

**Form 34 - Notice of appeal to Environment Court (general)**

To

the Registrar  
Environment Court  
Wellington,

1. *Ian McDonald* appeals against a decision of the Whanganui District Council (WDC) on a proposed change to the Whanganui District Plan (Plan Change 54 – Industrial Zone); to rezone land in the Kaikokopu Road/Kelvin Street area from General Industrial (GIZ) to General Rural (GRUZ).
2. *Ian McDonald* received notice of the decision on **22 February 2022**.
3. The decision was made by WDC in accordance with recommendations of an independent hearing commissioner acting under delegated authority on behalf of WDC.
4. *Ian McDonald* is not a trade competitor for the purposes of [section 308D](#) of the Resource Management Act 1991.
5. The parts of the decision that *Ian McDonald* is appealing are
  - a. the decision to rezone land in the Kaikokopu Road/Kelvin Street area from General Industrial (GIZ) to General Rural (GRUZ).
  - b. The decision to reject *Ian McDonald*'s submission to retain the General Industrial zone on properties fronting Kaikokopu Road being Lot 1 DP352705, Lot 1 DP54394, Lot 1 DP20406 and part Section 21 RB Whanganui River.
6. The reasons for the appeal are as follows:
  - a. There has been inadequate engagement with existing landowners and industrial operators, like *Ian McDonald* of McDonald Concrete Group Ltd, affected by the change.
  - b. Inappropriate weighting was given to the existence of a dwelling in the Manufacturing Zone for which resource consent for a non-complying activity was granted in 2017.
  - c. There has been inadequate consideration of the reverse sensitivity risks created for existing industrial operations, where the plan change provides for rural activities, particularly dwellings, permitted to establish immediately adjacent to the General Industrial zone.

- d. There has been insufficient information and/or consideration of current and future demand for industrial zoned land in the Kaikokopu Road /Kelvin Street area, including market changes since 2019.
  - e. There has been inadequate assessment of the effects on the lawful existing industrial land uses. This includes reduced expansion opportunities on existing and adjacent sites and loss of certainty that reverse sensitivity risks are minimised.
  - f. There has been insufficient information and/or consideration of the potential economic costs of the plan change to existing and future industry in Aramoho and to the District's economy.
  - g. There has been inadequate assessment and/or consideration of the extent of infrastructure constraints at Aramoho and whether that might impact future use of industrial zoned land.
  - h. There has been inadequate assessment of alternative methods to address risks to amenity values at the Residential zone interface, across Kaikokopu Road.
  - i. The plan change is not consistent with recommendations for Aramoho, in the "Whanganui Industrial - Market Assessment Report", prepared March 2019 by M.E Consulting for Whanganui District Council.
7. Ian McDonald seeks the following relief:
- a. That part of the plan change related to altering the zoning of land at Kaikokopu Road is withdrawn; such that the General Industrial zoning of land comprising Lot 1 DP352705, Lot 1 DP54394, Lot1 DP20406 and part Section 21 RB Whanganui River is retained (refer to Appendix A – Map); or
  - b. Subject to the matters listed at 6(a) – 6(i) being sufficiently addressed or rectified, the plan change is approved to include District Plan provisions, including the extent of the General Industrial Zone, amended to ensure that the General Industrial Zone at 18 Murray St, Aramoho is protected from reverse sensitivity issues that, both now and in the future, may result from any reduction to the extent of the General Industrial zone boundary currently surrounding this site.
  - c. Such other relief, whether it be alternative, additional or consequential, to that set out above as may be required to address the issues identified at 6(a) – 6(i).
8. I attach the following documents\* to this notice:
- a. a map of the area subject of this appeal
  - b. a copy of the relevant parts of the decision

- c. a list of names and addresses of persons to be served with a copy of this notice.
- d. a copy of *Ian McDonald's* submission.

\*These documents constitute part of this form and, as such, must be attached to both copies of the notice lodged with the Environment Court. The appellant does not need to attach copies of these documents to copies of the notice served on other persons if the copy served lists these documents and states that copies may be obtained on request from the appellant.



Signature of Ian McDonald (appellant)  
(or person authorised to sign  
on behalf of appellant)

Date 29/3/2022

**Address for service of appellant:**

Brenda O'Shaughnessy  
WSP  
PO Box 654  
**Whanganui**  
email: [brenda.oshaughnessy@wsp.com](mailto:brenda.oshaughnessy@wsp.com)  
telephone: 021 221 7369

Contact person:  
Brenda O'Shaughnessy  
Principal Planner

**Note to appellant**

You may use this form for any appeal for which you cannot identify a prescribed form.

You must lodge the original and 1 copy of this notice with the Environment Court. The notice must be signed by you or on your behalf. You must pay the filing fee required by [regulation 35](#) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

Your right to appeal may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.

**Advice to recipients of copy of notice of appeal***How to become a party to proceedings*

If you wish to become a party to the appeal, you must,—

(a)

within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and

(b)

within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

You may apply to the Environment Court under [section 281](#) of the Resource Management Act 1991 for a waiver of the above timing requirements (see [form 38](#)).

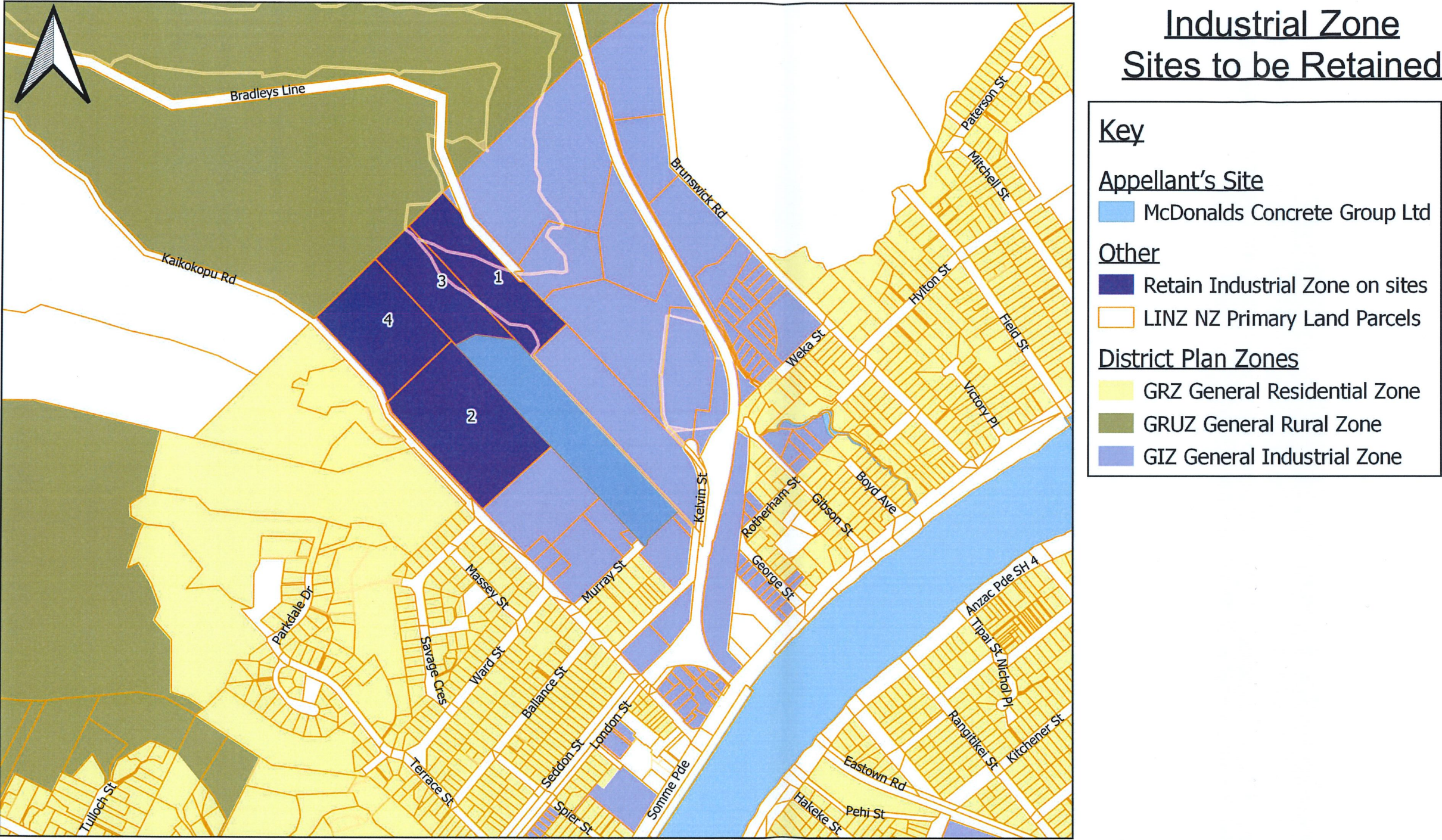
Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in [section 274\(1\)](#) and [Part 11A](#) of the Resource Management Act 1991.

*Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.



APPENDIX A – Map of sites to be retained as General Industrial Zone



Item	Appellation	Land District	Parce Area (ha)	Parcel Intent	Parcel ID	Titles	Address	Owner
1	Part Section 21 Right Bank Wanganui River	Wellington	3.3198	DCDB	3918656	WN338/132	39 Kevin St	Maud Reid William Hugh Reid
2	Lot 1 DP 352705	Wellington	5.2341	Fee Simple Title	6776607	216127	60 Kaikokopu Rd	Gilchrist Trustee Limited
3	Lot 1 DP 20406	Wellington	2.4338	DCDB	3998724	WN802/36		Maud Reid William Hugh Reid
4	Lot 1 DP 54394	Wellington	3.6424	DCDB	3920329	WN24B/183		Maud Reid William Hugh Reid



APPENDIX B – Copy of relevant parts of WDC decision relevant  
to Submission 5



**WHANGANUI**  
**DISTRICT COUNCIL**  
Te Kaunihera a Rohe o Whanganui

**Submitter:** Ian McDonald / 5

Submission point number	Submission point	Council Decision	Council Reason
5.1	Planning Maps   General   General	Reject	See section 4.1.3 of this Recommendation Report.

## **WHANGANUI DISTRICT COUNCIL**

### **PLAN CHANCE 54**

#### **Council Reasons for Decision:**

#### **Submission 5/Ian McDonald**

#### **RECOMMENDATION REPORT - Section 4.1.3**

##### **(Extract from Page 4)**

##### **4.1.3 MacDonald Concrete Group**

- [023] This submitter sought to retain the General Industrial Zoning over land at Kaikokopu Road. Our site visit confirmed that the majority of the area in contention comprises steep hills that are entirely unsuitable for industrial development. In that regard, at the Hearing Mr Ian McDonald confirmed that their main concern related to the smaller flat portion of the area in contention.
- [024] In his Reply Mr McCullagh advised that:
- The flat land in contention comprises Lot 1 DP54394 and Lot 1 DP 352705;
  - Lot 1 DP 352705 is inappropriate for industrial purposes because it is consented for residential use and a place of worship;
  - Lot 1 DP54394 has inherent constraints on industrial use including an overland flow path, adjacent steep slopes, difficulty of infrastructure servicing and proximity to recent residential development; and
  - Changing Lot 1 DP54394 to General Rural Zone will make it consistent with its current use, consistent with the zoning of the rest of the land holding of which it is part and will create a buffer between existing industrial uses and the land on the other side of Kaikokopu Road that is General Residential Zone.
- [025] In light of Mr McCullagh's advice we recommend that the McDonald Concrete Group Limited submission be rejected.



## APPENDIX C – List of names and addresses of persons to be served with a copy of this notice

Name	Person	Address for service		Email
Whanganui District Council	Gavin McCullagh	PO Box 637,	Whanganui 4540	Gavin.McCullagh@whanganui.govt.nz
Axiam Plastics	Matthew Smith	PO Box 5101	Whanganui 4542	m.smith@axiam.co.nz
The Roman Catholic Bishop of the Diocese of Palmerston North	c/ Paul Thomas, Thomas Planning Ltd	2A Jacobsen Lane	Ngaio, Wellington 6035	paul@thomasplanning.co.nz
MacBlack Timber Ltd and Nikau Trust	Richard Thompson	44 Peat St	Whanganui 4500	richard@macblack.co.nz
Greytown District Trust Lands Trustees	Paul Broughton	PO Box 16	Greytown 5742	gm@greytowntrustlands.org.nz
Ara Poutama Aotearoa, the Department of Corrections	Andrea Millar – Manager, Resource Management and Land Management	Private Box 1206	Wellington 6140	andrea.millar@corrections.govt.nz
Powerco Limited	Attention: Gary Scholfield	PO Box 13 075	Tauranga 3141	planning@powerco.co.nz
A T Wanganui Limited	Melanie Sargent	PO Box 345	Palmerston North 4440	mjs@wadham.co.nz
	George Russell	37 Bedford Ave	Conville, Whanganui 4501	georgeandhelen@xtra.co.nz
Fire and Emergency New Zealand	c/ Britta Blann Beca Ltd	PO Box 3942	Wellington 6140	britta.blann@beca.com
Ministry of Education	C/ Adriene Grafia-Beca Ltd	PO Box 6345 Wellesley	Auckland 1141	adriene.grafia@beca.com
First Gas Limited	Attention: Nicola Hine	Private Bag 2020	New Plymouth 4342	nicola.hine@firstgas.co.nz
Z Energy Limited,	C/- Megan Barr		Wellington 6146	Megan.Barr@4sight.co.nz

BP Oil New Zealand Limited	4Sight Consulting Limited	PO Box 25356, Featherston St		
Mobil Oil New Zealand Limited				
	Darry McDonnell	27 Kelvin St	Aramoho	dmcdonnell@sealeswinslow.co.nz
	Jamie-Lea Maddox & James McManaway	77 Brunswick Rd	Whanganui	admin@jdmeearthmoving.co.nz
	Michael Eden	25 Gilberd St	Whanganui	michael@ggdmretail.com
	Paul McKee	15 Murray St		mckeebobcat@xtra.co.nz

## APPENDIX D –Copy of Ian McDonald's submission



# WHANGANUI DISTRICT COUNCIL

Te Kaunihera a Rohe o Whanganui

## Submission on a Publicly Notified Plan Change to the Whanganui District Plan

Resource Management Act 1991 In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003

TO: Whanganui District Council, PO Box 637, Whanganui

Name: (print in full) ..... Ian McDonald .....

This is a submission on Plan Change No. ...54... to the Whanganui District Plan.

Closing Date: ...30/07/2021.....

- 1 (a) I ~~could~~ / could not gain an advantage in trade competition through this submission.  
(b) I am / ~~am not~~ directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition.

2. The specific provisions of the proposed plan change that my submission relates to:

Is to the rezoning of the land in the Kaikokopu Road / Kelvin Street area from Industrial (GIZ) to Rural (GRUZ)

~~(Use additional pages if required)~~

3. My submission is that *(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):*

The rezoning of the above land will reduce industrial expansion opportunities in the area and will create a zone boundary change hard on currently utilized industrial land. McDonald Concrete Group moved from Balgownie Industrial area some 5 years ago to new premises at 18 Murray Street that has provided scope for significant expansion of the business. This expansion has been occurring with staff numbers increasing from 12 to 40. Investment in the business has steadily continued and we are currently in the process of adding additional buildings and machinery.

McDonald Concrete Group manufacture concrete products including manholes, stormwater, wastewater culvert pipes, EleTank water tanks, sewerage treatment systems, septic tanks, troughs, rain gardens, electrical pull pits, cess pits etc for government, councils, iwi, contractors and individuals.

With current water reforms and the booming economy, demand for these products has reached unprecedented levels and we foresee this will continue to increase.



Our current site, and the adjoining industrial land, provided us the potential for expansion and the certainty of having neighboring industrial activities. Having small properties adjacent rezoned to rural would not only decrease expansion possibilities both for land and/or access, but it would mean a zone change on our boundary. Currently the industrial zone is separated from residential properties by Kaikokopu Road.

The blocks of land along Kaikokopu Road to be rezoned also appear somewhat small for traditional uses.

4. I seek the following decision from the Council (*Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons*):

That the properties fronting Kaikokopu Road, Lot 1 DP352705, Lot 1 DP54394, Lot 1 DP20406 and part section 21 RB Whanganui River.

By retaining the Industrial zoning on these properties this allows for more industrial expansion in the area and retains Kaikokopu Road as the boundary between zones.

- 5 I **do**/~~do not~~ wish to be heard in support of this submission.
- 6 If others, make a similar submission I **would** /~~would not~~ be prepared to consider presenting a joint case with them at any hearing.

7. **Address for service:**

**18 Murray Street, Aramoho, Whanganui**

**Signature:**



*(Person making submission or person authorised to sign on behalf of person making submission)*

**Day time phone No:** ...021 778 651 .....

**Email:** .....manager@mcg-ele.co.nz .....

**Date:** ...28-07-2021.....