

**MINUTES OF A MEETING OF THE PLAN CHANGE COMMITTEE HELD IN THE COUNCIL CHAMBER, FLOOR 2A, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON TUESDAY 29 JUNE 2010 COMMENCING AT 9.00AM**

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PRESENT: Councillor R Reese (Chairperson), Councillors A Boswijk and D Shaw

APOLOGIES: Councillor M Cotton

IN ATTENDANCE: Martin Workman (Manager Environmental Policy), Reuben Peterson (Policy Planner), Paul Harrington (Policy Planner), Peter Rawson and L Gibellini (Senior Policy Planners), Jane Hilson (Planscapes) and L Laird (Administration Adviser)

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The Chairperson opened the meeting and noted that (in accordance with Standing Orders 8.4(a)) there will be two additional items that will be discussed under general business at this meeting, proposed Plan Change 22 (Heritage Trees) and proposed Plan Change 14 (Residential Subdivision, Land Development Manual and Comprehensive Housing).

## **1.0 MINUTES**

Councillor Reese said the Plan Change Committee was out-of-sink with minutes and she will work with staff to update minutes. All minutes that have yet to be signed-off are to be presented at the 23 July Plan Change Committee meeting. It was agreed that Plan Change Steering Group minutes should be presented to the Plan Change Committee for confirmation before being presented to Council.

## **2.0 ENNER GLYNN AND UPPER BROOK STREET VALLEY STRUCTURE PLAN – DRAFT PLAN CHANGE 17**

Report number 929733, agenda pages 8-61 refer.

Reuben Peterson spoke to the report and said that there were other issues to discuss on top of those presented in the report. He also said that the recommendation needs to be amended and should read, 'recommendation to Council'.

Mr Peterson tabled letters that raised various issues to be discussed. He said these landowners had raised a number of issues specific to their properties. Some of the issues raised are additional to those included in the committee report due to the fact correspondence was still being received after the report was submitted.

### **2.1 Higgins Submission (Davis Ogilvie and Partners Ltd)**

The Committee discussed this letter which requested the Council investigate practical means for providing a link road without significant cost implications and impact on subdivision viability for the landowner. Councillor Reese asked if staff thought this was possible and the group discussed the options available (that were outlined in the letter). The Committee noted the options and viewpoints presented in the letter, and

the discussion in section 4.3 of report 929733. The Committee considered that a vehicle connection of some form is desirable and decided that the draft plan change text provides the flexibility to consider how this might occur. Furthermore the ability for Council to contribute financially to the connection to recognise the wider community benefits would be appropriately discussed through the LTCCP process.

## **2.2 Lindy Kelly Submission**

### **2.2.1. Walkway/cycleway link**

Staff advised the Committee that there was more likelihood of achieving a walkway through private negotiation with the landowner than there is through showing it on the Planning maps. The staff recommendation was that the walkway be removed from the discussion maps and the Committee agreed.

The submitter picked up on the use of the word 'may' in AD11.4A vi (page 19 of the agenda refers) and proposed that this should be changed to 'will be'. Mr Peterson did not recommend the use of 'will be' as some cases will not require a management regime. Mr Workman suggested the 'where it is requested by, and in consultation with, the landowner' and the Committee agreed.

### **2.2.2. Riparian Overlay (Northern side of Kelly property)**

Mr Peterson advised the Committee that the Riparian Overlay exists in the operative Plan and is for the purpose of hazard mitigation. The Committee agreed that the Overlay should remain as it is currently shown in the Plan however they noted that a response based on the discussion had and rationale given by the Committee needs to be provided to the submitter.

### **2.2.3. Landscape Overlay**

Mr Peterson circulated photographs of the submitters land and the group discussed the Landscape Overlay issue. The Committee agreed to approve these changes in the Plan however a response must be given to the submitter.

### **2.2.4. Biodiversity Corridor**

Mr Peterson explained that the submitter was not convinced on the necessity of biodiversity corridors. Councillor Reese asked what this would mean for the land owner and considering that it will restrict the use of her land. Staff advised that there could be a number of results, including that Council may buy the land or Council may simply maintain the corridor, or the corridor is entirely a private concern. Alternatively, there may be a shared arrangement. This will be determined on the assessment of any particular application.

There was discussion about the definition of biodiversity corridor (page 17 of the agenda refers). Mr Peterson advised that this is by no means a final definition and it is open to negotiation prior to notification. The Committee noted that this definition needs to be updated according to

the decision made in Plan Change 13 and that notification of the two Plan Changes needs to join up. The Committee determined that the definition should include specific reference to providing for connectivity between areas of native habitat or ecological values.

## 2.3 Glenbrae Farms Submission

**2.3.1.** Mr Peterson talked about the Landscape Overlay issue raised in the letter and the Committee agreed to approve the changes subject to discussion with Liz Kidson (landscape architect involved with project).

**2.3.2.** Councillor Reese asked what consultation is required for amending district-wide plan provisions? Jane Hilson (Planscapes) and Manager Environmental Policy Martin Workman said that they require the regular level of prior consultation. The Committee decided that because some provisions will have an impact on land that outside of the geographical area of this Plan Change it would be appropriate to go back to the parties who could be affected and consult on the additional changes.

It was also agreed that the first sentence under the heading 'sustainability' should be revised to remove the word 'regionally', and the final sentence of this section should be removed (page 12 of the agenda refers). Councillor Reese asked that the guide on page 37 of the agenda be re-written to clarify the different roles of the Committee members and External Advisors.

**2.3.3.** The Committee members considered if they needed to carry out a site visit of the area but determined that this was not required as they were familiar with the area from carrying out other activities nearby, had viewed a number of the areas concerned when carrying out the site visit for Plan Change 13 hearing and had viewed sufficient photographs of areas of contention.

Attendance: the meeting adjourned from 10.55 to 11.05am.

**2.3.4.** The Committee agreed to pass the recommendation to Council subject to the amendments noted being carried out and that staff are to further consult with Stoke Valley Holdings and Solitaire Investment Ltd to consider any impact on their land of provisions within this draft Plan Change.

Resolved

1. ***THAT recommendations 2 -4 below be subject to minor amendments from the 29 June 2010 Plan Change Committee meeting, and staff undertaking further discussion with Stoke Valley Holdings Ltd and Solitaire Investments Ltd regarding any additional concerns or issues in relation to the Plan Change that may impact on their land holdings;***
2. ***AND THAT Proposed Plan Change 17 – Enner Glynn and Upper Brook Valley Structure Plan- to the Nelson Resource Management Plan as shown in***

***attachment 1 to report 929733 be adopted and approved for public notification;***

- 3. AND THAT the Section 32 report for Proposed Plan Change 17 – Enner Glynn and Upper Brook Valley Structure Plan - as shown in attachment 2 to report 929733 be adopted and approved for public notification;***
- 4. AND THAT Proposed Plan Change 17 – Enner Glynn and Upper Brook Valley Structure Plan- is confirmed as having been prepared in accordance with the statutory procedures set down in the First Schedule to the Resource Management Act 1991;***
- 5. AND THAT the Chair of the Plan Change Committee and the Divisional Manager Planning and Consents be given the authority to approve minor technical wording amendments, or correction of errors, to the proposed Plan Change documents to improve readability and/or consistency prior to public notification.***

Reese/Shaw

Carried

### **3.0 PROPOSED PLAN CHANGE 18 – NELSON SOUTH**

Report number 932793, agenda pages 62-111 refer.

Peter Rawson presented the report and said this Plan Change will result in the re-zoning of rural land to residential and rural high density small holdings. There will also be a services overlay and an esplanade reserve. He said the aim of this Plan Change is to meet a need for more residential land whilst maintaining a balance between zoning. Peter also described that the complimentary Plan Change from Tasman District Council is consistent with this Plan Change.

The Committee noted that both Plan Changes should be notified at the same or similar time and the possibility of a joint hearing between both Councils be investigated.

Resolved

***THAT Proposed Plan Change 18 – Nelson South to the Nelson Resource Management Plan as shown in Attachment 1 to Report 932793 be adopted and approved for public notification;***

***AND THAT the Section 32 report for Proposed Plan Change 18 – Nelson South as shown in Attachment 2 to Report 932793 be adopted and approved for public notification;***

***AND THAT Proposed Plan Change 18 – Nelson South is confirmed as having been prepared in accordance with the statutory procedures set down***

***in the First Schedule to the Resource Management Act 1991.***

Reese/Shaw

Carried

**4.0 INITIATION OF PROPOSED PLAN CHANGE 22 (HERITAGE TREES)**

Paul Harrington presented a list of heritage trees to the Committee. He said heritage trees had last been added to the plan in 2005 and that due to time constraints trees listed by way of Plan Change 22 would be limited to those that were not contentious, which would become apparent following consultation. Staff advised the Committee that Appendix 2 should be updated to include these heritage trees and remove those that no longer require listing.

According to Standing Orders 8.4(b), the Committee may decide to refer this item for a staff report, the Committee resolved

Resolved

***THAT staff are to prepare Plan Change 22 in line with memo 896466.***

Reese/Boswijk

Carried

**5.0 GENERAL BUSINESS**

**5.1 Memorandum to Plan Change Committee (Plan Change 14 – Residential Subdivision, Land Development Manual and Comprehensive Housing)**

Lisa Gibellini (Senior Policy Planner) presented the memorandum. She stated there is a differing legal opinion and professional planning opinion on the topic of externally referenced documents. Based on this opinion, Lisa said that if Council receives a submission on the content of an externally referenced document, they will have to consider it. The Committee noted this advice.

There being no further business the meeting ended at 12.15pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

\_\_\_\_\_ CHAIRPERSON \_\_\_\_\_ DATE