
**SECTION 42A REPORT OF MR GREG CARLYON ON BEHALF OF
THE RANGITIKEI DISTRICT COUNCIL (REGULATORY) IN THE
MATTER OF THE RANGITIKEI DISTRICT PLAN CHANGE (MARTON)**

FRIDAY, 6 MARCH 2020

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EXECUTIVE SUMMARY

1. I have prepared this report in accordance with section 42A of the Resource Management Act 1991. The purpose of this report is to 'assist the independent hearings commissioner in their conduct of a hearing in a fair and appropriate manner, in the matter of the proposed change to the Rangitikei District Plan'.
2. I have read the Environment Court of New Zealand Practice Note 2014, and I agree to abide by that code of conduct.
3. In this report, any reference to:
 - A. 'Act' or 'RMA' refers to the Resource Management Act 1991
 - B. 'District Council' or 'Council' means the Rangitikei District Council
 - C. 'District Plan' or 'Plan' means the Rangitikei District Plan
 - D. 'One Plan' means that Manawatū-Wanganui One Plan that is a consolidated regional policy statement, regional coastal plan and regional plan
 - E. 'Site' or 'the site' means
 - i. 1091 State Highway 1, Marton <Lot 1 Deposited Plan 497482>
 - ii. 1151 State Highway 1, Marton <Lot 1 Deposited Plan 336499>
 - iii. 1165 State Highway 1, Marton <Part Lot 2 Deposited Plan 336499; Part Lot 2 Deposited Plan 497482; Part Lot 4-7 Deeds Plan 25; Part Lot 9 Deeds Plan 25; Part Lot 4-7 Deeds Plan 25A; Part Lot 1 Deposited Plan 11224; Part Lot 2 Deposited Plan 11224; Lot 1 Deposited Plan 82685>
 - F. 'SOE' means state of the environment
4. This report outlines the following matters:
 - A. My qualifications and experience
 - B. A summary of the Schedule 1 process for this plan change, up to Friday 28 February 2020
 - C. A description of the site
 - D. The functions of the District Council under section 31 of the RMA
 - E. The reasons for the proposed plan change, including consideration of the State of the Environment report dated 14 June 2019
 - F. Consideration of the section 32 evaluation report, including sections 72-75 RMA.
 - G. Matters raised in submissions and further submissions

- H. An assessment of the proposed plan change with regard to:
 - i. National Policy Statement on Urban Development Capacity 2016
 - ii. National Policy Statement on Electricity Transmission 2008
 - iii. National Environmental Standards for Sources of Human Drinking Water Regulations 2007
 - iv. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011
 - v. National Planning Standards under the Resource Management Act 1991
 - vi. Any other regulations under section 360 of the RMA
 - vii. Water Conservation (Rangitikei River) Order 1993
 - viii. Ngāti Apa (North Island) Claims Settlement Act 2010
 - ix. Heritage New Zealand Pouhere Taonga Act 2014
 - x. One Plan - Regional Policy Statement
 - xi. The Operative Rangitikei District Plan 2013
 - xii. Rangitikei Long Term Plan 2028
 - xiii. Rangitikei Asset Management Plan Roding 2021 and threewaters 2018
- I. Consideration of Part 2 of the Act
- J. Recommendations

- 5. The purpose of the Proposed Plan Change is to enable new investment in industrial activities in Marton by providing additional land within the Industrial Zone.
- 6. The site is bounded by Wings Line to the north, State Highway 1 to the east, Makirikiri Road to the south and the Main Trunk Railway to the east.

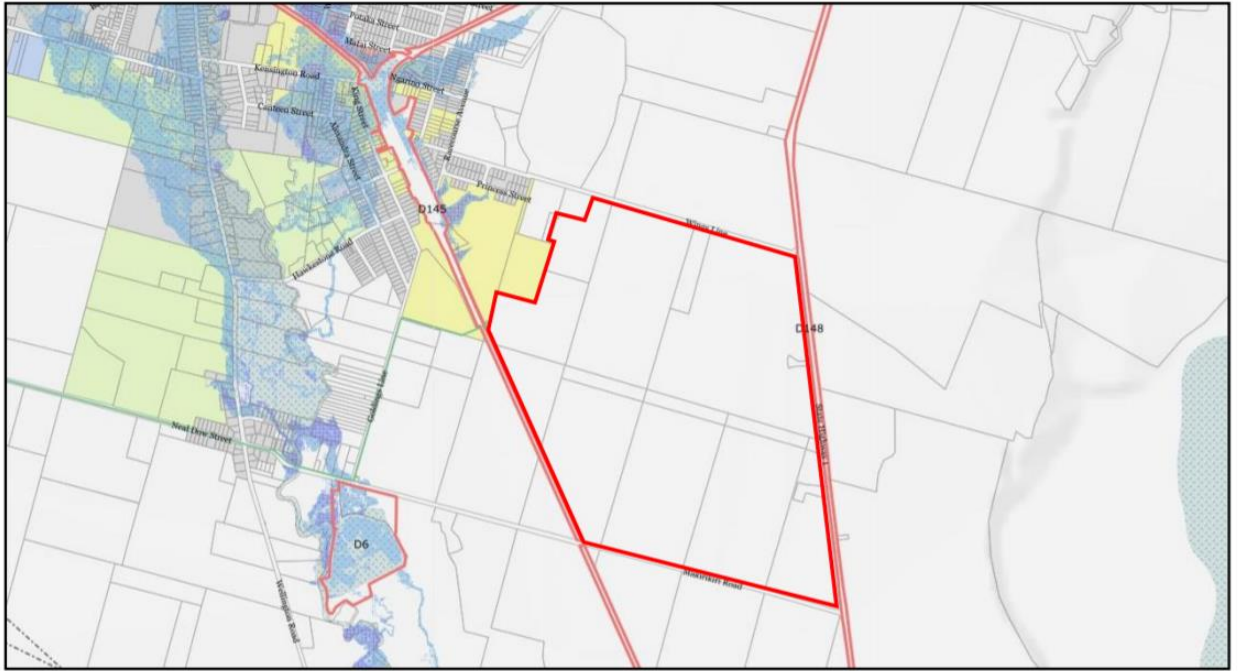


Figure 1: Excerpt of the district plan showing the site boundaries in red, to the south-east of Marton township.

7. The plan change was notified with a section 32 evaluation report. 18 submissions were received. 21 further submissions were received. A summary of submissions and a summary of further submissions are appended to this report.
8. The substantive task before the independent hearing panel is to determine whether the proposed change in zoning will:
 - A. Achieve the purpose set out in Section 72, and
 - B. Allow the Council to achieve its functions set out in Section 31, and in doing so
 - C. Best achieve the purpose of the Act
9. To assist the independent hearing panel in making this determination I have prepared:
 - A. This report, which directly evaluates the matters set out in s74(1), 74(2), 75(3) and 75(4) of the RMA
 - B. A section 32AA evaluation is appended to this report
 - C. A comparison of the rural and industrial zones of the operative district plan.
10. The general performance standards are, mostly, similar for both zones. The potential effects are, therefore, created by the permitted activity rule for industrial land use,

compared to the rural zone where industrial activity of this scale would require a land use consent. In my opinion, this residual potential effect was not addressed in the s32 report, and this was noted by submitters (e.g. Walsh (Sub15) and IROMAR (FSub6)).

11. I am of the opinion that the Schedule 1 process has been followed, but note that I have concerns about the practices, however the notification practices exercised by the District Council were not constructive for the community and submitters.
12. I am also of the opinion that there remains a significant quantum of incomplete or missing information that I would expect in order to determine submissions and satisfy the statutory requirements.
13. My overall recommendation is that the site is appropriate for rezoning. In the absence of assessment that would provide the detail required for a s32 evaluation, and give confidence to submitters, I think that it is appropriate to defer development until sufficient detail can be provided in a structure plan. This recommended approach will enable the council to negotiate advanced contracts for development and to proceed with detailed design. I think it would not achieve the purpose of the Act (or implement the national- and regional policy statements) to halt development at this early stage. Therefore, I have recommended that control is reserved at the planning stage, rather than permitting development. This adopts a precautionary approach and contains the effects at the plan change stage but enables Council to undertake further design and investigation.

Qualifications and Experience

14. I am the Practice Leader – Planning for The Catalyst Group. The Catalyst Group is a multi-disciplinary resource management company, located in Palmerston North and Wellington. I am the Director of that company and have held that role since 2011.
15. I hold the qualification of Bachelor of Resource and Environmental Planning from Massey University. I am a member of the Resource Management Law Association and am a certified Commissioner under the Ministry for the Environment's programme, with an additional endorsement for Chair.

16. I have assisted Rangitikei District Council with amendments to the District Plan, through the period 2011-2020. This has included the full plan review (made operative in 2013) and built heritage provisions subsequent to that.
17. I was retained by Rangitikei District Council through the period 2015-2017 as the lead consultant for resource consents and provided advice in relation to systems to efficiently and effectively address the council's resource management functions.
18. I am familiar with the regional planning documents relevant to this proposal, having led the development of the One Plan (RPS and regional plans) through the period 2004-2011.
19. In my role with The Catalyst Group, I have been extensively involved with local authorities throughout New Zealand, reviewing resource management practice and implementing change programmes to deliver outcomes which more closely align with statutory directions in the Resource Management Act 1991.
20. I act as an independent expert witness for local authorities and private clients before first level hearings and Environment Court proceedings, on a regular basis.
21. I am familiar with the Rangitikei District well and have lived in the District since 2004.
22. I have visited the site on several occasions (most recently Friday 6 March 2020).

Summary of the Schedule 1 process

23. The following is an assessment of the timeframe that has led-up to this hearing, to assist the commissioners understanding of the history of this plan change.
24. On 14 June 2019 the council received a State of the Environment monitoring report from an independent consultant, Mr. Thomas. This SOE report was presented to the Policy and Planning Committee (at Council) on Thursday 11 July 2019.

25. Notification was proceeded by the release of a Draft Plan Change Report which provided an opportunity for the general public and interested stakeholders to provide feedback between 29 June and 25 July 2019.
26. The section 32 report is dated August 2019.
27. The submission period closed at 5PM on 23 September 2019.
28. The Council received 18 submissions, including one late submission (addressed later in this report). A summary of submissions is appended to this report. 3 submissions support the plan change, 1 submission is conditional support, 9 submissions oppose the plan change, and the balance of 5 submissions are either neutral or did not state a position.
29. On 26 November 2019 there was an informal meeting between submitters and the Council.
30. On Wednesday, 18 December 2019 at 4:30 PM, written notification was given to the public of the availability of the summary of submissions on the Council website and of the call for further submissions. The full text of the notification was published in the District Monitor and the Whanganui Chronicle, and were sent to submitters. The information, together with all submissions and specialist reports, was made available on the Council website from 19 December 2019.
31. The period for further submissions then closed on 31 January 2020; at that time 21 further submissions were received by Council. A summary of further submissions is also appended to this report.
32. On 13 February 2020, the further submissions were uploaded to the Council website, and a summary was sent to all submitters.
33. On Monday 2 March 2020, pre-hearing dispute resolution (under section 8AA of Schedule 1) was undertaken between the Council and submitters. The facilitators report is appended to this report. The invite to this meeting was sent on Wednesday 19 February 2020.

34. On Friday 13 March 2020, pre-hearing dispute resolution (under section 8AA of Schedule 1) was undertaken between the Council and submitters. The facilitators report is appended to this report. The invite to this meeting was sent on 03 March 2020.

Site Description

35. The site is to the south-east of Marton township, and its boundaries are Wings Line (north), State Highway 1 (east), Makirikiri Road (south) and the North Island Main Trunk (NIMT) rail (east). The site is approximately 217ha in area.
36. During pre-notification consultation, the owners of 1151 State Highway 1 also expressed interest in rezoning their property. Details of this are outlined in the s32 report at 5.2.
37. During pre-notification consultation, the owners of 1091 State Highway 1 were not contacted. Details of this are outlined in the s32 report at 5.2.
38. The Council has decided to include the following properties in the proposed plan change:
- A. 1091 State Highway 1, Marton
 - B. 1151 State Highway 1, Marton
 - C. 1165 State Highway 1, Marton
39. The owners of the above described allotments are not submitters.
40. The site is described in the section 32 report at sections 2.1, 3.2 and 6.
41. The site is not identified in any Schedules to the District Plan.
42. The site is identified on District Plan Maps 4 and 21; and identified on Map A:4 of the Regional Plan as the Tutaenui sub-zone (Rang_4d) of the Coastal Rangitikei surface water management zone (Rang_4).

43. The site is most flat to gently rolling and is currently under maize crop. Based on historical aerial imagery, it appears as though the site has been used for cropping and pasture farming for an extended period of time.
44. The neighbour immediately to the western boundary is Malteurop New Zealand, an industrial premises that manages a malting barley supply chain, production and storage at the Marton malthouse site. Malteurop is visible from SH1 and Wings Line.
45. The northern corner of the site is adjacent to residential dwellings at 70 Wings Line (Sub2, A. & C. Calman) and 76 Wings Line (Sub3, P. Hancock); beyond that is a racehorse training stable at 73 Wings Line (Sub10, F. Auret). I note that the rezoning does not apply to any of these three properties.
46. On the eastern boundary of the site are two other private properties (1151 and 1091 State Highway 1). These two properties are also subject to the proposed plan change but have not made submissions.
47. The site contains an unnamed tributary of the Tutaenui Stream.

Functions and responsibilities of Council under sections 31, 72-75 RMA

48. Section 31 of the RMA sets out the functions that every territorial authority shall have, for the purpose of giving effect to the Act in its district. The following functions are relevant to the plan change:

Section 31 RMA	Comment
(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:	The proposed plan change (as notified) did not introduce, amend or delete any provisions in the operative district plan, which has already gone through a Schedule 1 process. Therefore, the operative plan has already met the sustainable management test through a hearing process. However, sufficient design has not been undertaken to ensure that the adverse effects are managed, and that the site is well integrated with threewater, electrical, roading and rail infrastructure.
(aa) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:	The proposed plan change provides sufficient development capacity in respect of business land to meet the expected demands of the district. This is consistent with the Council's function under s31(1)(aa).
(b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of— <ul style="list-style-type: none"> i. the avoidance or mitigation of natural hazards; and ii. the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land: 	The two relevant natural hazards at this site are seismic shaking and rainfall flooding. A Preliminary Geotechnical Appraisal has been provided to council by WSP (Sept. 2019). The WSP report shows that the site is outside of the AEP 0.5% flood extent (200 year). The WSP report concludes that there appears to be a low or negligible risk of liquefaction at the site. The WSP report concludes that the Leedstown-Putorino Fault crosses the north-western corner

Section 31 RMA	Comment
<p>iii. the maintenance of indigenous biological diversity:</p>	<p>of the site near Wings Line and SH1. The recurrence interval of fault rupture of the Leedstown-Putorino Fault is estimated to be nearly 10,000 years. This long estimate recurrence interval reduces the risk of fault rupture.</p> <p>Council does not hold any records of contaminated land at the site.</p> <p>The section 32 report, at 6.7, states that there is unlikely to be indigenous biological diversity on the site. It appears as though an unnamed tributary of the Tutaenui Stream passes through the site, and therefore it is unknown whether a riparian margin habitat is present on the site.</p>
<p>(d) the control of the emission of noise and the mitigation of the effects of noise:</p>	<p>Noise is a consistent issue from the submissions. The s32 report considers noise effects at section 6.5.1. There are no changes proposed to the noise management provisions in the district plan, but rather what level of noise effects that district plan anticipates for the site. The potential noise effects are unknown and manage of the adverse noise effects has not been demonstrated by the Council.</p>
<p>(e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:</p>	<p>Using aerial imagery and the NZTopo50 map series, it appears as though an unnamed tributary of the Tutaenui Stream passes through the site. It is unknown whether this unnamed tributary is permanently flowing or ephemeral. Water surfaces are managed through district plan objective 10 and policies A2-3.1 through A2-3.3. No changes are proposed to those objectives or policies. Those objectives and policies apply to both the rural zone and the industrial zone.</p>

49. At Section 7 of the s32 report, the authors provide an evaluation of the proposed plan change in the context of sections 72-75 of the RMA. I agree with the s32 report as it relates to sections 72-75 RMA and add the following analysis.
50. As shown in the above table, the proposed plan change directly gives effects to the Council's function to ensure that there is sufficient development capacity in respect of business land to meet the expected demands of the district. Therefore, section 72 is met.
51. As per section 73:
- A. There is an operative district plan for the District, and that was prepared in the manner set out in Schedule 1. Subclause (1A) allows for that district plan to be changed.
 - B. No direction under s25A has been given by the Minister
 - C. This plan change has not been requested by any private person
 - D. This plan change is not part of an exchange under the Reserves Act 1977
 - E. The district plan has undergone a Schedule 1 process and therefore it is reasonable to find that the plan gives effect to the RPS. The propose change is evaluated against the RPS in the s32 report at section 9, by the Regional Council in their original submission, and later in this 42A report.
52. The proposed plan change is appropriate in the context of s73 of the RMA.
53. This report directly evaluates the matters set out in s74(1), 74(2), 75(3) and 75(4) of the RMA.

The Proposed Plan Change and Section 32 evaluation report

54. A section 32 report was prepared for the council by Ms. S. Goble of The Property Group, titled '*Proposed District Plan Change Report for rezoning 1165, 1151, 1091 State Highway 1, Marton*', August 2019.

55. That s32 report states that the purpose of the Proposed Plan Change is to 'enable new investment in industrial activities in Marton by providing additional land within the Industrial Zone'.¹
56. The zone change would involve changing 216.6 hectares of existing rural zone to industrial zone and amending District Plan Maps to reflect the change. There are no changes proposed to the operative objectives, policies, or rules for the rural or industrial zones in the District Plan.
57. The section 32 remains to most comprehensive description of the proposed plan change, which has not changed substantially since the notification of that report. The s32 report describes that proposed plan change at sections 1, 2.1, 2.2, 3.2, 4.1, 4.2 and 4.3.
58. At several places within the s32 report, there are assumptions made about the potential and actual effects, and anticipated use of the site. It is accepted that in addressing a conceptual approach, the information required for decision making will built with time. The recommended approach addresses the current state of information and knowledge.
59. In this case considering that uncertain or insufficient information is available, the key part of s32 is assess the risk of acting or not acting. These matters are not adequately addressed by the District Council in preparing and planning for the change.

State of the Environment (Thomas, 14 June 2019)

60. In June 2019 the council commissioned a report from Mr. Thomas to monitor the efficiency and effectiveness of policies, rules, and other methods in its district plan as per section 35(1)(b) of the RMA.
61. Thomas (2019) does not identify a shortage of industrial land in Marton as a resource management issue for the District. Nor, does Thomas (2019) identify the need for the District to respond to forestry market demand. It is acknowledged that the plan change advanced by Council is responding to a discrete proposal which came to light following the publication of Mr. Thomas' report.

¹ Page 4

Matters raised in submissions and further submissions

62. Council received one late submission on 10 October 2019 (being 13 working days late) from NZ Bio Forestry LTD (Sub18). The further submission from Walsh (FSub17) calls for that late submission to be refused, as follows:
- A. *In relation to the submission from New Zealand Bio Forestry Limited, we further oppose on the basis that their submission was out of time, and that no reasons were given for their late submission nor why it should be considered. We are of the opinion then that the submission should have been rejected as there were no grounds on which to accept it.*
63. As at the time of publishing this 42A report, the Council has not granted an extension of timeframes under section 37 of the RMA to provide for this late extension. Without wanting to comment on whether or not this late submission should be rejected, I am of the opinion that the original submission NZ Bio Forestry LTD (Sub18) contains little determinative value, and whether or not the submission is rejected will have little weight on the overall decision making. Also, taking into account that NZ Bio Forestry LTD made a further submission (FSub18) as a person with *greater interest* than that of the general public.
64. I note that the landowners of the following three properties to which the plan change applies, have not made any submission:
- A. 1091 State Highway 1, Marton
B. 1151 State Highway 1, Marton
C. 1165 State Highway 1, Marton
65. I am not aware of any direct engagement with those parties by the District Council, as the project lead.
66. The following table presents matters which were raised in submissions and further submissions, that I am of the opinion that the independent hearings panel will need to be satisfied of in order to grant the proposed plan change. Upon preparing of this report, assessments of the publicly identified proposals for the site are not available.

Matters raised in submissions	Submitter number (Sub#) or Further submitter number (Fsub#)	Section 32 reference	Comment
Positive economic and social benefits	Sub1 (Dalrymple); Sub4 (Dean); Sub10 (Auret); Sub11 (The Downs Group); Sub12 (IROMAR); Sub13 (Snijders);	3; 6.8; 11, also the M. Visser reports	Several submitters support the proposal in a general sense for the economic and social benefits resulting from job creation and investment in infrastructure. Submitter 10 undertakes a balancing exercise of the potential effects based on the information available to them at that time.
Increased traffic on local roads including South Line, Wings Line and Nga Tawa Road, Makirikiri Road, including noise effects from traffic	Sub2 (Calman); Sub3 (Hancock); Sub4 (Dean); Sub5 (Sinclair); Sub7 (Pearson); Sub8 (Reardon); Sub9 (Anderson Family Trust); Sub10 (Auret); Sub13 (Snijders); Sub15 (Walsh);	6.2; also, the WSP report	Submitters provide opinions on speed limits, sight lines, heavy traffic movements, safety and accidents, noise, cumulative effects from the existing traffic, traffic diversions, road surface condition, roadway width, flooding, school bus routes costs of maintenance and upgrades, no direct access to SH1 so must rely upon local roads,. The relevant expert material to review is the Traffic Impact Assessment prepared by WSP (2019).
Noise from industrial land uses	Sub2 (Calman); Sub3 (Hancock); Sub4 (Dean); Sub5 (Sinclair); Sub9 (Anderson Family Trust);	6.5.1;	Submitters provide opinion on changes in applicable noise limits, including nighttime noise limits. No response has been provided by Council.

Matters raised in submissions	Submitter number (Sub#) or Further submitter number (Fsub#)	Section 32 reference	Comment
	Sub9 (Anderson Family Trust); Sub10 (Auret); Sub15 (Walsh);		
Air pollution including odour, smoke, and dust	Sub2 (Calman); Sub3 (Hancock); Sub9 (Anderson Family Trust); Sub10 (Auret); Sub13 (Snijders); Sub15 (Walsh);	6.5.3	Several submitters expressed concern about discharges of contaminants into air, and the potential effect that this may have on human health e.g. roof drinking water collection. Managed by Regional Council, the proposed change in zoning would cause no change in the RMA frameworks at the regional level, that is, the regional management of air discharges on this site would be no different between rural and industrial zoning.
Impact on property values including local government rates and development contributions	Sub2 (Calman); Sub3 (Hancock); Sub5 (Sinclair); Sub9 (Anderson Family Trust); Sub13 (Snijders);	n/a	Property values are outside of the scope of matters to be considered at this hearing. Submitter 13 provides opinion on the development contribution policy.
Changes in drainage patterns, water courses, earthworks,	Sub2 (Calman); Sub3 (Hancock); Sub8 (Reardon); Sub12 (IROMAR); Sub13 (Snijders); Sub15 (Walsh);	6.1; 6.3.1; 6.6	Several submitters expressed concern about changes in drainage patterns as a result of development. No response provided by Council. This could be managed through the earthworks land use consent process. Submitter 13 seeks the

Matters raised in submissions	Submitter number (Sub#) or Further submitter number (Fsub#)	Section 32 reference	Comment
			protection of watercourses and water bodies.
Landscape and visual amenity	Sub2 (Calman); Sub3 (Hancock); Sub4 (Dean); Sub9 (Anderson Family Trust); Sub9 (Anderson Family Trust); Sub13 (Snijders); Sub15 (Walsh);	6.5.4; 8.3	Submitters talk about this site as being the entrance to Marton township. Submitter 2 (Calman) discusses this point in the negative sense that industry on this site would negatively affect the visual amenity and welcome into the town. McAleese (FSub8) disagrees with the position of Calman by providing an opinion that this development would become a 'highly visible beacon, being on SH1, that Marton is 'open and ready for business'. Other submitters, for example submitter 9, express opinions about buffers, planting and screening along site margins.
Fire risk	Sub4 (Dean);	Nil	Submitter Sub4 (Dean) is concerned about the absence of firefighting facilities at the site
Construction effects	Sub4 (Dean);	Nil	Sub4 (Dean) is concerned about the lack of construction planning and effects management.
Economic demand and site supply	Sub4 (Dean); Sub10 (Auret); Sub11 (The Downs Group); Sub12 (IROMAR);	3; 6.8; 11, also the M. Visser reports	Several submitters are concerned that there is insufficient market demand for the development, including concurrent market supply in Palmerston North. Submitter 10 questions whether other existing

Matters raised in submissions	Submitter number (Sub#) or Further submitter number (Fsub#)	Section 32 reference	Comment
	Sub13 (Snijders); Sub15 (Walsh);		industrial sites within the District could be used. Submitter 11 provides an opinion that there is insufficient industrial-supply land in Marton. Submitter 12 provides information from the regional growth study and long-term plan as to how the anticipated developments for this site is provided for, or not provided for, in those documents. Submitter 13 provides information about site selection and industrial land supply in the wider District. The Visser report addresses the inadequate supply of other industrial-zoned land within the District. ²
Drinking water quality	Sub9 (Anderson Family Trust);	Nil	The catchment and storage of municipal drinking water is upgradient of this site, and therefore not affected by the proposed plan change. Submitter 9 expressed concern about the contamination of roof drinking water. At this time, no air discharge permits are sought, and any air discharge would need comply with the permitted activity rules in the operative regional plan. The change in zoning would not change those provisions in the

² Economic Impact Assessment of Proposed Rangitikei District Plan Zoning Change – Existing Industrial Zoning in the Region

Matters raised in submissions	Submitter number (Sub#) or Further submitter number (Fsub#)	Section 32 reference	Comment
			regional plan as they already control air discharges.
Inadequate information	Sub10 (Auret); Sub12 (IROMAR); Sub15 (Walsh);	4;	Several submitters express concern that important information was not provided at the time of notification. Examples provided by submitters include a geotechnical report, and a traffic impact assessment. These two reports were available to the section 32 officer and have since been provided to the general public and submitters. The three reports by Visser have also been provided.
Natural hazards including faultline and flooding	Sub10 (Auret); Sub12 (IROMAR); Sub13 (Snijders);	6.4;	A Faultline has been identified on the northern extent of the site. A Preliminary Geotechnical Appraisal has been commissioned from WSP (2019).
Light spill	Sub10 (Auret); Sub13 (Snijders);	6.5.2;	The submitters express concern about light emission from industrial land uses.
Consultation and process	Sub10 (Auret); Sub12 (IROMAR); Sub15 (Walsh);	5;	Schedule 1 RMA Section 3 states that a local authority <i>may</i> consult anyone else during the preparation of a proposed plan. This creates no legal obligation that the council must consult with any person other than those listed in subsection 3(1). Nonetheless, open and ongoing consultation with the community is considered to be best practice when

Matters raised in submissions	Submitter number (Sub#) or Further submitter number (Fsub#)	Section 32 reference	Comment
			<p>making or changing statutory plans. In this case, pre-notification consultation is outlined in the s32 report at section 5 of that report. Since then, council undertook a community meeting on 26/11/2019.</p>
Infrastructure planning	Sub4 (Dean); Sub10 (Auret); Sub12 (IROMAR); Sub13 (Snijders); Sub14 (Horizons); Sub15 (Walsh);	6.3; 6.9;	<p>Submitters provide opinions that Marton township does not have adequate housing, schooling and other facilities to accommodate large-scale growth. The submitters provide opinion about threewaters and electricity supply. I note that the long-term plan 2028 and the local government asset management plans do not make provision for largescale industrial development on this site. Submitter 14 picks up on this omission also. The District Council has provided the following information about threewater management in relation to the site, <i>“Currently all services are available in within the area proposed for this plan change. The ability to accept additional flow and load into the existing networks and treatment facilities will be determined at the time when prospective property owners applies for subdivision or building consents. Any upgrades</i></p>

Matters raised in submissions	Submitter number (Sub#) or Further submitter number (Fsub#)	Section 32 reference	Comment
			<i>required will be agreed with the applicants at that time” (Arno Benadie, Principal Advisor - Infrastructure). Maps of the existing threewater infrastructure adjacent to the site are appended to this report.</i>
Soils	Sub10 (Auret); Sub12 (IROMAR); Sub14 (Horizons); Sub15 (Walsh);	6.1;	The submitter expresses an opinion about the loss of versatile soils. The Thomas Consulting (6/6/19) report finds that the soils on this site are made up of Pallic soils (Argillic Perch-gley Pallic Soils), and is classed as LUC Class 2; this soil type is defined as land with slight limitations for arable use and suitable for cultivated crops, pasture or forestry. One Plan RPS Objective 3-1 ensures that territorial authorities consider the benefits of retaining Class I and II versatile soils for use as production land when providing for urban growth. Further consideration of the RPS is provided later in this report. Submitter 14 highlights Policy 3-5 of the RPS which relates to soils.
Evaluative tests under Section 32. Scope of plan change	Sub10 (Auret); Sub12 (IROMAR); Sub13 (Snijders); Sub14	ALL	The submitter provides an opinion that the council has undertaken an overall broad judgement type approach in balancing the potential effects. The submitter has correctly

Matters raised in submissions	Submitter number (Sub#) or Further submitter number (Fsub#)	Section 32 reference	Comment
	(Horizons); Sub15 (Walsh);		identified that this is not the correct legal test. The submitter provides opinions on the appropriateness of the proposed plan change in the context of the RPS and Part 2 of the Act. I comment on these planning matters later in the report. Submitter 12 questions whether there is scope to make amendments to the objectives and provisions of the operative district plan, I address this later in the report. Submitter 12 notes that there are no assessments of the NPS-Freshwater and NPS-UDC. I consider that the NPS-Freshwater is not relevant to this plan change. I provide consideration of the NPSUDC later in this report. Submitter 14 provides an opinion that the plan change is consistent with policy 3-4 of the RPS.
Iwi impact assessment	Sub12 (IROMAR);	5.1; 9.1; 9.4;	Submitter 12 notes that there are no statements regarding mana whenua.
Rail	Sub16 (Kiwirail)	3.1.2; 3.1.3; 5.2; 6.2; 8.3; 9.2; 10.1; Appx 1	The submitter is obliged to ensure that their network is protected from adverse effects to its safety and efficiency. It is my understanding that council will meeting with Kiwirail before the hearing, and both parties

Matters raised in submissions	Submitter number (Sub#) or Further submitter number (Fsub#)	Section 32 reference	Comment
			can provide an update to that at the hearing. I am of the opinion that
State Highway	Sub17 (NZTA)	6.2; 9.2	The submitter is obliged to ensure that their network is protected from adverse effects to its safety and efficiency. It is my understanding that council will meeting with NZTA before the hearing, and both parties can provide an update to that at the hearing.

67. The following is a list of matters relating to effects on the environment that are not addressed adequately, or information is outstanding:

- A. Ngāti Apa and their culture and traditions with their ancestral lands
- B. Traffic and transport, including potential effects on state highway (NZTA) and rail (Kiwirail) infrastructure
- C. Visual amenity and landscape
- D. Life-supporting capacity of soils and groundwater
- E. Discharges to air, water, land
- F. Noise
- G. Threewater infrastructure
- H. Construction effects
- I. Light effects
- J. Building bulk and dominance
- K. Storage areas
- L. Drainage and earthworks
- M. Hazardous substances and facilities
- N. Indigenous biodiversity and habitat along intermittently flowing tributaries of the Tutaenui Stream
- O. Historic heritage

68. The relief sought by the submitters from the independent hearings panel are:
- A. That the plan change be refused in total (sub10; sub12)
 - B. That the proposed plan change is approved as it was notified (sub1; sub11)
 - C. Access to the site either occurs from Makirikiri Road, or if not Makirikiri then from Wings Line then near the SH1 end of that Line (sub2; sub3;)
 - D. Traffic modelling be completed, including noise assessments of heavy vehicles (sub2; sub3)
 - E. Industrial activity on the site be located closer to SH1 rather than the residential areas to the northwest of the site (sub2; sub3)
 - F. The area proposed for development is reduced in size and scale for approx. 100ha (sub15)
 - G. A buffer zone be created to reduce potential effects (sub2; sub3)
 - H. Drainage impacts be modelled, and any adverse effects be avoided, remedied or mitigated (sub2; sub3)
 - I. That any adverse effects be remedied (sub2; sub3)
 - J. Potentially affected persons be compensated for adverse effects (sub2; sub3)
 - K. The proposed plan change, in 'its present form' should be refused (sub4)
 - L. Changes to the proposed development boundaries to provide screening (sub4)
 - M. That a structure plan is produced (sub12; sub15)
 - N. An assessment of the loss of LUC Class 2 land (sub12)

Planning assessment

69. The following is consideration of the proposed plan change in the context of several national, regional and local policy and planning instruments.

National Policy Statement on Urban Development Capacity 2016

70. The NPSUDC defines 'urban environment' as an *area of land containing, or intended to contain, a concentrated settlement of 10,000 people or more and any associated business land, irrespective of local authority or statistical boundaries*. Therefore Marton, due to its size, is not an urban environment for the purpose of the NPSUDC. The NPS has a limited applicability as a result of this.

71. To provide context for this assessment, I have adopted the census and district profile data from Thomas (2019) at section 3 of that report. Based on the census population of 14,019 people, the District cannot be considered as a medium-growth urban area under the NPSUDC.
72. Authorities that are not medium-growth or high-growth are subject to the following parts of the NPSUDC:
- A. All objectives
 - B. Only policies PA1 – PA4.
73. Under the NPSUDC, industrial zoning is categorised as business land. The following table is an assessment of the NPSUDC as it is relevant to the plan change.

Objective	Policy	Comment
OA1 OC1 OD1	PA1 PA2 PA3 PA4	Roading and rail infrastructure are immediately adjacent to the site. There is currently no existing on-site potable water, wastewater, or stormwater disposal infrastructure. However, the location of the site, adjacent to existing infrastructure services, means that future connections could be established. I recommend that planning of this infrastructure is fundamental before any industrial activity can occur on the site. To address the test in Policy PA2, I consider that development infrastructure is not likely to be available and is not currently provided for in the long-term plan. The proposed change does not currently achieve consistency with the objectives OA1, OC1 and OD1 of the NPSUDC in so far that development infrastructure is not available throughout the site. I am of the opinion that development as that anticipated in this proposed plan change could be developed in such a way so as to be consistent with the NPS. I have addressed this series of facts in my recommended options 3 and 4.
OA2 OC2 OA3	PA1 PA2 PA3 PA4	The purpose of the plan change is largely to get Marton development-ready to be able to: <ul style="list-style-type: none"> • respond to market demand • respond to the changing needs of people • provide for choices • provide a site that is large enough so as to not limit market • promote efficient use by using existing urban hub

Objective	Policy	Comment
		<ul style="list-style-type: none"> realise the benefits of urban development. <p>I think that this is entirely consistent with the responsive planning objective OC2, and the outcome objectives OA2 and OA3.</p>
OB1	PA1 PA2 PA3 PA4	<p>I largely agree with several submitters (IROMAR, Walsh, Auret) that the evidential base for the development is not present and largely speculative.</p> <p>This position is well summarised by Auret at 4.22 of that submission.</p> <p>Therefore, the proposed changes fail to achieve Objective OB1 (evidence and monitoring). It is worth noting that because the District is not medium- or high-growth, that policies relating to evidential collection do not apply, while the objective does still apply.</p>

74. The section 32 report (at section 8.5 of that report) provides comment on the NPSUDC, I accept the views expressed in that report.

National Policy Statement on Electricity Transmission 2008

75. This National Policy Statement on Electricity Transmission (NPSET) sets out the objective and policies for managing the electricity transmission network under the Resource Management Act 1991. The NPSET is dated 13 March 2008. In this case, the relevant policy is 10.
76. The Transpower assets do not pass through, or adjacent to this site.
77. The NPSET need not be considered relevant to this plan change.

National Environmental Standards for Sources of Human Drinking Water Regulations 2007

78. The purpose of the NESSHDW is to reduce the risk of contamination of drinking-water sources by requiring regional councils to consider the effects of certain activities on drinking-water sources when considering water permits or discharge permits and including or amending rules in a regional plan in relation to permitted activities.

79. The Marton municipal water supply is collected and stored in two dams on the mainstem of the Tutaenui Stream, above the township at the intersection of Tutaenui Road and Galpins Road. This reflected in the One Plan Schedule B Page B-78.
80. These dams are approx. 10km north of the development site, and the development is not within the upstream collection watershed for these dams.
81. The NESSHWD largely directs efforts towards regional councils rather than territorial authorities. The NESSHWD does apply to territorial authorities where the NES refers to consent authorities, such as at Regulation 12.
82. No resource consents are being sought at this hearing, so the NES is not relevant.
83. Regulation 13 of the NES provides for a consent authority to make or amend rules in a regional plan that are more stringent than the requirements of the NESSHWD. This hearing relates to the district plan and not the regional plan.
84. Nothing in this plan change will impact on the safety or quality of the Tutaenui Stream as a drinking water source for the town of Marton.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011

85. The national environmental standard (NES-Soil) provides regulation for activities on pieces of land whose soil may be contaminated in such a way as to be a risk to human health. The activities are removing or replacing a fuel storage system, sampling the soil, disturbing the soil, subdividing land, and changing the use of the piece of land. The activities are classed as permitted activities, controlled activities, restricted discretionary activities, or discretionary activities. The current editions of documents incorporated by reference are available on the Ministry for the Environment's website.
86. The NES-Soil came into force on 1 January 2012.
87. Based on the information held by Council there is no information suggesting that contaminated land is present at the development site.

88. Based on the information held by Council there is no information suggesting that the site is a piece of land that is described by 1 of the following:
- A. an activity or industry described in the HAIL is being undertaken on it:
 - B. an activity or industry described in the HAIL has been undertaken on it:
 - C. it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.
89. Nonetheless, the NES-Soil relates to activities and consenting, rather than changes to a district plan. The district plan contains objective 19 and policy A4-3.1 which manage the effects of use and development of contaminated land.
90. The NES-Soil is not relevant to a schedule 1 plan change.

National Planning Standards under the Resource Management Act 1991

91. The purpose of the planning standards is set out at s58B of the RMA.
92. The Minister released the first set of national planning standards on 05 April 2019; which subsequently came into force on 3 May 2019.
93. Territorial authorities generally have five years (2024) to adopt the planning standards, with seven years for the definition's standard (2026). Rangitikei District has ten years (2029) to obtain an online interactive plan (ePlan).
94. In May 2019, a paper was put to the policy/planning committee of council outlining the requirements of the national planning standards.
95. Implementation of these standards are to be undertaken during the upcoming district plan review and are not being sought in this plan change.

Any other regulations under section 360 of the RMA

96. As far as I am aware, there are no other s360 regulations that need be considered relevant to this plan change hearing.

Water Conservation (Rangitikei River) Order 1993

97. Section 75 of the RMA states that a district plan must not be inconsistent with a water conservation order.
98. The Water Conservation (Rangitikei River) Order 1993 applies to the Rangitikei River from the Mangarere Bridge to its source, including the Whakaurekau River, the Kawhatau River the Pouranaki River and the Mangakokeke Stream.
99. The Tutaenui Stream, passes through Marton township, joins the Rangitikei downstream near Ohakea. The true-right bank of the Rangitikei River is more than 1km east of the development site.
100. Nothing in this plan change will impact on the outstanding wild and scenic characteristics, or the outstanding recreational, fisheries, and wildlife habitat features of the Rangitikei River.
101. This is not to say that subsequent applications for resource consent will be consistent with the WCO, but that this proposed plan change is not inconsistent with the WCO.

Ngāti Apa (North Island) Claims Settlement Act 2010

102. Under the Ngāti Apa (North Island) Claims Settlement Act 2010, the district plan (as a form of statutory plan) must attach information recording the statutory acknowledgement and statutory area.
103. The statutory areas are shown in Schedule 1 of the Settlement Act 2010 and includes part of Rangitikei River.
104. The true-right bank of the Rangitikei River is more than 1km east of the development site.
105. It remains unclear what role (if any) Ngāti Apa has in this process, I note that Ngāti Apa did not make a submission or further submission.
106. Section 32 of the Settlement Act states that the 'consent authority must attach information recording the statutory acknowledgement to all statutory plans'. The

Council has not notified any information demonstrating that the potential effects on Ngāti Apa and their taonga are acceptable. I am of the opinion that this proposed plan change is not the appropriate plan change to give effect to the Settlement Act.

107. I understand that Rangitikei District Council is actively engaging with Ngāti Apa in relation to development of the site, and they will address this at the hearing.

108. Regard has been given to the Settlement Act 2010, in preparing this report, and in making the recommendations.

Heritage New Zealand Pouhere Taonga Act 2014

109. Section 74 of the RMA says that when changing a district plan, a territorial authority shall have regard to any relevant entry on the New Zealand Heritage List Rārangī Kōrero.

110. Within 2 miles of the site (3.21km) there are two items on the Rārangī Kōrero, these are the Westoe Homestead (#156) to the east and the Arahina Historic Area (#7627) to the west.

111. This proposed plan change will not affect that historic heritage due to the adequate separate distances.

112. Regard has been given to the HNZPT Act 2014, in preparing this report.

One Plan - Regional Policy Statement

113. Manawatu-Wanganui Regional Council (“Horizons”) administers the One Plan, which is a combined RPS, regional plan, regional coastal plan for the Manawātū-Whanganui Region. In its original submission, the Regional Council provides opinions on the proposed plan change in the context of the One Plan.

114. The s32 report address the One Plan at section 9 of that report. I agree with that assessment provided in the s32. At this stage of the development, the relevant objectives and provisions of the RPS are:

- A. Te Ao Māori (Chapter 2)
- B. Integrated and sustainable land use (Chapter 3)

- C. Natural hazards (Chapter 9)
- D. Discharges (under chapters 2, 5, and 7)
- E. Earthworks, indigenous biodiversity and land use (under chapters 4 and 6).

115. In the light of the current state of information at the district and regional council level, it is difficult to provide a full and comprehensive evaluation of the proposed plan change against the all relevant objectives and policies of the RPS. The following is an assessment of the RPS, where I am able to do so with the information that is available both in the s32 report and also in the submissions.
116. I think that it's rather important to point out that, as a result of the way in which the One Plan functions, that a change of district plan zone on this site will not influence how the regional plan regulates discharges to air, water and land i.e. to alleviate some of the submitters concerns, the 'take and discharge' aspects of the development will not be afforded a more favorable consenting pathway (at the Regional Plan level) as a result of any zone change. Further to this, in considering the wording of sections 15(1)(c) and (d) of the RMA, changing of the district plan zone (to industrial) will increase the weight of regulation placed on discharges into environment, when compared to the rural zone.
117. One Plan Objective 3-1 and policies 3-1, 3-2 and 3-3 provide for the operation, maintenance and upgrade of infrastructure. I note that NZTA and Kiwirail both submitted neutrally to this proposed plan change, in the absence of confidence that their assets will be protected against adverse effects. Without design detail requested by submitters, I cannot be confident that the potential effects on the rail and state highway infrastructure immediately adjacent to the site will be acceptable. I may be able to revise this position after hearing from those submitters at the hearing.
118. RPS Objectives 3-3, 3-4 and 3-5 and policies 3-4, 3-5, 3-12 are fundamental to this plan change as they direct the District Council in preparing and changing its District Plan to achieve the functions set out in section 31 RMA.
119. Policy 3-4 requires that Territorial Authorities must proactively develop and implement appropriate land use strategies to manage urban growth, and they should align their infrastructure asset management planning with those strategies, to ensure the efficient and effective provision of associated infrastructure. This policy has been important in

forming the recommendations in this report. I am presently unable to obtain the information necessary to conclude that this planning has occurred in the Long-Term Plan, infrastructure asset management plan, or Council strategy.

120. Policy 3-5 directs that in providing for urban growth (including implementing Policy 3-4) Territorial Authorities must pay particular attention to the benefits of the retention of Class I and II versatile soils for use as production land in their assessment of how best to achieve sustainable management. The site may contain versatile soils, but this has not been confirmed with onsite investigations. While there are large areas of versatile soils in the District, and this site is only a small proportion of that total land area, the cumulative effects of soil loss are important to consider. From my own observations (in January 2020), the site is currently used for maize production. In its further submission, Rangitikei District Council anticipates that up to 30Ha (of 217 Ha) may be used in the short term, with the balance of the land area remaining in rural land use for the short-medium term; this could be reflected in a structure plan. I am unable to confirm that area of land required for proposed development, but, accept the Council's initial estimate for the purposes of assessment. At this time, I do not see the loss of versatile soil on the land as a sufficient reason alone to refuse the plan change. I hold the opinion that if the total land balance is utilised for industrial purposes then impact on elite and versatile soils may become a significant matter. I note my earlier comments in relation to the potential for an alternate view for the versatile soils if a site-specific assessment is undertaken.
121. RPS Policy 3-12 delegates responsibility to local authorities for the management of hazardous substances in the Region, meaning that the district council must develop objectives, policies and methods to control the use of land for the purpose of preventing or mitigating the adverse effects of the storage, use or transportation of hazardous substances. The operative district plan has objectives 18 and 19, policies A4-2.1 and A4-3.1 and rules B1.9 and B1.10 which relate to hazardous substances and contaminated land. These objectives and provisions will continue to apply at this site and inform the detailed design process.
122. RPS objective 9-1 and policies 9-1 through 9-5 are relevant to the extent that the site is located outside of the 0.5% AEP flood levels, and that a faultline has been identified on the northern extent of the site. The Preliminary Geotechnical Appraisal (WSP, 2019) made 9 observations and 4 recommendations for development on the site;

Council has adopted these. As a result, natural hazard risk and the effects from natural hazards can be avoided at the site. The proposed plan change meets objective 9-1 and is consistent with the policies of Chapter 9 of the One Plan RPS.

123. Overall, I am of the opinion that for some aspects (natural hazards) the plan change is consistent with the RPS. Where information was unable to be assessed in the s32 evaluation, I suggest that on the information that is available, planning could be progressed to address the remaining issues through a structure plan process. For remaining issues, including threewater or transport infrastructure, this later process may impact development at the site.

124. Therefore, it is my opinion that the plan change, in its notified form, does give effect to the RPS. Later in this report, I propose methods to address these matters further.

Rangitikei Long Term Plan 2028 and Asset Management Plans: Roading (2021) and Threewaters (2018)

125. Currently, the LTP 2028 and asset management plans do not anticipate or programme for large-scale development on the site.

126. I think that this is an issue. With the correct actions and proper process being followed by the Council, these omissions could be resolved in subsequent reviews (see s93 and s101B of the Local Government Act 2002). I have reflected this in Option 4 at the conclusion of this report.

127. I have appended to this report, plans showing the existing threewater infrastructure adjacent to the site.

Rangitikei District Plan 2013

128. The proposal is a change to the operative Rangitikei District Plan maps, to remove the rural zoning on the Site, and replace that zoning with Industrial zone. The operative district plan became operative in 2013. The following table is an evaluation of the proposed plan change against the relevant objectives and policies of the operative district plan.

Relevant Objectives and Policies of the Operative District Plan	Comment
<p>Objective 1: Promote urban areas with highly regarded amenity values that reflect the character of each township and provide nice places to live.</p> <p>Policy A1-1.1 Enable a wide range of activities, appropriate to the character and amenity^ of each settlement and neighbourhood.</p> <p>Policy A1-1.7 Within the Commercial and Industrial zones, enable the display of advertising signs that do not detract from the amenities within the zone.</p>	<p>The plan change is consistent with these provisions as it enable a wide range of activities, and retains control over signs.</p>
<p>Issue 5: Encourage industrial activity on appropriately-zoned land, as these activities are not generally compatible with more sensitive land uses such as residential.</p> <p>Objective 5: Industrial activities are sited in appropriate locations and their effects managed where these are significant.</p> <p>Policy A1-5.1 Contain industrial activities principally within the Industrial Zone to manage environmental effects, permit industrial activities in other zones where effects are minor, and enable industrial activities associated with primary production* in the Rural Zone.</p>	<p>This suit of provisions apply to the industrial zone. The provisions are largely focused on ensuring that industry is appropriately sited, including integration with road and rail networks. I think that this suit of provisions would be insufficient to manage a site of this scale and therefore have recommended additional policies later in this report. I do note that the proposal is consistent with Policy A1-5.3.</p>

Relevant Objectives and Policies of the Operative District Plan	Comment
<p>Policy A1-5.2 Ensure non-industrial activities do not, through reverse sensitivity effects, create conflicts with industrial activities.</p> <p>Policy A1-5.3 Maintain connection between industrial activities and key road[^] and rail corridors in the District*.</p>	
<p>Objective 6 Maintain the largely primary production* qualities of the Rural Zone and manage land use so that character and amenity[^] values are not compromised.</p> <p>Objective 7A Ensure that activities dissociated from primary production* or meeting the needs of rural communities are minimised, and, where those activities do occur, manage them to avoid or mitigate potential conflicts with primary production* activities.</p> <p>Policy A2-1.3 Avoid, remedy or mitigate any adverse effects on residential properties and road[^] safety caused by inappropriate night lighting or light glare.</p> <p>Policy A2-1.4 Preserve the largely open space* and unbuilt nature of the rural environment, and maintain the distinctive cultural landscapes associated with the predominance of primary production*.</p> <p>Policy A2-1.5 Require separation distances between rural dwellings* and other rural activities</p>	<p>I am of the opinion that the plan change, as notified, is contrary to Obj 7A which requires that activities that are dissociated from primary production are manage to avoid or mitigate potential conflicts with primary production activities. I note submitters Auret and Walsh operate farms to the north and east of the site, and therefore effects on those parties would need to be avoided or mitigated.</p> <p>With the information currently available, the effect of lighting and glare cannot be assessed.</p> <p>The plan change would increase building volume on the site, which would impact on the unbuilt nature of the rural environment. This could be addressed by reducing the scale of the site to less than 100 ha or even to 40 ha.</p>

Relevant Objectives and Policies of the Operative District Plan	Comment
<p>such as intensive farming*, forest planting, effluent holding ponds and oxidation ponds to minimise any adverse effects on those dwellings*.</p> <p>Policy A2-1.8 Recognise that signs play an important role in the District for advertising local businesses, but that some control on signs is needed in order to protect amenity and ensure traffic safety is not compromised.</p>	
<p>Objective 8: Sustainable management of the versatile soils of the District to ensure their ongoing productive capability.</p> <p>Policy A2-2.3 Provide a Rural Zone for most of the District* that:</p> <ul style="list-style-type: none"> a) maintains the predominant primary production* nature of the District*; b) avoids residential and rural residential development* dissociated from primary production*; c) maintains the open space* and protects outstanding natural features and landscapes that are distinctive of the District*. 	<p>In relation to Policy A2-2.3,</p> <ul style="list-style-type: none"> a) At a District scale, the plan change will maintains the predominant primary production nature of the District; b) the plan change does not increase residential and rural residential development on the site; c) the plan change does not affect outstanding natural features and landscapes that are distinctive of the District.
<p>Objective 15: To recognise and provide for the relationship of Tangata Whenua^ with their ancestral lands, water, sites, waahi tapu and other taonga.</p>	<p>The relationship between Ngāti Apa and Council, addresses policy matters both at the strategic and site-specific levels. With the information currently available, I am unable to provide an opinion as to whether</p>

Relevant Objectives and Policies of the Operative District Plan	Comment
<p>Policy A3-1.1 Provide for the relationship between Tangata Whenua and landscapes of cultural significance within the district through the development of non-statutory methods that ensure associative values are recognised and protected long-term.</p> <p>Policy A3-1.2 Recognise the role of Tangata Whenua as kaitiaki^ of key natural and physical resources with which they have a strong ancestral relationship, by ensuring that their views are sought on applications that may materially affect key natural and physical resources, particularly those sites identified in Schedule C1.</p> <p>Policy A3-1.3 Enable development to encourage iwi, hapu and whanau to resettle within the District and reconnect with the land, provided that the adverse effects of development, subdivision and use are avoided or appropriately managed.</p>	<p>the plan change is consistent or contrary to Objective 15.</p>
<p>Objective 17: The adverse effects of natural hazards^ on people, property, infrastructure and the wellbeing of communities are avoided or mitigated.</p> <p>Policy A4-1.1 Significant natural hazards^ will, where there is a known high probability or high potential impact from an event's predicted effects, be identified on planning maps as</p>	<p>The site is near a faultline. The Council has commissioned a preliminary geotechnical report from WSP consultants. That report makes 9 conclusions and a further 4 recommendations that could be adopted by Council in developing this site. Overall, I am of the opinion that the plan change is consistent with policies as they relate to seismic hazard.</p>

Relevant Objectives and Policies of the Operative District Plan	Comment
<p>Natural Hazard Area 1* or Natural Hazard Area 2*.</p> <p>Policy A4-1.2 Avoid subdivision^, new structures^, activities, or an increase in the floor area of existing structures^ or activities in Natural Hazard Area 1* unless the resulting risk, including residual risk, to people, property, infrastructure and the wellbeing of communities is no more than minor, and is achieved through:</p> <ul style="list-style-type: none"> a) Specifically, designed avoidance or mitigation measures; or b) The character or scale of the subdivision^, structure^ or activity. <p>Policy A4-1.4 Avoid where practicable the siting of Critical Infrastructure* and services within areas of significant risk from natural hazard^ events.</p> <p>Policy A4-1.6 Avoid structures^ and activities that are likely to reduce the effectiveness of existing works, structures^, natural landforms or other measures which serve to mitigate the effects of natural hazard^ events.</p> <p>Policy A4-1.7 Manage the use, storage, transportation and disposal of hazardous substances* in areas subject to natural hazards^ to avoid or mitigate potential adverse effects caused by hazardous substances* during natural hazard^ events.</p>	<p>I note that the site is outside of the flooding zones shown on the district plan maps and is located on a terrace that is higher than the NIMT Line and SH1.</p> <p>There has been no assessment of fire risk.</p> <p>With the information currently available, I am unable to provide an opinion as to whether the plan change is consistent or contrary to Policy A4-1.7 which relates to hazardous substances in areas subject to natural hazards.</p>

129. Overall, I am of the opinions that the plan change (as notified) is:

- A. Consistent with the objectives and policies as they relate to locating infrastructure near road and rail infrastructure, and as they relate to natural hazards
- B. Contrary to the objectives and policies as they relate to rural amenity
- C. With the information available, unable to be considered against the objectives and policies as they relate to hazard substances, mana whenua, lighting and glare

Part 2 of the Act

130. The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the Act. The Act at s74(1) requires that the district plan change be prepared in accordance with the provisions of Part 2.

131. We acknowledge the assessment undertaken within the s32 report in relation to Part 2 matters and accept that analysis.

132. It is my opinion that the proposed plan change, as notified, does not meet the purpose of the Act at s 5 as it does not promote the sustainable management, and creates significant potential adverse effects on amenity and life-supporting capacity.

133. However, through the planning process following notification there has been several amendments proposed by Council. In response to the relief sought by submitters, and subsequent amendments contained within this report, the requirements of Part 2 can be met at s 5 in respect of promoting sustainable management, and at the relevant part of s 6 in respect of natural hazards, s 7 in respect of the efficient use and development of natural and physical resources and maintenance of the quality of the environment. The relationship between Ngāti Apa and Council, addresses s 8 matters both at the strategic and site-specific levels.

Options Assessment

Scope

134. Submitter 12 questions whether there is scope to make amendments to the proposed plan change now that notification has occurred. I think that a change to the objectives is unnecessary based on the material in the submissions. For the reasons stated below, I believe that there is scope to make additional changes to the provisions of the operative plan, beyond that of changes to zoning maps.
135. In response to the issue of scope, Section 10(2) of Schedule 1 and Section 32AA RMA clearly anticipate that consequential alterations arising from the matters raised in submissions may be necessary at a time after the evaluation report has been completed.
136. The proposed plan change is endowed with scope as reasonably necessary in order to give effect to the higher order documents (s75(3) RMA) and to achieve the functions of the Council (s72 and s31(1)(aa) RMA).

Reasonably practicable options

137. Section 32 requires that when considering whether the proposed provisions are the most appropriate way to achieve the purpose of the Act, other reasonably practicable options need to be identified, as well as assessing the efficiency and effectiveness of the provisions in achieving the objectives.
138. Section 11 and Appendix 1 of the Section 32 report identify that the reasonably practicable options are:
- A. Rezone as proposed (industrial zoning)
 - B. Do nothing (retain rural zoning)
 - C. Reduce the area to be rezoned to 100ha
 - D. Site specific industrial zone and rules
139. The following options 3 and 4 originate from the original submissions from Snijders (Sub13) at s4, IROMAR (Sub12) at pages 5 and 6, Walsh (Sub15)

140. As the reporting officer, it is my recommendation that there are 5 reasonable options available to the independent hearings panel; only one of which I recommend (Option 4).

141. I have appended a 32AA assessment to this report.

Option 1

142. Approval the plan change as notified.

Option 2

143. Refuse the notified plan change in favour of retaining the operative plan zoning for the reason that there remains insufficient information to demonstrate that the potential effects of the use and development of land are acceptable, and that integrated management has not been achieved.

Option 3

144. That the plan change be approved, with the following amendment:

- A. Introduce a new rule that controls industrial activity on the site as a non-complying activity. Any application for resource consent would then need to be able demonstrate that either:
 - i. the adverse effects of the activity on the environment (including effects on neighbours and infrastructure providers) will be minor; or
 - ii. the application is for an activity that will not be contrary to the objectives and policies of the relevant plan

145. Considering that development plans do not exist and an AEE cannot be produced at this time, it is likely that any such application under this new rule would turn on the policy test of s104D (rather than the effects test). While the policies of the industrial zone are more enabling of industrial development than that of the rural zone (see appendix for a comparison), there remains the 'rural amenity' objectives and policies of the district plan section A2. For example, Objective 7A aims to ensure that activities dissociated from primary production or meeting the needs of rural communities are minimised, and, where those activities do occur, manage them to avoid or mitigate potential conflicts with primary production activities. Therefore, any industrial activity

on the site would need to ensure that potential conflicts with the primary production activities (for example the Auret and Walsh properties) were avoided or mitigated.

146. This approach is not effective or efficient and does not benefit any party. The issues raised by submitters (i.e. traffic effects, noise, infrastructure supply) are best dealt with in the Schedule 1 process rather than on a case-by-case basis.

Option 4

147. That the plan change be approved with changes. The recommended option, including changes, are that:

- A. The zoning of the site is industrial
- B. Introduce one new policy (the “deferral policy”) to the effect of:
 - i. Introducing and imposing a new deferral overlay on the site only (the “deferral overlay”)
 - ii. Directing the avoidance industrial development within the “deferral overlay” until such a time that the “deferral policy” is removed
 - iii. removal of the “deferral policy” upon notification (under clause 5 Schedule 1) of:
 - 1. a comprehensive structure plan for development and use of the site, and
 - 2. investment in threewater and roading improvements are explicitly provided for in the Long-Term Plan.
- C. Introduce one new rule (the “deferral rule”) that controls any industrial activity within the “deferral overlay” as a restricted discretionary activity.
 - i. The matters to which discretion are restricted are: traffic effects; landscape and buffering; hours of operation and noise effects; staging and construction management; natural hazard avoidance; effects on infrastructure function and upgrade.
 - ii. Under the “deferral rule”, I recommend a clause to the effect that Kiwirail, NZ Transport Agency, and Ngāti Apa must be considered as affected persons unless section 95E(3)(a) RMA applies. Further to this, any such application could be limited notified to other affected persons (via the s95E assessment), until such a time that the “deferral policy” is removed. The Commissioner may consider whether a clause is necessary that the

Whanganui District Health Board is an affected person (taking into account s95E(3)). I note that District Plan (rule B1.1-6) precludes full public notification of RDA rules.

Option 5

148. Option 5 enables the zone change but over a reduced spatial scale, in the order of 40 hectares (40ha). Under Option 5, the zone is changed to industrial over 40 ha, only, of the site with the balance of the site (approx. 177 ha) zoned rural to buffer the environments to the north and east from adverse effects. 40 ha is approximately 18.4% of the 217 ha site. The 40 ha is to be located along the Makirikiri Road boundary and the North Island Main Trunk (NIMT) Line but leaving a buffer of no less than 500 m from the State Highway 1 (SH1) boundary. That would result in 1151 State Highway 1 and 1091 SH1 being removed from the plan change area and remaining rural. All objectives, provisions and other methods of the Rural chapter of the District Plan remain unchanged. In addition to the industrial zoning change, under option 5 the following two new policies would be introduced:

A. Policy [A1-5.4] New industrial activities* on Makirikiri Road shall be managed to avoid, remedy or mitigate significant adverse effects within the boundary of the site, and to avoid minor adverse effects at and beyond the boundary or at any public space.

149. There would be no change to the rule framework of the Industrial Chapter of the operative District Plan. Any new industrial activities* within this area, would be permitted if the activity complies with all general rules and associated standards in the District Plan. It is my interpretation that any activity that would otherwise be permitted, but which fails to comply with one or more of the standards in the Industrial Zone or the general rules and standards would be a restricted discretionary activity (RDA). The matter over which the Council can exercise its discretion is the effect of the particular non-compliance on the environment, including the cumulative or combined effect of non-compliance. Therefore, industrial development and use on this site would either be permitted or RDA.

150. Below are two examples of how 40ha could be placed on the site. These two figures are provided as an example only, and do not constitute part of the design in any way.



151. I have appended a 32AA assessment to this report, that assessment finds that Option 4 is the most appropriate option to achieve the purpose of the RMA, Policy 3-4 and Objective 3-3 of the One Plan RPS, while also having regard to policies 3-2 (Kiwirail and NZTA) and 2-1 (Ngāti Apa). This approach is also consistent with the NPS Urban Development Capacity objectives OA3, OC2 and OD1. This option is entirely consistent with district plan policy A1-5.3 which encourages connection between industrial activities, key road and rail links.

152. The management framework under the above stated 5 options would be:

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

153. In the event that the independent hearings panel prefers option 4, I have drafted wording at Appendix 1, that may assist the decision maker.

CONCLUSION AND RECOMMENDATIONS

154. The Rangitikei District Council has notified a plan change to amend the zoning of a site in south-east Marton to enable industrial development on that site.
155. 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 remain of the opinion that further information from the council is outstanding.
156. The proposal, itself, is not untenable but the benefits and costs of the proposal are not fully quantified or documented at this time.
157. Based on the information provided in the s32, the information provided in submissions (in particular the rationale used by IROMAR) and the policy direction from the national, regional and district planning documents, I am of the opinion that the site is at a desirable and appropriate location in relation to infrastructure which allows Council to best achieve its functions under section 31; and to rezone the site as industrial land would best achieve the purpose of the RMA. However, due to outstanding concerns of submitters (for example Walsh, Auret, NZTA, Kiwirail) I think it would be appropriate for Council to reserve its discretion over future development on the site, more so than the operative district plan provides for.
158. The recommended option allows Council to continue to the detailed design stage within an industrial zone and to further negotiate development agreements for the site, while allowing the community to opportunity to be involved in the management of future development impacts through a Schedule 1 process.

Greg Carlyon

Friday, 6 March 2020

APPENDICES

1. Section 32AA assessment for new options, with proposed provision wording
2. Comparison of the industrial and rural zones of the operative district plan
3. Notes from independent facilitator, of the meeting held by Council on 02 March 2020
4. Summary of submissions (TPG, 2019)
5. Summary of further submissions
6. Threewater asset plans from council
7. Certificates of title

Appendix 1: Section 32AA evaluation that corresponds to the scale and significance of the environmental, economic, social, and cultural effects.

The risks of not acting remain as per the s32:

- Lost opportunities for industrial development
- Under-utilisation of land and infrastructure

Under the proposed plan change, the risk of acting is:

- Sudden and potentially significant loss of rural amenity
- future development is not integrated or sustainable due to the lack of planning.

Under the three new alternative options, the risk of acting is:

- Delay to investment and operation
- Further cost of design work
- Creating a reasonable expectation of future development and anticipating some loss of rural amenity
- Under Option 5, the risk of acting is the future development is not integrated or sustainable due to the lack of planning.

Economic growth and job creation are anticipated to be provided through all options, except option 2 which will result in no job creation.

Reasonably practicable options	Test 1: most appropriate way to achieve the purpose of the Act	Test 2: efficiency and effectiveness	Test 3: benefits and costs
Option 1: Rezone as proposed (rural to industrial)	This option is unlikely to allow the community to provide for its social (amenity) well-being or its health and safety. This option is likely to be inappropriate in the context of the rural amenity objectives and policies of the District Plan.	This option will be highly efficient at encouraging development on the site, but not particularly effective at enabling the surrounding community to provide for their well-being or effective at allowing other authorities (NZTA and Kiwirail) to protect and operate their infrastructure.	The benefits of this proposal are anticipated to be substantial but are largely speculative. The costs of this proposal are largely unknown as there is no concept design to assess the effects of.
Option 2: Do nothing (retain rural)	This option is unlikely to allow the community to provide for its economic and social (investment) well-being. This is unlikely to achieve the purpose of the Act as it has been implemented through the enabling policies of the NPS-UDC or the One Plan RPS.	This option will not be effective at maximizing development opportunity in the District, and by failing to encourage concentration of industrial activities. This option could end up being inefficient if those industrial activities become located randomly throughout the District.	There are no considerable benefits of this proposal that cannot also be realised through careful design following Option 1 or 4. The cost of this proposal is the loss of development potential.

Reasonably practicable options	Test 1: most appropriate way to achieve the purpose of the Act	Test 2: efficiency and effectiveness	Test 3: benefits and costs
Option 3: (industrial zoning with NCA rule)	This option is likely to achieve the purpose of the Act although does contain residual risk that certain elements of Part 2 are not provided for i.e. the maintenance and enhancement of amenity values.	This option is considerably less efficient than Option 4 as it requires repeated investigation and design of parts of the site.	The costs of Option 3 are higher than that of Option 4 because as any industrial development would need go through an onerous consenting process. The benefits of Option 3 are lesser than Option 4 as the community and infrastructure providers are unable to participate in the structure plan process.
Option 4: (deferred zoning with RDA rule, the removal of which is conditional on provision of a structure plan and infrastructure funding)	This option best achieves the purpose of the Act by allowing for careful and deliberate consideration of social values, allowing for adverse effects to be avoided or mitigated through design, and to allow for economic effects to be maximised through optimisation of the site.	This option will be more effective at achieving the purpose of the Act at the local community scale. This option is also more efficient by pooling resources during the design stage.	The benefits of this proposal are not yet quantified, but this option allows for the costs and the benefits to both be further investigated, maximised (positive) or avoided, remedied and mitigated (adverse). The relevant objectives are: <ul style="list-style-type: none"> • District Plan Obj 5 '<i>Industrial activities are sited in appropriate locations and their effects managed where these are significant</i>' • RPS objective 3-2 '<i>Urban development occurs in a strategically planned manner which allows for the adequate</i>

Reasonably practicable options	Test 1: most appropriate way to achieve the purpose of the Act	Test 2: efficiency and effectiveness	Test 3: benefits and costs
			<p><i>and timely supply of land and associated infrastructure'.</i></p> <p>This option controls industrial activity on this site because at this time the council cannot demonstrate that the potential effects are not significant. But, through strategic planning of land supply and associated infrastructure the site may become appropriate for development.</p>
Option 5 (rezoning a spatially smaller area, with a new policy for effects)	Option 5 is an appropriate way to achieve the purpose of the Act. The test is whether it is the <u>most</u> appropriate way. I am of the opinion that Option 4 is more appropriate than Option 5 because Option 4 allows to for integrated management of the effects of the use and development of land while ensuring that there is sufficient development capacity in respect of business land to meet the	Option 5 will be an efficient and effective way of achieving the objective of the plan change, however, there are no substantial benefits of Option 5 that cannot also be realised by Option 4.	The primary benefit of Option 5 is enabling development to occur in a timely manner, but comes at the potential cost of preventing the Council and community from participating in a structure planning process and effectively locks-up the balance of the lot to manage effects beyond the boundary of the smaller industrial development site.

Reasonably practicable options	Test 1: most appropriate way to achieve the purpose of the Act	Test 2: efficiency and effectiveness	Test 3: benefits and costs
	<p>expected demands of the District. The derivation of land earmarked for development under Option 5 is not based on evidence and is largely in response to submitters concerns about rural and residential amenity.</p>		

The following is draft provision of Option 4:

- 1) District Plan maps 4 and 21 are now amended to implement the Industrial Zone on [Lot x DP 123]
- 2) New Policy (the “Industrial Deferral Policy”):

Policy A1-5.4: Industrial Activities* on [Lot x DP 123] must be managed in the following manner:

- A. District Plan maps 4 and 21 are to be amended to implement the Industrial (Deferral) Overlay on [Lot x DP 123]
- B. Adverse effects from Industrial Activities* within the Industrial (Deferral) Overlay must be avoided
- 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 and industrial use of the site, and
 - ii. demonstration that investment in threewater and roading improvements are explicitly provided for in the Long-Term Plan to implement the comprehensive structure plan.

- 3) New Rule (the “Industrial Deferral Rule”):

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

Notification

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.

District Plan general rule B1.1-6 precludes public notification of restricted discretionary activities.

Appendix 2: Comparison of the objectives and provisions of the industrial and rural zones of the operative district plan

District Plan	Rural (current)	Industrial (proposed)
Issue 1	Issue 8 The District* is dependent on primary production* to thrive. It is a priority for the District* to enable and support successful primary production* activities, by ensuring that the productive capacity of rural land, including land used in intensive production, is managed efficiently and sustainably.	Issue 5 Encourage industrial activity on appropriately zoned land, as these activities are not generally compatible with more sensitive land uses such as residential.
Issue 2	Issue 9A Unrestricted rural lifestyle development within rural areas would have significant adverse effects on primary production*, outstanding natural features and landscapes, rural character, transport networks, and demand on services. It is necessary to ensure that provision of rural lifestyle development is located close to existing townships and in specified areas to avoid haphazard rural residential development and limit the loss of versatile soils.	Nil
Issue 3	Issue 9B Provide for the continuation of existing primary production* activities within outstanding natural features and landscapes as identified in Schedule C4.	Nil
Objective 1	Objective 8 Sustainable management of the versatile soils of the District to ensure their ongoing productive capability.	Objective 5 Industrial activities are sited in appropriate locations and their effects managed where these are significant.

District Plan	Rural (current)	Industrial (proposed)
Objective 2	Objective 9 Rural lifestyle living is provided for in specified areas.	Nil
Policy 1	Policy A2-2.1 Establish two zones called the Rural Living Zone and the Rural Zone.	Policy A1-5.1 Contain industrial activities principally within the Industrial Zone to manage environmental effects, permit industrial activities in other zones where effects are minor, and enable industrial activities associated with primary production* in the Rural Zone.
Policy 2	Policy A2-2.2 Provide a Rural Living Zone around the settlements of Marton, Bulls, Taihape and Hunterville that: a) enables rural residential scale allotments*; b) requires a minimum lot size to minimise the loss of versatile soils; c) enables a range of rural and residential activities; and d) preserves aspects of rural amenity^ while providing a transition to the urban environment.	Policy A1-5.2 Ensure non-industrial activities do not, through reverse sensitivity effects, create conflicts with industrial activities.
Policy 3	Policy A2-2.3 Provide a Rural Zone for most of the District* that: a) maintains the predominant primary production* nature of the District*; b) avoids residential and rural residential development* dissociated from primary production*;	Policy A1-5.3 Maintain connection between industrial activities and key road^ and rail corridors in the District*.

District Plan	Rural (current)	Industrial (proposed)
	c) maintains the open space* and protects outstanding natural features and landscapes that are distinctive of the District*.	
Rules (general)	Section B1 of the operative district plan contains general rules B1.1 and general standards B1.2 - B1.17 that apply to both zones. Below are some of the key differences between the standards of the industrial and rural zones.	
Subdivision	<p>B11.1: Any subdivision^ of land, and all associated earthworks* and construction are Restricted Discretionary Activities^ in all zones except where proposed within an outstanding natural feature or landscape (ONFL).</p> <p>B11.10: Any subdivision^ and associated earthworks* and construction that does not meet the standards for a restricted discretionary activity^ under this plan is a discretionary activity^.</p>	
Transport	There is no difference between the two zones for standards B9.2 (access onto SH1) and B9.5 (rail level crossings)	
Natural hazards	Considering that the site is outside of the natural hazard areas 1 and 2 (flooding), which is inundation during a 0.5% AEP (1 in 200 year) flood event, there is no difference in the management of this risk between the two zonings.	
Light spill	Standard B1.2 is the same for both zones	
Stormwater	Standard B1.4 is the same for both zones. I note that drainage concerns were raised by several submitters	
Building height	10m	16m
Outdoor storage	No standard	Requirement of screening to provide for amenity
Noise	Based on the below excerpt from the district plan, the two zones have different noise standards, however, due to clause B1.7-3, the effects on surrounding landowners (e.g. submitters Walsh, Auret) cannot increase as a result of the plan change, and this would need to be reflected in the structure plan.	

District Plan	Rural (current)	Industrial (proposed)													
	<p>B1.7 Noise</p> <p>B1.7-1 Noise limits in the District are as follows:</p> <table> <tr> <th>ZONE</th><th>TIME</th><th>NOISE LIMITS</th></tr> <tr> <td rowspan="2">Rural, Rural Living and Residential Zones</td><td>Day time 7am – 10pm</td><td>50 dB LAeq(15min)</td></tr> <tr> <td>Night time 10pm – 7am</td><td>45 dB LAeq(15min) 70 dB LAFmax</td></tr> <tr> <td rowspan="2">Education, Commercial and Industrial Zones</td><td>Day time 7am – 10pm</td><td>65 dB LAeq(15min)</td></tr> <tr> <td>Night time 10pm – 7am</td><td>55 dB LAeq(15min) 75 dB LAFmax</td></tr> </table> <p>B1.7-2 In the above table, noise from residential activities and from non-residential activities shall not exceed the tabulated noise limits –</p> <p>a) At any point within any other site, other than a site in the Rural or Rural Living Zone.</p> <p>b) At any point within the notional boundary* of any dwelling in the Rural or Rural Living Zone.</p> <p>B1.7-3 Sound from any zone that is received in any other zone shall comply with the noise limits in the most sensitive noise zone.</p>		ZONE	TIME	NOISE LIMITS	Rural, Rural Living and Residential Zones	Day time 7am – 10pm	50 dB LAeq(15min)	Night time 10pm – 7am	45 dB LAeq(15min) 70 dB LAFmax	Education, Commercial and Industrial Zones	Day time 7am – 10pm	65 dB LAeq(15min)	Night time 10pm – 7am	55 dB LAeq(15min) 75 dB LAFmax
ZONE	TIME	NOISE LIMITS													
Rural, Rural Living and Residential Zones	Day time 7am – 10pm	50 dB LAeq(15min)													
	Night time 10pm – 7am	45 dB LAeq(15min) 70 dB LAFmax													
Education, Commercial and Industrial Zones	Day time 7am – 10pm	65 dB LAeq(15min)													
	Night time 10pm – 7am	55 dB LAeq(15min) 75 dB LAFmax													
Earthworks	<p>Based on the below excerpt of earthworks standards, the proposed plan change will reduce potential effects from earthworks by introducing standards as they relate to maximum annual volume, maximum depth cut, and distance to boundary where those standards have no limits in the existing rural zone.</p>														

District Plan	Rural (current)	Industrial (proposed)			
	B1.8 Earthworks				
	B1.8-1 In all zones, all earthworks*, other than for critical infrastructure* must comply with the following limits:				
	ZONE	MAXIMUM VOLUME PER SITE PER YEAR	MAXIMUM CHANGE IN VERTICAL HEIGHT/DEPTH BETWEEN EXISTING AND FINISHED GROUND LEVEL	MINIMUM SETBACK FROM BOUNDARIES	MINIMUM SETBACK FROM WETLAND AS IDENTIFIED IN SCHEDULE E OF THE HORIZONS REGIONAL COUNCIL ONE PLAN
	Rural (excluding ONFL)	No maximum limit	No maximum change	No minimum setback	10m
	Rural (inside an ONFL)	1000m³	No maximum change	No minimum setback	10m
	Rural Living	1000m³	1.5m	3m	10m
	Residential	500m³	1m	3m	10m
	Commercial and Education	500m³	1m	3m	10m
Industrial	1000m³	1.5m	3m	10m	
Hazardous substances	In Rule B1.9 and Schedule C6 there are differences between the zones for the management of contaminated sites and hazardous substances.				
Signage	Signage standards are setout at B1.11. There is a difference between the rural and industrial zones in relation to the control of signage. Mainly, in the industrial zone there is lesser regulation on the number of signs, and there is no maximum face area standard.				
Network Utilities	Under Rule B1.12 there is no difference between the two zones relating to Network Utilities.				
National Grid transmission	Under Rules B1.13 and B1.14, earthworks and buildings adjacent to HVTL’s are regulated. These provisions apply equally to both zones.				

District Plan	Rural (current)	Industrial (proposed)
line and other electricity lines		
Temporary Military Activities	The provisions of rule B1.15 apply equally to both zones.	
Notable Trees and Culturally Significant Flora	The provisions of rule B1.16 apply equally to both zones.	
Removal of Buildings and Dwellings	The provisions of rule B1.17 apply equally to both zones.	

APPENDIX 3: NOTES FROM PRE-HEARING

Rangitikei District Council.

Proposed Plan Change 1165,1151, and 1091 State highway 1, Marton.

Rangitikei District Council has notified a change to the district plan under the RMA 1991, submissions closed in 2019, and a hearing is scheduled for Monday 30th March 2020.

A section 32 report, submission and further submission are available.

Pre hearing meeting(s).

On Monday 2nd the first of two pre hearing meetings were held in the Rangitikei District council, Marton.

The notes taken by Charles Hopkins from that meeting are attached.

As chairperson, my report under the RMA section 8AA, Resolution of Disputes deals with these matters:

(5) (a) must identify the matters that are agreed between the local authority and the submitters and those that are not:

No matters have yet been decided between these parties.

(5) (b) may identify:

- (i) the nature of the evidence that must be called at the hearing by the persons who made the submission:
- (ii) the order in which that evidence is to be heard;
- (iii) a proposed timetable for the hearing,

(c) does not include evidence that was presented at the meeting on a without prejudice basis.

None of these matters have been determined in this first pre hearing.

The meeting agreed to a second prehearing meeting to be held on the 13th March, 5 pm, Rangitikei District council.

Jenny Rowan, Facilitator.

Notes from Mr. Hopkins, from the pre-hearing meeting held at the Rangitikei District Council on Monday 2 March 2020.

Jenny Rowan opened the meeting at 5.04PM.

Names of attendees.

- | | | |
|--------------------------------|--------------------------------------|---|
| • Rebecca Gray - T&J McIlwaine | • William Sinclair | • Fraser Auret |
| • Randall McIlwaine | • Carol Sinclair | • Marie Marshall |
| • Andy Watson – RDC Mayor | • Robert Gunn, Downs Group | • Rebecca Tayler, Horizons Regional Council |
| • Peter Beggs – Council CEO | • David Dean | • Greg Carlyon, reporting officer |
| • Simon, IROMAR | • Joy Bowra Dean | • Charlie Hopkins, planning support |
| • Felicity Wallace, IROMAR | • Kathleen Reardon | • Jenny Rowan, independent facilitator |
| • Amanda Calman | • Gretta Mills | |
| • Kim, NZ Bio Forestry | • Andrea, solicitor for Auret Racing | |

Mitigations committed to:

1. Reduction of area to be developed
2. Protection and buffering along boundaries
3. Limiting road access to Makirikiri Road

Further work committed to:

1. Council to circulate buffer distances
2. Council to form an opinion as to whether Schedule 1 process has been lawful
3. Council to form an opinion as to what the scope of changes are possible, considering that notification has closed

Summary of issues:

1. Traffic load, roading safety, road condition
2. Visual amenity
3. Natural hazards
4. Soils
5. Scale 217 ha or 40 ha
6. Social benefits
7. Bioforestry and plastics
8. Air discharges
9. Noise
10. Consultation and process

Next steps:

1. Council report (section 42A report) due Friday 6 March 2020
2. Next meeting 5PM, Friday 13 March 2020 at Council.

Summary of notes:

Meeting start 5:18PM

- Greg introduced himself and explained his role as the reporting officer under section 42A of the Resource Management Act 1991. The Council report is due Friday 6 March 2020
- There was discussion among the group regarding potential land uses and development plans. Greg explained potential effects and effects management options
- At several times the group discussed the scale of site relative to the township of Marton and whether the current 217ha can be reduced to, for example, 40ha.

- Andy stated that the landowner was in support of the proposal and has signed an MOU about land sale for 40ha. The landowner has a long-term view to sell part of farm depending on demand
- It was noted that there is currently supply of other under-utilised industrial land in Marton i.e. that there is no shortage in supply available
- Andy offered to propose mitigation of limiting development to 100ha, with boundary protection such as boundary along Wings Line, and limiting road access to Makirikiri Road only. Kim says that temporary access may be through Maltroupe. Kim says that NZTA will need to upgrade SH1 turning bays
- Greta stated that there is no definition of problem that is being solved and questioned whether the project is community-led. Andy says that the project is in response to market demand.
- Discussion about production of plastic
- David questioned the economic benefits to retired persons, the benefits to municipal services and local facilities, in relation to demand
- Andy spoke to economic stresses, including in local schools, and the significant rates base that this development would likely contribute. Andy spoke about an increase of rates to the order of \$500,000 and then also extra revenue for tradewaste. Randal expressed concerned about economic well-being and business viability in Marton.
- Robert spoke about business brining income into town
- Felicity spoke about effects on amenity values
- Kim spoke about forestry supply between Horowhenua, Wairarapa and Taranaki. Marton is well placed in relation to source of logs
- Kim expressed a commitment to working with community to identify effects and management options
- Jenny evidential needs for hearing
- Robert Gunn requested that the plan change be approved with conditions to allow for future planning and management of effects
- Greg explained structure planning

- Group expressed concern about a lack of information through the process
- Felicity questioned about landscape effects on other sites further away. Kim said that industrial land uses could be within sheds or silos to mitigate effects
- Fraser expressed concern about light spill, air discharges (dust) and noise. Marie says the vehicle crossing point to that site is unsafe due to topography. Kathleen Reardon says wings line not in good condition
- Kim clarified that NZ Bioforestry have developed up to 12 plans for the site
- The collective group acknowledged a need for long term planning of threewaters and roading upgrades. Mr Andy Watson offered a condition that state highway improvements would occur before development
- Andy described the difference between rural and industrial zoning under the District Plan and described the difference between a district plan change and resource consenting. Rebecca Tayler described the plan change and resource consent process.
- Gretta asked if the operative District Plan provisions are sufficient to manage effects of this scale. Greg says no, and that extra provisions would be needed
- Greg asked the group whether there could be value derived from engaging in mediation. No consensus was reached.
- Kim says that he has met with Ngāti Apa, and that they are interested in further developing a highly skilled workforce
- Amanda Calman does not oppose conditional to adequate management of effects on roading safety, human health from air discharge and residential amenity
- Council agree to seek legal advice as to whether schedule 1 is met. Jenny asked community whether they want a subsequent meeting? Arranged for Friday 13 March 2020, 5PM at Council
- Council agreed to seek legal advice regarding:
 - Schedule 1 process and
 - Scope as to the scale of changes that can be made after notification
 - Council agreed to advise about buffer distances

Meeting end 8:09PM

Appendix 4: Summary of submissions

Appendix 5: Summary of further submissions

Appendix 6: Plans from Council showing existing threewater assets

Appendix 7: Certificates of title (x6)



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

#	Submitter	Topic(s)	Address for service	Support/oppose/amend	Wishes to be heard
1	Hew Dalrymple	Growth; employment; positive social effects	158 Dalrymple Road, Bulls 4894	Support	Not stated
Submission Zone change will be invaluable for the District. More manufacturing will result in more job and a more vibrant community.					
Decision Requested Council supports the Proposed Plan Change.					
2	Amanda and Craig Calman	Traffic and roading; noise; air pollution; property values; drainage; visual and landscape amenity	70 Wings Line, RD 1, Marton	Oppose	No
Submission Concerns about traffic and roading on Wings Line: <ul style="list-style-type: none"> • Increase • Safety • Noise Concerns about noise: <ul style="list-style-type: none"> • General noise • Controls in the District Plan to deals with times in the day / night Concerns about air pollution. Impact on property values: <ul style="list-style-type: none"> • Unlikely to have a positive effect • Proposed re-zoning not mentioned when purchased a LIM Drainage across submitter's property could be affected, resulting in land being wetter and less productive.					

Concerns about landscape and visual amenity:

- Entranceway to Marton
- On the edge of rural land

Decision Requested

- Access from Wings Line into the proposed industrial area is close to the State Highway 1 (SH1), before the houses start, or from Makirikiri Road
- Traffic modelling completed
- Identify solutions to restrict noise effects from increased heavy traffic
- Noisy industry is located closer to SH1 (further away from residential area and dwellings on Wings Line)
- Establish a buffer zone (including fencing, natural mounds and plantings) around the site
- Drainage is modelled to assess impact on surrounding properties and identify solutions
- Conditions of consent are applied to ensure rural quality of air is retained
- Restrictions or criteria are considered to address the above concerns at the time of future consents
- Detrimental effects on current property owners remedied by developers
- Council consider negative impacts on adjacent property values and compensate, combat or add value

3	Philippa Hancock	Traffic and roading; noise; air pollution; property values; drainage; landscape and visual amenity	76 Wings Line, Marton	Oppose	No
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Submission

Concerns about traffic and roading on Wings Line:

- Safety
- Capacity
- Wings Line used as diversion (increases load)
- Current condition not suitable for large trucks

Concerns about noise:

- General noise
- Controls in the District Plan to deal with times in the day / night

Concerns about air pollution.

Unlikely to have a positive effect on property value.

Drainage across submitter's property could be affected, resulting in land being wetter and less productive.

Concerns about landscape and visual amenity:

- Entranceway to Marton
- On the edge of rural land

Decision Requested

- In-depth traffic modelling is undertaken
- Access from Wings Line into the proposed industrial area is close to the State Highway 1 (SH1), before the houses start, or from Makirikiri Road
- Identify solutions to restrict noise effects from increased heavy traffic
- Noisy industry is located closer to SH1 (further away from residential area and dwellings on Wings Line)
- Establish a buffer zone (including fencing, natural mounds and plantings) around the site
- Drainage is modelled to assess impact on surrounding properties and identify solutions
- Conditions of consent are applied to ensure rural quality of air is retained
- Restrictions or criteria are considered to address the above concerns at the time of future consents
- Detrimental effects on current property owners remedied by developers
- Council consider negative impacts on adjacent property values and compensate, combat or add value

4	David M. Dean, Joy Bowra-Dean	Scale; who will benefit; increase of population; noise; light spill; odour; traffic and roading; fire risk; construction; employment; land demand; site location	19 Goldings Line, RD 1, Marton 4787	Oppose	Yes
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Submission:

Scale of Propose Plan Change: Size of the industrial area and potential activities is inappropriate for Marton.

Benefits: Older people won't see the economic benefits.

Increase in population. Concerns regarding:

- Character of Marton: Increased population would make Marton more crowded, busier. Retired people have chosen Marton for related, rural, friendly lifestyle.
- Community services: More housing, schools, medical facilities, supermarkets, petrol stations would be required for the population increase. Implications for regional

facilities e.g. hospitals.

Amenity effects. Concerns regarding:

- Noise
- Light spill
- Odour

Traffic and Roding. Concerns regarding:

- Increased traffic volumes
- Safety / traffic management

Safety regarding fire risk and mitigation.

Construction concerns:

- Accommodation for construction workers
- Environmental safeguards

Employment: More employment options would be positive.

Land demand: Little need for warehousing and other industrial activities in Marton.

Site location: Other site options should have been considered.

If the proposal goes ahead: Change boundary of the site area on western side to follow an existing line of trees and a waterway (map included) to increase the distance between industrial development and existing residential and rural properties on Goldings Line, the western end of Wings Line, Princess Street, Racecourse Ave, French St., King and Alexandra St. Plant buffer land in manuka to align with other Accelerate 25 goals.

Decision Requested

- Further information regarding how amenity effects are considered and assessed including:
 - Who decides a reasonable level of noise?
 - Who has discretion to decide how much light spill is acceptable?
 - Who exercises discretion on odour and how do you control this?
- Further information on why more large warehouses are needed in the Region and Marton in particular
- Further information about fire safety and infrastructure including who pays

- Further information on service provision including portable, storm and wastewater, gas, electricity including who pays
- Further information on environmental safeguards during construction
- Further information on why other sites in the District were not considered

5	William and Carol Sinclair	Traffic and roading; noise; quality of life	89 Wings Line, RD 1, Marton 4787	Oppose	Yes
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Submission

Roading and traffic concerns:

- Traffic increases
- Road upgrades required

Noise concerns:

- Generally
- Night noise

Concerns zone change will impact on overall quality of life and rural lifestyle

Submitter notes they wish to remain the Rural Zone.

Decision Requested

Nothing noted.

6	Elaine Mary Wigglesworth	Privacy	67 Goldings Line, RD 1, Marton 4787	Neutral	No
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Submission

Neither support or oppose, have voiced concerns and discussed potential mitigation (planting trees etc.) to address privacy.

Decision Requested

Nothing noted.					
7	Lorraine Pearson	Traffic and roading	71 Marumaru Street, Marton	Not stated	No
<p>Submission</p> <p>Traffic and roading concerns on Wings Line and Nga Tawa Road regarding:</p> <ul style="list-style-type: none"> • Road upgrades needed, including widening the road • Traffic volumes, particularly when used as a bypass • Costs – should be shared with Ministry of Transport (NZTA) <p>Decision Requested</p> <p>Nothing noted.</p>					
8	Kathleen Reardon	Roading and traffic; drainage	13c Wanganui Road, Marton	Not stated	Yes
<p>Submission</p> <p>Roading and traffic concerns regarding:</p> <ul style="list-style-type: none"> • Upgrades needed on Wings Line and Nga Tawa Road, including widening the road • Traffic volumes • Costs – should be shared with Ministry of Transport (NZTA) <p>Drainage: changes to be more efficient with flow into nearby creek</p> <p>Decision Requested</p> <p>Nothing noted.</p>					
9	D and J Anderson Family Trust	Air pollution; noise; property valuation, visual amenity	1108 SH1 RD1, Marton	Oppose	Yes, would consider joint case

Submission

Air pollution concerns regarding:

- Wind borne matter from the site landing on the neighbouring property
- Drinking water quality
- Wind borne matter from the site landing on the neighbouring property and affecting water which is collected from shed and house roofs

Noise pollution concerns regarding:

- Noise out of business hours if operation is 24/7

Concerns regarding impact on property value.

Concerns regarding impact visual effects.

Decision Requested

A visually pleasing 'landbank' (earthen) or similar be developed at the boundary to SH1, set back by 100 metres (as advised by NZTA) and planted with trees to reduce / eliminate issues detailed above. A fence may be required on top of the bank to catch flying debris.

10	Fraser Auret	Consultation; information omitted from notification; infrastructure; land demand; alternatives; site location; impact on race-horsing business; traffic; light spill; noise; air pollution; odour and smoke; versatile soils; evaluation; One Plan; purpose RMA	73 Wings Line, RD 1, Marton 4787	Oppose	Yes, would consider joint case
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Submission

Consultation concerns: The submitter was not consulted with regarding the Proposed Plan Change.

Lack of fundamental information regarding:

- Geotechnical assessment and traffic engineering assessment, which precludes the public from being properly informed about the plan change
- Supporting documents referred to in the proposal have not been provided

Incomplete Infrastructure assessment:

- The site has no on-site services currently
- The proposal assumes services can and will be provided without a full assessment including capacity of the network
- No assessment of the potential effect of hard surfacing required for industrial activity on the network or adjacent landowners

Lack of demand for more industrial land / evaluation of alternative locations:

- Inadequate assessment of existing land available for industrial use, further investigations of existing land's suitability for should be undertaken
- Flawed assessment of the second-largest area of vacant industrial land as it doesn't include a detailed assessment of the impacts of the flood zone and uses sensitive neighbours as a reason not to locate industrial activities while the proposed site also has sensitive neighbours
- Assumption that positive effects outweigh the adverse effects without demonstrating demand and superficially dismissing the existing supply

Incomplete effects assessment of race-horse training business:

- Proposal does not recognise the sensitivity of race-horse training business located at 73 Wings Line which requires a rural location and specialised facilities which would cost millions to recreate elsewhere. Horses are sensitive to their environment (traffic, light, noise, dust, odour, and smoke).

Traffic concerns including:

- Increased traffic volumes, especially heavy vehicles, and related noise, vibrations, and fumes
- Potential hours of operation (24/7)
- Safety from change in road levels
- Road already used a bypass for SH1 (not mentioned in the proposal)

Light concerns regarding light spillage and the potential hours of operation (24/7) as artificial light spill will affect fillies and mares by bringing them into season which has adverse effects to the business.

Noise concerns:

- General noise
- Potential hours of operation (24/7)

Dust concerns:

- Horses are extremely sensitive to dust and other airborne allergens

Odour and Smoke concerns:

- Horses are extremely sensitive to odour and smoke which could create health and safety risks

Concerns regarding the loss of versatile soils.

Improper tests (evaluation):

- The negative effects of the proposal will outweigh any positive effects
- An assessment of whether the existing Rural Objectives, or the existing Industrial Objectives are the most appropriate way to achieve the purpose of the Act has not been undertaken. The Objectives of the Rural Zone are the most appropriate for the Site
- The proposal does not give effect to relevant provisions of the Regional Policy Statement and does not meet the purpose of the RMA

Decision Requested

The proposal is declined.

11	The Downs Group	Growth; site location	PO Box 275, Marton 4741	Support	No
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Submission

The Plan Change will allow Marton to grow and prosper.

The location makes sense close to Marton and transport networks.

Does not want Marton to miss out on any opportunities.

Decision Requested

The Proposed Plan Change is approved.

12	Ms F. Wallace representing the	Evaluation; site location;	15 Bond Street, Marton 4710	Oppose	Yes, would consider
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	Interested Residents of Marton and the Rangitikei	versatile soils; visual and landscape; information omitted from notification; scale; LGA alignment; Structure Plan; purpose of RMA			joint case
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Submission

Evaluation process:

- The proposal does not amend the Objectives, Policies and Rules of the Industrial Zone due to case-law that would result in the submission being invalidated. The Plan Change should be evaluated against the existing Objectives of the District Plan
- No alternative locations considered
- Proposal notes watercourses, flooding and ponding on site but does not include an Iwi Impact Assessment, Freshwater NPS Assessment, and NPS-UDC Assessment

Loss of valuable primary production land: The subject site is valuable land necessary for primary production and contributes to the wellbeing of the residents of Marton, the District, and the Country.

Visual and landscape effects concerns:

- SH1 and Railway Line, and on Wings Line and Makirikiri Road where an interface with a Residential or Rural Zone occurs at a boundary road
- Effect on the 'Tiaki Promise' and visitor experience arriving at Marton

Notified information:

- The submitter has not had access to the same information that Council rely on for their requested decision which is contrary to natural justice and disadvantages the submitter in a manner than cannot be overcome. The submitter notes the supporting reports referenced in the proposal that were not provided as part of the notification. Therefore, the submitter could not confirm the validity of Council's s32 report.
- Geotechnical report was not available to assess the risk of the active fault and other geotechnical issues.

Scale: Concerns that the size of the area seems out of step with the size of Marton.

Alignment with Local Government Act processes: The Long-Term Plan (LTP) Significant Projects list (page 38/39) does not include an Industrial Hub and there is no proposed Structure Plan. The proposal may result in economic opportunities that can to address the shortcoming of the local infrastructure however economic effect must be balanced with the size of the proposal and interface with Local Government Act processes (Structure Plan and LTP).

Part 2 of RMA: In the absence of clarifications to understand the s32, Proposed Plan Change is contrary to sustainable management and inconsistent with Part 2 of the RMA and will have significant adverse effects on people and communities to provide for their wellbeing.

Decision Requested

- An extended further submissions process to provide an opportunity for the submitter to refer to specific matters to technical experts to inform their understanding of the proposal. The Council might be able to address the deficiencies in notification by way of this extended further submissions process however the submitter is unclear whether it would do so to a degree that the submitter would be comfortable revising their primary submission (that Plan Change will not be in accordance with the purpose and principles of the RMA and is inappropriate in terms of s32).
- A clearly defined Structure Plan detailing a planting interface to the land from the South and Wings Line, SH1, Makirikiri Road and the Main Trunk Railway including planted corridors for visual mitigation, plant sizes at time of planting, plant varieties to support lost biodiversity, likely locations of any slip lanes for heavy transport vehicles entering and leaving the site from SH1, NZTA's approval of connection points, location of future rail sidings (through engagement with Kiwirail), no-build areas due to the geotechnical constraints, and stormwater or sediment control measures.
- Robust information to satisfy whether it is consistent with the pending National Policy Statement for Highly Productive Land (NPS-HPL) and the purpose of the Act.
- That the proposal in its current form is declined.

13	Robert Snijders	Information omitted from notification; land demand; site location; versatile soils; development plan; traffic; District Plan review; cost (Development Contributions review)	5 Grey Street, Marton 4710	Oppose	Yes
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Submission:

Did not provide supporting documentation referenced in the consultation document.

Land demand / location concerns regarding:

- Assessment does not provide adequate information to justify rezoning
- Surrounding industrial areas (Palmerston North, Feilding, Whanganui) indicate an oversupply of industrial land in the region
- Existing Industrial Zone land is underutilised or underdeveloped (maps and photographs provided), priority should be on redeveloping these sites
- The existing ANZCO land located at the intersection of Wellington Rd and SH1 could be used for land hungry industrial uses
- There are other examples of derelict Industrial Zone land located adjacent to the railway in the district

Productive soils: Using productive agricultural land does not follow the spirit of sustainable development.

A detailed development plan should accompany the proposal including site specific rules e.g. categorising industrial activities and defining buffers between activities; screening; sewerage and stormwater infrastructure and mitigation; protection of watercourse and water bodies; energy generation (renewable quota).

Traffic effects: Wings Line used as a bypass route, volumes of traffic using this route are likely to increase.

Decision Requested

- A sequential test should be used to steer operators and businesses towards existing Industrial Zone land before using Rural Zone land.
- The District Plan should be reviewed to support sequential test, including a move towards carbon zero policies.
- Any development on rural land should need a notified resource consent.
- The Development Contributions Policy should be reviewed so that the developer bears the cost for services and infrastructure to accommodate development.

14	Horizons Regional Council (Pen Tucker, Senior Policy Analyst)	One Plan; versatile soils; LGA alignment; geotechnical	Private Bag 11025, Manawatu Mail Centre, Palmerston North 4442	Generally supports	Yes, would consider joint case
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Submission

One Plan:

- Plan change is consistent with One Plan and is part of the Council's strategic response to Accelerate25
- No changes to the existing Industrial Zone Objectives, Policies and Rules, therefore the requirements of Section 75 of the RMA are considered to be met

Urban growth / versatile soils: The Plan Change gives effect to One Plan Policy 3-5.

LGA processes - asset management / funding and Structure Plan: The Plan Change is consistent with One Plan Policy 3-4 as it is a proactive development however it does not include asset management planning and is not included in the Rangitikei LTP (Financial and Infrastructure Strategy) and therefore is out of step with long-term infrastructure planning required under the LGA. Development of a structure planning approach would address this in the interim.

Geotechnical / natural hazards: Accurate summary of advice provided by Horizons. More specialist information required.

Decision Requested

Nothing noted.

15	Howard and Samantha Walsh	Information omitted from notification; consultation; evaluation; purpose of RMA; One Plan; drainage; air pollution; noise; traffic; visual / landscape amenity; versatile soils; 3-waters infrastructure; Comprehensive Development Plan; alternatives; scale; cumulative effects; economic / land demand; increase of population (infrastructure)	1233 State Highway 1, RD 1, Marton 4787	Oppose	Yes, would consider joint case
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Submission

Level of information insufficient to undertake assessment including:

- Infrastructure services, particularly water, wastewater and stormwater
- Traffic
- Geotech
- Discharges to air, noise
- Lack of detail has prejudiced the ability of the public generally to submit. The process breaches good practice and law and cannot be adequately remedied by the preparation of information subsequent to the expiration of the submission period due to the scale of deficiencies
- Lack of detail to demonstrate gives effect to Regional Policy Statement

Consultation

- Not consulted prior to notification as adjacent landowners

Evaluation does not include:

- Whole of life cost analysis
- Integrated strategic planning

- Tailored implementation plan
- Adequate consideration of alternatives - assessment of alternative sites and scale of site (100ha is thought to be a reasonable alternative)
- Does not address whether existing s75 issues are adequately addressed for the new zone
- Assessment against NPS-HPL

Evaluation does not meet tests

- Does not achieve the purpose of the Act and does not show how it avoid, remedy and mitigate effects
- Does not comply with OB1 of National Policy Statement on Urban Development
- Does not comply with Part 3 Regional Policy Statement

Effects

- Drainage, particularly on neighbours, as field title drainage system used to drain their property through Proposed Plan Change site
- Discharges to air (odour, dust, toxic fumes)
- Noise (industrial and traffic), particularly if any activity is 24 hours in nature
- Traffic generation, safety, upgrades on Wings Line including pedestrian and cyclist facilities
- Negative visual / landscape effects on Rural Zone (setbacks and landscaping)
- Loss of productive soils, more consideration should be given including an assessment against the NPS-HPL
- Water and wastewater infrastructure and effect on existing groundwater takes, future bore contamination

Mitigation of effects

Site specific rules should be developed, including setbacks / landscaping adjoining the Rural Zone to mitigate effects; a requirement for a Comprehensive Development Plan; a requirement for legal protection of and implementation of appropriate drainage prior to works; mitigation of cumulative effects (existing District Plan rules do not provide for this).

Scale / consideration of alternatives

- Not clear why 217ha land is needed when future industrial land use is unknown and speculative, 100ha seems suitable to submitter
- Large scale accumulative effects
- No staging of development provided
- Other potential locations in the district or regional were not assessed

Economic / Land demand

- Proposal does not demonstrate demand

- Proposal is speculative
- A Comprehensive Development Plan is needed to protect the land against piece meal development
- Economic Assessment compares existing land use (instead of higher value primary production) with industrial activity which exaggerates the economic benefits of industrial uses

Infrastructure required to accommodate new employees generated e.g. housing, roading

Appropriate cohesive future planning should include:

- Site specific objectives, policies, and rules
- Cohesion with district-wide development
- Mitigation of effects
- Connectivity with the community
- Assessment of the cost of infrastructure
- Assessments against National Policy Statements
- Proposed staging
- Future impact on the development of Marton

The submitter requests that if the Plan Change proceeds, a Comprehensive Drainage Plan is prepared and implemented prior to any works occurring within the plan change area. Appropriate legal protection of the drains or drainage paths should be required within any final zone provisions.

Decision Requested

Nothing noted.

16	Kiwirail (Rebecca Beals)	Rail network; traffic; information omitted from notification	PO Box 593, Wellington 6140	Neutral	Yes
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Submission

Effects on the safety and operation of the rail network including potential access to rail network from the site; effects of increased traffic over existing level crossing near the site.

More information required to be satisfied that the safety effects in relation to transport are able to be safely mitigated through compliance with existing Zone standards. Would

like to review any additional detail on traffic effects following close of submissions.

The submitter notes that rail sidings cannot always be accommodated due to safety, therefore early engagement with Kiwirail is encouraged to achieve this.

Decision Requested

Nothing noted.

17	New Zealand Transport Agency (Letitia Jarrett, Principal Planner)	Information omitted from notification, traffic, GPS; staging, cumulative effects;	PO Box 1947, Palmerston North 4440	Cannot form a position at present	Yes
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Submission

Insufficient information to consider impacts.

Concerns regarding impact on SH1 and wider roading network. Traffic Impact Assessment and Traffic Volumes should include:

- Design and location of internal roads within the Plan Change area
- Location of roading connections between the Plan Change area internal roads and local roads
- Assessment of the additional demand at the intersections to SH1 as a result of industrial activity, employees and other related movements on the wider network
- Anticipated reliance on rail infrastructure
- Indicative roading improvements on any immediate or wider roads as a result of the trip generated
- Stormwater management provisions within the Plan Change area to evidence no discharges onto or into the SH1 network
- Clarification of the impacts of intensifying and the effects on SH1 in the event of flooding
- Design solutions to manage ingress and egress to the site and the impact of the additional trips on the wider network
- Projected vehicle movements to and from the area
- Consideration of the available capacity within the network and impact on the efficiency of the network
- Funding proposed by Council to implement mitigation strategies

The Plan Change should address the following matters:

- Alignment with the Government Policy Statement on Land Transport 2018/19-2027-28 (GPS) which promulgates the Government's future strategic transport priorities in the development and decision process for the Proposed Plan Change
- Staging of the development and proposed methods of mitigation of impacts (site and cumulative)
- Avoidance of cumulative effects of incremental subdivision and development

- Clear direction in the Plan Change that there will be no additional access points from SH1
- Objectives and Policies which aim to ensure new lots have safe and adequate vehicle access from the roading network and require an interconnected transport network that provides routes for walking, cycling passenger transport and motor vehicles. These policies should align and support the GPS (safe system and multimodal priorities)

Decision Requested

The Plan Change is put on hold or the submission period extended to allow further consideration of the Traffic Impact Assessment.

18	NZ Bio Forestry Ltd	Business opportunities	PO Box 10799, Wellington 6143	Support	Yes
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Submission

- Would like to locate three wood processing plants on the proposed site and make Marton a large wood processing centre
- Local businesses and iwi are involved in the business proposal
- Currently unable to share details due to commercial sensitivities

Decision Requested

Nothing noted.

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

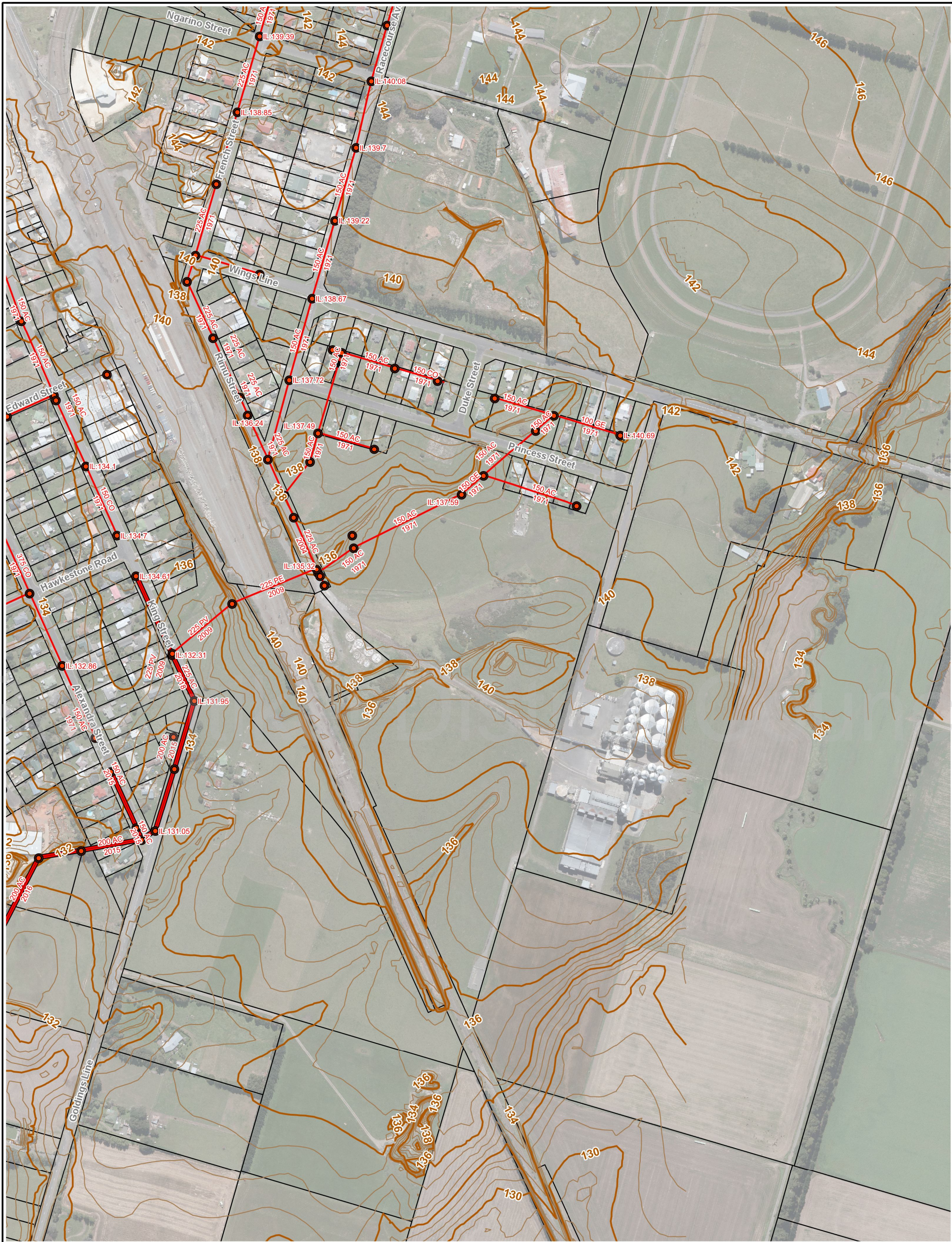
Further submitter number	Further submitter name	Address for service	Position on substantive proposal	Wish to be heard	Original submitter number	Eligibility to make further submission	Relevant submission	Support or oppose relevant submission	Summary	Relief sought
1	Andrew Walters (J&J Walters Ltd)	andrew@jjwalters.co.nz	support	no	nil	8(1)(b)	The Downs Group (sub11)	support	supports relevant submission due to job creation	no relief specified
2	Bryce Tasker	bryce@mcilwaine.co.nz	support	no	nil	8(1)(b)	The Downs Group (sub11)	support	supports relevant submission due to job creation and management of adverse effects through district plan standards to ensure no adverse effects	that the submission be allowed
3	David H. Dean	19 Goldings Line RD1 Marton 4787	oppose	yes	sub4	8(1)(b)	nil	nil	provides opinions on Opus traffic report, and socioeconomic benefits, and market demand, and consultation	seeks clarification as to what is being proposed before a decision is made
4	Gabrielle Ann	gakeen@xtra.co.nz	oppose	no	nil	8(1)(b)	Amanda and Craig Calman (sub2); Philippa Hancock (sub3); Fraser Auret (sub10)	support	provides opinions on traffic effects, noise effects, and visual effects, and property values	no relief specified
5	Graeme Skou	graeme.skou@xtra.co.nz	support	no	nil	8(1)(b)	The Downs Group (sub11)	support	supports relevant submission due to job creation, growth, increased demand for supermarkets, schools and housing	no relief specified
6	Interested Residents of Marton and the Rangitikei (Felicity Wallace)	felicity@inspire.net.nz	oppose	yes	sub12	8(1)(a)	1; 2; 3; 4; 5; 6; 8; 9; 11; 13; 14; 15; 16; 17; 18	support and oppose	the submitter provides further submission on all original submissions except not sub7 (L. Pearson) or sub12 (their own). The further submission provides opinion on the following topics: rural amenity; market demand; Part 2 of the RMA; effects including traffic, noise, pollution, landscape and visual, amenity, screening, privacy; district plan objectives policies and rules; creation of jobs; roading upgrades; air pollution; consultation; Nga Tawa school; drinking water; wind direction; property valuation; SH1; insufficient analysis and information; unfair process; historic heritage; cultural impact assessment; incomplete aee; alternative sites unused; current state of railway infrastructure; One Plan RPS and Accelerate25; RDC financial and infrastructure strategy; large scale cumulative effects; NPS high productive land;	seeks that the request be placed on hold to allow further consideration
7	Mitre10 Marton (Terry Ellery)	terry.ellesy@mitre10.co.nz	support	no	nil	8(1)(b)	The Downs Group (sub11)	support	supports relevant submission for reasons related to economic benefit	seek that the proposal be allowed. Seek that the submission be approved
8	Paul F McAleese	pmcaleese@xtra.co.nz	support	no	nil	8(1)(b)	The Downs Group (sub11)	support	supports relevant submission due to providing for industrial land in Marton to attract business; management of adverse effects through planning standards	no relief specified
9	Permanite Memorials (Peter Cousins)	peter.cousins@permanite.net	support	no	nil	8(1)(b)	The Downs Group (sub11)	support	supports relevant submission due to economic and social benefits of investment, generally.	no relief specified

10	Rangitikei Development LTD (Bain Simpson)	97 Coleman Road RD1 Marton	support	yes	nil	8(1)(b)	NZ Bio Forestry Ltd (sub18)	support	supports generally for the reasons of job creation and infrastructure upgrades	Seek that the submission be approved
11	Rangitikei District Council (CEO Peter Biggs)	info@rangitikei.govt.nz	not stated	yes	nil	8(1)(c)	support Dalrymple (sub1); The Downs Group (sub11); oppose Deans (sub4); Auret (sub10); Wallace (sub12); Snijders (sub13); accepts Horizons (sub14); Kiwirail (sub16), NZTA (sub17); recognises Calman (2); Hancock (3); Sinclair (5); Auret (10)	support and oppose	Expresses opinions regard long term planning, and industrial supply and demand; RDC supports submissions 1 and 11 for the reasons of social and economic benefits from investment; RDC oppose submissions 4, 10, 12 and 13 on the basis that alternative sites are not more appropriate than the selected site; RDC accept submissions 14, 16 and 17 in so far that detailed design has not been undertaken; RDC recognises submissions 2, 3, 5 and 10 in so far that mitigations and buffers need to be provided but that detailed design has not yet occurred.	no relief specified
12	Shoebridge Supermarket LTD (Brendon Shoebridge)	brendon.showbridge@foodstuffs.co.nz	support	no	nil	8(1)(b)	The Downs Group (sub11)	support	support relevant submission because of local benefits including job creation. Provides opinion that benefits would out weigh negative matters	Seek that the submission be allowed
13	T&J McIlwaine LTD (Rebecca Gray)	rebecca@mcilwaine.co.nz	support	no	nil	8(1)(b)	The Downs Group (sub11)	support	supports relevant submission due to economic and social benefits of investment, generally.	no relief specified
14	McIlwaine Timber Processors (Randall McIlwaine)	randall@mcilwaine.co.nz	support	yes	nil	8(1)(b)	The Downs Group (sub11)	support	supports relevant submission due to economic and social benefits of investment, generally.	no relief specified
15	Robert P. Snijders	moolookiwi@outlook.com	oppose	yes	sub13	8(1)(b)	New Zealand Transport Agency (sub17)	support	support relevant submission; fairness of process; availability of information at notification	no relief specified
16	Fraser Auret	fraserauretracing@gmail.com	oppose	yes	sub10	8(1)(b)	Hew Dalrymple (sub1); The Downs Group (sub11); NZ Bioforestry Ltd (sub18)	oppose	oppose the relevant submissions and seeks that those submissions be disallowed	seek that the submissions be disallowed
17	Howard Walsh	topdairying@gmail.com	oppose	not stated	sub15	8(1)(b)	support Calman (sub2); Hancock (sub3); Dean (sub4); Sinclair (sub5); Pearson (sub7); Auret (sub10); IROMAR (sub12); Snijders (sub13); NZTA (sub17). Oppose Dalrymple (sub1); The Downs Group (sub11); NZ Bioforestry LTD (sub18)	support and oppose	the submitters provides legal opinion on the following matters raised in original submissions: traffic; noise; drainage; zoning; traffic safety; demand; information; light; infrastructure; threewaters; soils; legislative tests; Council long term plan; objectives and policies; insufficient analysis; flawed process; structure planning; site selection; detailed development plan; traffic volumes; development contributions. Seeks that the NZ Bioforestry LTD submission 18 be disallowed	seek that sub18 be rejected
18	NZ Bioforestry LTD	wayne@nzbioforestry.co.nz	support	yes	sub18	8(1)(b)	Hew Dalrymple (sub1); The Downs Group (sub11); Horizons Regional Council (sub14); Elaine Mary Wigglesworth (sub6); Lorraine Pearson (sub7); Kathleen Reardon (sub8)	support	The submitter supports that submissions of Hew Dalrymple, The Downs Group and Horizons Regional Council. The submitter does not express support or opposition to several other submissions. The submitter provides opinions on the following: town zoning change; criteria for the selection of Marton; Intellectual Property (IP); employment opportunities; training opportunities; relationships; adverse effects including wind, noise, dust, odour, visual appears and infrastructure, water quality - waste and drainage, truck volumes. The submitter provides information on the NZ Bio Forestry LTD business plan.	no relief specified
19	CEDA (John Morris)	john.morris@ceda.nz	support	no	nil	8(1)(a)	Horizons Regional Council (sub14)	support	supports the relevant submission points made on the Accelerate25 Regional Growth Study (2015); investment to generate jobs	seek that the submission be allowed
20	Gretta S. Mills	millsnz@gmail.com	support	yes		8(1)(b)	R. P. Snijders (sub13)	support	supports relevant submission points and reasoning	no relief specified

21	Hayden W. Gould	rangitikeidevelopmentltd@gmail.com	support	no		8(1)(b)	The Downs Group (sub11)	support	supports relevant submission due to job creation	seek that the submission be allowed
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 RANGITIKEI DISTRICT COUNCIL	RANGITIKEI DISTRICT COUNCIL	Asset Management Systems	SCALE 1 : 4000 
	Water Utility Map Wings Line - Marton		



RANGITIKEI
DISTRICT COUNCIL

RANGITIKEI DISTRICT COUNCIL

Asset Management Systems

Sewer Utility Map

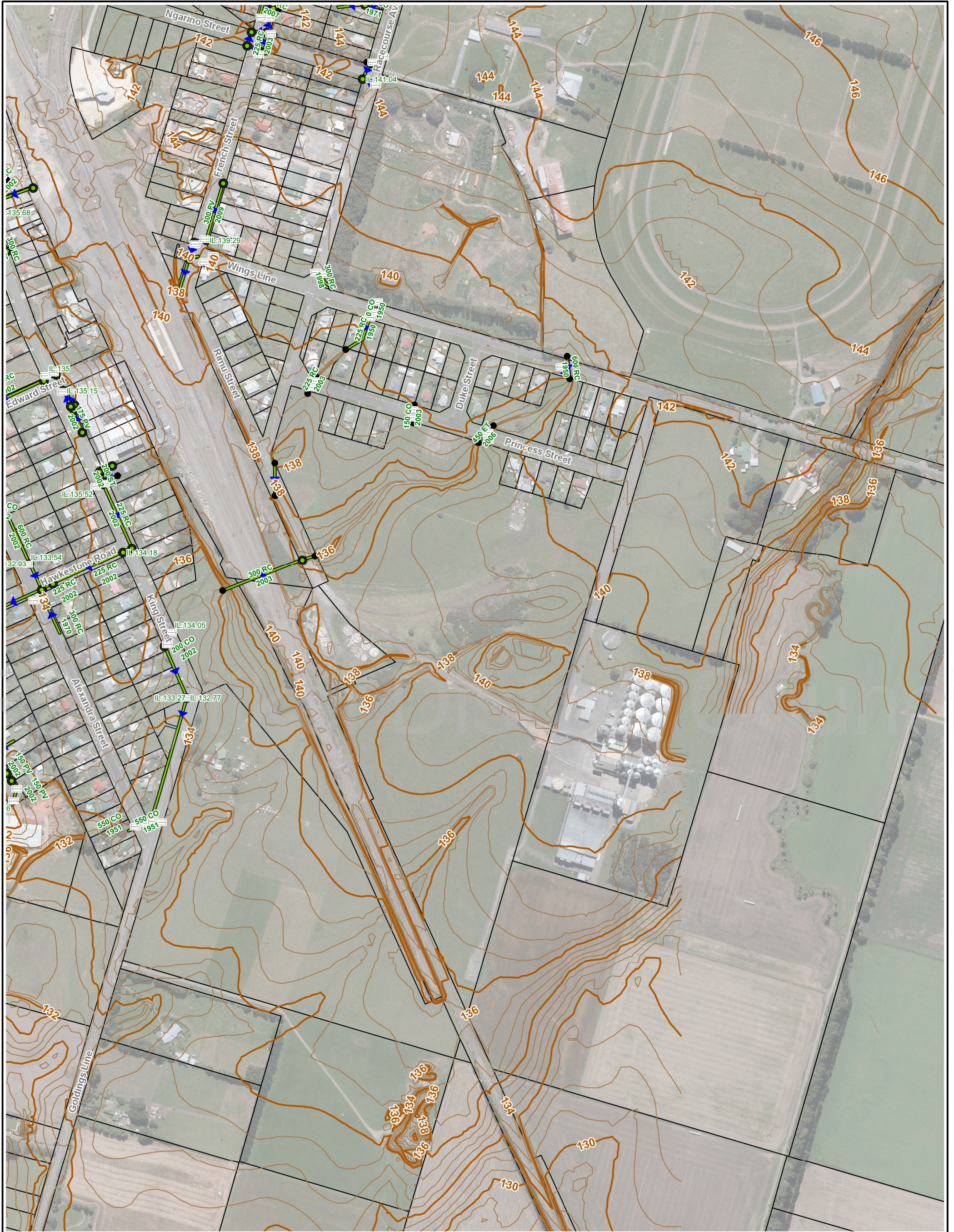
Wings Line - Marton



SCALE

1 : 4000



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Land Information New Zealand
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 RANGITIKEI DISTRICT COUNCIL	RANGITIKEI DISTRICT COUNCIL	Asset Management Systems	SCALE 1 : 4000	
	Drainage Utility Map Wings Line - Marton			



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Limited as to Parcels
Historical Search Copy**




R. W. Muir
Registrar-General
of Land

Constituted as a Record of Title pursuant to Sections 7 and 12 of the Land Transfer Act 2017 - 12 November 2018

Identifier 149629
Land Registration District Wellington
Date Issued 16 July 2004

Part-Cancelled

Prior References
WN17D/1048

Estate Fee Simple
Area 50.8121 hectares more or less
Legal Description Lot 2 Deposited Plan 336499

Original Registered Owners
Marion Joy Whale

Interests

918132 Gazette Notice declaring the adjoining State Highway No. 1 to be a limited access road
B240558.4 Mortgage to Marion Joy Whale as executor and to Marion Joy Whale in shares - 26.6.1992 at 1.49 pm
B531197.3 Mortgage to Bank of New Zealand - 29.7.1996 at 9.01 am
B531197.4 Memorandum of Priority making Mortgages B531197.3 and B240558.4 first and second mortgages respectively - 29.7.1996 at 9.01 am
Subject to water rights over part marked G on DP 336499 created by Transfer 703663
Subject to a electricity supply right over parts marked A,B & C , electricity and water supply rights over parts marked D & E and water supply right over part marked F on DP 336499 created by Easement Instrument 6083043.2 - 16.7.2004 at 9:00 am
The easements created by Easement Instrument 6083043.2 are subject to Section 243 (a) Resource Management Act 1991
6252534.1 Transfer to Marion Joy Whale and Wadham Goodman Trustees 2004 Limited - 15.12.2004 at 9:00 am
6659466.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 - 23.11.2005 at 9:00 am
7977579.1 Variation of Mortgage B531197.3 - 24.10.2008 at 9:00 am
8223989.1 Gazette Notice (NZ Gazette 9.7.2009, No 99, p.2263) declaring part (657m2, Section 3 SO 400314) to be road which becomes road, limited access road and State Highway and shall vest in the Crown - 13.7.2009 at 1:14 pm
PART CANCELLED
8223989.6 Discharge of Compensation Certificate 6659466.1 - 13.7.2009 at 1:14 pm
9924235.1 Discharge of Mortgage B531197.3 - 16.12.2014 at 3:31 pm
9924235.3 Mortgage to ASB Bank Limited - 16.12.2014 at 3:31 pm
9924235.5 Mortgage Priority Instrument making Mortgage 9924235.3 first priority and Mortgage B240558.4 second priority - 16.12.2014 at 3:31 pm
10464226.1 Transmission of Mortgage B240558.4 to William Hugh Wilson and Mark Rutherford Wadham as Executor(s) - 29.7.2016 at 4:44 pm
10464226.2 Discharge of Mortgage B240558.4 - 29.7.2016 at 4:44 pm
10464226.3 Transmission to Wadham Goodman Trustees 2004 Limited as survivor(s) - 29.7.2016 at 4:44 pm

Identifier**149629**

10464226.4 Transfer to Wadham Goodman Trustees 2004 Limited and W H Wilson Limited - 29.7.2016 at 4:44 pm

10631595.1 Discharge of Mortgage 9924235.3 - 1.12.2016 at 9:56 am

10631595.2 Transfer to Cantara Farms Limited - 1.12.2016 at 9:56 am

10631595.3 Mortgage to ASB Bank Limited - 1.12.2016 at 9:56 am

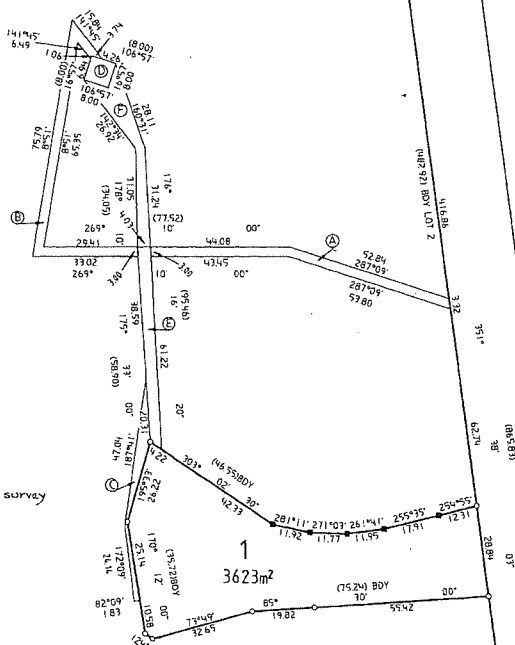
LT 336499 (Title Plan)



816462 m

2
50.8121 Ha
Area not determined by survey

816462 m



STATE HIGHWAY
LEGAL BY SEC 110D P.W. ACT 1978, PLAN C/121, PROX 3979 2012 WIDE & OVER
LIMITED ACCESS ROAD GN 918172

MEMORANDUM OF EASEMENTS			
SHOWN	PURPOSE	SERVIENT TENEMENT	DOMINANT TENEMENT
A.B.C.	ELECTRICITY SUPPLY	LOT 2	LOT 1
D.E.	ELECTRICITY SUPPLY WATER SUPPLY	LOT 2	LOT 1
F	WATER SUPPLY	LOT 2	LOT 1

Schedule of Existing Easement			
Shown	Purpose	Servient Tenement	Created by
G	Water Supply	Lot 2	T.703663

I hereby certify that no part of the legal road is included within the land under survey on this plan
Authorised Officer



Approvals

I hereby certify that this plan was approved by the Rangitikei District Council pursuant to Section 223 of the Resource Management Act 1991 on the 20 day of MAY 2004 subject to the granting or reserving of the easements set out in the Memorandum hereon.

Authorised Officer
Pursuant to Section 224(c) of the Resource Management Act 1991 I hereby certify that all conditions of the subdivision consent have been complied with to the satisfaction of the Rangitikei District Council.
Dated this 20 day of MAY 2004
Authorised Officer

NEW CERTIFICATES OF TITLE ALLOCATED
LOT 1 C.T. 149628
LOT 2 C.T. 149629 Limited as to Parcels.

CLASS OF SURVEY

LOT 1 CLASS II
LOT 2 CLASS IV Parcel Diagram

Total Area 51.1744 Ha

Comprised in C.T. 149628/1048 LINTED (ALL)

(Robert Hugh Bruce Clark
being a person entitled to practice as a licensed cadastral surveyor, certify that -
to the Survey as shown this document is accurate, and was undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Surveyor General's Rules for Cadastral Survey 2002/02.
to the area and its accuracy, and has been created in accordance with the relevant legal rules.

File Date 06/04/04
Reference Plans DP 2805/4935, 45677, 70365, 77520 & 3191055.
S.O.s 14338, 14355, 17842, 19287, 21552, 21581, 24493, 27818, 27849 & 305040.
Examined Correct

Approved as to survey by Land Information New Zealand on 30/6/2004

Deposited by Land Information New Zealand on 16/7/2004

File No 8235 T
Checked 14-6-04
Reviewed

DP336499

SHEET 1 OF 2

LAND DISTRICT WELLINGTON

MWH File Ref 801/ 008235

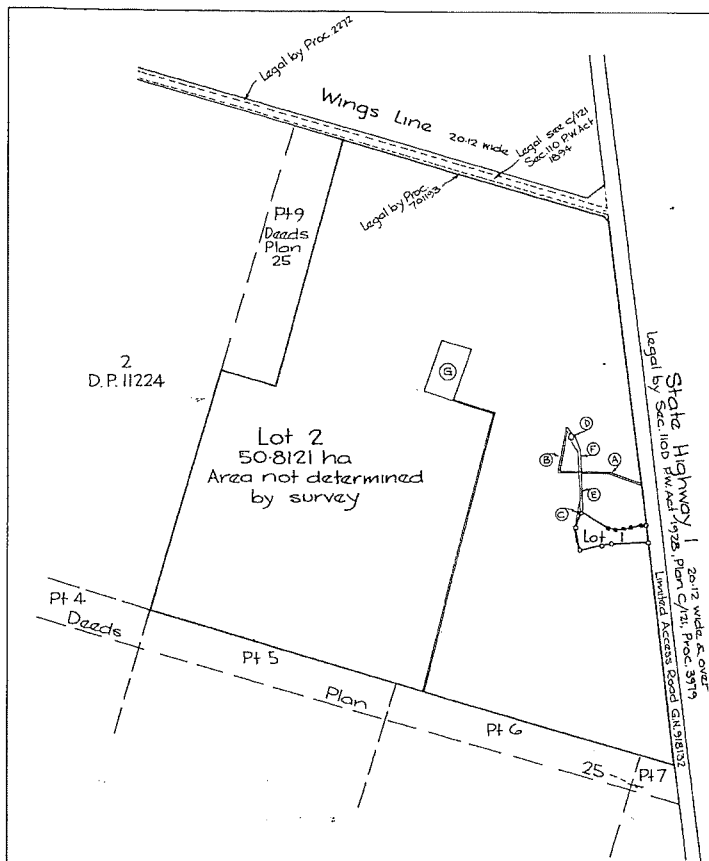
LOTS 1 AND 2 BEING SUBDIVISION
OF PART LOTS 8 AND 9 DEEDS PLAN 25

TERRITORIAL AUTHORITY RANGITIKEI DISTRICT

Surveyed by MWH New Zealand Ltd

Scale 1: 800

Date APRIL 2004



Parcel Diagram

Sheet 2 of 2

LAND DISTRICT Wellington
MWH File Ref 801/008235

Lots 1 and 2 Being Subdivision of
Part Lots 8 and 9 Deeds Plan 25

TERRITORIAL AUTHORITY Rangitikei District
Surveyed by MWH New Zealand Ltd
Scale 1: 4000 Date April 2004

<p>Approvals</p>	
<p>Note: Lot 2 hereon is Limited as to Parcels.</p>	
<p>Type of Survey Lot 1 Class II Lot 2 (Parcel Diagram) Class IV</p>	
<p>Total Area</p>	
<p>Comprised in C.T. WN 170/1048 Ltd (All)</p>	
<p>Robert Hugh Browne Gilberd being a person entitled to practice as a licensed cadastral surveyor, certify that: a) The Surveys to which this actual return are attached, and were undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Surveyors General's Rules for Cadastral Survey 2002/2. b) The sites set to be surveyed, and have been created in accordance with the Act and these Rules.</p> <p style="text-align: right;">6/04/04</p>	
<p>File Size Reference File</p>	<p>Form Size See Sheet 1</p>
<p>Entered</p>	<p>Correct</p>
<p>Approved as to survey by Land Information New Zealand on 30/6/2004</p>	
<p>Deposited by Land Information New Zealand on 16/7/2004</p>	
<p>The Registrar 144 - 6 - 04</p>	<p>D.P. 336499</p>

APPROVED WGM 95/1



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Limited as to Parcels
Historical Search Copy**



R. W. Muir
Registrar-General
of Land

Constituted as a Record of Title pursuant to Sections 7 and 12 of the Land Transfer Act 2017 - 12 November 2018

Identifier 734951
Land Registration District Wellington
Date Issued 19 October 2016

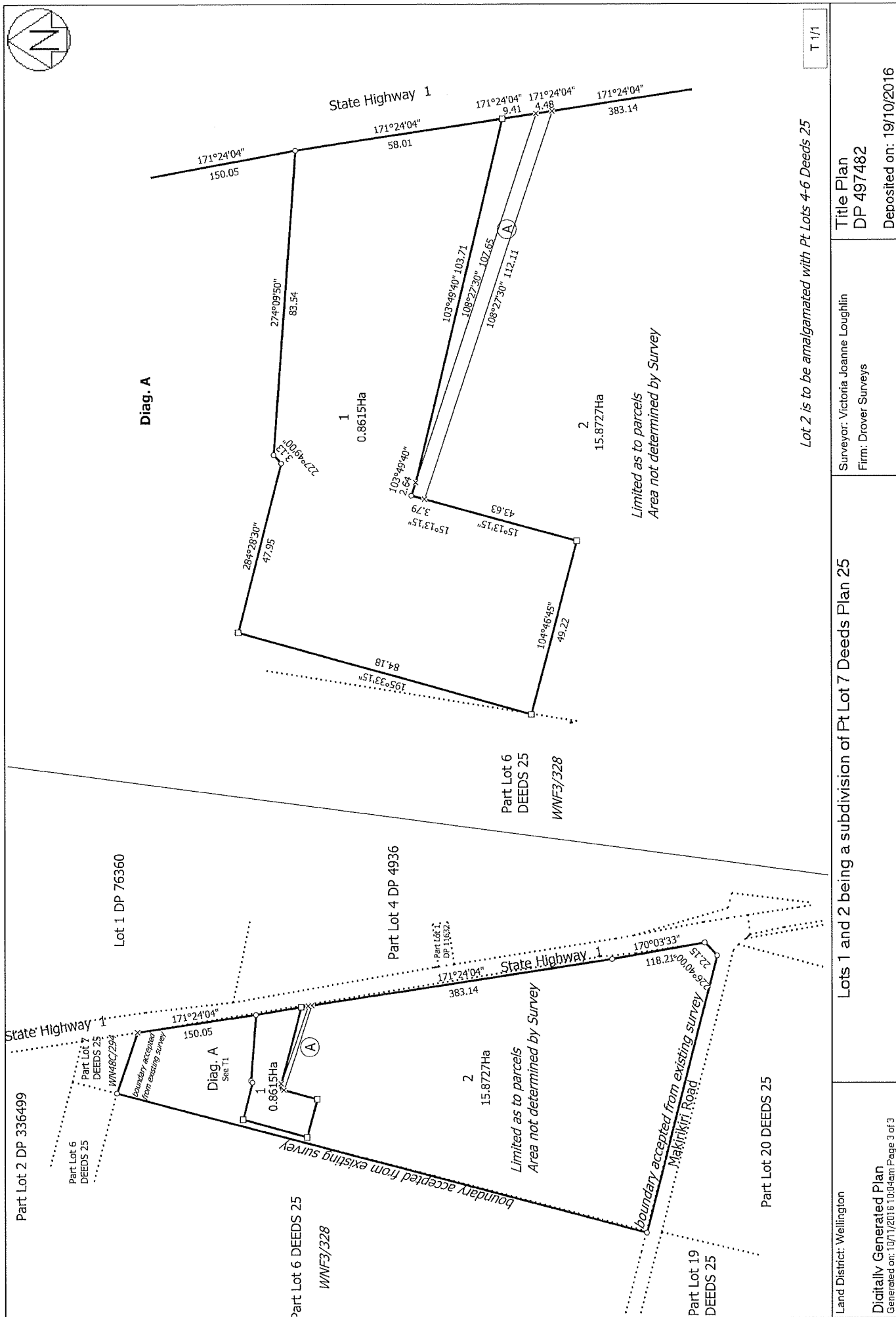
Prior References
WNF3/328

Estate	Fee Simple
Area	15.8727 hectares more or less
Legal Description	Lot 2 Deposited Plan 497482 and Part Lot 4-6 Deeds Plan 25

Original Registered Owners
Wadham Goodman Trustees 2004 Limited and W H Wilson Limited

Interests

Appurtenant hereto are water rights created by Transfer 703663 - 4.4.1967 at 9:33 am
918132 Gazette Notice declaring portion of State Highway 1 to be a limited access road - 15.5.1972 at 9:03 am
(affects Lot 2 DP 497482)
9924235.3 Mortgage to ASB Bank Limited - 16.12.2014 at 3:31 pm
Subject to Section 241(2) Resource Management Act 1991 (affects DP 497482)
Subject to a right to convey electricity over part Lot 2 DP 497482 marked A on DP 497482 created by Easement
Instrument 10499928.2 - 19.10.2016 at 4:32 pm
10622379.1 Departmental Dealing correcting the area to 94.2396 ha - 11.11.2016 at 10:00 am
10622379.1 Departmental Dealing correcting the Title status from Live to Limited as to Parcels - 11.11.2016 at
10:00 am
10631595.1 Discharge of Mortgage 9924235.3 - 1.12.2016 at 9:56 am
10631595.2 Transfer to Cantara Farms Limited - 1.12.2016 at 9:56 am
10631595.3 Mortgage to ASB Bank Limited - 1.12.2016 at 9:56 am

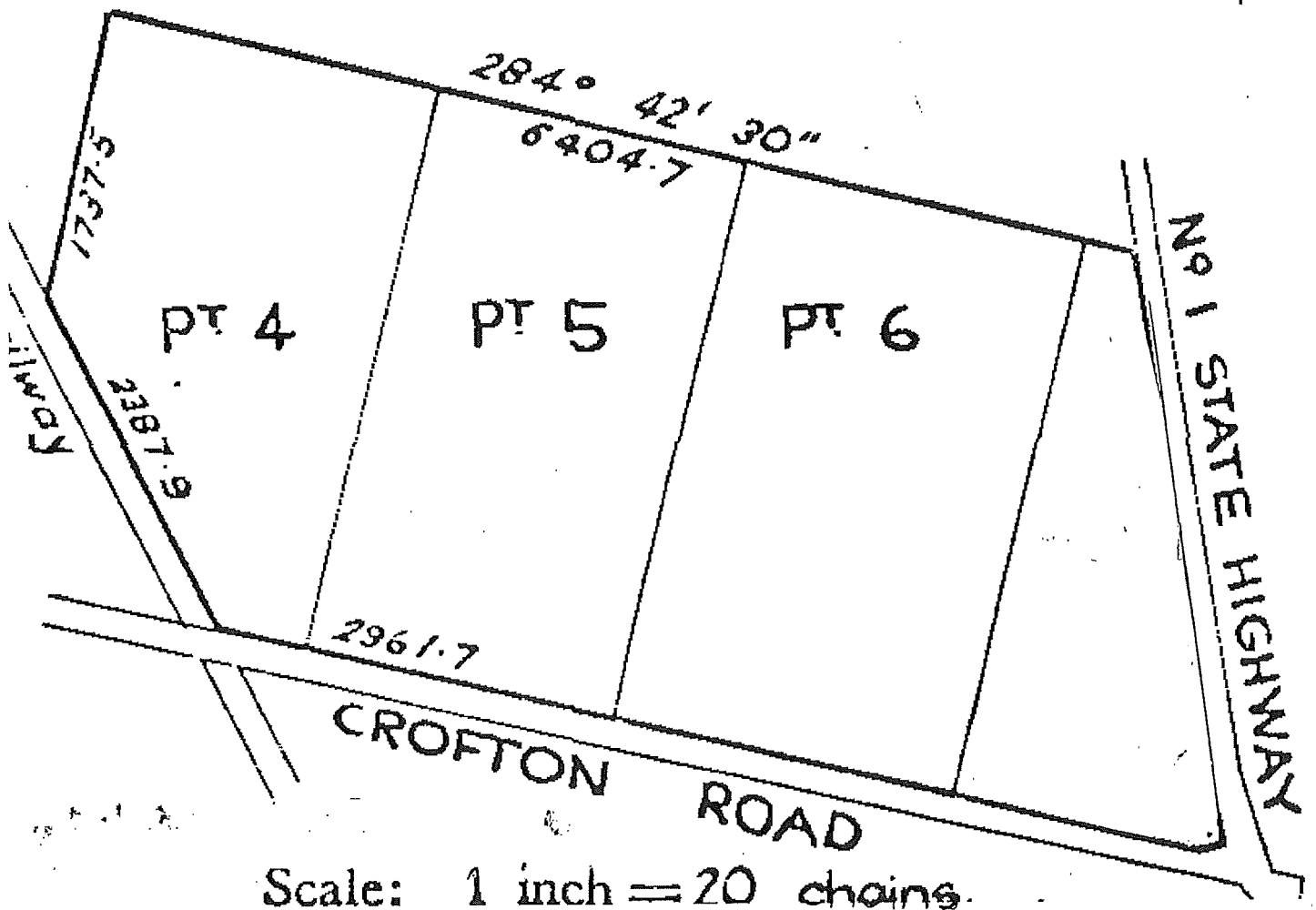


Title Diagram CT 7349

Cpy - 01/01, Pgs - 001, 10/11/16, 08:48



DocID: 517008822





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
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R. W. Muir
Registrar-General
of Land

Constituted as a Record of Title pursuant to Sections 7 and 12 of the Land Transfer Act 2017 - 12 November 2018

Identifier WN48C/294
Land Registration District Wellington
Date Issued 13 May 1996

Prior References
WN18A/1039

Estate	Fee Simple
Area	9.1060 hectares more or less
Legal Description	Part Lot 4-7 Deeds Plan 25A

Original Registered Owners
Marion Joy Whale

Interests

Subject to water rights over part created by Transfer 703663 (Affects part Lot 6)

B240558.4 Mortgage to Marion Joy Whales - 26.6.1992 at 1.49 pm

B531197.3 Mortgage to Bank of New Zealand - 29.7.1996 at 9.01 am

B531197.4 Memorandum of Priority making Mortgages B531197.3 and B240558.4 first and second mortgages respectively - 29.7.1996 at 9.01 am

6252534.1 Transfer to Marion Joy Whale and Wadham Goodman Trustees 2004 Limited - 15.12.2004 at 9:00 am

7977579.1 Variation of Mortgage B531197.3 - 24.10.2008 at 9:00 am

9924235.1 Discharge of Mortgage B531197.3 - 16.12.2014 at 3:31 pm

9924235.3 Mortgage to ASB Bank Limited - 16.12.2014 at 3:31 pm

9924235.4 Mortgage Priority Instrument making Mortgage 9924235.3 first priority and Mortgage B240558.4 second priority - 16.12.2014 at 3:31 pm

10464226.1 Transmission of Mortgage B240558.4 to William Hugh Wilson and Mark Rutherford Wadham as Executor(s) - 29.7.2016 at 4:44 pm

10464226.2 Discharge of Mortgage B240558.4 - 29.7.2016 at 4:44 pm

10464226.3 Transmission to Wadham Goodman Trustees 2004 Limited as survivor(s) - 29.7.2016 at 4:44 pm

10464226.4 Transfer to Wadham Goodman Trustees 2004 Limited and W H Wilson Limited - 29.7.2016 at 4:44 pm

10631595.1 Discharge of Mortgage 9924235.3 - 1.12.2016 at 9:56 am

10631595.2 Transfer to Cantara Farms Limited - 1.12.2016 at 9:56 am

10631595.3 Mortgage to ASB Bank Limited - 1.12.2016 at 9:56 am

65.28

PT. 4

1260.18

PT. 5

1288.42

PT. 6

10.14

PT 7.



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
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R. W. Muir
Registrar-General
of Land

Constituted as a Record of Title pursuant to Sections 7 and 12 of the Land Transfer Act 2017 - 12 November 2018

Identifier **WN49A/941**
Land Registration District **Wellington**
Date Issued 29 July 2002

Prior References

WN20B/1078 WN47A/920

Estate	Fee Simple
Area	20.3864 hectares more or less
Legal Description	Lot 1 Deposited Plan 82685 and Part Lot 1 Deposited Plan 11224

Original Registered Owners

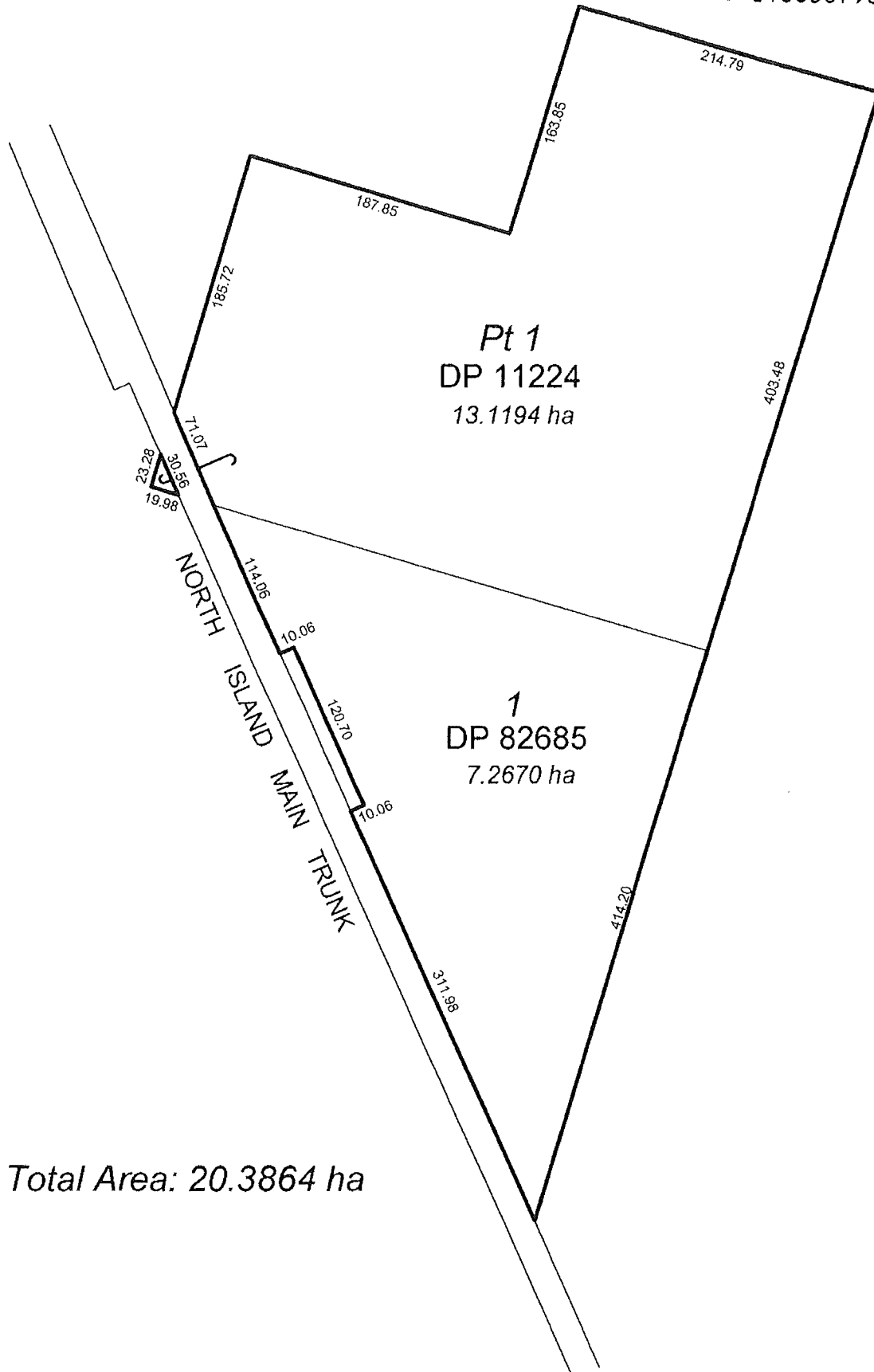
Elaine Mary Wigglesworth, John Colin Furness and Harold Gifford Trow as Executors

Interests

The within land has no frontage to a public road (affects Part Lot 1 DP 11224)
12435 CAVEAT BY DISTRICT LAND REGISTRAR - 8.9.1937 AT 3.00 PM (affects Part Lot 1 DP 11224)
5298501.1 Certificate pursuant to Section 321(3)(a) Local Government Act 1974 (DP 82685) - 29.7.2002 at 3:49 pm
(affects Lot 1 DP 82685)
Subject to Section 241(2) Resource Management Act 1991 (affects DP 82685)
5392590.1 Transfer to Maurice Jon Wigglesworth, Gary Bruce Wigglesworth, Rhonda Margaret Moore, Judith
Catherine Wigglesworth and Carol Jean Toulmin - 6.11.2002 at 9:00 am
5426267.1 Transfer to Cantara Limited - 6.12.2002 at 9:00 am
5426267.2 Mortgage to Bank of New Zealand - 6.12.2002 at 9:00 am
9924197.1 Discharge of Mortgage 5426267.2 - 16.12.2014 at 3:30 pm
9924197.2 Mortgage to ASB Bank Limited - 16.12.2014 at 3:30 pm
11057073.1 Discharge of Mortgage 9924197.2 - 4.4.2018 at 3:08 pm
11057073.2 Transfer to Cantara Farms Limited - 4.4.2018 at 3:08 pm
11057073.3 Mortgage to ASB Bank Limited - 4.4.2018 at 3:08 pm



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UNDER LAND TRANSFER ACT 2017
FREEHOLD
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R. W. Muir
Registrar-General
of Land

Constituted as a Record of Title pursuant to Sections 7 and 12 of the Land Transfer Act 2017 - 12 November 2018

Identifier **WN459/136**
Land Registration District **Wellington**
Date Issued 21 September 1937

Part-Cancelled

Prior References

WN431/228

Estate	Fee Simple
Area	32.5987 hectares more or less
Legal Description	Lot 2 Deposited Plan 11224

Original Registered Owners

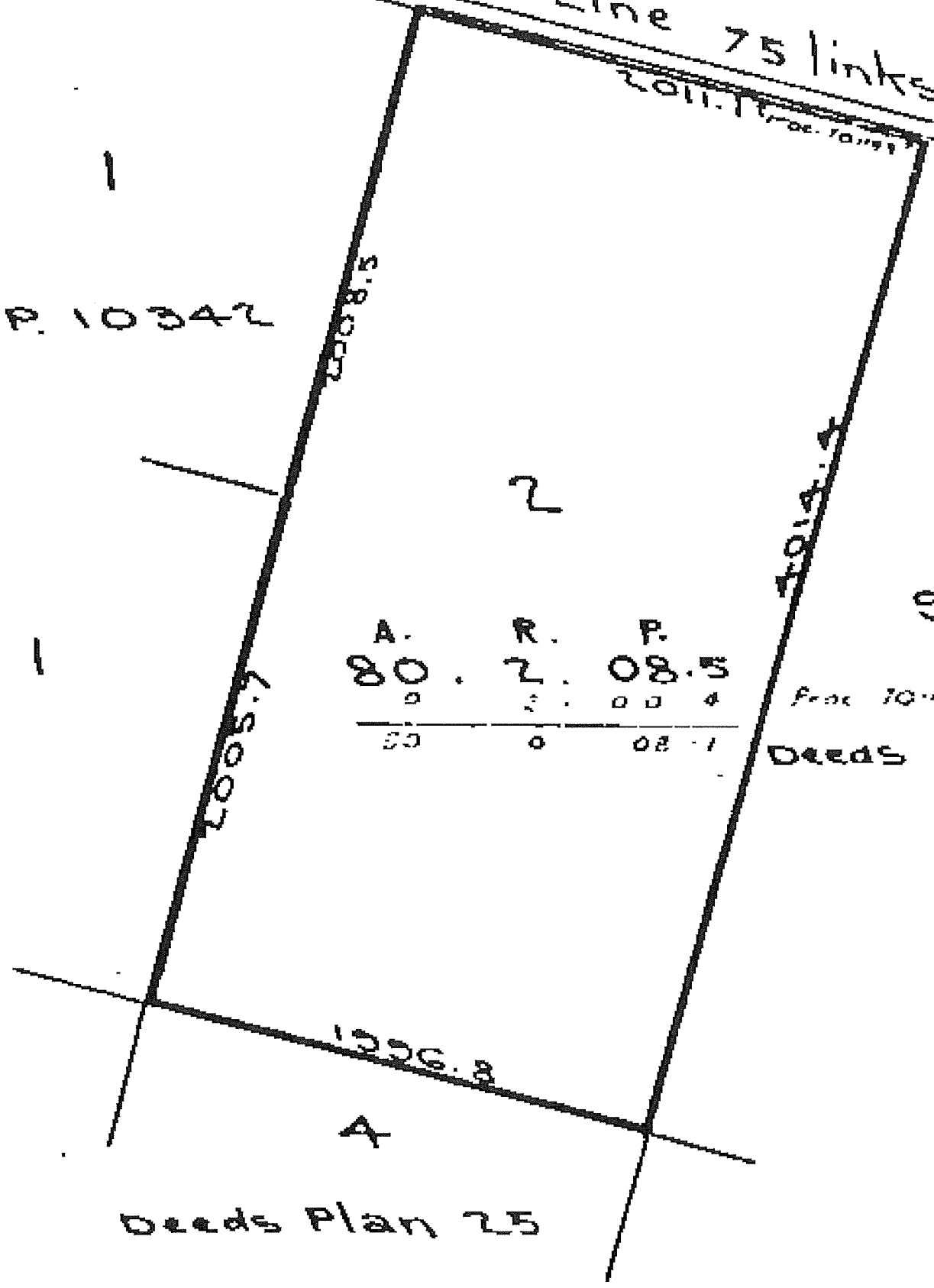
Marion Joy Whale

Interests

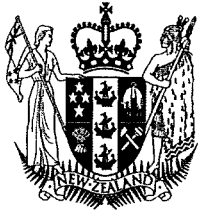
701193 Proclamation taking part of the within land (2 roods 0.4p) for road - 6.3.1967 at 10.40 am
B760115.3 Mortgage to Bank of New Zealand - 14.12.1999 at 2.19 pm
7741701.1 Transfer to Marion Joy Whale and Wadham Goodman Trustees 2004 Limited - 17.7.2008 at 9:04 am
9924235.2 Discharge of Mortgage B760115.3 - 16.12.2014 at 3:31 pm
9924235.3 Mortgage to ASB Bank Limited - 16.12.2014 at 3:31 pm
10464226.3 Transmission to Wadham Goodman Trustees 2004 Limited as survivor(s) - 29.7.2016 at 4:44 pm
10464226.4 Transfer to Wadham Goodman Trustees 2004 Limited and W H Wilson Limited - 29.7.2016 at 4:44 pm
10631595.1 Discharge of Mortgage 9924235.3 - 1.12.2016 at 9:56 am
10631595.2 Transfer to Cantara Farms Limited - 1.12.2016 at 9:56 am
10631595.3 Mortgage to ASB Bank Limited - 1.12.2016 at 9:56 am

Wings Line 75 links w.
 2011.11.11

D.P. 10342



ENT METRIC



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Limited as to Parcels
Historical Search Copy**




R. W. Muir
Registrar-General
of Land

Constituted as a Record of Title pursuant to Sections 7 and 12 of the Land Transfer Act 2017 - 12 November 2018

Identifier	WN334/24	Part-Cancelled
Land Registration District	Wellington	
Date Issued	25 November 1925	

Prior References

DI 27/469	DI 32/287
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Estate	Fee Simple
Area	3.2375 hectares more or less
Legal Description	Part Lot 9 Deeds Plan 25

Original Registered Owners

Marion Joy Whale

Interests

701193 Proclamation takes part of the within land (16p) for road - 6.3.1967 at 10.40 am
B760115.3 Mortgage to Bank of New Zealand - 14.12.1999 at 2.19 pm
7741701.1 Transfer to Marion Joy Whale and Wadham Goodman Trustees 2004 Limited - 17.7.2008 at 9:04 am
9924235.2 Discharge of Mortgage B760115.3 - 16.12.2014 at 3:31 pm
9924235.3 Mortgage to ASB Bank Limited - 16.12.2014 at 3:31 pm
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10631595.3 Mortgage to ASB Bank Limited - 1.12.2016 at 9:56 am

