

**BEFORE THE RANGITIKEI DISTRICT COUNCIL**

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

**AND**

**IN THE MATTER**      of an proposed change to the Rangitikei District  
Plan at 1091, 1151 and 1165 State Highway 1  
Marton.

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**STATEMENT OF EVIDENCE OF PAUL NORMAN THOMAS**

**Dated 20 March 2020**

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**INTRODUCTION**

1. My full name is Paul Norman Thomas.
2. I have been asked by Fraser Auret Racing to review the documents associated with the Plan Change and to provide my expert opinion on its merits, and the issues raised in their submission.

**QUALIFICATIONS AND EXPERIENCE**

3. I am currently a Director of Thomas Planning Ltd, a resource management planning consultancy. I have a B.A (Hons) Degree in Urban and Regional Planning from Oxford Brooks University and a Diploma in Business Management from Deakin University in Melbourne. I am a member of the New Zealand Planning Institute, the Resource Management Law Association and a former member of The Royal Town Planning Institute.

4. I have over 40 years' experience in planning and resource management, the last 30 or so years which have been in consultancy. From 1996 to 2016 I was a director of Environmental Management Services (EMS) providing a range of resource management advice and services. Prior to that I was the Manager of the Wellington Planning Group and National Discipline Head of Works Consultancy Ltd. In that capacity I was responsible for the development of a team of planners and landscape architects serving a wide range of public and private sector clients and for the technical standards of over 40 planning staff.
5. I am a Commissioner accredited as a Chair by the Ministry for the Environment and have been active as a Commissioner since 2008.
6. I am very familiar with the Rangitikei District, my wife was brought up on a farm in Bulls where we spent a lot of time in the 1980's and early 1990's. I was the project leader of the first generation Rangitikei District Plan. This included reporting to all hearings on Proposed Plan submissions. I also prepared a State of the Environment Report in 2002 and a District Plan Efficiency and Effectiveness Report in 2005.

## **CODE OF CONDUCT**

7. I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise.
8. In considering all the material facts and preparing this statement I have considered the following documents:
  - The plan change application by TPG Planning.
  - The various appendices and reports that it relies on.
  - The Traffic Impact Assessment by WSP/Opus
  - The two pre hearing meeting reports.
  - The section 42A hearing report by Greg Carlyon.
  - The State of the Environment Report June 2019 by Tony Thomas.

## SCOPE OF SUBMISSION

9. The submission by Fraser Auret Racing raises a wide range of issues and concerns with the Proposed Plan Change. They include:
  - a) Fundamental assessment omissions and unconsidered issues in the Plan Change Report by TPG Planning including two reports that were either completed or commissioned after submissions were lodged namely the Preliminary Geotechnical Assessment and Traffic Impact Assessment. Some reports actually referenced in the Plan Change Report were also not available to submitters.
  - b) A failure to substantiate a demand for the scale of industrial land proposed and inadequate assessment of the current supply and availability of industrial land in the District.
  - c) Incomplete assessment of effects on sensitive neighbouring activities including Fraser Auret Racing. Effects issues include traffic amenity effects, noise, dust, traffic safety odour and smoke.
  - d) Lack of consultation in preparing the plan change.
  - e) Incomplete infrastructure assessment
  - f) Undervalued loss of versatile soils
  - g) Misapplication of the fundamental legal tests of Section 32 of the RMA.
10. Fraser Auret seeks that the plan change be declined. Fraser Auret also lodged further submissions opposing the submissions of Hew Dalrymple, The Downs Group and NZ Bioforestry Ltd. The first two of these support the plan change, the third was both a late submission and not in the required form of a submission. In my opinion this submission should not be accepted but that would not prevent NZ Bio Forestry giving evidence as part of the section 42A reporting process. However, this opportunity does not appear to have been taken.

## EXECUTIVE SUMMARY

11. In summary, I have found the plan change to be seriously deficient to the extent that it should not be approved in the form proposed.
12. There is no justification for zoning an area of 217 hectares in response to a discreet proposal requiring 30 hectares.
13. It is accepted that there may not be suitable options for a development of this scale within existing industrial zoned land although the assessments provided are not robust enough for you to make a clear finding on this. In particular, existing undeveloped land west of the Malteurop plant on both sides of the railway has potential to meet much of the stated short term need.
14. There is no planning or provision of infrastructure for development of any of this land which is contrary to the NPSUDC and RPS.
15. The section 32 assessment is fundamentally flawed not least because it fails to consider alternative locations.
16. The proposal has not addressed the recommendations of the Preliminary Geotechnical Appraisal, which in itself is inadequate in that it fails to identify the location of the Leedstown-Putorino Fault on the site.
17. There is little merit in enabling access to the north onto Wings Line when little traffic is expected to use it.
18. Assessment of effects on neighbouring activities has been inadequate and no consideration of Fraser Auret Racing activities is a glaring omission. This is a highly sensitive activity to the effects of any nearby industrial development. The plan change fails to provide any rule protection triggers for this activity.
19. The plan change itself is grossly inadequate as it has no development specific objectives, policies and rules and glaringly no structure plan.
20. The plan change does not give effect to a number of RPS objectives and policies relating to infrastructure and versatile soils. There are also conflicts with existing operative provisions of the Rangitikei District Plan.
21. The plan change is flawed and fails so many of the tests that it should not be approved.

22. In terms of the amended plan change options considered in the section 42A report, options 3 and 4 are neither efficient not effective and don't address the fundamental lack of justification for zoning 127 hectares.
23. However Option 5 could be considered adopting the more regular area of 40 hectares along with objectives and policies that cover necessary structure plan issues and rules making subdivision and development a restricted discretionary or discretionary activity.

## **STATUTORY FRAMEWORK**

24. The statutory framework for the decision on this plan change requires consideration of a wide range of matters. These have previously been summarised by the Environment Court as:

### ***A General Requirements***

1. *A district plan (change) should be designed to accord with, and assist the territorial authority to carry out its functions so as to achieve the purpose of the Act.*
2. *When preparing its district plan (change) the territorial authority must give effect to any national policy statement or New Zealand Coastal Policy Statement.*
3. *When preparing its district plan (change) the territorial authority shall:*
  - a. *Have regard to any proposed regional policy statement;*
  - b. *Give effect to any regional policy statement.*
4. *In relation to regional plans:*
  - a. *The district plan (change) must not be inconsistent with a regional plan for any matter specified in section 30(1) [or a water conservation order], and*
  - b. *Must have regard to any proposed regional plan on any matter of regional significance etc.*
5. *When preparing its district plan (change) the territorial authority must also:*
  - a. *Have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations, and to consistency with plans and proposed plans of adjacent territorial local authorities.*
  - b. *Take into account any relevant planning document recognised by an iwi authority, and*

*c. Not have regard to trade competition*

6. *The district plan (change) must be prepared in accordance with any regulation.*
7. *The formal requirement that a district plan (change) must also state its objectives, policies and rules (if any) and may state other matters.*

**B Objectives [the section 32 test for objectives].**

8. *Each proposed objective in a District Plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.*

**C Policies and methods (including rules) [the section 32 test for policies and rules]**

9. *The policies are to implement the objectives, and the rules (if any) are to implement the policies.*
10. *The provisions of the proposal are to be examined, and quantified if practicable, assessing their efficiency and effectiveness, against reasonably practicable options for achieving the objective taking into account:*
  - a. *The benefits and costs of the environmental, economic, social and cultural effects anticipated from the provisions, including economic growth and employment; and*
  - b. *The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

**D Rules**

11. *In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.*

**E Other Statutes**

*Finally territorial authorities may be required to comply with other statutes*

**DEMAND AND SUPPLY OF INDUSTRIAL LAND – WHAT IS THE PROBLEM?**

25. The section 42A report at para 24 notes that starting point for the process of analysis of this matter was a State of the Environment report by Tony Thomas for Rangitikei District Council. Section 35 (2)(a) states that local authorities are required to monitor the state of the whole or any part of the environment. Separately subsection 2(b) also requires monitoring of the efficiency and effectiveness of policies, rules and other methods in its plan.

26. This report is not in fact a State of the Environment report, rather it considers the efficiency and effectiveness of the District Plan. These terms are not interchangeable as suggested by the report. However there is an important relationship between these duties in that it is necessary to understand the state of the environment to undertake efficiency and effectiveness testing but not the other way round. The report was completed in June 2019 which is the same time work was proceeding on the Plan Change. However, surprisingly there is no consideration of issues around the demand and supply of industrial land. This is acknowledged at para 61 of the s42A report which also acknowledges that this plan change is a response to “a discrete proposal which came to light following the publication of Mr Thomas’ report”.
27. A discreet proposal requiring 217 hectares of land is an extraordinary proposal by anyone’s standards and for any city. For the small township of Marton this is not far short of doubling the urban area. However, the “discrete proposal” requiring this area has not been detailed in any form. On the contrary the assessment undertaken for the plan change actually refer to more generic activities particularly wood processing and warehousing. At the same time para 3.1.2 of the Plan Change Report states that the recent and current low levels of growth in the District “indicate there is unlikely to be a significant increase in demand for industrial land in the immediate future.”
28. NZ Bioforestry Ltd, which appears to be the promoter of this plan change, has stated, in its further submission, that it has plans for only 30 hectares of the 217 hectares.
29. The demand beyond the 30 hectares appears to be reliant on the paper by M Visser titled “Economic Impact Assessment of the Proposed Rangitikei District Plan Zoning Change – Industrial Land Demand + filling 217 Ha. What that paper does is look at supply initiatives in Palmerston North and Wanganui and shows these are significant and capable of meeting future needs. Further these centres are also targeting warehousing and logistics and therefore directly competing with one of the main sectors that this plan change is targeted at. The paper does not reach any conclusion that 217 hectares is justified, indeed the summary actually avoids the issue by saying “assuming it can be filled in a reasonable timeframe (e.g. 10 years).....” . The only comment about a reduced area is also in the summary and states “there is a question over whether the remaining 117 hectares is economically viable.” I assume this means viable for rural activities such as the current cropping. 117 hectares of flat land for cropping with a proven history of performance does not suggest any risk arising from a reduced area.

30. Considering the supply side of the equation a separate paper by Visser looks at the existing zoned land in Marton and Bulls and also looks again at Palmerston North And Whanganui. Table 1 looks at 8 zoned areas in Marton, identifies their total area and existing industries. What it doesn't do is clearly identify capacity within those zones and investigate the extent of true availability for other developments. It also labels some areas as being subject to flood constraint without establishing the extent of that constraint and whether it can reasonable be overcome. Clearly, if the flood constraint makes the land unsuitable for industrial development then clearly it should not be zoned Industrial. What it does reveal however is that the industrial zoned land between the railway and Malteurop site has 23.5 hectares of undeveloped bare industrial land on both sides of the railway. This is not far short of the area sought by NZ Bioforestry and should certainly be sufficient for initial stages of development. Notwithstanding this there may be "availability" constraints that I am not aware of.
31. I therefore conclude that there is no demonstrated demand for an additional 217 hectares of industrial land even for the life of the next District Plan, and that without further work it is difficult to have a complete understanding of land supply opportunities.

## **INFRASTRUCTURE**

32. The Plan Change report states that there is no existing on-site potable water, wastewater, or stormwater disposal infrastructure. Nor is there any engineering report showing how this area might be served with the three water services and what issues arise. The report infers that there are wastewater land application areas in the vicinity presumably associated with the Councils wastewater treatment system but doesn't identify where.
33. The National Policy Statement on Urban Development Capacity has specific requirements when planning for residential and business land capacity. While not all the NPS applies to Marton, some objectives and policies do. This includes a requirement that development capacity be serviced with development infrastructure. Integration of and coordination of land use planning and infrastructure planning is a clear requirement in Objective OD1. Even for long term growth development infrastructure required to service the land must be identified in the relevant Infrastructure Strategy. No financial provision for services to this land has been made in the LTP and no developer agreement to provide the infrastructure to my knowledge exists. Policy PA2 also requires "local authorities to be satisfied that other infrastructure required to support urban development are likely to be available." Section



6.8 of the Plan Change Report quotes Visser's estimate of 1,800 to 2,400 FTE jobs over a 10 year period. This is clearly within the life of the Long Term Plan and the District Plan. No consideration of housing and wider community needs has been addressed in anyway.

34. These failings are recognised in the s42A report at Para 73 which concludes "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 agree with that assessment.

### **WIDER NPSUDC ISSUES AND SECTION 32**

35. More broadly, Objective OB1 requires "*a robustly developed, comprehensive and frequently updated evidence base to inform planning decisions in urban environment.*" For the reasons stated above and matters addressed later in this evidence I agree with the s42A assessment that "*the evidence base for the development is not present and is largely speculative*" and does not meet the requirements of the Objective.
36. This, in turn, reflects on the section 32 assessment which is sketchy at best and not evidence based. It was undertaken prior to the Geotechnical and Traffic report and therefore makes incorrect assessments. For example the Traffic Impact Assessment estimates only 4% of traffic will use Wings Line. However, the s32 assessment finds that a reduced area to 100 hectares with access only from Makirikiri Road would be a significant disadvantage compared to access to Wings Line as well. Clearly that is not supported by the Traffic Impact Assessment.
37. Even more serious is the total failure to explore and evaluate alternative industrial locations in the Marton vicinity for industrial growth. I accept entirely that access to rail is a positive for the site, indeed I would regard the development of an operational siding facility as a prerequisite for any development related to forestry. But there are other locations that also have rail proximity, one example is at Greatford in the vicinity of the CMP Anzco Foods Meat Plant.

### **NATURAL HAZARDS**

38. A Preliminary Geotechnical Appraisal has been obtained from Opus / WSP. A significant issue that this report identifies is the existence of the Leedstown-Putorino

Fault passing reportedly through the north west corner of the site. The Plan Change includes no policies or rules to address this natural hazard. Photo 4 on page 6 shows the inferred fault trace north of Wings Line. That's great but it would actually be more helpful to know where it is located on the site. The report recommends a fault avoidance zone be included within the plan change, however, that recommendation seems to have been ignored.

39. Photo 4 appears to show the fault trace north of Wings Line in very close vicinity to the Tutaenui Stream tributary. This tributary traverses the full length of the plan change site flowing north to south. If as is often the case the stream follows the fault weakness then it is possible that the fault passes right through the middle of the site. At this point there is no information to refute this. No consideration of this appears in the section 32 assessment.

## **TRAFFIC EFFECTS**

40. The Traffic Impact Assessment also by Opus / WSP focusses solely on intersection efficiency and safety effects of development of the proposal. It makes it clear that it has had to make a large number of assumptions due to the poorly developed nature of the proposal. It concludes that a range of intersection improvements will be required and the Plan Change report also states that in its assessment both Makirikiri Road, Makirikiri Road West and Wings Line will require upgrades in the next five years.
41. Makirikiri Road is classed as a Primary Collector Road with 1157 vehicles per day and 22% heavy vehicles. Contrastingly, Wings Line is a secondary collector with only 427 vehicles per day and 10% heavy vehicle including those accessing the Malteurop plant.
42. While I accept that the location is well located to both State Highway 1 and a Primary Collector Road providing access to State Highway 3, there seems little merit in providing access to the north when this will carry little generated traffic and need both road and intersection upgrades. It would be considerably more efficient to provide high standard access solely from Makirikiri Road and upgrade only that road and associated intersections.

## **EFFECTS ON NEIGHBOURING ACTIVITIES**

43. The effects on neighbouring activities is addressed in less than half a page on page 21 of the Plan Change Report. It states that there have been discussions with the owners

of 70 and 76 Wings Line about including that land within the Industrial Zone and they have opted to remain in the Rural Zone. It also states that Rural zone adjacent land reduces risks of effects on sensitive activities. However, it has glaringly ignored one of Marton largest facilities on the northern side of Wings Line, namely Marton Racecourse.

44. Marton racecourse no longer holds race meetings and instead is now an important training track. The facility is privately owned and used exclusively by Fraser Racing. Their facilities are based at 73 Wings Line immediately opposite 70 and 76 Wings Line referred to above. A new barn and two separate yards have recently been developed to expand the number of horses that can be accommodated. The evidence of Fraser Auret himself will provide more detail on their operations, however, the training facilities and residential accommodation are no more than 25 metres from the proposed industrial activities.
45. Mr Auret's evidence along with expert evidence from Melissa Millerick details the sensitivity of the horses and how environmental conditions can affect performance. Adverse effects could arise from traffic, light, noise, dust, odour and smoke.
46. The Plan Change has not addressed the need for rules and separation of activities to address the risk of significant adverse effects. I accept that Rule B1.7-3 requires Rural Zone noise levels not to be exceeded at the zone boundary. However, this does not address noise from increased traffic. Also, and in contrast, the existing general standard for lighting only applies to a residential dwelling unit in a Residential Zone. There is therefore no safeguard against light effects.
47. In terms of dust it has been reported that the soils of the site are of a dusty nature and, although earthworks for any development should be minor, no rule is proposed. Timber related activities can also be significant generators of dust.
48. While I am clearly not an expert on equine health I have had to grapple with this issue recently as a Commissioner on a hearing for a 170 hectares aggregate quarry between Templeton and Rolleston in Canterbury. This is also an area of extensive horse training activity.
49. Clearly discharges from industrial trade premises is controlled by the One Plan regional policies and rules. I consider that timber processing related activities are likely to be controlled by Rule 15-17 of the One Plan which would require a resource consent

classed as a Discretionary Activity. However, notwithstanding this the fact that processing industries are being targeted and the existence of sensitive receivers such as Fraser Auret Racing does weigh on the overall suitability of the site for a change from Rural to Industrial Zoning. Furthermore this should have been a matter considered in the Section 32 evaluation.

50. I am also very conscious that an elite race training business relies on client horse owners choosing that trainer for their horse. They have choice and are therefore less likely to choose a trainer in a location where the horses may be subject to health risks or at least conditions that do not promote maximum performance.

### **THE PLAN CHANGE CONTENT**

51. Thus far in this evidence I have not focussed on the nature and content of the Plan. That is largely because there is little content. The proposal is to change the zoning of 217 hectares of productive rural land from Rural to Industrial. No specific objectives are proposed as to what should be achieved with this land. No policies are proposed to address how the development issues associated with the land and discussed above should be addressed.
52. This is a serious flaw in the Plan Change but even more serious is the lack of any form of Structure Plan for the area. It is a fundamental practice in resource management planning for any significantly sized new residential and business areas that a structure plan framework addressing the issues is put in place.
53. In this case a structure plan should address as a minimum development staging, infrastructure planning for that staging, road access and internal road network, stream protection, fault avoidance, landscape set backs and buffers from sensitive activities.
54. This is found to be a major failing in the s42A report and I agree with that. It has also meant that assessment such as the Traffic Impact Assessment have been undertaken with limited information on the form of development that is expected to occur. This is specifically mentioned in the report as a limitation.
55. Finally and of almost greatest importance is the lack of a rule framework to trigger scrutiny of development proposals. The response to concerns over development issues from some submitters has been "its Ok we will sort that all out through the resource consent process". What resource consent process? Under the plan change

as proposed Industrial Activities are a Permitted Activity if they comply with the one zone standard and the General Standards. The one zone standard relates to daylight setback and is limited to sites adjoining a Residential Zone and therefore doesn't apply in this case. Applicable general standards will include water supply and waste disposal, surface water disposal, building height of 16 metres storage and noise. Any industrial development proposal that can demonstrate compliance with these standards will not require a resource consent. This is totally unacceptable.

56. As you will be well aware accepted practice in these situations is objectives and policies addressing the site specific issues, a structure plan, and rules making any development within the growth area a Restricted Discretionary Activity. Assessment criteria are also often specified although my preference is to deal with these matters within the policies.
57. In this case you don't have even one of those elements before you, This amounts to what I consider to be a fatally flawed proposal. I will, however, consider some courses of action that I consider may be open to you later in this evidence.

#### **ONE PLAN REGIONAL POLICY STATEMENT**

58. As identified earlier the Act requires that a District Plan give effect to a Regional Policy Statement. The Plan Change Report and s42A report identify the relevant sections. The s42A report comes to the opinion that there is insufficient information in a number of areas and obvious failure to give effect to the RPS in other areas. I agree with that overall conclusion but differ in some of the specifics.
59. I agree that without a structure plan and appropriate policies it can not be assured that the rail and State Highway, which are infrastructure of regional and national importance, will not be adversely affected.
60. I have set out Policy 3.4 in full below because of its importance.

#### ***Policy 3-4: The strategic integration of infrastructure^ with land^ use***

*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^*

61. There is no evidence of any aligned infrastructure asset management planning, nor is there any overall land use strategy to manage urban growth sitting behind this proposal. The proposal does not give effect to this policy.

62. I have also set out Policy 3.5 in full.

***Policy 3-5: Urban growth and rural residential subdivision on versatile soils***

*In providing for urban growth (including implementing Policy 3-4), and controlling rural residential subdivision (“lifestyle blocks”), 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*

63. One of the supporting report to the Plan Change is a brief report titled “Assessment of Economic Potential Lost From Proposed Rezoning of 217 hectares of Rural Land to Industrial. This has been prepared by Thomas Consulting which has no relationship to me or for that matter to Thomas Planning Ltd.

64. This confirms that the soil is Class 2 Argillic Perch-gley Pallic Soils. These are reported to be soils with “slight limitations for arable use and suitable for cultivated crops, pasture or forestry.” Policy 3.5 above therefore applies to the entire Plan Change area.

65. Key issue here is that no other options which may have included options with no or less extent of versatile soils have been considered. The Thomas Consulting assessment looks at the economic contribution of the agricultural production of the land. While this is one aspect it is not the only issue associated with “the benefits of retention” of the soils. You will be aware that MFE and MPI have jointly proposed a National Policy Statement on Highly Productive Land. This does not yet have status that you can give any weight to but it proposed purpose illustrates my point.

66. The summary document states *“the overall purpose is to improve the way highly productive land is managed under the RMA to:*

- *recognise the full range of values and benefits associated with its use for primary production*
- *maintain its availability for primary production for future generations*
- *protect it from inappropriate subdivision, use and development”*

67. The issue here is that once developed for urban activities the soil resource is generally lost for ever. The soils are a finite resource that are important to New Zealand and to future generations. At this difficult time with Covid 19 our economy may look different in 12 months time. To zone land for industrial development of this scale when it has not demonstrated demand on Class 2 with no assessment of alternative locations is frankly at this time is both irresponsible as well as failing to give effect Policy 3.4 of the RPS.

### **THE OPERATIVE RANGITIKEI DISTRICT PLAN**

68. S42A report considers the overall fit of Plan Change with the Operative District Plan. I strongly agree with the assessment on page 35 that the Plan Change in its current form fails to demonstrate that the location is appropriate and the effects are managed placing it in direct conflict with Objective 5.
69. I also agree that there is conflict with Objective 7A, while racehorse training is not a core primary production activity, it is in fact considerably more sensitive to adverse effects or as the objective puts it “potential conflicts” than many core primary production activities.
70. Objective 8 relates to the “*Sustainable management of the versatile soils of the District to ensure their ongoing productive capacity.*” This proposal fails to ensure the ongoing productive capacity of 217 hectares of versatile soils. Sustainable management of course lies at the heart of the Act and is defined in Section 5(2). It refers to managing natural resources in a way or at a rate which enables amongst other things economic well being whilst sustaining the potential of these resource to meet the needs of future generation, safeguarding the life supporting capacity of the soil and avoiding remedying or mitigating adverse effects. Zoning 120 hectares of Class 2 land industrial without demonstrated need and appropriate protections does not meet this objective.

### **THE DECISION REQUIRED**

71. This evidence has identified numerous failings of this plan change, a number of which are in common with the s42A report. I agree with the s42A report which concludes at para 132 that the “*proposed plan change does not meet the purpose of the Act as it does not promote the (sic) sustainable management, and creates significant potential adverse effects on amenity and life supporting capacity.*”

72. The Plan Change does not give effect to the National Policy Statement on Urban Development Capacity nor the Regional Policy Statement. It also conflicts with some operative District Plan Objectives.
73. Essentially the plan change is flawed and fails so many of the tests that it clearly should not be approved in the form proposed.
74. I note this is also the conclusion of the s42A report which then goes on to consider 5 decision options, namely
1. Approve the plan change as notified.
  2. Refuse the Plan Change
  3. Amend the plan change to include a non-complying activity rule.
  4. Amend the plan change to include a deferral policy to impose a deferral overlay that is uplifted once a structure plan is included in the District Plan and infrastructure and roading improvements provided for. While the overlay is in effect a restricted discretionary activity rule applies.
  5. Approve an area of 40 ha fronting Makirikiri Road with a new policy addressing boundary effects.
75. Options 3, 4 and 5 all significantly amend the Plan Change. A preliminary s32AA evaluation is provided in Appendix 1.
76. Option 3 is something of an oxymoron. It changes the zoning while then making industrial activities a non-complying activity without putting in place policies for development of the land. This is neither efficient nor effective and should not be seriously considered.
77. Option 4 proposes something of a complex regime to overcome the most glaring deficiencies. If Option 3 is an oxymoron, then option 4 is a “Claytons” plan change as a further plan change would be necessary to put in place the structure plan. The deferral rule is also misconceived in that an interim non-complying rule would be necessary with a restricted discretionary rule put in place as part of the future structure plan change. This is basically a fudged solution that fails to address the fundamental issue that there is no justification for 217 hectares of industrial zoning.
78. Option 5 however is worthy of more careful consideration. Two possible areas of 40 hectares are shown on page 45 of the s42A report. It is understood that this is more



than sufficient land to accommodate development initiatives that are currently being developed. It provides frontage to the rail and access from Makirikiri Road. In my opinion the first option of the more regularly shaped area is preferred because it provides greater development flexibility, more road frontage for access design and protection of the stream. A new growth area of even 40 hectares should have a structure plan which could have regard to the potential for future growth to the east in the long term. The alternative is to include site specific objectives and policies that address the structure plan issues in words rather than diagrammatic form. This should include:

- Early provision of rail siding facilities for wood processing industries.
- Infrastructure
- Location of access, frontage landscape treatment and potential to extend public road to the east in the long term.
- Enhancement of the stream
- Fault hazard area if it is found the fault follows the stream.

79. In conjunction with this any subdivision and development on the land must be classed as a Restricted Discretionary Activity or Discretionary Activity to ensure that appropriate testing of proposals is enabled.
80. The question of the need to upgrade Makirikiri Road and at least the SH1 Intersection is also an area of further enquiry that you would need to pursue.
81. Option 5 in this form is likely to provide sufficient buffer separation from sensitive receivers to the north including Fraser Auret Racing and therefore meet the fundamental concerns of their submission.
82. I therefore recommend that either the plan change be declined or it be limited to an area of 40 ha with associated provisions as indicated above.

**Paul Thomas**  
**20 MARCH 2020**