

Marlborough District Council

Minutes of a Meeting of the ENVIRONMENTAL POLICY COMMITTEE held in the Council Chambers, District Council Administration Building, Seymour Street, Blenheim on MONDAY 16 NOVEMBER 2009 commencing at 1.30 pm.

Present

Councillors J Bunting (Chairman), F D Maher (Deputy), A D Barker, G S Barsanti, C R Bowers, E I Davidson, G A Hope, P J S Jerram and G Taylor.

In Attendance

Mayor Sowman, Councillors J L Andrews, W O Brice, T R Harrison and N W Weetman, Messrs F Pauwels (Manager, Strategic Policy Department), P Hawes and N Henry (Council's Policy Team Leaders) and Kathy Payne (Committee Secretary).

E.09/10.214 *Planning* **Iwi Management Plans - Current Relevance and Context and a Pilot Project to Support Second Generation RMA Planning**

S360-14/01

The report to the Committee provided a general reorientation about Iwi Management Plans (IMPs) and their context and relevance under the Resource Management Act. The report also introduced a prospective association between the Council and a local iwi, Ngati Kuia, involving a collaborative process around the development of the *Ngati Kuia Iwi Environmental Management Plan - IEMP*.

Members were advised that Changes to the Resource Management Act in 1993 have elevated the statutory importance of IMPs. Most importantly for the relationship between Tangata Whenua and the Council, it is highly desirable that Marlborough iwi can put forward up-to-date IMPs, as a key element to support the review of the Marlborough Regional Policy Statement and Marlborough's resource management plans. A number of Marlborough iwi have recently expressed their intentions to develop IMPs as soon as practically possible.

Material from the MfE Quality Planning Website on iwi management plans was also included with the order paper for members' information.

Te Runanga O Ngati Kuia had approached Council to work collaboratively on the drafting of the Ngati Kuia IEMP. Representatives from Ngati Kuia attended the meeting and addressed the Committee.

Mr Raymond Smith commenced with a mihi and karakia and thanked the Committee for the opportunity to address it in regard to the development of the Ngati Kuia IEMP.

Ms Gena Moses-Te Kani, project manager for the Ngati Kuia IMPs, spoke to a presentation outlining the concept of the IEMP. In particular she noted the relationship strategy and the leadership strategy, and asked Council to work with Ngati Kuia on the IEMP. She said the first area they wanted to focus on was the Pelorus Sound and that they had some aspirations around the environment and kaitiakitanga. Ms Moses-Te Kani noted that collaboration was a two way process and envisaged a plan in language that they, the community and Council staff could understand.

Mr Smith then spoke specifically on the planned IEMP for the Pelorus Sound. He spoke on the responsibility to protect the environment and noted water quality and sewage discharges in the Pelorus Sound as being of particular importance. Mr Smith noted the five special taonga, including land and sea, and the monitoring of acceptable levels of the environment. Mr Smith said that the IEMP would provide guidelines and assist with the resource consent process and he was keen to be part of a process to create a document that was read and understood by the local community, Council and iwi. Mr Smith then closed with a whakakōpā.

The Committee Chair, on behalf of Council, thanked Ms Moses-Te Kani and Mr Smith for extending this hand of friendship and said she hoped they and Council could move together in the spirit of co-operation.

Clrs Maher/Davidson:

That the information be received and that the Council proceed to work collaboratively with Ngati Kuia, to assist in the development of the Ngati Kuia Iwi Environmental Management Plan.

Carried

E.09/10.215 *Environment* **Regional Policy Statement Review - Social Research: Proposed Mātaitai Application - Marine Management Area - for the Marlborough Sounds *R425-02/04/01***

Social Scientist, Angela McKenzie, attended the meeting to present her Masters of Applied Science Environmental Management thesis which was supported by Council. This thesis would also contribute to the review of the Marlborough Regional Policy Statement. Members were advised that the research focused primarily on a proposed mātaitai application - marine management area - for the Marlborough Sounds (by the Te Atiawa iwi). The research is particularly valuable in that it covers current stakeholder perceptions and provides an understanding of how individuals relate to the Sounds' environment. The research acts as a vehicle by which to interpret the range of attitudes and values of the stakeholder groups, and adds to our essential understanding about the Sounds' community.

At the meeting Ms McKenzie summarised the key findings of her research by way of a presentation to the Committee. She advised she could be contacted for any further information.

Clrs Hope/Davidson:

That the information be received.

Carried

E.09/10.216 *Planning* **Review of the Marlborough Regional Policy Statement - Update of Progress *R425-02***

The report to the Committee provided members with an update on progress with the review of the Marlborough Regional Policy Statement. Members were aware that the issues to be included and the structure and content of the draft Policy have been confirmed by way of public consultation and previous reports to the Committee. A summary of the preparation of the policy provisions currently being prepared were included in the report to the Committee.

It was now proposed that the timeline for the completion of the draft Marlborough Regional Policy Statement be July/August 2010 as many of the chapters relied on supporting projects which were still underway. These projects were fundamental building blocks to inform the Marlborough Regional Policy Statement. A timeline for this process was included in the order paper.

Cirs Barsanti/Taylor:

- 1. That the information be received.**
- 2. That the target date for notification of the Proposed Marlborough RPS will be July/August 2010.**

Carried

E.09/10.217 *Planning* **Resource Management (Simplifying and Streamlining) Amendment Act L225-R01**

The report to the Committee updated members on the changes to the Resource Management Act that affected or changed the process of plan development.

By way of background staff advised that the Resource Management (Simplifying and Streamlining) Amendment Act came into effect on the 1 October 2009. The changes introduced by the Amendment Act applied to the resource consent process, making decisions on proposals of national significance, preparing and implementing national instruments, decision making, dealing with matters of trade competition and the establishment of an Environmental Protection Agency.

Staff advised that the objective of the Amendment Act in terms of plan development and change processes was to reduce the time and costs of the processes for developing, reviewing and changing plans, while improving the ability of councils to respond to emerging issues. A summary of the more substantive changes to plan development and change processes relevant to this Committee were outlined in the report to the Committee. These included further submissions, decisions on submissions, combined planning documents, the legal effect of proposed plans, the 10 year reviews of plans, and trade competition.

Mr Hawes noted the most substantive change in terms of plan process was the ability to restrict further submissions on an original submission to certain people. He said in practice it would be difficult for Councillors and staff to make a determination whether a submitter met the criteria. He considered that the reduction in timeframe from 20 to 10 working days could have a greater effect. He advised that in terms of the plan process there was little time saving but there may be other areas of Council, such as regulatory, that went some way towards reflecting the intentions of the Amendment Act.

Mr Versteegh, Regulatory Department Manager, advised that there would be an item on the Amendment Act as it affected the resource consent process at the next Environment Committee meeting. He said in terms of the legal effect of rules, these would not now take effect when notified as has been the case in the past but rather would take effect two thirds of the way through the process when decisions on submissions are released. He said the main driver of change in respect of resource consents is to produce consents within statutory timeframes and in this regard the Government intends to introduce a discount policy next year for consents not processed within statutory timeframes.

Cirs Barsanti/Hope:

That the information be received.

Carried

E.09/10.218 *Planning* **Seasonal Workers' Accommodation
W045-15-57**

The report to the Committee recommended that plan changes be undertaken to provide greater certainty to those wanting to provide seasonal worker accommodation within the community.

Members were aware that the accommodation of seasonal workers came to prominence as an issue during the 2008 pruning season as a result of complaints from individual residents. The reports from two subsequent investigations had previously been considered by the Committee. An investigation into the options to manage overcrowding associated with worker accommodation has been ongoing and at its last meeting the Committee decided to review the Wairau/Awatere Resource Management Plan and the Marlborough Sounds Resource Management Plan in respect of provisions for seasonal worker accommodation.

Members were now advised that a review of the Wairau/Awatere Resource Management Plan and Marlborough Sounds Resource Management Plan has been completed which identified that the current planning framework is silent on the activity of seasonal worker accommodation. It was therefore recommended that plan changes be prepared to provide an appropriate planning framework for seasonal worker accommodation.

Discussion ensued on the proposed changes as outlined in the order paper. It was clarified that two categories of worker accommodation were proposed, the details for which would be brought back to the next meeting for members' consideration. It was also clarified that the proposed changes would only apply to new seasonal worker accommodation as existing use rights applied to existing accommodation facilities provided they were lawfully established. Members were advised there was no additional funding required for the plan changes other than the cost of notification.

Mr Pauwels advised that consideration was being given to other initiatives, such as working directly with industry, to improve the standard of seasonal worker accommodation.

Cirs Maher/Bowers:

That the Committee endorse the approach outlined below as the basis for changes to the Wairau/Awatere Resource Management Plan and Marlborough Sounds Resource Management Plan to provide for seasonal worker accommodation:

- **The introduction of a clear definition for seasonal worker accommodation.**
- **Permitted and/or controlled activity rules to enable small scale seasonal worker accommodation in either rural or residential environments, provided it does not accommodate for more than a set number of seasonal workers.**
- **Discretionary activity rules to provide for medium to larger scale seasonal worker accommodation in either rural or residential environments. A requirement for resource consent would ensure the adverse effects of accommodating a larger number of seasonal workers within these environments are avoided, remedied or sufficiently mitigated.**
- **The establishment of an appropriate threshold for the application of the above rules. This threshold should make a distinction between residential scale seasonal worker accommodation and accommodation provided at a commercial scale.**

Carried

E.09/10.219 *Planning* **Family Flats *M135-15-22/W045-15-54)***

It was brought to the Committee's attention that were issues associated with plan provisions relating to family flats.

By way of background members were advised that family flats are currently referred to within both the Wairau/Awatere Resource Management Plan and the Marlborough Sounds Resource Management Plan (the Plans), only in the context that they are not considered to be a 'residential unit'. As a consequence of this, it can be interpreted that the standard rules and restrictions relating to residential units do not apply to family flats.

The absence of rules and parameters associated with the construction of a 'family flat' has created an opportunity for those people unable to meet the minimum site area requirements for the construction of a second dwelling on site, to construct the same dwelling as a permitted activity under the descriptor of a 'family flat'.

The existing provisions contained within the Plans, in effect, enable the construction of a second dwelling unit of significant size and scale under the descriptor of a family flat, which is leading to unintended and undesirable environmental effects on the amenity and character of both rural and residential areas. The instigation of plan changes is therefore recommended.

Clrs Davidson/Barsanti:

That the Council approve a review of the Wairau/Awatere Resource Management Plan and the Marlborough Sounds Resource Management Plan, to define, provide for and set parameters around family flats. This review should ensure that any definitions and provisions recommended are consistent with other plan changes simultaneously under review.

Carried

E.09/10.220 *Planning* **Plan Change 15: Oyster Bay - Outcome of Appeal *M135-12-305/07***

Members were advised that the Oyster Bay Developments Limited v Marlborough District Council case had now been heard by the Environment Court. Oyster Bay Developments had applied for a private plan change to rezone approximately 26 hectares of land at Oyster Bay from Rural 1 to Sounds Residential. Council rejected the private plan change application in 2007 and the main grounds for doing so were that the rezoning would enable a scale of development out of keeping with the surrounding environment.

Members were now advised that the Court disallowed the appeal in its decision issued on 22 September 2009. At the meeting Mr Hawes advised that Council had negotiated \$20,000 costs with Oyster Bay Developments Limited.

Clrs Bunting/Barsanti:

That the information be received.

Carried

E.09/10.221 *Planning* **Blenheim Urban Design Strategy - Public Consultation *E225-B07***

Members were aware of previous reports to the Committee from Urbanism+ on the Blenheim Town Centre Strategy. The results of the recent public consultation on the Blenheim Urban Design Strategy were now detailed in the report to the Committee.

Mr Henry provided a presentation on the public comments and feedback of the consultation. He advised the consultation focused on 12 questions around key aspects of the report. These were also detailed in the comprehensive results attached to the order paper. Members were advised that 306 responses were received.

Mr Henry advised that overall a very positive response to almost all of the proposals was received from across the region. The most popular proposals related to footpaths, trees, the riverside and relocating the library. The least popular proposal was altering the lampposts. Written comments were also received with the main issues being 'no traffic lights' and 'keep Blenheim *i-site* in its current location'. Other comments related to the need for a longer bypass, the location of the theatre and library and the need for more trees.

The Committee Chair advised that the most immediate issue for the Committee to consider was the location of the new *i-site* as design work on the Alfred Street carpark could not be completed until a decision was made. It was clarified that the design and aesthetics of the parking building would be as presented by the architect whether or not the *i-site* is included at this stage. The only change would be that the ground floor would be carparking and it could be developed into retail space at any time at a later stage.

The majority of the members were in favour of the *i-site* remaining at its current location as submitted by Destination Marlborough, being the best location for the whole of the Marlborough region. Members were advised that the Railway Station building was owned by Ontrack and that probably a modern contrasting building would be sited nearby for the *i-site*. It was suggested that concept plans be brought before the Committee for consideration.

A number of other long term planning decisions also needed to be made following the public consultation process in order to finalise the Blenheim Urban Design Strategy and it was therefore intended that a report would be presented in the New Year.

Clrs Hope/Jerram:

- 1. That the results of the public consultation be received.**
- 2. That the new *i-site* remains within the current vicinity.**
- 3. That the Committee note that a report will be presented to the next Committee meeting outlining issues that need to be considered so that the Blenheim Urban Design Strategy can be finalised.**

Carried

Councillor Bowers declared an interest and withdrew from the meeting for the above item.

E.09/10.222 *Planning* **Urban Growth Project **E225-M01****

Mr Pauwels provided an update to the Committee on progress with the Urban Growth Project and highlighted the findings to date.

He advised that the Urban Growth Project is Stage 2 of a three stage process to determine where and how urban Marlborough could develop over the next 25 years.

Stage 1 comprised the Blenheim Town Centre for which public feedback has been received and the next step is to prioritise projects and identify funding options. Stage 2 encompasses Southern Marlborough for which the consultation and design workshops are completed, the report in drafting stage is to be completed by the end of November 2009, some further work is required on rural residential, large format retail (LFR) and infrastructure planning which is scheduled for December 2009. Stage 3 encompasses Northern Marlborough and public consultation is scheduled to begin in February 2010.

The report to the Committee outlined the key issues constraining growth in each township, urban growth options for Blenheim, the rural residential aspect and large format retail development. Mr Pauwels advised that outcomes of the project would be a clearer direction for infrastructure investment in growth, some clearly defined policies in the Regional Policy Statement indicating how and where Marlborough urban growth should occur or be constrained and that new zoning areas in the district plan could be promulgated as well as new rules/guidelines for residential housing and subdivision.

Members were advised that a final report for Stage 2 would be made available for public submission by February 2010 and planning for the next step, Stage 3, has commenced.

Clrs Bunting/Barker:

That the information be received.

Carried

E.09/10.223 *Council* **Information Package**
Clrs Davidson/Bunting:

That the Environmental Policy Information Package dated 16 November 2009 be received and noted.

Carried

The meeting closed at 3.20 pm.

\\kle...O:\Admin\A-E\C135\E03\EnvPolicy-16 November 2009-mi.doc Saved 01/12/2009 13:13:00