

Marlborough District Council

*Notice of the Council Meeting
to be held in the Council Chambers,
Seymour Street, Blenheim on
Thursday, 10 December 2009
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, 10 DECEMBER 2009 commencing at 3.00 pm**

Open Meeting

1.	Prayer	Page	1
2.	Apologies	Page	1
3.	Minutes		
3.1	Council – 29 October 2009	Pages	2 - 7
4.	Committee Reports		
4.1	Resource Hearings Committee (refer to separate attachment)	Pages	8 - 70
4.2	Commissioner Hearing Decisions (refer to separate attachment)	Pages	71 - 153
4.3	Environmental Policy Committee	Pages	154 - 161
4.4	Assets & Services Committee	Pages	162 - 171
4.5	Community & Financial Planning Committee	Pages	172 - 179
4.6	Environment Committee	Pages	180 - 188
4.7	Grants Sub-Committee	Pages	189 - 196
5.	2010 Council Meeting Schedule	Pages	197 - 204
6.	Festival Events Core Services and Contestable Funding	Pages	205 - 206
7.	Navigation Bylaws 2009	Pages	207 - 208
8.	Decision to Conduct Business with the Public Excluded	Page	209

Public Excluded

9.	Public Excluded - Confirmation of Minutes		
9.1	Council – 29 October 2009	Pages	210 - 211
10.	Public Excluded - Confirmation of Committee Reports		
10.1	Assets & Services Committee	Pages	212 - 215
10.2	Community & Financial Planning Committee	Pages	216 - 218
11.	Earthquake-Prone Buildings	Pages	219 - 220
12.	Appointment of Directors	Pages	221 - 229
13.	Determination of Items able to be Released to the Public	Page	230

Marlborough District Council

**Order Paper for the COUNCIL MEETING to be held in the
Council Chambers, Administration Building, Seymour Street, Blenheim
on THURSDAY, 10 DECEMBER 2009 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

3. Minutes

- 3.1. Confirmation of the Minutes of the Council Meeting held on 29 October 2009
(Minute Nos. C.09/10.202 to C.09/10.213)

4. Committee Reports

4.1 Resource Hearings Committee (refer to separate attachment)

Resource Hearings Committee Meetings held on 1, 6, 7, 13 (2) & 29 (2) October 2009
(Minute Nos. H.09/10.188 to H.09/10.189, H.09/10.190 to H.09/10.191, H.09/10.192 to
H.09/10.193, H.09/10.194 to H.09/10.195, H.09/10.196 to H.09/10.197, H.09/10.198 to
H.09/10.199 and H.09/10.200 to H.09/10.201)

4. Committee Reports

4.2 Commissioner Hearing Decisions (refer to separate attachment)

Commissioner Hearings held on 21 October 2009 (U090450), 27 October 2009 (U060498) and 3 & 4 November 2009 (U090560)

4. Committee Reports

4.3 Environmental Policy Committee

Environmental Policy Committee Meeting held on 16 November 2009
(Minute Nos. E.09/10.214 to E.09/10.223)

4. Committee Reports

4.4 Assets & Services Committee

Assets & Services Committee Meeting held on 19 November 2009
(Minute Nos. P.09/10.224 to P.09/10.239)

4. Committee Reports

4.5 Community & Financial Planning Committee

Community & Financial Planning Committee Meeting held on 23 November 2009
(Minute Nos. A.09/10.240 to A.09/10.253)

4. Committee Reports

4.6 Environment Committee

Environment Committee Meeting held on 26 November 2009
(Minute Nos. R.09/10.259 to R.09/10.266)

4. Committee Reports

4.7 Grants Sub-Committee

Grants Sub-Committee Meeting held on 24 November 2009
(Minute Nos. X.09/10.254 to X.09/10.258)

5. 2010 Council Meeting Schedule (C405-01)

(The Mayor) (Report prepared by M Porter)

1. The **attached** draft schedule of meetings for 2010 has been prepared for consideration by Council.
2. The sequence of dates is similar to the previous year for the Standing Committee and Council meetings.
3. As in past years, indicative dates have been listed for Resource Hearings. **Resource Hearings Committee members are therefore asked to diary every Tuesday, Wednesday and Thursday (when there are no other meetings scheduled) for Hearings. At times other days of the week may be used, however you will be advised of these in the normal manner.**
4. Agenda close off dates are the Wednesday of the week two weeks prior to the meeting, except for Hearings, which are generally three weeks prior to the hearing.
5. There may be some conflict of dates with members' other interests – these will need to be taken into account in setting the final schedule.

RECOMMENDED

That the meeting schedule for 2010 be approved.

2010 Council Meeting Schedule

Updated 3 December 2009

(INCLUDES INDICATIVE HEARINGS DATES ONLY)

Meeting Date	Agenda Closing Date	Committee/Council Meeting
JANUARY		
Tuesday 12 January	30 November 2009	Hearings
Wednesday 13 January	30 November 2009	Hearings
Thursday 14 January	30 November 2009	Hearings
Tuesday 19 January	7 December 2009	Hearings
Wednesday 20 January	7 December 2009	Hearings
Thursday 21 January	7 December 2009	Hearings
Tuesday 26 January	14 December 2009	Hearings
Wednesday 27 January	14 December 2009	Hearings
Thursday 28 January	13 January	Assets & Services (8.30am)
FEBRUARY		
Monday 1 February	13 January	Community & Financial Planning (1.30pm)
Tuesday 2 February	11 January	Hearings
Wednesday 3 February	11 January	Hearings
Thursday 4 February	20 January	Environment (1.30pm)
Tuesday 9 February	18 January	Hearings
Wednesday 10 February	18 January	Hearings
Thursday 11 February	18 January	Hearings
Tuesday 16 February	25 January	Hearings
Wednesday 17 February	25 January	Hearings
Thursday 18 February	3 February	Council (Discuss 'Draft' Annual Plan (AP) and Budgets) (9.00am)
Tuesday 23 February	1 February	Hearings

Wednesday 24 February	1 February	Hearings
Thursday 25 February	1 February	Hearings
MARCH		
Monday 1 March	10 February	Environmental Policy (1.30pm)
Tuesday 2 March	8 February	Hearings
Wednesday 3 March	8 February	Hearings
Thursday 4 March	8 February	Hearings
Tuesday 9 March	15 February	Hearings
Wednesday 10 March	15 February	Hearings
Thursday 11 March	24 February	Assets & Services (8.30am)
Monday 15 March	24 February	Community & Financial Planning (1.30pm)
Tuesday 16 March	22 February	Hearings
Wednesday 17 March	22 February	Hearings
Thursday 18 March	3 March	Environment (1.30pm)
Tuesday 23 March	1 March	Hearings
Wednesday 24 March	1 March	Hearings
Thursday 25 March	17 March	Council (Adopt 'Draft' AP and Budgets for public consideration) (8.30am)
Thursday 25 March	1 March	Hearings (10.00am)
Tuesday 30 March	8 March	Hearings
Wednesday 31 March	8 March	Hearings
APRIL		
Thursday 1 April	17 March	Council (3.00pm)
Tuesday 6 April	15 March	Hearings
Wednesday 7 April	15 March	Hearings
Thursday 8 April	15 March	Hearings
Tuesday 13 April	22 March	Hearings

Wednesday 14 April	22 March	Hearings
Thursday 15 April	22 March	Hearings
Monday 19 April	31 March	Environmental Policy (1.30pm)
Tuesday 20 April	29 March	Hearings
Wednesday 21 April	29 March	Hearings
Thursday 22 April	7 April	Assets & Services (8.30am)
Monday 26 April	7 April	Community & Financial Planning (1.30pm)
Tuesday 27 April	1 April	Hearings
Wednesday 28 April	1 April	Hearings
Thursday 29 April	14 April	Environment (1.30pm)
MAY		
Tuesday 4 May	12 April	Hearings
Wednesday 5 May	12 April	Hearings
Thursday 6 May	12 April	Hearings
Tuesday 11 May	19 April	Hearings
Wednesday 12 May	19 April	Hearings
Thursday 13 May	28 April	Council (3.00pm)
Tuesday 18 May	26 April	Hearings
Wednesday 19 May	26 April	Hearings
Thursday 20 May	26 April	Hearings
Tuesday 25 May	3 May	Hearings
Wednesday 26 May	3 May	Hearings
Thursday 27 May	3 May	Hearings
JUNE		
Tuesday 1 June	19 May	Special Hearing Committee (Hear submissions on 'Draft' AP) (9.00am)
Wednesday 2 June	19 May	Special Hearing Committee (Hear submissions on 'Draft'

		AP) (9.00am)
Thursday 3 June	19 May	Special Hearing Committee (Hear submissions on 'Draft' AP) (9.00am)
Tuesday 8 June	1 June	Council (Consider submissions on 'Draft' AP) (9.00am)
Wednesday 9 June	26 May	Assets & Services (8.30am)
Wednesday 9 June	26 May	Environmental Policy (1.30pm)
Thursday 10 June	26 May	Community & Financial Planning (9.00am)
Thursday 10 June	26 May	Environment (1.30pm)
Tuesday 15 June	24 May	Hearings
Wednesday 16 June	24 May	Hearings
Thursday 17 June	24 May	Hearings
Tuesday 22 June	31 May	Hearings
Wednesday 23 June	31 May	Hearings
Thursday 24 June	9 June	Council (Adopt AP and set Rates) (3.00pm)
Tuesday 29 June	4 June	Hearings
Wednesday 30 June	4 June	Hearings
JULY		
Thursday 1 July	4 June	Hearings
Tuesday 6 July	14 June	Hearings
Wednesday 7 July	14 June	Hearings
Thursday 8 July	14 June	Hearings
Monday 12 July	23 June	Environmental Policy (1.30pm)
Tuesday 13 July	21 June	Hearings
Wednesday 14 July	21 June	Hearings
Thursday 15 July	30 June	Assets & Services (8.30am)
Monday 19 July	30 June	Community & Financial Planning (1.30pm)
Tuesday 20 July	28 June	Hearings

Wednesday 21 July	28 June	Hearings
Thursday 22 July	7 July	Environment (1.30pm)
Tuesday 27 July	5 July	Hearings
Wednesday 28 July	5 July	Hearings
Thursday 29 July	5 July	Hearings
AUGUST		
Tuesday 3 August	12 July	Hearings
Wednesday 4 August	12 July	Hearings
Thursday 5 August	21 July	Council (3.00pm)
Tuesday 10 August	19 July	Hearings
Wednesday 11 August	19 July	Hearings
Thursday 12 August	19 July	Hearings
Tuesday 17 August	26 July	Hearings
Wednesday 18 August	26 July	Hearings
Thursday 19 August	26 July	Hearings
Monday 23 August	4 August	Environmental Policy (1.30pm)
Tuesday 24 August	2 August	Hearings
Wednesday 25 August	2 August	Hearings
Thursday 26 August	11 August	Assets & Services (8.30am)
Monday 30 August	11 August	Community & Financial Planning (1.30pm)
Tuesday 31 August	9 August	Hearings
SEPTEMBER		
Wednesday 1 September	9 August	Hearings
Thursday 2 September	18 August	Environment (1.30pm)
Tuesday 7 September	16 August	Hearings
Wednesday 8 September	16 August	Hearings

Thursday 9 September	16 August	Hearings
Tuesday 14 September	23 August	Hearings
Wednesday 15 September	23 August	Hearings
Thursday 16 September	1 September	Council (3.00pm)
Tuesday 21 September	30 August	Hearings
Wednesday 22 September	30 August	Hearings
Thursday 23 September	30 August	Hearings
Tuesday 28 September	6 September	Hearings
Wednesday 29 September	6 September	Hearings
Thursday 30 September	6 September	Hearings
OCTOBER		
Tuesday 5 October	13 September	Hearings
Wednesday 6 October	13 September	Hearings
Thursday 7 October	13 September	Hearings
Tuesday 12 October	20 September	Hearings
Wednesday 13 October	20 September	Hearings
Thursday 14 October	20 September	Hearings
Tuesday 19 October	27 September	Hearings
Wednesday 20 October	27 September	Hearings
Thursday 21 October	27 September	Hearings
Thursday 21 October	13 October	Council (Adopt Annual Report) (1.00pm)
Tuesday 26 October	4 October	Hearings
Wednesday 27 October	4 October	Hearings
Thursday 28 October	13 October	Council (3.00pm)
NOVEMBER		
Tuesday 2 November	11 October	Hearings

Wednesday 3 November	11 October	Hearings
Thursday 4 November	11 October	Hearings
Tuesday 9 November	18 October	Hearings
Wednesday 10 November	18 October	Hearings
Thursday 11 November	18 October	Hearings
Monday 15 November	27 October	Environmental Policy (1.30pm)
Tuesday 16 November	22 October	Hearings
Wednesday 17 November	22 October	Hearings
Thursday 18 November	3 November	Assets & Services (8.30am)
Monday 22 November	3 November	Community & Financial Planning (1.30pm)
Tuesday 23 November	29 October	Hearings
Wednesday 24 November	29 October	Hearings
Thursday 25 November	10 November	Environment (1.30pm)
Tuesday 30 November	8 November	Hearings
DECEMBER		
Wednesday 1 December	8 November	Hearings
Thursday 2 December	8 November	Hearings
Tuesday 7 December	15 November	Hearings
Wednesday 8 December	15 November	Hearings
Thursday 9 December	24 November	Council (3.00pm)
Tuesday 14 December	22 November	Hearings
Wednesday 15 December	22 November	Hearings
Thursday 16 December	22 November	Hearings

6. Festival Events Core Services and Contestable Funding (C315-2009/32)

(Report prepared by L Johnson)

Purpose

1. The purpose of this report is to provide Council with an update on progress on the provision of rate payer funded free festivals and events through a contract for provision of core events and expressions of interest for contestable funding.

Background

2. Reports have been provided to the Community and Financial Planning Committee on 20 July 2009 and 31 August 2009 noting that Council had a contract with Marlborough Festivals and Events Trust since 1997 for provision of festivals and events for the Marlborough community.
3. The value of the contract is \$150,000 per annum and is due to expire on 30 June 2010 with no right of renewal.
4. A Council workshop had been held to discuss future involvement in provision of festival and events.
5. At the 31 August 2009 Community & Financial Planning committee meeting Councillors made the following resolutions (under Minute No. A.09/10.99):
 - a) *That Council continue to provide rate payer funded free festivals and events within the existing budget of \$150,000 per annum as follows:*
 - i) *A three year contract for provision of core events (Summer Concert Series, Christmas Parade, Seniors Concerts and Event Guide);*
 - ii) *Expressions of interest for an annual contestable fund under set criteria.*
 - b) *That the Chair and Deputy Chair of the Community and Financial Committee and the Mayor be given delegated authority to develop the criteria for the contestable fund and put in place a process for decision making to the outcome of the tender and contestable fund process.*

Progress

6. The Committee met and confirmed the criteria which included events that are.
 - a) Predominantly free of charge or with minimal charge
 - b) designed to bring community together with active participation.
 - c) focused at community benefit or community good as opposed to commercial type events more focused at economic benefit.
7. A process was put in place for receiving tenders to the core services and for the request for proposals for the contestable funding

8. These closed on 31 October 2009 and the committee has since met and instructed staff to progress with negotiating with Marlborough Festival and Events Trust as their preferred providers for provision of core events.
9. In addition staff are negotiating with the Festival Events Trust to provide the Southern Jam Youth Jazz Festival and Children's Theatre under the contestable funding. The committee has decided to await the outcome of the Christmas Festival being held on 17 December 2009 before deciding whether to enter into arrangements for provision of this in future years.
10. It is expected that once details have been finalised and a decision is made on the Christmas Festival that details of the three year contact will be completed at the end of February 2010 ready for commencement on 1 July 2010.

RECOMMENDED

That the Chair and Deputy Chair of the Community and Financial Planning Committee and the Mayor have delegated authority to finalise the tender and request for proposals process within the existing budget of \$150,000 per annum.

7. Navigation Bylaws 2009 (L225-05)

(Clr Taylor) (Report prepared by A van Wijngaarden)

Purpose

1. The purpose of this report is to update the Council on the proposed Navigation Bylaw 2009 hearings scheduled for December 2009.

Background

2. The Local Government Act 2002 requires that Council reviews all of its Bylaws made under provisions of the Local Government Act 1974. This includes the two Navigation Bylaws.
3. The proposed Navigation Bylaws were notified and submissions called for. The submission process was delayed a number of times due to requests for extension of time from submitters

Hearing of Submissions

4. Following the public consultation process, dates were set during December 2009 for hearing of submissions by a Navigations Bylaw Sub-Committee chaired by an independent commissioner. Due to requests from submitters, it is recommended that the hearings now be postponed until 3 March 2010. The postponement request is due largely to the upcoming Christmas period during which many of the submitters experience their busiest period of the year.

Bylaw Changes – Pilotage Provisions

5. With respect to bylaw provisions relating to carriage of pilots these are subject to the provisions of maritime rule 90 – pilotage and were replicated in the current draft, following the format of the 2002 Navigation Bylaws. A recent meeting with Maritime NZ on pilotage matters, it was agreed that there was no need to replicate pilotage requirements within the Navigation Bylaws. By and large, such matters would be included within the new rule 90, expected to come into force mid 2010.
6. The clauses relating to pilotage issues are set out in Part 4 – *Operating Requirements – commercial vessels, pilots and masters*; specifically Part 4.4 (2) which deals with the lodgement of passage plans by pilots will now become part of agreed on standard operating procedures to be agreed on between the Harbour Master, pilots and Maritime NZ.
7. Similarly, the tonnage limitation of 100 gross tonnage for Tory Channel, as contained in Part 4.2 (1)(a) and (b) is also subject to the new rule and, since there is still some further discussion to be undertaken, this particular clause may be subject to modification following the issue of the final rule.
8. Since the compulsory pilotage limits for Pelorus Sound will now include Admiralty Bay and French Pass, the requirements set out in Part 4.8 which specifically impose restrictions on vessel movements through French Pass will also be addressed in the new rule 90 and can therefore be omitted from the proposed Navigation Bylaw 2009. However, the requirements relating to Stephens Island Passage fall outside the new compulsory pilotage limit and should remain within the proposed Bylaw, although this section will require modification.

Conclusion

9. Council has publicly notified and sought submission on the draft Navigation Bylaws 2009.

10. As a result of requests from submitters, it is recommended that hearings are deferred until 3 March 2010.
11. Following a meeting with Maritime NZ, Marlborough Sounds Maritime Pilots, Port Marlborough and Council on matters relating directly to rule 90 – pilotage – it was agreed that those clauses relating directly to pilotage are removed from the current draft Bylaws. Specifically Parts 4.2 (1)(a) and (b), 4.4 (2) in its entirety and modifications to 4.8 relating to restrictions on vessels using Stephens Island Passage

RECOMMENDED

1. **That Council defer hearings of submissions to the Navigation Bylaws 2009 until 3 March 2010.**
2. **That clauses 4.2(1)(a) and (b), 4.4 (2) of Navigation Bylaws 2009 be deleted and modifications to 4.8 relating to restrictions on vessels using Stephens Island Passage are made.**

8. 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)
- Earthquake-Prone Buildings
- Appointment of Directors

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.
Earthquake-Prone Buildings Appointment of Directors	In order to protect the privacy of natural persons, as provided for under Section 7(2)(a).	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.

\\i...O:\Admin\A-E\C135\03\Council-10December2009-MPo1-or.doc