

# *Marlborough District Council*

*Notice of the Council Meeting  
to be held in the Council Chambers,  
Seymour Street, Blenheim on  
Thursday, 6 August 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, 6 AUGUST 2009 commencing at 3.00 pm**

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## **Marlborough District Council**

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on THURSDAY, 6 AUGUST 2009 commencing at 3.00 pm**

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### **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 A D Barker

### **3. Minutes**

- 3.1. Confirmation of the Minutes of the Council Meeting held on 25 June 2009  
(Minute Nos. C.08/09.669 to C.08/09.683)

## **4. Committee Reports**

### **4.1 Resource Hearings Committee (refer to separate attachment)**

Resource Hearings Committee Meetings held on 26, 27 & 28 May, and 9, 16, 17 & 23 June 2009

(Minute Nos. H.08/09.655 to H.08/09.656, H.08/09.657 to H.08/09.658, H.08/09.659 to H.08/09.660, H.08/09.661 to H.08/09.662, H.08/09.663 to H.08/09.664, H.08/09.665 to H.08/09.666 and H.08/09.667 to H.08/09.668)

## **4. Committee Reports**

### **4.2 Commissioner Hearing Decisions (refer to separate attachment)**

Commissioner Hearings held on 25 May 2009 (U080245) and 25 June 2009 (U090205)

## **4. Committee Reports**

### **4.3 Assets & Services Committee**

Assets & Services Committee Meeting held on 16 July 2009  
(Minute Nos. P.09/10.1 to P.09/10.12)

## **4. Committee Reports**

### **4.4 Community & Financial Planning Committee**

Community & Financial Planning Committee Meeting held on 20 July 2009  
(Minute Nos. A.09/10.13 to A.09/10.25)

## **4. Committee Reports**

### **4.5 Environment Committee**

Environment Committee Meeting held on 23 July 2009  
(Minute Nos. R.09/10.26 to R.09/10.38)

## 5. Navigation Bylaws Sub-Committee (L225-05)

(Clr Taylor) (Report prepared by A Besley)

### Purpose

1. The purpose of this report is to amend a previous decision of Council in regard to the make-up of the Navigation Bylaws Sub-Committee (the Sub-Committee).

### Background

2. Council at its meeting on 2 April adopted the recommendation of the Environment Committee under Minute No. R.08/09.504, with an added recommendation 1(b), being:
  - 1(a). *That a Navigation Bylaws Sub-Committee be formed and delegated to hear submissions, consider all submissions and make recommendations to Council following the special consultative procedure currently underway for the two proposed Navigation Bylaws.*
  - 1(b). *That the Navigation Bylaws Sub-Committee be empowered to establish such proper and lawful procedures for the foregoing as it shall determine.*
  2. *That the Navigation Bylaws Sub-Committee comprise two independent commissioners, one being appointed as the Chairperson, and one elected member.*
  3. *That the submission period for the two proposed Navigation Bylaws be extended by one month to 27 April 2009.*

### New Make-up of the Sub-Committee

3. It is now the view of staff and legal advisers that the second independent commissioner should be participating in the process as an independent maritime expert advising the Sub-Committee rather than as a member of the Sub-Committee.
4. The reason for that view is that as an independent adviser as opposed to a panel member his views are available to the submitters to challenge during the hearings and in this way the process is seen as more transparent.

### Standing Orders

5. To allow for this change it is therefore necessary to amend Council's resolution under Minute No. R.08/09.504. Standing Orders allow such a change.
6. Standing Orders 3.9.18 state:

*A local authority meeting may, on a recommendation contained in a report by the chairperson or chief executive, or the report of any committee, revoke or alter all or part of resolutions previously passed at meetings. At least 2 clear working days notice of any meeting to consider such a proposal must be given to members, accompanied by details of the proposal to be considered.*

### Amended Resolution

7. Resolution 2. needs to be amended as thus:
  2. *That the Navigation Bylaws Sub-Committee comprise ~~two~~ one independent commissioners, ~~one being appointed~~ as the Chairperson, and one elected member.*

**RECOMMENDED**

**That pursuant to Standing Orders 3.9.18, Resolution 2 of Minute No R.08/09.504 be amended to read:**

- 2. That the Navigation Bylaws Sub-Committee comprise one independent commissioner as the Chairperson, and one elected member.**

## **6. 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 :

<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 and Reports</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>

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