

Plan Change 06/02

To Rezone 44 Trafalgar Street from 'Open Space Recreation' to 'Residential (Higher Density Area)'

NELSON CITY COUNCIL

5 September 2006

Proposed Amendments to Nelson Resource Management Plan:

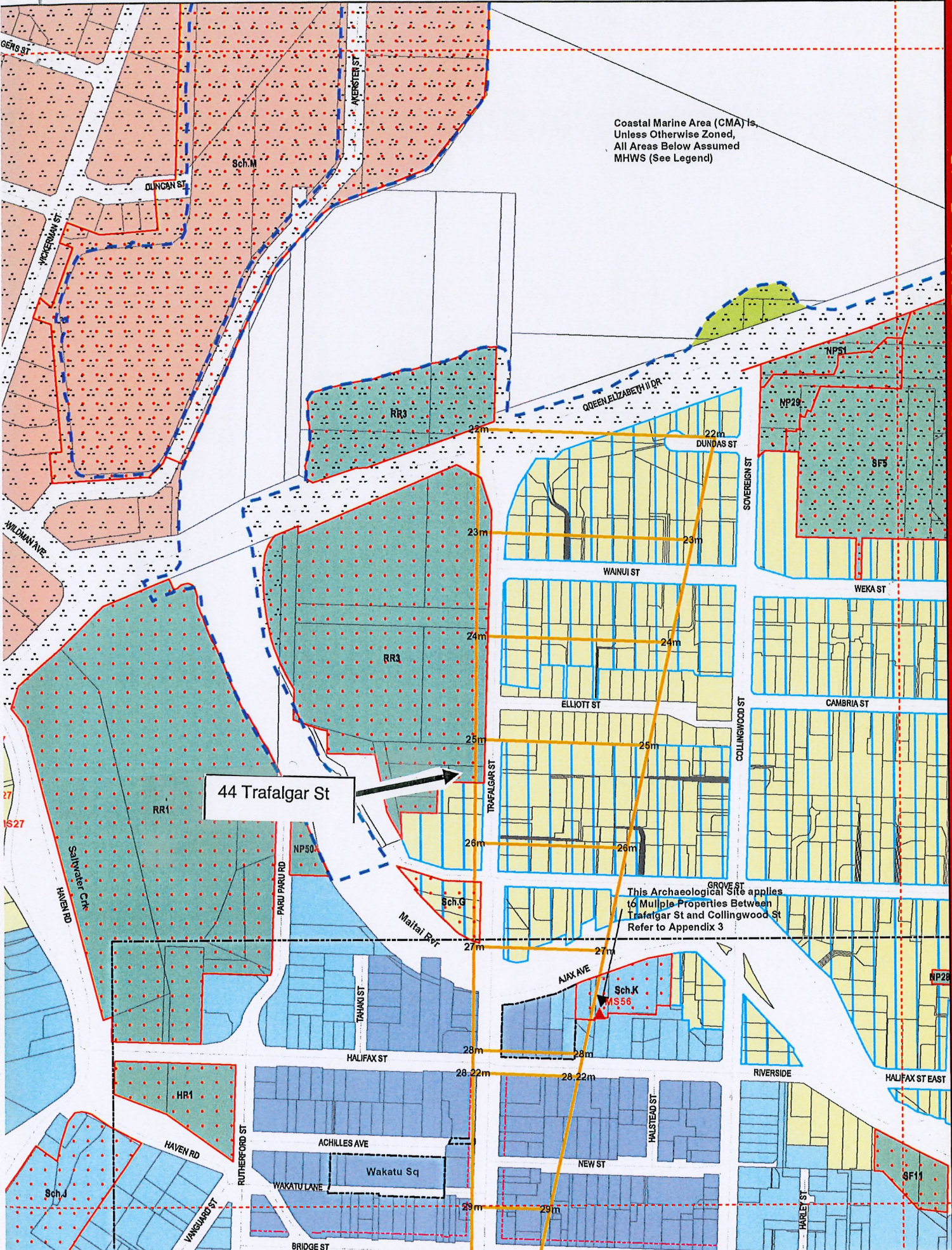
- 1. Rezone 44 Trafalgar Street (Lot 1 DP18211 NL 11c/1244) from 'Open Space Recreation' to 'Residential (Higher Density Area)'.**
- 2. Amend Planning Map 10 to reflect amended zoning (Refer Map 10 as attached)**

Reasons for the Proposed Plan Change:

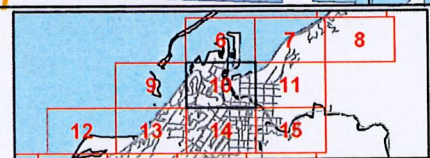
1. The property at 44 Trafalgar Street was originally owned by the Nelson City Council and utilised as a residence for the caretaker of Trafalgar Park.
2. In 1996 the Council sold the property to 'Women in Nelson' (WIN) after subdividing the house lot from the balance of the land. New titles were issued in December 1996, with the new rear lot vesting as Recreation Reserve in the Council, and the front lot becoming freehold title with a 'Residential (Higher Density Area)' zoning. The issue of these new titles occurred close to the date of notification of the Proposed Nelson Resource Management Plan (NRMP).
3. A late submission to the Nelson Resource Management Plan from the Council's Parks and Recreation Department requested that this and other sites adjoining Trafalgar Park be rezoned as 'Open Space Recreation'. This submission attracted two 'further submissions', one in support and one in opposition. The Council upheld the submission and rezoned the land as 'Open Space Recreation'. WIN did not lodge a submission in response to the Council submission, and there is no evidence to suggest that it knew of the proposal to rezone.
4. The effect of the rezoning is that WIN has title to a property with a very restrictive zoning. This is despite the fact it negotiated a sale and purchase agreement on the understanding, confirmed by an exchange of letters in 1995, that the property had a residential zoning.
5. The Council recognises that, by accepting, hearing, and upholding a late submission from itself without consulting the owner of the property, it was leaving itself open to potential claims of acting inappropriately.
6. In order to remedy this situation, the Council has resolved to amend the Nelson Resource Management Plan by way of a plan change, in order that the appropriate zoning for 44 Trafalgar Street i.e. 'Residential (Higher Density)' is applied to this property. (Environment Committee Resolution of 5 September 2006)

Submissions:

1. Any person may make a submission on the proposed change. You may do so by sending a written submission to the Nelson City Council, addressed to:
'Plan Change 06/02', Nelson City Council, PO Box 645, NELSON.
The submission should be either on one of the forms available at the Nelson City Council Planning counter, or in a similar format.
2. The closing date for submissions is **Friday 6 October 2006.**



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MAP 10