



Minutes of a meeting of the Hearings Panel - Other

Held in the Council Chamber, Civic House, 110 Trafalgar Street, Nelson

On Wednesday 18 March 2020, commencing at 9.02a.m.

Present: Councillor B McGurk (Chairperson), Councillor M Lawrey and Councillor P Rainey

In Attendance: Governance Adviser (E Stephenson)

Apologies : Nil

1. Apologies

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

There were no updates to the Interests Register, and no interests with items on the agenda were declared.

4. Public Forum

There was no public forum.

5. Confirmation of Minutes

There were no minutes for confirmation.

6. Findlay Place Easements - Deliberations Report

Document number R14807, agenda pages 4 - 19 refer.

Team Leader Property, Peter Hunter, presented the report. Mr Hunter tabled more detailed plans of the area (A2361218, A2282153, and A2288406). He referred to the indicative area right of way (ROW) on the tabled diagram and explained the process.

He noted that public notification of the proposal had been approved by the Hearings Panel - Other late last year. This had been via Our Nelson and on Council's website and all affected neighbours had been sent a letter. He advised that there had been two responses via email (Submissions 215444 – The Smokehouse and 21545 – The Fresh Fruit Company of Nelson, attached to the agenda report).

Mr Hunter clarified that the submission from the Smokehouse did not say it objected, but was negative in tone, so was entered into the database as 'object' as there were only two options. The Fresh Fruit Company submission did not object.

He clarified that the Smokehouse's concerns were about high levels of dust in its extractor units, which was believed to come from Wholesale Landscapers. He noted that Wholesale Landscapers' consent had no strict conditions on dust control and emissions, although it did have to comply with the Air Quality Plan. Environmental Investigations Ltd (EIL) had received no complaints relating to the landscaping business in the last 18 months, with no complaints from the Smokehouse. At its last visit, EIL had found controls in place and that dust was not an issue. There was no evidence of dust caused by the site. He felt that if the Smokehouse's air filters became more clogged with dust, it should lodge service requests to get Council to investigate and any concerns should be dealt with under RMA processes. He felt that the easement would not make any difference to its situation.

In response to a question, Mr Hunter said that the Smokehouse was aware that there were processes that could be invoked regarding dust concerns. He also noted that Wholesale Landscapes had been downsizing over the last five to ten years, partly to reduce the effect on the neighbourhood, it was relocating further out to Tasman and had a limited life remaining where it was. He confirmed no other businesses were involved in this application.

In response to a question as to whether, under the Reserves Act, installing a concrete pad on the area would meet the materially altered test, Mr Hunter said that the proposed development would require pipes to be laid under concrete, meaning that the public would see it was materially altered, and that was why the proposal was going through this process. He confirmed the location of the Smokehouse on the ROW diagram.

After considering and balancing the officer's recommendations and submissions and objections, the officer's recommendations were put and carried.

Resolved HEA/2020/012

That the Hearings Panel - Other

- 1. Receives the report Findlay Place Easements - Deliberations Report (R14807) and its attachments (A2342495 and A2349318); and***

2. **Considers submissions and objections from the community; and**
3. **Grants right of way, right to drain wastewater and right to drain water easements over the Local Purpose Reserve (Road) (Lot 17 DP 486996) in favour of Lot 2 DP 366503 with all costs associated with the easements to be met by Wholesale Landscapes Limited, subject to final consent of the Council (acting as the Minister of Conservation's delegate).**

Lawrey/Rainey

Carried

Attachments

- 1 A2361218 - Findlay Place Service Diagram 2020
- 2 A2282153 - Findlay Place Proposed Easement Site Diagram
- 3 A2288406 - Findlay Place Indicative Area of ROW tabled document

Recommendation to Council HEA/2020/013

That the Council

1. **Consents to right of way, right to drain wastewater and right to drain water easements over the Local Purpose Reserve (Road) (Lot 17 DP 486996) in favour of Lot 2 DP 366503 under section 48(1) of the Reserves Act 1977, acting pursuant to a delegation from the Minister of Conservation.**

Lawrey/Rainey

Carried

There being no further business the meeting ended at 9.18p.m.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date