

18 May 2007

The Chairman and Councillors  
Nelson City Council

## **DECISIONS ON PLAN CHANGE 05/02**

### **1. Reason for report**

- 1.1. To adopt the recommendations of the Hearing Commissioner for Plan Change 05/02.

### **2. Background**

- 2.1. Plan Change 05/02 comprises 50 proposed changes to make generally minor amendments to policies and rules in the Nelson Resource Management Plan to make them more workable. Plan Change 05/02 was publicly notified on 29 October 2005. Fifteen submissions and five further submissions were received. Sylvia Allan was appointed as hearing commissioner as the Council made a submission on the Plan Change. The hearing of submissions occurred on 17 April 2007.
- 2.2. The Hearing Commissioner has prepared her Commissioner's report including recommendations on the proposed plan changes (see Attachment 1). The Council must decide whether to adopt the recommendations of the Hearing Commissioner.
- 2.3. There are a number of the proposed plan changes on which no submissions were made. There are no decisions being requested in this report for those proposals. The intention is to complete the statutory opportunities to legally challenge the plan changes, on which submissions were made, await the outcome of the appeal period, and then to bring back to the Council a schedule of changes within the Plan Change 05/02 that can be made operative. Those proposals subject to appeal will be dealt with through the usual Environment Court processes.
- 2.4. If the Council decides to adopt the recommendations, submitters will be notified of the decisions. 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 that provision to the Environment Court.

### **3. Significance of Decision**

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

### **4. Staff recommendation**

- 4.1. That the Council adopts the Hearing Commissioner's recommendations.

### **5. Recommendation**

***THAT the recommended decisions of the Hearing Commissioner on the submissions received to Plan Change 05/02 and the reasons for those decisions, as set out within the report dated 16 May 2007, entitled "Commissioner's Report and Recommendations to Nelson City Council on Plan Change 05/02", be adopted.***

V R Altmants  
**Chief Executive**  
MW: RJ