

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 WEDNESDAY 9 JUNE 2010 commencing at 1.30 pm.

Present

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

In Attendance

Mayor Sowman, Councillors W O Brice and T R Harrison, Mr F Pauwels (Manager, Strategic Policy Department), Ms T Bray (Strategic Planner) and Kathy Payne (Committee Secretary).

Apologies

Cllrs Jerram/Bowers:

That the apologies for absence from Councillors E I Davidson and G Taylor, be received and sustained.

Carried

E.09/10.552 *Planning* **Adoption of Variation 2 - Coastal Occupancy Charges *M135-15-02***

The report to the Committee outlined the background to Variation 2 - Coastal Occupancy Charges, a change to the regional coastal plan.

Ms Bray advised that on the 15 December 1999 Council made a resolution to introduce a variation to the proposed Marlborough Sounds Resource Management Plan to record that no coastal occupancy charges would be imposed at that time, and that the Council would undertake work on the issues which needed to be addressed, so that coastal occupancy charges could be introduced at a later date. An appeal seeking that coastal occupation charges be introduced straight away was lodged with the Environment Court.

Members were advised that the appeals on Variation 2 have now been resolved by way of consent order, as included with the order paper, and approval was now sought from Council to adopt the provisions and forward them to the Minister of Conservation for approval. Following approval from the Minister, Council would be required to make the provisions operative.

The consent order comprised a Statement on Coastal Occupancy Charges which stated that Council has completed an information database on the various occupations within the Coastal Marine Area and is satisfied that it now has adequate information in that database to enable the implementation of a coastal occupancy charging regime. However, further work is required to determine the circumstances in which charges will be imposed (and possibly waived), the level of charges and use of monies received, as well as preparing plan provisions, including objectives, policies and methods to implement such a regime.

Ms Bray advised that this policy work is being reassessed through the Marlborough Regional Policy Statement and the coastal plan review currently underway.

Clrs Maher/Barsanti:

- 1. That in accordance with Cl 18 of the First Schedule to the Resource Management Act 1991 that Council adopts the Variation 2 provisions, in the attached Annexure 1.**
- 2. That on approval of the provisions in Variation 2 by the Minister of Conservation, in accordance with Cl 20 of the First Schedule to the Resource Management Act 1991, the Council shall publicly notify the operative date as soon as practicable.**

Carried

Councillor Maher declared an interest in the following item.

**E.09/10.553 *Planning* **Adoption of Plan Change 16 & 53 -
Allocation of Authorisations****

M135-15-16 & W045-15-53

Members were aware that the Resource Management Amendment Act (No.2) 2004 introduced major changes to the way in which aquaculture was managed in New Zealand, including the requirement that aquaculture could only occur in aquaculture management areas. Further, that new aquaculture management areas needed to be created through a Council or private plan change and the right to apply for marine farming within these areas (authorisations) had to be publicly tendered.

The report to the Committee provided background to the New Zealand King Salmon Company Limited private plan change request (Plan Change 16) seeking to amend the method of allocation of authorisations for the Marlborough Sounds. They sought to replace the default method of public tendering with a new method which allocated the authorisations to the person who requested the plan change. At the same time Council made the decision to integrate the provisions across the district through Plan Change 53 to the Wairau/Awatere Resource Management Plan.

Ms Bray advised that the review of the aquaculture provisions promulgated through Plan Changes 19 and 52 are now being included in the Marlborough Regional Policy Statement review and plan review.

Members were advised that Plan Changes 16 and 53 have been released and no appeals have been lodged. Approval was now sought to forward the provisions to the Minister of Conservation for approval.

Clrs Barsanti/Bowers:

- 1. That in accordance with Cl 18 of the First Schedule to the Resource Management Act 1991 that Council adopts the Plan Change 16 and 53 provisions, in the attached Schedules of Changes.**
- 2. That on approval of the provisions in Plan Changes 16 and 53 by the Minister of Conservation, in accordance with Cl 20 of the First Schedule to the Resource Management Act 1991, the Council shall publicly notify the operative date as soon as practicable.**

Carried

E.09/10.554 *Council* **Mooring Management Area *L225-01***

A comprehensive report was provided to the Committee for a determination as to whether a bylaw to address the issues of boat accommodation in Waikawa Bay was the most appropriate way of addressing those issues.

Members were advised that although it was usual for the Environment Committee to consider bylaw related issues, this particular one was being considered by the Environmental Policy Committee as it was related to the Port Marlborough New Zealand Limited (PMNZ) plan change request dealt with previously by this Committee.

By way of background members were advised that Council had received a request for a private plan change to the Marlborough Sounds Resource Management Plan from PMNZ addressing issues of boat accommodation in Waikawa Bay and promoting the establishment of a new mooring management area in the water space at Waikawa Bay. The Committee at its meeting on 19 April 2010 accepted the private plan change request by PMNZ. The Committee noted that PMNZ submitted that the plan change relied on a bylaw and supporting moorings management plan to mitigate effects and either required a resolution by the Council to undertake the proposed bylaw or the assessment of effects had to be amended to assess effects without a bylaw.

Members were advised that Section 155 of the Local Government Act 2002 requires that Council make certain determinations on the most appropriate way of addressing a perceived problem. The staff report to the Committee set out the requirements to introduce a bylaw and these were discussed at the meeting.

The Committee agreed with the analysis that a bylaw was the most appropriate way of addressing problems in managing areas where large numbers of moorings are permitted and ensuring that moorings in such areas are allocated in a fair and safe manner and thereby avoiding hazards to navigation safety.

The Committee addressed the issue of whether the proposed bylaw could give rise to any implications under the New Zealand Bill of Rights Act 1990.

A statement of proposal was also attached to the order paper for members' consideration.

Clrs Jerram/Maher:

- 1. That the report be received.**
- 2. That Council accept the analysis in the report presented and determine that a bylaw is the most appropriate way of addressing the perceived problem.**

Clrs Maher/Barsanti:

- 3. That Council determine that:**
 - The proposed bylaw is the most appropriate form of bylaw.**
 - The proposed bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.**

Clrs Barsanti/Hope:

- 4. That Council approve the statement of proposal, including the draft bylaw and authorises the commencement of the special consultative procedure.**

Carried

The meeting closed at 2.30 pm.

Record No: 10169520