

20 February 2008

The Mayor and Councillors
Council

DECISIONS ON PLAN CHANGE 06/04 – STOKE RAILWAY RESERVE

1. Reason for report

- 1.1. To receive the Hearing Commissioner's recommendations on Plan Change 06/04 and to recommend their adoption by full Council.

2. Background

- 2.1. Plan Change 06/04 was adopted by the Environment Committee at its meeting on 12 December 2006 and publicly notified on 25 August 2007. The independent Hearing Commissioner (Camilla Owen) released her recommendations in January 2008.
- 2.2. Plan Change 06/04 amended the Nelson Resource Management Plan by rezoning a 5 metre strip of land adjacent to the Stoke Railway Reserve from 'Industrial' to 'Residential'. The area to be rezoned was also included in Designation DN9 (Railway Reserve) and the Plan Change involved several other amendments to ensure that the proposed provision is fully integrated into the existing planning framework.
- 2.3. A copy of the Commissioner's report is attached (Attachment 1). The history of the Plan Change, the various options open to the Commissioner, her recommendations and reasons for those recommendations, are all set down in this report.
- 2.4. If Council decides to adopt the recommendations, these decisions are required to be publicly notified. In addition, notice of the decision must be served upon all submitters with a statement of the timeframe for appeal. Within 30 working days of receiving the decision, the submitters have the right to appeal to the Environment Court regarding the decision for any provision on which they submitted. A provision is deemed to be operative if no appeal is made on the provision to the Environment Court.

3. Amendments proposed by Commissioner

- 3.1 The recommendations made by the Commissioner are essentially the same as those proposed by the Plan Change except for her recommendation that the Industrial zoning of the 5 metre strip which applied prior to the change should be retained.
- 3.2 The Plan Change had proposed a Residential zoning, largely for reasons of administrative neatness, to bring the zoning into line with the balance of the reserve. The retention of an Industrial zoning however, will not adversely affect either the industrial landowners or the residential landowners on the eastern side of the Railway Reserve, as the other key provisions of the change have been retained. This has the effect of reinstating the situation that applied as a consequence of the Environment Court Consent Order of July 2001.

4. Significance of Decision

- 4.1 This decision is not significant in terms of the Council's policy on significance.

5. Recommendation

THAT the recommendations of the Hearing Commissioner for Plan Change 06/04 (Stoke Railway Reserve) as set out in the Commissioner's report and attached to Report 642730 be adopted.

V R Altmants
Chief Executive
PH: MW