

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Monday, 5 September 2005
TIME: 9.00 am
VENUE: Council Chambers, 189 Queen Street, Richmond

PRESENT: Crs E M O'Regan (Chair), E E Henry, T B King

IN ATTENDANCE: Manager Consents (J Hodson), Subdivisions Officer (R Shirley),
Corporate/Engineering Administrator (V M Gribble)

1. G AND P RAMSAY, CLOVER ROAD, BRIGHTWATER – APPLICATION RM050184

1.1 Presentation of Application

Mr G Praat, Solicitor for the applicant and Mr Ramsay were in attendance.

Mr Praat tabled a map and photographs and spoke to the submission that he tabled, on behalf of Mr Ramsay.

The hearing was to consider an objection to Council's decision pursuant to Section 357 of the Resource Management Act.

1.2 Officer's Report

Mr Shirley spoke to his report contained in the agenda.

Cr King said in terms of productive land use it could be argued it would be better to make the small lot smaller and the large lot larger.

Mr Shirley said the position of the house and water line covered by existing easement determined the proposed boundaries.

1.3 Right Of Reply

Cr O'Regan asked whether after further consideration the applicant would reconsider voluntarying a "no further subdivision" clause and if so, on what terms.

Mr Praat said the issue had been raised previously, but he is not of a mind to volunteer a "no further subdivision" clause. There have already been two boundary adjustments on this property before and all have been undertaken to respond to production for the orchards and you cannot exclude the possibility that further boundary adjustments might be needed in the future. Secondly, the enforceability of such a condition is doubtful and there is little sense on imposing a condition on the title in terms of subdivision if it is not enforceable. Thirdly, this particular application has been considered and approved subject to this condition and the applicant did not agree with the condition for the minimisation of the area transferred.

Mr Praat said whilst the prevention of land fragmentation has importance, it is no accident that in this case Mr Ramsay has sought to have a boundary at or about 24 hectares. It corresponds to physical attributes of the site, eg pump house and neighbour's house. Having decided in principle to make the orcharding land larger, it made sense to go out to 24 hectares. Part of the applicant's land that was in orchard has been removed from production and this adjustment was intended to maximise the amount of land that remained in pipfruit production. Controlling any future application which is made for subdivision as a controlled activity, rather than a discretionary one is not an approach which should be taken through this application. The applicant did not ask for 23.5 hectares he asked for a 24 hectares lot. The smaller title of his neighbour is already well lost to pipfruit production. It is not out of step with subdivision that occurred on adjoining land which is, or was, in fruit production.

Mr Praat said if there was a future subdivision of the 24 hectare block, both would have building sites which would not result in the loss of any productive orcharding land.

**Moved Crs O'Regan / King
EP05/09/05**

THAT the public be excluded from the following part of the proceedings of this meeting namely:

G and P Ramsay

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Subject	Reasons	Grounds
G and P Ramsay	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs King / Henry
EP05/09/06**

THAT for the purposes of discussing the application of G and P Ramsay as an "In Committee" item, the Manager Consents be authorised to be in attendance as advisor.

CARRIED

**Moved Crs O'Regan / Henry
EP05/09/07**

THAT the public meeting be resumed and that the business transacted during the time the public was excluded be adopted and that the following resolutions be confirmed in open meeting.

CARRIED

2. G AND P RAMSAY, CLOVER ROAD, BRIGHTWATER – APPLICATION RM050184

**Moved Crs Henry / King
EP05/09/08**

THAT pursuant to Section 357 of the Resource Management Act 1991 the Council UPHOLDS the objection that Condition 2 be deleted.

REASONS FOR THE DECISION

1. The Committee considered that the amalgamated title would have a similar subdivision potential whether it was 23.5 hectares or 24 hectares, despite the change in status of any possible future two lot subdivision from “controlled” to “discretionary”.
2. The Committee noted the location of the existing house and considered that the boundary line as proposed in the original application was a practical arrangement which ensured the amalgamated lot was as large as possible which therefore facilitates productive use of the amalgamated lot (albeit at the “expense” of the small lot.)
3. The Committee considered that Condition 2 as imposed originally was “valid” in terms of the “Newbury Test”, but given that the original subdivision (a “boundary adjustment”) has been approved there seems little reason to try to retain the amalgamated lot at less than 24 hectares and therefore the condition should be deleted.

CARRIED

The meeting adjourned at 10.05 am.

Confirmed:

Chair: