

**IN THE ENVIRONMENT COURT
AT WELLINGTON**

**I TE KŌTI TAIAO O AOTEAROA
KI TE WHANGANUI-A-TARA**

Decision No. [2024] NZEnvC 112

IN THE MATTER

of an appeal under cl 14 of Schedule 1
of the Resource Management Act 1991

BETWEEN

FRASER AURET RACING

(ENV-2020-WLG-037)

Appellant

AND

RANGITĪKEI DISTRICT COUNCIL

Respondent

Court: Environment Judge B P Dwyer
Environment Commissioner D J Bunting

Hearing: On the papers
Last case event: Memorandum received 2 May 2024

Date of Decision: 15 May 2024

Date of Issue: 15 May 2024

FINAL DECISION OF THE ENVIRONMENT COURT

A: The Rangitīkei District Council is directed to amend its operative District Plan to include the final plan change provisions for the MIDA plan change, as set out in Annexure A.



FRASER AURET RACING v RANGITĪKEI DISTRICT COUNCIL

REASONS

Introduction

[1] On 27 April 2023 the Environment Court determined an appeal by Fraser Auret Racing (Fraser Auret) against a decision of Rangitikei District Council (the Council) through an independent Commissioner on a plan change to the Council's operative District Plan proposing to rezone land on the southern boundary of Marton from Rural to Industrial.¹ A group called Interested Residents of Marton and Rangitikei Inc (IRO-MAR) joined the Fraser Auret appeal as a s 274 party.

[2] The Council appealed the Court's decision and IRO-MAR joined that appeal. The High Court allowed the appeal to the extent that it quashed paragraphs [224] and [225] of the Environment Court's decision, and remitted the matters concerning the imposition of two non-complying activity rules and a notification rule for reconsideration in light of the High Court's findings.²

[3] The Court considered submissions from the parties and issued its further decision on 8 February 2024.³ It found that the two non-complying rules and notification rule were not appropriate. It directed the Council to submit a copy of the plan change document in final form for the Court to issue under seal.

The final provisions

[4] Council and IRO-MAR lodged a joint memorandum attaching final provisions. In summary, the provisions:

- include the changes approved by the Environment Court in decision [2023] NZEnvC 71;
- include an agreed definition of 'Hydrological Neutrality';
- include further minor changes since agreed between Rangitikei District Council and IRO-MAR;

¹ *Fraser Auret Racing v Rangitikei District Council* [2023] NZEnvC 071.

² *Re Rangitikei District Council* [2023] NZHC 2608.

³ *Fraser Auret Racing v Rangitikei District Council* [2024] NZEnvC 010.

- exclude the changes sought by IRO-MAR seeking non-complying activity Rules DEV-R5 and DEV-R6 and a requirement for compulsory public notification of any resource consent applications under DEVR2-R6 (in accordance with decision [2024] NZEnvC 010).

[5] We have considered the final provisions. The Court is satisfied that the provisions address all matters raised in the Court's previous decisions, and that the additional changes are appropriate.

Order

[6] The Court directs that the Rangitikei District Council amend its operative Rangitikei District Plan by rezoning the area contained within the Marton Industrial Development Area from Rural to Industrial and including the other provisions contained within Annexure A to this decision.

Costs

[7] The Court assumes that there are no issues as to costs. Any party who/which has a contrary view may file a memorandum accordingly within 10 working days and further directions will issue.

For the Court:



B P Dwyer
Environment Judge



Annexure A

DEV -Marton Industrial Development Area (MIDA)

Objectives

- DEV-O1 Provide for industrial activities at the MIDA that achieve sustainable transport outcomes by locating adjacent to a rail siding connection to the North Island Main Trunk and State Highway 1, on the north side of Mākirikiri Road whilst ensuring that the Development Area is serviced by infrastructure, and that adverse effects are avoided, remedied or mitigated to protect the existing rural amenity values, safety and quality of the local environment.
- DEV-O2 Development does not adversely affect the persistence of the local long-tailed bat population.

Policies

- DEV-P1 Provide for industrial activities listed in DEV-R2 with an operational need to be near the NIMT and SH1, that are in general accordance with the MIDA (Appendix 1), that comply with the Development Area Standards and provide for mitigation of effects on the environment including noise, existing rural landscape and visual amenity, ecology, light spill and glare, transport, traffic safety, land contamination, dust, odour and essential infrastructure.
- DEV-P2 Ensure that industrial activities with an operational need to be near the NIMT and SH1, but not in general accordance with the MIDA (Appendix 1) or do not comply with the Development Area Standards, maintain the amenity and ecological values of the surrounding Rural Zone, avoid significant adverse effects beyond the boundary and achieve the provision of efficient, safe and resilient infrastructure services within the MIDA by achieving the following:
1. Avoid industrial activities that do not demonstrate an operational need to be near the NIMT or SH1, excluding industrial service activities* located in general accordance with the MIDA*.
 2. The MIDA maintains road linkages to Mākirikiri Road.
 3. The MIDA manages and enhances stormwater and water quality to ensure *hydrological neutrality for each development within it, resulting in improved hydrological functioning for the MIDA footprint, to avoid the effects of flooding beyond the MIDA.
 4. Industrial development and associated infrastructure are designed, as far as practicable, to work with the existing rural landscape.

5. The development avoids access directly onto State Highway 1. Legal and/or physical access to sites in the MIDA* via any existing access directly onto State Highway 1, is to be avoided.
6. Adverse transportation effects (including demand generation) on the State Highway 1/ Mākirikiri Road, State Highway 3/ Mākirikiri Road or Mākirikiri Road/Wellington Road intersections are avoided by completion of the works specified in MIDA Stage 2.1 and additional mitigation where standards **DEV-S1.3 General Standards** or **DEV-S3 Light and Heavy Vehicle Traffic** are not complied with.
7. Avoid development that is likely to exceed light and heavy vehicle thresholds and daily two-way traffic distribution set out in DEV-S3, except where a further traffic impact assessment confirms that the road network safety and capacity effects of further development within MIDA will be avoided or mitigated by the implementation of specific recommended measures.
8. Acoustic and vibration effects on the existing Rural Zone amenity values are avoided by works or design where standard **DEV-S4 Noise Thresholds** is exceeded.
9. Dust amenity effects on sensitive receivers in the existing Rural Zone are avoided by demonstrating compliance with the Manawatu-Whanganui Regional Council One Plan.
10. The MIDA does not adversely affect provision of critical infrastructure within the MIDA* including the electricity and fibre distribution networks.
11. Identified ecological planted corridors are to be established and maintained (by RDC or the landowner) in the MIDA* and the adjacent Rural Zone (to the north, west and east of the MIDA) as detailed in Appendix 1-1 and the Landscape Mitigation Plan, Appendix 1-3.

DEV-P3 Vehicle access to, from and within the MIDA* maintains or improves the safety and efficiency of the local and national roading network with access restricted to Mākirikiri Road only.

DEV-P4 Apply light and heavy vehicle generation standards for the MIDA* as set out in DEV-S3, and monitor actual traffic generated by MIDA at regular development intervals.

DEV-P5 In considering applications for industrial activities under Policy DEV-P2, a precautionary approach must be taken to minimise the potential adverse effects

of noise and vibration, dust, odour and other emissions on sensitive land uses existing at (Operative Date) in the adjacent Rural Zone.

- DEV-P6 Ensure that a Marton Industrial Development Area Comprehensive Monitoring Framework (MIDACMF) is developed to measure and report on the cumulative effects on the environment of the construction and operation of the Development Area.
- DEV-P7 Ensure that an effective community liaison mechanism is established as a means of engagement with the community in relation to construction and operation of industrial activities at the MIDA.
- DEV-P8 Protect significant habitat for long-tailed bats and require enhancement of ecological values, including through the preparation and implementation of an Ecological and Landscape Management Plan (ELMP), recognising that exotic trees and vegetation may provide significant habitat.
- DEV-P9 The MIDA maintains or enhances riparian landscape, ecological and natural character values adjacent to streams at the development site by:
1. Establishing best practice erosion and sediment control both during and after construction works;
 2. Maintaining or enhancing existing planting along stream channels to provide sediment filtration and retention along riparian zones.
 3. Riparian enhancement planting along all diverted riparian habitats, including native species known to encourage invertebrates which bats feed on.
- DEV-P10 Buildings associated with industrial activities must be designed to integrate into the wider landscape to maintain the existing rural landscape character and amenity values.

Rules

<p>DEV-R1</p>	<p>1. The following activities within the MIDA that comply with standards DEV-S1 – DEV-S7 and DEV-S13 and are in general accordance with the MIDA (Appendix 1)</p> <ul style="list-style-type: none"> a. Industrial service activities*(excluding truck stop for public use) b. Weighbridge facility c. Earthworks d. Primary production* including buildings and ancillary activities associated with primary production e. Construction and operation of rail siding 	<p>Permitted (PER)</p>
<p>DEV-R2</p>	<p>1. Activities specified in DEV-R1 that do not comply with standards DEV-S1-DEV S7 or DEV-S13.</p> <p>The matters over which the Council will exercise its discretion are:</p> <ul style="list-style-type: none"> a. The effects of the noncompliance. <p>2. The following activities where they are in general accordance with the MIDA (Appendix 1) and comply with the relevant standards DEV-S1 – DEV-S13:</p> <ul style="list-style-type: none"> a. Log yard with debarker facility b. Container storage and loading area c. Food producer manufacturing facility d. Plastics manufacturing facility e. Biomass energy plant <p>The matters over which the Council will exercise its discretion are:</p> <ul style="list-style-type: none"> a. Landscape and visual amenity effects b. Ecological effects including the ELMP c. Light spill and glare d. Transport including traffic safety e. Dust and Odour f. Site layout g. Three waters infrastructure h. Construction effects i. Noise and vibration 	<p>Restricted Discretionary (RDIS)</p>

	j. Disestablishment and remediation of any HAIL activity	
DEV -R3	<ol style="list-style-type: none"> 1. Any activity that is not in general accordance with the MIDA (Appendix 1) or does not comply with any relevant standard in DEV-S1 to DEV-S13. 2. Truck stop for public use or service station 	Discretionary (DIS)
DEV – R4	<ol style="list-style-type: none"> 1. Any industrial activity prior to completion of Stage One, or Stage Two – Item 1 in accordance with the MIDA. 	Non-Complying (NC)

Standards

The following **DEV- Standards** apply to the rules above.

DEV-S1 General Standards

1. Activities must comply with General Standards: B1.1 General Rule, B1.2-2 Light, B1.4 Surface Water Disposal, B1.5 Building Height (excluding exhaust flues constructed in accordance with DEV-S10), B1.6-2 Storage Areas, B1.8 Earthworks, B1.9 Hazardous Substances and Facilities, B1.11 Signage, B1.12 Network Utilities, B1.15 Temporary Military Activities.
2. Where there is a conflict with any B1 General Standards the DEV Standard must prevail.
3. Activities must comply with General Standards B9.1 Vehicle Access to Individual Sites and B9.6 - B9.12 relating to parking and loading space provision.
4. Activities must comply with the General Standard B1.7- Noise for the Industrial Zone at all other properties in the MIDA.

DEV-S2 Buildings

Buildings and ancillary structures must utilise recessive, low reflective coloured materials. Recessive colours are grey, green and brown colours.

DEV-S3 Light and Heavy Vehicle Traffic

1. Traffic movements at the vehicle entry and exit points for the MIDA must not exceed either the peak hour or daily movements specified for either light or heavy vehicles set out in Table 1.

TABLE 1		
Vehicle Type	Peak Hour (vph) (7.30am – 8.30am and 4.30pm – 5.30pm)	Daily (vpd)
Light vehicles	195	470
Heavy Vehicles	50	274

2. In addition to DEV-S3.1, traffic turning into and out of the vehicle entry and exit points for the MIDA must not exceed the movements set out in Table 2.

Table 2		
Direction	Light vehicles (vpd)	Heavy vehicles (vpd)
To/from West	235	137

Advice Note: Likely exceedances of values in Table 1 and 2 shall be informed by individual assessments and traffic monitoring information carried out in accordance with the MIDA Comprehensive Monitoring Framework carried out pursuant to Appendix 1.

DEV-S4 Noise Thresholds

1. The noise limits that apply to the MIDA Monday to Sunday inclusive are:
 - a. Day time (7am – 10pm) – 55dB LAeq
 - b. Night time (10pm – 7am) - 40dB LAeq and 70 dB LAFmax
2. These levels must not be exceeded at the notional boundary of dwellings (existing at operative date) except at the properties listed below where a noise limit of 55 dB LAeq applies between 7am – 10pm and 45 dB LAeq / 70 dB LAFmax applies between 10pm – 7am:
 - 1020 State Highway 1
 - 1066 State Highway 1
 - 1091 State Highway 1
 - 1108 State Highway 1
 - 1165 State Highway 1

DEV-S5 Lighting and Glare

Exterior lighting associated with the activity must be designed to comply with:

- a. AS/NZS 4282:2019 – Control of the Obtrusive Effects of Outdoor Lighting.
- b. ELMP thresholds for lighting at the MIDA boundary.
- c. Exterior lighting within the industrial service area shall be directed away from Mākirikiri Road and not be permanently on.
- d. A luminance level of no more than 0.1 lux shall be maintained
 - i. immediately beyond the MIDA boundary or at the outer edge of the existing trees rows at the MIDA boundary; and
 - ii. in relation to the western shelterbelt adjacent to the MIDA the light level must be achieved at the outer edge of the shelterbelt

DEV-S6 Construction Activities

A Construction Noise and Vibration Management Plan (CNVMP) must be adopted for each construction area at the MIDA and be developed in accordance with Annex E2 of NZS 6803:1999.

DEV-S7 Rail

Activities must be in-accordance with the following:

1. Construction standards
 - a. Before commencement of the siding construction the MIDA Stage 1 (Items 1 – 3) must be completed.
2. Operation standards
 - a. Rail wagons loading and unloading shall not exceed three trains of 30 wagons (in and out) per day.
 - b. Rail wagons loading and unloading shall only operate Monday to Saturday inclusive between 7 am and 6 pm.
 - c. Locomotive idling and movement of wagons must not occur between 10 pm and 7 am.
 - d. Other rail activities shall not occur between 10 pm and 7 am unless it can be shown that the activity can comply with the permitted night time standard (DEV-S4.1).

DEV-S8 Log Yard and Debarker Activity

Activities must be in accordance with the scale and intensity as detailed below:

1. Hours of operation – 7am – 5pm Monday to Saturday inclusive
2. Outdoor equipment may include:
 - a. Loaders.
 - b. A de-barker with throughput up to 1300 tones/ day and operating up to 10 hours/day.

- c. A pump station. Any pumps must be located within a pump room.
 - d. Motorised conveyor for transporting waste to storage bins.
3. Water flushing must be applied to the paved log yard during dry conditions to minimise dust.

DEV-S9 PHA/PLA Plant Activity

Activities must be in accordance with the scale and intensity as detailed below:

1. Hours of operation – 24 hours and 7 days per week
2. All processing and manufacturing must be undertaken in enclosed tanks or buildings.
3. Equipment that may be used only within a building or tanks includes:
 - a. Loaders
 - b. A chipper
 - c. Reactor chambers and distillation chambers.
 - d. Conveyors
 - e. Motors, pumps, reactors and centrifugal tanks, crystallisers boilers, mixing tanks, dryers and a granulation plant are associated with this activity.
4. Closed tankers must be used for the delivery of raw material inputs and closed tanks for feedstock transport and storage.
5. Any exhaust air from storage tanks will be ducted.

DEV-S10 Food Producer Activity

Activities must be in accordance with the scale and intensity as detailed below:

1. Hours of operation – 24 hours and 7 days per week
2. All operations must occur within buildings. Some activity (such as boilers or dryers), while inside, will have exhaust flues up to 30m height.
3. Any biomass energy plant on site must be enclosed.
4. Onsite car and truck parking areas for staff and associated with freight movement.
5. Building scale – up to 14,600m² total net floor area, comprising a series of single-story buildings including warehousing, container loading and storage, offices, processing plants, biomass energy plant and waste disposal purposes.

DEV-S11 Energy Plant Activity

Activities must be in accordance with the scale and intensity as detailed below:

1. Hours of operation – 24 hours, 7 days per week
2. A large boiler flue, fans, and turbines may be located on this site for the boiler and energy production.
3. Waste may be pumped to the energy plant.
4. All processes will occur within building/s.
5. Turbines will be located within acoustic enclosure.

DEV -S12 Container Storage and Loading Area Activity

Activities must be in accordance with the scale and intensity as detailed below:

1. Hours of operation – 7am – 10pm, 7 days per week
2. Container stackers or wheeled top-lift hoists may operate at the site.
3. Provision for the storage of up to 80 containers stacked up to 2 containers high.
4. Any waste slurry pumps must be enclosed in pump station.

DEV-S13 Ecological and Landscape Management Plan

Activities must be in accordance with the Certified Ecological and Landscape Management Plan (ELMP) prepared pursuant to Appendix 1.

General Advice Note:

1. Any discharges (including to air), earthworks or water related activities will need to comply with the Horizons Regional Council One Plan and regional resource consents may be required.
2. A Permit under the Wildlife Act 1953 may be required for the removal of trees due to the presence of long tailed bats in the vicinity of the MIDA. Please contact the Department of Conservation Permissions team for advice.

Appendix 1: MIDA Comprehensive Development Plan

The Comprehensive Development Plan (CDP) for Marton Rail Hub comprises an internal roading network, private rail siding, container storage area, a weighbridge and commercial services area intended to service multiple industrial activities within the Development Area.

The CDP is set out on the layout plan below and incorporates the following design principles.

- The CDP provides specified areas for a food producer plant, Polyactic Acid (PLA) and Polyhydroxyalkanoates (PHA) plastics manufacturing plants, an energy plant and log yard with debarking area, and commercial services area.
- Container storage and loading platforms will be provided both north and south of the rail siding.
- The rail siding will provide a 530m long stabling facility for up to 30 wagons.
- The perpendicular configuration avoids a steep incline to the Marton Station.
- Access is solely from Mākirikiri Road with two specified access points, one for heavy vehicles incorporating a weigh bridge and a separate access for employees, visitors and some truck movements.
- There is to be no access directly to or from State Highway 1.
- Drainage will be north to south and requires some earthworks to achieve this.
- The earthworks cut to fill will be balanced across the CDP including use of cut from the detention pond to be used to raise the level of land in the south and southwest corner.
- Three waters servicing will be provided in or adjacent to the internal road network and to each industrial site.
- A stormwater detention pond for the entire area will be required and is likely to be located adjacent to Mākirikiri Road and is to be fed by a mix of piped and open swale network. The system will be designed to achieve *hydrological neutrality within the MIDA.
- Sewage will be pre-processed on each industrial site, as required and then pumped into the Council sewerage system.
- The Marton water network will be extended to the Development Area.
- The stream at the western edge of the area and the diverted stream will be enhanced with riparian planting.
- Mitigation measures will be implemented through consent conditions including landscape and visual amenity effects, ecological effects, light spill and glare, transport, dust, odour and vibration.
- Timing for works in each section of the MIDA shall delay mature tree removal until essential for construction to progress.

- Any removal of mature trees ahead of development must be completed under the direct supervision of a suitably qualified bat ecologist recognised by the Department of Conservation.

Staging of Development

Development shall occur in three distinct stages, as outlined below.

Stage One involves the following:

1. The Rangitikei District Council shall develop a MIDA Comprehensive Monitoring Framework to measure and report on the cumulative effects on the environment of the construction and operation of the MIDA to inform individual land use resource consent monitoring conditions and the community. The Group Manager – Democracy and Planning is responsible to ensure that ongoing monitoring is undertaken, as set out in the MIDA Comprehensive Monitoring Framework.

Without limitation, the MIDA Comprehensive Monitoring Framework ensure that monitoring of traffic at the vehicle entry and exit points to the MIDA is undertaken at occupation of approximately 25%, 50%, 75% and 100% of development land area to identify whether actual traffic generation and two-way traffic distribution remains within the figures identified at DEV-S3.

The MIDA Comprehensive Monitoring Framework must also require that when development reaches a level where DEV-S3 values are exceeded, then a further TIA should be undertaken and mitigation measures implemented, before any further development within the MIDA can occur.

2. Rangitikei District Council (RDC) or the landowner/s for the MIDA, shall:
 - a. Initiate a Community Liaison Group (CLG) and provide co-ordination and administrative support, including a dedicated contact person and provision of a meeting point. The general purpose of the CLG shall be for the various Consent Holders to inform the CLG of:
 - Progress and timing of development and operation of industrial activities at the MIDA.
 - Report on the MIDA Comprehensive Monitoring Framework requirements.
 - Any compliance issues and actions to remediate.
 - b. RDC shall invite representation from the Marton community (including surrounding landowners), Rangitikei District Council, Iwi and MIDA industrial operators and/ or consent holders.
 - c. Meetings of the CLG shall be held annually in March and upon receiving a written request for a meeting from the consent holders or CLG member. A CLG meeting shall be convened by Council within four (4) weeks of any such request being received, up to a limit of three (3) meetings annually.

- d. Compliance for commencing construction works shall be achieved at completion of matters 2a and 2b above.
3. RDC or the landowner/s for the MIDA shall be responsible for preparation of an Ecological and Landscape Management Plan (ELMP) for the purpose of protecting roosting, foraging and commuting habitat for long tailed Bats and ensuring enhancement of ecological values, prepared by a suitably qualified ecologist and in consultation with an ecologist appointed by the Department of Conservation. In the event of a dispute between the ecologists over the preparation of the ELMP, a suitably qualified ecologist mutually agreed between the ecologists shall review and confirm the ELMP. The ELMP shall as a minimum comprise details of:
 1. Department of Conservation (DOC) Bat Roost Protocols.
 2. Best practice standards as set out in **DEV-S5** to be followed for lighting, associated with bat habitats.
 3. European best-practice (Voigt et al., 2018) and Australian best-practice (Commonwealth of Australia 2020) shall be followed for all lighting.
 4. A luminance of no more than 0.1 lux should be maintained immediately beyond the MIDA boundary. In relation to the western shelterbelt adjacent to the MIDA the light level must be achieved at the outer edge of the shelterbelt.
 5. All landscape plantings shall be designed to maximise their utilization by long tailed bats, and achieve tall contiguous planting around the MIDA, as far as practicable whilst maintaining health and safety compliance for transport infrastructure.
 6. As far as practical, avoid felling of trees for construction until the latest point in the construction programme.
 7. Protocols for passive lizard management and breeding native birds.
 8. Opportunities for ecological enhancement of the stormwater detention area.
 9. Protocols for stream diversions, including timing and methodology related to bat protection.
 10. Provision for riparian enhancement planting along all diverted riparian habitats, including native species known to encourage invertebrates which bats feed on.
 11. Consider methods to enhance protection of potential roost sites in the retained gum trees.

12. An acoustic monitoring programme be developed to measure the effectiveness of landscape planting as alternative commuting and foraging areas for bats, to be commenced before the first removal of trees in the MIDA. This shall include an annual report, to be submitted to the Group Manager – Democracy and Planning, on the results of acoustic monitoring, and discussion between the suitably qualified ecologist and ecologist appointed by DOC.
13. The Ecological Management and Landscape Plan shall be subject to review in relation to the purpose on a three-yearly basis until it is agreed that the monitoring is no longer required. This review shall include the involvement of a suitably qualified bat ecologist and DOC bat ecologist and shall make recommendations on any available additional measures to achieve the purpose.
14. Set out measures to ensure landscape plantings are actively maintained to optimize growth.
15. Identify mechanisms to ensure existing shelterbelts on the western boundary and new landscape planting as per **Appendix 1-1** are maintained and retained long term.

Item 3 is deemed to be complete for commencement of Stage 2, when the Council's Group Manager – Democracy and Planning confirms that technical requirements 1 to 15 above have been addressed appropriately. The Group Manager – Democracy and Planning is responsible to ensure the ongoing compliance monitoring for the ELMP.

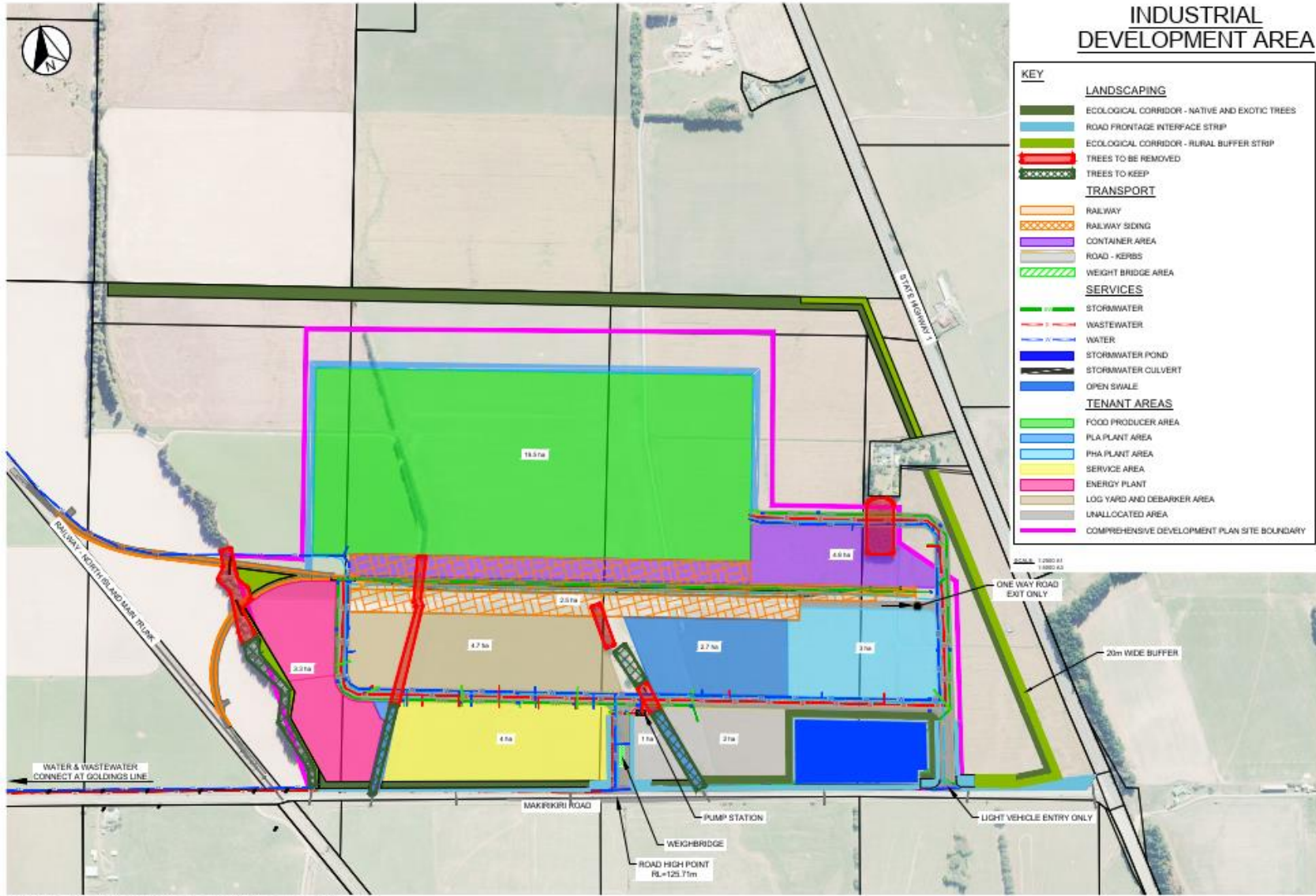
4. The minimum 15 metre wide perimeter planting of both exotic and native tree species in accordance with **Appendix 1-2 – Tree Species** must occur in the first planting season after (the operative date) except where the planting needs to align with contractor programmes for earthworks and infrastructure services construction.
5. Preparation of an independently peer reviewed safe systems assessment (SSA) to the satisfaction of Council's Chief Operating Officer and Waka Kotahi to confirm the number, location, form, ~~and~~ function and design of the MIDA* entrances from Mākirikiri Road, and the design of the improvements at the State Highway 1/ Mākirikiri Road and Mākirikiri Road /Wellington Road intersections. All designs to comply with AustRoads/Waka Kotahi relevant standards, including achieving sight and separation distances that are appropriate to the form of intersection. The SSA and design of the Mākirikiri Road intersections with the site accesses, Wellington Road and SH1 is to take particular account of cyclists on Mākirikiri Road.

Stage Two: Following completion of Stage One Items 1 – 3 in, Stage Two may commence. Stage Two comprises:

1. Completion of a suitably designed upgrade of the State Highway 1/Mākirikiri Road intersection and safety improvements at the Mākirikiri Road/Wellington Road intersection, in accordance with an independently peer reviewed safe system assessment (taking particular account of cyclists on Makirikiri Road), to the satisfaction of Council’s Chief Operating Officer and Waka Kotahi. These works must be completed prior to commencement of any industrial activity.
2. Partial earthworks, planting and construction activities and provision of services to facilitate the following sub-stages:
 - Rail siding and log wagon loading area to south of siding;
 - Development of site entrances in accordance with item 5 of Stage 1, and internal roading to provide access to the rail siding and log yard.
 - Stormwater to serve rail siding, log yard and initial roading including partial or full completion of the stormwater detention basin;
 - Installation of underground services—as required in sub-stages;
 - Remaining landscaping visual amenity and bat habitat species planting mitigation required after the completion of Stage 1 (4) for the rail siding and log yard, as specified in the ELMP, and consistent with **Appendix 1-1**.
 - Timing for works in each section of the MIDA shall delay mature tree removal until essential for construction to progress.
 - Any removal of mature trees ahead of development must be completed under the direct supervision of a suitably qualified bat ecologist recognised by the Department of Conservation.
 - Weighbridge facility including overflow parking area;
 - Log yard and log de-barking activity.

In **Stage Three** all other identified activities are expected to establish within five – ten years of Stage One.

APPENDIX-1-1- Marton Industrial Development Area Layout Plan



Note: Size of stormwater detention pond to be determined by best practice. Location of stormwater detention pond indicative only

APPENDIX 1-2 Tree Species

MIDA perimeter tree planting shall include the following list of native and exotic plant species to provide mitigation for loss of bat habitat:

Common name	Latin name	Value to bats
Exotic Trees		
Giant gum	<i>Eucalyptus regnans</i>	Roosting
Brown Barrel	<i>Eucalyptus fastigata</i>	Roosting
Messmate	<i>Eucalyptus obliqua</i>	Roosting
Tasmanian Blackwood	<i>Acacia melanoxylon</i>	Roosting
Radiata pine	<i>Pinus radiata</i>	Roosting
London plane	<i>Platanus x acerifolia</i>	Roosting
Sessile oak	<i>Quercus petraea</i>	Roosting
Native Trees		
Makomako	<i>Aristotelia serrata</i>	Encourages insects for foraging
Mingimingi	<i>Coprosma propinqua</i>	Encourages insects for foraging
Karamu	<i>Coprosma robusta</i>	Encourages insects for foraging
Ti kouka	<i>Cordyline australis</i>	Roosting; Encourages insects for foraging
Kahikatea	<i>Dacrycarpus dacrydioides</i>	Roosting; Encourages insects for foraging
Rimu	<i>Dacrydium cupressinum</i>	Roosting; Encourages insects for foraging
Pokaka	<i>Elaeocarpus hookerianus</i>	Encourages insects for foraging
Kanuka	<i>Kunzea var.</i>	Encourages insects for foraging
Manuka	<i>Leptospermum var.</i>	Encourages insects for foraging
Mahoe	<i>Melicytus ramiflorus</i>	Encourages insects for foraging
Harakeke	<i>Phormium tenax</i>	Encourages insects for foraging
Manatu	<i>Plagianthus regius</i>	Encourages insects for foraging
Totara	<i>Podocarpus totara</i>	Roosting; Encourages insects for foraging
Matai	<i>Prumnopitys taxifolia</i>	Encourages insects for foraging

Amendments Required to other chapters of the District Plan

B2-Industrial Zone

1. Add a Note to direct people to the DEV chapter
2. Amend permitted activity rule a) to state:
 - a) Industrial activities (excluding on land identified in DEV-Development Area)

Part C: Schedules

1. Part D: Planning and Hazard Maps: Amend the Planning Maps 4 and 21 for Marton to rezone the MIDA* to Industrial and define the MIDA*boundary with an outline.

Definitions

Hydrological Neutrality for the MIDA in relation to stormwater infrastructure design, means managing post development runoff so that it does not exceed the pre-development runoff for storm events up to and including the 1% AEP with an allowance for climate change. Climate change scenario will utilise NIWA's HIRDS v4 RCP6.0 for the period 2081-2100 in line with general industry guidance.

Industrial Service Activities* - means small business activities that can support the wider industrial activities, excluding a service station and would include but not be limited to the following: café/ truck stop, take-away food outlets, truck wash area, vehicle repair workshops, tyre replacement workshops, offices and truck-stop only refuelling facilities.

Marton Industrial Development Area (MIDA)– – means the area identified as the Comprehensive Development Plan (CDP) Site in **Appendix 1-1 – Marton Industrial Development Area Layout Plan** and identified on the Planning Map

Operational Need - means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.

Sensitive receivers – means the Fraser Auret Racing Facility and the closest dwellings to the MIDA and existing at the (Operative Date), being 1020, 1066, 1091 and 1165 State Highway 1.