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**MARLBOROUGH  
DISTRICT COUNCIL**

9 May 2014

Record No: 14116390  
File Ref: D050-001-02  
Ask For: Mike Porter

### **Notice of Council Meeting – Thursday, 15 May 2014**

Notice of the Council Meeting to be held in the Council Chambers, 15 Seymour Street, Blenheim on Thursday, 15 May 2014 to commence at 3.00 pm.

## **B U S I N E S S**

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, 15 Seymour Street, Blenheim  
on THURSDAY, 15 MAY 2014 commencing at 3.00 pm

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## Marlborough District Council

**Order Paper for the  
COUNCIL MEETING**  
to be held in the Council Chambers, 15 Seymour Street, Blenheim  
on THURSDAY, 15 MAY 2014 commencing at 3.00 pm

### 1. Prayer

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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

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### **3. Minutes**

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- 3.1 Confirmation of the Minutes of the Council Meeting held on 3 April 2014  
(Minute Nos. C.13/14.351 to C.13/14.363)



**Minutes of a Meeting of the  
MARLBOROUGH DISTRICT COUNCIL  
held in the Council Chambers, 15 Seymour Street, Blenheim  
on THURSDAY 3 APRIL 2014 commencing at 3.00 pm**

**Present**

The Mayor A T Sowman, Cllrs J L Andrews, J A Arbuckle, J P Bagge, G S Barsanti, C J Brooks, B G Dawson, G I T Evans, T E Hook, P J S Jerram, J C Leggett, D D Oddie, L M Shenfield and T M Sloan.

**In Attendance**

Messrs M S Wheeler (Deputy Chief Executive), A P Quirk (District Secretary) and M J Porter (Democratic Support Manager).

**Prayer**

The meeting opened with a prayer.

**C.13/14.351 Introduction of Additional Item -**

**The Mayor/Cllr Arbuckle:**

**That the following additional item be considered for reason of the urgent nature of the business and insufficient time being available to include the item on the original Agenda and Meeting Notice.**

**In Public Excluded:**

- **Destination Marlborough Trust – Appointment of Trustee**

**Carried**

**C.13/14.352 Confirmation of Minutes -**

Concern was raised with the absence in the commentary of comments made in relation to Minute No. C.13/14.291 (Harbour Function – Budget Increase) on the charging of fees for cruise ships. The Mayor ruled that those comments are not to be included in the commentary.

**The Mayor/Cllr Barsanti:**

**That the Minutes of the Council Meeting held on 27 February 2014 (Minute Nos. C.13/14.272 to C.13/14.307) be taken as read and confirmed.**

**Carried**

NB: Cllr Sloan declared an interest in Minute No. C.13/14.306 above and did not take part nor vote on the issue.

**Committee Reports**

**C.13/14.353 Resource Hearing Committee Decision -**

**Cllrs Oddie/Arbuckle:**

**That the Resource Hearing Committee Decision as contained within the report dated 19 December 2013 (U110328) be received and the recommendations adopted.**

**Carried**

## **C.13/14.354 Resource Hearing Commissioner Decisions -**

**Cirs Oddie/Arbuckle:**

That the Resource Hearing Commissioner Decisions as contained within the reports dated 6 November 2013 (U130217), 12 November 2013 (U130376 & U100687), 20 November 2013 (U130046), 22 November 2013 (U130035), 25 November 2013 (U130538), 27 November 2013 (U130589), 16 December 2013 (U130474), 17 December 2013 (U130422) and 23 January 2014 (U130125) be received and the recommendations adopted.

Carried

## **C.13/14.355 Community & Financial Planning Committee -**

The Committee Chairperson spoke on a Marlborough Youth Trust meeting held last night (refer Minute No. A.13/14.309 (Marlborough Youth Trust – Youth Hub Feasibility Study Report)). The Committee Chair advised that the Trust had given its reassurance that Council would not be a major funder of the proposed Youth Hub. Minutes of the meeting are available from the Committee Chair.

It was noted that Clr Bagge had voted against Minute No. A.13/14.311 (2014-15 Statement of Intent – MDC Holdings Limited), but that the minutes of the meeting do not reflect that. The minutes of the meeting are to be amended accordingly. Concern was also raised with the absence in the commentary of concerns raised by some Councillors over the performance measures. The Mayor ruled that those concerns are not to be included in the commentary.

**Cirs Leggett/Brooks:**

That the Committee report contained within Minute Nos. A.13/14.308 to A.13/14.316 be received and the recommendations adopted.

Carried

NB: Clr Barsanti declared an interest in Minute No. A.13/14.309 above and did not take part nor vote on the issue.

NB: Clr Bagge voted against Minute No. A.13/14.311.

## **C.13/14.356 Assets & Services Committee -**

The Committee Chairperson advised that a number of Councillors and staff had met with Waikakaho Residents last night (Minute No. P.13/14.331 (Waikakaho Road Dust) refers) regarding the dust problems. He advised that the Waikakaho Residents' group will be coming back with a firm option on what they want to happen.

In relation to Minute No. P.13/14.335 (Kerbside Collection Expansion to Renwick, Grovetown, Spring Creek, Tuamarina and Rarangi) it was acknowledged that the portfolio holder had included the Wairau/Awatere Councillors in the consultation process and especially the Soapbox article in the Saturday Express of 29 March 2014.

**Cirs Sloan/Bagge:**

That the Committee report contained within Minute Nos. P.13/14.330 to P.13/14.338 be received and the recommendations adopted.

Carried

## **C.13/14.357 Environment Committee -**

**Cirs Jerram/Barsanti:**

That the Committee report contained within Minute Nos. R.13/14.339 to R.13/14.350 be received and the recommendations adopted.

Carried

## **C.13/14.358 Regional Transport Committee** -

The Committee Chairperson pointed out that in relation to Minute No. X.13/14.323 (Transport Generated Dust – Monitoring – Inclusion in the RLTP) that the funding assistance rate was 56%, however special reserve funding could increase that assistance and was being lobbied for.

**Cirs Sloan/Leggett:**

**That the Committee report contained within Minute Nos. X.13/14.317 to X.13/14.323 be received and the recommendations adopted.**

Carried

## **C.13/14.359 Grants Sub-Committee** -

**Cirs Bagge/Shenfield:**

**That the Sub-Committee report contained within Minute Nos. X.13/14.324 to X.13/14.329 be received and the recommendations adopted.**

Carried

NB: Cllr Andrews declared an interest in the Marlborough Historical Society application (Minute No. X.13/14.328) above and did not take part nor vote on the issue.

## **C.13/14.360 Renwick Community Memorial Hall Committee** **L150-001-R04C**

Members noted that the constitution for the Hall Committee provides for Council to appoint three community representatives. The request was that the existing appointees of Antony van de Water, Margaret Gage and Jeff Hammond be reappointed.

A second motion was moved at the meeting to request that the Council representatives be requested to provide to Council a quarterly report on the Renwick Community Hall Committee activities.

**The Mayor/Cllr Evans:**

- 1. That the Council representatives be Anthony van de Water, Margaret Gage and Jeff Hammond.**
- 2. That the Council representatives on the Renwick Community Hall Committee be requested to provide to Council a quarterly report on the Renwick Community Hall Committee activities.**

Carried

## **C.13/14.361 Adoption of *Draft 2014-15 Annual Plan* S360-03**

Staff reported that the purpose of the report was for Council to formally adopt the *Draft 2014-15 Annual Plan* (Draft Plan) as the Statement of Proposal, including the Long Term Plan variation to move 58 Karaka Point properties from the Picton Vicinity Geographic Rating Area to the Picton Geographic Rating Area, for consultation with the public. The Draft Plan document, along with a Draft Plan Summary document, was circulated separately to the Agenda.

Members noted that Council at its 27 February 2014 meeting approved the draft budget for the 2014-15 financial year. The Draft Plan will be available to the public from 3 April 2014. Submissions on the Draft Plan close at 5.00 pm on Thursday 8 May 2014.

Some Councillors were against the inclusion of the Long Term Plan variation to move 58 Karaka Point properties from the Picton Vicinity Geographic Rating Area to the Picton Geographic Rating Area in the Draft Plan document, citing that the consultation should not be rushed as the consultation needed to be robust, thorough and complete, it would be hard to explain and that there were several alternatives to the proposal in any event. It was reiterated that the consultation would be thorough and that Council still would need to debate the issue in June as to whether to include the variation in the 2014-15 Annual Plan or not.

Levels of service and savings were briefly touched on with the Mayor reminding councillors of the proposed discussion coming up. It was also noted that the big items of expenditure had already been through the Committee process.

The consultation process was briefly discussed with some Councillors enthusiastic about working out ways in which to engage the public.

It was agreed that the questions on the front page of the Summary document should also be included on the front page of the Draft Plan document.

**The Mayor/Clr Sloan:**

1. That Council adopt the *Draft 2014-15 Annual Plan* document as the Statement of Proposal for consultation purposes which includes the Statement of Proposal for the Long Term Plan variation of moving 58 Karaka Point properties from the Picton Vicinity Geographic Rating Area to the Picton Geographic Rating Area.
2. That Council adopt the Summary document of the information contained in the Statement of Proposal for consultation purposes.

**Carried**

NB: Clrs Bagge and Dawson requested that their votes against the above motion be recorded.

**C.13/14.362 Decision to Conduct Business with the Public Excluded** -

**The Mayor/Clr Barsanti:**

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)
- Destination Marlborough Trust – Appointment of Trustee

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.
Destination Marlborough Trust – Appointment of Trustee	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 then resumed in open session.





## 4. Committee Reports

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### 4.1 Resource Hearing Commissioner Decisions (also refer to separate attachment)

Resource Hearing Commissioner Hearings held on 5 to 6 March 2014 (U090660, U130743, U130781) and 26 March 2014 (U130727, U130728, DES0055)

Full copies of the decisions are **separately attached** to the Agenda.

A summary of these Decisions follows:

### Schedule of Resource Hearing Commissioner Decisions

Pages	Date	Subject	Decision
1 - 48	5-6 March 2014	The New Zealand King Salmon Company Limited - Application for Resource Consent - Coastal Permit, Coastal Permit (Discharge to Seawater) - Crail Bay, Central Pelorus East (U090660, U130743, U130781)	<b>GRANTED</b> U090660 - Coastal Permit to change conditions with respect to structures, rotation of structures and the Environmental Quality Standards for seabed biodeposition with new EQS conditions that formally recognise the most recent scientific methodology used to monitor compliance.  U130743 - Coastal Permit to occupy coastal space with a 30.0 by 10.0 metre barge, disturb the seabed with 4 mooring blocks, and discharge greywater up to 10,000 litres per day in Crail Bay adjacent to Pt Sec 2 Blk VI Orieri SD.  U130781 - Coastal permit to occupy the coastal marine area with a variety of cage designs (as stipulated in the consent) and to allow for the movement of the sea cages within the area defined for site #8513 (as defined in the consent).
49 - 96	26 March 2014	Marlborough District Council - Application for Resource Consent - Land Use (Activity, Land Disturbance and River Surface or Bed Activity x 2), Water Permit (Divert Water and Take Underground Water), Coastal Permit and Discharge Permit (to Water) - Various Picton and Waikawa Sites (U130727)  Marlborough District Council - Application for Resource Consent - Coastal Permit x 2 and Discharge Permit (to Water) x 5 - Various Picton and Waikawa Sites (U130728)  Marlborough District Council - Application for Resource Consent - Land Use (Activity) - Various Picton and Waikawa Sites (DES0055)	<b>GRANTED</b> U130727 - Land Use (Activity, Land Disturbance and River Surface or Bed Activity x 2), Water Permit (Divert Water and Take Underground Water), Coastal Permit and Discharge Permit (to Water) for Construction consents involved with upgrading of the Picton Sewerage Upgrade Project Stages 2 to 4.  U130728 - Coastal Permit x 2 and Discharge Permit (to Water) x 5 to discharge untreated Picton and Waikawa municipal wastewater to the Waitohi River and Memorial Stream and the coastal marine during high rainfall events; and to discharge of stormwater from the new Surrey Street pump station to Memorial Stream and the discharge of stormwater from the new Dublin Street pump station to the Waitohi River.  DES0055 - Land Use (Activity) to create a designation for 'Sewage Pump Station Purposes' on the land legally described as Pt Lagoon

## **4. Committee Reports**

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### **4.2 Regional Planning & Development Committee**

Regional Planning & Development Committee Meeting held on 17 April 2014  
(Minute Nos. D.13/14.364 to D.13/14.372)



**Report and Minutes of a Meeting of the  
REGIONAL PLANNING & DEVELOPMENT COMMITTEE  
held in the Council Chambers, 15 Seymour Street, Blenheim  
on THURSDAY 17 APRIL 2014 commencing at 9.00 am**

**Present**

Councillors T E Hook (Chairperson), Mayor Sowman, G I T Evans, J C Leggett, D D Oddie and T M Sloan.

**In Attendance**

Councillors J L Andrews, J A Arbuckle, G S Barsanti, C J Brooks, B G Dawson and L M Shenfield, and Mr P Hawes (Manager, Environmental Policy), Mr N Henry (Economic & Community Policy Manager) and Kathy Payne (Committee Secretary).

**Apology**

An apology for non-attendance from Councillor P J S Jerram was received and sustained. An apology was also received from Councillor J P Bagge.

**D.13/14.364 Plan Changes 27 & 62 New Dairy Farms  
W045-15-62-04 & M135-15-27-04**

Plan Changes 27 to the Marlborough Sounds Resource Management Plan and Plan Change 62 to the Wairau/Awatere Resource Management Plan were heard on the 4 and 5 September 2013 and the decisions of the delegated committee were publicly notified on the 5 December 2013.

Members were advised that as no appeals to the decision have been lodged approval was sought from the Committee to approve the plan changes addressing the conversion of land to new dairy farms.

Mr Hawes advised that no comments on the decision had been received.

**Cllrs Evans/Sloan:**

1. That the decisions on Plan Change 27 to the Marlborough Sounds Resource Management Plan and Plan Change 62 to the Wairau/Awatere Resource Management Plan be approved in accordance with Clause 17 of the First Schedule of the Resource Management Act 1991.
2. That the operative date for the approved plan change provisions be notified on the first Thursday after the next full Council meeting.

**Carried**

**D.13/14.365 Marlborough Ridge Rezoning Plan Change  
W045-15-72-01**

At the 5 February 2014 meeting the Committee discussed a proposed plan change to address issues that had arisen in respect of the Marlborough Ridge Zone. It was decided that in order to reflect development that has occurred at the Marlborough Ridge and enable easier administration of the area, as well as retaining the integrity of the Wairau/Awatere Resource Management Plan, it was appropriate for a plan change to rezone the land to be prepared. Subsequent to the 5 February 2014 Committee meeting discussions were held with the developer and a public meeting for residents held to discuss the proposal.

The Committee was now asked to consider Plan Change 72 to the Wairau/Awatere Resource Management Plan, to formally adopt the Section 32 Report for the proposed rezoning and to approve the notification of the plan change. The utilisation of existing provisions of the Wairau/Awatere Resource

Management Plan, with minor amendments to reflect the characteristics of the site, was considered the most appropriate efficient and effective method to achieve the purpose of the Resource Management Act 1991.

Mr Hawes explained that the proposal for subdivision to be a non-complying activity in the Marlborough Ridge Residential Township is to protect the amenity of the existing residential properties.

**Clrs Sloan/Oddie:**

1. That the Section 32 report for Plan Change 72 to the Wairau/Awatere Resource Management Plan, as attached be adopted.
2. That the Committee approve notification of the Plan change 72 - Marlborough Ridge Rezoning for notification as soon as practicable.

Carried

## **D.13/14.366 Approval of Item 6 of Plan Change 61** **W045-15-61-04**

The Committee was aware that all items for Plan Change 61 (Minor Amendments), other than Item 6, were approved at its meeting on 5 February 2014. They were now advised that the appeal by TrustPower Limited on the decision to include the Utility definition (*Means a network utility operation as that term is defined in section 166 of the Resource Management Act 1991.*) in the Wairau/Awatere Resource Management Plan has now been withdrawn.

Committee approval was now sought to approve Item 6 of Plan Change 61 and for the Utility definition to be incorporated into the Wairau/Awatere Resource Management Plan.

**Clrs Evans/Leggett:**

1. That the decision on Item 6 of Plan Change 61 to the Wairau/Awatere Resource Management Plan be approved in accordance with Clause 17 of the First Schedule of the Resource Management Act 1991.
2. That the operative date for the approved Plan Change provision be notified on the first Thursday after the next full Council meeting.

Carried

ATTENDANCE: Mrs S Witehira, Council's Regional Events Strategy Co-ordinator, was present for the following two items.

## **D.13/14.367 Marlborough Regional Events – 12 Month** **Review** **E100-002-001-01**

A comprehensive update of the progress with Regional Events support and the Events Co-ordinator role over the past 12 months was included in the agenda for members' information. This was requested by the Committee at its 5 February 2014 meeting.

At the meeting Mrs Witehira provided a presentation outlining the measurable targets for Regional Events support in the form of Key Performance Indicators for the Events Co-Ordinator role which took effect from 4 March 2013, Progress with Year 1 Key Action Points from the Regional Events Strategy which was adopted in September 2013 and other achievements.

Members were advised that of the six Key Performance Indicators five have been completed and one is in-progress. The Event Strategy Action Points were explained. Members were advised that now the regional events strategy has been developed one of the major key performance indicators is to work on the strategy for the coming year.

With respect to having the Regional Events Strategy Co-ordinator role within Council, Mrs Witehira advised that it works really well as she is able to obtain the mandatory information required for a particular event to pass on to event managers. She advised that anyone organising an event is an event manager and is welcome to attend the event managers meetings held quarterly.

Mrs Witehira provided some detail on other achievements, such as the Event Toolkit and the Event Planner, and other Marlborough regional events and potential events. She advised that marketing, promotion and connecting with the community would be the focus for the second year, and the third year would involve commercial events funding.

The Committee was congratulatory on the setup of the Marlborough Regional Events Strategy and the achievements to date. Once all the groundwork was completed they looked forward to the Events Co-ordinator being able to devote more time to event promotion and securing additional events.

**Clrs Leggett/Evans:**  
**That the information be received.**

**Carried**

## **D.13/14.368 Marlborough Regional Events Strategy Update E100-002-001-01**

The report to the Committee provided an update on progress with the Marlborough Regional Events Strategy. Ongoing regular updates will be provided to the Committee.

In respect of major events, Mrs Witehira advised that the Wine and Food Festival was very successful this year. She advised that the Scout Jamboree in December 2016/January 2017 has the potential to be a major event for Marlborough and a proposal will be submitted soon. At present Marlborough and Christchurch are being considered for hosting rights. The Giesen Centre and Sports Grounds in Renwick is the favoured site but there are issues with water, grey water and sewerage that will need to be addressed and costs considered. Activity hubs were also being sought.

It was clarified that the proposed Commercial Event Fund included in the draft Annual Plan was funding for Marlborough to secure events.

Mrs Witehira advised that Marlborough Art Month which is to be held in July is progressing well and includes a number of events. Work has continued with assisting one-off events such as the NZ Ploughing Championships May 2014, the NZ Silver Fern Rally November 2014, the South Island Primary Schools Cricket Tournament January 2015 and a potential bid to host the NZ Brass Championships in July 2017.

Members were also updated on design work on the Events Calendar which is expected to be launched late April/early May after which a briefing will be held for Councillors.

Phantom Billboards has submitted a proposal regarding a Street Poster Agreement and further information on this will be provided at the next meeting.

The possibility of applying for an exemption order for Blenheim for the purpose of Easter Trading was discussed.

**Clrs Sloan/Leggett:**  
**That the information be received.**

**Carried**

## **D.13/14.369 Smart and Connected Project Update** **E100-010-01, E100-010-03, E100-010-07**

An update was provided to the Committee on the Smart and Connected vision which Council has developed over the past three years in consultation with the local community and industry.

Mr Henry advised, that following the initial steps for the internal and external implementation of the vision resolved at the November 2013 meeting of the Committee and the update to the Committee at the 5 February 2014 meeting that a number of initiatives have commenced. These included Council activities being included in the budget papers, a meeting held with Forestry and Wood Products industry and a second industry group (visitor economy) is to be convened.

At the meeting Mr Henry elaborated on discussions with the forestry industry and other stakeholders on the innovation stocktake. It has been agreed that an industry leadership group be developed comprised of four members from the Marlborough Forestry Industry Association and six members from other industries, such as transport and Council. Councillor Leggett will be the Council representative on this group.

A meeting was also held with the Havelock community implementation steering group. Progress on developing a priority list of projects, a boardwalk project, a new governance structure and a bid for funding for a community development resource was discussed.

Members were advised that further development of the industry and community groups is subject to the outcome of the 2014-15 Annual Plan process.

The Chairman noted that results and traction can be seen within the community and Council and suggested it would be worthwhile bringing further proposals for community implementation to the Committee for consideration, depending on funding being available.

**Cirs Evans/Sloan:**  
**That the information be received.**

**Carried**

## **D.13/14.370 Economic Development Project Update** **E100-009-01, E100-005-02, E100-010-02**

The report to the Committee provided an update on economic development projects since the last Committee meeting in respect of the Marlborough Story, Smart Business Marlborough, the Food and Beverage Innovation Cluster and Business Trust Marlborough.

Members were advised that Strategy Design and Advertising has been appointed to co-ordinate the Marlborough Story for consultation, in conjunction with the Council, Chamber of Commerce and Destination Marlborough and the Steering Group, before the Story is finalised in July 2014.

Members were advised that further development of economic development projects is subject to the outcome of the 2014-15 Annual Plan process.

Nine Smart Business Marlborough projects are currently live (an additional one since the last update), with a number of others on hold. Discussions are confidential, but results will be reported at the appropriate time.

Following the Food and Beverage Innovation Cluster presentation and six monthly report provided at the 5 February 2014 Committee meeting, the Cluster has met to receive presentations on opportunities in Asia and to discuss areas where they can work together to solve common problems. A delegation from the Cluster attended a Riddet Institute event in Wellington on the 19 February 2014 to receive

presentations on the huge growth prospects for Food and Beverage businesses, particularly in Asia. A bid to the recently announced Callaghan Innovation incubation fund is being considered by MRC.

Business Trust Marlborough is in the process of being set up to provide local start up business advice overseen by a locally based Trust. Members were advised that seven potential trustees have been identified so far, and the Council has also been asked to appoint a Trustee.

The Councillors discussed being proactive with Smart Business Marlborough support to businesses and following up on opportunities and regularly communicating with the community. The Chairman advised there is only one facilitator at this stage and increased work is largely dependent on Annual Plan decision-making and the Smart and Connected vision for Marlborough and the ethos behind it. Mr Henry displayed and summarised the Smart and Connected vision.

Mr Henry also referred to the Infometrics Limited 2012 Economic Profile for Marlborough. He advised, and showed at the meeting, that Infometrics Economic Data 2013 is now available as a live tool on a link through Council's website <http://ecoprofile.infometrics.co.nz/1/Marlborough%2bDistrict>. This is kept up-to-date by Infometrics. Mr Henry clarified that this was built from work done last year and he would follow-up with Infometrics regarding the comparability of this tool to previous economic studies and report back to the Committee. On the whole the Committee agreed it was a good tool. With respect to the profile being a retrospective tool as opposed to forward looking, Mr Henry referenced the report on the Marlborough economy by Mandolin Associates last year which showed that there was a decline in the performance of the Marlborough economy for the last five years, and if action was not taken the performance for the next 10 years would not be good.

**Clrs Evans/Oddie:**  
**That the information be received.**

**Carried**

Councillor Sloan withdrew from the meeting during the following item.

## **D.13/14.371 Information Package**

**Clrs Oddie/Leggett:**  
**That the Regional Planning and Development Information Package dated 17 April 2014 be received and noted.**

**Carried**

At the meeting Mr Hawes provided a further update on plan change status.

## **D.13/14.372 Decision to Conduct Business with the Public Excluded**

**Clrs Leggett/Oddie:**  
**That the public be excluded from the following parts of the proceedings of this meeting, namely:**

**- Memorandum of Understanding**

**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
Memorandum of Understanding	To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information, as provided for under Section 7(2)(b)(ii).	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**

Councillor Sloan rejoined the meeting.

The meeting closed at 11.00 am.

Record No: 14105626

## **4. Committee Reports**

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

Assets & Services Committee Meeting held on 29 April 2014  
(Minute Nos. P.13/14.373 to P.13/14.384)



**Report and Minutes of a Meeting of the  
ASSETS & SERVICES COMMITTEE  
held in the Council Chambers, 15 Seymour Street, Blenheim  
on TUESDAY 29 APRIL 2014 commencing at 9.00 am**

**Present**

Clrs T S Sloan (Chairman), G I T Evans, J L Andrews, J P Bagge, B G Dawson, T E Hook J C Leggett, Mayor A T Sowman, Mr R Hunter (iwi representative).

**Also Present**

Clrs J A Arbuckle, G S Barsanti, P J S Jerram, D D Oddie, L M Shenfield.

**In Attendance**

Mr M S Wheeler, Manager – Assets and Services Department, Mr D A Craig, Finance and Information Supervisor, Mr A R Besley, Chief Executive and Ms J R North, Support Services Administrator.

**Apologies**

**Clrs Andrews/Bagge:**

**That an apology from non-member Cllr C J Brooks for non-attendance be received and sustained.**

**Carried**

**P.13/14.373      Financial Report for Period Ended  
31 March 2014**

**F045-07**

The Finance and Information Supervisor, David Craig, presented the financial report for the Assets and Services Department for the nine month period ended 31 March 2014. Where possible, accrual entries had been completed to account for March revenues and expenditures in that month.

For the reporting period, Departmental revenues were favourable to budget by \$1,384,653 and operating expenditures were favourable to budget by \$1,356,820.

Total budgeted capital expenditure for 2013/14, including carryovers, was \$34.5M with year to date actual expenditure of \$17.5M (51%). The most significant costs incurred to date are for Blenheim/Riverlands Industrial sewer treatment upgrade (estuary discharge and wetland development) \$6.5M, roading additions and renewals \$4.9M and vested assets from Council's Boulevard Park on Taylor development \$2.1M.

Activity for the month of March was summarised in Mr Craig's report.

The forecast end of year operating surplus was \$894,568 more than budgeted, through a combination of increased revenue (\$1,111,349), offset by increased operating costs (\$216,781). In response to a query from Cllr Dawson as to what happens to the surplus, Mr Craig advised that some of it would be used for debt repayment, unspent but essential budget carryovers, and reserves such as the Road Flood Damaging Reserve would be replenished.

It was noted that emergency reinstatement costs are a significant contributor to increased expenditures and these additional costs will be funded from subsidy revenue and disaster recovery reserves. Healthy depreciation and interest savings are forecast in the sewer and water activities, as a result of reduced capital expenditure in the preceding financial year.



The Code of Practice for Temporary Traffic Management requires Council to delegate authorisation to approve temporary speed limits to individual staff.

Marlborough Roads staff endeavour to provide fast approval turn-around times and wish to enable all Site Traffic Management Supervisors (STMS's) to have the delegation for local road reduced speed limits.

A traffic management plan is a plan that is submitted by someone that is undertaking work within the road corridor and requires traffic management to guide vehicles through the site. A number of these traffic management plans require the speed limit to be reduced through the site.

It is a requirement that any person that signs a temporary speed limit as part of a traffic management plan has delegated authority from Council; such person will be a qualified STMS.

Currently a number of Marlborough Roads staff have delegated authority to sign these plans which incorporate temporary speed limits.

It was proposed that the Parking Administrator and Administration Assistant who have now qualified as STMS, be authorised to process traffic management plans, and in order to provide ongoing authority in the event of personnel changes the appointments be by position.

**Cirs Sloan/Evans:**

- 1. That delegated authority also be given to the Parking Administrator and Administration Assistant to approve temporary speed limits for traffic management plans.**
- 2. That all Marlborough Roads staff who approve temporary speed limits shall hold a current STMS qualification.**

**Carried**

## **P.13/14.376 Kent Street Kea Crossing - Picton R800-005-05**

Council's approval was sought from Marlborough Roads following a request from Picton School for the installation of a Kea crossing at the existing pedestrian crossing on Kent Street, Picton which would make the crossing point safer for children; there have been reports of vehicles failing to stop for school children.

The road controlling authority is responsible for erecting, installing and maintaining all signs and markings associated with the kea crossing.

Any school patrol operating a kea crossing must be correctly trained, equipped and supervised by an adult (normally a teacher or parent). The local Police youth education officer must agree before a kea crossing is installed and operational.

The Local Police youth education officer was in agreement to the Kea crossing installation and will provide training.

Andrew James, Safety Engineer for Marlborough Roads considers the Kea crossing is warranted in accordance with the NZ Transport Agency traffic note 29, revision 2.

**Cirs Hook/Andrews:**

**That Council approve the installation of a Kea Crossing at the existing pedestrian crossing on Kent Street, Picton.**

**Carried**

## **P.13/14.377 Waikakaho Road Dust**

**R800-006-01**

A the Assets and Services Committee meeting on 18 March 2014 it was recommended that the issue of a longer term dust treatment option for Waikakaho Road lie on the table.

A dust problem on Waikakaho Road this summer was treated by water cart until recent wet and cooler weather took effect. The water cart is expensive and longer term dust treatments have been investigated in some detail.

A meeting with Waikakaho landowners was held on 2 April and attended by 22 residents and two forest owner representatives in addition to staff and councillors.

The main discussion point was the durability of Otta seal and its suitability for that road. Steve Murrin of Marlborough Roads reported on the NZTA research project in 2005/06 where four New Zealand sites were Otta sealed with excellent results. He was aware of other areas in New Zealand where Otta seal has been satisfactorily used in similar conditions to Waikakaho and it is extensively used overseas. Costings allowed for some drainage and base repairs pre-sealing.

Residents subsequently met again without Council's presence and advised that they are happy to accept a 2.5 kilometre Otta seal; they wished for it to commence at the intersection with the Kaituna-Tuamarina Road funded from the existing Wairau/Awatere seal extension budget as proposed. They would like to seal more than 2.5 kilometres as there are two houses that will not benefit by the first part of the seal but only half of the residents are reportedly in favour of a targeted rate to fund work beyond the budget available.

The Manager, Assets & Services advised that further seal extension will be undertaken should the budget allow.

Concern was expressed by some councillors as to funding issues arising with regard to further seal extension.

### **Cirs Sloan/Evans:**

- 1. That Otta seal extension of 2.5 kilometres of Waikakaho Road be undertaken from the intersection of Kaituna-Tuamarina Road funded from Wairau/Awatere seal extension budgets for 2013/14 and 2014/15.**
- 2. That further seal extension be undertaken should budget enable that.**
- 3. That the dust issue be reassessed at the end of next summer following the Otta seal treatment.**

**Carried**

## **P.13/14.378 Commercial Industrial Sorting Facility**

**W300-006-011-01**

The Solid Waste Manager, Alec McNeil, presented a report which provided a summary of the investigative work into establishing a Commercial Industrial Sorting Facility (CIF) in Marlborough. Mr McNeil stated that whilst the Waste Minimisation Act (WMA) has a drive towards increasing material diversion from landfill this has to be balanced against the overall environmental and economic impact to the community.

The CIF would require a capital commitment of up to \$2.95 million. The operational and debt servicing cost would indicatively be covered by a user pays gate fee of up to \$93 per tonne, (GST exclusive), based on a 2016 start. This sort facility would extend the life of the landfill by 13 years. The landfill gate fee would rise to \$98 per tonne (GST exclusive), to maintain the current revenue levels and minimise any impact on rates.

The vehicle movements in and out of Bluegums in the last year were 31,420. Diverting material through the CIF would reduce these movements along the Taylor Pass Road by approximately 13,000 each year.

Questions were asked with regard to consultation with the community. Mr McNeil advised that with a project of this size Council's Waste Minimisation Management Plan would be redrafted and put out for consultation. He said it was crucial that the public knew why Council was doing it and what the associated financial impact would be.

The current facility would continue while the other facility was being constructed. Noise would be a challenge but this would be factored into the design of the building. It was considered the right site for the CIF.

**Clrs Hook/Bagge:**

**That Council support the development of a commercial and industrial sorting facility (CIF) and that a CAPEX sum of \$2.95 million is included in the next Long Term Plan.**

**Carried**

ATTENDANCE: Stephen Rooney, Operations and Maintenance Engineer.

**P.13/14.379      Out of District Sewer Connection, 3117 State  
Highway 1, St Andrews, Blenheim  
W450-004-004-03**

Approval was sought for an Out of District sewer connection for an existing dwelling at 3117 State Highway 1, St. Andrews, Blenheim.

The property is currently zoned Rural 3 with no proposal to change the zoning to urban residential as part of the Marlborough Urban Growth Strategy.

The property is located at "Butter Factory" corner, on State Highway 1, St. Andrews. The surrounding properties are township residential zoning and are of a typical urban sized property.

The corner has recently been upgraded by NZTA, and there is a future proposal by the property owner to subdivide off a 1390 m<sup>2</sup> section with the existing dwelling. The section would struggle to meet requirements for separation distances between effluent disposal and water bores used for potable water supply.

The applicant wishes to connect to the Blenheim sewer system for the proposed subdivision; Sewer Development Contributions will be applicable to the site.

It was reported that the Blenheim sewer system has the capacity to cater for the additional proposed out of district sewer connections.

There would be requirements that the developer must meet to satisfy Council in order to achieve connection.

**Clrs Dawson/Leggett:**

1. **That the proposed out of district sewer connections be approved with the following conditions:**
  - (a) **That the proposed sewer system shall be designed to the approval of Council's Infrastructure Projects Engineer.**
  - (b) **That costs associated with completion of the proposed sewer system be borne by the developer. (This includes all fees associated with construction and legalising the sewer system as required by Council).**

- (c) That sewer development contributions in accordance with Council Development Contribution Policy be paid, the calculation will be based on one household equivalent unit (HEU) per new lot ie; 1 HEU.
- (d) That this out of district approval only be actioned following successful Resource Consent Subdivision application. (Failure to obtain resource consent by April 2015 will result in forfeit of the out of district sewer approval).
- (e) That the site pays sewer rates as per Council's out of district connections rating policy.
- (f) That the applicant be advised that approval of these service connections does not imply that Resource Consent approval will be granted.
- (g) That documentation to secure access for operations and maintenance be provided by the owner before any connection with all costs of such documentation to be paid by the owner.

**Carried**

ATTENDANCE: Reserves and Amenities Officers, Robert Hutchinson and Elisha Oldridge.

## **P.13/14.380 Morrington Reserve Tree Removal**

### **R510-009-M03-01**

The Committee was asked to consider the removal of the eucalyptus tree growing on Morrington Reserve bounding 223 Weld Street.

Reserves and Amenities Officer, Robert Hutchinson reported that Morrington Reserve was classified as a reserve in 1980 providing protection to 12 eucalyptus at the time. Over the preceding years a number of the gums have been removed due to poisoning, wind damage and dying by natural causes.

Following a limb loss due to high wind in April 2013 and concerns expressed by the owner of 223 Weld Street, the tree in question was inspected by an arborist. The tree was found to be healthy but recommended removal of a limb to reduce risk to the public. This was subsequently undertaken, however Council continued to receive emails and letters from the owners of 223 Weld Street, seeking full removal of the tree.

In October 2013 a further limb fell from the gum tree, again due to high winds, landing within a metre of the house at 223 Weld Street. A further arborist report on the tree identified that no further pruning work could be undertaken on the tree.

Following discussions between Council's Risk Manager, consulting arborist and staff, it was recommended that staff seek permission to remove the tree. As the tree is protected under the Wairau/Awatere Resource Management Plan as a heritage tree, a consent was required for the tree's removal. The consent was granted on 8 April 2014.

**Cirs Evans/Bagge:**

1. That the eucalyptus tree growing on Morrington Reserve bounding 223 Weld Street be removed.
2. That a large grade specimen oak tree be planted as a replacement.

**Carried**



## **P.13/14.381 Picton Foreshore Reserve Management Plan R510-014-003-01**

Elisha Oldridge, Reserves and Amenities Officer presented to the Committee the Picton Foreshore Reserve Management Plan for adoption.

The Plan has been completed following two consultation processes, three workshops and a hearing. Over 150 submissions were received and have contributed to the creation of the Plan.

Clr Oddie advised that a member of Te Atiawa had approached him expressing a concern at the process of consultation with Te Atiawa.

Richard Hunter, iwi representative on the Assets and Services Committee was very supportive of the robust consultation process including iwi that had taken place and expressed his pleasure at a wonderful job done in the presentation of the plan.

It was noted that a Statement from Te Atiawa is appended to the Picton Foreshore Reserve Management Plan.

The Mayor undertook to meet with Te Atiawa prior to the Full Council meeting.

**Clrs Hook/Sloan:  
That the Picton Foreshore Reserve Management Plan be adopted by Council.**

**Carried**

## **P.13/14.382 Seddon Cemetery Headstones – Earthquake Damage R510-002-015-05**

It was reported that following the Seddon earthquake in August 2013 and subsequent aftershocks, inspection identified 49 headstones either displaced or damaged by that event. Headstones are the property of the deceased's family and generally Council is not responsible for their upkeep.

Awatere Community Trust representatives and several family members have approached Council staff regarding the availability of assistance with earthquake damage restoration.

A cost of \$29,000 (including GST) has been estimated by Council reserve contractors to repair the 49 headstones. The Mayoral Relief Fund has an unallocated balance of \$12,558 and the Mayor has suggested a contribution to restoration of headstones would be a worthy allocation.

It was proposed that a one-third (33.3%) contribution to headstone repair costs be considered upon application by affected families. Mayoral Relief funds of \$9,667 would be allocated should all of the 49 headstone 'owners' apply.

A letter would be written to known headstone 'owners', seeking their application for assistance. They would be advised of the one-third estimate made by Council contractors. Advertisements would also be placed in the Marlborough Express and Awatere Community newsletter to attempt to pick up other affected families.

A two month timeframe would be given for applications to be submitted.

Council Reserves staff would submit a report to the Mayoral Relief Fund Committee (the Mayor, Lachlan Marshall and Ian Blair) detailing applications received, recommended acceptance or decline, and amount approved. 'Owners' would be free to undertake repairs by own arrangement subject to accepting some health and safety instructions and access arrangements.

The Mayor/Clr Bagge:

1. That approval be given to provide one-third assistance for Seddon Cemetery headstone earthquake repairs (to a maximum total of \$9,667) subject to a successful application to the Mayoral Relief Fund for this project.
2. That the process described above be used.

Carried

## **P.13/14.383 Information Package** -

The Information Package for the Assets and Services Committee dated 29 April 2014 and circulated separately was received and noted.

## **P.13/14.384 Decision to Conduct Business with the Public Excluded**

Clrs Evans/Hook:

That the public be excluded from the following parts of the proceedings of this meeting, namely:

- **Non Payment of Water Connection and Development Contributions**

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
- <b>Non Payment of Water Connection and Development Contributions</b>	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.

The meeting closed at 11.15 am.

Record No. 14105711

## **4. Committee Reports**

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### **4.4 Community & Finance Committee**

Community & Finance Committee Meeting held on 30 April 2014  
(Minute Nos. A.13/14.385 to A.13/14.396)



**Report and Minutes of a Meeting of the  
COMMUNITY & FINANCE COMMITTEE  
held in the Council Chambers, 15 Seymour Street, Blenheim  
on WEDNESDAY 30 APRIL 2014 commencing at 9.00 am**

**Present**

Clrs J C Leggett (Chairman), J A Arbuckle, J L Andrews, J P Bagge, G S Barsanti, C J Brooks, B G Dawson, D D Oddie, L M Shenfield and Mayor A T Sowman.

**Also Present**

Clrs G I T Evans, T E Hook and P J S Jerram (until 10.53 am).

**In Attendance**

Messrs D G Heiford (Manager, Support Services), M J South (Financial Services Manager), A R Besley (Chief Executive), and M J Porter (Democratic Support Manager).

**Apology**

**Clrs Barsanti/Leggett:**

**That an apology from Cllr T M Sloan for non-attendance be received and sustained.**

**Carried**

**A.13/14.385 Marlborough Heritage Trust Update**

**A200-002-10**

A sub group (Marlborough Heritage Trust Working Group) of the Marlborough Historical Society was formed to further the development of a Heritage Trust to support the many heritage organisations in Marlborough. At the 1 May 2012 Community & Financial Planning Committee meeting, a presentation was made by Dale Webb the President of the Marlborough Historical Society and Working Group Convenor on the progress the Working Group had made with the Trust concept and results of the consultation with the heritage community.

A further presentation was made by Mr Webb at the 24 July 2012 Committee meeting. Mr Webb asked, as the next step, for Council to become a member of the Trust. This would require Council to sign up to the Trust and it would have two appointees on the Trust. Council would not have any obligations beyond the current agreements with the various heritage groups. Council agreed in principle to being a member of the Marlborough Heritage Trust subject to the final Trust Deed being reviewed by the District Solicitor. It was reported that the Trust Deed was reviewed by the District Solicitor and approved (other parties to the trust deed are The Marlborough Historical Society, The Edwin Fox Society, The Marlborough Vintage Farm Machinery Society, The Renwick Museum and Memorial Library and Brayshaw Heritage Park Administrators). The Trust has been progressing through the registration process.

The Chairman of the Marlborough Heritage Trust, Francis Maher, along with Dale Webb and some of the other Trustees attended the meeting and gave an update on progress of the Trust. Mr Maher advised that a submission was being made to the Draft 2014-15 Annual Plan.

Queries regarding public funding, Council trustees, the strategy and financials were raised and answered at the meeting. More detail on strategies and financials will be included in the submission being made to the Draft 2014-15 Annual Plan. Members also congratulated the Chairman and Trustees and the various organisations involved.

**Clrs Barsanti/Andrews:**

**That the information be received.**

**Carried**

## **A.13/14.386 Sport Tasman - Services**

**R300-001-03**

It was reported by the Community Development Advisor that Sport New Zealand fund Sport Tasman as the Regional Sports Trust to deliver services and programmes to the Nelson, Tasman, Buller and Marlborough areas. Council has provided Sport Tasman with an operating grant for a number of years which is currently \$20,000 per annum. This covers not only operating expenses but also the Sports Hall of Fame and the Secondary Schools Sports Breakfast. Previously Sport Tasman was the provider for Council's Recreation Services Contract, however at the last tender process a new provider was confirmed. While Sport Tasman's major base is in Nelson, it has an office based in Blenheim which staff operate their programmes from.

Tony Thomas and Sonya Sutherland from Sport Tasman attended the meeting and spoke on the range of activities currently provided in Marlborough. Mr Thomas advised that a submission was being made to the Draft 2014-15 Annual Plan.

Sport Tasman were encouraged to give attention to the seniors in the community. They advised they are building teams that are more specific to areas of interest.

**Cllrs Barsanti/Andrews:**  
**That the information be received.**

**Carried**

## **A.13/14.387 Safer Communities Marlborough – Activity Update April 2014**

**C150-001-008-01**

The Government's Crime Prevention Unit changed the focus of the provision of crime prevention/crime reduction strategies to a direct contract with territorial local authorities in 2004 for these services. The Marlborough District Council decided to enter into an agreement with the Unit, and that the Marlborough Safer Community Group (now Safer Communities Marlborough) become part of the Marlborough District Council structure as required by the Crime Prevention Unit to gain access to funding.

Last year it was reported to the Committee that Safer Communities Marlborough had lost a number of contracts (e.g. Truancy Service Marlborough; NEET service etc) with the centralisation of government services. The increased capability of other groups to provide these services meant that Safer Communities Marlborough had not been needed to step in to be a provider. The resignation of key staff members (including the Manager, Paul Johnson) necessitated a review of the level of services for the Marlborough community.

Dean Heiford, on behalf of Paul Johnson of Safer Communities Marlborough, presented a report updating Council on activities performed by that Group.

The report advised that Safer Communities is now operating from premises at 35 George Street, Blenheim; their previous location was in Council owned premises in Kinross Street, Blenheim. The Council does not now provide any funding to SCM; however it continues to supply human resources, payroll, management and financial services. There are two individual projects i.e. Turnaround Marlborough, and CPTED Street Intensive Programmes which are managed by two paid staff on casual contracts, one part time contractor and two volunteers.

Turnaround Marlborough is operated in partnership with the Ministry of Justice to provide Restorative Justice Conferencing services to the Blenheim and Kaikoura District Courts and for Adult Police Diversion for Marlborough and Kaikoura Police. In September 2013 as a result of a Ministry of Justice tender process Turnaround Marlborough came together with six other South Island based restorative justice providers to form the South Island RJ Consortium which means that this Council no longer has a contract for service directly with the Ministry of Justice rather the contract for service is with the consortium. The present contract runs until 30 June 2015. The value of the contract is \$53,465 (GST incl) to 30 June 2014 and \$81,719 (GST incl) to 30 June 2015.

The CPTED Street Intensive Programmes are operated in partnership with the Ministry of Justice and Police to provide three CPTED street intensive programmes between 1 January 2014 to 30 June 2015; they focus on a neighbourhood in Blenheim that has been identified as lower socio-economic; high levels of social dysfunction; and increased crime. The programme assists residents, amongst other things, to

improve their physical environment and develop relationships between residents, Council and Police. Between 6 March and 12 March 2014 the first project for this contract period was undertaken in Churchill Street. The net value of this contract is \$75,900 (GST excl) to 30 June 2015.

A question was asked on neighbourhood support, the meeting was advised that the Emergency Services team had taken on that role and were busy building teams in the community.

**Cls Bagge/Arbuckle:**  
**That the report be received.**

**Carried**

## **A.13/14.388 Marlborough District Libraries Activity Report - March 2014 L270-01**

Dean Heiford, on behalf of the District Libraries Manager, Glenn Webster, presented his report which updated Council on the operations of the Library services for March 2014.

The District Library installed GO-GO at the end of January to manage the day to day bookings of the eight computers in the adult library. This is a self-service facility and as customers get used to registering themselves for their internet use, it will free up staff to undertake other duties.

During March, the children's staff visited Wairau Valley, Seddon and Havelock schools. At each school a fun and informative session was held with the children based around the story of Sir Edmund Hilary. It is intended that the theme of inspiring stories will continue on subsequent visits to these schools.

The regular Library on Wheels school programme and little Library on Wheels preschool programmes have been operating this term; and planning for next term's programme have commenced.

Picton staff have been supporting the 'Reading Together' programme at Waikawa Bay School and will be involved in next term's programme at Picton School.

Relating to Systems Thinking, the membership process has been redesigned to eliminate the need for customers to fill out a paper enrolment form. The details of new members are entered directly on to the library management system. As a result of adopting the Vanguard method of Systems Thinking and the need to systematically work towards evaluation, discussing and redesigning all library processes, the District Library will open one hour later on Wednesdays to provide staff with the time and opportunity to work together on this process.

REAP and the Marlborough District Library will commence running a pilot programme in early May to provide basic computer skills to the public. The sessions will run twice a week free of charge and a tutor will be provided. Six of the ten APNK computers will be reserved for this training.

The District Libraries Manager, along with other South Island Library Managers visited Te Takere in Levin prior to the Association of Public Library Manager's meeting recently in Wellington. Te Takere is the Horowhenua Community's multi-purpose heart and hub. Many functions are delivered from this modern and well-resourced facility and it is believed that the successful and collaborative delivery of these will establish a strong foundation for the future of the Horowhenua District. It opened on Saturday 29 September 2012.

The District Library's door count (visitor numbers) recorded for March 2014 was up by 1,842 visits on March 2013. (Easter was celebrated in March 2013). The Picton Library and Service Centre recorded 748 fewer visits than the same period in 2013.

The number of new members joining the libraries in March was 159 in Blenheim and 24 in Picton.

The number of hits recorded by unique visitors accessing the libraries' website during the month of March was 19,311 with 25,261 pages being viewed.

It was agreed that Mr Webster should provide a full report on Te Takere in Levin

**Cls Brooks/Shenfield:**  
**That the report be received.**

**Carried**

**A.13/14.389 Housing for the Elderly Sub-Committee**  
**D050-001-H01**

The Housing for the Elderly Sub-Committee minutes of 6 March 2014 were presented for ratification by the Committee.

Following a question on smoking in units the meeting was advised of Council's policy on this.

**Cllrs Andrews/Barsanti:**

**That the Minutes of the Housing for the Elderly Sub-Committee meeting held on 6 March 2014 be received.**

**Carried**

**A.13/14.390 Seddon Elderly Housing Property – Section 40**  
**Public Works Act 1981**  
**C600-001-01**

The Housing for the Elderly Sub-Committee, at a meeting on 16 March 2011, recommended in principle the sale of the Seddon Elderly Housing property subject to relevant Council disposal procedures. The sale comes about because of the lack of applications over many years from people of the Housing for the Elderly target age of 60 years plus. The Crown purchased the land from Maori in 1847 and subsequently sold it to the former Awatere County Council in 1956. At the same time the Awatere County Council purchased four other sections from the Crown principally for housing its staff. In 1957 four elderly housing units were built on the subject land.

It was reported that a Section 40 Public Works Act 1981 investigation has been carried out and a report assessing the offer back requirements under the Act has been prepared by a specialist in this field. The Section 40 report determined that an offer back exemption exists pursuant to Section 40(2)(a) of the Public Works Act 1981 as it would be impracticable to require the land to be offered back, and as there has been significant change in the property, an offer back exemption is also relevant.

**Cllrs Andrews/Barsanti:**

**That pursuant to Section 40 of the Public Works Act 1981, Section 19 Block VIII Town of Seddon be exempt from offer back requirements.**

**Carried**

**A.13/14.391 Parking Report – 1 July 2013 to 31 December**  
**2013**  
**R800-002-03**

Marlborough Roads reported that ADT Armourguard (ADT) continues to manage the Parking Enforcement and Maintenance contract. A financial company by the name of Evergreen recently became the owner of ADT. There will be no change to the contract other than the legal name. ADT may be offered the two year right of renewal on 1 July 2014 when the contract comes up for review. This provision is provided in the contract and is based on the contractor meeting Key Performance Indicators. The use of prescriptive scenarios coupled with the wearing of covert devices is proving to be a useful tool to modifying behaviour and investigating public complaints.

Marlborough Roads has requested that during the high season the parking wardens spend more time patrolling Picton in the week to keep the flow of traffic moving. ADT will put this into place at their own discretion using existing resources.

The reliability of off street meters is continuously monitored both by routine visits/electronic monitoring and regular maintenance cycles. The initial problem associated with the upgrade to the metro machine has ceased at this time.

Free Thursday parking in the Wynen Street carpark was implemented by the Council for the benefit of shoppers and retailers in Blenheim for a four month period (1 July 2013 to 31 October 2013).

Revenue was up by 5% in the December 2013 YTD actual budget; there was a decrease of 10.3% in expenditure.

A number of questions regarding funding, parking trials, free parking vs free buses and usage were answered by staff. It was also indicated that a Parking Review was being undertaken and these issues would be covered in that report.

**Clrs Shenfield/Brooks:**  
**That the report be received.**

**Carried**

## **A.13/14.392 Treasury Management Report for Period Ended 31 March 2014 T270-01**

The Financial Services Manager presented Council's Treasury Management Report for the period ending 31 March 2014. Details of Council funds and investments were provided. Total investments totalled \$10,702,330. The total investments average interest earnings rate of 5.81% was the same as the December quarter.

Bancorp, Council's fund managers, advised that during the March quarter New Zealand short term interest rates increased but medium and long term interest rates declined in line with global bond yield movements.

Council's Treasury Management Policy sets criteria surrounding credit rating, maximum investment allowed with any one institution and the maximum allowed to be invested with any type of institution. It was reported that all criteria have been met for the 31 March quarter.

As at 31 March 2014 Council had \$28.555M of external borrowings.

A graph depicted in the report showed Council's current Westpac and Local Government Funding Authority "LGFA" borrowings and fixed rate hedging or borrowings (fixed swaps) measured against Council Treasury Management Policy and hedging parameters (policy bands).

Current borrowings and fixed swaps comply with the policy bands.

MDC Holdings Limited's borrowings as at 31 March 2014 were \$53.245M.

**Clrs Barsanti/Arbuckle:**  
**That the Treasury Management Report for the period ended 31 March 2014 be received.**

**Carried**

## **A.13/14.393 Financial Report for Council – Period Ended 31 March 2014 F045-06**

The Financial Services Manager presented Council's financial report for the period ended 31 March 2014.

The Income and Expenditure Statement reported a surplus of \$3.29M for the year to date. This was a \$3.45M improvement on the \$0.16M budgeted deficit.

Total Income and Rates for the March year to date is ahead of budget by \$2.93M (4.55%). The major contributors to this result are forestry, tradewaste and sewerage development contributions.

Overall expenditure was slower than budgeted by \$0.52M (0.8%). Comments were reported on variances greater than \$100,000.

Budgeted capital expenditure was \$45.19M for the year including \$19.1M of carryovers from the 2012-13 financial year.

Actual expenditure of \$20.24M to the end of March was \$4.03M ahead of the same period last year (\$16.21M) and \$9.8M less than budgeted for the year to date.



Early indications are that there is likely to be deferrals and carryovers to 2014-15 of approximately \$8.57M in the activities of Commercial Property; Community Facilities; Flood protection and control works; Roads; Stormwater.

There is also expected to be capital savings of approximately \$3.94M in the activities of Roads; Sewerage; and Water.

**Clrs Arbuckle/Oddie:**

**That the financial report for the period ended 31 March 2014 be received.**

**Carried**

## **A.13/14.394 Debtors Overdue Report as at 31 March 2014 F220-002-020-13-14**

The Debtors Overdue report as at 31 March 2014 was presented to the Committee for information.

It was reported that the current balance includes the third quarter invoicing of Trade waste of \$444,660 (March 2013 - \$309,567). The 30-90 days balance has reduced to below the October 2013 balance.

The Property Leases and Licences Debtors' report as at 31 March 2014 was also presented to the Committee for information. Current and total balances fluctuate monthly depending on individual leases and invoicing periods e.g. monthly, quarterly, six monthly or annual.

**Clrs Arbuckle/Barsanti:**

**That the information be received.**

**Carried**

## **A.13/14.395 Rates Reports as at 31 March 2014 F270-28-13**

The Rate Levies Status report, Rate Arrears Aged Balance report and Water Billing Debtors report as at March 2014 were presented for councillors' information, along with a Debt Management report for properties with registered mortgages and a new report for Properties without Registered Mortgages.

It was reported that Council has collected 73.42% of the overall rates levied for 2013-2014 (inclusive of arrears) compared with 72.90% at this time last year.

There were 706 (745 same period last year) reminder letters sent out during March to those ratepayers who have not cleared their rates and have not made an arrangement to do so.

The Debt Management Report for properties with registered mortgages for 2013 showed 222 ratepayers have paid and further action has been taken for 31 ratepayers. Court action may be required for the remaining 22 ratepayers.

The Debt Management Report for properties without registered mortgages for 2013 showed that the number of ratepayers who have paid has increased; 8 are still under recovery action and 27 are awaiting commencement of legal proceedings.

The Water Billing Debtors report as at 31 March 2014 was also presented for councillors' information. The current balance of \$895,278 included the quarterly billing for all areas except Awatere which is four monthly (March 2013 - \$1,009,279).

The 90 days balance of \$20,487 was net of credit balances. Since the end of March \$22,126 of payments for 90 days accounts have been received.

**Clrs Barsanti/Arbuckle:**

**That the report be received.**

**Carried**

## A.13/14.396 Decision to Conduct Business with the Public Excluded

Cllrs Arbuckle/Andrews:

That the public be excluded from the following parts of the proceedings of this meeting, namely:

- Debtors' Overdue Report
- MDC Holdings Limited

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
Debtors' Overdue Report MDC Holdings Limited	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 11.10 am.

Record No: 14116153

## **4. Committee Reports**

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### **4.5 Environment Committee**

Environment Committee Meeting held on 1 May 2014  
(Minute Nos. R.13/14.397 to R.13/14.407)



**Minutes of a Meeting of the  
ENVIRONMENT COMMITTEE  
held in the Council Chambers, 15 Seymour Street, Blenheim  
on THURSDAY, 1 MAY 2014 commencing at 1.00 pm.**

**Present**

Councillors P J S Jerram (Chairperson), J A Arbuckle, G S Barsanti, C J Brooks, D D Oddie, L M Shenfield, Mayor Sowman and Mr E R Beech (Rural representative).

**In Attendance**

Councillors B G Dawson, G I T Evans, T E Hook and J C Leggett, Mr H R Versteegh (Manager, Regulatory Department), and Kathy Payne (Committee Secretary).

**Apologies**

Apologies for non-attendance from Mr R Smith and for lateness from Mayor Sowman were received and sustained.

**R.13/14.397 Confirmation of Sub-Committee Business**

**Cllrs Barsanti/Arbuckle:**

That the following approvals granted by the Swimming Pools Sub-Committee acting under delegated authority (Regulatory Committee Minute (R.13/14.166) be received and the recommendations adopted:

- S G Hudson & H M Jelley – 86 Holdsworth Street, Blenheim - exemption to install a Save-T Cover II automatic pool cover in lieu of a fence (exemption pursuant to section 6 of the Fencing of Swimming Pools Act 1987).

Carried

**R.13/14.398 Queen Charlotte Sound Hydrodynamic Model  
E325-001-001**

Drs Mark Hadfield, Niall Broekhuizen, and David Plew of the National Institute of Water and Atmospheric Research were at the meeting to present the hydrodynamic model of the Queen Charlotte Sound to the Committee.

Members were advised that a hydrodynamic model simulates water movement from tides, wind and residual currents. NIWA has been developing a 3 dimensional model for the Pelorus and Queen Charlotte Sounds which can model changes in the temperature and stratification of the water column over seasonal and annual periods. The models are linked with water quality (nutrients) and ecological (phytoplankton and zooplankton) processes. This will assist the Council by providing a baseline of water quality in the Sounds and enable an understanding of the effects from land use and aquaculture on key environmental health measures. These environmental measures include nutrient concentrations, algal biomass and benthic deposition of organic matter. Members were advised that the Pelorus model should be finalised at the end of the year.

The presentations provided an overview of how the model was constructed; what it shows about the dynamics of the Queen Charlotte Sound; application of the model to the Council's functions, and limitations, ongoing maintenance and validation of the model.

The Committee was interested in the animated presentation showing the release of floats (neutral tracers) at 10m depth to model water flushing in Queen Charlotte Sound and Tory Channel Dr Hadfield responded to a number of questions from the Councillors. He advised that the model is still under development and that he would repeat the tracer modelling in Grove Arm.

In respect of the 3 dimensional coupled hydrodynamic/biogeochemical model which includes the effects of shellfish and finfish farms, Dr Broekhuizen advised that the simulated model was based on simplified finfish farms over a period of about a year and calibration would be improved by looking at boundary conditions, nitrification and realistic finfish farm characteristics. Freshwater inputs will also be included. Oxygen saturation was also discussed and Dr Broekhuizen advised that from evidence to date oxygen saturation is at 85%-90% which is well above the threshold levels where the fish life is affected. Dr Broekhuizen advised that further development of the model will simulate fish farms operating at full capacity.

**Cllrs Barsanti/Shenfield:**  
**That the information be received.**

**Carried**

ATTENDANCE: Mr S Ulrich, Council's Environmental Scientist, was present for the following item.

**R.13/14.399    New Zealand King Salmon Monitoring  
Reports 2013  
MFL456, U040412, U090660,U090634, U040217,  
U021247, U060926, U090841, E325 008-001-02**

The Committee was updated on the assessment of compliance with consents for the New Zealand King Salmon (NZKS) farms for 2013.

A letter from NZKS, a peer review of the Cawthron reports by Dr Catriona Macleod, the Council's preliminary assessment of the reports and a peer review by Dr Kenneth Black were attached to the agenda for members' information.

Members were aware that NZKS is the principal finfish farming company in the Marlborough Sounds and currently has consent to operate eight finfish farms in the region as shown on the map in the agenda. The annual monitoring reports completed by the Cawthron Institute for all the farms have been received by Council.

Mr Ulrich provided a presentation summarising the monitoring results. It was noted that environmental standards and associated monitoring are not consistent between farms. This is because the farms were consented at different times over the last 15 years but NZKS undertakes similar monitoring at all farms.

Each farm has a report on the biochemical and biological state of the seabed, and the nutrient status of the water column. Copper and zinc levels in the seabed sediments are also determined. The state of the seabed was assigned an enrichment score by Cawthron. Most consents have a maximum permitted level of enrichment which is caused by fish waste falling on the seabed. The presentation showed a summary of the seabed and the NZKS management plan in respect of this.

Members were advised that the consensus is that the consents are in overall compliance. Seabed conditions at several low flow sites remain enriched and require careful management to ensure that they can continue to assimilate waste. NZKS is investigating the cause of elevated levels of zinc in the seabed beneath some farms.



Members were advised that under the Building Act 2004, Schedule 1 Part 2 (A & B), Council has the authority to give effect to the decisions it makes under the Act, subject to sufficient consideration of all options.

Garden sheds with a floor area equal to or less than 10m<sup>2</sup> have had existing exemptions, however that exemption has a condition that requires the shed to be its own height away from the boundary. Council's experience is that most purchasers are unaware of the Building Act requirements and in most cases the sheds are positioned against or near to boundary fences. These types of sheds are generally used for the storage of garden tools and lawn mowers (therefore low risk) and it is not intended for this Council exemption to apply to sheds built for human habitation. The exemption would reduce the number of complaints received by Council in regard to garden sheds and free up the property owner from having to build fully Building Code compliant (and expensive) structures to house their gardening equipment.

Changes to Schedule 1 (December 2013) removed the existing exemptions for free standing carports equal to or less than 20m<sup>2</sup>. Members were advised that under the previous Schedule 1 free standing carports equal to or less than 20m<sup>2</sup> positioned no closer than 300mm to a boundary was allowed. At the meeting Mr East advised it had been an error that the free standing carport exemption within 300mm had been removed from Schedule 1. It was proposed that the exemption still be approved as it was not known when Schedule 1 would be corrected.

**Clrs Shenfield/Brooks:**

- 1. That the proposed exemption from the requirement of applying for a building consent for the erection of a garden shed with a floor area equal to or less than 10m<sup>2</sup> and positioned no closer than 300mm to a boundary be approved.**
- 2. That the proposed exemption from the requirement of applying for a building consent for the erection of a free standing carport equal to or less than 20m<sup>2</sup> and positioned no closer than 300mm to a boundary be approved.**

**Carried**

ATTENDANCE: The Mayor withdrew from the meeting during the previous item and Mr A Van Wijngaarden, Council's Harbour Master, was present for the following three items.

**R.13/14.402 Port and Harbour Marine Safety Code – Safety Management System H100-001-01**

Members were advised that under the Maritime Transport Act 1994 Marlborough District Council takes the role of Harbour Authority for the Marlborough Sounds Harbour. Accordingly, it has an obligation under the New Zealand Port and Harbour Marine Safety Code (2004) ('The Code') to introduce a Maritime Safety Management System (MSMS). The provisions of the MSMS are set out in the manual "*The Maritime Safety Management System Manual*" which was included with the agenda.

The purpose of this document is to describe the overall framework for the management and co-ordination of marine activities necessary to facilitate maritime safety. The Maritime SMS arrangements referred to in the manual comply with the Code. The development of the MSMS is a direct flow-on from the Marlborough Risk Assessment.

The Harbour Master advised that the process by which the community and stakeholders identified hazards was part of the initial risk assessment undertaken by an independent consultant.

The Maritime Safety Management System Manual will be forwarded to Maritime New Zealand for approval.

**Clrs Barsanti/Arbuckle:**

**That the Maritime Safety Management System Manual be approved and forwarded to Maritime New Zealand for approval.**

**Carried**

## **R.13/14.403 Aids to Navigation**

**H100-005-14**

The report to the Committee provided an update on the on-going management of Aids to Navigation for the period January 2014 to May 2014.

The Council is responsible for the provision and servicing of 98 AtoN in the region which includes, beacons, buoys, channel markers and leading lights. These AtoN are a critical component of the Harbour Safety Management System and their operation must comply with international standards as set by the International Light House Authority (IALA). Requirements include minimum response times to rectify light failures, prescribed inspection routines and the establishment of an accurate performance data recording programme.

Members were advised that the reliability of Marlborough AtoN and the failure response times achieved for the period 01 January 2013 to 01 May 2014 has exceeded IALA standards.

At the meeting the Harbour Master advised that the Motuara North Cardinal should be replaced fairly soon.

**Clrs Barsanti/Shenfield:**  
**That the information be received.**

**Carried**

## **R.13/14.404 Marine Farm Light Audits**

**H100-005-14**

An update of the ongoing marine farm light audits carried out was provided for members' information with the marine farm areas audited to date outlined in the agenda. It was noted that there has been a substantial improvement in overall compliance.

The Harbour Master advised that there were a number of farms with lights that were not operational but as they are now being managed by a large company he is confident they will soon be operational. Discussions have commenced with the Marine Farming Association on a self-audit scheme and farms within the scheme are given one month to rectify the non-conformity. Farms that are not members of the scheme would receive an infringement notice. Action is taken where there is a danger to other people.

**Clrs Barsanti/Shenfield:**  
**That the information be received.**

**Carried**

ATTENDANCE: Councillor Hook declared an interest in and withdrew from the table for discussion on the following item. The Mayor re-joined the meeting. Ms E Cowan, Council's Environmental Protection Officer, was present for the following item.

## **R.13/14.405 High Volume Wastewater Management in the Marlborough Sounds**

**E330-003-003-01**

An overview of the Environmental Protection Group's High Volume and Commercial Wastewater Monitoring Project for the period 1 May 2013 to 1 April 2014 was presented to the Committee. The wastewater discharge permits of commercial accommodation and community water schemes monitored were depicted on a map in the agenda. High volume wastewater discharges identified as having the potential to adversely affect the quality of the Coastal Marine Area have been monitored for 14 years.

The monitoring results of the wastewater discharge permit conditions were detailed in the report to the Committee. The Committee was advised that 11 permits had a compliance status of green (compliant),



4 permits had a compliance status of orange (remedial action is required to achieve compliance) and 3 permits had a compliance status of red (non-compliant).

The Committee discussed the permits that were non-compliant. These were Furneaux Lodge, Portage Resort Hotel and the 12 adjacent residential properties, and Punga Cove Resort. The Committee was concerned about the continuing non-compliance and the effects on the coastal ecosystems, including marine farming. Ms Cowan advised that Furneaux Lodge hoped to have a land based disposal system operational by June 2014. Two independent wastewater systems are being installed at Portage Resort Hotel and the adjacent residential properties and are planned to be completed by Spring 2014. Some remedial works are required to be carried out on the irrigation field at Punga Cove Resort and a further site visit will be carried out to assess the works. Members were advised that progress was being made through the Enforcement and Prosecution Committee and in the very near future the treated effluent to sea discharges from commercial properties in the Sounds would be eliminated.

Ms Cowan advised that the majority of consent holders actively manage their wastewater systems to a high standard. The Council will continue to work with consent holders where remedial actions are required and enforcement tools will be considered in situations where adverse affects are evident, and non-compliance is on-going with unsatisfactory progress being made. Enforcement options include infringement notices, abatement notices and Court action (enforcement orders and prosecution).

**Clrs Barsanti/Brooks:**  
**That the information be received.**

**Carried**

## **R.13/14.406 Appointment of Hearings Commissioners**

### **R450-004-02**

The Committee was asked to consider two new persons for inclusion on the list of Hearings Commissioners. The applicants were Cindy Robinson (Environmental Law) and Sharon McGarry (Environmental Science).

Further details regarding the applicants were included in the agenda.

**Clrs Oddie/Shenfield**  
**That Ms Cindy Robinson and Ms Sharon McGarry be appointed to act as Hearings Commissioners as and when required and that they be advised accordingly.**

**Carried**

## **R.13/14.407 Information Package**

**Clrs Shenfield/Brooks:**  
**That the Regulatory Department Information Package dated 1 May 2014 be received and noted.**

**Carried**

The Committee commended staff on the recent displays at public events and on the valuable information provided in the Information Package

The meeting closed at 3.40 pm.

Record No: 14114578

## 5. Adoption of Plan Change 24: New Zealand King Salmon Co. Limited Plan Change Request

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(Clr Hook) (Report prepared by Pere Hawes)

M135-15-24-16

### Purpose

1. The purpose of this report is to recommend the adoption of Plan Change 24.

### Background

2. New Zealand King Salmon Co. Ltd (NZKS) lodged a request with the Environmental Protection Authority on 15 August 2011 to change the Marlborough Sounds Resource Management Plan to enable the establishment of eight new salmon farms within Coastal Marine Zone 1 (Plan Change 24). The sites were in Waitata Reach of Pelorus Sound, Port Gore and in Queen Charlotte Sound/Tory Channel.
3. In simple terms, the proposal was to create a specific salmon farming zone, Coastal Marine Zone 3, at each of the eight sites. The zone was accompanied by zone and salmon specific provisions, particularly rules.
4. NZKS subsequently applied for an additional site in Coastal Marine Zone 2 (White Horse Rock), and for coastal permits for salmon farming at the proposed sites, to be considered concurrently with the plan change request, on 3 October 2011.
5. The Minister of Conservation directed that the applications be referred to a Board of Inquiry on 3 November 2011. A Board of Inquiry was subsequently appointed by the Minister and comprised Judge Gordon Whiting (chairperson), Helen Beaumont, Mark Farnsworth, Edward Ellison and Michael Briggs.
6. The NZKS proposal was publicly notified on 31 March 2012 and 1271 submissions were received. The Council submitted in opposition to the plan change request and the nine resource consent applications. The reasons for opposition are set out in previous reports to the Environment Committee.
7. The Board of Inquiry heard submissions during an eight week hearing from 27 August 2012 to 18 October 2012.
8. The Board on Inquiry issued its final decision on 22 February 2013. It determined to approve Plan Change 24 in part by allowing the plan change with respect to the proposed Papatua (Port Gore), Ngamahau (Tory Channel), Waitata and Richmond (both Waitata Reach, Pelorus Sound) Coastal Marine Zone 3 sites. It rejected Plan Change 24 in part by declining the proposed Kaitapeha, Ruaomoko (both Queen Charlotte Sound), Kaitira and Tapiipi (both Waitata Reach, Pelorus Sound) Coastal Marine Zone 3 sites.
9. The resource consent application for White Horse Rock was also declined.
10. The Board on Inquiry's decision was appealed to the High Court and (on being unsuccessful) then to the Supreme Court by Sustain our Sounds Inc (for all four approved sites) and the Environmental Defence Society Inc (for the Papatua site).

### Comments

11. The Supreme Court issued its decision on each of the two appeals on 17 April 2014. The appeal by Sustain our Sounds Inc was unsuccessful, while the appeal by Environmental Defence Society Inc was successful. The Supreme Court press releases, which contain a summary of each decision, are **attached separately** to this report for your information. Full copies of the decisions can be accessed from the Courts website: [www.courtsofnz.govt.nz](http://www.courtsofnz.govt.nz)

12. The release of the Supreme Court decisions completes the process of processing and determining the plan change request.
13. The final outcome is that the plan change to rezone specific areas of coastal space currently zoned Coastal Marine Zone 1 to Coastal Marine Zone 3 was approved in respect of three of the eight sites proposed by NZKS: Ngamahau, Waitata and Richmond.
14. The Board of Inquiry's role was completed on determination of the plan change request. Clause 18 of the First Schedule of the RMA now requires the Council to adopt Plan Change 24 and then send it to the Minister of Conservation for his approval.
15. A schedule of changes to the Marlborough Sounds Resource Management Plan has been prepared (**attached separately**) that gives effect to the Board of Inquiry's decision, as modified by the Supreme Court decision.
16. It is recommended that the Council take the procedural step of adopting Plan Change 24 and then refer the plan change to the Minister of Conservation for his consideration. Staff will confirm when the Minister has approved the plan change.
17. Once the Minister of Conservation has approved the plan change there remains one last procedural task for the Council to complete, which is to make Plan Change 24 operative. Operative status is achieved by publicly notifying the operative date.

### **Summary**

18. The plan change request, Plan Change 24, has been heard and determined by a Board of Inquiry. All appeals to the plan change have now been heard and determined. A schedule of changes to the Marlborough Sounds Resource Management Plan that gives effect to the Board of Inquiry's decision, as modified by the Supreme Court decision has been prepared. Clause 18 of the First Schedule of the RMA now requires the Council to adopt the plan change and send it to the Minister of Conservation for his approval.

### **RECOMMENDED**

**That Plan Change 24 be adopted and referred to the Minister of Conservation for his approval in accordance with Clause 18 of the First Schedule of the Resource Management Act 1991.**

## 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)
- Property Issue

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>
<b>Property Issue</b>	<b>To enable the Council, as holder of the information, to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) as provided for under Section 7(2)(i).</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>