

File Ref: C135-E03

Ask For: Mike Porter

14 August 2009

Notice of Committee Meeting - Monday 24 August 2009

A meeting of the Environmental Policy Committee will be held in the Council Chambers, District Council Administration Building, Seymour Street, Blenheim on **Monday 24 August 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 MONDAY 24 AUGUST 2009 commencing at 1.30 pm.**

Committee

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 P J S Jerram
Clr G Taylor

Departmental Head

Mr F Pauwels (Manager, Environmental Policy Department)

Staff

Kathy Payne (Committee Secretary)

Open Meeting

1. Proposed Plan Change - Frost Fans Pages 1-3
2. Seasonal Worker Accommodation Pages 4-6
3. The Use of Methyl Bromide in Shakespeare Bay Pages 7-8
4. Submissions to the LTCCP Pages 9-14
5. Minor Plan Changes Pages 15-16
6. Blenheim Town Centre Page 17
7. Information Package Page 18

1. Proposed Plan Change - Frost Fans (W045-15-58, M135-15-23)

(Report prepared by Pere Hawes)

Purpose

1. The purpose of this report is to obtain the Committee's approval for a plan change to both the Wairau/Awatere Resource Management Plan and the Marlborough Sounds Resource Management Plan in respect of the provisions that govern the use of wind machines for frost protection.

Background

2. A decision of the Committee in May 2008 started a process to review how the noise effects from wind machines for frost protection should be managed. A workshop was held in October 2008 to discuss the issues with the use of wind machines. Workshop participants included representatives of residents affected by the noise created by these machines, New Zealand Winegrowers, wind machine manufacturers and suppliers, the Public Health Unit, an acoustic engineer, climatologists, researchers, Council staff and Councillors.
3. The workshop facilitator (Mr John Maassen of the law firm Cooper Rapley) compiled a report on the workshop, summarising information obtained from participants and made recommendations about future management. The report, titled "Report Following Second Workshop in Blenheim Regarding Wind Machines for Frost Protection", was presented to the Committee at its meeting on 10 June 2009.
4. Mr Maassen's report included two key findings.
 - He found the Council was 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. Mr Maassen recommended an intensive study of noise effects in at least one and preferably two locations to address this issue.
 - The second finding was in relation to the existing permitted activity rule in the Wairau/Awatere Resource Management Plan. Of most concern to Mr Maassen was the inability for landowners to show compliance with noise standards before they erected wind machines. He therefore recommended an immediate plan change to make the erection and use of any wind machine for frost protection a controlled activity with the same or similar standards to the existing permitted activity rule. This meant a resource consent would be required but if an applicant showed that the standards could be met before a machine was installed, then resource consent must be granted.
5. The Committee adopted the recommendations of Mr Maassen's report at the June 2009 meeting as follows:

"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."*
6. The June 2009 agenda item on this issue stated that if the Committee accepted the recommendations of Mr Maassen then a plan change would be developed and reported to the next

Comments

Committee meeting. (Work on the first part of the recommendation concerning forensic monitoring is progressing.)

7. Staff have developed a set of proposed changes to the Wairau/Awatere Resource Management Plan and the Marlborough Sounds Resource Management Plan. (Note that although the issues have arisen through the provisions of the Wairau/Awatere Plan, there are also similar provisions in the Marlborough Sounds Plan. There is no reason for there to be different rules applied to different parts of the District and so it is recommended that both plans be changed so rules are consistent.)
8. A draft plan change has been prepared and was circulated to the original workshop participants for comment. The main changes proposed can be summarised as follows:
 - A change in the status of wind machines for frost control from permitted to controlled. There are standards that must be met and the Council will impose conditions on a range of things, which are specified through the draft rules. The main effect of this change is that landowners will have to demonstrate compliance with noise standards prior to installation and where this is shown, then the Resource Management Act requires that a consent authority must approve the consent.
 - Other than the change in status the main other changes proposed are:
 - Change in name of wind machine for frost protection to ‘frost fan’ and inclusion of a definition for this.
 - A lowering in decibel level from 60 to 55.
 - Including a new requirement that the noise standard has to be met:
 - (i) at a distance of 300 metres from the device; or
 - (ii) at the notional boundary of any existing dwelling, visitor accommodation or other habitable building (other than on the site on which the frost fan is situated);whichever is the least distance.
 - The use of an updated New Zealand Standard for the measurement and assessment of noise. This new standard has a more up-to-date process for assessing sources of noise with special audible characteristics. (Note that the draft rules prepared do not adopt Mr Maassen’s recommendation to remove the penalty for special audible characteristics.)
 - Removing the part of the rule that states “*or within 100 metres of a dwelling house not located on the property*”.
 - Including a setback that requires a frost fan to be located no closer than 100 metres from any boundary of a separate lot in different ownership.
 - A list of matters that the Council may impose conditions about.
 - A new rule for Rural and Rural Residential Zones that requires any new dwellings, visitor accommodation or other habitable buildings to be designed and constructed to ensure the noise level inside any bedroom of the dwelling does not exceed 30 dBA Leq with the closest frost fan operating when the doors and windows are closed. Compliance with this standard has to be supported by a design certificate from an appropriately qualified and experienced acoustic engineer.

9. This last point is in direct response to concerns raised by New Zealand Winegrowers when speaking to the Committee at the 10 June meeting. New Zealand Winegrowers considered that in an endeavour to limit reverse sensitivity issues the Council needed to have greater control over the location of and design of new dwellings in rural areas.
10. At the time of preparing this report six responses had been received on the draft provisions. In order to meet the deadline for reporting to this Committee only a short time was available for participants to prepare responses. However, there is another opportunity for participants to make formal submissions to the plan change once it is notified through the First Schedule processes of the Resource Management Act. A verbal summary of the issues identified in responses to the draft provisions will be given to the Committee.
11. A report prepared under section 32 of the Resource Management Act has been prepared to accompany the proposed plan change. A copy of the report is **attached** to this item. The assessment required under section 32 considers whether the changes proposed will be effective and efficient in achieving the purpose of the Act. The assessment has also taken into account the benefits and costs of the changes.

Summary

12. The permitted activity rules in the resource management plans for managing noise generated from the use of wind machines for frost protection have proven to be difficult to implement. There has been difficulty in knowing whether all of the wind machines currently in place have actually met the permitted activity standards, prior to the machines being installed. In this regard the rules can not be considered to be effective.
13. In response to investigations on the effectiveness of the rules, changes are proposed to the resource management plans that will allow the Council to assess whether wind machines meet standards prior to them being erected. This will be achieved through changing the status of the erection and use of wind machines from a permitted to a controlled activity status. This means a resource consent will be necessary, which if the standards are met, will be granted, albeit subject to conditions.

RECOMMENDED

1. **That the Section 32 reports (which include the schedule of changes) for Plan Change 58 to the Wairau/Awatere Resource Management Plan and Plan Change 23 to the Marlborough Sounds Resource Management Plan, as attached, be adopted.**
2. **That the notification of Plan Change 58 to the Wairau/Awatere Resource Management Plan and Plan Change 23 to the Marlborough Sounds Resource Management Plan in accordance with the First Schedule of the Resource Management Act 1991 be approved.**

2. Seasonal Worker Accommodation (E225-12, W045-15-57)

(Report prepared by Neil Henry and Emma Richardson)

Purpose

1. The purpose of this report is to summarise the 'Seasonal worker accommodation in Marlborough 2009' report, **attached**, to recommend its adoption and to identify other key recommendations for consideration to address issues raised in the report.

Background

2. The rapid expansion of the labour force serving the burgeoning viticulture industry and other primary sector industries in Marlborough over the last five years has placed a number of environmental and social pressures on our community. Socially, some workers are suffering as a consequence of living in overcrowded and unsanitary accommodation conditions and the capacity of local public services to support worker needs is stretched. Environmentally, the residential amenity of areas within the community is being adversely affected where the effects of noise, traffic and general activity exceed that anticipated from residential activity.
3. The Council is aware both through recorded instances and anecdotally through complaints, of overcrowding and unsanitary use of some houses used for housing seasonal workers. In 2008 the Council commissioned a report investigating the issue and at its meeting on 10 November 2008, the Committee considered two reports on the issues of worker accommodation in urban areas and decided among other matters, to:

“..collect data on the nature, extent and effect of worker accommodation in Marlborough and the occupancy of houses used to provide accommodation...”
4. The Council commissioned Wellbeing Works to undertake further research updating the findings of the 2008 report, with additional work to develop accommodation standards and to investigate the impact of the influx of workers on health and social issues. An interim presentation was made to Environmental Policy committee on 10 June 2009, and a workshop was held on 22 June 2009 to consider policy options. The final report was received in early August.

Comments

5. This survey was conducted to coincide with the pruning season (May to September) which is the peak in terms of seasonal labour numbers, and this is also the time when health issues amongst the workforce are most prominent (the 2008 study was conducted later in the year when the peak pressures were noted to have subsided). Interviews were conducted with 64 contractors and 52 accommodation providers, then with 72 vineyards to cross check the work. Fifty seasonal workers were surveyed to substantiate accommodation information. Health and social services agencies, and retailers used by the seasonal workers were also spoken to during the course of the study.
6. The bulk of the vineyard labour is provided via contractors. Wellbeing Works Ltd estimates that 3,283 fulltime equivalent staff are provided by 83 contractors. There was a noted potential of oversupply of labour this year due to the economic recession, increased numbers of Recognised Seasonal Employer (RSE) staff and other factors.
7. The labour is sourced from local people, within other parts of New Zealand and from overseas through the RSE and Working Holiday scheme. The majority of the workers work in medium or large sized contract gangs of at least 50 people. This year has seen an increase in the RSE scheme with 1259 workers presently working at the peak of the pruning season. Sixteen of the 27 contractors who are 'approved to recruit' RSE workers have used the scheme in 2009.

8. The report updated the accommodation findings from the 2008 report, and has noted some changes including more people involved in providing managed rental accommodation to contractors and the completion of three purpose built accommodation properties. A total of 3,121 beds were identified this year, of which 60% (1890) were in private rental accommodation, the next largest type being backpackers (23% - 725 beds). An oversupply of 474 beds in 2009 was estimated by excluding the estimated local workforce that does not require such accommodation. A further 200 seasonal workers are estimated for the aquaculture/horticulture industries, although some of this is seasonal, and the supply is localised in Havelock and Picton.
9. A low rate of compliance with Council guidelines, particularly with respect to overcrowding, is noted in the Wellbeing Works report.
10. The demand for community health and social services from the seasonal workforce was considered to be significant, both in terms of absolute numbers and time taken per appointment due to language and cultural issues. This has a knock-on effect with the usually resident population competing for the same limited resources. The report detailed a significant number of issues highlighted by the seasonal workers regarding access to these services, and by the wide range of public and voluntary agencies that are supporting them. For example, the population of Seddon more than doubles with the arrival of seasonal workers.
11. A range of policy options are available to Council as a means of addressing the issues associated with seasonal worker accommodation.
12. Potential options include introducing a plan change that provides environmental effects based rationale for the regulation of the seasonal worker accommodation. A plan change of this nature could:
 - Provide objectives and policies that recognise the need to provide for seasonal worker accommodation within both rural and urban environments, while avoiding or minimising the effects on the community and environment.
 - Enable the establishment of smaller scale seasonal worker facilities, provided the potential environmental effects with such accommodation facilities are consistent with that of general residential activity.
 - Distinguish between smaller and larger scale forms of seasonal worker accommodation, providing guidance within the plans, through plan rules and the resource consent process, for determining the appropriateness of medium to larger scale seasonal worker accommodation facilities.
13. The creation of a bylaw could be adopted as a means to manage overcrowding and unsanitary living conditions. Potentially a seasonal worker accommodation bylaw could:
 - Set minimum standards for seasonal worker accommodation.
 - Ensure that the minimum accommodation standards are met.
 - Promote public health and safety by decreasing the adverse effects of overcrowded accommodation.
14. There are other social issues, particularly the impact on access to and capacity of community health and social services, identified in the Wellbeing Works Ltd report. It is recommended that these be referred to the Community and Financial Planning Committee for their consideration.

Summary

- The Wellbeing Works Ltd report adds value to the findings of the 2008 report as it is focussed on the peak pruning season

- The seasonal workforce in Marlborough is significant in size and is employed by a relatively small number of contractors. A number of factors have reduced the demand for labour this year.
- The majority of the seasonal workforce who are not local are accommodated in private rented accommodation. Three new purpose built accommodation facilities have been completed this year.
- There is an estimated oversupply of ‘beds’ for seasonal workers this year
- Only 20% of the 40 houses assessed were deemed to comply with the new seasonal worker accommodation guidelines in terms of residents per bedroom and ratio of toilets per resident.
- There is a significant impact on access to and capacity of community health and social services identified in the report. These could be referred to the Community and Financial Planning committee for further consideration.
- As illustrated above, a plan change could be a tool to manage the adverse environmental and community effects associated with seasonal worker accommodation in terms of general noise, car parking and the potential adverse effects on community amenity and character. A plan change would not, however, most effectively address or manage the adverse social effects currently being experienced by seasonal workers living in unsuitable and unsanitary living conditions. In contrast, a bylaw could effectively introduce and enforce minimum standards for all seasonal worker accommodation facilities.

RECOMMENDED

- 1. That the Wellbeing Works Ltd report “Seasonal Worker Accommodation in Marlborough 2009” be received.**
- 2. That the Wellbeing Works Ltd report be referred to the Community and Financial Planning Committee for consideration of the social and community issues.**
- 3. That the Council approve a review of the Wairau/Awatere Resource Management Plan and the Marlborough Sounds Resource Management Plan, to provide for seasonal worker accommodation. This review should include the setting of objectives and policies associated with seasonal worker accommodation, and the provision of rules to manage the adverse effects associated with seasonal worker accommodation facilities.**
- 4. That a report be presented back to the Environmental Policy Committee providing an analysis of the social and environmental effects associated with the living conditions of seasonal workers and an assessment of the options for dealing with any problem identified.**

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

(Report prepared by Pere Hawes)

Purpose

1. The purpose of this report is to recommend a response to the concerns raised about the use of methyl bromide at Shakespeare Bay.

Background

2. The fumigation of export logs using methyl bromide has occurred at Shakespeare Bay for quite some time.
3. Guardians of the Sounds and the Soil and Health Association have raised concerns about the health effects of these operations on the residents of Shakespeare Bay and Picton. The Committee was briefed by a number of parties involved with this issue at its meeting on 10 June 2009. The Committee received presentations from:
 - Guardians of the Sounds;
 - The Soil and Health Association;
 - Zindia Ltd;
 - Genera; and
 - The Environmental Risk Management Agency.
4. Further material has been circulated to the Committee since the Committee meeting, including:
 - A copy of the Medical Officer of Health's report on the use of methyl bromide at Port Nelson;
 - A copy of Environment Court's decision on the Nelson City Council's plan change to manage methyl bromide discharges at Port Nelson.
 - A copy of photos taken by Stefan Browning during a fumigation operation at Shakespeare Bay.

Comments

5. 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. Once a plan change was prepared and then notified, which would take approximately three months given the statutory requirement to consult and prepare a Section 32 report, it would take at least a further six months to pass through the First Schedule process of the RMA. Any decision on submissions could be appealed to the Environment Court.
6. 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. The initial stage, the release of an ERMA report, is timed for the end of this year.

7. Given the First Schedule process, it is unlikely that a plan change would be operative before the release of the ERMA decision in mid 2010. In formulating a plan change and considering public submissions, the Council would have to consider many of the same issues that will be canvassed through the ERMA review at a national level. This not only represents a duplication of resources, acting now creates the potential for the Council to impose a management regime that is inconsistent with future regulations for the use of methyl bromide (prompting the need for further plan changes).
8. Given the issues raised above, and in the absence of evidence on adverse effects of methyl bromide use at Shakespeare Bay or Picton, it is recommended that the Committee not proceed with a change to the Marlborough Sounds Resource Management Plan at this stage. Instead, the Council should participate in, and be informed by, the outcome of the ERMA review process. At the end of this review there will be certainty about the appropriate use of methyl bromide on which the Council can then act, if necessary.
9. In the meantime, the Port Company will continue to impose and monitor a maximum permissible discharge of methyl bromide to air at the port boundary (of one part per million).

Summary

10. Guardians of the Sounds and the Soil and Health Association have raised concerns about the potential health effects of methyl bromide use at Shakespeare Bay. ERMA is currently reviewing the use of methyl bromide at a national level. Acting to introduce RMA based management in response to the concerns, ahead of the ERMA review, creates the potential for inconsistent management. A more appropriate course of action is considered to be to wait and be informed by the outcome of the ERMA review process.

RECOMMENDED

That the Council delay consideration of any action to manage the discharge of methyl bromide to air until the completion of the Environmental Risk Management Agency review.

4. Submissions to the LTCCP (R425-02)

(Report prepared by Pere Hawes)

Purpose

1. The purpose of this report is to address submissions made on the LTCCP to the Environmental Policy Committee.

Background

2. The Council considered submissions made to the LTCCP in early June 2009 and released decisions on submissions on 25 June 2009. In making these decisions, two submissions were referred to the Environmental Policy Committee.
3. The submissions (**attached**) sought the following:
 - Mr John Ford: Promotion of tree planting on the Wairau Plain.
 - Mr Russell Grigg: Require developers to maintain landscaping required to mitigate the effects of new developments (for a certain period following the completion of the development).

Comments

4. In terms of the submission by Mr Ford, planting for landscape and habitat enhancement is a matter that will be addressed through the review of the Marlborough Regional Policy Statement . It is recommended that this submission be treated as if it were a submission on the Marlborough Regional Policy Statement review discussion papers and be considered in the preparation of draft landscape and biodiversity provisions.
5. In terms of the submission by Mr Grigg, the Committee decided at its last meeting on the 10 June 2009 to review the development contribution provisions of the resource management plans. This was in response to a Council decision to impose development contributions under the LTCCP, as opposed to the resource management plans. As part of this review, the Committee will consider what other financial contributions (i.e., other than cash) are retained and the appropriate planning framework to allow these to be imposed. It is recommended that the submission of Mr Grigg, for developers to undertake certain works, be considered through this review process.

Summary

6. There are existing processes under review through which the submissions made by Mr Ford and Mr Grigg on the LTCCP can be appropriately considered.

RECOMMENDED

That the information be received.

MARLBOROUGH DISTRICT COUNCIL
PO BOX 443
BLLENHEIM 7240
NEW ZEALAND

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FACSIMILE (0064) 3 520 7496
EMAIL mdc@marlborough.govt.nz
WEB www.marlborough.govt.nz



File Ref: S360-02

Ask For: Judith North

15 July 2009

Mr John Ford
Mills and Ford Road
RD 3
Blenheim 7273

Dear Mr Ford

LTCCP 2009/2019 - Decision

On behalf of Council, I thank you for your submission on the 2009/2019 Draft Long Term Council Community Plan.

At a Council meeting on 25 June 2009 the LTCCP was adopted; Council noted the content of your submission and advises as follows.

Following the establishment of an independent inquiry into local government rates in August 2006, a full report on that enquiry (which included 96 recommendations) was released in August 2007.

The Enquiry Panel considered a range of possible new revenue sources, however only three alternatives were included in their recommendations to central government because the Panel did not support replacing rates as the main source of income with any major new tax. These recommended alternatives were to increase Council's funding from L. A. Petroleum Tax; consider an "international visitors environment levy"; and to establish a contestable Infrastructure Equalisation Fund.

Central government declined to take any action on the first two recommendations, and while not adopting the third recommendation did agree to allocate infrastructural payments of \$150 million over ten years for drinking water schemes and \$173 million over ten years for sanitary works in smaller communities.

A Blenheim Highway Bypass is a state highway matter. By-Pass costs are extremely high (multi millions) and assessed benefits are insufficient to justify this in the medium term.

The clearing out of trees and other obstructions to flood water in the Taylor floodway is regularly done; particularly over the last three years. Tree planting is controlled so that flood management is not compromised.

Council already has a number of initiatives underway to promote tree planting on the Wairau Plain. These include the Tui to Town project and the initiatives driven by the Landscape Group whose primary focus is to develop planting programmes for publicly owned land on the Plain.

The Landscape budget is annually set at \$100,000. Further promotion could be achieved through the development of policy in the Resource Management plans and the Regional Policy Statement.

Council decided – That the matter of further policy initiatives be referred to the Environmental Policy Committee.

Should you have any queries regarding this, please contact Pere Hawes, Environmental Policy Team Leader.

Yours sincerely



JUDITH NORTH
COMMITTEE SECRETARY

c.c. Pere Hawes

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DISTRICT COUNCIL

Draft 2009-2019 Marlborough District Council Long Term

Council Community Plan

Consultation Submission

First Name: JOHN TOWNLE Surname: FORD 121
 Organisation: ELDERLY - USEFUL CITIZEN Postal Address: MILLS AND FORD RD
 Usual Resident ~~Non-Resident~~ RD 3 BLENHEIM
 If non-resident ratepayer, your property is located in:
 Post Code: 7273
 Phone: 03 570 5481 Email:

COMMENTS (Please either enter your comments here or on a separate sheet)

- 1 THE FIRST PRIORITY OF COUNCIL FOR BOTH TIME AND MONEY IS TO ELIMINATE THE PRESENT RATES COLLECTION BASED ON PROPERTY VALUATION. REPLACE IT WITH A SYSTEM WHICH REFLECTS VALUE TO THE COMMUNITY - A FAIR AND JUST SYSTEM.
- 2 WORK TOWARDS THE BLENHEIM HIGHWAY BYPASS. ABERHARTS RD - VICKERMAN ST - BRIDGE ROSES OVERFLOW AND OPANA RIVER - TO REJOIN HIGHWAY 1 AT RIVERLANDS
- 3 PROVIDE SHELTER FROM RAIN AND SUN FOR THE SATURDAY AM AND OTHER OPEN CITIZEN MARKETS
- 4 CLEAR OUT TREES AND OTHER OBSTRUCTIONS TO FLOOD WATER IN THE TAYLOR FLOODWAY.
- 5 VIGOROUSLY PROMOTE TREE PLANTING ON THE WAIPARA PLAIN TO REDUCE THE DAMAGE AND STRESS OF HIGH WIND AND FACILITATE THE INCREASE OF ALL BIRD NUMBERS TO SOMETHING NEAR WHAT THEY WERE 20 YEARS AGO.

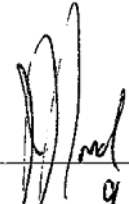
PRESENTATION OF SUBMISSION (Please tick as appropriate. If no box is ticked, it will be considered that you do not wish to be heard)

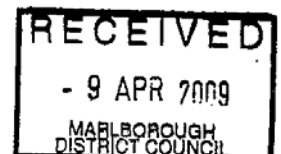
- I wish to speak in support of my submission
 (Draft LTCCP hearing dates are 2, 3 and 4 June (if required) at MDC offices, Blenheim)
- I do NOT wish to speak in support of my submission and ask that the above written submission be fully considered. - WELL, AT LEAST HAVE SOMEONE READ IT.

RETURNING YOUR SUBMISSION

Please return your submission using this form by 7 May 2009 to:

Judith North
 Draft Community Plan submissions
 Marlborough District Council
 PO Box 443
 Blenheim 7240
 Email: judith.north@marlborough.govt.nz
 Fax: (03) 520 7496

Signature: 
 Date: 9-4-09



MARLBOROUGH DISTRICT COUNCIL
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File Ref: S360-02

Ask For: Judith North

15 July 2009

Russell Grigg
47 Hillcrest Avenue
Blenheim 7201

Dear Russell

LTCCP 2009/2019 - Decision

On behalf of Council, I thank you for your submission on the 2009/2019 Draft Long Term Council Community Plan (LTCCP).

At a Council meeting on 25 June 2009 the LTCCP was adopted.

Council decided as follows:

That the submission from Russell Grigg be referred to the Environmental Policy Committee for further consideration.

Please liaise with Pere Hawes, Environmental Policy Team Leader should you have any queries regarding this.

Yours sincerely

JUDITH NORTH
COMMITTEE SECRETARY

c.c. Pere Hawes

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DISTRICT COUNCIL

Draft 2009-2019 Marlborough District Council Long Term

Council Community Plan

Consultation Submission

151

First Name: *Russell*Surname: *CRIGG*

Organisation:

Postal Address: *47 Hillcrest Avenue*

Usual Resident Non Resident

Blenheim

If non-resident ratepayer, your property is located in:

Post Code: *7201*

Phone:

Email:

COMMENTS (Please either enter your comments here or on a separate sheet)

Under "Other Matters for Consideration"
The initial cost of landscaping is met by the developer but ultimately the Council receives these assets and is responsible for their ongoing maintenance. In fact the Council receives another liability which starts the day the contractor completes his work. I suggest Council includes a maintenance period be included in the developers contract (min 12 months) at present there is usually a time delay when the area becomes overgrown with weeds or in some cases the seed fails to strike I do not think the new owners should have to pay for additional fees above the initial purchase price of a new section.

FILE No.:	
OFFICER:	
DATE RECV'L	27 APR 2009
MARLBOROUGH DISTRICT COUNCIL	

PRESENTATION OF SUBMISSION (Please tick as appropriate. If no box is ticked, it will be considered that you do not wish to be heard)

- I wish to speak in support of my submission
 (Draft LTCCP hearing dates are 2, 3 and 4 June (if required) at MDC offices, Blenheim)
- I do **NOT** wish to speak in support of my submission and ask that the above written submission be fully considered.

RETURNING YOUR SUBMISSION
Please return your submission using this form by **7 May 2009** to:**Judith North**

Draft Community Plan submissions

Marlborough District Council

PO Box 443

Blenheim 7240

Email: judith.north@marlborough.govt.nz

Fax: (03) 520 7496

Signature: *J. Crigg*Date: *24-4-2009*

Please note: Submissions received on the draft 2009-2019 LTCCP will be made available to the public as required by the Local Government Act 2002 and subject to the Local Government Official Information and Meetings Act 1987. This will include names and addresses of submitters.

5. Minor Plan Changes (M135-15 & W045-15)

(Report prepared by Pere Hawes)

Purpose

1. The purpose of this report is to recommend the preparation of plan changes to address issues with the application of current resource management plan rules.

Background

2. The application of the existing Wairau Awatere Resource Management Plan and Marlborough Sounds Resource Management Plan rules has highlighted several administrative and interpretative issues over the past six months. These are creating difficulties for resource management officers and may be resulting in outcomes inconsistent with the intent of the rules.

Comments

3. The three rules requiring attention are as follows:

- **Marlborough Sounds Resource Management Plan - Controlled activity subdivision standards (Rule 27.2)**

In a recent Environment Court case (Norton Whanau v MDC), Judge Jackson identified that the existing Plan rules include reference to standards that would effectively make all subdivision in the Marlborough Sounds non-complying activities. The references are to assessment criteria and matters over which the Council exercises control. These were never meant to be standards for the application of the controlled activity rules and the reference to them should be removed.

- **Wairau/Awatere Resource Management Plan - Permitted Activity rules for the taking of water (Rule 27.1.2.1.1, bullet point one)**

Rule 27.1.2.1.1 provides for the taking of water for domestic needs as a permitted activity. This rule is intended to apply the direction from Section 14 of the RMA, which specifies that the taking of water for an individual's reasonable domestic needs is not prohibited. Rule 27.1.2.1.1 also defines what is considered to be a reasonable requirement, a limit of 10 cubic metres per day. The word "individual" is omitted from the rule. This has the effect of allowing community water supplies to abstract water without resource consent. Some community water supplies, including Council operated supplies, are large and it is considered inappropriate for the adverse effects of these large takes not to be considered. The intent of the rule is to allow individuals to abstract water and this would be clarified by inserting "individual" into the rule, as occurs in the Marlborough Sounds Resource Management Plan rules.

- **Wairau/Awatere Resource Management Plan - Urban Residential Zone Permitted Activity Amenity Standards (Rule 32.1.3.4.6)**

The proximity of buildings in the Urban Residential Zone to property boundaries is managed through daylight recession planes. Rule 32.1.3.4.6 exempts garages from the application of the recession plane up to a height of 3 metres. Given the trend for garages now to be incorporated into dwellinghouses, the rule allows a dwellinghouse to be located in closer proximity to property boundaries. The intent of the rule was for the exemption to apply to stand alone garages only and this should be clarified.

4. As these plan changes are proposed to clarify the intent of the existing rules – a technical fix - it is considered that the plan changes can be prepared with minimal consultation. If the preparation of plan changes is approved, draft plan changes will be reported through to the next Committee meeting.

Summary

5. There are three minor plan changes required to clarify the intent of existing rules within the Marlborough Sounds Resource Management Plan and Wairau/Awatere Resource Management Plan. These plan changes would allow the correct application of the rules and provide greater certainty to plan users.

RECOMMENDED

That the Council approve the preparation of plan changes to clarify the intent of Rule 27.2 of the Marlborough Sounds Resource Management Plan and Rules 27.1.2.1.1 and 32.1.3.4.6 of the Wairau/Awatere Resource Management Plan.

6. Blenheim Town Centre - A Vision for the Future (E225-B07)

(Report prepared by Francis Pauwels)

Purpose

1. The purpose of this report is to allow the Committee to receive the final report from UrbanismPlus Ltd containing a strategy for revitalising the Blenheim Town Centre.

Background

2. Over the past eight months, UrbanismPlus Ltd has been investigating opportunities for revitalising the Blenheim town centre. A draft report, containing 120 recommendations, was considered at the previous Committee meeting on 10 June 2009.

Comments

3. A copy of the final UrbanismPlus report “Blenheim Town Centre - A Vision for the Future” has previously been circulated to Councillors. The report identifies preferred development recommendations which are intended to underpin future Council plans and create a mandate for specific projects.
4. This report contains “rough order estimates” of costs of each recommendation. There are no funding sources allocated to this project at this point in time.
5. Any feedback received on the report can be considered as the Committee prioritises the recommendations and considers funding options. It is appropriate to allow six to eight weeks for public feedback. Feedback will be reported back to the Committee for consideration.

Summary

6. In order to progress with an urban strategy, it is appropriate to receive the final UrbanismPlus report.

RECOMMENDED

That the Committee receive the report “Blenheim Town Centre - A Vision for the Future” prepared by UrbanismPlus, as previously circulated.

7. Information Package

RECOMMENDED

That the Environmental Policy Information Package dated 24 August 2009 be received and noted.