

**MINUTES OF A MEETING OF THE MARLBOROUGH DISTRICT COUNCIL HELD IN THE  
COUNCIL CHAMBERS, SEYMOUR STREET, BLENHEIM ON  
THURSDAY 11 DECEMBER 2008 COMMENCING AT 3.00 PM**

**Present**

The Mayor A T Sowman, Clrs J L Andrews, A D Barker, G S Barsanti, C R Bowers, W O Brice, E I Davidson, G A Hope, F D Maher, P J O'Sullivan, G Taylor and N W Weetman.

**In Attendance**

Messrs A R Besley (Chief Executive), A P Quirk (District Secretary) and M J Porter (Democratic Services Co-ordinator).

**Prayer**

The meeting opened with a prayer.

**Apologies**

Clrs Barsanti/Davidson:

That the apologies for absence from Clrs J Bunting and T R Harrison be received and sustained.

**Carried**

**C.08/09.324 Council Presentation from Dr Rodney Tolley -**

Dr Rodney Tolley, the Director of Walk21 (a global partnership of walking experts focussed on conference organisation and consultancy), was invited to Marlborough by the Nutrition and Physical Activity Programme (NPA) unit of the Nelson Marlborough District Health Board, and gave a presentation to Council on active transport strategies.

**C.08/09.325 Minutes Confirmation of Minutes -**

The Mayor/Clr Davidson:

That the Minutes of the Council Meeting held on 30 October 2008 (Minute Nos. C.08/09.240 to C.08/09.250) be taken as read and confirmed.

**Carried**

**Committee Reports**

**C.08/09.326 Council Hearings Committee -**

Clrs Davidson/Andrews:

That the Committee reports contained within 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 be received and the recommendations adopted.

**Carried**

**C.08/09.327 Council Commissioner Hearing Decisions -**

Clrs Bowers/Davidson:

That the Commissioner Hearing Decisions as contained within the reports dated 27 August 2008 and 16 October 2008 be received and the recommendations adopted.

**Carried**

**C.08/09.328 Council Environmental Policy Committee -**

**Clrs Hope/Bowers:**

**That the Committee report contained within Minute Nos. E.07/08.253 to E.07/08.258 be received and the recommendations adopted.**

**Carried**

**C.08/09.329 Council Assets & Services Committee -**

Following discussion it was agreed that the recommendation under Minute No. P.08/09.280 (Council Funding for a Toilet in the Tory Channel) be referred back to the Assets and Services Committee in the new year.

**Clrs O'Sullivan/Weetman:**

**That the recommendation under Minute No. P.08/09.280 (Council Funding for a Toilet in the Tory Channel) be withdrawn and the matter referred back to the Assets and Services Committee for further discussion.**

**Carried**

Clr Maher moved an amendment to recommendation 2 under Minute No. P.08/09.282 (Proposed Cycle/Walk Path – Grove Road Bridge to Aberharts Road on Road Reserve) as the funding required for the track construction was now \$45,000. Clr Maher advised that sufficient funding was available in the Cycling and Walking Facilities budget.

**Clrs Maher/Davidson:**

**That recommendation 2 under Minute No. P.08/09.282 (Proposed Cycle/Walk Path – Grove Road Bridge to Aberharts Road on Road Reserve) be amended to read:**

- 2. That funding of up to \$45,000 be approved from this year's Cycling and Walking Facilities budget for track construction.**

**Carried**

Clr O'Sullivan moved that the issue of the Ward Water Scheme – Pipeline Documentation (Minute No. P.08/09.286) should be referred back to the Assets and Services Committee for further discussion.

**Clrs O'Sullivan/Barker:**

**That the recommendation under Minute No. P.08/09.286 (Ward Water Scheme – Pipeline Documentation) be withdrawn and the matter referred back to the Assets and Services Committee for further discussion.**

**Carried**

**Clrs Maher/Weetman:**

**That the Committee report contained within Minute Nos. P.07/08.259 to P.07/08.287 be received and the recommendations, as amended above, adopted.**

**Carried**

**C.08/09.330 Council Community & Financial Planning Committee -**

**Clrs Hope/Barsanti:**

**That the Committee report contained within Minute Nos. A.07/08.288 to A.07/08.302 be received and the recommendations adopted.**

**Carried**

**C.08/09.331 Council Grants Sub-Committee -**

Members discussed a number of issues and agreed that a workshop of the Community and Financial Planning Committee would need to be arranged in the new year to discuss the issues further.

Following discussion on specific grants, the following was proposed.

**Clrs Barker/O'Sullivan:**

**That the grant for the Womens' Refuge be increased by \$2,000.**

**Lost**

**Clrs Brice/O'Sullivan:**

**That the grant for the Awatere Settlers Association be increased by \$2,000.**

**Lost**

**Clrs Andrews/Taylor:**

**That the Sub-Committee report contained within Minute Nos. X.07/08.303 to X.07/08.307 be received and the recommendations adopted.**

**Carried**

**C.08/09.332 Council Environment Committee -**

It was noted that Clrs Brice and Weetman attended this meeting.

**Clrs Taylor/Andrews:**

**That the Committee report contained within Minute Nos. R.07/08.308 to R.07/08.316 be received and the recommendations adopted.**

**Carried**

**C.08/09.333 Strat. Plan Review of the Marlborough Regional Policy Statement – Update of Progress R425-02**

Staff reported with an update on progress with the review of the Marlborough Regional Policy Statement (RPS). 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.

Members noted that 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. Provisions for a number of issues have been developed in consultation with Council staff.

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.

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.

**Clrs Maher/Barsanti:**

**That the report be received.**

**Carried**

**C.08/09.334      Strat. Plan      Wairau/Awatere Resource Management  
Plan – Making the Plan Operative W045-13**

Staff reported on the process of making the Proposed Wairau/Awatere Resource Management Plan operative. All appeals on the Proposed Wairau/Awatere Resource Management Plan were successfully resolved by the end of August 2008.

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.

A copy of the approved Proposed Wairau/Awatere Resource Management Plan is separately appended to these minutes.

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.

**Clrs Maher/Davidson:**

**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.**

**Carried**

**C.08/09.335      Strat. Plan      Proposed National Policy Statement on  
Freshwater Management      E225-W03-04**

Staff provided Council with background on the proposed National Policy Statement for Freshwater Management (NPS) and Council confirmed the process that Council will use to provide feedback on the proposed NPS.

**Clrs Maher/Weetman:**

- 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 below:**
  - 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;**
  - 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.**

**Carried**

**C.08/09.336 Reserves Harling Park – Public Convenience**

**P135-H02**

Staff reported on 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.

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. 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.

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. 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.

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. Council is advised that the Reserves & Amenities Section continue to receive requests for this facility from the public.

**Clrs Davidson/Bowers:**

**That the location of the Harling Park toilet as identified in the original resource consent process be confirmed and the original budget of \$45,000 be allocated.**

**Carried on a show of hand 7 to 4**

**C.08/09.337 Organisation Marlborough Civic Theatre Trust A180-06**

Members considered 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. 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.

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. 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. The loan is necessary to progress the development of detailed concept plans. Without this further work the project cannot move forward.

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. 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.

**Clrs Andrews/Barsanti:**

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

**Carried**

**C.08/09.338      PExcluded      Decision to Conduct Business with the  
Public Excluded**      -

**Clrs Davidson/Barsanti:**

**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:**

<b>General Subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for the passing of this resolution</b>
<b>Minutes and Committee Reports</b>	<b>As set out in the Minutes</b>	<b>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.</b>

**Carried**

The meeting closed at 4.45 pm.

Confirmed this 19<sup>th</sup> day of February 2009

**A T SOWMAN  
MAYOR**

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