development are controlled, and
- a)b) effects from uncoordinated development are avoided.

~~New industrial Policy A1-5.5C: Stage two of the Industrial Development Capacity Area shall be limited to 80 hectares (80 ha) in scale.~~

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. ~~Where the adverse effects cannot be avoided, then mitigations shall be put in place to reduce the extent of non-compliance with standards.~~

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

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- i. A stormwater collection and treatment wetland shall be constructed and maintained on the unnamed tributary of Tutaenui Stream site; the wetland shall be sized at 2% of contributing catchment area or 3% of the site (6.51 ha), whichever is greater.
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#### Mandatory Information Rule

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(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]

(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:
- (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.