

Marlborough District Council

*Notice of the Council Meeting
to be held in the Council Chambers,
Seymour Street, Blenheim on
Thursday, 16 September 2010
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, 16 SEPTEMBER 2010 commencing at 3.00 pm**

Open Meeting

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Marlborough District Council

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on THURSDAY, 16 SEPTEMBER 2010 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

Clrs A D Barker and G S Barsanti

3. Minutes

- 3.1. Confirmation of the Minutes of the Council Meeting held on 5 August 2010
(Minute Nos. C.10/11.46 to C.10/11.57)

4. Committee Reports

4.1 Resource Hearings Committee (refer to separate attachment)

Resource Hearings Committee Meetings held on 15, 20, 21 & 22 July and 19 August 2010
(Minute Nos. H.10/11.38 to H.10/11.39, H.10/11.40 to H.10/11.41, H.10/11.42 to H.10/11.43,
H.10/11.44 to H.10/11.45 and H.10/11.58 to H.10/11.59)

4. Committee Reports

4.2 Commissioner Hearing Decisions (refer to separate attachment)

Commissioner Hearings held on 19 March & 30 April 2010 (U090353), 7 July 2010 (U071220) and 13 July 2010 (U080564)

4. Committee Reports

4.3 Environmental Policy Committee

Environmental Policy Committee Meeting held on 23 August 2010
(Minute Nos. E.10/11.60 to E.10/11.65)

4. Committee Reports

4.4 Assets & Services Committee

Assets & Services Committee Meeting held on 26 August 2010
(Minute Nos. P.10/11.66 to P.10/11.83)

4. Committee Reports

4.5 Community & Financial Planning Committee

Community & Financial Planning Committee Meeting held on 30 August 2010
(Minute Nos. A.10/11.84 to A.10/11.95)

4. Committee Reports

4.6 Environment Committee

Environment Committee Meeting held on 2 September 2010
(Minute Nos. R.10/11.97 to R.10/11.108)

4. Committee Reports

4.7 Enforcement & Prosecution Committee

Enforcement & Prosecution Committee Meeting held on 30 August 2010
(Minute No. N.10/11.96)

5. Resource Consent Hearings - Appointment of Commissioners

(The Mayor) (Report prepared by M Porter)

C135-E01

1. There is always a hiatus between Election Day and the first meeting when the committee structure for the new Council is determined.
2. There are ongoing hearings that need to be held. Rather than inconvenience applicants by time extensions in which to hear the applications it is appropriate to appoint the current resource consent hearings committee members as commissioners to hear and determine notified resource consent applications until such time as the new committee structure has been finalised.
3. For the same reason it is seen as appropriate that Councillors Davidson and Bowers be appointed as Commissioners to determine non-notified resource consent applications.
4. This is the same arrangement as made in 2007.

RECOMMENDED

1. **That Mrs E I Davidson, Mr C R Bowers, Mrs J L Andrews, Mr G S Barsanti and Mr T R Harrison be appointed as Commissioners to hear and determine notified resource consent applications until such time as the committee structure for the ensuing term of Council has been finalised.**
2. **That Mrs E I Davidson and Mr C R Bowers be appointed as Commissioners to determine non-notified resource consent applications until such time as the committee structure for the ensuing term of Council has been finalised.**

6. Marlborough Civil Defence Emergency Management (CDEM) Group – Triennial Election

(The Mayor) (Report prepared by M Porter)

C090-01

1. There is a need to ensure that there is continuity in the exercising of Council's responsibilities under the Civil Defence and Emergency Management Act 2002 (the Act) during the transition period following the Triennial Election.
2. The CDEM Group is treated by the Act as if it is a permanent body and always able to respond to emergencies. However, the Local Government Act 2002 deems committees (such as the CDEM Group) and subordinate bodies to be discharged on the coming into office of members elected after the Triennial Election, unless Council resolves otherwise.
3. The CDEM Group has to exist in order for its members to exercise functions under the Act. If a CDEM Group is allowed to go out of existence, no activity will be able to be taken by it until it is reconstituted. This includes the ability of Council members to exercise CDEM functions.

RECOMMENDED

That Council resolves, as provided for by clause 30(7) of Schedule 7 to the Local Government Act 2002, that the Marlborough Civil Defence Emergency Management Group and any Sub-committees constituted by that Group shall not be deemed to be discharged on the coming into office of the members of the Council elected or appointed at the next Triennial Election of members.

7. Enforcement & Prosecutions Committee – Triennial Election

(The Mayor) (Report prepared by M Porter)

C135-E04

1. There is always a gap between Election Day and the first meeting when the committee structure for the new Council is determined.
2. There may be a need for the Enforcement & Prosecutions Committee to meet and determine action to be taken.
3. Rather than delaying action, which may then be outside legal parameters, it is considered appropriate to appoint the current elected committee members as commissioners to determine enforcement and prosecution action until such time as the new committee structure has been finalised.

RECOMMENDED

That Mr G Taylor, Mr C R Bowers, Mr P J Radich and Mr A R Besley be appointed as Commissioners to determine enforcement and prosecution action until such time as the committee structure for the ensuing term of Council has been finalised.

8. Plan Changes 08, 17, 55 & 56 Heritage Buildings and Trees

(Clr Bunting) (Report prepared by T Bray)

M135-15-8 & 17, W045-15-55 & 56

Purpose

1. For the Council to approve all parts of Plan Changes 8,17, 55 & 56 regarding heritage buildings and trees, which are not subject to appeal, and to make those provisions operative.

Background

2. On the 24 September 2009 the Council notified the following four plan changes.

Plan Change 8 - The Marlborough Sounds Resource Management Plan - Heritage Tree Update:

3. This plan change proposed the protection of 29 additional heritage trees within the Heritage Register and the removal of one tree from the Register.

Plan Change 17 - The Marlborough Sounds Resource Management Plan - Heritage Buildings, Places and Sites Update:

4. The proposed plan change sought to further protect the Oparapara (Samson Bay) Argillite Quarries, with the inclusion of two additional quarry sites within the Samson Bay area. The proposed plan change also sought to list the Tory Channel Leading Lights, and the former oil store shed associated with the lights.

Plan Change 55 - The Wairau/Awatere Resource Management Plan - Heritage Buildings, Places and Sites Update:

5. The proposed plan change sought to protect the Pilot's House, Wairau Bar. The plan change also proposed to amend several minor errors in the register and maps, with respect to the listing and mapping of Leefield Station as an historic place.

Plan Change 56 - The Wairau/Awatere Resource Management Plan - Heritage Tree Update:

6. This plan change proposed that 171 additional heritage trees be protected within the Heritage Register, the removal of six trees from the Register.
7. Submissions and further submissions were called for the Plan Changes, and submissions were heard in a hearing on 3 May 2010 by a sub-committee consisting of Councillors Hope, Jerram and Bowers (Chair). Decisions on each of the submission were released on the 19 August 2010.
8. The decisions are currently in the appeals phase where submitters have until early October to lodge their appeals with the Environment Court. No appeals have been lodged to date and it is anticipated few if any will be lodged.
9. Where no appeals are received on a plan change or they are resolved through the Environment Court, the Council is required to approve the plan changes and to make those provisions operative. Where a plan change is appealed the Council has the option of making the parts of the plan change that have not been appealed operative. The benefit in making the plan change part operative is that the un-appealed provisions are not held up while resolution is reached on the remainder. The four plan changes consist of a large number of quite specific changes e.g. a tree on a specific property and it is unlikely that any appeals received will affect more than one property.

10. It is therefore recommended that the Council proceed to make those parts of the plan changes not appealed (following the closing dated for appeals) operative as soon as possible to provide protection to the remaining identified heritage resources.

Summary

11. Decisions on Plan Changes 9, 17, 55 & 56 have been released. Approval from the Council is sought for those parts of the plan changes which are not subject to appeal, and that the plan changes (in whole or in part) be made operative as soon as possible.
12. The various Schedule of Changes appendices are **separately attached** to the Agenda.

RECOMMENDED

1. **That the information be received.**
2. **That in accordance with Clause 17 of the First Schedule to the Resource Management Act 1991, Council approve all parts of plan changes 8, 17, 55 & 56, as identified in the separately attached Schedule of Changes, which are not subject to appeals.**
3. **That subject to that approval of those provisions, the Council shall publically notify the operative date of those provisions as soon as practicable.**

9. Edwin Fox Book

(The Mayor)

A180-07-00

Purpose

1. The purpose of this report is for Council to consider funding the production of a book on the Edwin Fox to be authored by Don Grady.

Background

2. The Edwin Fox is one of the last East Indian Merchant ships capable of being displayed. The ship is currently domiciled in a purpose built graving dock on the Picton foreshore adjacent to the Edwin Fox Museum. The museum and ship are administered by the Edwin Fox Society.
3. The Edwin Fox society is a charitable trust that funds their operations from donations, museum entry fees, sale of memorabilia and bequests. Bequests are usually tagged for specific purposes associated with the preservation of the ship.
4. There have been a number of projects over the years to research a definitive history of the Edwin Fox. No definitive history of the ship has been published as a result of this research.
5. The Edwin Fox Society asked Don Grady to take on the project. Don is a renowned author best known for his series "Grady's People" which have become collectors' items.
6. Don has been researching the book for over three years and has had unprecedented access to private files and information that has previously been "unavailable".
7. Mr Grady has almost completed the manuscript. Mr Grady has not received any payment for his research and would rely on royalties to get some recompense for his time. The Edwin Fox Society has not contributed to the costs to date.
8. A publisher has agreed to publish the book which will cost between \$35,000 and \$40,000.
9. Mr Grady does not have the means to pay for the publication of the book and the publisher cannot bankroll the entire production cost.
10. The Edwin Fox Society is investigating if they could contribute \$10,000 from their funds to help publish the book.
11. Norm Clarke (Carver) approached the Mayor to see if Council would consider helping fund the publication of the book. Mr Clarke considers that if this book is not published now it never will be.

Discussion

12. The publication of the Edwin Fox book will cost up to \$40,000. Various options for financing the production of the book are being investigated. Effectively Council is being asked to fund the book recover its costs from book sales.
13. The first publication is intended to be 2,000 units. The cost of productions should be covered by the first publication run.
14. There are various cost and risk sharing scenarios that can be investigated further that include the Edwin Fox Society and any contribution they may make, any funds the publisher may be willing to contribute to the production and any Council contributions.
15. Council may only be required to underwrite the production of the book and recoup any costs from sales. If sales do not reach expectations Council will have to cover the balance of the cost of publication.
16. The heritage funding could be used to fund the production of the book with any profits going back to this fund for Council to give out as grants to the heritage community.
17. Legal agreements will need to be entered into to formalise any negotiations.

RECOMMENDED

1. **That Council agree to fund the publication of the Edwin Fox book up to \$40,000 from the Heritage budget.**
2. **That delegated authority be given to the Manager, Support Services to negotiate Council's role in the publication of the Edwin Fox book.**
3. **That any agreement be legally formalised by the District Solicitor.**

10. Valedictory for Retiring Member

The Mayor will present retiring member, Cllr Jill Bunting, with an appreciation certificate.

Cllr Barker has tendered his apology for this meeting; therefore the presentation of his appreciation certificate will be made at a later time.

11. 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)
- Out of District Sewer Connection
- Performance Agreement
- Performance Agreement

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.
Out of District Sewer Connection Performance Agreement Performance Agreement	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.

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