

MINUTES OF A MEETING OF THE PLAN CHANGE SUBCOMMITTEE HELD IN MEETING ROOM ANA, CIVIC HOUSE, TRAFALGAR STREET NELSON ON THURSDAY 13 AUGUST 2009 COMMENCING AT 9.03AM

PRESENT: Councillor R Reese (Chairperson), Councillors M Cotton and D Shaw
IN ATTENDANCE: Richard Johnson (Divisional Manager Planning and Consents), Martin Workman (Manager Environmental Policy), Reuben Peterson (Policy Planner), Paul Sheldon (Monitoring Co-ordinator) and R N Palmer (Administration Advisor)

1.0 CONFIRMATION OF MINUTES

19 June 2009

Resolved

***THAT** the minutes of the meeting of the Plan Change Subcommittee, held on Friday 19 June 2009 be confirmed as a true and correct record.*

Reese/Shaw

Carried

2.0 PLAN CHANGE 13 – MARSDEN VALLEY REZONING

Document No 808980, dated 10 August 2009, agenda pages 4-34 refer.

Reuben Peterson tabled draft structure plans relating to the proposal for the rezoning of land owned by Ashley Trust, J D & B G McLaughlin, G & L Gillard and Echo Holdings Ltd in Marsden Valley.

He explained the history of the situation and that there were four areas of contention between Council staff and the land owners and these related to the proposed land management overlay. The proposed landscape overlay, a school site, and the suburban commercial zone.

2.1 Land Management Overlay

Mr Peterson advised that the consultants engaged by the Council had recommended a land management overlay as shown on the draft map 1 which included a tongue extending northward parallel to the paper road to Enner Glynn.

He explained that the consultants employed by Mr McLaughlin had argued against this extension on the basis that it was not required having regard to the slope of the land, whereas the Council's consultants had recommended it due to concerns regarding the land associated with coal measures in the vicinity.

It was noted that the issue resolved to a difference of opinion between geotechnical experts.

It was agreed that it was not appropriate for the Committee to express a view but rather leave the matter to be resolved by expert evidence adduced at the hearing of submissions to the proposed change.

2.2 Landscape Overlay

Mr Peterson drew the Committees attention to the proposed landscape overlay which was placed on the ridge leading southeast from Panorama Drive.

He explained that Mr McLaughlin's contention was that as this area was already compromised by the presence of pylons associated with the electricity transmission line the imposition of the proposed landscape overlay was illogical.

Mr Peterson advised that he was satisfied that the overlay in this location was consistent with the provisions of the Resource Management Plan and consistent with the existing schedule relating to the area. He explained that the overlay would prevent houses being built on the ridgeline which was in line with the policies of the Plan and therefore was appropriate.

It was agreed that this was another matter which was appropriate to leave for the consultation and hearing process when expert evidence regarding the value or otherwise of the overlay could be heard and considered.

2.3 School Site

The Committee noted the disinterest of the Ministry of Education in securing land for a school within the valley and the Ministry's powers relating to designation and acquisition of such land at any time.

The meeting was advised that at the last meeting with Mr McLaughlin he had indicated that he would be happy if there was merely an indication placed within the change that an identified piece of property would be available should a primary or secondary school wish to locate within the valley.

It was also noted that Mr McLaughlin had agreed that such notation could be restricted to a life of 5 years from the date of notification of the Change.

It was agreed that the land identified by Mr McLaughlin be identified as a potential school site and that the statement be included in the Change that this land would be available for a primary or secondary school and that its availability has a life of 5 years from notification of the Change.

2.4 Suburban Commercial Zone

Mr Peterson tabled a series of emails received from Mr McLaughlin and his advisors together with a plan indicating an extended commercial area of 1.85ha from the 1.06ha outlined on previous plans.

The Committee also noted the wishes of Mr McLaughlin to have some flexibility in relation to the height of buildings within the zone to a maximum of 12m, on the basis that the normal suburban commercial height of 8m would be too limiting and result in a series of flat roofed buildings inappropriate to the area.

It was accepted that although the existing suburban commercial zoning was the only appropriate zoning within the Resource Management Plan as it stood, what Mr McLaughlin was seeking was something different, maybe an Urban Village commercial zoning.

It was accepted that the reasoning put forward by Mr McLaughlin was logical having regard to the Greenfield's development of the area and if possible a zoning which provided the flexibility sought by Mr McLaughlin should be developed.

It was agreed that the policy planner should work with Mr McLaughlin's planning consultant, Tony Quickfall, in an endeavour to develop a zoning which incorporated controls which would enable the development sought by Mr McLaughlin to take place.

It was agreed that if this could be developed prior to notification of the change the extension of the commercial area to 1.8ha with a 12m maximum height sought by Mr McLaughlin should be endorsed.

It was agreed that if no agreement could be reached the default position would be an area of 1.06ha zoned suburban commercial.

If a mutually accepted "zoning" could be developed members of the Committee were happy to deal with this informally via emails or attend a meeting at short notice, to consider the proposal.

2.5 Neighbouring Property Owner

The Committee's attention was drawn to the approach by Irene Turner in relation to her two properties immediately adjacent to the area of land presently being dealt with, who wished to have this land involved in the Change.

It was agreed that as this land was earmarked for future similar treatment and the owner did not require any individual provisions it would be appropriate for this land to be included within the change.

Resolved

THAT Plan Change 13 – Marsden Valley Rezoning as attached to report 808980 be amended as agreed to by the Plan Change Subcommittee;

AND THAT the land owned by Irene Turner (Lot 2, DP321042, Pt Lot 4, DP321042 and Lot 5, DP321042) be included in the notification of Plan Change 13;

AND THAT the Plan Change Subcommittee note the feedback received at the Marsden Valley, Enner Glynn and upper Brook Valley public meeting of 23 July 2009.

Shaw/Reese

Carried

Attendance: Reuben Peterson (Policy Planner) left the meeting.

3.0 REVIEW OF NELSON RESOURCE MANAGEMENT PLAN CONSERVATION OVERLAY – CONFIRMATION OF APPROACH

Document No 807976, dated 22 July 2009, agenda pages 35-45 refer.

Attendance: Paul Sheldon, Monitoring Coordinator, presented the report.

The Divisional Manager Planning and Consents stressed the need to involve the land owners as early as possible in the process rather than developing something which it was presumed they would adopt.

The Committee agreed that a review group would be appropriate and discussed the manner in which this should be constituted, acknowledging that the parties to the original appeal ie Federated Farmers, Pepin Island Sheep Station and Department of Conservation together with Iwi and Council members should form the core group. It was acknowledged that as the Federated Farmers did not represent the majority of land owners who were involved it was important that these people have their own representation.

The meeting discussed a way in which representatives of the landowners could be chosen acknowledging that this could be via a public meeting, via individual invitation to advise interest or via a process of shoulder tapping.

Resolved

THAT the following approach in respect of the preparation of a Section 6(c) Plan Change be adopted:

- 1. That a working group comprising representatives of Federated Farmers, Pepin Sheep Island Sheep Station and Resort, Department of Conservation, Iwi, Nelson City Council and land owners be established to oversee the review process.***
- 2. That the Council appoint three Councillors to that working party.***
- 3. That all land owners be written to with advice that the process is being renewed and they be invited to indicate their interest in serving on the working group or to nominate representatives to serve on the working group.***
- 4. That publicity to the process be given in the Nelson North News through Councillor Shaw's "Councillor Viewpoint" and in Live Nelson.***
- 5. That if sufficient nominees are received through this process the Council select three persons from the nominations received as representatives for the land owners.***
- 6. If insufficient nominees are put forward, consideration be given to holding a public meeting for land owners at which appropriate representatives can be chosen.***
- 7. If neither of the processes mentioned above result in appropriate representatives being appointed the Council approach specific individuals to be part of the working group.***

Shaw/Cotton

Carried

The meeting closed at 11.40am.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

_____ CHAIRPERSON _____ DATE