

**MINUTES OF A MEETING OF THE MARLBOROUGH DISTRICT COUNCIL  
HELD IN THE COUNCIL CHAMBERS, SEYMOUR STREET, BLENHEIM ON  
THURSDAY 10 DECEMBER 2009 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, J Bunting, E I Davidson, T R Harrison, G A Hope, P J S Jerram, F D Maher, 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.

**C.09/10.285      *Minutes*                      Confirmation of Minutes                      -**

The Mayor/Clr Harrison:

That the Minutes of the Council Meeting held on 29 October 2009 (Minute Nos. C.09/10.202 to C.09/10.213) be taken as read and confirmed.

Carried

**Committee Reports**

**C.09/10.286      *Council*                      Hearings Committee                      -**

Clrs Bowers/Davidson:

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

Carried

**C.09/10.287      *Council*                      Commissioner Hearing Decisions                      -**

Clrs Davidson/Bowers:

That the Commissioner Hearing Decisions as contained within the reports dated 21 October 2009, 27 October 2009 and 3 & 4 November 2009 be received and the recommendations adopted.

Carried

**C.09/10.288      *Council*                      Environmental Policy Committee                      -**

Clrs Bunting/Bowers:

That the Committee report contained within Minute Nos. E.09/10.214 to E.09/10.223 be received and the recommendations adopted.

Carried

**C.09/10.289**      *Council*                      **Assets & Services Committee**                      -

Members discussed the recommendation under Minute No. P.09/10.232 (Blenheim Wastewater Treatment - Iwi Memorandum of Understanding) and noted that procedurally the Mayor should not have signed the MOU until the recommendation had been received and adopted by Council.

Clr Jerram advised that congratulations should be extended to Clr Maher, Mark Wheeler, Jenipher Hubley and other staff for their efforts with the Grovetown Sewerage Scheme.

**Clrs Maher/Weetman:**

**That the Committee report contained within Minute Nos. P.09/10.224 to P.09/10.239 be received and the recommendations adopted.**

**Carried**

**C.09/10.290**      *Council*                      **Community & Financial Planning Committee**                      -

Two petitions were tabled. These were in relation to Minute No. A.09/10.244 (Street Stall (Cart) Operations (Commercial) - Blenheim CBD).

The first petition (presented by the Mayor) was signed by 18 café owners representing 16 cafés under the heading (and dated 2 December 2009) *We the undersigned are Café owners and permanent ratepayers in the Blenheim central business district. The Council issues licenses to stall holders for the sale of perishable goods, and we welcome this. Council will also issue licenses for Coffee Cart operators. We strongly object to this practice and request that Council withdraw the existing licenses and cease to issue new licenses for this purpose.*

The second petition (presented by Clr Hope) was signed by approximately 250 people under the heading *We the undersigned do not agree with the Marlborough District Council policy of issuing licenses to market stall operators, where these stall operators are in competition with permanently located businesses and receive an unfair commercial advantage in the license.*

Members discussed the petitions and the recommendations from the Community and Financial Planning Committee. Further discussion on the fee for the site licence also took place. It was noted that the revaluation for each site had moved from the original \$1,000 to \$4,000. Members suggested that a figure lower than the \$4,000 would be more appropriate.

**Clrs Hope/Barker:**

**That in relation to Minute A.09/10.244 the site licence fee for Street Stall (Cart) Operations (Commercial) - Blenheim CBD be fixed at \$2,000 plus GST per annum.**

**Carried**

**Clrs Barsanti/Andrews:**

**That the Committee report contained within Minute Nos. A.09/10.240 to A.09/10.253 be received and the recommendations adopted.**

**Carried**

**C.09/10.291**      *Council*                      **Environment Committee**                      -

The second resolution under Minute No. R.09/10.264 (Marlborough Landscape Group Strategy and Representation) was discussed and the following motion to replace this resolution was made.

**Clrs Bowers/Andrews:**

**That resolution 2 of Minute No. R.09/10.264 (Marlborough Landscape Group Strategy and Representation) be amended to read:**

2. **That Councillors Davidson, Hope, Jerram and Maher, and any other interested Councillor be appointed to the Marlborough Landscape Group.**

**Carried**

**Clrs Andrews/Harrison:**

**That the Committee report contained within Minute Nos. R.09/10.259 to R.09/10.266 be received and the recommendations adopted.**

**Carried**

**C.09/10.292      *Council*      **Grants Sub-Committee**      -**

**Clrs Andrews/Taylor:**

**That the Sub-Committee report contained within Minute Nos. X.09/10.254 to X.09/10.258 be received and the recommendations adopted.**

**Carried**

NB: Clr Hope declared an interest in the recommendation for the Marlborough Hospice Trust and did not vote on this issue.

NB: Clr Taylor declared an interest in the recommendation for the Blenheim Wrestling School and did not vote on this issue.

NB: Clr Harrison requested that his vote against resolution 2 under Minute No. X.09/10.256 be recorded.

**C.09/10.293      *Council*      **2010 Council Meeting Schedule**      *C405-01***

Attached to the Order Paper for consideration was the draft schedule of meetings for 2010.

**The Mayor/Clr Barsanti:**

**That the meeting schedule for 2010 be approved with the amendments that the Assets and Services Committee meeting set down for 28 January 2010 be moved to 1 February 2010 and the Environment Committee Meeting to be held on 4 February 2010 commence at 9.00 am.**

**Carried**

**C.09/10.294      *Contracts*      **Festival Events Core Services and  
Contestable Funding**      *C315-2009/32***

The purpose of the report was 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.

Members noted that reports had 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.

The value of the contract is \$150,000 per annum and is due to expire on 30 June 2010 with no right of renewal. A Council workshop had been held to discuss future involvement in provision of festival and events.

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.*

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.

A process was put in place for receiving tenders to the core services and for the request for proposals for the contestable funding. 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. 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. 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.

**The Mayor/Clr Andrews:**

**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.**

### **Carried**

NB: Clr Bowers declared an interest in the above and did not take part in discussion nor vote on the issue.

## **C.09/10.295      Legal                      Navigation Bylaws 2009                      L225-05**

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

Staff reported that 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. 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

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.

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.

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.

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.

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.

Council has publicly notified and sought submission on the draft Navigation Bylaws 2009. As a result of requests from submitters, it is recommended that hearings are deferred until 3 March 2010. 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

**Clrs Taylor/Andrews:**

- 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.**

**Carried**

**C.09/10.296      PExcluded      Decision to Conduct Business with the  
Public Excluded**      -

**Clrs Barsanti/Taylor:**

**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  | 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<br>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. |

**Carried**

The meeting closed at 4.05 pm.

Confirmed this 18<sup>th</sup> day of February 2010

A T SOWMAN  
**MAYOR**

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