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FONTERRA LIMITED

SUBMISSIONS ON THE PROPOSED PLAN CHANGE 57 – BRIGHTWATER STRATEGIC REVIEW

To: Tasman District Council
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I confirm that I am authorised on behalf of Fonterra Limited to make this submission.

1. OVERVIEW

- 1.1. The Tasman District Council (the Council) has notified Proposed Plan Change 57 – Brightwater Strategic Review (PC 57), which seeks to manage growth in and around Brightwater over the next 20 years.
- 1.2. Fonterra generally supports the overall direction of PC 57 and in particular the move to direct all new residential growth away from flood-prone land and away from Brightwater's existing industrial areas. Fonterra does, however, have concerns about the new policies and rules proposed to manage flood hazard risk. In particular, Fonterra does not support the prohibited activity status for subdivision in the new "closed" zones or the changes to permitted building coverage for industrial zoned sites.

- 1.3. In this submission we have provided:
- A brief overview of Fonterra's operations and activities in the Tasman District, including those of our farmer suppliers (Section 2);
 - General submissions on PC 57 (Section 3); and
 - Specific submission points on PC 57, including relief requested (Section 4).

2. BACKGROUND

- 2.1. Fonterra is a global, co-operatively owned, company with its roots firmly planted in New Zealand. Fonterra has 10,500 New Zealand farmer shareholders who produce some 16 billion litres of milk which is collected and processed by Fonterra annually. Fonterra is the world's largest exporter of dairy products.
- 2.2. Fonterra's operations in the Tasman region include the:
- collection of milk produced by around 140 farmer shareholders across the Marlborough/Tasman region;
 - subsequent processing of that milk at Fonterra's Brightwater and Takaka sites; and
 - distribution of finished product to domestic and international markets primarily via the Port of Nelson.
- 2.3. In terms of wider context, Fonterra has limited other processing sites in the upper South Island – being a small cheese facility at Kaikoura, and a fully automated milk concentration plant at Tuamarina (Blenheim), with concentrated milk from this plant being transported to Darfield or Clandeboye for processing. This means that the only alternative destination for milk that cannot be processed is either disposal through Fonterra's contingency plan or processing at the Darfield site in central Canterbury (approximately 430 km away).

Brightwater Operations

- 2.4. The dairy industry has been operating at Brightwater since 1902, when a butter plant was established. The site then expanded to include whole milk powder processing when butter production transferred to what is now Fonterra's Takaka site.
- 2.5. The Brightwater site collects milk from the Rai Valley, Murchison and Waimea areas. It processes up to 250,000 litres of milk per day at peak production (typically August to November), which translates to an output of up to 10,000 tonnes of milk powder per year. Unlike the majority of Fonterra's other sites which have a 'peak' milk production period (typically July/August through to November), production at Brightwater is relatively stable throughout the dairy season with the site running at capacity almost every day from August through to shut-down at the end of May.
- 2.6. About 69,000 litres per day of surplus fresh milk per day and about 5,000 litres of cream is trucked out of the Tasman region. This is inefficient, and Fonterra is currently reviewing options to process this locally. However, PC 57, and in particular the building coverage controls, are likely to severely limit potential opportunities at the Brightwater site.

- 2.7. The extent of the land owned by Fonterra in the vicinity of the Brightwater site is shown by yellow lines on **Figure 1** on page 4 – noting that this land is made up of multiple allotments (certificates of title).

3. GENERAL SUBMISSIONS

- 3.1. Fonterra generally supports the overall direction of PC 57 and in particular the move to direct all new residential growth away from flood-prone land and away from Brightwater's existing industrial areas. Fonterra does, however, have concerns about the new policies and rules proposed to manage flood hazard risk. In particular, Fonterra does not support the prohibited activity status for subdivision in the new "closed" zones or the changes to permitted building coverage for industrial zoned sites.
- 3.2. The submission points presented in **Attachment A** are discussed in more detail in Section 4 of this submission.
- 3.3. In respect of all those submission points in **Attachment A**, Fonterra seeks:
- Where specific wording has been proposed, words or provisions to similar effect;
 - All necessary and consequential amendments, including any amendments to the provisions themselves or to other provisions linked to those provisions submitted on, including any necessary changes to the Tasman Resource Management Plan (TRMP) maps, and including any cross references in other chapters; and
 - All further relief that are considered necessary to give effect to the concerns described in this submission, and any changes required to give effect to the Regional Policy Statement.

4. SPECIFIC SUBMISSIONS

Submission Points 1 to 3: Planning Maps – Rezoning of Land Owned by Fonterra

- 4.1. The extent of the land owned by Fonterra in the vicinity of the Brightwater site is shown by yellow lines on Figure 1 on the following page – noting that this land is made up of multiple allotments (certificates of title). Figure 1 also shows the existing underlying land use zones according to the TRMP, these are coloured as follows:
- Yellow: Rural 1
 - Dark purple: Rural Industrial
 - Light purple: Residential
 - Grey: Light Industrial
 - Orange: Tourist Services
- 4.2. The three 'areas' identified on Figure 1 by the black dashed lines will be referred to throughout this submission. These three areas are owned by Fonterra and are where zoning changes are being proposed by the Council as part of PC 57.

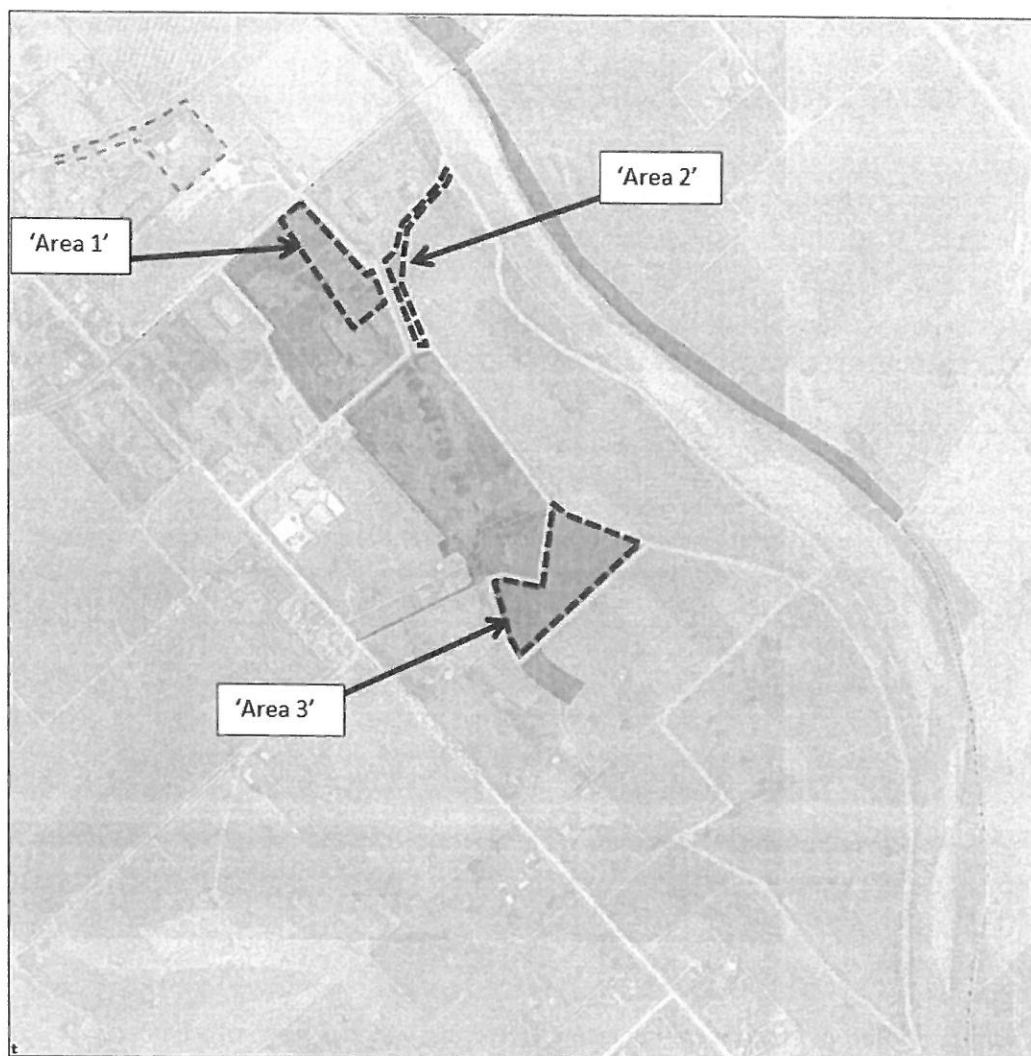


Figure 1: Extent of Fonterra owned land and existing TRMP zones.

- 4.3. The legal details, areas, existing zoning, and proposed new zoning for these three areas are presented in Table 1 on the following page.

Table 1: Existing and proposed zoning of Fonterra-owned land at Brightwater

AREA	CERTIFICATE OF TITLE (CT)	LEGAL DESCRIPTION	AREA	EXISTING TRMP ZONING	PROPOSED PLAN CHANGE ZONING
1	115/3	Lot 1 DP 4646	0.84 ha	Rural Industrial	Rural Industrial Closed
	9B/133	Pt Sec 2 Waimea South Dist	0.14 ha		
	78/13	Pt Sec 2 Waimea South Dist	0.20 ha		
2	317592	Sec 250 Waimea East Dist	0.38 ha	Light Industrial	Light Industrial Closed
3	317592	Lot 4 DP 377009	2.60 ha	Rural Industrial	Rural 1

- 4.4. Fonterra **opposes** the proposed change of zoning of Area 1 (shown in Figure 1 of this submission) and **supports** the proposed change of zoning of Areas 2 and Area 3 (both shown in Figure 1 of this submission), for the following reasons.
- 4.5. Fonterra generally supports the rezoning of Area 3 (shown in Figure 1 of this submission) from Rural Industrial to Rural 1 despite the fact that this rezoning extinguishes Fonterra's existing ability to use this land for rural industrial purposes as a permitted activity. However, Fonterra has real concerns that the other changes being proposed in PC 57 create significant new restrictions on Fonterra's permitted development opportunities on the remaining Rural Industrial zoned land that Fonterra owns (i.e. Area 1). Fonterra therefore considers that if Area 3 is to be rezoned to Rural 1 then the corollary should be to not impose new development restrictions for Area 1 (discussed in more detail later in this submission).
- 4.6. PC 57 also seeks to rezone Area 2 (shown in Figure 1 of this submission) from Light Industrial to Light Industrial Closed. This area is a narrow strip of land in and around the 'Mill Lead', a watercourse that flows into the Wairoa River. This land is not suited for Light Industrial uses and Fonterra considers that it could be better rezoned as Rural 1.¹
- 4.7. Fonterra opposes the rezoning of Area 1 (shown in Figure 1 of this submission) from Rural Industrial to Rural Industrial Closed. This land is adjacent the Brightwater milk processing site and any expansion of the plant would involve building development on this land as it is currently largely vacant. Fonterra's main opposition relates to the provisions within PC 57 as far as they affect Fonterra's ability to use and develop Area 1.
- 4.8. Fonterra requests the following relief as shown as **Figure 2** on the following page:
- Rezone Area 2 (shown in Figure 1 of this submission) as Rural 1 instead of Light Industrial Closed; . 2
 - Retain the proposed zoning of Area 3 (shown in Figure 1 of this submission) as Rural 1; and . 3

¹ Fonterra has previously suggested this to the Council during discussion on the Draft Plan Change (at the meeting held with the Council on 23 June 2015).

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- Remove the three allotments that make up Area 1 (shown in Figure 1 of this submission) from the proposed Rural Industrial Closed zone and retain their current zoning of Rural Industrial.

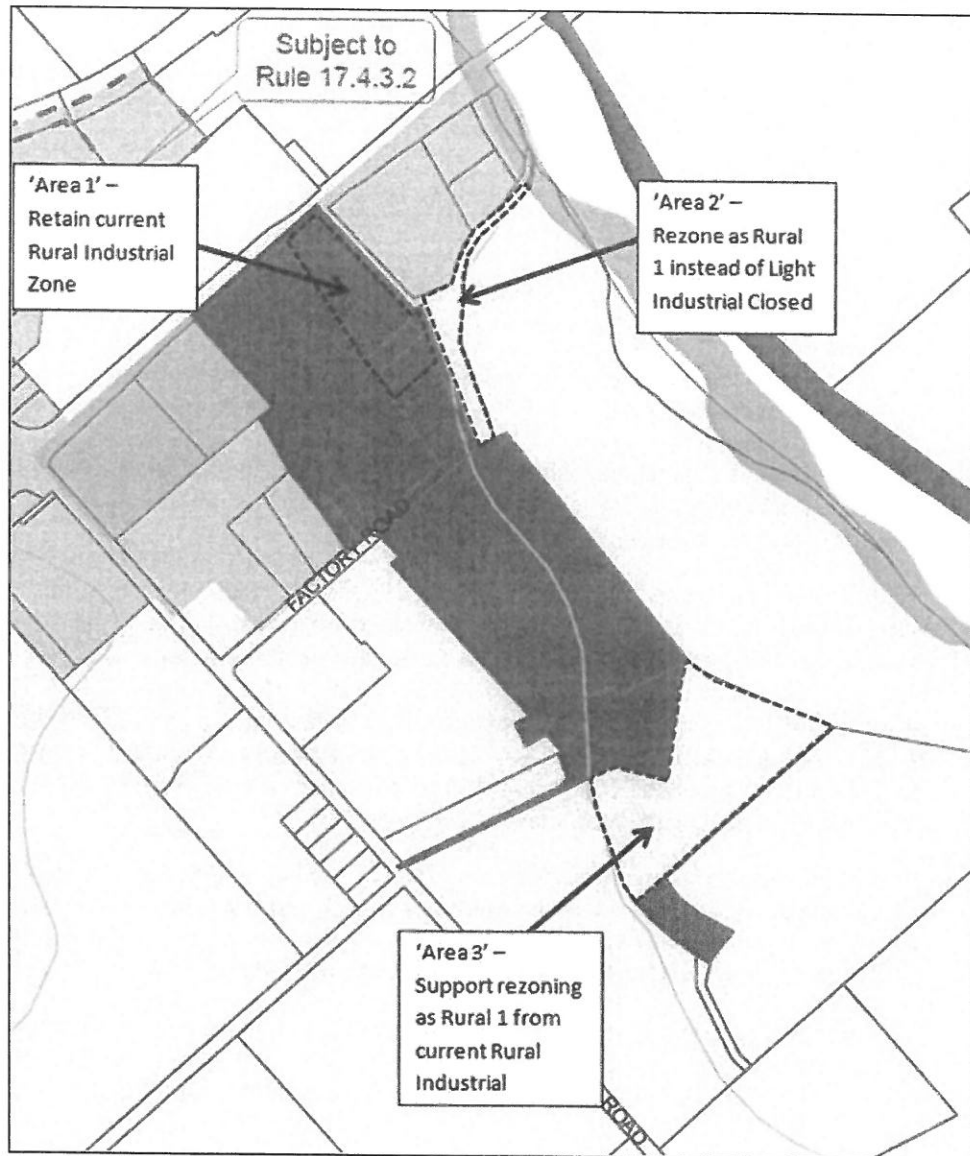


Figure 2: Zoning requested by Fonterra as relief to Submission Points 1 to 3.

Submission Point 4: Policy 6.16.3.1

4.9. Fonterra **opposes** Policy 6.16.3.1 for the following reasons.

4.10. PC 57 seeks to amend Policy 6.16.3.1 as follows:

6.16.3.1 To ~~direct new residential development away from flood prone lands~~ avoid flood hazard risk when rezoning land to meet residential and business demand.

4.11. These proposed amendments create a direction that the rezoning of land for residential and business purposes in and around Brightwater must '*avoid flood hazard*'. These words are extremely restrictive because all of Brightwater is located on a flood plain and subject to some degree of flood hazard. The issue, therefore, is that the policy wording does not specify the degree of flood hazard which needs to be avoided when land rezoning is being considered. This, together with the use of the word '*avoid*' (which means prevent or prohibit), would preclude any rezoning of land in and around Brightwater for residential or business purposes.

4.12. Fonterra considers that Policy 6.16.3.1 should be consistent with the policies in Chapter 13 (Natural Hazards) of the TRMP, and in particular Policy 13.1.3.1 which deals specifically with natural hazards, including flood hazard. Policy 13.1.3.1 seeks to '*avoid*' the effects of natural hazards on land use activities in areas or on sites that have a (emphasis added) '*significant risk*' of, *inter alia*, flooding – with the anticipated environmental result being that development is precluded from areas identified as being of '*significant risk*' from natural hazards (refer section 13.50.3 of the TRMP).

4.13. Proposed Policy 6.16.3.1 also makes reference to land for '*business*' demand. Fonterra considers that this term should be replaced with '*commercial and industrial*' as these terms better reflect the zones used in the TRMP.

4.14. Fonterra requests the following relief:

- Reword proposed Policy 6.16.3.1 as follows:

6.16.3.1 To ~~direct new residential development away from flood prone lands~~ avoid significant flood hazard risk when rezoning land to meet residential, commercial, and industrial business demand.

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Submission Point 5: Policy 6.16.3.3

4.15. Fonterra **opposes** Policy 6.16.3.3 for the following reasons.

4.16. PC 57 seeks to amend Policy 6.16.3.3 as follows:

6.16.3.3 To ~~rationalise the provision of~~ limit subdivision and the extent of buildings on industrial land that is subject to flood hazard risk. so that the effects of industrial activities are minimised.

4.17. These amendments will limit the subdivision of land and building development on industrial land that is subject to any flood hazard risk. Like proposed Policy 6.16.3.1 (discussed in Sections 4.9 to 4.14 of this submission), the degree of flood hazard risk is not defined in the proposed policy wording and Fonterra considers that this policy also should align with Policy 13.1.3.1 (see discussion in paragraph 4.12 above) and should include the word '*significant flood hazard risk*'.

- 4.18. Fonterra considers that it is better to '*manage*' rather than '*limit*' the extent of buildings on land that is subject to flooding risk. Management of the location of buildings within the site is a more important consideration than just limiting the extent of buildings (i.e. building coverage) on such land.
- 4.19. Fonterra requests the following relief:
- Reword proposed Policy 6.16.3.3 as follows:

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6.16.3.3 To ~~rationalise the provision of~~ limit resubdivision and manage the extent of buildings on industrial land that is subject to significant flood hazard risk, so that the effects of industrial activities are minimised.

Submission Point 6: Section 32 Evaluation Report

- 4.20. Fonterra **opposes** the contents of the Section 32 Evaluation Report (s32 Report) for the following reasons.
- 4.21. The s32 Report presents a series of 'options' for managing industrial growth and flood hazard risk (Section 3.2.1.2). However, it does not present any reasons as to why the Council has decided on its preferred option. Presenting a summary of such reasons is required by section 32(1)(c) of the RMA.
- 4.22. There is no specific discussion in the s32 Report on the provisions contained in PC 57 that seek to reduce the permitted activity building coverage on land proposed to be zoned Rural Industrial Closed – which includes Area 1 owned by Fonterra. Section 3.2.2 of the s32 Report covers the proposed changes to permitted building coverage for the Light Industrial zoned land but there is no information on similar proposed changes to the permitted building coverage provisions for Rural Industrial Closed zoned land.
- 4.23. Fonterra requests the following relief:
- That the Council provides a summary of the reasons why the various preferred options have been chosen to be included in PC 57; and
 - That the Council provides information on the rationale behind the reduced permitted building coverage within the proposed Rural Industrial Closed zone.

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Submission Point 7: Use of the term 'floodway'

- 4.24. Fonterra **opposes** the use of the term 'floodway' the following reasons.
- 4.25. PC 57 introduces the term 'floodway' to a number of rules, however a definition of this term is not provided nor is the extent of the floodway in and around Brightwater presented on any map. It is therefore not possible, for example, to know whether any new building(s) within Area 1 is automatically a discretionary activity because it is deemed to be in a 'floodway'.
- 4.26. Fonterra requests the following relief:

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- Include a definition of 'floodway'; and
- Include a new map showing the extent of the Wairoa River floodway in and around Brightwater.

Submission Point 8: Rule 17.12.2.1(n) Permitted Activity Building Coverage – Rural Industrial Closed Zone

- 4.27. Fonterra **opposes** Rule 17.12.2.1(n) for the following reasons.
- 4.28. PC 57 proposes changes to permitted activity rule 17.12.2.1, covering land use activities within the Rural Industrial zone, including the proposed Rural Industrial Closed zone which would cover Area 1 owned by Fonterra. In particular, it seeks to change clause (n) resulting in a significant reduction in the permitted building coverage, from 75 percent to 15 percent for all Rural Industrial Closed zoned land, and provided the building(s) is not located in a 'floodway' (the lack of definition of this term is discussed in greater detail in Section 4.25 of this submission). Any development that results in greater than 15 percent coverage or any building within a 'floodway' would be fully discretionary under rule 17.12.2.4.
- 4.29. Assuming that this land is not in a 'floodway', the proposed rule has significant implications on Fonterra's ability current ability to build on the three titles that make up Area 1 as a permitted activity. In the case of CT 9B/133 and CT 78/13, the proposed rule would mean that no additional buildings may be constructed as the existing building coverage on these two titles is already 25 percent, meaning a loss of permitted building development opportunity (compared with the current operative rule) of 720 m² and 1,000 m², respectively. In the case of CT 115/3, the proposed rule would only allow 1,215 m² of permitted building development compared to 6,255 m² which could be constructed under the current rule, a loss of opportunity of 5,040 m². When considered together, the loss of permitted building development opportunity for Fonterra if the proposed rule was to be implemented is 6,760 m² within Area 1. To put this area into perspective, it is approximately the same as the building development that currently exists at Fonterra's Brightwater site. This is a significant 'cost' to Fonterra which has not been acknowledged by the Council in the s32 Report.
- 4.30. As discussed in Section 4.22 of this submission, the s32 Report provides no specific information regarding the reasons why PC 57 is seeking to reduce building coverage within the Rural Industrial Closed zone from 75 percent to 15 percent. However, the s32 Report does state in Section 3.2.2, for the Light Industrial Zone, that "*High building coverage may impede the flow of flood water across a flood prone site and transfer water to other sites. It is important that flood flowpaths are maintained across sites*". Fonterra assumes that the Council intends that these statements are equally applicable to the Rural Industrial Closed zoned land in Brightwater and form the background to why the permitted building coverage for this zone is proposed to be reduced from 75 percent to 15 percent.
- 4.31. The table in Section 3.2.2 of the s32 Report states that the costs associated with the status quo only relate to potential damage to buildings on site and on adjoining properties. Fonterra considers that flood risk, both in terms of damage to on-site buildings and also transfer of water to other sites, can be more appropriately managed through standards or controls associated with a permitted, controlled, or restricted discretionary activity rules for new buildings (e.g. location within the site) rather than reducing permitted building coverage percentages.
- 4.32. Fonterra requests the following relief:
- Amend proposed clause (n) of Rule 17.12.2.1 as follows:
(n) The maximum coverage is 75 percent, ~~except that in the Rural Industrial Closed Zone it is 15 percent and the building is not located in a floodway.~~

Submission Points 9 to 11: Rules 16.3.4.1(aa), 16.3.4.4A, and 16.3.4.7 – Prohibited Status for Subdivision within the Proposed Rural Industrial Closed Zone

- 4.33. Fonterra **opposes** Rules 16.3.4.1(aa), 16.3.4.4A, and 16.3.4.7 for the following reasons.
- 4.34. PC 57 includes new prohibited activity rule for subdivision (except boundary adjustments which would be discretionary) within the new Rural Industrial Closed zone, rule 16.3.4.7. This rule would prevent Fonterra from applying for a resource consent to subdivide any of the three allotments that make up Area 1 (shown in Figure 1 of this submission). That is, no resource consent can be applied for despite the possible merits of the proposal. Subdivision of these three allotments can currently be undertaken as a controlled activity under the existing operative rules.
- 4.35. Prohibited activities may not proceed under any circumstances, and therefore such an activity status should be used with care. The decision to introduce a prohibited activity rule should be backed with strong evidence of its necessity, including justification through objectives and policies.
- 4.36. PC 57 proposes a number of changes to the policies contained in Section 6.16.3 of the TRMP (Urban Environment Effects), including a change to Policy 6.16.3.3 to read:
- To limit resubdivision and the extent of buildings on industrial land that is subject to flood hazard risk.
- 4.37. This policy uses the word '*limit*' rather than '*prohibit*', '*preclude*', or '*avoid*' and it therefore anticipates that some (limited) subdivision of land that is subject to flood risk should be allowed. Rule 16.3.4.7 (prohibited activity subdivision) being proposed in PC 57 is not justified or supported by proposed policy 6.16.3.3.
- 4.38. No changes are proposed to Chapter 13 (Natural Hazards) of the TRMP which deals specifically with natural hazards, including flood hazard. Policy 13.1.3.1 seeks to '*avoid*' (i.e. prevent or prohibit) the effects of natural hazards on land use activities in areas or on sites that have a (emphasis added) '*significant risk*' of, *inter alia*, flooding – with the anticipated environmental result being that development is precluded from areas identified as being of '*significant risk*' from natural hazards (refer section 13.50.3 of the TRMP). None of Area 1 owned by Fonterra land that is proposed to be rezoned has a *significant* flooding risk.
- 4.39. The Hazard Map included in the s32 Report ranks the flood hazard of land in and around Brightwater (based on both water depth and velocity) as Low, Medium, High, Very High, or Extreme. The 'Extreme' risk is defined as being '*unsuitable for development*' and this definition best aligns with what would be considered a '*significant*' risk.
- 4.40. Figure 3 on the following page shows the flooding hazard categories applicable to the land owned by Fonterra that makes up Area 1. Figure 3 shows that the vast majority of Area 1 that is proposed to be rezoned as Rural Industrial Closed has a 'Low' to 'Medium' flooding hazard category with only a small area of 'High' flooding hazard according to the Hazard Map. These categories do not constitute a 'significant' flooding risk and therefore prohibiting subdivision of the Fonterra land within Area 1 is not justified or supported by Policy 13.1.3.1 of the TRMP.

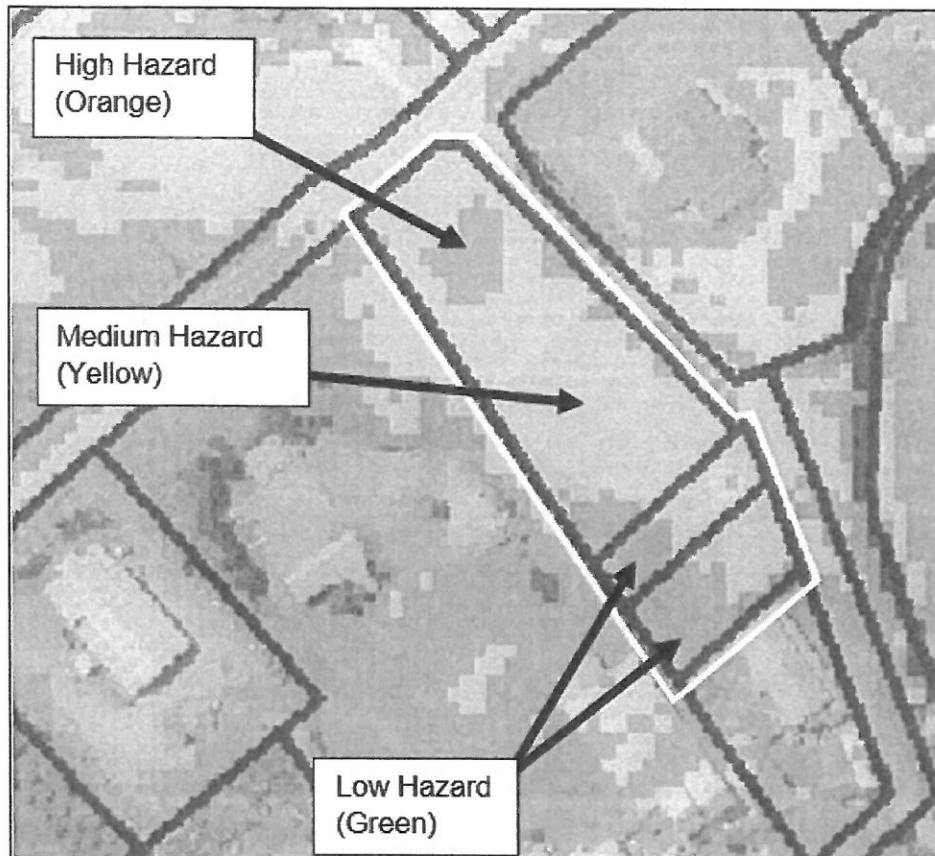


Figure 3: Flood Hazard Risks within Fonterra owned Area 1 (delineated by white line).

- 4.41. Further, Policy 13.1.3.8 of the TRMP seeks to 'avoid' (i.e. prevent or prohibit) expansion of flood-prone settlements 'unless there is effective mitigation'. This policy signals and anticipates that development within flood-prone areas may be possible provided the flood hazard is effectively mitigated. There are a variety of measures available to mitigate flooding hazards and these should be able to be put in front of a consent authority and assessed through the consideration of a subdivision consent application. Prohibiting subdivision of land within Area 1 is not justified or supported by this policy.
- 4.42. Fonterra considers that flood risk within Area 1 should be more appropriately be managed through standards or controls associated with a permitted, controlled, or restricted discretionary activity rules for new buildings (e.g. location within the site, minimum floor levels, fencing types, etc.), or through conditions on a subdivision consent, rather than completely closing opportunities for any subdivision of this land.
- 4.43. Section 106 of the RMA specifically enables a consent authority to refuse to grant a subdivision consent if it considers that the land in respect of which a consent is sought is, or is likely to be subject to, *inter alia*, inundation from any source. Further, section 106 of the RMA enables a consent authority to impose conditions specifically for the purposes of avoiding, remedying, or mitigating effects associated with inundation. These provisions provide a consent authority a back-stop to preclude and control subdivision of flood-prone land and therefore a blanket subdivision prohibition of Area 1 is not warranted or justified.

4.44. Fonterra requests the following relief:

- Remove the three allotments that make up Area 1 (shown in Figure 1 of this submission) from the proposed Rural Industrial Closed zone and retain their current zoning of Rural Industrial; or .12
- If the Council decides to rezone Area 1 that subdivision of the three allotments that make up Area 1 retain their current activity statuses (either controlled or discretionary depending on the size of allotments being created). .13

5. OVERALL CONCLUSION

5.1. In relation to the provisions that Fonterra has raised concerns about, those provisions require amendment because, without amendment, those provisions:

- will not promote sustainable management of resources, will not achieve the purpose of the RMA;
- are contrary to Part 2 and other provisions of the RMA;
- will not enable the social and economic well-being of the community;
- will not meet the reasonably foreseeable needs of future generations;
- will not achieve integrated management of the effects of the use, development or protection of land and associated resources of the Tasman District;
- will not enable the efficient use and development of Fonterra's assets and operation, and of those resources; and
- do not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

5.2. Fonterra could not gain an advantage in trade competition through this submission.

5.3. Fonterra **does wish to be heard** in support of this submission.

5.4. If others make a similar submission, Fonterra will consider presenting a joint case with them at the hearing.

Dated: 2 February 2016



Rob Lieffering

Senior Environmental Consultant – MWH New Zealand Limited

For Fonterra Limited

ATTACHMENT A – SPECIFIC SUBMISSION POINTS

- Suggested relief to address concerns in this submission is set out below. However, there may be other methods or relief that are able to address Fonterra's concerns and the suggested revisions do not limit the generality of the reasons for Fonterra's submission or the relief sought.
- Fonterra also seeks any consequential relief or alternative relief to Fonterra's satisfaction to address its concerns.
- References to Area 1 refer to the three allotments (titles) that make up Area 1 as shown in Figure 1 of this submission.

Table 2: Specific Submission Points on Proposed Plan Change 57

#	PROVISION	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
1	Section 4.1.1 – Planning Maps	Support	Fonterra supports the proposed change of zoning of Area 2 (shown in Figure 1 of this submission) to Light Industrial Closed – however consideration should be given to zoning this land as Rural 1.	Rezone Area 2 (shown in Figure 1 of this submission) to Rural 1.
2	Section 4.1.1 – Planning Maps	Support	Fonterra supports the proposed change of zoning of Area 3 (shown in Figure 1 of this submission) as Rural 1.	Retain the proposed zoning of Area 3 (shown in Figure 1 of this submission) as Rural 1.
3	Section 4.1.1 – Planning Maps	Oppose	Fonterra opposes the rezoning of Area 1 (shown in Figure 1 of this submission) as Rural Industrial Closed.	Remove the three allotments that make up Area 1 (shown in Figure 1 of this submission) from the proposed Rural Industrial Closed zone and retain their current zoning of Rural Industrial.
4	Section 1.2.1 – Policy 6.16.3.1	Oppose	All of Brightwater is located on a flood plain and the wording of proposed Policy 6.16.3.1 would preclude any land being rezoned because the level of flood risk is not specified.	Amend proposed Policy 6.16.3.1 as follows: 6.16.3.1 To direct new residential development away from flood-prone lands avoid <u>significant</u> flood hazard risk when

#	PROVISION	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
			<p>Fonterra considers this policy should align and be consistent with Policy 13.1.3.1 of the TRMP which seeks to ensure development is precluded from areas identified as being of 'significant risk' from natural hazard, including flooding.</p> <p>Fonterra also considers that the term 'business' in the proposed policy should be replaced with 'commercial and industrial' to better align with the zone names used in the TRMP.</p>	rezoning land to meet residential, commercial, and industrial business demand.
5	Section 1.2.1 – Policy 6.16.3.3	Oppose	<p>Fonterra considers managing the extent of buildings (e.g. location of buildings) on flood prone sites is a better method than limiting building coverage. In addition, the proposed policy does not define what level of flood risk this policy applies to and Fonterra considers it should align and be consistent with Policy 13.1.3.1 of the TRMP and the word 'significant' should be added to the policy.</p>	Amend proposed Policy 6.16.3.3 as follows: 6.16.3.3 To rationalise the provision of limit <u>resubdivision and manage the extent of buildings on industrial land that is subject to significant flood hazard risk, so that the effects of industrial activities are minimised.</u>
6	General	Oppose	<p>The s32 Report does not present any reasons as to why the Council has decided on its preferred options.</p> <p>The s32 Report does not include any information on why PC 57 is seeking to reduce permitted building coverage for the Rural Industrial Closed zone.</p>	<p>That the Council provides a summary of the reasons why the various preferred options have been chosen to be included in PC 57; and</p> <p>That the Council provides information on the rationale behind the reduced permitted building coverage within the proposed Rural Industrial Closed zone.</p>

#	PROVISION	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
7	Definitions	Oppose	What land constitutes the 'floodway' in and around Brightwater needs to be defined and shown on planning maps because a number of the proposed amendments to the rules include reference to this term. Without a definition and map it is impossible to know whether or not a proposed building is able to meet the conditions of the respective rule(s).	Include a definition of 'floodway' and a new map showing the extent of the Wairoa River floodway in and around Brightwater.
8	Section 3.2.3 – Rule 17.12.2.1(n)	Oppose	Fonterra considers that Area 1 (shown in Figure 1 of this submission) should not be rezoned as Rural Industrial Closed – see Point #3 above. However, in the event that this zoning is to remain for these parcels then Fonterra opposes the proposed 15 percent permitted building coverage being proposed by Rule 17.12.2.1(n) – this extinguishes Fonterra's permitted development opportunity on two of the parcels and would severely restrict building development on the third parcel.	Amend proposed clause (n) of Rule 17.12.2.1 as follows: (n) The maximum coverage is 75 percent, except that in the Rural Industrial-Closed Zone it is 15 percent and the building is not located in a floodway.
9	Section 2.1.1 – Rule 16.3.4.1(aa)	Oppose	Fonterra considers that Area 1 (shown in Figure 1 of this submission) should not be rezoned as Rural Industrial Closed – see Point #3 above. However, in the event that the three allotments that make up Area 1 are to be rezoned then Fonterra opposes the prohibited status for subdivision of Area 1 (shown in Figure 1 of this submission). Fonterra considers that there is no strong evidence to justify a prohibited status for	Remove the three allotments that make up Area 1 (shown in Figure 1 of this submission) from the proposed Rural Industrial Closed zone and retain their current zoning of Rural Industrial.
10	Section 2.1.2 – Rule 16.3.4.4A	Oppose		Alternatively, if the Council decides to rezone Area 1 then Fonterra seeks that subdivision of the three allotments that make up Area 1 retain their current activity statuses (either controlled or discretionary depending on size
11	Section 2.1.3 – Rule 16.3.4.7	Oppose		

Submissions on Proposed Plan Change 57 – Brightwater Strategic Review
Fonterra Limited (2 February 2016)

#	PROVISION	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
			<p>subdivision of Area 1.</p> <p>The vast majority of Area 1 that is proposed to be rezoned as Rural Industrial Closed has a 'Low' to 'Medium' flooding hazard category with only a small area of 'High' flooding hazard according to the Hazard Map. These categories do not constitute a 'significant' flooding risk and therefore prohibiting subdivision within Area 1 is not justified or supported by Policy 13.1.3.1 of the TRMP.</p> <p>There are a variety of measures available to mitigate flooding hazards and these should be able to be considered on their merits through the consideration of a subdivision consent application.</p>	<p>of allotments being created).</p>

Submission ends.