

File Ref: C135-E03

Ask For: Mike Porter

5 June 2009

## **Notice of Committee Meeting - Wednesday, 10 June 2009**

A meeting of the Environmental Policy Committee will be held in the Council Chambers, District Council Administration Building, Seymour Street, Blenheim on **Wednesday, 10 June 2009 commencing at 1.30 pm.**

### **B U S I N E S S**

As per Agenda attached.

**ANDREW BESLEY**  
**CHIEF EXECUTIVE**

# Marlborough District Council

**Meeting of the ENVIRONMENTAL POLICY COMMITTEE  
to be held in the Council Chambers, District Administration Building, Seymour Street,  
on WEDNESDAY, 10 JUNE 2009 commencing at 1.30 pm.**

<b>Committee</b>	Clr J Bunting (Chairman) Clr F D Maher (Deputy) Clr A D Barker Clr G S Barsanti Clr C R Bowers Clr E I Davidson Clr G A Hope Clr G Taylor
<b>Departmental Head</b>	Mr F Pauwels (Manager, Environmental Policy Department)
<b>Staff</b>	Kathy Payne (Committee Secretary)

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# 1. The Use of Methyl Bromide in Shakespeare Bay (E225-01)

(Report prepared by Pere Hawes)

## Purpose

1. The purpose of this report is to brief the Committee about the use of the fumigant methyl bromide at Port Marlborough's log handling facility at Shakespeare Bay.

## Background

2. The export of logs from Port Marlborough's log handling facility at Shakespeare Bay is a significant business. One of the largest markets for the export logs is India, a market developed by local company Zindia Limited. Due to import requirements, all log shipments to India are required to be fumigated at source. Methyl bromide has been the fumigant used by Zindia Limited. It contracts fumigator Genera to undertake fumigation operations at Shakespeare Bay.
3. There have been concerns raised about the use of methyl bromide at Shakespeare Bay by Guardians of the Sounds and by the Soil and Health Association.
4. The fumigation of export logs using methyl bromide has occurred at Shakespeare Bay for a number of years. As far as the Council is aware, fumigation activities have been undertaken in a safe manner and in accordance with HSNO regulations. There is no evidence of any adverse health effects for port workers or Shakespeare Bay/Picton residents.

## Comments

5. There have been a number of responses to the use of methyl bromide locally, in Nelson and nationally. These are detailed below.
6. Recent log fumigations at Shakespeare Bay have utilised one of two methods, fumigation in the hold of the ship or quayside fumigation under tarpaulin. In both cases, methyl bromide is vented to air following the fumigation operation. The Port Company has imposed and monitored a maximum permissible discharge to air at the port boundary of one part per million for the last two log shipments.
7. The Committee may also be aware that the Nelson City Council has recently introduced a management regime for the discharge of methyl bromide to air at the Port of Nelson. These provisions provide for the discharge of methyl bromide as either a permitted activity or controlled activity, depending on the method of use. However, the port handles a significant proportion of sawn timber, relative to logs. As a result, fumigation at the Port of Nelson primarily occurs within containers and in enclosed buildings.
8. There is the ability for the Council to introduce planning controls for the discharge of methyl bromide to air through a change to the Marlborough Sounds Resource Management Plan. This plan change would be publicly notified for submissions and further submissions. There is also a right of appeal to the Environment Court. Any such rules would be in addition to the existing HSNO regulations that apply nationally to the use of methyl bromide.
9. The Environmental Risk Management Agency (ERMA), the central government agency responsible for the registration of hazardous substances, announced in July 2008 that the use of methyl bromide in New Zealand was to be reassessed. This decision was made on the basis of increasing use of the methyl bromide associated with the growth in log exports to particular markets. ERMA has set a timeframe of mid 2010 to complete the reassessment process. This process will involve public submissions and hearings.

## Summary

10. There are three main parties involved in this issue. They are Guardians of the Sounds and the Soil and Health Association collectively, Zindia Limited and the company that provides the fumigation service, Genera. Representatives from each of these parties have been invited to address the Committee and express their views about the use of methyl bromide at Shakespeare Bay.
11. The Reassessments Manager of ERMA, Michael Morris, has also been invited to address the Committee and can detail the reassessment process for methyl bromide.
12. **Stefan Browning (Soil and Health Association), Peter Beech (Guardians of the Sounds), Rick Osborne (Zindia Limited), Jon Traverna (Genera) and Michael Morris (ERMA) will address the Committee.**

## RECOMMENDED

**No recommendation pending outcome of discussions.**

## **2. Seasonal Worker Accommodation (E225-S12)**

(Report prepared by Ian Shapcott)

### **Purpose**

1. Project consultants Lorraine McMath and Julie Ham, of Wellbeing Works, will provide an interim report to the Committee on the progress of the current project, which entails:
  - Information around contractors and workers
  - The number of workers expected
  - The number of beds available
  - Issues facing social agencies, viz. the Department of Labour and the Nelson/Marlborough DHB
  - General issues that have emerged

### **Background**

2. Wellbeing Works, which had provided initial information to the Council around accommodation issues, is now carrying out further work to establish the exact nature of worker accommodation management provision and related issues, and is also looking at the development of a Code of Accommodation Standards.

### **Comments**

3. Meanwhile, the consultant, the Council, other agencies and interested parties have collaborated in putting together and distributing a *guidelines brochure* (draft circulated in mid May), which sets out desirable standards for seasonal worker accommodation for the current season - just underway.
4. **Project consultants Lorraine McMath and Julie Ham, of Wellbeing Works, will provide an interim report to the Committee on the progress of the current project.**

### **RECOMMENDED**

**That the information be received.**

### 3. Wind Machines for Frost Protection (N045-03)

(Report prepared by Pere Hawes)

#### Purpose

1. The purpose of this report is to present an independent report on the current management of wind machines used for frost protection.

#### Background

2. The Committee decided at its meeting on 12 May 2008 to commence a review of the management of the noise effects of wind machines for frost protection.
3. Subsequent to that decision, a workshop was held on 21 October 2008 with the working group already established to consider this issue. The workshop was facilitated by Mr John Maassen of the law firm Cooper Rapley and involved representatives of residents affected by the noise created by frost protection wind machines, New Zealand Winegrowers, wind machine manufacturers and suppliers, the Public Health Unit, an acoustic engineer, climatologists, researchers, Council staff and Councillors.
4. The workshop gave each of the groups involved the opportunity to share their experiences and express their views.

#### Comments

5. Mr Maassen has compiled a report on the workshop, summarising information obtained from the workshop participants and making recommendations on future management. A copy of the report, titled "Report Following Second Workshop in Blenheim Regarding Wind Machines for Frost Protection" is **attached** for the Committee's consideration.
6. Mr Maassen made two key findings as a result of the workshop. Firstly, he found that the Council is in a difficult position in terms of establishing compliance with existing permitted activity standards, due to the logistical issues and difficulties isolating the effects of single wind machines. In response, Mr Maassen recommends intensive study of noise effects (or what he refers to as a "forensic" method) in at least one and preferably two locations. He has suggested the Benmorven area, because of its rural/residential interface, and the Waihopai area, due to the frost conditions that exist there. The report includes a detailed methodology for the studies (see paras 47-51).
7. The report also recommends a study of noise levels at a house where the house is located within 100 metres of a wind machine.
8. Compliance staff have considered and concur with the recommendations. Study of a situation consistent with the conditions in para 7 has already commenced and a wider study is planned for the Benmorven area. Staff have recommended an additional study at a second house consistent with the conditions in para 7 (incidentally in the Waihopai Valley) and in the Wairau Valley, given the harsher climatic conditions and potential for growth in viticulture.
9. Mr Maassen emphasises that the above forensic monitoring is a pre-requisite to making any substantive judgement on the adequacy of existing Plan rules.
10. In the meantime, the report identifies a number of deficiencies with the existing permitted activity rule. This is the second key finding of the workshop. Of most concern to Mr Maassen is the inability to demonstrate compliance with noise standards prior to the installation of the wind machine. Other deficiencies are listed in para 28.
11. Mr Maassen recommends an immediate plan change to make the erection and use of any wind machine for frost protection a controlled activity. The installation and operation of any new wind machine would then require a resource consent. The controlled activity would use the same or

similar standards to the existing permitted activity rule. If an applicant is able to demonstrate compliance with these standards prior to installation, then resource consent must be granted. A recommendation on wording of the controlled activity rule is presented in Appendix 10 of the report.

12. The additional advantages of a resource consent process is that the Council would have the ability to impose “effective” monitoring conditions and require the consent holder to adopt the best practical option for noise management.
13. Under this proposed regime, existing wind machines would continue to operate under existing use rights, provided they were lawfully established.
14. If the Committee agrees to act on this recommendation, a plan change will be developed and reported through to the next Committee meeting.
15. The best practical option for noise management is relevant to managing the noise effects of wind machines given the potential for improvements in blade technology and engine housing to reduce noise emissions.
16. A number of parties has provided feedback on Mr Maassen’s report, as follows:
  - New Zealand Winegrowers
  - Mr Bruckel
  - Mr Hyson
  - Mr Kerr
  - The Public Health Service
  - Frost Boss Wind Machines
17. A copy of this feedback is **attached** for your information.
18. The New Zealand Winegrowers has also requested the opportunity to address the Committee on this matter.

### Summary

19. An independent assessment of the Council’s management of the adverse noise effects of wind machines has recommended more intensive monitoring of these noise effects and changes to the plan rules that apply to wind machines. Given the difficulties involved with establishing compliance with existing noise standards, these actions are considered reasonable and it is recommended that these actions be put in place.

### RECOMMENDED

1. **That the Committee receive the report “Report Following Second Workshop in Blenheim Regarding Wind Machines for Frost Protection”.**
2. **That the Committee adopt the two recommendations of the report that:**
  - **(At para 4) A forensic enforcement/monitoring methodology be developed; and**
  - **(At para 5) The preparation of a plan change to change the status of wind machines from a permitted activity to a controlled activity.**

## 4. Blenheim Town Centre Strategy (E225-B07)

(Report prepared by Francis Pauwels)

### Purpose

1. The Council will have received the draft report from Urbanism+ on the Blenheim Town Centre Strategy by 4 June. This follows on from the public presentation of the key aspects of the project at a public forum on Wednesday, 29 April. Around 125 people attended that gathering and the presentation was very well received.

### Background

2. The completed report and the public processes that have underpinned its completion have set the scene for the Council to receive approximately 120 recommendations in the Strategy report. A further connection will also be made with the Blenheim community of interest, by way of making public information available around the key elements of the project and seeking public comment on those aspects.

### Comments

3. There are a number of core elements that have emerged from the project work that will be key to reshaping Blenheim's Town Centre and future. In round terms, the project components comprise the following key initiatives:
  - Library relocation to the civic theatre site
  - Art gallery relocation to the shoe warehouse site
  - New Riverside parks near High Street, Russell Terrace and along the Taylor River
  - Better use of open spaces at Market Place, Bythell Place and Queen Street
  - Relocation of the iSite into the Alfred Street carpark development
  - Future traffic signals at 6 key intersections to control traffic flow and density
  - Bike / Walk paths
  - Street trees
  - Upgrading of footpath network around the CBD
  - Modification of street lights
4. To manage the implementation it will be necessary to develop Urban Design Guidelines and to prioritise and fund projects.

### Summary

5. The next steps in this project are:
  - Receive the draft report and seek Council feedback
  - Seek public comments and feedback on the draft report (summarised version)
  - Hold a workshop to prioritise recommendations
  - Consider funding options

### RECOMMENDED

**That the Urbanism+ draft report be received.**

## 5. Proposed Waikawa Bay Controlled Mooring Areas (M135-15-21)

(Report prepared by Tania Bray)

### Purpose

1. The purpose of this report is to inform the Committee of a management proposal that has evolved from the Waikawa Moorings Group, established through the ongoing hearing of U040624, a bulk application for swing moorings at inner Waikawa Bay.

### Background

2. Significant growth in recreational boating activity over the recent years has put increasing pressure on those few areas suitable for accommodating boats in and around Picton and Waikawa Bay. Port Marlborough Limited's marinas at Picton and Waikawa have been full for some years and there are significant waiting lists. Demand for swing moorings in Waikawa Bay has increased and moorings have been installed in an ad hoc way to the point where convenient and safe mooring areas are now full to capacity.
3. Competition for water space in Waikawa Bay has been brought into focus through the bulk application of 186 swing mooring holders to legitimise their moorings in Waikawa Bay, as part of a wider process facilitated by Council throughout the Marlborough Sounds in recent years. Conflicts between individual mooring spaces, and overall inadequacy of appropriately zoned areas to accommodate these moorings, was highlighted through Port Marlborough's submissions to the consent hearing for the bulk moorings.

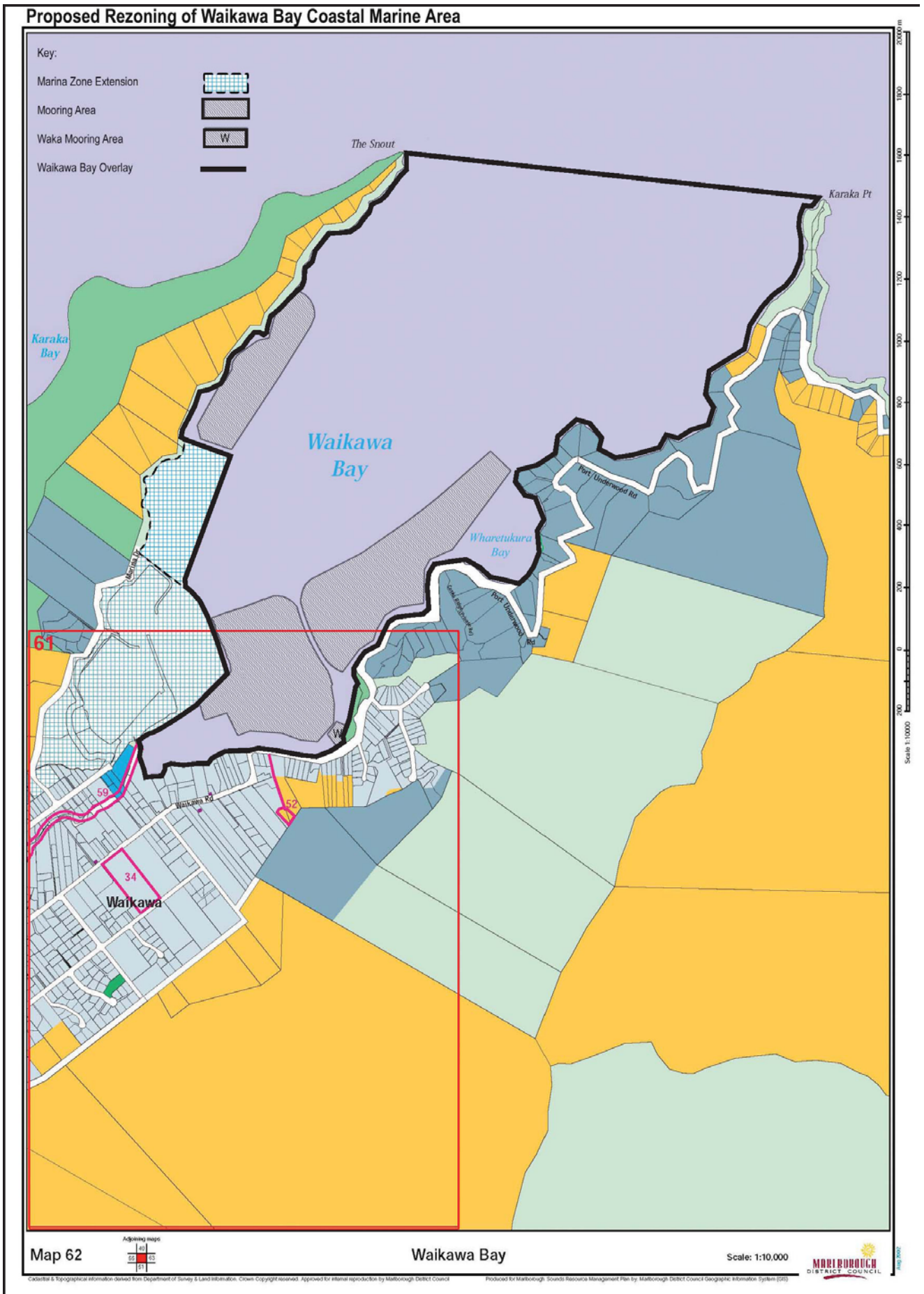
The Waikawa Moorings Working Group comprises representatives of mooring owners (the Marlborough Berth and Mooring Association), Port Marlborough, and is chaired and facilitated by Keith Heather of Council.

### Comments

4. To reconcile and provide for the competing needs in Waikawa Bay, Port Marlborough Limited proposes to introduce changes to the Marlborough Sounds Resource Management Plan, through a private plan change, and also seeks a corresponding new bylaw to manage the moorings.
5. The proposed private plan change will introduce amendments which permit the placement and occupation of moorings within defined mooring areas in parts of inner Waikawa Bay provided a number of conditions are met. Mooring holders would then be required to first obtain a mooring licence from the mooring manager before the placement and occupation of a mooring. The mooring licence is intended to be issued under a proposed new Council Bylaw, passing to the mooring manager the responsibility for allocation and management of mooring space within the defined Mooring Areas and administering the mooring license process. The proposed plan change will also extend the existing marina zone to include an area to the north west of the Waikawa Marina and will provide a specific area for the mooring of waka and associated activities. Any bylaw proposal must be consistent with the relevant provisions of the Local Government Act 2002.
6. The proposed marina extension and mooring areas are shown on the **draft** map below.
7. More details will be provided to Councillors in July/August.

### RECOMMENDED

**That the information be received.**



## 6. “Outcomes for Places” (E225-S04-07)

(Report prepared by Ian Shapcott)

### Purpose

1. To report on the “Outcomes for Places” project being undertaken by the Department of Conservation in conjunction with the Council.

### Background

2. The “Outcomes for Places” project has been a Department of Conservation-lead, Marlborough District Council-supported, project, which involved social survey work, in the shape of five one day community workshops (including two iwi hui), to tease out people's views on *what should happen where* in the Marlborough Sounds - “outcomes for places”. This collaborative project seeks to achieve DoC/MDC alignment in policy for the Sounds’ management, which connects with community aspirations.
3. Workshop participants were asked to identify what makes the Sounds special and what is at risk. They then undertook a visioning exercise to describe how they would like the Sounds to look in the future and how existing land and water uses could be managed to achieve this vision.
4. Councillors Barsanti and Bowers attended all of the workshops, as did Sounds Advisory Group representatives Kristen Gerard and Joe Heberley.

### Comments

5. The project consultant has now completed the first of two reports following the workshops. This report, titled “Stakeholder views on future development in the Marlborough Sounds”, pulls together the information gathered from community workshops. A copy of this report has been circulated to Councillors.
6. A most positive output from the community survey work undertaken - the core of the project - involves the very high degree of commonly held views, by the quite disparate participants, about the important values in the Sounds and their general need for sustainable management. Each of the workshops is documented individually within the report, while Section 6 of the report summarises the key findings across all five workshops.
7. A list of workshop participants is included as Appendix 6 to the report. Copies of this report are to be circulated to the workshop participants.
8. The second report “Assessment of planning documents” will look at the outcomes identified by workshop participants in the context of existing policies and plans, with a view to guiding the current review processes.

### Summary

9. The “Stakeholder views on future development in the Marlborough Sounds” report will deliver to both the Department of Conservation’s Conservation Management Strategy review and to the Council’s current review of the Marlborough Regional Policy Statement.

### RECOMMENDED

**That the report “Stakeholder views on future development in the Marlborough Sounds” be received.**

## 7. Heritage Plan Changes (M135-15-08, M135-15-17, W045-15-55 & W045-15-56)

(Report Prepared by Emma Richardson)

### Purpose

1. The purpose of this report is to obtain Committee approval for the notification of four plan changes to update heritage resources in both the Marlborough Sounds Resource Management Plan and the Wairau/Awatere Resource Management Plan.

### Background

2. On 5 September 2008, the Environment Policy Committee determined that plan changes should be drafted to update the Register of Significant Heritage Resources with respect to heritage trees, and heritage buildings, places and sites, each contained in Appendix A of both the Marlborough Sounds Resource Management Plan and the Wairau/Awatere Resource Management Plan.

### Comment

3. Four plan changes have been prepared, as summarised below:
  - *Wairau/Awatere Resource Management Plan - Plan Change #56 Heritage Tree Update: This plan change proposes that 171 additional heritage trees be protected within the Heritage Register (contained in Appendix A of the Plan), and that 6 trees are removed from the register. The Planning Maps are proposed to be amended to show these new trees, and where the location of existing trees has been mapped inaccurately, based on the information available to Council at the current time, the maps will be amended to fix any errors.*
  - *Marlborough Sounds Resource Management Plan - Plan Change #08 Heritage Tree Update: This plan change proposes that 29 additional heritage trees be protected within the Heritage Register (contained in Appendix A of the Plan), and that one tree be removed from the register. The Planning Maps are proposed to be amended to show these new trees, and where the location of existing trees has been mapped inaccurately, based on the information available to Council at the current time, the maps will be amended to fix any errors.*
  - *Wairau/Awatere Resource Management Plan - Plan Change #55 Heritage Buildings, Places and Sites Update: The Pilot's House is recognised by the New Zealand Historic Places Trust as a Category 1 Historic Place. This dwelling is a timber colonial building, which stands today as a reminder of the local marine history associated with Blenheim. The proposed plan change seeks to protect the Pilot's House as a Class A building. The plan change also proposes to amend several minor errors in the register, with respect to the listing and mapping of Leefield Station as an historic place. While the specific listings for Leefield are not proposed to be altered, the legal descriptions and planning maps will be updated.*
  - *Marlborough Sounds Resource Management Plan - Plan Change #17 Heritage Buildings, Places and Sites Update: The proposed plan change seeks to include the Tory Channel Leading Lights, and further protect the Oparapara (Samson Bay) Argillite Quarries. The Plan currently protects two quarry sites in the Croisilles Harbour area. However, since the protection of these two quarry sites, the New Zealand Historic Places Trust has identified and protected two additional quarry sites in this area. It is therefore proposed to protect the two newly identified quarry sites, and given the close proximity between the sites, it is proposed to protect the wider area encompassing all four of these sites.*

*The Tory Channel Leading Lights, otherwise referred to as the Beacons or 'The Leads' are also currently protected by the New Zealand Historic Places Trust as a Category 1 historic place. The proposed plan change similarly seeks to protect these two light structures, and the former oil store building associated with the lists, as a Class A heritage resource within the Marlborough Sounds Resource Management Plan. Given the lights themselves form part of the current marine navigational system for the Tory Channel, it is not considered appropriate to register the light fittings themselves for protection as it is likely they will be subject to on-going maintenance and repair by Council.*

4. Since the September 2008 Committee meeting, wherein the Committee requested that changes be made to the heritage tree register contained in both the Wairau/Awatere Resource Management Plan and Marlborough Sounds Resource Management Plan, following further investigation, a more complete list of heritage trees has been compiled. The heritage tree schedule proposed therefore differs from that considered by Council last year.
5. Similarly, the amendments proposed to Leefield Station and the Oparapara (Samson Bay) Argillite Quarries are proposed in addition to those considered by the Committee last year.

### Summary

6. The Resource Management Act 1991 (the Act) provides that it is a matter of national importance for historic heritage to be protected from inappropriate subdivision, use and development. The proposed plan changes promote both the purpose of the Act and support the protection of Marlborough Historic Heritage. The protection of these historic features promotes community wellbeing by teaching us about the past and culture of those who came before us, and providing the context for community identity whereby people relate to the land and to those who have gone before us. The **attached** reports detail the relevance of the proposed plan changes, and assess them against requirements of Section 32 of the Act.

### RECOMMENDED

1. **That the Committee adopt the Section 32 reports (including the schedule of changes) for Plan Changes 55 and 56 to the Wairau/Awatere Resource Management Plan and Plan Changes 8 and 17 to the Marlborough Sounds Resource Management Plan, as attached**
2. **That the Committee approve the notification of Plan Changes 55 and 56 to the Wairau/Awatere Resource Management Plan and Plan Changes 8 and 17 to the Marlborough Sounds Resource Management Plan in accordance with the First Schedule of the Resource Management Act 1991.**

## 8. Marlborough Urban Growth Plan (E225-M01)

(Report prepared by Francis Pauwels)

### Purpose

1. The purpose of this report is to update the Committee on the progress made on the Marlborough Townships Urban Growth Master Plan project.

### Background

2. The Environmental Policy Committee took the decision to undertake an extensive project to enable Council to plan for urban expansion across the district.
3. Initial scoping work was started on the 26 May with Kobus Mentz of Urbanism Plus.
4. This will be a multi-factorial project requiring skills and experience in workshops, consultation, zoning, infrastructure investment, traffic/roading, urban planning, social and economic development.
5. There are several infrastructural issues across most of Marlborough's townships (including Blenheim) around sewerage, water supply and drinking water standards.
6. There is a need for integrated Master Planning across the district to guide Resource Management planning, Infrastructure investment and civic project expenditure over the next 10 to 20 years time frame.
7. The Blenheim Town Centre Draft Report is expected to be available by the time of this meeting and this project will build on that work.
8. The initial intention was to start such a project on Blenheim first and then undertake the Picton study. It has become apparent that the scope of the project should include the surrounding townships of Seddon, Renwick, Wairau Valley, Havelock, Grovetown and Spring Creek as they all have current and expected future infrastructure issues.

### Summary

9. The following is a proposed process and timeline:

#### *Stage 1*

Blenheim Renwick Seddon Spring Creek Grovetown	July to October 2009.	Consultation and Workshops.	<b>Report December 2009</b>
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#### *Stage 2*

Picton Havelock Sounds Communities	November 2009 to May 2010.	Consultation and Workshops.	<b>Report June/July 2010</b>
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10. The regional priorities that this project will help inform include:

- Regional Policy Statement (Currently under review)
- Resource Management Plans (Review to start this year)

- Assets and Services planning and prioritisation
- Community and Financial Planning
- Hearings Committees
- Regional Economic Development

**RECOMMENDED**

**That the information be received.**

## **9. Landscape Assessment (M090-02-02)**

(Report prepared by Tania Bray)

### **Purpose**

11. The purpose of this report is to update the Committee on the progress made on the Marlborough Landscape Study.

### **Background**

12. As part of the review of the Regional Policy Statement and Marlborough Sounds and Wairau/Awatere Resource Management Plans, the Council is reviewing the information and provisions on landscape within the district. To this end, a Marlborough landscape study has been commissioned.
13. The Marlborough Landscape Study has been broken into two parts. The first part consists of a regional landscape characterisation which involves the classification of the region's landscape into broad landscape types and character areas. The second part of the study is evaluative and will identify the different landscape values at the district level.
14. The first part of the study, the landscape characterisation, has been drafted. Copies of the draft report will be available for viewing prior to and at the Committee meeting. It is proposed that the Committee consider this report at a workshop on 3 July 2009.
15. Work has commenced on the second part of the study.

### **Summary**

16. The first draft of stage one of the Marlborough Landscape Study has been received. A workshop will be held on the findings in July.

### **RECOMMENDED**

**That the information be received.**

## 10. Shipping Activity in the Marlborough Sounds - Advisory Group (E225-25)

(Report prepared by Pere Hawes)

### Purpose

1. The purpose of this report is to get Committee approval to commence a process of establishing an advisory group to assist the Council in managing the effects of shipping activity in the Marlborough Sounds.

### Background

2. Variation 3 to the Proposed Marlborough Sounds Resource Management Plan was notified in November 2002 to deal with the effects of ship wake in the Marlborough Sounds. After an extensive process, including Environment Court appeals, Variation 3 merged with the Plan in August 2008.
3. Variation 3 included a method of establishing an advisory group. The role of the advisory group is to:
  - Review available monitoring information from shipping operators and the Council and any other expert reports lodged with the Council with respect to the effects of shipping (including research carried out as part of the Council's state of the environment reporting).
  - Assist the Council in determining the optimal course of action for the future management of shipping in the Sounds.
  - Facilitate voluntary action to avoid, remedy or mitigate any unforeseen effects of shipping activity.
  - Provide a manawhenua iwi perspective, in particular that of Te Atiawa, in managing the effects of shipping activity.
4. In summary, Variation 3 anticipates that further shipping activity issues will emerge over time and the advisory group will assist the Council to manage these future issues.

### Comment

5. The Environment Court confirmed Variation 3 eight months ago. Given the passage of time, it is appropriate that the Council now take steps to establish the advisory group signalled in the variation.
6. Members of the advisory group are to be appointed by the Council. Variation 3 specifies that the membership will include representation from community groups, the shipping industry, iwi and the Council. It is recommended that the inaugural members of the advisory group also include those that took part in the Environment Court proceedings.
7. It is proposed that one person from each of the following groups/organisations/companies be represented on the advisory group:
  - Te Atiawa Manawhenua Ki Te Tau Ihu Trust
  - Friends of Nelson Haven and Tasman Bay Inc.
  - Guardians of the Sounds
  - KiwiRail
  - Strait Shipping Limited
  - New Zealand Shipping Federation

- Department of Conservation
8. Subject to confirmation of the above, each of the above groups/organisations/companies will be contacted, inviting them to nominate a person to the advisory group.

**RECOMMENDED**

1. That the Committee endorse the establishment of the “Shipping Activity Advisory Group”.
2. That each of the following groups/organisations/companies be contacted inviting them to nominate one person to the “Shipping Activity Advisory Group”.
  - Te Atiawa Manawhenua Ki Te Tau Ihu Trust
  - Friends of Nelson Haven and Tasman Bay Inc.
  - Guardians of the Sounds
  - KiwiRail
  - Strait Shipping Limited
  - New Zealand Shipping Federation
  - Department of Conservation

## **11. Development Contributions - Plan Change (W045-15 & M135-15)**

**(Report prepared by Ian Shapcott)**

### **Purpose**

1. The purpose of this report is get approval to commence a review of the development contribution provisions of the Marlborough Sounds Resource Management Plan and Wairau/Awatere Resource Management Plan.

### **Background**

2. Development contributions are currently imposed through the Resource Management Act 1991 and the provisions of the Council's resource management plans. The charge(s) are levied through conditions of resource consents.
3. The Local Government Act 2002 provides the opportunity to levy development contributions through the Council's Long Term Council Community Plan (LTCCP). A comprehensive development contribution policy has been prepared and is included in the draft LTCCP. This policy is intended to replace the provisions of the resource management plans and is to have effect from 1 July 2009.

### **Comments**

4. To achieve the transition of statutory requirements, from the Resource Management Act 1991 to the Local Government Act 2002, it is necessary to undertake a plan change to the Marlborough Sounds Resource Management Plan and to the Wairau/Awatere Resource Management Plan. This will involve removing policies that specifically relate to rules that impose these requirements, along with removing the relevant rules and adjusting the associated context of the plans to accommodate those changes.
5. Eight submissions have been received on the draft development contributions policy in the LTCCP. The consideration of the submissions may result in changes to the policy. Any such changes will be taken into account through the review process.
6. A plan change will subsequently be prepared and reported through to the Committee for approval.

### **Summary**

7. The intention to levy development contributions through the Local Government Act 2002 and LTCCP from 1 July 2009 necessitates the need to review and, where appropriate, remove the current development contribution provisions of the Council's resource management plans.
8. In the interim, from 1 July 2009 Council can use charges as provided for in the Local Government Act as long as it does not double dip.

### **RECOMMENDED**

**That the Committee approve a review of the current development contribution provisions of the Marlborough Sounds Resource Management Plan and the Wairau/Awatere Resource Management Plan.**

## 12. Review of Fees Schedule for Resource Management Documents (W045-13)

(Report prepared by Pere Hawes)

### Purpose

1. The purpose of this report is to confirm the fees schedule for resource management documents.

### Background

2. The fees schedule for resource management documents need to be updated to ensure the costs of producing the operative Wairau/Awatere Resource Management Plan are recovered and to remove transitional plans from the schedule. A revised fees schedule was reported to the Committee on 9 March 2009 and approval was given to publicly notify the schedule.

### Comment

3. Charges may only be fixed in a manner set out in Section 150 of the Local Government Act 2002 after using the special consultative procedure set out in Section 83 of the Local Government Act 2002. The revised fee schedule for resource management documents was first publicly notified on the 19 March 2009. No submissions were received. It is therefore recommended that the Committee adopt the revised fee schedule.

### RECOMMENDED

**That the Committee adopt the Fee Schedule for Resource Management Documents set out below:**

<b>Resource Management Act Plans</b>	<b>Charge \$</b>
Marlborough Sounds Resource Management Plan - Set of Three	\$200.00
Marlborough Sounds Resource Management Plan - Volume One	\$50.00
Marlborough Sounds Resource Management Plan - Volume Two	\$50.00
Marlborough Sounds Resource Management Plan - Volume Three	\$100.00
Wairau/Awatere Resource Management Plan - Set of Three	\$200.00
Wairau/Awatere Resource Management Plan - Volume One	\$50.00
Wairau/Awatere Resource Management Plan - Volume Two	\$50.00
Wairau/Awatere Resource Management Plan - Volume Three	\$100.00
Regional Policy Statement	\$20.00

## **13. Information Package**

### **RECOMMENDED**

That the Environmental Policy Information Package dated 10 June 2009 be received and noted.