

Marlborough District Council

Report and Minutes of a Meeting of the ASSETS & SERVICES COMMITTEE held in the Council Chambers, District Administration Building, Seymour Street, Blenheim on THURSDAY, 12 MARCH 2009 commencing at 8.30 am

Present

Clrs F D Maher (Chairman), N W Weetman, W O Brice, P J O'Sullivan, and Mr R Hunter (iwi representative).

Also Present

Clrs J L Andrews, J Bunting (9.00 am) and T R Harrison.

In Attendance

Mr M S Wheeler, Manager – Assets and Services Department and Ms J R North, Committee Secretary.

Apologies

Clrs Maher/Weetman:

That an apology for non-attendance from Clr G A Hope be received and sustained.

Carried

P.08/09.460 Introduction of Additional Item -

Clrs O'Sullivan/Brice:

That the following additional item not previously included on the Order paper be admitted for consideration in view of there being insufficient time for the listing of the item on the original agenda; and so that the Awatere Settlers Association can confirm funding for instalment of cricket blocks.

In Open Meeting:

- **Cricket Block, Seddon Domain Funding Approval**

Carried

P.08/09.461 Financial Report for Period Ended 31 January 2009 F045-07

A detailed financial report for the Assets and Services Department for the period ended 31 January 2009 was presented by the Finance and Information Supervisor, David Craig.

Clrs Weetman/Brice:

That the report be received.

Carried

ATTENDANCE: Frank Porter and David Miller of Marlborough Roads for the following roading items.

P.08/09.462 Policy for Waiver of Transport Act 1962 Offences T135-01

Marlborough Roads Manager, Frank Porter spoke to a report which asked Council to review its policy for the waiver of stationary infringement offences issued under Schedule 2A of the Transport Act 1962.

Parking wardens are authorised under Section 68BA Transport Act 1962 to enforce the provisions specified and referred in Schedule 2A.

Offences under Schedule 2A of the Transport Act 1962 (Schedule 2A) relate to registration (licence label), evidence of vehicle inspection, (WoF), certificate of fitness (CoF) and registration plate offences. These are enforced by Marlborough Roads on behalf of Marlborough District Council through the parking enforcement contract.

In 2001 the NZ Police issued to their staff a change to their Vehicle Compliance Policy relating to the issue of traffic infringement notices and subsequent action under Schedule 2A.

The Council's current practice is at variance with the police compliance directive.

A proposed Council Practice was presented in the report which the Committee considered and subsequently recommended as a policy.

Clrs Weetman/O'Sullivan:

- 1. That a stationary vehicle offence infringement notice shall not be issued by a warden for failure to display a current WoF or CoF label until the commencement of the month following the date of expiry on the label.**
- 2. That a stationary vehicle offence notice shall not be issued by a warden for failure to display a current licence label until fourteen (14) days have expired from the date displayed on the licence label.**
- 3. That the waiver of Stationary Vehicle Offence Infringement Notices issued under Schedule 2A of the Transport Act 1962 may only be waived where the date of the expiry of a registration label, evidence of a vehicle inspection label or certificate of loading label does not exceed one month from the date of the issue of the stationary vehicle offence infringement notice and that a written request for waiver supported by documentary proof of the rectification of the non-conformance is lodged within fourteen calendar days from the issue of the notice.**
- 4. That the waiver of Stationary Vehicle Offence Infringement Notices issued under Schedule 2A of the Transport Act 1962 for offences committed under the Transport (Vehicle and Driver Registration and Licensing) Act 1986 relating to registration plate offences may only be waived where a written request for waiver supported by documentary proof of the rectification of the non conformance is lodged within fourteen calendar days from the issue of the notice.**

Carried

P.08/09.463 Unsealed Pavement Trials

R945-01

The Australian Road Research Bureau (ARRB) in conjunction with the School of Engineering, Auckland University are proposing to undertake trials of various surfacing materials for unsealed roads.

David Miller of Marlborough Roads assisted these two agencies last year in preparing the New Zealand section of a revised "Unsealed Roads Manual".

He advised that a request has been made of Council to participate in the trials and assist with the project.

The contribution would consist of: trialling various types of running course materials on unsealed roads; measuring and recording the results of those trials; and assisting in the completion of the research document.

Various other territorial local authorities with extensive gravel road networks will contribute.

The bulk of the works would be funded from existing budgets, however the reporting/measuring/production of the research analysis were not and ARRB and Auckland University have asked if Council would be prepared to contribute to that cost.

Cirs O'Sullivan/Maher:

That Council contribute \$15,000 to the research from the Unsealed Roads budget.

Carried

P.08/09.464 Road Stopping Proposal – Wanda Bay, Kenepuru Sound R810-S30

An item on a road stopping proposal at Wanda Bay, Kenepuru Sound was considered at the Assets and Services Committee meeting on 9 February 2009.

The view expressed by the Committee, during the debate on the valuation figure, was that the Hadley and Lyall evaluation of \$320,000 was appropriate.

The matter was further debated at the Council meeting on 19 February 2009.

The issue centred on any offset for the land to be transferred by the Blue Lady Trust (Sommerville-Smith) back to Council to be used in part for a spoil site and a small portion for road.

The Trust has since sought to expand the area they would like Council to sell. It fills in the gap between the land area originally proposed and the foreshore strip.

To achieve a value for the parcel proposed for transfer back to Council, comment was received from the same valuers Council agreed to use, namely Hadley and Lyall. They indicated that any offset in value for the 1130 m² area (spoil site) proposed for transfer back to Council should be very low since it comprises a steep gully and is unsuitable as a building site.

The Committee considered it appropriate to deal with the application as originally submitted. The valuation figure of \$320,000 (GST incl) was revisited and it was subsequently recommended that the valuation figure be \$260,000 (GST incl).

Cirs Weetman/Maher:

- 1. That pursuant to Section 342 of the Local Government Act 1974 and subject to the prior consent of the Minister of Lands, Council authorise the procedures associated with the stopping of the road shown on the plan presented.**
- 2. That such approval be on the basis that the applicant be responsible for all survey, legal, administrative and other costs even if the road stopping does not proceed by reason of objection.**
- 3. That when the road has been stopped Council shall sell the land (2400 m²) to the applicant for \$320,000 (GST incl) and that this figure be set for a period of not more than 12 months allowing for completion of process and settlement otherwise the sale price will be reassessed if the settlement is deferred beyond the 12 month period.**

Discussions have been held with Paul Millen, the Project Manager for NZDFI.

Conditions that Council would require to be imposed are:

- (a) No earthworks or banking can be built without specific Council provision.
- (b) Any thinning or pruning of the trees will require removal of cut material so to allow the free flow of water.
- (c) Final harvesting of trees will require their prompt removal from the floodway.
- (d) Public foot access will be allowed, but light fencing to keep out vehicle access is acceptable.
- (e) No buildings allowed.
- (f) The risks of flood, erosion, fire, vandalism, weeds, animal pests, stock damage are entirely to be borne by the lessee.
- (g) A 10 year term is appropriate without right of renewal.
- (h) Any profit from the activity will accrue to the lessee.
- (i) Access on existing tracks to the land will be provided by Council.

A nearby haymaking lease of Council floodway land is set at \$337 per hectare/year. Thus a rental of approximately \$1,000 per year was considered an appropriate rental.

Clr O'Sullivan asked that consideration be given to the option of a forestry right and the Committee subsequently recommended that Abel Properties be asked to consider this option.

Cirs Weetman/Brice:

- 1. That Council lease at a peppercorn rental to NZ Drylands Forests Initiative an area of approximately 3 ha of floodway land subject to conditions as outlined in paragraph 10.**
- 2. That this concession be valued at \$10,000.**
- 3. That Abel Properties consider the option of a forestry right.**

Carried

ATTENDANCE: Stephen Rooney, Operations and Maintenance Engineer, Jenipher Hubley, Project Engineer and Stuart Donaldson, Planning & Development Engineer.

P.08/09.466 Grovetown/Spring Creek Sewerage Scheme – Property Purchases S180-G01,S135-S01, PN252762, PN250604

Councillors discussed the purchase by Council of two pieces of private land needed for Grovetown/Spring Creek to Blenheim sewer pipeline.

One piece of land beside the Spring Creek treatment pond and the other adjacent to the Opawa River were required for pipeline and electrical supply.

The two property owners have agreed to sell the land at valuation totalling \$24,000 (GST excl). A land area of approximately 2250 m³ was involved.

**P.08/09.468 Request for Extraordinary Water Connection –
Aerodrome Road, Blenheim W270-01, U081163**

The Operations and Maintenance Engineer reported that Smart Alliances have lodged a subdivision proposal for clients adjacent to Aerodrome Road.

Lot 1 of this subdivision is proposed for development as a car museum. Lot 2 is to provide additional car parking for the Aviation Heritage Centre while Lot 3 will continue to be used for pastoral purposes by the existing owners.

The parent property has an existing extraordinary water connection in the northwest corner for domestic and stock water purposes. It will continue to be the water supply for Lot 3.

Lot 1 is the only lot within this subdivision which requires a new water connection.

It was reported that recent watermain upgrades in Waters Avenue and Battys Road as well as in Aerodrome Road has provided sufficient capacity to meet the demand of this additional connection.

Cirs Weetman/Brice:

- 1. That the extraordinary water connection be granted to the proposed Lot 1.**
- 2. That the applicant has an agreement for the creation of an easement to convey water over the location for the water connection.**
- 3. That development levies of \$5,417 (GST excl) (CCI June 2007) be paid for water supply. (The amount paid will be recalculated to the current CCI figure at time of payment.)**

NB: This is the value of the proposed Blenheim water levy as calculated for 2008 as part of the subdivision levy review.

- 4. That a 20 mm diameter water connection will be installed by Council from the watermain in the right of way access to the Aviation Heritage Centre at cost and a quote will be provided to the applicant for payment prior to works commencing.**
- 5. That the connection will be metered.**
- 6. That the water supply will be for domestic purposes and light irrigation only; water demand is not to exceed 3 m³/day.**
- 7. That water rates will be charged to meet Council's extraordinary water rating policy.**
- 8. That granting of this extraordinary connection does not imply subdivisional consent will be granted for U081163 or for any future subdivision of this land.**

Carried

ATTENDANCE: Rosie Bartlett, Reserves and Amenities Manager

P.08/09.469 Twidles Island – Esplanade Acquisition R495-02

Reserves and Amenities Manager, Rosie Bartlett reported that resource consent for the subdivision of Twidles Island in Havelock is currently being processed by Council and this has brought attention to the opportunity to acquire an esplanade reserve along the Pelorus River.

The EPoli Section has identified high values in the area and sought esplanade reserve in the area. They stated that the Pelorus River estuary system is the second largest wetland in the Marlborough District and is the largest of its kind. The margins of the river along the reach in question form part of the interface between the freshwater and marine habitats. Recreationally the area is also known as a trout and flounder fishery and is utilised by kayakers. They believed that the natural character and amenity values also needed to be retained to ensure users are experiencing a wilderness experience. Therefore they believed that a full esplanade reserve with full public access should be obtained for the entire length of the property where it adjoins the Pelorus River. This equates to a 20 metre reserve running the length of the property. The EPoli Section also requested a 6 metre esplanade strip on both sides of a small tributary water way.

DoC has not made comment on acquiring Esplanade land. The subdivision process is primarily due to the developer vesting areas of estuary land in DoC ownership. Fish and Game has requested an esplanade reserve with full public access.

The Reserves Section did not see significant merit in acquiring an esplanade reserve for the purpose of public access as public access is available on the other side of the Pelorus River through the Kaiuma Bay Road.

In accordance with the Resource Management Act esplanade land on lots over 4 hectares needs to be purchased. Esplanade reserve status provides the greatest amount of security for protection but does require full land value payment. The requested esplanade strip would equate to one-sixth of the land value.

Alexander Hayward Ltd, Valuers, had given an estimated value of the land for the esplanade acquisition at \$121,600.

Purchases of esplanade reserves for public access and environmental protection is funded from the Land Subdivision Reserve Account. There is \$50,000 budgeted annually in that account. This year's allocation has been reduced to \$20,000 due to the current economic conditions and downturn in revenue forecast.

In recommending that there be no esplanade acquisition at this point of the Twidles Island development due to current budget limitations in the Land Subdivision Reserves Account, councillors asked that encouragement be given for other funding mechanisms to be looked at within Council.

Clrs O'Sullivan/Brice:

- 1. That there is no esplanade acquisition at this point of the Twidles Island development due to current budget limitations.**
- 2. That encouragement be given for other funding mechanisms to be looked at within Council.**

Carried

P.08/09.470 Cricket Block, Seddon Domain Funding Approval R495-02

It was reported by the Reserves & Amenities Manager that the Awatere Settlers Association applied to the 2008/09 Draft Annual Plan for funding of a new cricket block at Seddon Domain. The decision was referred to the Land Subdivision Account where an amount of \$6,500 was approved for the project. However, as a result of financial constraints the Land Subdivision Account was reviewed and several projects deferred including the cricket block project.

The community is very keen to progress this project and have the opportunity to purchase the surface at a reduced rate and use volunteer labour from within the community to lay it. The Association had therefore requested that approval be given to confirm the funding so that the project could go ahead in the near future.

The Committee approved the request having noted that there was sufficient funds in the account to cover the cost of this project, which was being monitored closely.

Cirs O’Sullivan/Brice:

That approval be given to fund the project from the current Land Subdivision budget.

Carried

P.08/09.471

Information

Package

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The Information Package for the Assets and Services Committee dated 12 March 2009 and circulated separately was received and noted.

The meeting closed at 10.35 am.

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