

STAFF REPORT

TO: The Mayor and Councillors
FROM: Policy Planner
REFERENCE: L306
DATE: 13 September 2005
SUBJECT: Deferred Residential Zone Brightwater

BACKGROUND

On 17 December 2004 the Council signed a deed with Brightwater landowner Sheryl Andrews to ensure that certain road safety works (including provision of a pedestrian underpass on SH 6) are completed prior to uplifting the Deferred Residential zoning on her land at Watertank Hill, Brightwater. The Deed simply confirms what TRMP Rule 17.12.2(a) requires of Council when the reason for the deferral is satisfied. The Deed followed a consideration earlier in 2004 by the Resource Management Policy Committee of the issues relating to the deferred residential zoning. Council as RMPC resolved to commit to retaining the deferred notation to provide for its eventual uplifting, under the Plan rule, and a deed.

PROVISIONS OF THE DEED

Some of the relevant provisions of the deed are:

Consents

"The owners shall obtain any consents or approvals necessary to provide the pedestrian access."

The landowner has sought a building consent for the underpass. Construction of the underpass is nearing completion. A code compliance certificate under the Building Act has not been issued yet but the Building Inspector advises that it is imminent.

Resolution to Uplift the Deferral

The deed states that once the precondition to provide pedestrian access by means of an underpass to the satisfaction of the Council and Transit New Zealand as to design and location has been met *"the Council will pass a resolution uplifting the deferral from the land and shall amend the Plan accordingly such that thereafter the zoning of the land shall be residential."*

The Council's Engineering staff and Transit New Zealand's agent are inspecting the nearly completed underpass on 19 September to check these matters.

Subdivision

The landowner agreed not to seek a subdivision consent until there is at least 210 metres sight distance at the Robertson Rd/SH 6 intersection.

Transit New Zealand's agent has advised that that requirement has now been met by relocating a fence and removing vegetation.

OTHER LAND

This report does not address other land located to the east of Mrs Andrews's land. That land which is referred to in Resolution RMP04/09/14 will be subject to a separate report to RMPC on a draft variation to delete the Deferred Residential zoning.

RECOMMENDATIONS

It is recommended that the Council

1. **Resolves to uplift** the Deferred Residential zoning on Lot 1 DP 9704, Lot 1 DP 304185 and Pt Section Waimea South District, subject to the availability at the time of consideration of this recommendation, of:
 1. the certificate of compliance for the underpass under the Building Act; and;
 2. advice from Transit New Zealand and the Council's Utilities Asset Manager expressing satisfaction with the location and design of the underpass.
2. **Amends** the Proposed Tasman Resource Management Plan accordingly.
3. Notifies affected landowners of this action.

Rose Biss
Policy Planner