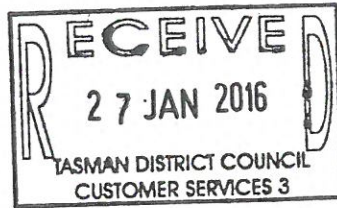


26 January 2016

Tasman District Council
Private Bag 4
Richmond 7040
Attn: Steve Markham



3973
landmark life ltd
RESOURCE MANAGEMENT

Lucas House, 51 Halifax Street, Nelson
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Email: mark@landmarklife.co.nz
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Dear Steve,

Plan Change 57: Brightwater Strategic Review
Submission – *Balgowan Investments Limited*

Please find attached submissions in opposition to Plan Change 57 on behalf of Balgowan Investments Limited (13 Factory Road, Brightwater).

The main thrust of these opposing submissions is that the flooding risks are identified as being either zero or “low” on a majority of the site. As such the change to a “Closed Zoning” is not considered to be justified. Likewise, the associated changes to the rules regulating subdivision and building are considered to be unreasonable and unnecessary. Inadequate consideration has been given to the use of minimum ground and floor levels, being a means of managing / mitigating flood risk impacts. In addition, the area of “high” flood risk generally follows the land associated with access to the subject site. Temporary flooding of the accessway is not considered to be a reason for the land to be rezoned or further development of the site to be limited.

The Plan Change is also inconsistent in the rezoning of land in terms of flood risks. New Rural 1 land is proposed to be rezoned for residential purposes despite the presence of *low to high* flood risks. That land is deemed *suitable* for residential purposes (deferred for servicing), with mitigation measures such as bunding and filling being mentioned in the s32 report. Light Industrial land does not have the same sensitivity as residential land and is more able to incorporate mitigation measures. Herein lies the inconsistency of the changes.

The submitters wish to be heard in support of these submissions.

Please contact me if you have any further queries.

Mark Lile
Landmark Life Limited
Resource Management Consultant

Sub	C57	TRMP: Brightwater Strategic Review
Chapter 6: Urban Environment Effects		
1	Policy 6.16.3.1 (1.2.1)	<p>Notified:</p> <p>Amend policies 6.16.3 as follows:</p> <p><u>To direct new residential development away from flood-prone lands avoid flood hazard risk when rezoning land to meet residential and business demand.</u></p> <hr/> <p>Submission: Oppose</p> <hr/> <p>Reasons: This change to Policy 6.13.3 does not recognise that “mitigation” is also a viable method in certain circumstances, especially when flood risks are low. “Avoidance” is not always necessary, reasonable, and so does not always achieve the purpose of the Act.</p> <p>Plan Change 57 has also applied this approach inconsistency. PC57 proposes to rezone some Rural 1 land to residential purposes, despite assessed low to high flood risks. As such, the changes proposed to Policy 6.13.3 are considered to be overly conservative when it comes to existing business land. This Plan Change does not achieve the sustainable management of this existing business land resource.</p> <p>Relief sought: that Policy 6.13.3^{6.16.3.1} needs to recognise that “mitigation”, in particular for business land, can address flooding risks.</p>
2	Policy 6.16.3.3 (1.2.1)	<p>Notified:</p> <p><u>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</u></p> <hr/> <p>Submission: Opposed</p> <hr/> <p>Reasons: For the same reasons outlined above, it is considered that flood risks can be mitigated/managed in certain circumstances. As such, when circumstances allow, or when flood risks are low, it is considered that flood risks can be managed.</p> <p>Relief Sought: that Policy 6.16.3.3 needs to recognise that “mitigation”, in particular for business land, can address flood risks.</p>
3	Regulatory 6.16.20.1(a) (1.3.1)	<p>Notified:</p> <p>Amend methods of implementation 6.16.20 as follows:</p> <p>6.16.20.1 Regulatory</p> <p><u>(a) Rules relating to Flood Hazard Special Area Rezoning land suitable for residential and business use following evaluation of development areas outlined in the Council's growth model.</u></p> <hr/> <p>Submission: Opposed</p>

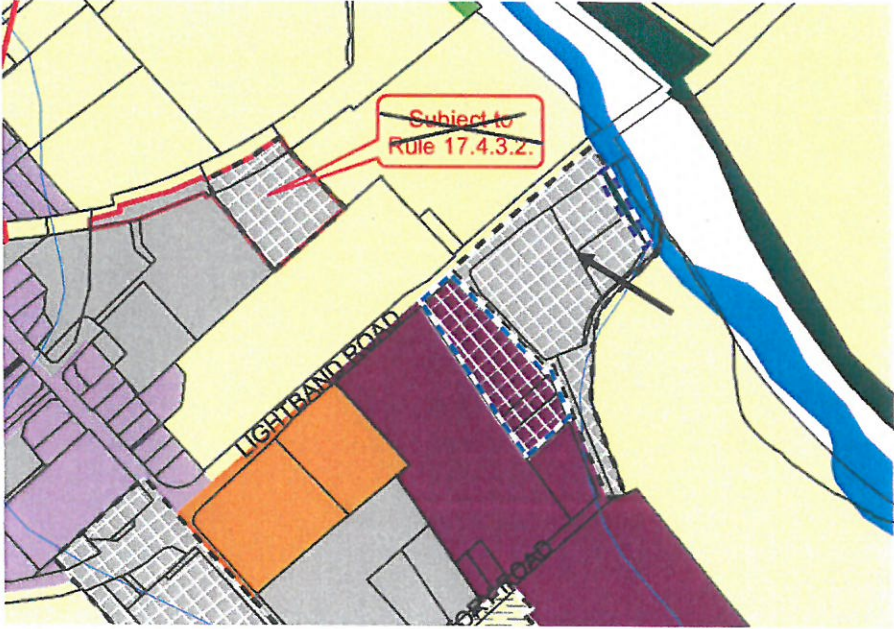
		<p>Reasons: As outlined above, PC57 has rezoned land with high flooding risks from Rural 1 to Residential, while also proposing to rezone existing industrial land with zero to low flood risks to "Closed". The appropriateness of these changes is questioned. This Plan Change does not achieve the sustainable management of this existing business land resource.</p> <p>Relief Sought: No change be made to 6.16.20.1(a).</p>
4	Regulatory 6.16.20.1(d) (1.3.1)	<p>Notified: <i>(d) Rules relating to Closed subdivision and coverage in industrial zones that are subject to flood hazard risk.</i></p> <p>Submission: Opposed</p> <p>Reasons: As outlined above, this new method is opposed as the subject land at 5, 11 and 15 Factory Road has generally zero to low flooding risks. This Plan Change does not achieve the sustainable management of this existing business land resource.</p> <p>Relief Sought: Delete 6.16.20.1(d)</p>
5	Principal reasons and explanation 6.16.30 (1.4.1)	<p>Notified: Amend Principal Reasons and Explanation 6.16.30 as follows: ... <i>...Some existing scattered industrial activities have the potential to create effects that are incompatible with residential neighbours. While existing use rights protect existing activities, it is intended to change the emphasis to activities more compatible with residential uses consolidate industrial activities south of State Highway 6 on an area of land adjoining River Terrace Road that has been identified as flood free. Flood hazard risk in the existing industrial zones is recognised by closing subdivision in parts of the zones most at risk.</i></p> <p>Submission: Opposed</p> <p>Reasons: As explained above, the level of regulation proposed does not match the level of assessed flooding risk. The risks are assessed as being zero to low on a majority of the site and hence the changes proposed are unreasonable. This Plan Change does not achieve the sustainable management of this existing business land resource.</p> <p>Relief Sought: Delete the change to 6.16.30.</p>
Section 16.3: Subdivision (Business and Industrial Zones)		
6	Rule 16.3.4.1 (2.1.1)	<p>Notified: Add a new condition (aa) to rule 16.3.4.1 Controlled Subdivision:</p> <p>16.3.4.1 Controlled Subdivision (Business and Industrial Zones) <i>Subdivision in the Central Business, Commercial, Mixed Business, Tourist Services, Rural Industrial, Heavy Industrial and Light Industrial zones is a controlled activity, if it complies with the following conditions:</i></p> <p>Location</p>

		<p><i>(aa) The subject land is not in the Light Industrial Closed Zone or Rural Industrial Closed Zone at Brightwater.</i></p>
		<p>Submission: Opposed</p>
		<p>Reasons: The rezoning of land at 5, 11 and 13 Factory Road to “Closed” is unjustified and unreasonable. The associated change to the status of subdivision on this site is therefore also considered to be unreasonable in these circumstances. Mitigation measures can quite simply be imposed as a part of any future subdivision application. This Plan Change does not achieve the sustainable management of this existing business land resource.</p>
	(6)	<p>Relief Sought: Delete this change to 16.3.4.1.</p>
7	<p>Rule 16.3.4.4A (2.1.2)</p>	<p>Notified:</p> <p>Add a new discretionary activity rule in Section 16.3.4:</p> <p><u>16.3.4.4A Discretionary Subdivision (Light Industrial Closed Zone, and Rural Industrial Closed Zone – Brightwater)</u></p> <p><i>Subdivision by means of the relocation or adjustment of an allotment boundary in the Light Industrial Closed Zone or Rural Industrial Closed Zone is a discretionary activity, if it complies with the following conditions:</i></p> <p><i>(a) The land being subdivided does not create any additional allotments on which a building can be built.</i></p> <p><i>(b) Following subdivision, existing buildings meet the relevant permitted conditions for wastewater, water supply and boundary setbacks, and there is adequate provision for stormwater.</i></p> <p><i>A resource consent is required. Consent may be refused or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.</i></p>
		<p>Submission: Opposed</p>
		<p>Reasons: The rezoning of land at 5, 11 and 13 Factory Road to “Closed” is unjustified and unreasonable. The associated change to the status of subdivision on this site is therefore also considered to be unreasonable in these circumstances. Mitigation measures can quite simply be imposed as a part of any future subdivision application. This Plan Change does not achieve the sustainable management of this existing business land resource.</p>
	(7)	<p>Relief Sought: Delete this change to 16.3.4.4A.</p>
8	<p>Rule 16.3.4.7 (2.1.3)</p>	<p>Notified:</p> <p>Add a new prohibited activity rule in Section 16.3.4:</p> <p><u>16.3.4.7 Prohibited Subdivision (Light Industrial Closed Zone and Rural Industrial Closed Zone – Brightwater)</u></p>

	<p>8</p>	<p><u>Except as provided for in rule 16.3.4.4A, subdivision in the Light Industrial Closed Zone or the Rural Industrial Closed Zone at Brightwater is a prohibited activity for which no resource consent will be granted.</u></p>
		<p>Submission: Opposed</p>
		<p>Reasons: The rezoning of land at 5, 11 and 13 Factory Road to "Closed" is unjustified and unreasonable. The associated change to the status of subdivision on this site is therefore also considered to be unreasonable in these circumstances. Mitigation measures can quite simply be imposed as a part of any future subdivision application.</p> <p>Relief Sought: Delete this change to 16.3.4.7.</p>

Section 17.4: Zone Rules (Industrial Zone Rules)		
9	Section 17.4.1 (3.1.1)	<p>Notified: Amend Scope of Section 17.4.1: <i>This section deals with land uses in the Heavy Industrial Zone and the Light Industrial Zone (including the Light Industrial Closed Zone). Rules apply to both each zone unless otherwise stated. Subdivisions are dealt with in Chapter 16.3. Information required with resource consent applications is detailed in Chapter 19.</i></p> <hr/> <p>Submission: Opposed</p> <hr/> <p>Reasons: The rezoning of the site to a "Closed Zone" has been opposed and so too is this associated change.</p> <p>Relief Sought: Delete change to 17.4.1.</p>
10	Rule 17.4.3.1 (3.1.2)	<p>Notified: Amend condition (a) of Permitted Activity rule 17.4.3.1 as follows: <i>Construction or alteration of a building is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:</i> <i>(a) The building is not in the <u>Light Industrial Closed Zone at Brightwater, on Part Section 2 of Waimea South District contained in CT 65/68 (Nelson Registry) or on those parts of Lots 4 and 5, DP18856 Waimea South District (see rule 17.3.3.2).</u></i></p> <hr/> <p>Submission: Opposed</p> <hr/> <p>Reasons: The rezoning of the site to a "Closed Zone" has been opposed and so too is this associated change. This Plan Change does not achieve the sustainable management of this existing business land resource.</p> <p>Relief Sought: Delete change to 17.4.1.</p>
11	Rule 17.4.3.1 (3.1.3)	<p>Notified: Amend Building Coverage condition (c) of rule 17.4.3.1 as follows: <i>(c) Maximum building coverage is 90 percent, except:</i> <i>(i) in the Light Industrial Zone in the Motueka West and Richmond West development areas (other than in the Light Industrial Zone location at Beach Road as shown on the planning maps) and at Mapua where the maximum building coverage is 75 percent;</i> <i>(ii) maximum building coverage in the Heavy Industrial Zone at Motueka West where the maximum building coverage is 75 percent;</i> <i>(iii) in the Light Industrial Zone at Brightwater where the maximum building coverage is 60 percent and the building is not located in a floodway.</i></p> <hr/> <p>Submission: Opposed</p> <hr/> <p>Reasons: The rezoning of the site to a "Closed Zone" has been opposed and so too is this associated change. There is no justified reason for the maximum building coverage to be limited below 90% when the flood risks</p>

		<p>are low and can be managed. This Plan Change does not achieve the sustainable management of this existing business land resource.</p> <p><u>Relief Sought:</u> Delete Change to 17.4.3.1(c)(iii).</p>
12	<p>Rule 17.4.3.2 (3.1.4)</p> <p><u>.12</u></p>	<p>Notified:</p> <p>Amend rule 17.4.3.2 as follows:</p> <p><u>17.4.3.2 Controlled Activities (Building Construction or Alteration - Site Specific Light Industrial Closed Zone)</u></p> <p><u>Any construction or alteration of a building in the Light Industrial Closed Zone at Brightwater on Part Section 2, Waimea South District, being the land contained in Certificate of Title 65/68 or on those parts of Lots 4 and 5 DP 18856, Waimea South District is a controlled activity, if it complies with the following conditions:</u></p> <p><u>(a) The maximum height of the a building on Part Section 2, Waimea South District, being the land contained in Certificate of Title 65/68 or on those parts of Lots 4 and 5 DP 18856, Waimea South District is 8 metres.</u></p> <p><u>(b) The maximum building coverage on each site is 15 percent (Light Industrial Closed Zone) and the building is not located in a floodway.</u></p> <p>Submission: Opposed</p> <p>Reasons: The rezoning of the site to a "Closed Zone" has been opposed and so too is this associated change. There is no justified reason for the maximum building coverage to be limited below 90% when the flood risks are low and can be managed. This Plan Change does not achieve the sustainable management of this existing business land resource.</p> <p><u>Relief Sought:</u> Delete Change to 17.4.3.2.</p>
13	<p>Matter 17.4.3.3 (3.1.6)</p> <p><u>.13</u></p>	<p>Notified:</p> <p>Amend matter (3) of 17.4.3.3 as follows:</p> <p><u>(3) The necessity for the increased building coverage in order to undertake the proposed activities on the site. Any increased flood hazard risk will be a consideration at Brightwater.</u></p> <p>Submission: Opposed</p> <p>Reasons: For the reasons given above, there is no good reason for this change.</p> <p>Relief Sought: Delete change.</p>

<p>14</p>	<p>Principal Reasons for Rules 17.4.20 (3.1.7)</p> <p style="text-align: center;">- 14</p>	<p>Notified:</p> <p>Amend the second paragraph of the 'Building Coverage' section in Principal Reasons for Rules 17.4.20 as follows:</p> <p><i>Coverage has been limited on a sites at the northern end of Spencer Place Brightwater because it that have either low-to-medium or medium-to-high flood hazard risk and are is located in on the floodplain of the Wairoa River at Brightwater and have been subject to periodic flooding. This A site <u>at the northern end of Spencer Place, Brightwater</u>, is also bisected by the main trunk wastewater line.</i></p> <p>Submission: Opposed</p> <p>Reasons: For the reasons outlined above, the limitation of maximum building coverage is not justified.</p> <p>Relief Sought: Delete change to 17.4.20</p>																
<p>Planning Maps</p>																		
<p>15</p>	<p>4.1.1</p>	<p>Notified:</p> <p>Amend Zone Maps 90 (Brightwater), 22 and 56 to show:</p> <ul style="list-style-type: none"> Light Industrial Close Zone between north side of Factory Road and SH6 (5, 11 and 13 Factory Road)  <p>Legend</p> <table border="0"> <tr> <td>- - - - - Delete Commercial. Rezone Residential Zone</td> <td>- - - - - Delete Rural 1. Rezone Open Space Zone</td> </tr> <tr> <td>- - - - - Delete Rural 1. Rezone Recreation Zone</td> <td>- - - - - Delete Light Industrial. Rezone Open Space Zone</td> </tr> <tr> <td>- - - - - Delete Rural 1. Rezone Rural 1 deferred Light Industrial Zone</td> <td>- - - - - Add Indicative Walkways</td> </tr> <tr> <td>- - - - - Delete Light Industrial Zone. Rezone Light Industrial Closed Zone</td> <td>- - - - - Add Indicative Roads</td> </tr> <tr> <td>- - - - - Delete Commercial. Rezone Open Space Zone</td> <td>- - - - - Delete Notation</td> </tr> <tr> <td>- - - - - Delete Rural 1. Rezone Rural 1 deferred Residential</td> <td></td> </tr> <tr> <td>- - - - - Delete Rural Industrial. Rezone Rural Industrial Closed Zone</td> <td></td> </tr> <tr> <td>- - - - - Delete Rural Industrial. Rezone Rural 1 Zone</td> <td></td> </tr> </table>	- - - - - Delete Commercial. Rezone Residential Zone	- - - - - Delete Rural 1. Rezone Open Space Zone	- - - - - Delete Rural 1. Rezone Recreation Zone	- - - - - Delete Light Industrial. Rezone Open Space Zone	- - - - - Delete Rural 1. Rezone Rural 1 deferred Light Industrial Zone	- - - - - Add Indicative Walkways	- - - - - Delete Light Industrial Zone. Rezone Light Industrial Closed Zone	- - - - - Add Indicative Roads	- - - - - Delete Commercial. Rezone Open Space Zone	- - - - - Delete Notation	- - - - - Delete Rural 1. Rezone Rural 1 deferred Residential		- - - - - Delete Rural Industrial. Rezone Rural Industrial Closed Zone		- - - - - Delete Rural Industrial. Rezone Rural 1 Zone	
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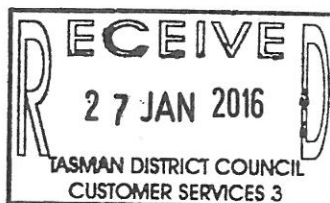
		Submission: Opposed
	(.15)	<p>Reasons: The flood risk assessment shows that the land at 5, 11 and 13 Factory Road is generally zero to low. It is only the access area that is the subject of 'high' flood risk. As such the rezoning of this land to a "Closed" zone is considered to be unreasonable and unnecessary. This Plan Change does not achieve the sustainable management of this existing business land resource.</p> <p>Relief Sought: Delete change to the Light Industrial Zone in areas where assessed flooding risks are low to medium.</p>
16	4.1.1	<p>Notified:</p> <p>Amend Zone Maps 90 (Brightwater), 22 and 56 to show:</p> <ul style="list-style-type: none"> Rural 1 Deferred Residential Zone on land south east of Snowdens Bush and between Wanders Avenue and Lord Rutherford Road.
		Submission: Opposed
	(.16)	<p>Reasons: Plan Change 57 seeks to <u>avoid</u> rezoning land for residential growth in areas that are the subject of flooding. The area of proposed Rural 1 Deferred Residential land to the west of Wanders Avenue is the subject of flooding and so rezoning would be inconsistent with the intent of the Plan Change. Likewise, part of the Rural 1 Deferred Residential Zone east of Snowdens Bush extends into an area of <i>extreme</i> flood risk. This is appropriate. Neither of these areas are suitable for residential development without mitigation or management of flooding risks but would also be inconsistent with the new Policy to avoid flood risks.</p> <p>Relief Sought: Either delete these zone changes or make amendments to the Plan Change (as set out above) to have regard to opportunities to manage flood risks in areas of low to medium risk as a part of achieving the purpose of the Act.</p>

26 January 2016



3975
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RESOURCE MANAGEMENT

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Dear Steve,

Plan Change 57: Brightwater Strategic Review
Submission – BTK Developments Limited

Please find attached submissions in opposition to Plan Change 57 on behalf of the BTK Developments Limited (11 Factory Road, Brightwater).

The main thrust of these opposing submissions is that the flooding risks are identified as being either zero or “low” on a majority of the site. As such the change to a “Closed Zoning” is not considered to be justified. Likewise, the associated changes to the rules regulating subdivision and building are considered to be unreasonable and unnecessary. Inadequate consideration has been given to the use of minimum ground and floor levels, being a means of managing / mitigating flood risk impacts. In addition, the area of “high” flood risk generally follows the land associated with access to the subject site. Temporary flooding of the accessway is not considered to be a reason for the land to be rezoned or further development of the site to be limited.

The Plan Change is also inconsistent in the rezoning of land in terms of flood risks. New Rural 1 land is proposed to be rezoned for residential purposes despite the presence of *low to high* flood risks. That land is deemed *suitable* for residential purposes (deferred for servicing), with mitigation measures such as bunding and filling being mentioned in the s32 report. Light Industrial land does not have the same sensitivity as residential land and is more able to incorporate mitigation measures. Herein lies the inconsistency of the changes.

BTK Developments Limited does wish to be heard in support of these submissions.


Please contact me if you have any further queries.

Mark Lile
Landmark Lile Limited
Resource Management Consultant

Sub	C57	TRMP: Brightwater Strategic Review
Chapter 6: Urban Environment Effects		
1	Policy 6.16.3.1 (1.2.1) <div style="text-align: center;">①</div>	<p>Notified:</p> <p>Amend policies 6.16.3 as follows:</p> <p>To direct new residential development away from flood prone lands avoid flood hazard risk when rezoning land to meet residential and business demand.</p> <hr/> <p>Submission: Oppose</p> <hr/> <p>Reasons: This change to Policy 6.13.3 does not recognise that “mitigation” is also a viable method in certain circumstances, especially when flood risks are low. “Avoidance” is not always necessary, reasonable, and so does not always achieve the purpose of the Act.</p> <p>Plan Change 57 has also applied this approach inconsistency. PC57 proposes to rezone some Rural 1 land to residential purposes, despite assessed low to high flood risks. As such, the changes proposed to Policy 6.13.3 are considered to be overly conservative when it comes to existing business land. This Plan Change does not achieve the sustainable management of this existing business land resource.</p> <p>Relief sought: that Policy 6.13.3 needs to recognise that “mitigation”, in particular for business land, can address flooding risks.</p>
2	Policy 6.16.3.3 (1.2.1) <div style="text-align: center;">②</div>	<p>Notified:</p> <p>To rationalise the provision of limit resubdivision and the extent of buildings on industrial land that is subject to flood hazard risk. so that the effects of industrial activities are minimised</p> <hr/> <p>Submission: Opposed</p> <hr/> <p>Reasons: For the same reasons outlined above, it is considered that flood risks can be mitigated/managed in certain circumstances. As such, when circumstances allow, or when flood risks are low, it is considered that flood risks can be managed.</p> <p>Relief Sought: that Policy 6.16.3.3 needs to recognise that “mitigation”, in particular for business land, can address flood risks.</p>
3	Regulatory 6.16.20.1(a) (1.3.1)	<p>Notified:</p> <p>Amend methods of implementation 6.16.20 as follows:</p> <p>6.16.20.1 Regulatory</p> <p>(a) Rules relating to Flood Hazard Special Area Rezoning land suitable for residential and business use following evaluation of development areas outlined in the Council’s growth model.</p> <hr/> <p>Submission: Opposed</p>

		<p>Reasons: As outlined above, PC57 has rezoned land with high flooding risks from Rural 1 to Residential, while also proposing to rezone existing industrial land with zero to low flood risks to "Closed". The appropriateness of these changes is questioned. This Plan Change does not achieve the sustainable management of this existing business land resource.</p> <p><u>Relief Sought:</u> No change be made to 6.16.20.1(a).</p>
	(3)	
4	Regulatory 6.16.20.1(d) (1.3.1)	<p>Notified: <i>(d) Rules relating to Closed subdivision and coverage in industrial zones that are subject to flood hazard risk.</i></p> <p>Submission: Opposed</p> <p>Reasons: As outlined above, this new method is opposed as the subject land at 5, 11 and 15 Factory Road has generally zero to low flooding risks. This Plan Change does not achieve the sustainable management of this existing business land resource.</p> <p><u>Relief Sought:</u> Delete 6.16.20.1(d)</p>
	(4)	
5	Principal reasons and explanation 6.16.30 (1.4.1)	<p>Notified: Amend Principal Reasons and Explanation 6.16.30 as follows: ... <i>...Some existing scattered industrial activities have the potential to create effects that are incompatible with residential neighbours. While existing use rights protect existing activities, it is intended to change the emphasis to activities more compatible with residential uses consolidate industrial activities south of State Highway 6 on an area of land adjoining River Terrace Road that has been identified as flood free. Flood hazard risk in the existing industrial zones is recognised by closing subdivision in parts of the zones most at risk.</i></p> <p>Submission: Opposed</p> <p>Reasons: As explained above, the level of regulation proposed does not match the level of assessed flooding risk. The risks are assessed as being zero to low on a majority of the site and hence the changes proposed are unreasonable. This Plan Change does not achieve the sustainable management of this existing business land resource.</p> <p><u>Relief Sought:</u> Delete the change to 6.16.30.</p>
	(5)	
Section 16.3: Subdivision (Business and Industrial Zones)		
6	Rule 16.3.4.1 (2.1.1)	<p>Notified: Add a new condition (aa) to rule 16.3.4.1 Controlled Subdivision:</p> <p>16.3.4.1 Controlled Subdivision (Business and Industrial Zones) <i>Subdivision in the Central Business, Commercial, Mixed Business, Tourist Services, Rural Industrial, Heavy Industrial and Light Industrial zones is a controlled activity, if it complies with the following conditions:</i></p> <p><u>Location</u></p>

		<p><i>(aa) The subject land is not in the Light Industrial Closed Zone or Rural Industrial Closed Zone at Brightwater.</i></p>
		<p>Submission: Opposed</p>
		<p>Reasons: The rezoning of land at 5, 11 and 13 Factory Road to “Closed” is unjustified and unreasonable. The associated change to the status of subdivision on this site is therefore also considered to be unreasonable in these circumstances. Mitigation measures can quite simply be imposed as a part of any future subdivision application. This Plan Change does not achieve the sustainable management of this existing business land resource.</p>
	(.6)	<p>Relief Sought: Delete this change to 16.3.4.1.</p>
7	<p>Rule 16.3.4.4A (2.1.2)</p>	<p>Notified:</p> <p>Add a new discretionary activity rule in Section 16.3.4:</p> <p><u>16.3.4.4A Discretionary Subdivision (Light Industrial Closed Zone, and Rural Industrial Closed Zone – Brightwater)</u></p> <p><u>Subdivision by means of the relocation or adjustment of an allotment boundary in the Light Industrial Closed Zone or Rural Industrial Closed Zone is a discretionary activity, if it complies with the following conditions:</u></p> <p><u>(a) The land being subdivided does not create any additional allotments on which a building can be built.</u></p> <p><u>(b) Following subdivision, existing buildings meet the relevant permitted conditions for wastewater, water supply and boundary setbacks, and there is adequate provision for stormwater.</u></p> <p><u>A resource consent is required. Consent may be refused or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.</u></p>
		<p>Submission: Opposed</p>
		<p>Reasons: The rezoning of land at 5, 11 and 13 Factory Road to “Closed” is unjustified and unreasonable. The associated change to the status of subdivision on this site is therefore also considered to be unreasonable in these circumstances. Mitigation measures can quite simply be imposed as a part of any future subdivision application. This Plan Change does not achieve the sustainable management of this existing business land resource.</p>
	(.7)	<p>Relief Sought: Delete this change to 16.3.4.4A.</p>
8	<p>Rule 16.3.4.7 (2.1.3)</p>	<p>Notified:</p> <p>Add a new prohibited activity rule in Section 16.3.4:</p> <p><u>16.3.4.7 Prohibited Subdivision (Light Industrial Closed Zone and Rural Industrial Closed Zone – Brightwater)</u></p>

		<p><u>Except as provided for in rule 16.3.4.4A, subdivision in the Light Industrial Closed Zone or the Rural Industrial Closed Zone at Brightwater is a prohibited activity for which no resource consent will be granted.</u></p>
		<p>Submission: Opposed</p>
		<p>Reasons: The rezoning of land at 5, 11 and 13 Factory Road to “Closed” is unjustified and unreasonable. The associated change to the status of subdivision on this site is therefore also considered to be unreasonable in these circumstances. Mitigation measures can quite simply be imposed as a part of any future subdivision application.</p> <p>Relief Sought: Delete this change to 16.3.4.7.</p>

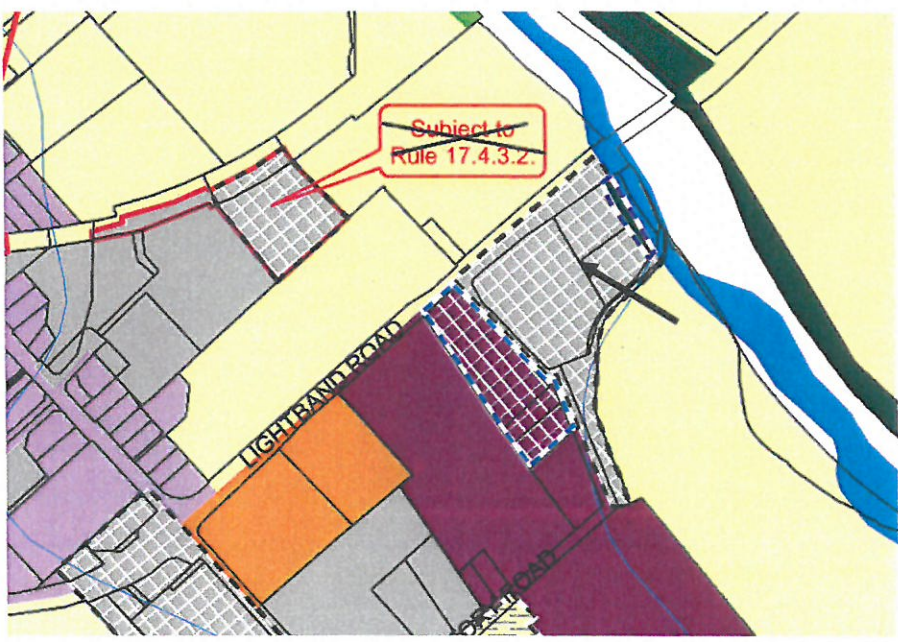
Section 17.4: Zone Rules (Industrial Zone Rules)		
9	Section 17.4.1 (3.1.1)	<p>Notified:</p> <p>Amend Scope of Section 17.4.1:</p> <p><i>This section deals with land uses in the Heavy Industrial Zone and the Light Industrial Zone (including the Light Industrial Closed Zone). Rules apply to both each zone unless otherwise stated. Subdivisions are dealt with in Chapter 16.3. Information required with resource consent applications is detailed in Chapter 19.</i></p> <p>Submission: Opposed</p> <p>Reasons: The rezoning of the site to a “Closed Zone” has been opposed and so too is this associated change.</p> <p>Relief Sought: Delete change to 17.4.1.</p>
	9	
10	Rule 17.4.3.1 (3.1.2)	<p>Notified:</p> <p>Amend condition (a) of Permitted Activity rule 17.4.3.1 as follows:</p> <p><i>Construction or alteration of a building is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:</i></p> <p><i>(a) The building is not in the <u>Light Industrial Closed Zone at Brightwater, on Part Section 2 of Waimea South District contained in CT 65/68 (Nelson Registry) or on those parts of Lots 4 and 5, DP18856 Waimea South District (see rule 17.3.3.2).</u></i></p> <p>Submission: Opposed</p> <p>Reasons: The rezoning of the site to a “Closed Zone” has been opposed and so too is this associated change. This Plan Change does not achieve the sustainable management of this existing business land resource.</p> <p>Relief Sought: Delete change to 17.4.1.</p>
	10	
11	Rule 17.4.3.1 (3.1.3)	<p>Notified:</p> <p>Amend Building Coverage condition (c) of rule 17.4.3.1 as follows:</p> <p><i>(c) Maximum building coverage is 90 percent, except:</i></p> <p><i>(i) in the Light Industrial Zone in the Motueka West and Richmond West development areas (other than in the Light Industrial Zone location at Beach Road as shown on the planning maps) and at Mapua where the maximum building coverage is 75 percent;</i></p> <p><i>(ii) maximum building coverage in the Heavy Industrial Zone at Motueka West where the maximum building coverage is 75 percent;</i></p> <p><i>(iii) in the Light Industrial Zone at Brightwater where the maximum building coverage is 60 percent and the building is not located in a floodway.</i></p> <p>Submission: Opposed</p> <p>Reasons: The rezoning of the site to a “Closed Zone” has been opposed and so too is this associated change. There is no justified reason for the maximum building coverage to be limited below 90% when the flood risks</p>

		<p>are low and can be managed. This Plan Change does not achieve the sustainable management of this existing business land resource.</p> <p><u>Relief Sought:</u> Delete Change to 17.4.3.1(c)(iii).</p>
12	<p>Rule 17.4.3.2 (3.1.4)</p> <p><u>.11</u></p>	<p>Notified:</p> <p>Amend rule 17.4.3.2 as follows:</p> <p><u>17.4.3.2 Controlled Activities (Building Construction or Alteration - Site Specific Light Industrial Closed Zone)</u></p> <p><i>Any construction or alteration of a building in the <u>Light Industrial Closed Zone at Brightwater on Part Section 2, Waimea South District, being the land contained in Certificate of Title 65/68 or on those parts of Lots 4 and 5 DP 18856, Waimea South District</u> is a controlled activity, if it complies with the following conditions:</i></p> <p><i>(a) The maximum height of the a building on Part Section 2, Waimea South District, being the land contained in Certificate of Title 65/68 or on those parts of Lots 4 and 5 DP 18856, Waimea South District is 8 metres.</i></p> <p><i>(b) The maximum building coverage on each site is 15 percent (<u>Light Industrial Closed Zone</u>) and the building is not located in a floodway.</i></p> <hr/> <p>Submission: Opposed</p> <hr/> <p>Reasons: The rezoning of the site to a "Closed Zone" has been opposed and so too is this associated change. There is no justified reason for the maximum building coverage to be limited below 90% when the flood risks are low and can be managed. This Plan Change does not achieve the sustainable management of this existing business land resource.</p> <p><u>Relief Sought:</u> Delete Change to 17.4.3.2.</p> <p><u>.12</u></p>
13	<p>Matter 17.4.3.3 (3.1.6)</p> <p><u>.13</u></p>	<p>Notified:</p> <p>Amend matter (3) of 17.4.3.3 as follows:</p> <p><i>(3) The necessity for the increased building coverage in order to undertake the proposed activities on the site. <u>Any increased flood hazard risk will be a consideration at Brightwater.</u></i></p> <hr/> <p>Submission: Opposed</p> <hr/> <p>Reasons: For the reasons given above, there is no good reason for this change.</p> <p>Relief Sought: Delete change.</p>

<p>14</p>	<p>Principal Reasons for Rules 17.4.20 (3.1.7)</p>	<p>Notified: Amend the second paragraph of the 'Building Coverage' section in Principal Reasons for Rules 17.4.20 as follows: <i>Coverage has been limited on a sites at the northern end of Spencer Place Brightwater because it that have either low-to-medium or medium-to-high flood hazard risk and are is located in on the floodplain of the Wairoa River at Brightwater and have been subject to periodic flooding. This A site at the northern end of Spencer Place, Brightwater, is also bisected by the main trunk wastewater line.</i></p> <p>Submission: Opposed</p> <p>Reasons: For the reasons outlined above, the limitation of maximum building coverage is not justified.</p> <p>Relief Sought: Delete change to 17.4.20</p>
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-14

Planning Maps

<p>15</p>	<p>4.1.1</p>	<p>Notified: Amend Zone Maps 90 (Brightwater), 22 and 56 to show:</p> <ul style="list-style-type: none"> Light Industrial Close Zone between north side of Factory Road and SH6 (5, 11 and 13 Factory Road)  <p>Legend</p> <table border="0"> <tr> <td>- - - - - Delete Commercial. Rezone Residential Zone</td> <td>- - - - - Delete Rural 1. Rezone Open Space Zone</td> </tr> <tr> <td>- - - - - Delete Rural 1. Rezone Recreation Zone</td> <td>- - - - - Delete Light Industrial. Rezone Open Space Zone</td> </tr> <tr> <td>- - - - - Delete Rural 1. Rezone Rural 1 deferred Light Industrial Zone</td> <td>- - - - - Add Indicative Walkways</td> </tr> <tr> <td>- - - - - Delete Light Industrial Zone. Rezone Light Industrial Closed Zone</td> <td>- - - - - Add Indicative Roads</td> </tr> <tr> <td>- - - - - Delete Commercial. Rezone Open Space Zone</td> <td>- - - - - Delete Notation</td> </tr> <tr> <td>- - - - - Delete Rural 1. Rezone Rural 1 deferred Residential</td> <td></td> </tr> <tr> <td>- - - - - Delete Rural Industrial. Rezone Rural Industrial Closed Zone</td> <td></td> </tr> <tr> <td>- - - - - Delete Rural Industrial. Rezone Rural 1 Zone</td> <td></td> </tr> </table>	- - - - - Delete Commercial. Rezone Residential Zone	- - - - - Delete Rural 1. Rezone Open Space Zone	- - - - - Delete Rural 1. Rezone Recreation Zone	- - - - - Delete Light Industrial. Rezone Open Space Zone	- - - - - Delete Rural 1. Rezone Rural 1 deferred Light Industrial Zone	- - - - - Add Indicative Walkways	- - - - - Delete Light Industrial Zone. Rezone Light Industrial Closed Zone	- - - - - Add Indicative Roads	- - - - - Delete Commercial. Rezone Open Space Zone	- - - - - Delete Notation	- - - - - Delete Rural 1. Rezone Rural 1 deferred Residential		- - - - - Delete Rural Industrial. Rezone Rural Industrial Closed Zone		- - - - - Delete Rural Industrial. Rezone Rural 1 Zone	
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- - - - - Delete Rural 1. Rezone Recreation Zone	- - - - - Delete Light Industrial. Rezone Open Space Zone																	
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- - - - - Delete Rural 1. Rezone Rural 1 deferred Residential																		
- - - - - Delete Rural Industrial. Rezone Rural Industrial Closed Zone																		
- - - - - Delete Rural Industrial. Rezone Rural 1 Zone																		

		Submission: Opposed
	(.15)	<p>Reasons: The flood risk assessment shows that the land at 5, 11 and 13 Factory Road is generally zero to low. It is only the access area that is the subject of 'high' flood risk. As such the rezoning of this land to a "Closed" zone is considered to be unreasonable and unnecessary. This Plan Change does not achieve the sustainable management of this existing business land resource.</p> <p>Relief Sought: Delete change to the Light Industrial Zone in areas where assessed flooding risks are low to medium.</p>
16	4.1.1	<p>Notified:</p> <p>Amend Zone Maps 90 (Brightwater), 22 and 56 to show:</p> <ul style="list-style-type: none"> Rural 1 Deferred Residential Zone on land south east of Snowdens Bush and between Wanders Avenue and Lord Rutherford Road.
		Submission: Opposed
	(.16)	<p>Reasons: Plan Change 57 seeks to <u>avoid</u> rezoning land for residential growth in areas that are the subject of flooding. The area of proposed Rural 1 Deferred Residential land to the west of Wanders Avenue is the subject of flooding and so rezoning would be inconsistent with the intent of the Plan Change. Likewise, part of the Rural 1 Deferred Residential Zone east of Snowdens Bush extends into an area of <i>extreme</i> flood risk. This is appropriate. Neither of these areas are suitable for residential development without mitigation or management of flooding risks but would also be inconsistent with the new Policy to avoid flood risks.</p> <p>Relief Sought: Either delete these zone changes or make amendments to the Plan Change (as set out above) to have regard to opportunities to manage flood risks in areas of low to medium risk as a part of achieving the purpose of the Act.</p>