

Marlborough District Council

*Notice of the Council Meeting
to be held in the Council Chambers,
Seymour Street, Blenheim on
Thursday, 11 December 2008
to commence at 3.00 pm*

BUSINESS

As per the Order Paper attached.

**ANDREW BESLEY
CHIEF EXECUTIVE**

Marlborough District Council

**Order Paper for the COUNCIL MEETING to be held in the
Council Chambers, Administration Building, Seymour Street, Blenheim
on THURSDAY, 11 DECEMBER 2008 commencing at 3.00 pm**

Open Meeting

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Marlborough District Council

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Council Chambers, Administration Building, Seymour Street, Blenheim
on THURSDAY, 11 DECEMBER 2008 commencing at 3.00 pm**

1. Prayer

Almighty God,
Give your blessing to this District Council
And grant us such a measure of your wisdom
That we may have a right judgement in all things
And may worthily manage the affairs of this District.

Amen

2. Apologies

Clr T R Harrison for absence

3. Presentation from Dr Rodney Tolley

Dr Rodney Tolley has been invited to Marlborough by the Nutrition and Physical Activity Programme (NPA) unit of the Nelson Marlborough District Health Board, and will be in attendance for a presentation on active transport strategies. The following has been forwarded by the NPA Project Managers:



Rodney is the Director of Walk21, a global partnership of walking experts focussed on conference organisation and consultancy and visited Nelson Marlborough in November 2007 spending time with Councillors and Public and outlining strategies that are appropriate in our own areas. Subsequent to his last visit the Marlborough District Council and the Marlborough District Health Board signed The Walk 21 International Charter for walking. Rodney is again visiting Nelson Marlborough spending time with the general public and interested bike walking advocates. He will also be doing a presentation to the MDC on active transport strategies. He has taught and researched in the sustainable transport field at Staffordshire University for over 30 years. He has authored and edited a number of books, most notably 'The Greening of Urban Transport: Planning for Walking and Cycling in Western Cities' (1997) (which has been described as the 'bible' of green mode planning).

4. Minutes

- 4.1. Confirmation of the Minutes of the Council Meeting held on 30 October 2008
(Minute Nos. C.08/09.240 to C.08/09.250)

5. Committee Reports

5.1 Resource Hearings Committee (refer to separate attachment)

Resource Hearings Committee Meetings held on 10 July, 7 (2), 15, 21 & 28 October and 5 November 2008

(Minute Nos. H.08/09.228 to H.08/09.229, H.08/09.230 to H.08/09.231, H.08/09.232 to H.08/09.233, H.08/09.234 to H.08/09.235, H.08/09.236 to H.08/09.237, H.08/09.238 to H.08/09.239 and H.08/09.251 to H.08/09.252)

5. Committee Reports

5.2 Commissioner Hearing Decisions (refer to separate attachment)

Commissioner Hearings held on 27 August 2008 (U080329) and 16 October 2008 (U060040)

5. Committee Reports

5.3 Environmental Policy Committee

Environmental Policy Committee Meeting held on 10 November 2008
(Minute Nos. E.08/09.253 to E.08/09.258)

5. Committee Reports

5.4 Assets & Services Committee

Assets & Services Committee Meeting held on 20 November 2008
(Minute Nos. P.08/09.259 to P.08/09.287)

5. Committee Reports

5.5 Community & Financial Planning Committee

Community & Financial Planning Committee Meeting held on 24 November 2008
(Minute Nos. A.08/09.288 to A.08/09.302)

5. Committee Reports

5.6 Grants Sub-Committee

Grants Sub-Committee Meeting held on 25 November 2008
(Minute Nos. R.08/09.303 to R.08/09.307)

5. Committee Reports

5.7 Environment Committee

Environment Committee Meeting held on 27 November 2008
(Minute Nos. R.08/09.308 to R.08/09.316)

6. Review of the Marlborough Regional Policy Statement – Update of Progress (R425-02)

(Clr Bunting) (Report prepared by P Hawes)

Purpose

1. The purpose of this report is to provide the Council with an update on progress with the review of the Marlborough Regional Policy Statement (RPS).

Background

2. The Council is required to review a regional policy statement 10 years after being made operative. The Marlborough RPS was made operative in 1995 and the statutory review commenced in 2005.
3. As previously reported, two rounds of public consultation have already occurred, one in 2006 and one in 2007, resulting in the identification of issues to be included within the new Marlborough RPS. The focus during 2008 has been the drafting of RPS provisions (objectives, policies, methods, anticipated environmental results) and the projects required to support the development of these provisions.

Comments

4. Provisions for a number of issues have been developed in consultation with Council staff.
 - Water Quality
 - Soil Quality
 - Air Quality
 - Biodiversity
 - Waste
 - Energy and Climate Change
5. These draft provisions are now able to be considered by the Environmental Policy Committee. Workshops will be scheduled for the New Year. This will be followed by the consideration of the draft provisions by relevant focus groups.
6. The Council formed an Iwi Working Group in 2007 to assist the process of identifying issues of significance to Te Tau Ihu (top of the South iwi) and facilitate the involvement of each iwi in the RPS review process. Through this process, a draft chapter identifying these issues has also been prepared and is currently being considered by each iwi.
7. Other draft provisions currently being worked on include rural issues (e.g., reverse sensitivity, amenity conflicts, residential living in rural environments) heritage, transport/access and natural hazards.
8. Other provisions rely on the completion of current studies. These include:
 - Natural character, landscape and amenity values study: A review of the Council's current management of natural character, landscape and amenity. Contracted out to Boffa Miskell Ltd. Targeted completion July 2009.
 - Wetlands inventory: Compiling an inventory of significant wetlands and the threats to those wetlands. Contracted out to Wetlands NZ. Targeted completion October 2009.

- Water allocation and reallocation: Developing a water allocation framework that enables the reallocation of water amongst water users once full allocation is reached. Targeted completion December 2009.
 - Urban Development Strategy: A strategy to guide the development and growth of Blenheim, starting with the town centre. This project will start on 11 December 2008, with the first round of workshops to be held in early February 2009. Targeted completion June 2009.
 - Current review and update of aquaculture management provisions: Targeted completion July 2009.
 - Groundwater Protection Zones: Development of groundwater protection zones to manage activities in close proximity to community water supply wells that have the potential to contaminate groundwater and adversely affect the quality of drinking water. Targeted completion June 2009.
 - Joint DoC/MDC project engaging stakeholders about expectations for the future of the Marlborough Sounds, including appropriate locations for the activities that currently occur in the Sounds. Targeted completion March 2009.
9. RPS and plan provisions addressing the above issues will be developed as these projects progress rather than waiting until they are completed. These will be progressively considered by the Environmental Policy Committee during 2009.
 10. Central Government initiatives may have an influence on the development of draft RPS provisions, particularly national policy statements and the potential for changes to the Resource Management Act.
 11. There will be a need to reconvene the Iwi Working Group during 2009 in order to confirm the Te Tau Ihu chapter and for the iwi to consider other draft provisions.
 12. A complete schedule of Councillor workshops will be issued early in the New Year. These will be used to confirm the draft provisions to be released for consultation purposes and the make-up of the various focus groups.

RECOMMENDED

That the report be received.

7. Wairau/Awatere Resource Management Plan – Making the Plan Operative (W045-13)

(Clr Bunting) (Report prepared by P Hawes)

Purpose

1. The purpose of this report is to complete the process of making the Proposed Wairau/Awatere Resource Management Plan operative.

Background

2. All appeals on the Proposed Wairau/Awatere Resource Management Plan were successfully resolved by the end of August 2008.
3. The Environmental Policy Committee approved the Proposed Wairau/Awatere Resource Management Plan at its meeting on 5 September 2008, with the exception of those parts constituting regional coastal plan (already approved by the Minister of Conservation in July 2008) and the provisions introduced by Variations 42 and 50 subject to appeal.

Comments

4. A copy of the approved Proposed Wairau/Awatere Resource Management Plan is **separately attached**.
5. The only remaining statutory step to make the Plan **operative** is to publicly notify an operative date. This public notice must be made at least 5 working days before the operative date.
6. Printing and publishing processes are underway and it is anticipated that these will be completed by March 2009. It is therefore proposed to make the Plan operative on 9 March 2009.
7. Due to the fact that the Variation 42 and 50 provisions subject to appeal cannot be made operative yet, technically the Council is making the Plan operative in part. However, these appeals are restricted to specific provisions within the Urban Environments chapter in Volume One, the Central Business Zone and the Neighbourhood Business Zone provisions in Volume Two and relevant planning maps. The provisions introduced by Variations 42 and 50 subject to appeal will be clearly identified in the operative plan.

RECOMMENDED

That Council publicly notify that the Wairau/Awatere Resource Management Plan is to be made operative on 9 March 2009, with the exception of those provisions introduced by Variations 42 and 50 subject to appeal.

8. Proposed National Policy Statement on Freshwater Management (E225-W03-04)

(Clr Bunting) (Report prepared by P Hawes)

Purpose

1. The purpose of this report is to provide Council with background on the proposed National Policy Statement for Freshwater Management (NPS) and to confirm the process that the Council will use to provide feedback on the proposed NPS.

Background

2. The Minister for the Environment prepared a proposed NPS for the management of New Zealand's freshwater resources. This is attached for your information. The Minister also appointed a Board of Inquiry to inquire into, and report on, the proposed NPS. The Board of Inquiry notified the proposed NPS on 20 September 2008 and called for submissions.
3. The preamble of the proposed NPS states that New Zealand faces nationally significant challenges in ensuring there is sufficient water in lakes, rivers and aquifers, protecting freshwater ecosystems, limiting and remediating degradation of freshwater and ensuring that society gains the greatest benefit from the allocation of available water. The proposed NPS is intended to provide guidance in respect of these issues and direct local government to implement measures to resolve them.
4. The Marlborough RPS and our resource management plans must give effect to any national policy statement. This could mean that the Marlborough RPS and resource management plans will need to be changed.

Comments

5. Council staff has considered the objectives and policies contained within the proposed NPS to determine the effect that they would have on the Council's current management of freshwater resources and to establish whether it would add value to that management.
6. The main thrust of the proposed NPS is on requiring regional councils to set freshwater quality standards and environmental flows for all freshwater resources, and to identify "notable values" of water bodies (including outstanding freshwater resources and degraded freshwater resources), through regional plans. Timetables for doing so must be set out in regional policy statements.
7. There is also an emphasis on the effects of non-point source discharges on water quality and on enabling iwi and hapu involvement in freshwater management.
8. It is felt that many of the issues identified within the proposed NPS arise from local government providing no or insufficient guidance on the allocation and use of water and the integrated management of the effects of land use on water quality. In contrast, the Council has provided clear direction within its own planning framework. For example, both the Marlborough Sounds Resource Management Plan and Proposed Wairau/Atawere Resource Management Plan:
 - Identify the values supported by lakes, rivers and aquifers;
 - Identify water bodies with degraded water quality;
 - Prescribe limits to allocation and environmental bottom lines (e.g., minimum flows) for those water resources; and
 - Assign water quality classifications and standards to all water bodies.

9. On this basis, it is felt that the proposed NPS in its current form does not add value to the Council's current management of freshwater resources and, by inference, is therefore not needed. There are also other issues with the construction and detail of the proposed NPS, including:
 - The extent to which the issues identified are issues in Marlborough;
 - The focus on process rather than outcome;
 - The lack of clarity provided by the proposed provisions and how they should be implemented;
 - The use of new undefined terms; and
 - The missed opportunities to set national priorities.
10. The proposed NPS has also been considered by the Resource Managers Group (regional council and unitary authority resource managers) and Local Government New Zealand (LGNZ). A summary paper from LGNZ is attached. They have reached a similar conclusion to that set out above.
11. Both groups are currently working collaboratively to develop an "alternative" national policy statement. The intention is to clearly identify the issues that do require national direction and policies that will add value to current freshwater management. The alternative NPS will form part of LGNZ's submission on the proposed NPS.
12. The closing date for submission on the proposed NPS is 23 January 2008. There is therefore not the opportunity for the Council to endorse a submission prior to the closing date (the first Council meeting in 2009 is 19 February 2009).
13. There has been no indication that the change in government will result in any suspension of the Board of Inquiry process at this stage, so it is important that the Council express the concerns identified in para 9 through the submission process.
14. The LGNZ/Resource Managers Group initiative is still in progress and will not be completed until 19 December 2008. At that time, there will be the ability to decide whether the LGNZ submission and alternative NPS adequately highlight and builds on this Council's concerns. If this is the case, the Council could endorse the LGNZ submission (or use it as a basis of preparing its own submission).

RECOMMENDED

1. **That Council delegate to the Chair of the Environmental Policy Committee the decision whether to prepare a Council submission on the proposed NPS or endorse Local Government New Zealand's submission.**
2. **That if Council prepares its own submission, that the submission focuses on the matters identified in para 9 above.**

9. Harling Park – Public Convenience (P315-H02)

(Clr Maher) (Report prepared by N Crous)

Purpose

1. The purpose of this report is to make a decision in respect of the proposed public convenience for Harling Park, as per Minute No. P.08/09.87 of the Assets & Services Committee Meeting on 28 August 2008.

Background

2. In accordance with the Harling Park development plan, the Reserves & Amenities section was to install a public convenience at the southern end of Howick Road, due to requests from the public visiting the park and the Wither Hills. There continues to be a public requirement for a convenience in this park, as is evident from telephone and letter requests to Council and letters to the editor in the local press.
3. Initial works to enable the installation of services in the Park were stopped by a neighbour of the Park. The project was put 'on hold' while the Reserves & Amenities Section engaged an independent consultant to evaluate the site in order to determine alternative locations, giving consideration to feasibility, potential objections, safety and price.
4. The consultant's report considered that there were only two other potential sites in the Park, but concluded that the initial site proposed by the Reserves & Amenities Section is the most suitable in all respects. The report indicated that potential alternative sites considered would add nearly \$30,000.00 extra to the cost and the Reserves Section had concerns regarding public safety of the locations. The decision for the location of the public convenience was then referred to the Assets & Services Committee on 28 August 2008.
5. It was resolved at the Assets & Services Committee meeting of 28 August 2008 that Clrs Brice and Barsanti would undertake further consultation with the objecting neighbour and report back to the committee as to their decision.
6. Following consultation with the objecting party in respect of the facility, Clrs Brice and Barsanti have advised their decision that the installation of a public convenience facility in the Park should not proceed in the recommended location. They asked staff to further consider sites.

Comments

7. Council is advised that the Reserves & Amenities Section continue to receive requests for this facility from the public.
8. As explained earlier other locations create either public safety or high cost issues related to gravity sewer connection levels. Staff cannot recommend another location in the Park without a significant budget increase. There will then be either public safety or new neighbour issues.

RECOMMENDED

That Council decide on the location and budget for the Harling Park toilet.

10. Marlborough Civic Theatre Trust (A180-06)

(Report prepared by J Lyall)

Purpose

1. The purpose of this report is for Council to consider a request from the Marlborough Civic Theatre Trust to be a guarantor for a loan of \$250,000. The loan is for the purposes of progressing the development of their project to a stage where confidence with final costs can be achieved.

Background

2. Council approved \$5 million of funding as a capital grant in support of a new Civic Theatre through the annual plan process of 2007/2008. Consultation and decision-making processes for the project were completed in early 2008.
3. The grant was conditional upon the Trust achieving final project costs within budget, fund raising targets being met and the sale of the Trusts existing site. For the Trust to be certain of this outcome they have engaged the design services of architectural, engineering and quantity surveying specialists to further develop the design. The Trust intends to pay for these consultancy services by taking out a loan.

Discussion

4. The accounts show that the Trust has the ability to service a loan for \$250,000. The reason they would like Council to be guarantor is due to the deteriorating economic climate and the willingness of banks to provide loans in uncertain times. This should also enable the trust to obtain a more competitive interest rate.
5. The loan is necessary to progress the development of detailed concept plans. Without this further work the project cannot move forward.
6. Council in its role as guarantor would have a potential liability of \$250,000 if the Trust were to default on payments. There is a risk to Council and monitoring of the Trusts financial situation would be prudent.
7. If final costs are within budget and Council's grant is made available it is expected that the loan would be paid off by the grant and the \$250,000 would be included as part of the consultancy fees for the project.

Alternative option

8. Another option could be to provide the Trust with access to \$250,000 of their \$5 million grant prior to achieving the final cost requirements. In effect this would provide the same net result with the major difference being the earlier Council cash-flow required.
9. The risk to Council under this scenario is that the final costs do not come within budget and the development does not progress.
10. If for some reason the project did not proceed the information obtained from this design will be able to be used in the future.

Summary

11. The Marlborough Civic Theatre Trust has requested Council to be guarantor for a loan of \$250,000.
12. The purpose of the loan is to progress final concept plans for the Civic Theatre project.

RECOMMENDED

That Council act as a guarantor for the Marlborough Civic Theatre Trust for a loan of \$250,000.

11. Decision to Conduct Business with the Public Excluded

Decided That the public be excluded from the following parts of the proceedings of this meeting, namely:

- Confirmation of Public Excluded Minutes
- Committee Reports (Public Excluded Sections)

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Minutes and Committee Reports	As set out in the Minutes and Reports	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under Section 7 of the Local Government Official Information and Meetings Act 1987.

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