

PC 57: Brightwater Strategic Review

Schedule of TRMP Amendments – Tracked Change version

(post SER distribution to submitters; to be tabled at hearing by Reporting Officer on 2/06/17)

The Tasman Resource Management Plan is proposed to be amended in accordance with the following schedule:

NOTE:

- *Italics* denotes TRMP text whether existing or proposed.
- Underlining denotes proposed new text inserted or text amended (unless otherwise indicated).
- Strikethrough denotes text deleted (unless otherwise indicated).
- Blue Underlining denotes text inserted following submissions and further submissions and as set out in the Staff Assessment Reports.
- ~~Blue strikethrough~~ denotes text deleted following submissions and further submissions and as set out in the Staff Assessment Reports.
- Yellow highlighting denotes text changes following circulation of Staff Assessment Reports to submitters, to be proposed at the hearing. Comments inserted for explanation of amendments.

1. Chapter 6: Urban Environment Effects

1.1 6.16.1: Issues

1.1.1 Amend issues 6.16.1 as follows:

Brightwater has continued to develop quite rapidly, with the creation of many smaller residential allotments, since reticulated sewerage was provided in 1988. Brightwater, one of the earliest European settlements on the Waimea Plains, is projected to have a population of 2412 by 2039, and has experienced significant employment growth in recent years. The ~~major~~ current issues are:

6.16.1.1 Recognition of flood hazard risk on the low-lying land ~~adjacent to~~ in the vicinity of the Wairoa and Wai-iti rivers and the Pitfure and Mt Heslington streams.

6.16.1.2 The need to ~~limit~~ manage urban expansion on land of high productive value.

6.16.1.3 Adverse amenity effects from the dispersed pattern of industrial activities in Brightwater and the need to ensure separation and management of effects.

6.16.1.4 ~~Adequate recreational open space and walkways.~~ Providing recreation and community facilities in response to demand projections, existing supply and Council's priorities across the district.

6.16.1.5 Improved connectivity between the residential area and the school.

6.16.1.6 Protection of Brightwater's heritage values and enhanced urban design of Ellis Street and adjoining open space.

1.2 6.16.3: Policies

1.2.1 Amend policies 6.16.3 as follows:

- ~~6.16.3.1 To direct new residential development away from flood prone lands avoid flood hazards when rezoning land to meet residential and business demand.~~
- 6.16.3.2 To ~~avoid, remedy or mitigate~~ manage the effects of the expansion of Brightwater on land of high productive value by providing for ~~additional rural residential land at Wakefield and elsewhere and a possible future residential area~~ future residential areas south east of Snowdens Bush and between Wanderers Avenue and Lord Rutherford Road and further lots on Watertank Hill.
- 6.16.3.3 ~~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.~~
- 6.16.3.3A To manage the effects of flood hazards on subdivision and development of industrial land in Brightwater, so as to avoid significant risks on the site, or beyond the site.
- 6.16.3.4 ~~To ensure suitable land and infrastructure is available in Brightwater for residential and business use, and active and passive recreation. provide a site for future playing fields.~~
- 6.16.3.5 To develop access to and along the Wairoa River between the former railway reserve and Bryant ~~Road Lane.~~
- 6.16.3.6 To facilitate additional access from the residential area to the Brightwater school.
- 6.16.3.7 To support landscape and streetscape initiatives and the retention of heritage buildings and trees that contribute to the character and amenity of Brightwater.

[Note consequential new policy numbering will be required]

1.3 6.16.20: Methods of Implementation

1.3.1 Amend methods of implementation 6.16.20 as follows:

6.16.20.1 Regulatory

- (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.~~
- (b) Zoning Rural Residential land at Wakefield and on foothills rather than Brightwater.
- (c) Rules requiring setbacks and noise standards for industrial activities to manage cross-boundary effects on residential land adjoining industrial zones.
- (d) Rules relating to ~~Closed~~ subdivision and building coverage in industrial zones that are subject to flood hazards risk.

6.16.20.2 Monitoring

- (a) Monitoring of noise and other industrial effects

6.16.20.3 Works and Services

- (a) Acquisition and development of land for recreation, ~~reserve and riparian~~ ~~walkways open space and cycle/walkways.~~
- (b) Heritage grants for owners for approved work on listed heritage buildings.
- (c) Streetscape works in Ellis Street.

1.4 6.16.30: Principal Reasons and Explanation

1.4.1 Amend Principal Reasons and Explanation 6.16.30 as follows:

~~Flooding from the Pitfure and Mt Heslington Streams and the Wairoa and Wai-iti rivers is a limiting factor which constrains future growth at Brightwater. All Much of the land on the north, west and east sides of Brightwater is subject-prone to flooding. In the vicinity of Close to the Pitfure Stream at the north-western end of the township, it is proposed that the flood-prone land be retained has value for rural or recreational purposes. Walking and cycling on the Great Taste Cycle Trail are popular activities along the banks of the Wairoa River. The Brightwater Bypass provides an edge on the south side of the town. Additional land for playing fields is sought and a new site northeast of Lord Rutherford Road North will be developed, which avoids residents having to cross the Brightwater Bypass—a proposal in the previous district plan.~~

~~There is a modest increase in the amount of urban land provided at Brightwater compared with the previous Plan. There has been a rearrangement of the location of new residential land so that some is located south east of Snowdens Bush northwest of the Brightwater Bypass and an area is being investigated on Watertank Hill. The latter site will require traffic issues, including safe access across from the Brightwater Bypass to be addressed, that takes into account the results of the Council's 2013 flood hazard mapping project.~~

~~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 controlling the location and extent of development, and closing subdivision in specified sites in parts of the zones most at risk.~~

~~Some business zoned land in Charlotte Lane that has been developed for housing has been rezoned to recognise its current use that.~~

~~There has been little demand for resource processing zone adjoining River Terrace Road so some of this land is proposed for light industry. Compatibility with the adjoining dairy factory will be an important factor and all new activities will be discretionary to take this into account.~~

~~New playing fields are required have been developed at Lord Rutherford Park to accommodate the needs of organised sport in Brightwater and the adjoining rural area. The relatively young population of Brightwater contrasts with some of the other townships of the district. Access to and alongside the nearby Wai-iti and Wairoa rivers~~

provides for active and passive recreation. Several indicative walkways and a reserve extension will integrate new residential developments with the existing residential area, the school, Snowdens Bush and the Lord Rutherford Memorial Reserve.

2. Chapter 16: General Rules

2.1 Section 16.3.4: Business and Industrial Zones

2.1.1 Add a new condition (aa) to rule 16.3.4.1 Controlled Subdivision:

16.3.4.1 Controlled Subdivision (Business and Industrial Zones)

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:

Location

(ab) The subject land is not in the Light Industrial ~~Closed~~ Zone or Rural Industrial ~~Closed~~ Zone at Brightwater at specified sites (as shown on the planning maps)

2.1.2 Add a new restricted discretionary activity rule in Section 16.3.4:

16.3.4.3A Restricted Discretionary Subdivision (Industrial Zones – Specified sites at Brightwater (refer to Planning Map 90))

Subdivision in the Rural Industrial and Light Industrial zones in specified sites in Brightwater is a restricted discretionary activity, where the subdivision complies with controlled activity standards 16.3.4.1 (b), (c),(d),(l), (o), (p), (zc –ze).

***A resource consent is required.** Consent may be refused or conditions imposed, only in respect of the controlled activity standards 16.3.4.1 (b), (c),(d),(l), (o), (p), (zc –ze) and following matters to which the Council has reserved its control under Rule 16.3.4.3:*

- (1) *(a) Protection for flood flow paths during at least a 1% AEP event;*
(b) the effects of a 1% AEP flood event are mitigated so that any identified building location is not subject to inundation, and
(c) the effects of any proposed mitigation on other properties

16.3.4.4A Discretionary Subdivision (Light Industrial Closed Zone, and Rural Industrial Closed Zone – Brightwater)

Subdivision by means of the relocation or adjustment of an allotment boundary in the Light Industrial Closed Zone or Rural Industrial Closed Zone in the specified sites is a discretionary activity, where the matters of discretion are restricted to the following matters:

- (a) *The land being subdivided does not create any additional allotments building; or*

***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.*

Commented [MD1]: Note SER 618 included a new condition (na) under Topic 16.3.4. This was a drafting error and should not be included in this section.

Commented [MD2]: This reference to 16.3.4.3 was incorrect.

Amended text inserted to clarify the matters of discretion include the same matters that would have been looked at as a Controlled Activity – i.e. more than just flooding for subdivision in a Specified site.

2.1.3 **Add a new prohibited activity rule in Section 16.3.4:**

16.3.4.7 — Prohibited Subdivision (Light Industrial Closed Zone and Rural Industrial Closed Zone — Brightwater)

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.

2.2 Schedule 16.13B: Protected Trees

Amend Schedule 16.13B for Waimea Moutere Ward item to read:

T534	B	Cedrus deodara (6)	31 Factory Road Brightwater	1939029400	90
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3. Chapter 17: Zone Rules

3.1 Section 17.4: Industrial Zone Rules

17.4.1: Scope of Section

3.1.1 Amend Scope of Section 17.4.1:

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.

17.4.3.1: Permitted Activities (Building Construction or Alteration)

3.1.2 Amend condition (a) of Permitted Activity rule 17.4.3.1 as follows:

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:

- (a) *The building is not on any of the Specified Sites in the Light Industrial Closed Zone at Brightwater (as shown on the planning maps). ~~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).~~*

3.1.3 Amend Building Coverage condition (c) of rule 17.4.3.1 as follows:

- (c) *Maximum building coverage is 90 percent, except:*
- (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;*
 - (ii) ~~*maximum building coverage in the Heavy Industrial Zone at Motueka West where the maximum building coverage is 75 percent;*~~
 - (iii) *in the Light Industrial Zone at Brightwater where the maximum building coverage is 60 percent; and is not in a flood flow path;*

Commented [MD3]: Inadvertently, compliance by 'specified sites' with this rule (as set out in SER618), meant the activity could not be a Restricted Discretionary Activity under 17.4.3.3A – and thereby defeating the purpose of that rule. Recommendation to separate coverage from flow path requirements.

Option to insert flow path requirement as separate condition or delete due to lack of certainty for permitted activity status. Recommend deletion.

17.4.3.2: Controlled Activities (Building Construction or Alteration – Site Specific)

3.1.4 Amend rule 17.4.3.2 as follows:

17.4.3.2 Controlled Activities (Building Construction or Alteration - Light Industrial Closed Zone at Brightwater, specified sites)

Any construction or alteration of a building in the Light Industrial Closed Zone at Brightwater For the area of the Light Industrial zone in Brightwater contained within 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 any construction or alteration of a building is a controlled activity, if it complies with the following conditions:

- (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; and
- (b) Does not extend building coverage on the site. The maximum building coverage on each site is 15 percent (Light Industrial Closed Zone) and the building is not located in a floodway.

3.1.5 Amend matter (2) of rule 17.4.3.2 as follows:

- (1) The location and size of building.
- (2) The location of mounding, ~~and~~ landscaping, ponding areas and flood flow paths.

17.4.3.3A Restricted Discretionary Activities (Building Construction or Alteration)- Specified Sites in Brightwater

3.1.6 Construction or alteration of a building that either (i) creates a new footprint or extends the footprint of a building in the Light Industrial zone in specified sites in Brightwater (as shown on the planning maps) that complies with permitted activity standards 17.4.3.1 (c iii) (d),(f)-(u), or (ii) does not comply with Controlled Activity condition 17.4.3.2 (b) is a restricted discretionary activity.

Commented [MD4]: Clarification that this rule applies to new buildings.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matter to which the Council has restricted its discretion:

- 1. (a) Protection for flood flow paths during at least a 1% AEP flood event;
(b) the effects of a 1% AEP flood event are mitigated so that any identified the building location is not subject to inundation, and
(c)The effects any proposed development has on the flood hazard within the site and beyond the site boundaries.

Commented [MD5]: Inundation of the building is the key matter of concern, not building location. Appropriate to only refer to building as this rule is only triggered at the time an application is made for a building or alteration that extends the foot print of an existing building.

This approach allows for variety of designs, including pile foundations that may allow flow path to be protected.

Amend 17.4.3.3 Restricted Discretionary Activities (Building Construction or Alteration) as follows:

Construction or alteration of a building that does not comply with the conditions of rules 17.4.3.1, 17.4.3.2(a), or 17.4.3.3A is a restricted discretionary activity. ...

Amend matter (3) of 17.4.3.3 as follows:

(3) *The necessity for the increased building coverage in order to undertake the proposed activities on the site. Any increased flood hazard or flood hazard risk will be a consideration at Brightwater, including:*

(a) Protection for flood flow paths during at least a 1% AEP flood event;

(b) the effects of a 1% AEP flood event are mitigated so that any identified the building location is not subject to inundation, and

(c) The effects any proposed development has on the flood hazard within the site and beyond the site boundaries.

Commented [MD6]: As above

17.4.20: Principal Reasons for Rules

3.1.7 Amend the second paragraph of the 'Building Coverage' section in Principal Reasons for Rules 17.4.20 as follows:

In Brightwater, a flexible approach to building coverage has been introduced in 2017 to enable site-by-site design for avoidance or mitigation of flood hazards from a 1% Annual Exceedance Probability flood event. The 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, and 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.

Commented [MD7]: Amended to be consistent with terminology and reduce confusion.

3.2 Section 17.12: Rural Industrial Zone Rules

3.2.1 Amend Scope of Section 17.12.1:

This section deals with land uses in the Rural Industrial Zone including specified sites in this zone at Brightwater and the Rural Industrial Closed Zones. Subdivisions are dealt with in Chapter 16.3. Information required with resource consent applications is detailed in Chapter 19.

3.2.3 Amend permitted activities condition 17.12.2.1(f) 'Stockpiles, Lighting, Cladding':

(f) The best practical option must be applied at all times to manage open areas of land and stockpiles in a way that avoids or minimises the creation of dust and other airborne contaminants and that does not increase flood hazard risks.

3.2.4 Amend permitted activities condition 17.12.2.1(n) 'Buildings':

(n) The maximum building coverage is 75 percent and the building is not located in a flood flow path it is 15 percent.

(na) The building to be constructed or altered does not create a new building footprint or extend the footprint of existing buildings on Specified Sites in Brightwater (as shown on the planning maps).

Commented [MD8]: Same as Light Industrial zone rule amendments.

Also, the amended text in SER 618 meant this rule inadvertently caught non-Brightwater properties as well.

Commented [MD9]: (na) inserted to clarify that non-compliance with this condition is the matter that 'trips' the activity to RDA status; and so that the specified sites are not caught twice under rule 17.12.2.3A.

3.2.5 Insert Restricted Discretionary activity 17.12.2.3A

Construction or alteration of a building that does not comply with permitted activity condition 17.12.2.1 (no) is a restricted discretionary activity where the building construction or alteration complies with 17.12.2.1 (e)- (i), (n) (o), (p), and (u).

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matter to which the Council has restricted its discretion:

1. (a) Protection for flood flow paths during at least a 1% AEP flood event;
(b) the effects of a 1% AEP flood event are mitigated so the that any identified building location is not subject to inundation, and
(c)The effects any proposed development has on the flood hazard within the site and beyond the site boundaries.

3.2.6 Consequentially, insert Discretionary activity status for 17.12.2.4, where an activity cannot comply with 17.12.2.3A, as follows:

Any land use that does not comply with the conditions of rule 17.12.2.1, 17.12.2.2, 17.12.2.3 or 17.12.2.3A is a Discretionary Activity.

3.2.7 Amend Principal Reasons for Rules 17.12.20 by adding after the final paragraph:

Stockpiles of loose material and extensive building construction have the potential to exacerbate the impacts of flooding in areas of flood hazard risks, such as in parts of Brightwater.

3.3 Schedule 17.14A: Deferred Zone Locations

3.3.1 Add to Schedule 17.14A as follows:

Location of area	Effective Zone until removal of deferral	Reason for deferral	Date of resolution for removal of deferral	Where services proposed by developer legal description of part removed	Effective zone after removal of deferral
<u>Brightwater (South east of Snowdens Bush)</u>	<u>Rural 1</u>	<u>Reticulated water supply, stormwater, wastewater and transport (Ellis St intersection)</u>			<u>Residential</u>
<u>Brightwater (between Wanderers</u>	<u>Rural 1</u>	<u>Reticulated water supply</u>			<u>Residential</u>

<u>Avenue & Lord Rutherford Road)</u>		<u>and stormwater</u>			
<u>Brightwater (East of River Terrace Road)</u>	<u>Rural 1</u>	<u>Reticulated water supply</u>			<u>Light Industrial</u>

4. Planning Maps

4.1.1 Amend Zone Maps 90 (Brightwater), 22 and 56 to show:

- Extension of Recreation Zone on Lord Rutherford Park
- Extension of Lord Rutherford Memorial Open Space Zone
- Open Space Zone on Village Green, Ellis St
- Residential Zone on 5-9 Charlotte Lane
- Rural 1 Deferred Residential Zone on land south east of Snowdens Bush and between Wanderers Avenue and Lord Rutherford Road
- Rural 1 Deferred Light Industrial Zone on 49, 55 River Terrace Road; 61 Factory Road
- ~~Light Industrial Closed Zone on rear of Brightwater Engineering site and removal of notations~~
- ~~Light Industrial Closed Zone between north side of Factory Road and SH6 (5, 11 and 13 Factory Road)~~
- ~~Light Industrial Closed Zone on 16 River Terrace Road; 128 Ellis Street~~
- Rural 1 Zone at southern end of Rural Industrial Zone
- ~~Rural Industrial Closed Zone on 57 River Terrace Road; 20 Factory Road~~
- Add site specific notations for those properties no longer shown as 'Light or Rural Industrial Closed zones' relating to rules 16.3.4.4A (subdivision, 17.4.3.3, and 17.12.2.1 (see attached map).
- Extend the Specified Sites in Spencer Place to include Lot 5 DP 18856

4.1.2 Amend Area Maps 90 (Brightwater), 22 and 56 to show:

- New indicative walkways (excluding walkway from Katania Heights)
- New indicative roads (including amended location for the indicative road entrance at Lord Rutherford Road)
- New indicative walkway from Lord Rutherford Memorial to the indicative road within the Lord Rutherford Road/Wanderers Ave deferred residential zone, and associated extension of the proposed reserve area.