

MARLBOROUGH DISTRICT COUNCIL
15 SEYMOUR STREET
PO BOX 443, BLENHEIM 7240
NEW ZEALAND

TELEPHONE (0064) 3 520 7400
FACSIMILE (0064) 3 520 7496
EMAIL mdc@marlborough.govt.nz
WEB www.marlborough.govt.nz



**MARLBOROUGH
DISTRICT COUNCIL**



Only Marlborough

5 July 2021

Record No: 21137272
File Ref: D050-001-02
Ask For: Mike Porter

Notice of an Extraordinary Council Meeting – Thursday, 8 July 2021

Pursuant to clause 22, schedule 7 of the Local Government Act 2002, an Extraordinary Meeting of the Marlborough District Council will be held in the Council Chambers, 15 Seymour Street, Blenheim on **Thursday, 8 July 2021 commencing at 11.30 am.**

BUSINESS

As per Order Paper attached.

**MARK WHEELER
CHIEF EXECUTIVE**



**Order Paper for an
EXTRAORDINARY COUNCIL MEETING
to be held in the Council Chambers, 15 Seymour Street, Blenheim
on THURSDAY, 8 JULY 2021 commencing at 11.30 am**

Open Meeting

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Marlborough District Council

**Order Paper for an
EXTRAORDINARY COUNCIL MEETING
to be held in the Council Chambers, 15 Seymour Street, Blenheim
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1. Karakia

Tēnā koutou, tēnā koutou, tēnā koutou katoa
E te Atua tō mātou Kai-hanga,
ka tiāho te maramatanga me te ora, i āu kupu kōrero,
ka tīmata āu mahi, ka mau te tika me te aroha;
meatia kia ū tonu ki a mātou
tōu aroha i roto i tēnei huihuinga.
Whakakī a matou whakaaro ā mātou mahi katoa,
e tōu Wairua Tapu.
Āmine.

(God our Creator,
when you speak there is light and life,
when you act there is justice and love;
grant that your love may be present in our meeting.
So that what we say and what we do may be filled with your Holy Spirit.
Amen.)

2. Apologies

3. Declaration of Interests

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

4. Proposed East Coast Beach Vehicle Bylaw

(also refer to the four separate attachments)

(The Mayor)

L225-16-04

Purpose of report

1. To seek approval to release updated notification documents and change the consultation period for the Proposed East Coast Beach Vehicle Bylaw process.

Executive Summary

2. After the Council meeting on 24 June 2021, Council received advice from the Department of Conservation (DOC) that confirmed the proposed Bylaw could apply to part of the Clifford and Cloudy Bay Marine Mammal Sanctuary between the Awatere River mouth and Cape Campbell.
3. The Statement of Proposal approved on 24 June 2021 has been amended. Changes have been made under the section 'Preparation of a draft Bylaw' on pages 7 and 13, clause 9(1) of the draft Bylaw on page 20 and addition of a line to the table on page 37. These are shown in the attached document now dated July 2021. These changes have been made for clarification purposes only. The decision at the Council meeting on 24 June 2021 to change clause 6(4) on page 19 in the draft Bylaw is included.
4. In the Technical Report a number of edits have been made to improve the readability of the report. While they are all minor, the number of changes warrants Council approving a new revision [v5, July 2021] for release. A change has also been made to the Te Tau Ihu iwi section in the Technical Report under Cultural Values on page 12. To reflect this change, the wording in the Statement of Proposal has been amended on page 7 and the deletion of a sentence on the front page of the Summary. In the submission form 'neutral' has been added to the instructions throughout the form. All of these changes are also for clarification purposes.
5. None of the changes to the attached documents are substantive changes to the content of the draft Bylaw. For completeness and transparency it is recommended that Council approves the updated versions to be the ones released for public consultation on the Proposed East Coast Beach Vehicle Bylaw.
6. Due to the delayed notification caused by this process, the period for making submissions needs to be changed. The documents reflect new proposed dates and a 40 working day period with the period for making a submission now opening on 15 July 2021 and closing at 5.00pm on 8 September 2021.

RECOMMENDATIONS

That Council:

1. **Receives the information.**
2. **Approves for release an amended Statement of Proposal containing a draft Bylaw, Summary, Submission Form and Technical Report [v5, 2021] to commence public consultation.**
3. **Determines a new period for making submissions. Submissions will open on Thursday 15 July 2021 and close at 5.00 pm on the 8 September 2021 (40 working days).**
4. **Approves a new timeline for the making of a Bylaw.**

Background/Context

7. On 24 June 2021, Council approved for release a Statement of Proposal, Summary, Technical Report and Submission Form to commence public consultation of the Proposed East Coast Beach Vehicle Bylaw.

8. While drafting the proposed Bylaw, Council had discussed with DOC whether the Bylaw could apply to part of the Clifford and Cloudy Bay Marine Mammal Sanctuary that would fall within the proposed area (the beach between mean high water springs and mean low water springs). DOC had indicated support for this before the meeting on 24 June 2021. Council has now received advice from DOC confirming that Council is able to control that part of the beach within the sanctuary.
9. The recommendations from the Council meeting on 24 June 2021 required a deletion to be made to clause 6(4) of the draft Bylaw and to format the table of contents in the Statement of Proposal to remove the subheadings.
10. In finalising the documents for release, there are a number of minor formatting and corrections that have been identified in the Technical Report and Submission Form.

Assessment/Analysis

11. Part of the Clifford and Cloudy Bay Marine Mammal Sanctuary is located between the Awatere River mouth and Cape Campbell. The Marine Mammal Sanctuary is administered by the DOC under the Marine Mammals Protection Act 1978 and its landward boundary is mean high water springs along the coast. However, the foreshore of the Marine Mammal Sanctuary remains part of the common marine and coastal area (under the Marine and Coastal Area (Takutai Moana) Act 2011) and so is able to be controlled by Council under the Land Transport Act 1998.
12. The Statement of Proposal has been updated to reflect the advice from DOC received on 24 June 2021. Changes have been made under the section 'Preparation of a draft Bylaw' on pages 7 and 13, clause 9(1) of the draft Bylaw on page 20 and addition of a line to the table on page 37. The change adopted at the Council meeting to change clause 6(4) in the draft Bylaw has also been included.
13. During the finalising of the documents a number of changes have been identified. In the submission form 'neutral' has been added to the instructions throughout the form. In the Technical Report a number of edits have been identified to improve the readability of the report. While they are all minor, the number of changes warrants Council approving a new revision [v5, July 2021] for release. A change has been made to the Te Tau Ihu iwi section in the Technical Report under Cultural Values on page 12. To reflect this change, the wording in the Statement of Proposal has been amended on page 7 and the deletion of a sentence on the front page of the Summary.
14. While the changes are not substantive, for completeness and transparency we are asking Council to approve the updated documents attached to this item to be the versions released for public consultation.
15. This process has delayed the original notification date of 1 July 2021. It is recommended that the new date to commence consultation be 15 July 2021, with the submission period closing 40 working days later at 5.00 pm on the 8 September 2021.

Next steps

16. Subject to the adoption of the recommendations, that public consultation will commence on 15 July 2021 asking for submissions on the draft Bylaw.
17. After the consultation period closes on 8 September 2021, a hearing will be held for those submitters that wish to be heard (September 2021).
18. The hearings panel will deliberate and make recommendations to Council (October 2021).
19. Council will decide whether to make a Bylaw (December 2021).

Attachments

Attachment 4.1 – Statement of Proposal July 2021 (Draft Bylaw) – separately attached

Attachment 4.2 – Submission form – separately attached

Attachment 4.3 – Statement of Proposal – Summary – separately attached

Attachment 4.4 – Technical Report [v5 2021] – separately attached

Author	Sarah Edmonds, Strategic Planner
Authoriser	Alan Johnson, Environmental Science and Monitoring Manager

Summary of decision-making considerations			
Fit with purpose of local government			
The proposal enables democratic local decision-making and action by, an on behalf of communities and relates to providing a public service and it is considered good-quality and cost effective.			
Fit with Council policies and strategies			
<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<i>Contributes</i>	<i>Detracts</i>	<i>Not applicable</i>
LTP / Annual Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Financial Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Infrastructure Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Social well-being	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
Economic development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environment & RMA Plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arts & Culture	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Waters	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks and reserves	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public access is retained for passive recreation opportunities along Marlborough's east coast. Long standing vehicle users will be affected.			
Nature of the decision to be made			
As documented in the Statement of Proposal attached to this item.			
Financial considerations			
There will be potential financial costs to administering, implementing and enforcing the proposed Bylaw if made. There may also be potential costs for physical barriers to be installed at access points. These costs have not been calculated, but could be shared with other agencies.			
Significance			
The decision is considered significant under Council's Significance and Engagement Policy. Council intends to follow the special consultative procedure and decision making provisions under the Local Government Act 2002.			
Engagement			
Discussions have been held with iwi, community groups, landowners, beach users, scientists and Government agencies.			
Risks: Legal / Health & Safety etc			
The draft Bylaw will reduce risk to public safety from sharing the coast with motor vehicles.			
Climate Change Implications			
The prohibition of motor vehicles will have a negligible impact on climate change.			