

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, 23 AUGUST 2010 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, and G Taylor.

In Attendance

Mayor Sowman, Councillors J L Andrews, W O Brice, T R Harrison and N W Weetman and Mr F Pauwels (Manager, Strategic Policy Department) and Kathy Payne (Committee Secretary).

Apologies

Cirs Barsanti/Davidson

That the apology for absence from Councillor P J S Jerram be received and sustained.

Carried

ATTENDANCE: Mr P Hawes, Council's Environmental Policy Team Leader, was present for the following item.

E.10/11.60 *Policy* **Review of the Marlborough Regional Policy Statement – Update of Progress R425-02**

The report to the Committee provided an update on the progress with the review of the Marlborough Regional Policy Statement. Progress on the draft chapters was summarised in the report. Four chapters were still in preparation and it was hoped to complete these as the technical work was finalised and before the end of 2010.

Members were advised that an emerging issue that could affect the timeline for notification of the reviewed Marlborough Regional Policy Statement was the relationship between the Marlborough Regional Policy Statement and the review of the resource management plan.

Mr Hawes advised that focus group participants, especially resource users, have expressed concern that it has been difficult to provide feedback on the draft Regional Policy Statement objectives, policies and methods without reference to draft rules. He said rules will be set out in the reviewed resource management plan which is in progress. Another advantage was that the drafting of rules would indicate the need for policy guidance for the Regional Policy Statement and would assist to confirm policy direction. Councillors agreed that it would be helpful to align the plans.

Mr Hawes advised that as Council has decided to rationalise the current resource management framework by combining the Marlborough Regional Policy Statement and the Marlborough Sounds Resource Management Plan and Wairau/Awatere Resource Management Plan, that, in effect, the current Volume One of both plans becomes part of the Regional Policy Statement. However, as a Regional Policy Statement could not contain rules a separate volume of regional, regional coastal and district rules is being prepared.

Mr Hawes advised that the use of the nine focus groups has been an effective method of testing the draft Marlborough Regional Policy Statement provisions and the groups had appreciated the opportunity to be involved in the review process at an early stage. He said there will be a Council process for consideration of the draft provisions.

Clrs Davidson/Barsanti:

- 1. That the information be received.**
- 2. That the notification of the Marlborough Regional Policy Statement be adjusted to coincide with the notification of the reviewed resource management plan.**

Carried

ATTENDANCE: Ms T Bray, Council's Strategic Planner, was present for the following item.

**E.10/11.61 *Planning* **Approval of Variation 42 – Review of the
Central Business Zone** *W045-15-42***

Approval was sought from the Committee to approve Variation 42 – Review of the Central Business Zone, a change to the Wairau/Awatere Resource Management Plan.

Ms Bray advised that the variation was notified on the 14 June 2007 and was in response to requests for rezoning land outside of the existing urban area, to provide for large format retail activity, and resource consent applications for retail activity outside the Blenheim Central Business Zone which had been received and the perception that the town centre was becoming vulnerable because of those requests, in its role as the primary retail, commercial, cultural and social centre in the region. The Variation also tried to provide certainty as to the location, scale and effects of retail activity outside of the town centre and urban boundary.

The decisions on submissions were publicly notified on the 22 May 2008 and four appeals were subsequently received by the Environment Court. One appeal, by Outer Limits, proceeded to an Environment Court hearing; however on commencement of the hearing the parties suggested to the Court the appeal could be resolved by way of a negotiated settlement. The consent order was signed off by the Environment Court on the 8 July 2010 and the Schedule of Changes included with the order paper showed the agreed changes to the notified provisions. Council was now required to make the provisions operative.

Clrs Barsanti/Davidson:

- 1. That in accordance with Clause 17 of the First Schedule to the Resource Management Act 1991 Council approve the Variation 42 provisions, in the attached Schedule of Changes.**
- 2. That on approval of the provisions in Variation 42 the Council shall publicly notify the operative date as soon as practicable.**

Carried

E.10/11.62 *Planning* **South Marlborough Urban Growth Project
*E225-M01-04S***

The report to the Committee provided an update on progress made with the South Marlborough Urban Growth Project. Members were aware that approximately 300 written submissions were received in response to public consultation undertaken under the Local Government Act 2002 with 130 submitters being heard during July over five hearing days.

Staff advised that the breadth of submissions received both for proposed growth pockets and for additional areas to be re-zoned has led to a requirement for more technical information to be obtained before decisions could be made. As a result Council would require time to assess those additional zoning requests, implications for resource management policy and plans and suggestions for improvement such as new roading layouts. This requirement for more technical information meant the decisions could be delayed until later this year. Decisions on the Burleigh area (Colonial Vineyard south of New Renwick Road and between Richardson Avenue and Aerodrome Road) would be delayed until the technical acoustical information for the Omaka airfield was received. This was expected to be early next year.

In response to a question as to whether the acoustical information for Omaka would be sufficient for Councillors to make a decision on, Mr Pauwels advised that it was the percentage of movements over the Colonial Vineyard area that was more relevant. Mr Pauwels clarified that caveats on the sections would be enforceable, as verified by a legal opinion, although discussions between the landowner and Omaka airfield are being encouraged to determine if there are alternative land uses for the site. In respect of the proposed Maxwell Hills development the Chair advised that although this was outside the Strategy, because submissions were received on this development they needed to be considered. It was noted that the Maxwell Hills development would be consulted on separately, possibly by way of a plan change.

The Chair put the idea forward that it would be preferable for the Councillors to meet to discuss the submissions while the information was still relevant in their minds and for Councillors to turn their minds to making decisions on submissions. Discussion was held on the decision making process although this would need to be further clarified, particularly as to whether the Strategy could be decided in part. It was suggested that this would be an evolving process requiring a half day to finish hearing submissions, all the submissions heard would need to be analysed and then perhaps recommendations on decisions could be made to the new Council.

It was decided to schedule a workshop prior to elections so that Councillors could make recommendations to the new Council for ratification.

Clrs Barsanti/Barker:
That the information be received.

Carried

E.10/11.63 *Planning* **Northern Marlborough Urban Growth
Strategy Statement of Proposal Public
Consultation** *E225-M01-03N*

The 'Marlborough Urban Growth and Development – Picton, Havelock and Inner Sounds Settlements' report had been received by Council and forwarded to Councillors. Approval was now sought to release the report for public consultation with the addition of the Statement of Proposal as circulated and subject to final edits. This is the third of the three strategies developed by consultants Urbanism+ for Council and developed through a number of processes which involved the community and Council officers in its construction.

Mr Pauwels advised that the Northern Marlborough Urban Growth strategy document provides a comprehensive and integrated approach to urban growth and development in Picton, Havelock and the Sounds communities and includes a number of proposals for new housing and industrial development, and for improvements to Picton and Havelock town centres.

It was proposed that consultation on the Statement of Proposal be undertaken in accordance with the Special Consultative Procedure under the Local Government Act 2002 as soon as practicable following the local body elections. This would involve a summary being circulated and publicised as detailed in the order paper. Councillor Barsanti suggested that consultation be undertaken from mid-November so as to include the summer residents.

The submission process would be open for six weeks and submitters offered the opportunity to make oral presentations of their submissions. Details of this process and the subsequent decision making process will be brought to the Committee at a later date.

In response to a question on how sequencing of development could be achieved Mr Pauwels advised that, like the Southern Marlborough Growth Strategy, a master plan and subdivision guidelines would be required.

Clrs Barsanti/Davidson:

- 1. That the consultant's report 'Marlborough Urban Growth and Development – Picton, Havelock & Inner Sounds settlements' is received.**

2. **That the report is approved as the Council's Statement of Proposal for public consultation purposes, subject to final edits.**
3. **That the details of the public consultation process are approved.**

Carried

ATTENDANCE: Mr Hawes rejoined the meeting.

**E.10/11.64 *Planning* **Wind Machines for Frost Protection Plan
Changes - Appeals****

W045-12-12, M135-12-13

Members were aware of Council's wind machine plan changes to the Wairau/Awatere Resource Management Plan and Marlborough Sounds Resource Management Plan to address the adverse noise effects of wind machine use in the rural environment. Decisions on the submissions to the plan changes were notified on 18 May 2010.

Members were now advised that two appeals on the wind machine plan changes have been received by the Environment Court, from New Zealand Winegrowers and Horticulture New Zealand. Two Section 274 parties, being the Nelson Marlborough District Health Board and Malcolm MacLean, have joined these appeals. Mr Hawes advised it would be unlikely that the appeals will be heard until the New Year. Mr Hawes advised that a further two Section 274 parties had joined the appeal. Members were advised that any submitter to the original plan change could lodge a Section 274 Notice within 30 days of the notice of appeal. Council had signalled in reply to the Court that it was not open to mediation but would meet with appellants to narrow the scope of the appeals.

Clrs Davidson/Barsanti:
That the information be received.

Carried

E.10/11.65 *Council* **Information Package**

Clrs Davidson/Taylor:

That the Environmental Policy Information Package dated 23 August 2010 be received and noted.

Carried

The meeting closed at 2.30 pm.

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