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## Change 57: Industrial Land and Risk of Flood Hazard

## Decisions and Reasons

**Final Decision 618.1**

C57.87.1 <i>Disallow</i>	Brightwater Engineering FC57.806.2	Allow
C57.87.2 <i>Allow</i>	Brightwater Engineering FC57.806.3	Disallow
C57.1212.1	Tasman District Council	Allow In Part
C57.3886.2	Fonterra Co-Operative Group Ltd	Allow
C57.3886.3	Fonterra Co-Operative Group Ltd	Allow
C57.3886.4	Fonterra Co-Operative Group Ltd	Allow
C57.3886.6	Fonterra Co-Operative Group Ltd	Allow In Part
C57.3886.7	Fonterra Co-Operative Group Ltd	Allow In Part
C57.3886.8	Fonterra Co-Operative Group Ltd	Allow
C57.3886.11	Fonterra Co-Operative Group Ltd	Disallow
C57.3886.12	Fonterra Co-Operative Group Ltd	Allow
C57.3886.13	Fonterra Co-Operative Group Ltd	Disallow
C57.3886.14	Fonterra Co-Operative Group Ltd	Disallow
C57.3886.15	Fonterra Co-Operative Group Ltd	Disallow
C57.3973.4	Balgowan Investments Ltd	Allow In Part
C57.3973.5	Balgowan Investments Ltd	Allow In Part
C57.3973.6	Balgowan Investments Ltd	Allow In Part
C57.3973.7	Balgowan Investments Ltd	Allow In Part
C57.3973.8	Balgowan Investments Ltd	Allow
C57.3973.9	Balgowan Investments Ltd	Allow
C57.3973.10	Balgowan Investments Ltd	Disallow
C57.3973.11	Balgowan Investments Ltd	Disallow
C57.3973.12	Balgowan Investments Ltd	Allow In Part
C57.3973.13	Balgowan Investments Ltd	Disallow
C57.3973.15 <i>Disallow</i>	Balgowan Investments Ltd FC57.806.1	Allow
C57.3975.4	BTK Developments Ltd	Allow In Part
C57.3975.5	BTK Developments Ltd	Allow In Part
C57.3975.6	BTK Developments Ltd	Allow In Part
C57.3975.7	BTK Developments Ltd	Allow In Part
C57.3975.8	BTK Developments Ltd	Allow
C57.3975.9	BTK Developments Ltd	Allow
C57.3975.10	BTK Developments Ltd	Disallow
C57.3975.11	BTK Developments Ltd	Disallow
C57.3975.12	BTK Developments Ltd	Allow In Part
C57.3975.13	BTK Developments Ltd	Disallow
C57.3975.15 <i>Disallow</i>	BTK Developments Ltd FC57.806.4	Allow
C57.3977.4	Coutts, R J Family Trust	Allow In Part
C57.3977.5	Coutts, R J Family Trust	Allow In Part
C57.3977.6	Coutts, R J Family Trust	Allow In Part
C57.3977.7	Coutts, R J Family Trust	Allow In Part
C57.3977.8	Coutts, R J Family Trust	Allow
C57.3977.9	Coutts, R J Family Trust	Allow
C57.3977.10	Coutts, R J Family Trust	Disallow
C57.3977.11	Coutts, R J Family Trust	Disallow
C57.3977.12	Coutts, R J Family Trust	Allow In Part

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C57.3977.13	Coutts, R J Family Trust	Disallow
C57.3977.15	Coutts, R J Family Trust	Allow
<i>Disallow</i>	FC57.806.5	
C57.3980.1	McDonald, Malcolm	Disallow

**Plan Amendments****Topic : 6.16.1**

No Plan amendments to Issue 6.16.1.

**Topic : 6.16.3**

Add new policy 6.16.3.3A:

"To manage subdivision and development of industrial land in Brightwater to avoid significant risks on the site or beyond the site."

**Topic : 6.16.3.3**

Retain operative policy in its original form:

"To rationalise the provision of industrial land so that the effects of industrial activities are minimised."

**Topic : 6.16.3.1**

Delete proposed and operative policy 6.16.3.1.

**Topic : 6.16.20.1**

Amend method (d) by referring to "building coverage", deleting the word "Closed" before "subdivision" and amending "flood hazard risk" so it reads:

"Rules relating to subdivision and building coverage in industrial zones that are subject to flood hazards."

**Topic : 6.16.30**

Amend the third paragraph of Principal Reasons and Explanation to:

"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 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 industrial zones is recognised by controlling the location and extent of development and subdivision in specified sites in 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."

**Topic : 16.3.4**

Add a new rule:

"16.3.4.3A Restricted Discretionary Subdivision (Industrial Zones – Specified sites at Brightwater)□

Subdivision in the Rural Industrial and Light Industrial zones in specified sites in Brightwater (as shown on the planning maps) is a restricted discretionary activity, where the subdivision complies with controlled activity conditions 16.3.4.1(b), (c),(d), (l), (o), (p), (zc), (zd) and (ze).

A resource consent is required. Consent may be refused or conditions imposed, only in respect of controlled activity conditions 16.3.4.1 (b), (c), (d), (l), (o), (p), (zc), (zd) and (ze) and the following matters:

(1) (a) Protection for flood flow paths during a 1 percent Annual Exceedance Probability flood event.

(b) The effects of a 1 percent Annual Exceedance Probability flood event are mitigated so that any identified building location is not subject to inundation.

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

**Topic : 16.3.4.1**

Amend second proposed condition 16.3.4.1(aa) to:

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

**Topic : 16.3.4.4A**

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Delete proposed Discretionary Subdivision rule 16.3.4.4A.

**Topic : 16.3.4.7**

Delete proposed Prohibited activity rule 16.3.4.7.

**Topic : 17.4.1**

Amend Scope of Section 17.4.1 by deleting the words "(including the Light Industrial Closed Zone)" so as to retain the Operative version.

**Topic : 17.4.3**

Insert new rule as follows:

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

Construction or alteration of a building that either:

(a) 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 conditions

17.4.3.1(c)(iii), (d), (f) to (u), or

(b) does not comply with Controlled Activity condition 17.4.3.2 (b),  
is a restricted discretionary activity.

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 a 1 percent Annual Exceedance Probability flood event;

(b) the effects of a 1 percent Annual Exceedance Probability flood event are mitigated so the building 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."

**Topic : 17.4.3.1**

1. Amend condition (a) of Permitted activity rule 17.4.3.1 to:  
"The building is not on any of the Specified Sites in the Light Industrial Zone at Brightwater (as shown on the planning maps)."
2. Amend proposed building coverage condition 17.4.3.1(c)(iii) by:
  - (a) changing 60 percent to 75 percent;
  - (b) deleting "and the building is not in a flood flow path".

**Topic : 17.4.3.2**

1. Amend first part of rule 17.4.3.2 to:  
"Controlled Activities (Building Construction or Alteration - Light Industrial Zone at Brightwater: Specified Sites)  
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 a building is 8 metres.
  - (b) The building coverage is not extended on the site."
2. No Plan amendments to matter (2) of rule 17.4.3.2 from that proposed.

**Topic : 17.4.3.3**

1. Amend the introductory paragraph of Restricted Discretionary activity rule 17.4.3.3 by inserting "(a) or 17.4.3.3A" so it reads:  
"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."

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2. Amend matter (3) of rule 17.4.3.3 to:  
 "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 a 1 percent Annual Exceedance Probability flood event;  
 (b) the effects of a 1 percent Annual Exceedance Probability flood event are mitigated so the building 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."

**Topic : 17.4.20**

Amend the second paragraph of the 'Building Coverage' section in Principal Reasons for Rules 17.4.20 to:  
 "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 percent Annual Exceedance Probability flood event. The sites are located on the floodplain of the Wairoa River at Brightwater and have been subject to periodic flooding. A site at the northern end of Spencer Place, Brightwater, is also bisected by the main trunk wastewater line."

**Topic : 17.12.1**

Amend the first sentence of Scope of Section 17.12.1 to:  
 "This section deals with land uses in the Rural Industrial Zone including specified sites in this zone at Brightwater."

**Topic : 17.12.2**

Insert new rule as follows:

"17.12.2.3A Restricted Discretionary Activities (Building Construction or Alteration - Specified Sites at Brightwater)

Construction or alteration of a building that does not comply with permitted activity condition 17.12.2.1(na) is a restricted discretionary activity where the building construction or alteration complies with 17.12.2.1(e) to (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 a 1 percent Annual Exceedance Probability flood event;  
 (b) the effects of a 1 percent Annual Exceedance Probability flood event are mitigated so the building 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."

**Topic : 17.12.2.1**

1. Insert an exception in introductory paragraph of rule 17.12.2.1 so it reads:  
 "Any land use is a permitted activity, except where specified in rule 17.12.2.3A, that may be undertaken without resource consent if it complies with the following conditions:"
2. Retain proposed amendments to condition 17.12.2.1(f).
3. Retain operative condition 17.12.2.1(n) as:  
 "The maximum building coverage is 75 percent."
4. Add a new condition:  
 "(na) The building to be constructed or altered does not create a new building or extend the footprint of an existing building on Specified Sites in Brightwater (as shown on the planning maps)."

**Topic : 17.12.2.4**

Amend the introductory paragraph of Discretionary activity rule 17.12.2.4 by inserting "17.12.2.3A" so it reads:

"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."

**Topic : 17.12.20**

Amend proposed final paragraph of Principal Reasons for Rules 17.12.20 to:

"Stockpiles of loose material and extensive building construction have the potential to exacerbate the

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impacts of flooding, such as in parts of Brightwater."

#### Topic : ZM 90

Amend Zone Maps 90 (Brightwater) to show:

- Rural 1 Deferred Light Industrial Zone on 49 & 55 River Terrace Road and on 61 Factory Road
- Rural 1 Zone at the southern end of the Rural Industrial Zone
- 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.
- Rezone front portion (being the front shop and upstairs accommodation) of 96A Ellis Street from Residential zone to Commercial zone.

### Reasons

1. A change to the approach for responding to flood hazards in this location is proposed following receipt of feedback from submissions and further submissions; as well as reviewing the provisions for reasonable land use and development, while preserving opportunity for appropriate management of flood hazards in Brightwater.
2. The proposed approach moves away from providing certainty through avoidance of the flood hazard and risks to a more flexible site-by-site approach. This enables a wider range of options for management (including avoidance or mitigation) to be considered.
3. The policy regime directs landowners and applicants towards flood hazard management rather than blanket avoidance. This is considered appropriate as there are variable flood hazard levels ranging from low to high (but not extreme hazards) on many properties in Brightwater. In many cases there are a range of options for managing the flood hazard and/or flood risk. For future Plan Changes, in other more extreme flood hazard scenarios or where there are few options, it may be more appropriate to 'avoid' the flood hazards using a closed zone approach.
4. Introducing the term 'significant' in relation to natural hazards is consistent with recent changes introduced through the Resource Management Legislation Amendment Act 2017. Section 6(h) of the Resource Management Act 1991 now requires councils to recognise and provide for the management of significant risks from natural hazards as a matter of national importance. Amended Policy 6.16.3.3A now recognises and provides for that change.
5. Rezoning of 96A Ellis Street recognises historical consented land use as commercial activity. The effects of the zone change are the same as those consented.