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**MARLBOROUGH  
DISTRICT COUNCIL**



31 July 2020

Record No: 20139013  
File Ref: D050-001-02  
Ask For: Mike Porter

## **Notice of Council Meeting – Thursday, 6 August 2020**

Notice of the Council Meeting to be held in the Council Chambers, 15 Seymour Street, Blenheim on Thursday, 6 August 2020 to commence at 9.00 am.

### **BUSINESS**

As per Order Paper attached.

MARK WHEELER  
**CHIEF EXECUTIVE**



**Order Paper for the  
COUNCIL MEETING**  
**to be held in the Council Chambers, 15 Seymour Street, Blenheim**  
**on THURSDAY, 6 AUGUST 2020 commencing at 9.00 am**

**Open Meeting**

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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, 6 AUGUST 2020 commencing at 9.00 am

### 1. Karakia

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Tēnā koutou, tēnā koutou, tēnā koutou katoa  
E te Atua tō mātou Kai-hanga,  
ka tiāho te maramatanga me te ora, i āu kupu kōrero,  
ka tīmata āu mahi, ka mau te tika me te aroha;  
meatia kia ū tonu ki a mātou  
tōu aroha i roto i tēnei huihuinga.  
Whakakī a matou whakaaro ā mātou mahi katoa,  
e tōu Wairua Tapu.  
Āmine.

(God our Creator,  
when you speak there is light and life,  
when you act there is justice and love;  
grant that your love may be present in our meeting.  
So that what we say and what we do may be filled with your Holy Spirit.  
Amen.)

### 2. Declaration of Interests

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Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

### 3. Apologies

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## **4. Minutes**

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- 4.1 Confirmation of the Minutes of the Council Meeting held on 25 June 2020  
(Minute Nos. Cncl-0620-467 to Cncl-0620-478)

**Minutes of a Meeting of the  
MARLBOROUGH DISTRICT COUNCIL  
held in the Council Chambers, 15 Seymour Street, Blenheim  
on THURSDAY 25 JUNE 2020 commencing at 9.00 am**

## **Present**

The Mayor J C Leggett (in the Chair), Cllrs J L Andrews, J A Arbuckle, C J Brooks, J D N Croad, B G Dawson, B A Faulks, M J Fitzpatrick, G A Hope, D D Oddie, M A Peters, T P Sowman and N P Taylor.

## **In Attendance**

Messrs M S Wheeler (Chief Executive), A P Quirk (District Secretary), Mr M F Fletcher (Chief Financial Officer) and M J Porter (Democratic Services Manager).

## **Karakia**

The meeting opened with a karakia.

## **Apology**

**Cllrs Taylor/Brooks:**

**That the apology for absence from Cllr F D Maher be received and sustained.**

## **Carried**

## **Cncl-0620-467 Declaration of Interests** -

Members were reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

A number of declarations were noted in the agenda:

- The various interests as declared under Minute Nos. Cncl-0520-399;
- The various interests as declared under Minute Nos. Cncl-0620-411;
- The various interests as declared under Minute No. Grnt-0520-409; and
- The various interests as declared under Minute Nos. AP-0620-410.

## **Cncl-0620-468 Confirmation of Minutes** -

**The Mayor/Cllr Taylor:**

**That the Minutes of the Council Meeting held on 14 May 2020 (Minute Nos. Cncl-0520-399 to Cncl-0520-406) be taken as read and confirmed.**

## **Carried**

## **Cncl-0620-469 Confirmation of Minutes** -

Under Minute Cncl-0620-416 (Deliberation on Submissions on the Annual Plan Update 2020-21):

- Members discussed the wording of the resolutions of submission 1110 (John Reuhman [Picton Marlborough Sounds Tourism]) and agreed that they were correctly transcribed;
- Staff noted that Cllr Andrews interests in submissions 1092 (Amanda Gill [Springlands School]) and 1119 (Diane Tolley [Alzheimers Society Marlborough Inc]) were inadvertently left off the draft minutes but have been recorded in the final version;
- Members agreed that a preamble of submission 1130 (Beverley Doole [Marlborough Landscape Group]) should reflect the fact that the submission requested total funding of \$50,000, but that contributions of \$12,000 from the Marlborough Landscape Group and \$8,000 from the Rivers Section

meant that only \$30,000 was required from Council's budgets in the 2020-21 financial year for Council to develop a Wairau River Management Strategy Document;

- Members noted that the resolution of submission 1139 (Paul Davidson [Foundation Trustee Marlborough Heritage Trust]) did not address the submitter's request that Council provide a formal letter of support. Members agreed to this request:

**Cls Brooks/Arbuckle:**

**That Council provide Mr Paul Davidson (Marlborough Heritage Trust) with a letter of support for the making of a movie "MAKING MARLBOROUGH – The Immigrant Story".**

**Carried**

- Staff were reminded that the response to submitters on "Kerbside Recycling for Renwick" is to be circulated to the Wairau-Awatere Ward Councillors prior to its release.

**The Mayor/Clr Taylor:**

**That the Minutes of the Council Meeting held on 8 June 2020 (Minute Nos. Cncl-0620-411 to Cncl-0620-421), as amended above, be taken as read and confirmed.**

**Carried**

## **Committee Reports**

### **Cncl-0620-470    Assets & Services Committee**

-

Members discussed the recommendation under Minute No. A&S-0620-428 (Road Name Request – Beehive Developments Limited) whereby the Committee had recommended that the road name be Kānuka Close. It was moved that this recommendation be rescinded and that the road name be Monarch Lane.

**Cls Peters/Croad:**

**That the recommendation under Minute No. A&S-0620-428 be rescinded and replaced with the following:**

**That Council approve the road name Monarch Lane to take effect upon the vesting of the roads in Council ownership. The road name applies to the road shown as Appendix 1 in the agenda for the Assets & Services Committee meeting on 9 June 2020.**

**Carried on a show of hands 10 to 3**

**Cls Taylor/Fitzpatrick:**

**That the Committee report contained within Minute Nos. A&S-0620-422 to A&S-0620-436 be received and the recommendations, as amended above, adopted.**

**Carried**

### **Cncl-0620-471    Environment Committee**

-

**The Mayor/Clr Oddie:**

**That the Committee report contained within Minute Nos. Env-0620-437 to Env-0620-452 be received and the recommendations adopted.**

**Carried**

### **Cncl-0620-472    Planning, Finance & Community Committee**

-

**Cls Peters/Croad:**

**That the Committee report contained within Minute Nos. PF&C-0620-453 to PF&C-0620-466 be received and the recommendations adopted.**

**Carried**

## **Cncl-0620-473 Grants Sub-Committee**

-

Staff are to add Cllr Peters to the list of those present at the meeting.

**Cllr Brooks/The Mayor:**

**That the Sub-committee report contained within Minute Nos. Grnt-0520-407 to Grnt-0520-409 be received and the recommendations adopted.**

**Carried**

## **Cncl-0620-474 Special Hearing Committee to Hear Submissions on the 2020-21 Annual Plan Update**

-

**The Mayor/Cllr Taylor:**

**That the Committee report contained within Minute No. AP-0620-410 be received and the recommendations adopted.**

**Carried**

## **Cncl-0620-475 Adoption of the 2020-21 Annual Plan F230-A20-03**

Mr Fletcher advised that the purpose of the report was to adopt the final Annual Plan document for the period 1 July 2020 to 30 June 2021.

The minutes of the Council meeting of 8 June 2020, generated from the deliberation on submissions on the *Annual Plan Update 2020-21*, were confirmed earlier in the meeting (see above).

Members noted that the *2020-21 Annual Plan* document, as amended in terms of the decisions made, was separately attached to the agenda (filed in CM – Record No. 20110907).

The Mayor acknowledged the work of Cllr Brooks in reviewing the Annual Plan document.

**The Mayor/Cllr Brooks:**

**That Council adopt the Annual Plan, as amended from Councillor feedback, for the period 1 July 2020 to 30 June 2021.**

**Carried**

## **Cncl-0620-476 Setting of Rates for the 2020-21 Financial Year F270-23-01**

Members commended the Management Team and staff for the quality work and professionalism involved during these unprecedented times, including working from home during lockdown, to produce an annual plan with a reduction in the proposed rate increase to below the 2.2% target. The community is also to be applauded for the very little feedback on the 1.88% rate increase for 2020-21 financial year. Mr Wheeler is to pass on these commendations to staff.

**The Mayor/Cllr Peters:**

**That the Marlborough District Council set the rates and charges, as set out in the schedule hereto, under the Local Government Act 2002 and the Local Government (Rating) Act 2002, on rating units in the District for the financial year commencing on 1 July 2020 and ending on 30 June 2021:**

## Marlborough District Council

GST has been calculated on the basis of 15% for the year. The rates below are GST inclusive.

### TARGETED GENERAL TYPE RATES

#### 1. Geographic Area General Works and Services Rates

General Works and Services Rates are set differentially for six geographic areas, depending on where the land is situated.

Within each geographic area, the rating units are further differentiated into categories of rateable land in accordance with the use to which the land is put i.e. Residential or rural, commercial or industrial and homestay or farmstay.

Rating units may be partitioned by Council where there are two or more land uses that fit into different differential rating categories.

These rates fund the “*Geographic Area’s Rate Component*” of the net cost of operations, capital expenditure and debt servicing cost, after making provision for targeted rates and charges, general revenue, and utilisation of various reserves.

A Geographic Area General Works and Services Rate pursuant to Sections 16 and 17 of the Local Government (Rating) Act 2002 and Schedule 2 of that Act, based on the rateable land value of all rating units in the District, to be set and assessed differentially for one or more of the following categories of rateable land -

##### 1.1 *Blenheim Geographic Area (BM)*

- |      |  |
|------|--|
| 1171 | Blenheim rating units with a residential or rural land use – 0.377226 cents in the dollar.   |
| 1172 | Blenheim rating units with a commercial or industrial land use – 1.125529 cents in the dollar.   |
| 1173 | Blenheim rating units with a homestay or farmstay type land use occurring on a residential or rural rating unit where a Building Act consent and/or Resource consent is required – 0.564341 cents in the dollar. |

##### 1.2 *Blenheim Vicinity Geographic Area (BV)*

- |      |   |
|------|---|
| 1191 | Blenheim Vicinity rating units with a residential or rural land use – 0.29404 cents in the dollar.  |
| 1192 | Blenheim Vicinity rating units with a commercial or industrial land use – 0.556824 cents in the dollar.   |
| 1193 | Blenheim Vicinity rating units with a homestay or farmstay type land use occurring on a residential or rural rating unit where a Building Act consent and/or Resource consent is required – 0.359818 cents in the dollar. |

##### 1.3 *Picton Geographic Area (PN)*

- |      |  |
|------|--|
| 1211 | Picton rating units with a residential or rural land use – 0.509578 cents in the dollar.     |
| 1212 | Picton rating units with a commercial or industrial land use – 0.940604 cents in the dollar. |



- 1213 Picton rating units with a homestay or farmstay type land use occurring on a residential or rural rating unit where a Building Act consent and/or Resource consent is required 0.617336 cents in the dollar.

#### **1.4 Picton Vicinity Geographic Area (PV)**

- 1231 Picton Vicinity rating units with a residential or rural land use – 0.264364 cents in the dollar.
- 1232 Picton Vicinity rating units with a commercial or industrial land use – 0.548117 cents in the dollar.
- 1233 Picton Vicinity rating units with a homestay or farmstay type land use occurring on a residential or rural rating unit where a Building Act consent and/or Resource consent is required – 0.336002 cents in the dollar.

#### **1.5 General Rural Geographic Area (GR)**

- 1251 General Rural rating units with a residential or rural land use – 0.303149 cents in the dollar.
- 1252 General Rural rating units with a commercial or industrial land use – 0.487752 cents in the dollar.
- 1253 General Rural rating units with a homestay or farmstay type land use occurring on a residential or rural rating unit where a Building Act consent and/or Resource consent is required – 0.349306 cents in the dollar.

#### **1.6 Sounds Admin Rural Geographic Area (AR)**

- 1271 Sounds Admin Rural rating units with a residential or rural land use – 0.15002 cents in the dollar.
- 1272 Sounds Admin Rural rating units with a commercial or industrial land use – 0.284824 cents in the dollar.
- 1273 Sounds Admin Rural rating units with a homestay or farmstay land use occurring on a residential or rural rating unit where a Building Act consent and/or Resource consent is required – 0.183723 cents in the dollar.

## **2. Geographic Area General Works and Services Uniform Charges**

A targeted Geographic Area General Works and Services Charge on the basis of a fixed amount on every separately used or inhabited part of a rating unit ensures that rating units contribute on a uniform basis to fund the “*Geographic Area’s Uniform Charge Component*” of the net cost of operations, capital expenditure and debt servicing charges, after making provision for targeted rates and charges, general revenue and utilisation of various reserves.

These charges are to be set differentially for six geographic areas, depending on where the land is situated; on the same basis as for the Geographic Area General Works and Services Rates.

A Geographic Area General Works and Services Charge to be set on the basis of a fixed amount on every separately used or inhabited part of a rating unit pursuant to Sections 16 and 17 of the Local Government (Rating) Act 2002 in the following geographic areas, or on infrastructural utilities that are not rated under the geographic areas:

Blenheim Geographic Area	\$818
Blenheim Vicinity Geographic Area	\$741
Picton Geographic Area	\$872

Picton Vicinity Geographic Area	\$746
General Rural Geographic Area	\$553
Sounds Admin Rural Geographic Area	\$447
Infrastructural Utilities (not rated in areas above)	\$696

## TARGETED DEBT SERVICING RATES

3. A Grovetown Sewerage Loan Rate pursuant to Section 16 of the Local Government (Rating) Act 2002 to be set at 0.385446 cents in the dollar on the land value of every rating unit in the Grovetown Sewerage Special Rating Area in respect of which no contribution to the lump sum scheme was chosen to fund debt servicing costs on Grovetown Sewerage Loans.
4. A Renwick Sewerage Loan Rate pursuant to Section 16 of the Local Government (Rating) Act 2002 to be set at 0.046389 cents in the dollar on the land value of every rating unit in the Renwick Sewerage Special Rating Area in respect of which no contribution to the lump sum scheme was chosen, such rate to be applied towards debt servicing costs on the Renwick Sewerage Loan.
5. A Southern Valleys' Irrigation Loan Rate, pursuant to section 16 of the Local Government (Rating) Act 2002, to be set on the basis of a fixed amount per irrigable hectare of \$292.30 on every rating unit in the Southern Valleys' Special Rating Area in respect of which no contribution to the lump sum scheme was chosen to fund debt servicing costs on Southern Valleys' Irrigation Loans.
6. A Flaxbourne Community Irrigation Loan Rate, pursuant to section 16 of the Local Government (Rating) Act 2002, to be set on the basis of a fixed amount per hectare of \$1 on all land committed to receive a base allocation of water on every rating unit in the Flaxbourne Special Rating Area. The quantum of the loan rate will alter as the proposal is progressed and will be used to either fund investigation costs incurred should the scheme not proceed or the total cost of the scheme should construction contracts be awarded.

## TARGETED ROADING RATES

7. A French Pass Road Charge, pursuant to Section 16 of the Local Government (Rating) Act 2002, to be set on the basis of a fixed amount of \$99.00 on every rating unit in the French Pass Rating Area, such rate to be applied towards the cost of seal extension in the targeted area.
8. A Kenepuru Road Rate, pursuant to Section 16 of the Local Government (Rating) Act 2002, to be set at 0.013873 cents in the dollar on the capital value of every rating unit in the former Kenepuru Riding, for roading improvements in that area.

## TARGETED RIVERS RATES

9. A Wairau Valley Rivers Works Rate, being a targeted rate pursuant to Sections 16 and 17 of the Local Government (Rating) Act 2002, to be set on the Capital Value of every rating unit situated in the Wairau Valley Rivers Rating Area classified in one or more of the following categories to fund the Cost of Operations, Capital Expenditure, etc of River Planning, Control and Flood Protection, in the above Rating Area:
 

– Wairau Valley Rivers Works - Rural A	– 0.064522 cents in the dollar
– Wairau Valley Rivers Works - Rural B	– 0.048392 cents in the dollar
– Wairau Valley Rivers Works - Rural C	– 0.031616 cents in the dollar
– Wairau Valley Rivers Works - Rural D	– 0.005162 cents in the dollar
– Wairau Valley Rivers Works – Blenheim Urban 1	– 0.047551 cents in the dollar
– Wairau Valley Rivers Works - Blenheim Urban 2	– 0.042267 cents in the dollar
– Wairau Valley Rivers Works - Blenheim Urban 3	– 0.036456 cents in the dollar
– Wairau Valley Rivers Works - Blenheim Urban 4	– 0.020606 cents in the dollar
– Wairau Valley Rivers Works – Other Urban 1 in Wairau Catchment	– 0.045804 cents in the dollar
– Wairau Valley Rivers Works - Other Urban 2 in Wairau Catchment	– 0.030756 cents in the dollar

## TARGETED SEWERAGE RATES

### Definitions:

For the purposes of this section –

“Connected” refers to any separately used or inhabited part of a rating unit that is connected, either directly or indirectly, through a private drain to a public drain. “Serviced” has the same meaning.

“Serviceable” refers to any separately used or inhabited part of a rating unit situated within 30 metres of a public sewerage or stormwater drain to which it is capable of being effectively connected, either directly or through a private drain, but which is not so connected.

“Combined sewerage rates and charges” do not include the initial debt servicing requirements for any new schemes not paid by lump sum contributions.

### **10. Combined Sewerage Scheme Capital Works Rate**

A combined Sewerage Capital Works Rate, pursuant to Sections 16 and 17 of the Local Government (Rating) Act 2002 to be set and assessed differentially on the land value of every rating unit in the Combined Sewerage Rating Area, classified in the following areas, to meet capital expenditure and debt servicing costs of the combined sewerage scheme:

Blenheim Group	0.069322 cents in the dollar
Havelock	0.086652 cents in the dollar
Picton	0.085266 cents in the dollar
Seddon	0.122699 cents in the dollar

### **11. Combined Sewerage Scheme Charge**

Pursuant to Section 16 of the Local Government (Rating) Act 2002 the following Rates are to meet expenditure of the combined sewerage scheme other than capital and debt servicing costs:

- A Sewerage User Charge to be set on the basis of a fixed amount of \$400 on every separately used or inhabited part of a serviced rating unit connected to the Combined Sewerage Scheme.
- A Sewerage Non-User Charge to be set on the basis of a fixed amount of \$200 on every separately used or inhabited part of a serviceable rating unit within the Combined Sewerage Rating Area.

## TARGETED WATER SUPPLY RATES

### Definitions:

For the purposes of this Section –

“Serviced” or “Connected” refers to any separately used or inhabited part of a rating unit to which water is supplied.

“Serviceable” refers to any separately used or inhabited part of a rating unit to which water can be but is not supplied (being property situated within 100 metres from any part of the waterworks).

### **12. Combined Water Scheme Capital Works Rate**

A combined Water Capital Works Rate, pursuant to Sections 16 and 17 of the Local Government (Rating) Act 2002 to be set and assessed differentially on the land value of every

rating unit in the Combined Water Rating Area, classified in the following areas, to meet capital expenditure and debt servicing costs of the combined water scheme:

Blenheim	0.060062 cents in the dollar
Havelock	0.067869 cents in the dollar
Picton	0.077479 cents in the dollar
Koromiko	0.061984 cents in the dollar
Renwick	0.064266 cents in the dollar

### **13. Combined Water Scheme Charge**

Pursuant to Sections 16 and 19 of the Local Government (Rating) Act 2002 the following Rates are to meet expenditure of the combined water scheme other than capital and debt servicing costs:

### **14. Blenheim Water Supply**

- A Blenheim Water User Charge for non-metered rating units, being a rate to be set on the basis of a fixed amount of \$300 on every separately used or inhabited part of a serviced rating unit in the Blenheim Water Supply Area [including the Burleigh Extension].
- A Blenheim Water Non User Charge for non-metered rating units, being a targeted rate to be set on the basis of a fixed amount of \$150 on every separately used or inhabited part of a serviceable rating unit in the Blenheim Water Supply Area [including the Burleigh Extension].
- A Blenheim Metered Water Charge, for metered rating units [including the Burleigh Extension], being a rate to be set for the quantity of water provided to residential metered connections according to the following scale of charges:

A minimum charge of \$75 per quarter for the volume of water supplied between 0 m<sup>3</sup> and 66.96 m<sup>3</sup> (and)

A metered charge of \$1.12 per cubic metre for the volume of water supplied in excess of 66.96 m<sup>3</sup>

### **15. Havelock Water Supply**

- A Havelock Water User Charge, for non-metered rating units, being a rate to be set on the basis of a fixed amount of \$510 on every separately used or inhabited part of a serviced rating unit in the Havelock Water Supply Area.
- A Havelock Water Non User Charge, for non-metered rating units, being a rate to be set on the basis of a fixed amount of \$255 on every separately used or inhabited part of a serviceable rating unit in the Havelock Water Supply Area.

### **16. Picton Water Supply**

- A Picton Water User Charge, for non-metered rating units, being a rate to be set on the basis of a fixed amount of \$510 on every separately used or inhabited part of a serviced rating unit in the Picton Water Supply Area.
- A Picton Water Non User Charge, for non-metered rating units, being a rate to be set on the basis of a fixed amount of \$255 on every separately used or inhabited part of a serviceable rating unit in the Picton Water Supply Area.
- A Picton Metered Water Ordinary Charge, for metered rating units, being a rate to be set for the quantity of water provided to residential metered connections (excluding "Koromiko Special Pipe-line Agreement" consumers) according to the following scale of charges:

A minimum charge of \$127.50 per quarter for the volume of water supplied between 0 m<sup>3</sup> and 41.53 m<sup>3</sup> (and)

A metered charge of \$3.0700 per cubic metre for the volume of water supplied in excess of 41.53 m<sup>3</sup>

- A Picton Metered Water Koromiko Charge, for metered rating units, being a rate to be set for the quantity of water provided to all “Koromiko Special Pipe-line Agreement” consumers of \$2.4600 per cubic metre.

### **17. Renwick Water Supply**

- A Renwick Water User Charge, for non-metered rating units, being a rate to be set on the basis of a fixed amount of \$510 on every separately used or inhabited part of a serviced rating unit in the Renwick Water Supply Area.
- A Renwick Water Non User Charge, for non-metered rating units, being a rate to be set on the basis of a fixed amount of \$255 to be set on every separately used or inhabited part of a serviceable rating unit in the Renwick Water Supply Area.
- A Renwick Metered Water Charge, for metered rating units, being a rate to be set for the quantity of water provided to residential connections according to the following scale of charges:

A minimum charge of \$127.50 per quarter for the volume of water supplied between 0 m<sup>3</sup> and 45.7 m<sup>3</sup> (and)

A metered charge of \$2.79 per cubic metre for the volume of water supplied in excess of 45.7 m<sup>3</sup>

### **18. Seddon Water Supply**

A Seddon Water Charge, pursuant to Section 16 of the Local Government (Rating) Act 2002, being a rate to be set on the basis of a fixed amount of \$475 on every separately used or inhabited part of a rating unit within the Seddon Water Supply Area (excluding all commercial consumers) and any new lots created by subdivision of such rating units whether connected or not.

Pursuant to Sections 16 and 19 of the Local Government (Rating) Act 2002, a Seddon Metered Water Charge being a rate to be set for the quantity of water provided for all residential consumers on the Seddon Water Supply of \$1.60 per cubic metre for all usage in excess of 275 cubic metres per annum.

These two rates are set to recover the net cost of operations, capital expenditure and debt servicing costs.

### **19. Wairau Valley Water Supply**

A Wairau Valley Water Charge, pursuant to Section 16 of the Local Government (Rating) Act 2002, being a rate to be set on the basis of a fixed amount of \$240 for each water meter, excluding all commercial water meters, connected to a rating unit within the Wairau Valley Water Supply Area.

Pursuant to Sections 16 and 19 of the Local Government (Rating) Act 2002, a Wairau Valley Metered Water Charge being a rate to be set for the quantity of water provided for each residential water meter connected to a rating unit within the Wairau Valley Water Supply Area of \$2.14 per cubic metre for all usage in excess of 350 cubic metres per annum.

These two rates are set to recover the net cost of operations, capital expenditure and debt servicing costs.

## **20. Commercial Metered Water Charges**

Pursuant to Sections 16 and 19 of the Local Government (Rating) Act 2002, the following rates to recover the net cost of operations.

## **21. Blenheim Commercial Metered Water Charge**

- A Blenheim Metered Water Charge for metered rating units [including the Burleigh Extension], being a rate to be set for the quantity of water provided to commercial metered connections according to the following scale of charges:

A minimum charge of \$38.50 per quarter for the volume of water supplied between 0 m<sup>3</sup> and 50 m<sup>3</sup> (and)

A metered charge of \$0.77 per cubic metre for the volume of water supplied in excess of 50 m<sup>3</sup>.

## **22. Havelock Commercial Metered Water Charge**

- A Havelock Metered Water Charge to be set for metered rating units, being a rate for the quantity of water provided to commercial metered connections according to the following scale of charges:

A minimum charge of \$104.50 per quarter for the volume of water supplied between 0 m<sup>3</sup> and 50 m<sup>3</sup>.

A metered charge of \$2.09 per cubic metre for the volume of water supplied in excess of 50 m<sup>3</sup>.

## **23. Picton Commercial Metered Water Charge**

- A Picton Metered Water Ordinary Charge, for metered rating units, being a rate to be set for the quantity of water provided to commercial metered connections (excluding connections where water is Onsold) according to the following scale of charges:

A minimum charge of \$121 per quarter for the volume of water supplied between 0 m<sup>3</sup> and 50 m<sup>3</sup> (and)

A metered charge of \$2.42 per cubic metre for the volume of water supplied in excess of 50 m<sup>3</sup>.

- A Picton metered Water Onsold Rate, for metered rating units, being a rate to be set for the quantity of water provided to commercial metered connections that is subsequently Onsold according to the following scale of charges:

A minimum charge of \$121 per quarter for the volume of water supplied between 0 m<sup>3</sup> and 45 m<sup>3</sup>.

A metered charge of \$2.69 per cubic metre for the volume of water supplied in excess of 45 m<sup>3</sup>.

## **24. Renwick Commercial Metered Water Charge**

- A Renwick Metered Water Charge, for metered rating units, being a rate to be set for the quantity of water provided to commercial metered connections according to the following scale of charges:

A minimum charge of \$78 per quarter for the volume of water supplied between 0 m<sup>3</sup> and 50 m<sup>3</sup> (and)

A metered charge of \$1.56 per cubic metre for the volume of water supplied in excess of 50 m<sup>3</sup>.

## **25. *Seddon Commercial Metered Water Charge***

Pursuant to Sections 16 and 19 of the Local Government (Rating) Act 2002, a Seddon Metered Water Charge for metered rating units being a rate to be set for the quantity of water provided for all commercial metered connections on the Seddon Water Supply according to the following scale of charges:

A minimum charge of \$147.50 per quarter for the volume of water supplied between 0 m<sup>3</sup> and 50 m<sup>3</sup> and

A metered charge of \$2.95 per cubic meter for the volume of water supplied in excess of 50 m<sup>3</sup>.

This rate is set to recover the net cost of operations, capital expenditure, and debt servicing costs.

## **26. *Wairau Valley Commercial Metered Water Charge***

Pursuant to Sections 16 and 19 of the Local Government (Rating) Act 2002, a Wairau Valley Metered Water Charge being a rate to be set for the quantity of water provided for each commercial water meter connected to a rating unit within the Wairau Valley Water Supply Area according to the following scale of charges:

A minimum charge of \$151 per quarter for the volume of water supplied between 0 m<sup>3</sup> and 50 m<sup>3</sup> (and)

A metered charge of \$3.02 per cubic metre for the volume of water supplied in excess of 50 m<sup>3</sup>.

This rate is set to recover the net cost of operations, capital expenditure, and debt servicing costs.

## **27. *Rural Awatere Water Supply***

A Rural Awatere Water Charge, pursuant to Section 16 of the Local Government (Rating) Act 2002, being a rate to be set on the basis of a fixed amount of \$750 on every separately used or inhabited part of a rating unit within the Rural Awatere Water Supply Area and any new lots created by subdivision of such rating units whether connected or not.

Pursuant to Sections 16 and 19 of the Local Government (Rating) Act 2002, a Rural Awatere Metered Water Charge being a rate to be set for the quantity of water provided for all consumers on the Rural Awatere Water Supply of \$1.88 per cubic metre for all usage in excess of 275 cubic metres per annum.

These two rates are set to recover the net cost of operations, capital expenditure, and debt servicing costs.

## **28. *Riverlands Water Supply***

Water Rates, pursuant to Sections 16 and 19 of the Local Government (Rating) Act 2002, to recover the costs of operations, capital expenditure and debt servicing:

A Riverlands Metered Water Charge, for metered rating units, being a rate to be set for the quantity of water provided to all consumers according to the following scale of charges:

A minimum charge of \$41 per quarter for the volume of water supplied between 0 m<sup>3</sup> and 49.40 m<sup>3</sup> (and)

A metered charge of \$0.83 per cubic metre for the volume of water supplied in excess of 49.40 m<sup>3</sup>

## **29. *Southern Valleys' Irrigation Scheme***

A Southern Valleys' Metered Irrigation Charge, pursuant to Section 19 of the Local Government (Rating) Act 2002, being a rate to be set for the quantity of water provided to metered connections of \$0.25 per cubic metre.

The metered irrigation rate is set to recover the scheme's net operating costs.

## **TARGETED REFUSE AND RECYCLING RATES**

### **30. *Blenheim/Picton (Residential) Refuse and Kerbside Recycling Collection***

A Blenheim/Picton (Residential) Refuse and Kerbside Recycling Collection Rate, pursuant to Sections 16, 17 and 18 of the Local Government (Rating) Act 2002, to be set on the basis of a fixed amount of \$115 on every separately used or inhabited part of a rating unit in the collection rating area, in respect of which Council is prepared to provide a refuse and kerbside recycling collection service.

### **31. *Blenheim/Picton (Residential) Refuse Collection***

A Blenheim/Picton (Residential) Refuse Collection Rate, pursuant to Sections 16, 17 and 18 of the Local Government (Rating) Act 2002, to be set on the basis of a fixed amount of \$69 on every separately used or inhabited part of a rating unit in the collection rating area, in respect of which Council provides or is prepared to provide a refuse collection service only.

### **32. *Blenheim/Picton (Commercial/Industrial) Refuse Collection***

A Blenheim/Picton (Commercial/Industrial) Refuse Collection Rate, pursuant to Sections 16, 17 and 18 of the Local Government (Rating) Act 2002, to be set on the basis of a fixed amount of \$69 on every separately used or inhabited part of a rating unit in the collection rating area, in respect of which Council provides or is prepared to provide a refuse collection service.

## **OTHER TARGETED RATES**

### **33. *Energy Efficiency Rates***

A Targeted Energy Efficiency Rate, pursuant to Section 16 of the Local Government (Rating) Act 2002, to be set on the basis of a calculation on the extent of energy efficiency services provided to a rating unit as a percentage of the service amount (inclusive of associated costs including both interest and principal) until the service amount is recovered as follows:

Energy Efficiency Rate 1	0%
Energy Efficiency Rate 2	16.676837%
Energy Efficiency Rate 3	16.486857%
Energy Efficiency Rate 4	16.302832%
Energy Efficiency Rate 5	16.124597%
Energy Efficiency Rate 6	15.951991%
Energy Efficiency Rate 7	15.846982%
Energy Efficiency Rate 8	15.744665%
Energy Efficiency Rate 9	15.676673%
Energy Efficiency Rate 10	15.610232%



### **34. Residential Pool Inspections**

A Targeted Residential Pool Inspections Rate pursuant to Section 16 of the Local Government (Rating) Act 2002, to be set on the basis of a fixed amount of \$90 on every separately used or inhabited part of a rating unit with a residential pool, such rate to be used to fund the costs associated with carrying out residential pool inspections in Marlborough under the Building (Pools) Amendment Act 2016.

### **35. Tourism Rates**

A Targeted Tourism Rate, pursuant to Sections 16, 17 and 18 of the Local Government (Rating) Act 2002, to be set on the basis of a fixed amount on every separately used or inhabited part of a rating unit, set differentially for the following land uses, to enable Destination Marlborough to promote Marlborough as a tourist destination:

Residential or rural properties used for short term rental accommodation - \$222.

Commercial properties used for short term rental accommodation where less than 30 people can be accommodated - \$222.

Commercial properties used short term rental accommodation where 30 or more people can be accommodated - \$340.

Commercial properties used for Tourism Activities (excluding the groups above) - \$248.

Where a tourism operator operates in two or more of the groups above from the same rating unit, only the highest applicable group charge will be assessed.

### **36. Landscape Rates**

A Targeted Landscape Rate, pursuant to Sections 16, 17 and 18 of the Local Government (Rating) Act 2002, to be set on the basis of a fixed amount on every separately used or inhabited part of a rating unit with higher landscaping standards for new subdivisions (and existing subdivisions following consultation) to fund the resulting additional maintenance costs, according to the following scale of charges:

Properties with Urban level 1 landscaping standards - \$42

Properties with Urban level 2 landscaping standards - \$53

Properties with Rural level 1 landscaping standards - \$58

Properties with Rural level 2 landscaping standards - \$177

### **37. Tuamarina/Waikakaho Hall Rate**

A Tuamarina/Waikakaho Hall Rate, pursuant to Section 16 of the Local Government (Rating) Act 2002, being a rate to be set on the basis of a fixed amount of \$18.45 on every rating unit in the Tuamarina/Waikakaho Rating Area, towards to upkeep of the Tuamarina/Waikakaho Hall.

### 38. Residential Rates Postponement Scheme

To cover costs for this scheme, the following fees and charges are set for the 2020-21 rating year. All fees and charges will be added as either a one-off or annual charge as the case may be, to the approved applicant's rate account.

Initial charges	Fees and charges
Application fee	\$50.00
Contribution to the decision facilitation process	\$300.00
Annual charges	
Administration fee	\$50.00
Reserve fund levy	0.25%
Interest rate	
2020-2021	4.5%

Property insurance: a ratepayer must submit a current certificate annually.

### DUE DATES FOR PAYMENT

The above rates and charges are for the period 1 July 2020 to 30 June 2021 and will become due and payable by four instalments as follows:

Instalment	Last date for payment before penalty is added
One	8 September 2020
Two	8 December 2020
Three	8 March 2021
Four	8 June 2021

Charges for Metered Water:

Meter reading date between	Last date for payment before penalty is added
1 Jul 2020 – 30 Sept 2020	20 Oct 2020
1 Oct 2020 – 31 Dec 2020	20 Jan 2021
1 Jan 2021 - 31 Mar 2021	20 Apr 2021
1 Apr 2021 – 30 Jun 2021	20 Jul 2021

## Penalty Provisions (Additional Charges on Unpaid Rates)

A penalty, equivalent in amount to 10% of the instalment amount remaining unpaid at the close of day on the “Last Date for Payment”, shall on the next day be added to that amount of unpaid rates.

Pursuant to sections 57/58 of the Local Government (Rating) Act 2002, a further penalty of 10% will be added to all rates and charges that remain unpaid on 30 June 2021.

## Penalty Provisions (Unpaid Metered Water)

A penalty, equivalent in amount to 10% of the metered water amount remaining unpaid at the close of day on the “Last Date for Payment”, shall on the next day be added to that amount which remains unpaid.

## General Information

All rates and charges are shown inclusive of goods and services tax unless otherwise stated. GST has been calculated on the basis of 15% for the year.

For the purposes of the foregoing:

“Residential use” excludes Rest Homes and Residential Establishments that provide residential care.

Where commercial accommodation is the predominant purpose of a property, it will be included on the same basis as a motel or hotel in the “commercial or industrial land use” category.

Subject to the right of objection set out in Section 29 of the Local Government (Rating) Act 2002, it shall be at the sole discretion of the Council to determine the use or predominant use of any property in the District.

## A Separately Used or Inhabited Part of a Rating Unit (SUIP)

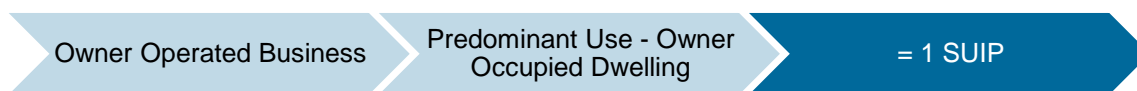
A SUIP includes any portion inhabited or used by the owner or a person other than the owner who has the right to use or inhabit that portion by virtue of a tenancy, lease, licence, or other agreement. It includes separately used parts, whether or not actually occupied at any particular time, which are used by the owner for rental (or other form of occupation) on an occasional or long term basis by someone other than the owner.

A rating unit that has a single use or occupation is treated as having one separately used or inhabited part.

Vacant land and vacant premises offered or intended for use or habitation by a person other than the owner and usually used as such are defined as ‘used’.

Exceptions to the definition

- Predominantly residential rating units where the owner of the unit resides and operates a business (including a homestay or farmstay activity) from the same rating unit will be charged as being one SUIP.



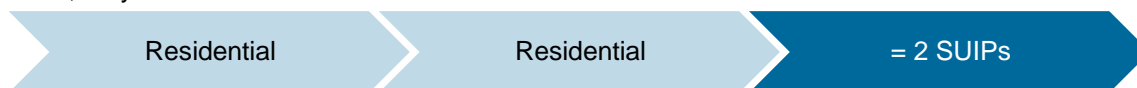
- Motels, and hotels used for commercial rental and dwellings used by owners or managers of a hotel or motel are treated as one business use even though each accommodation unit may be capable of separate use.



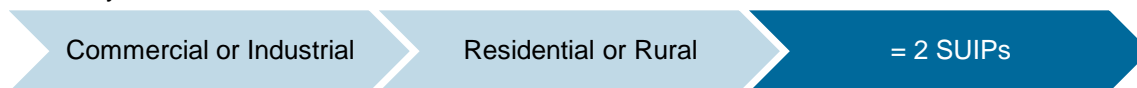
Examples of the application of the definition

- Where a rating unit has two separately used parts, whether or not actually occupied at any particular

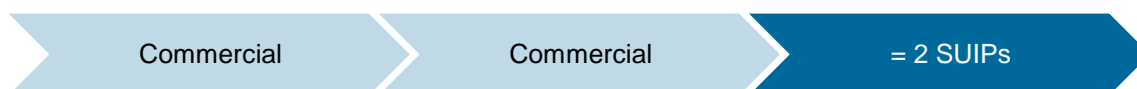
time, they will be treated as two SUIPs.



- Where a rating unit contains both a commercial or industrial type use, and a residential or rural type use they will be treated as two SUIPs.



- Where a number of different businesses are located on one rating unit, each separate business will be assessed as a SUIP.



The geographic areas can generally be described as follows:

### **Blenheim Area (BM)**

All of that area encompassed by the former Blenheim Borough Council together with those properties within a 1.5 km radius of that area which have a zoning of Residential or Industrial in the Wairau/Awatere Resource Management Plan (eg: includes, Burleigh, Hammerichs Road, Riverlands and Waipuna Street); as well as any properties that are connected to (or are able to be connected to) either the Blenheim Water or Blenheim Group Sewerage Schemes, but excluding properties in the Renwick, Spring Creek and Grovetown Sewerage Rating Areas; and residential or rural properties and properties in the Riverlands Industrial Estate and Cloudy Bay Business Park that have an area of greater than one hectare.

Also included in the Blenheim area are a number of properties where it was an express condition of subdivisional resource consent.

Growth pockets and other growth areas rezoned Residential or Urban Residential 2 Greenfields following notification of the new Marlborough Resource Management Plan will be excluded from the Blenheim Area until granting of subdivision title.

### **Blenheim Vicinity Area (BV)**

All of that area encompassed within the following general description, but excluding the Blenheim areas described above:

From just north of the Rarangi Settlement following around the foothills in a south-westerly direction; taking in the Tuamarina Settlement; to the south bank of the Wairau River and then up the Wairau south bank to the Waihopai River; up the east bank of the Waihopai River to just north of Omaka Downs; and then generally following the base of the foothills; around to include the Taylors Pass in a south easterly direction as far as the Branch River; following the boundaries of properties on the south east side of the Taylor River; then around the base of the foothills to include land between SH 1 and both sides of Redwood Pass Road to and including 393 Redwood Pass Road; then to the coast on the south of the Vernon Lagoons.

### **Picton Area (PN)**

All of that area encompassed by the former Picton Borough Council; together with the area of those properties serviced by the Picton Water or Sewerage Schemes (excluding those properties listed in the schedule below).

### **Schedule**

Pt Lot 1 DP 6881, Pt DP 467 Waitohi Valley Blk XI Linkwater SD, Lot 1 DP 303616 Lot 1 DP 8240, Pt Sec 41 District of Waitohi, Lot 2 DP 3716, Lot 1 DP 3716, Lot 1 DP 9175, Lot 2 DP 9175, Lot 1 DP 10989, Lot 2 DP 10989, Lots 1 2 DP 1353 Lot 1 DP 1148 Pt Sec 37 Waitohi Reg Dist, Lots 2 5 DP 3183, Pt Sec 103 Waitohi Valley District Blk XV Linkwater SD, Lot 1 DP 402932 Lot 1 DP 5595 Lot 2 DP 5660 Sec 38 Pt Sec 37

Waitohi Dist, Lot 1 DP 9268, Pt Lot 1 DP 7160, Lot 1 DP 12294, Lot 2 DP 10225 Lot 1 DP 10476, Lot 1 DP 10882, Lot 2 DP 434941 Pt DP 747 Pt Sec 25 Wairau Dist Pt Lots 1-3 DP 693 Pt Sec 12 Pt Sec 13 Blk XV Linkwater SD, Secs 105 106 Pts Sec 36 104 Waitohi Valley Dist, Lot 1 DP 6397, Lots 1 2 DP 303945, Lots 3 4 DP 303945 Sec 129 Pt 159 Picton Subn Sec 18 Blk XV Linkwater SD, Lot 1 DP 302741, Lot 1 DP 10871, Lot 1 DP 6129, Lot 1 DP 759 Lot 2 Pt Lot 1 DP 1594, Pt Sec 63-65 Picton Subn. Lots 1-9 12 DP 1086, Sec 1 SO 429571 Lot 10 DP 1086, Lot 11 DP 1086, Lot 13 DP 1086, Lot 14 DP 1086, Lot 2 DP 3080, Sec 1 SO 416848 Lot 1 DP 3080, Sec 2 SO 416848 Lot 16 DP 1086, Lot 18 DP 1086, Pt Waikawa 2C2, Lot 4 DP 11736, Lot 1 DP 335692, Lot 2 DP 344933, Lot 3 DP 11736, Lot 1 DP 11736, Lot 1 DP 344933, Lot 2 DP 404985, Lot 1 DP 424360, Lot 2 DP 424360, Lot 3 DP 424360, Lot 4 DP 424360, Lot 5 DP 424360, Waikawa 3B Blk XII Linkwater SD Blk XI Arapawa SD, Lot 1 DP 9994, Lot 1 DP 10354, Waikawa Sec A2 Waikawa West Blk XII Linkwater SD Blk XI Arapawa SD, Waikawa Sec 4B2 Waikawa West Blk XII Linkwater SD Blk XI Arapawa SD, Lot 2 DP 7961 Pts Sec 10 & Pt Sec 11 Waitohi Dist Pts Sec 100 Waitohi Dist, lot 3 DP 8884.

Also included in the Picton area are a number of properties where it was an express condition of subdivisional resource consent.

### **Picton Vicinity Area (PV)**

All of that area from the western point of Ngakuta Bay to the former Picton Borough boundary; plus all of that area from the eastern point of Waikawa Bay to Whatamongo Bay; plus a corridor area from the southern boundary of the former Picton Borough to Speeds Road; excluding properties serviced by the Picton Water or Sewerage Schemes, but including the properties listed in the Schedule above.

### **General Rural Area (GR)**

All of that area administered by the former Marlborough County and excluding that part of the former County's area which has been included in either the Blenheim, Blenheim Vicinity, Picton, Picton Vicinity or Sounds Admin Rural areas.

### **Sounds Admin Rural Area (AR)**

All of that area with basically sea access only, which was subject to the former Marlborough County Council Empowering Act 1965.

#### **Carried**

## **Cncl-0620-477 CBD Parking**

**R800-002-03**

Clr Dawson advised that the purpose of the report was to update Council on parking impacts arising from Council's decision to introduce 2 hour free parking to Blenheim and Picton Central Business Districts (CBD) and to seek an extension of 2 hour free parking through to 30 September 2020.

In summary it was reported that Council introduced 2 hour free parking on 18 May 2020. Parking enforcement recommenced on the same date after an 8 week period of no enforcement. Parking collections revenue for the 2019-20 financial year has been reduced due to COVID-19 events and the introduction of 2 hour free parking. It is projected that the parking account will break even for the 2019-20 financial year. Vehicle visits to the CBD continue to increase and are at 83% of pre COVID-19 levels based on Pay-By-Plate data. Occupancy levels and the amount of time spent in the CBD are close to pre COVID-19 levels. Stage 2 of Pay-by-Plate has a go-live date planned for 29 June 2020. It was estimated that a loss of \$89,000 per month will be incurred for the 2020-21 financial year.

#### **Clrs Dawson/Fitzpatrick:**

**That Council continues with first two (2) hours free parking in Blenheim and Picton CBD until 30 September 2020 and that any shortfall in funding is to be covered by running the Parking Account into deficit.**

#### **Carried**

## **Cncl-0620-478      Decision to Conduct Business with the Public Excluded**

The Mayor/Clr Taylor:

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

- Confirmation of Public Excluded Minutes
- Committee Reports (Public Excluded Sections)

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.

**Carried**

The meeting closed at 9.43 am.

Confirmed this 6<sup>th</sup> day of August 2020

J C LEGGETT

**MAYOR**

Record No. 20136337

## **5. Committee Reports**

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### **5.1 Assets & Services Committee**

Assets & Services Committee Meeting held on 9 July 2020  
(Minute Nos. A&S-0720-1 to A&S-0720-11)



**Report and Minutes of a Meeting of the  
ASSETS & SERVICES COMMITTEE  
held in the Council Chambers, 15 Seymour Street, Blenheim  
on THURSDAY 9 JULY 2020 commencing at 9.00 am**

**Present**

Cls N P Taylor (Chairperson), M J Fitzpatrick (Deputy), J L Andrews, C J Brooks, B G Dawson (from 9.06 am), F D Maher, M A Peters, Mayor J C Leggett

**Also Present**

Cls J A Arbuckle, G A Hope (via Zoom), D D Oddie, J D N Croad, and T P Sowman

**In Attendance**

Mr Richard Coningham (Manager – Assets & Services Department) Jamie Lyall (Manager – Property and Community Facilities) and Nicole Chauval (Committee Secretary)

**Apologies**

Cls Fitzpatrick/Brooks:

**That the apology for absence from Mr R Hunter (iwi representative) be received and sustained and the apology for non-attendance from Clr B A Faulls be noted.**

**Carried**

**A&S-0720-1 Declaration of Interests**

-

No interests with items on the agenda were declared.

ATTENDANCE: Jane Tito, Parks & Open Spaces Manager, was present for the following item.

**A&S-0720-2 Marlborough District Council Freedom Camping  
Control Bylaw Review R510-005-15-02**

The purpose of the report was to seek approval from Council to commence the process of reviewing the MDC Freedom Camping Control Bylaw 2012; to appoint a sub-committee to hear public submissions on the review of the Bylaw and to adopt the proposed timeline for the review of the Freedom Camping Control Bylaw as per the special consultative procedures set out in section 83 of the Local Government Act 2002 (LGA).

The proposed timeline was contained in the agenda and members were advised the aim is to have the bylaw amendments be ready for adoption at the Council meeting in October, however, if the review is not completed by that date there will be the opportunity for adoption at the Council meeting in December.

Members were supportive of Clrs Oddie (Chair), Dawson (Deputy Chair), Hope, Sowman, Croad and Andrews forming the Bylaw Review Sub-Committee.

Members were advised that staff, in collaboration with the Sub-Committee, will prepare a draft Statement of Proposal for Review of the Marlborough District Council Freedom Camping Control Bylaw 2012 for adoption at the Council meeting on 6 August 2020.

The Bylaw Review will be publicly notified from 7 August 2020 until 7 September 2020.

It is anticipated that the hearing panel will be convened from 14 to 17 September 2020 but there may be modifications to the proposed dates depending on the number of submissions received.



**The Mayor/Clr Taylor:**

1. That Council approve the commencement of the review of the Marlborough District Council Freedom Camping Control Bylaw 2012.
2. That Council approve the appointment of Councillor Oddie (Chair), Councillor Dawson (Deputy Chair), Councillor Hope, Councillor Sowman, Councillor Croad and Councillor Andrews to the Bylaw Review Sub-Committee and approve the proposed timeline for the Bylaw review process.

**Carried**

## **A&S-0720-3      Raupo Café Reserve Revocation - Decision**

**PN536637#08**

The purpose of the report was to seek Council approval for the revocation of the Recreation Reserve status over the Council owned land located at 6 Symons Street, Blenheim.

It was noted that the Recreation Reserve is made up of two parcels being Lot 1 DP 4778 and Section 1 SO 443127 ("Land") being a Recreation Reserve administered under the Reserves Act 1977 ("Act"). The Land was originally set out as legal road which was stopped by the Blenheim Borough Council in 1970. For the purposes of the Act the Land is not considered to be derived from the Crown which means any proceeds from disposal of the Land will go to Council and not the Crown. The funds Council receives from any disposal will be utilised for other reserve development within Marlborough.

Members were advised that there is sufficient land along the Taylor River banks for recreational activity and the Land is currently leased for commercial purposes. The revocation process was detailed in the agenda item for members' information.

It was reported that the proposed revocation of the Recreation Reserve status has been published with two submissions being received. One in support of the revocation, subject to Council retaining a Right of Way over the upper public footpath and Marlborough Lines who notified there is electricity supply infrastructure on the Land. There are also numerous Council services within the Land.

It was noted that Council staff will protect both the public footpath, electricity supply infrastructure and Council services within the Land by easements before reserve revocation is actioned.

It was agreed that an independent valuation of the land prior to subdivision would be undertaken.

**Clrs Taylor/Peters:**

**That Council:**

1. Pursuant to Section 24 of the Reserves Act 1977 approves the revocation of the Recreation Reserve land status over Lot 1 DP 4778 and Section 1 SO 443127 contained in all Computer Freehold Register 574702, subject to creating Right of Way, Marlborough Lines and Council services easements.
2. Authorises Council staff to undertake the necessary steps to give effect to the Council revocation approval.

**Carried**

ATTENDANCE: David Craig, Council's Finance and Information Supervisor, was present for the following item.

## **A&S-0720-4      Financial Report for Period Ended 31 May 2020**

**F275-001-02**

The Finance & Information Supervisor, David Craig, presented the financial report for the Assets & Services and Property & Community Facilities Department for the accounting period July 2019 to May 2020. It was noted that in general, both revenue and operating expenditures were closely aligned to year to date budgets, while capital expenditure variations were more widespread depending on progress with respective projects.

Members were advised that the impacts of the COVID-19 pandemic are evident in some activities, such as Ridding and Emergency management. Parking collection and infringement revenue has also reduced

following a period of no enforcement and the subsequent decision to allow two hour free parking. The predicted end of year operating surplus of \$3.4M is \$367,000 more than budgeted, due to increased revenue (\$70,000) and decreased operating costs (\$297,000).

Members were advised that the total forecast capital expenditure of \$35M is \$52M below budget. A significant portion of this reduction is due to projects which have either been re-programmed or are behind schedule due to factors such as land purchase, design and consenting, including the \$20M north-west zone sewerage upgrade and the \$14M Flaxbourne Irrigation scheme. These particular projects are expected to be under construction later in 2020 and 2021 respectively. It was noted the COVID-19 pandemic has only exacerbated the situation with the deferment of much of the roading renewal programme.

Mr Craig advised that the actual revenue and operating expenditure for the reporting period was Revenue (\$78.0M) made up of Rates and charges \$44,864,107, Metered water sales \$1,770,158, Donations and grants \$914,913, Roothing subsidies \$6,414,110, Connection charges \$270,686, Dump fees \$7,969,235, Fees \$516,084, Gravel extraction \$398,975, Infringements \$662,022, Parking collections \$786,882, Parking leases \$218,415, Sales \$547,825, Property rentals \$2,629,647, Capital contributions \$216,644, Development contributions \$1,726,974, Land subdivision reserve contributions \$678,094, Trade Waste Charges \$1,453,934, Vested Assets \$5,018,863. Operating Expenditure (\$74.5M) made up of Personnel costs \$6,081,087, Operating expenditures \$24,014,395, Infrastructure costs \$13,833,758, Interest payments \$5,153,280, Depreciation \$20,965,660, Internal costs & transfers \$4,491,396.

It was reported that in the roads and footpaths activity some maintenance works and a significant portion of the renewals programme have had to be deferred until 2020-21 due to the COVID-19 pandemic lockdown. The unspent programme of works and related subsidy will be automatically transferred to next year by the Transport Agency (NZTA).

Members were advised that the erosion control repairs at the Awatere/Seddon water supply intake have now been completed at a cost of \$230,534 (budget \$260,700). These costs are being funded from the Emergency Events Reserve.

The emergency management activity includes COVID-19 welfare costs of \$258,454, primarily for food and accommodation. Claims have been lodged with the National Emergency Management Agency (NEMA) for reimbursement. The recovery has not been recognised as revenue in this report.

For the reporting period, departmental revenues were favourable to budget by \$77,559, including Roothing subsidies (\$3,418,042), Trade waste charges (\$1,254,816), Development contribution & impact levies (\$396,802), Metered water sales (\$260,110), Reserve Fund contributions (\$197,545), Sales (\$145,378), Subdivisional Works contributions (\$137,818), Parking collections (\$124,285), Backflow prevention charges \$115,185, Fees (winery waste discharge at oxidation ponds) \$282,197, Infringements \$291,241, Dump fees \$1,273,874, Vested assets \$3,879,683.

Operating expenditures were favourable to budget by \$481,648, including, Interest payments \$861,801, Emergency reinstatement \$849,758, Sealed pavement maintenance \$531,687, Professional fees (includes climate change provision) \$300,656, Minor events \$245,611, Power undergrounding (Ōpaoa Bridge to Aberharts Road) \$236,038, Traffic Services maintenance \$202,969, Treatment \$169,341, Pump Stations \$160,683, Minor safety improvements (trial bus services) \$154,399, Structure maintenance \$143,344, Reticulation maintenance \$128,503, General expenses \$122,608, Tree maintenance (\$102,671), Backflow prevention (\$120,954), Personnel costs (\$150,062), Landfill ETS obligation (\$156,366), Levy Payments (\$178,160), Repairs & maintenance (\$295,965), Depreciation (\$398,015), Flood damage (\$505,780), Projects (incl. A&P grandstand demolition & COVID welfare) (\$507,244), Network and asset management (\$533,130), Contracts (\$554,709).

The resulting year to date operating surplus of \$3,515,176 is favourable to budget by \$559,207. The total budgeted capital expenditure for 2019/20, including carryovers and Council approved adjustments, is \$87.4M with actual year to date expenditure of \$29.5M (34%), net of asset disposals. Capital expenditure is mainly concentrated in the core activities of Sewer \$21.8M (ytd actual \$3.7M), Roothing \$21.1M (\$11.2M), Water supply \$17.7M (\$5.0M), Community Facilities \$13.1M (\$3.0M), Flood Protection \$7.6M (\$1.3M), Stormwater \$3.0M (\$2.1M) and Waste Management \$1.3M (\$2.6M).

It was noted that the forecast data for revenues and operating expenditure has been updated following the recent budget review exercise. The predicted end of year operating surplus of \$3,367,861 is \$367,535 more than budgeted, due to increased revenue (\$70,350) and reduced operating costs (\$297,185). The capital programme will be significantly underspent this year with the Blenheim sewer pipeline and pump station

upgrades tendered in April 2020, construction of the Flaxbourne Irrigation scheme now scheduled to commence in July 2021 and the deferred roading renewal programme.

**Cllrs Peters/Dawson:**

**That the financial report for the period ended 31 May 2020 be received.**

**Carried**

ATTENDANCE: Andrew James, NZTA Top of the South System Manager was present for the following item and Steve Murrin, Marlborough Roads Manager, was present for the following two items.

## **A&S-0720-5      Local Roads Speed Limit Bylaw Review**

**R800-005-11**

The purpose of the report was to consider options, recommendations and timeframes for the Marlborough Speed Limit Bylaw review and to agree which roads will be revised through the Speed Limit Bylaw process, with the balance considered next year under the proposed new Speed Management legislation. Bylaw Speed Map Roads were attached to the agenda item for members' information.

It was noted the government is instigating a speed management framework to tackle unsafe speeds on roads into legislation. It is expected there will be changes to the Current Speed Limit Bylaw process managed by Territorial Authorities.

Members were advised the report and subsequent recommendations have been based on reviewing the SaAS District Wide Maps, the Waka Kotahi NZTA Speed Management Guide, local submissions and the expected changes to legislation.

Members discussed the options and the possible implications of changes to the legislation.

It was proposed that to manage the scale of the speed limit changes planned and taking into consideration the imminent legislative changes, it was agreed to continue with the Speed Limit Bylaw process on the top 10% of roads that provide the highest benefit from speed management. These roads being Alabama Road East including the side road of School Road, Old Renwick Road including side roads of Rose Manor Place, Blinks Lane and Rene Street, Hunter Road, Seymour Street, Alfred Street, selected roads in the Blenheim CBD's, Battys Road and David Street.

**Cllrs Maher/Brooks:**

1. **That Council proceed with the Speed Limit Bylaw process on the top 10% of roads that provide the highest benefit from speed management. These roads being Alabama Road East including the side road of School Road, Old Renwick Road including side roads of Rose Manor Place, Blinks Lane and Rene Street, Hunter Road, Seymour Street, Alfred Street, selected roads in the Picton and Blenheim CBD's, Battys Road and David Street.**
2. **That Council approve the appointment of Councillor Maher (Chair), Councillor Fitzpatrick and Councillor Brooks to the sub-committee to hear submissions on the Speed Limit Bylaw review.**

**Carried**

## **A&S-0720-6      Regional Transport Committee (RTC) D050-001-R01**

The minutes of the RTC meeting held on 19 June 2020 were presented for ratification by the Committee.

**Cllrs Maher/Dawson:**

**That the Minutes of the Regional Transport Committee meeting held on 19 June 2020 be ratified.**

**Carried**

ATTENDANCE: Laura Skilton, Cardno was present for the following item.

**A&S-0720-7      State Highway One Investigation Report –  
Blenheim      R800-006-022-02**

The purpose of the report was to present the findings of the investigation commissioned by the Marlborough District Council and undertaken by Cardno on travel on State Highway 1 through Blenheim. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 20119778).

Laura Skilton spoke to the presentation which covered areas of data collection, Intersection Analysis, mitigation both short and long term. A number of questions from members were posed and answered throughout the presentation.

Members were advised on how the data was gathered which provided a significant level of confidence to members on the accuracy of the figures presented. It was noted that videos of the intersections were also taken. The SH1 Blenheim Investigation report is available on Council's website via the following link <https://www.marlborough.govt.nz/StateHighwayOneInvestigationReport>

Members were advised that the report has been forwarded to Waka Kotahi NZ Transport Agency for their information and consideration within the current Transport Agency Investment Programme (TAIP) process. It was noted that Council will continue to drive this forward.

It was noted that some short term travel improvements have been noted within the report which the Regional Transport Committee has requested be forwarded to Waka Kotahi NZ Transport Agency for their consideration

It was noted that the report has provided clear data confirming that a large bypass is not the solution for the traffic volumes on State Highway 1.

Andrew James advised members on the TAIP process.

**Cllrs Maher/Brooks:**  
**That the report be received.**

**Carried**

ATTENDANCE: Adrienne Gravatt, Council's Environmental Planner, was present for the following item.

**A&S-0720-8      Road Name Request – Outer Limits Limited  
U190718M**

The purpose of the report was to consider an application to officially name two new roads created as part of a subdivision approved under Resource Consent U190718.

Members were advised that the developer, Outer Limits Ltd, provided road names for the development with three of the names found to fully comply with the requirements set out in the Road Naming and Property Addressing Policy.

It was reported that the road type more correctly aligns with the definitions for street or road, rather than drive and it was agreed that this be reflected in the road name.

It was noted that the proposed names had been circulated to all iwi, Marlborough Museum, Marlborough Historical Society, Marlborough Roads and to Councillor Brooks. No concerns had been received.

A scheme plan, family support for the road name and the Road Naming and Property Addressing Policy were attached to the agenda item for members' information.

Members discussed the proposed names of Cerise Road and Ruesink Street. A brief history for Henk Ruesink was provided.

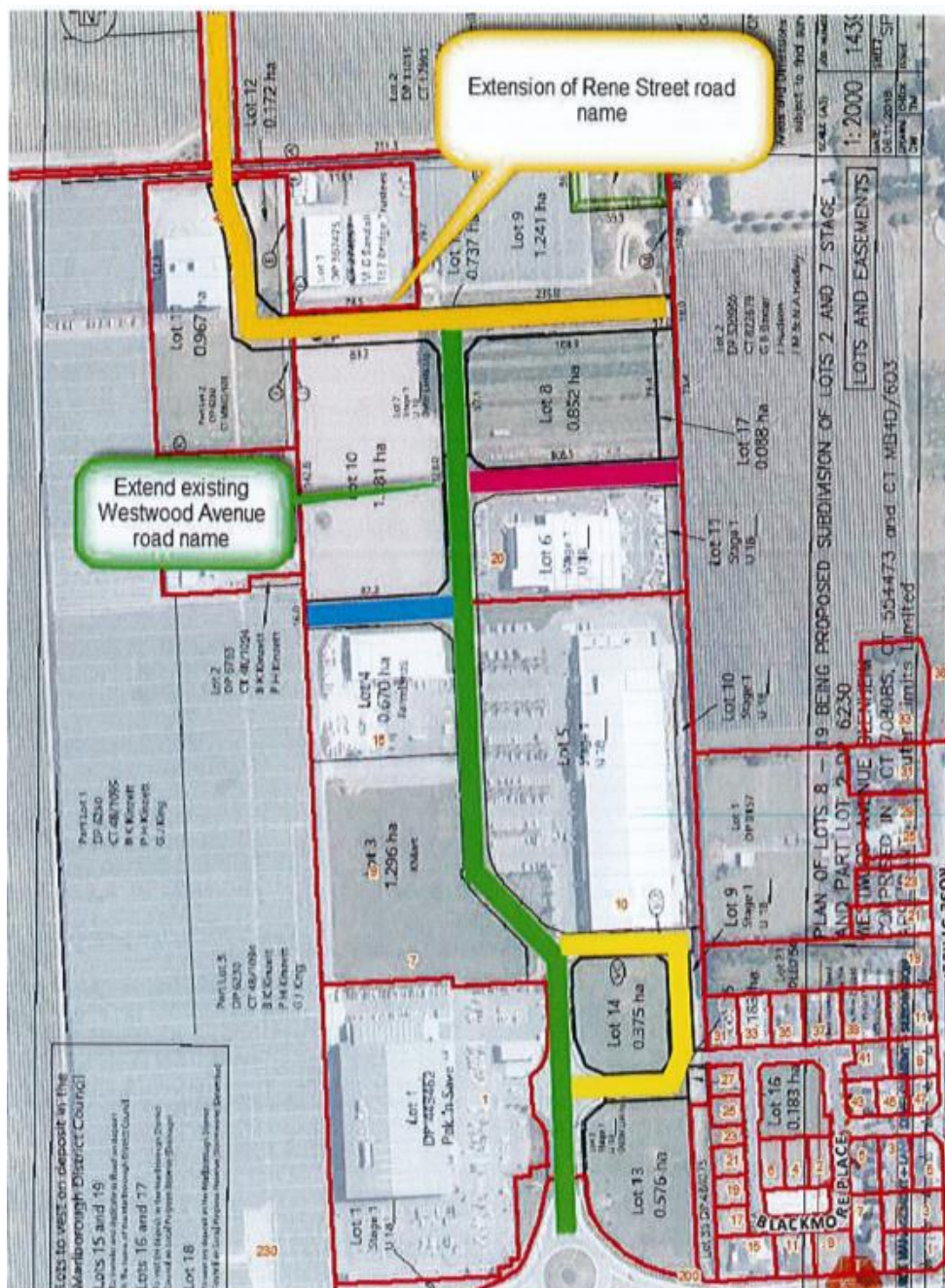
**Clrs Maher/Peters:**

**That the Council approve the following road names to take effect upon the vesting of the roads in Council ownership. The road names apply to the roads as shown on the below aerial.**

### Road 1 – Cerise Road

### Road 2 – Ruesink Street

**Carried**



ATTENDANCE: The meeting adjourned at 11.02 am and resumed at 11.15 am



ATTENDANCE: Alec McNeil, Council's Senior Waste Manager, was present for the following item.

**A&S-0720-9 Waste Management and Minimisation Plan 2021-2027** W300-006-008-12

The purpose of the report was to update the Committee on the process for generating the next Waste Management and Minimisation Plan (WMMP).

Members were advised that the Waste Minimisation Act 2008 (WMA) gives council the responsibility to promote effective and efficient waste management and minimisation within the district. The WMA requires council to adopt a waste management and minimisation plan (WMMP), which must be reviewed every six years. The next scheduled review of our WMMP is due for completion by the end of 2020. The new draft WMMP will be submitted to the 2021-2031 Long Term Plan process for consideration and adoption.

It was noted that other considerations for the next WMMP include outputs from the recently completed Marlborough Litter Project, proposed central government legislative changes related to priority waste streams (tyres, agrichemicals, farm plastics, refrigerant gases, e-waste and packaging) and contract retendering from 2022.

A table summarising the WMMP review progress to date was contained in the agenda item.

Members were advised that consultation with the community will be undertaken prior to the development of the WMMP. To have an opportunity to share the feedback that has been gathered from the community it is proposed that two review workshops be held between July and December 2020.

**Clrs Fitzpatrick/Peters:**

**That Council support the review of the current Waste Management and Minimisation Plan by holding a minimum of two workshops on waste related matters between July and December 2020.**

**Carried**

**ATTENDANCE:** Geoff Dick, Council's Rivers and Drainage Engineering Manager, was present for the following item.

**A&S-0720-10      Taylor River Stopbank Upgrade at 31A –  
39 Nelson Street      R730-06-002**

The purpose of the report was to seek the Committee's support for the removal of four mature native beech trees adjacent to the Taylor River reserve, as part of reconstructing an 80m length of Taylor River stopbank, and as part of an ongoing stopbank upgrade programme. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 20120078).

Members were advised that there are several sections of Taylor River stopbank through Blenheim which are either in poor condition or located within private land where they are difficult to maintain. An ongoing programme of upgrades to address this is underway and the next proposed section of stopbank upgrade is located within private property at 31A – 39 Nelson Street. Part of this section of the stopbank is in very poor condition having been extensively landscaped by a former resident. It is proposed to reconstruct the stopbank along the reserve/private property to current standards similar to what was completed at 220 High Street.

The stopbank reconstruction design has involved discussions both internally, and with affected residents.

It was noted that the owner of 35 Nelson Street has plans to build a new house on the property. To provide adequate space for the development the existing stopbank would need to be removed. If the stopbank is removed it will almost certainly have a negative effect on the health of the three most eastern trees.

Members were advised that all four immediate neighbours have been spoken to regarding the four trees and have no issue with the trees being removed. An email from the owners of the property was read out during the meeting which noted support for the removal of the trees.

Members discussed the proposal and the options presented. It was noted that while it is relatively simple matter to shift the stopbank sufficiently to the south to avoid damaging the root zone, it is likely root damage will occur when the existing stopbank is removed.

Members were advised that three of the beech trees are on private property and one is on Deeds Index land, no property purchase is required.

The options proposed were discussed and members agreed that option A which is to remove trees was the best way forward. Members did note that there was also a will for the stopbank to continue on to Beaver Road including in front of 39 Nelson Street.

It was noted that before work can proceed access agreements are required with the four adjacent landowners. It was proposed to include a clause that acknowledged that Council would be considering options for creating a stopbank in front of 39 Nelson Street.

Upgrade work is planned to be constructed this coming summer 2020/21. Adequate budget exists within the approved Rivers Section capital upgrade budget for this work.

**Cirs Maher/Dawson:**

**That the Committee agrees that the stopbank upgrade at 31A – 39 Nelson Street proceed on the basis of Option A which will require the four remaining Black Beech trees to be removed, and at completion of the earthworks four replacement trees are space planted in the adjacent reserve.**

**Option A – remove beech trees, construct new stopbank along the terrace edge**

- 1. The crest and river face of the stopbank would be located within the Taylor River reserve except where it connects into the existing stopbank in 39 Nelson Street.**
- 2. The four beech trees and weeping willow will be cut down, stumps removed as part of the ground preparation. The existing stopbank within 35 Nelson Street and in the Deeds Index land will be removed to original terrace level leaving near the land available for the owner to redevelop as they see fit.**
- 3. Four new specimen trees will be planted within the reserve at completion of the earthworks. Final species make up and location would be worked through with Reserves.**

**Carried**

## **A&S-0720-11 Information Package**

-

**Cirs Brooks/Fitzpatrick:**

**That the Assets and Services Information Package dated be received and noted.**

**Carried**

The meeting closed at 11.48 am.

Record No. 20120219

## **5. Committee Reports**

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### **5.2 Environment Committee**

Environment Committee Meeting held on 16 July 2020  
(Minute Nos. Env-0720-12 to Env-0720-22)





**Minutes of a Meeting of the  
ENVIRONMENT COMMITTEE**  
held in the Council Chambers, 15 Seymour Street, Blenheim  
on THURSDAY, 16 JULY 2020 commencing at 9.00 am

## **Present**

Mayor J C Leggett (Chairperson), Councillors D D Oddie (Deputy), G A Hope (Deputy), J A Arbuckle, J D N Croad, B A Fauls, T P Sowman (from 9.49 am to 10.54 am) and Mr E R Beech (Rural representative)

## **Also Present**

Councillors J L Andrews, M J Fitzpatrick (to 11.36 am), F D Maher and N P Taylor

## **In Attendance**

Mr A D Johnson (Environmental Science & Monitoring Manager), Mr H R Versteegh (Environmental Science and Policy Group Manager), Ms G Ferguson (Consents and Compliance Group Manager), and Mr M J Porter (Democratic Services Manager)

## **Apologies**

**The Mayor/Clr Arbuckle:**

**That the apology for lateness from Clr T P Sowman be received and sustained and the apologies for non-attendance from Clrs C J Brooks and M A Peters be noted.**

## **Carried**

## **Env-0720-12 Declaration of Interests**

-

Clr Maher declared an interest in any item involving the Kaituna Catchment.

ATTENDANCE: Ms Heli Wade (Te Hoiere Project Manager), Mr David Hayes (Department of Conversation), Mr Waihaere Mason (Te Rūnanga o Ngāti Kuia Trust) and Mr Matt Oliver (Council's Environmental Scientist – Land) were present for the following item.

## **Env-0720-13 Te Hoiere Project Update**

**E355-021-01-001**

Heli Wade, David Hayes, Waihaere Mason and Matt Oliver provided an update on the Te Hoiere Restoration Project aided by two powerpoint presentations (filed in CM – Record No. 20134309 and Record No. 20134310). An attachment was also separately attached to the agenda [https://www.marlborough.govt.nz/Te\\_Hoiere/Pelorus Catchment Restoration Project IBC](https://www.marlborough.govt.nz/Te_Hoiere/Pelorus_Catchment_Restoration_Project_IBC).

The Te Hoiere Project is a landscape scale catchment restoration project underway in the Rai, Pelorus and Kaituna Valleys. The project has made substantial progress in the past few months including initial community consultation, formation of the Project Governance Group, production of an Indicative Business Case (IBC) to back funding bids and trialling of catchment surveying. Community consultation is set to recommence with the establishment of the Project Steering Group and intensive water quality monitoring will start following the first round of consultation.

The report also covered in detail the background to the project and the next steps (including restarting community consultation, commencement of quick-win projects, writing of an Integrated Catchment Management Enhancement Plan and a Detailed Business Case, and development of long term projects).

**The Mayor/Clr Hope:**

**That the information be received.**

## **Carried**

**Env-0720-14      Te Hoiere/Pelorus Catchment Restoration  
Project- Governance Group Representative  
E355-021-01-001**

Mr Johnson advised that the purpose of the report was to appoint a Council representative to the Governance Group of the Te Hoiere/Pelorus Catchment Restoration Project.

Mr Johnson reported that Te Hoiere/Pelorus Restoration Project (Te Hoiere Project) is a landscape scale proposal focused on improving freshwater and land resources in Te Hoiere and Kaituna River Catchments - ki uta ki tai. The project is being managed under a collaborative model with partners from the Department of Conservation, Marlborough District Council, Ngāti Kuia, Ministry for the Environment and Ministry for Primary Industries. A governance structure has been developed and Council is required to appoint a representative to the Governance Group.

**The Mayor/Clr Croad:**

**That Council appoint Clr Faulls as the Governance Group representative on the Te Hoiere/Pelorus Catchment Restoration Project.**

**Carried**

ATTENDANCE: Mr Mike Aviss, Council's Biodiversity Coordinator, was present for the following item.

**Env-0720-15      Significant Natural Areas Programme Annual  
Report 2019/2020  
E310-006-001**

Mr Aviss advised that the purpose of the report was to update the Committee on the results of the Significant Natural Areas Programme 2019/2020. Mr Aviss also spoke to a powerpoint presentation (filed in CM – Record No. 20134326). An attachment was also separately attached to the agenda [https://www.marlborough.govt.nz/Summary\\_Report\\_on\\_the\\_Results\\_of\\_the\\_Significant\\_Natural\\_Areas\\_Project\\_2019/20](https://www.marlborough.govt.nz/Summary_Report_on_the_Results_of_the_Significant_Natural_Areas_Project_2019/20).

Mr Aviss reported that the report records the outputs of the Significant Natural Areas (SNA) programme over the 2019/20 year, including new sites surveyed, the restoration or management of threats in SNAs and the monitoring of their condition. It also reports on the results of associated projects, such as native seed collection and the Tui to Town planting fund.

It was noted at the meeting that the development of a National Policy Statement on Indigenous Biodiversity is being led nationally by the Ministry for the Environment and the Department of Conservation.

**Clr Hope/Mr Beech:**

**That the information be received.**

**Carried**

ATTENDANCE: The meeting adjourned at 10.29 am and reconvened at 10.43 am.

ATTENDANCE: Mr Rob Davidson (Davidson Environmental Ltd) and Mr Oliver Wade (Council's Environmental Scientist – Coastal) were present for the following item.

**Env-0720-16      Findings of the 2019/20 Ecologically Significant  
Marine Site Programme  
E325-002-004-01**

Mr Wade advised that the purpose of the report was to present to the Committee the findings of the summer 2019/20 Ecologically Significant Marine Site (ESMS) monitoring programme. Mr Davidson spoke to a powerpoint presentation (filed in CM – Record No. 20134349). An attachment was also separately attached to the agenda [https://www.marlborough.govt.nz/your-council/Significant Marine Site Survey and Monitoring Programme \(Survey 6\)](https://www.marlborough.govt.nz/your-council/Significant_Marine_Site_Survey_and_Monitoring_Programme_(Survey_6)).

Mr Wade reported that Council embarked on monitoring of ecologically significant marine sites in the summer of 2014/15. This report outlined the findings of the 2019/20 summer monitoring programme. The

COVID-19 lockdown period prevented the majority of scheduled field work occurring. Four sites were visited, as identified in the report. Much of this year's work was desk based analysis. This analysis was the first utilisation of the Queen Charlotte Sound/Tōtaranui multibeam survey data in conjunction with the ESMS programme. The HS51 multibeam data, the ensuing survey of the seafloor by NIWA as part of the 'life on the seabed' project, and data held by Davidson Environmental has enabled the adjustment of the boundaries of 13 sites, as described fully in the report. The newly identified and adjusted sites will be discussed by the expert review panel this winter and recommendations made as to whether they should be considered ecologically significant marine sites.

Members asked whether a timeline had been set yet, the response was not at this point but that a report will be presented to the Environment Committee later in the year. Following a question on buffer areas, it was acknowledged that this would be reported back to the Environment Committee before any action occurs.

**Cllrs Hope/Arbuckle:**  
**That the report be received.**

**Carried**

ATTENDANCE: Ms Emma Toy (Council's Strategic Planner) and Mr Oliver Wade (Council's Environmental Scientist – Coastal) were present for the following item.

## **Env-0720-17      Review of Ecologically Significant Marine Site Programme – Decision      E325-004-01**

Ms Toy and Mr Wade advised that the purpose of the report was to present the details and scope of a planned review of the Ecologically Significant Marine Site Programme to be completed this year. An attachment was also separately attached to the agenda [https://www.marlborough.govt.nz/Ecologically Significant Marine Sites Programme Review 2020](https://www.marlborough.govt.nz/Ecologically%20Significant%20Marine%20Sites%20Programme%20Review%202020)).

Ms Toy and Mr Wade reported that the report proposed a review of Council's Ecologically Significant Marine Site Programme to ensure the programme is robust, will continue to deliver the objectives for biodiversity in the coastal marine area as set out in the Proposed Marlborough Environment Plan (PMEP), delivers high quality information to inform planning decisions and provides value for money. The report outlined the history of the programme, reasons for the review and the scope of the review. The review will be undertaken with involvement from the Expert Panel, Iwi and other key stakeholders. The review can be undertaken within current budget, but it may be necessary to utilise the budget from the 2020/21 surveying programme depending on the level of external advice required. The findings of the review will be reported back to the Committee once the review has been completed, along with recommendations for improvements to the programme and ongoing funding requirements.

It was noted that staff are aware of the need for iwi involvement. Members noted that if further funding is required that this will be brought back to the Environment Committee for consideration. Education/communication was also noted as being required. Members discussed the university study in this area and suggested that staff follow this up with head of Departments at the Universities involved.

**Cllrs Hope/Fauls:**  
**1. That the report be received.**  
**2. That the Committee approve a review of the Ecologically Significant Marine Site Programme as outlined in the report.**

**Carried**

ATTENDANCE: Dr Iain Campbell and Mr Matt Oliver (Council's Environmental Scientist – Land) were present for the following item.

## **Env-0720-18      Soils of the Lower Awatere Valley Report      E355-004-008-13**

Mr Oliver advised that the purpose of the report was to present the report on the Soils of the Lower Awatere Valley. Dr Campbell spoke to a powerpoint presentation (filed in CM – Record No. 20134380). An attachment was

also separately attached to the agenda [https://www.marlborough.govt.nz/Soils\\_of\\_the\\_Lower\\_Awatere\\_Valley\\_Report](https://www.marlborough.govt.nz/Soils_of_the_Lower_Awatere_Valley_Report).

Mr Oliver reported that the soils that occur on 9500 hectares of terrace lands in the Lower Awatere Valley, Marlborough, are described in this report, which is an accompaniment to the existing soil maps. This report captures data that was acquired during a field survey undertaken by New Zealand Soil Bureau staff of the Department of Scientific and Industrial Research (DSIR) in the mid 1970s (Dr Campbell noted at the meeting that he was on the team that commenced this work, so was extremely pleased to be the one to complete the report). The soil distribution pattern is fragmented because the Lower Awatere Valley is within an active tectonic environment and ongoing river downcutting has resulted in numerous discontinuous terrace surfaces. Approximately 75% of the soils in the area are formed from river alluvium of which many are shallow and stony. The remaining 25% of soils are located on loess-mantled terraces on the south side of the Awatere River. 27 soil families are identified within the surveyed area. They differ widely in respect of their age and development status, their depth and stoniness, soil textures, physical properties, drainage attributes and also the parent materials from which they are formed. Soil chemical, physical and mineralogical properties for a range of the soils are given in the accompanying appendices.

**Cllrs Hope/Oddie:**  
**That the information be received.**

**Carried**

ATTENDANCE: Ms Rachel Mercer (Council's Environmental Health Officer) was present for the following item.

## **Env-0720-19      Alcohol Licensing Functions      E350-005-008-02**

Ms Mercer advised that the purpose of the report was to provide the Committee with an overview of our Alcohol Licensing functions and performance under the Sale and Supply of Alcohol Act 2012. Ms Mercer also spoke to a powerpoint presentation (filed in CM – Record No. 20134386).

Ms Mercer reported that the Sale and Supply of Alcohol Act places onus on Council to perform specific duties related to Alcohol Licensing. The Act requires a combined agency approach in the alcohol licensing process. Those agencies include territorial authorities, public health and the Police. Licensing inspectors have an independent role when reporting to the licensing committee on licence applications and when performing functions and duties under the Act. This allows the Inspectors to report on applications in an objective manner without political influence. Public Hearings are held when decisions for licences cannot be solely decided on the papers. One public hearing has been held this financial year, for a special licence application. Newsletters from the tri-agencies are also sent out to licensed premises whenever there is seen to be a need for information to be disseminated. The latest newsletter was distributed in March 2020 and was attached to the agenda.

**Cllrs Faulls/Croad:**  
**That the information be received.**

**Carried**

ATTENDANCE: Ms Barbara Mead (Council's Advocacy and Practice Integration Manager) was present for the following item.

## **Env-0720-20      Appeals Update      R450-004-22**

Ms Mead advised that the purpose of the report was to provide an update as to the current Appeals/Judicial Review caseload in Regulatory Services as at 1 July 2020.

Ms Mead reported that Regulatory Services have taken a two prong approach to the addressing appeals (including judicial reviews). Firstly it has worked diligently to progress proceedings to which it is a party or an intervener and as a result a number of these have now been determined. Secondly it has continued to make best practice improvements to reduce the risk of appeal and/or judicial review. There will continue to be occasions where it is necessary for Regulatory Services to engage in appeals and/or judicial reviews either as a respondent/defendant or as an intervener in order to ensure Council fulfils its statutory duties and

secures beneficial case law development that results in reduced future litigation risk and improved sustainable management of our natural and physical resources.

The report also covered summaries of EDS v Otago Regional Council (High Court, appeal, MDC as intervener), Aparoa Zindia Ltd v Marlborough District Council (Court of Appeal, MDC as respondent), Bilsborough, Eco Cottages NZ Ltd (District Court appeal, MDC as appellant) and Clearwater (Environment Court appeal, MDC as appellant).

**Cllrs Oddie/Croad:**  
**That the information be received.**

**Carried**

ATTENDANCE: Ms Sue Bulfield-Johnston (Council's Practice Integration Assistant and Hearings Facilitator) was present for the following item.

## **Env-0720-21      Resource Consent Hearings Update      R450-004-22**

Ms Sue Bulfield-Johnston advised that the purpose of the report was to provide a summary of the hearings undertaken since the previous report was provided together with update as to changes in practice following COVID-19.

**Cllrs Oddie/Croad:**  
**That the report be received.**

**Carried**

## **Env-0720-22      Information Package      -**

**The Mayor/Mr Beech:**  
**That the Regulatory Department Information Package dated 16 July 2020 be received and noted.**

**Carried**

The meeting closed at 12.13 pm.

Record No: 20136372

## **5. Committee Reports**

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### **5.3 Planning, Finance & Community Committee**

Planning, Finance & Community Committee Meeting held on 23 July 2020  
(Minute Nos. PF&C-0720-23 to PF&C-0720-37)



**Report and Minutes of a Meeting of the  
PLANNING, FINANCE & COMMUNITY COMMITTEE  
held in the Council Chambers, 15 Seymour Street, Blenheim  
on THURSDAY 23 JULY 2020 commencing at 9.00 am**

## **Present**

Cllrs M A Peters (Chairperson), J D N Croad, J L Andrews, J A Arbuckle, C J Brooks, B G Dawson, B A Fauls, M J Fitzpatrick, G A Hope, F D Maher, D D Oddie, T P Sowman, N P Taylor and Mayor J C Leggett

## **In Attendance**

Messrs M F Fletcher (Chief Financial Officer), D G Heiford (Manager, Economic, Community & Support Services) and N Chauval (Committee Secretary)

## **Apologies**

**No apologies were received.**

## **PF&C-0720-23 Declaration of Interests**

-

Cllr Maher declared a conflict of interest in Item 8: Catchment Care Programme Funding and withdrew for this item.

Cllr Peters advised members that due to flight scheduling the Screen Marlborough – Annual Report 2019/20 item were be heard later than noted in the agenda.

ATTENDANCE: Mr Neil Henry, Council's Manager, Strategic Planning & Economic Development was present for the following two items and Ms Jacqui Lloyd, General Manager Destination Marlborough, was present for the following item.

## **PF&C-0720-24 TEAM COVID-19 Economic Recovery Group Update**

**C500-005-010-03**

The purpose of the report was to update the Committee on the activities of the TEAM COVID-19 Economic Recovery Group.

To highlight the report a powerpoint presentation was shown (presentation filed in CM Record No. 20133199).

Members were advised that following the completion of the first phase, the make-up and structure of the TEAM groups have been reviewed. A number of key changes have occurred with Cllr Taylor stepping down as Chair of the TEAM group and Cllr Peters assuming the role Chair of TEAM. Cllrs Hope and Croad have joined the main TEAM group with the remainder of the main group being made up of representatives from iwi and industry. Letters seeking membership are being drafted with the first meeting date yet to be scheduled.

The Industry Advisory Group and Professional Advisers Group from Phase 1 will be disbanded, to be replaced by an Expert Advisory Panel comprising the members of those groups, and others, who will be engaged on key parts of the document as required. A number of implementation groups will be established to lead delivery of key projects that require collaborative effort. These groups include Hospitality, Retail and Tourism, data and the Second TEAM report and Labour redeployment. Connections with other economic recovery organisations and groups will be maintained, eg. Project Kokiri (Nelson Tasman economic recovery), DOC and MBIE.

Members were updated on the progress on TEAM Phase One projects as listed below: The number listed refers to the sixty initial projects.

#	Project title	Progress	TEAM action Ongoing/completed
4	Train domestic workforce for grapevine pruning	Government support announced for 200 training places in partnership between Wine Marlborough, Primary ITO and Ministry of Social Development	Completed
5	Regional participation in interim Marlborough Regional Skills Leadership Group	Marlborough iRSLG announced in June	Completed
8	Council identified Environmental business ready projects	"Catchment Care" government funding approved	Completed
18	Time restricted free parking	Council has extended first two hours of free parking in Blenheim until September 2020	Completed
19	Remove hospitality footpath licence charges	Charges funded by Council for twelve months	Completed
23	Chamber business support webinars and follow up	See below	Ongoing
24	Provision of professional advice to small businesses	See below	Ongoing
25	Promotion of business support available to businesses	Promotion by Council and various other partners including government and Chamber	Ongoing
28	Support local campaign 'Make it Marlborough'	See below	Ongoing
29	Support local infrastructure companies to bid for Council work	Procurement Policy amended	Completed
30	Support key community venues	MDC funding process agreed, and funding decisions being made	Completed
31	Provide information to café and restaurants on rules of opening during level 2/1	Information provided via media release and website	Completed
37	Tourism promotion to available visitor markets	Council and government funding provided	Ongoing
49	Marlborough District Library and Art Gallery	\$11m government funding announced to support development	Completed
60	Community grants increase to community organisations	Application assessment process completed by Council	Completed

Members were advised that the Chamber of Commerce has delivered its first webinar with 17 attendees registered and the Business Trust Marlborough has issued six vouchers for advice with interest from a further five businesses being received.

Jacqui Lloyd, General Manager Destination Marlborough discussed the support local campaign 'Make it Marlborough'. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 20133199).

The campaign will run from June to November and it is considered whether the campaign continue to run after November. Advertising is occurring via print, radio, social media and also display screens at Marlborough Airport.



Destination Marlborough and the Chamber of Commerce are working in partnership with businesses in Marlborough with the message of 'If you have a choice make it a Marlborough business whenever you can'. 25 businesses have been profiled and these will be rolled out as the campaign progresses.

The new platform [marlboroughnz.com](http://marlboroughnz.com) is increasing local business profiles with 145 signed up to be part of that page. It is providing a great platform to showcase the diverse range of people and businesses in Marlborough.

Members were advised that feedback received has been really positive, however, there is some concern regarding numbers for the summer period which is the main season that operators have to carry them through the quieter winter months. A summer campaign is being considered to encourage visitors to the region over that period. Jacqui Lloyd will provide an update in a future report to the committee.

Members were advised that TEAM's revised group structure will be implemented and Councillors will receive a letter regarding participation. Councillors will continue to be involved through the entire process. Further reports on progress with implementation will be provided at future meetings.

**Cllrs Taylor/Brooks:**

**That the information be received.**

**Carried**

## **PF&C-0720-25      Marlborough Smart+Connected and Smart Business Marlborough Update      E100-010-01**

The purpose of the report was to provide an update to members on the Marlborough Smart+Connected and Smart Business Marlborough activities between 15 April and 9 July 2020.

It was reported that the Smart Business Marlborough has supported activity that has focused on the response to COVID-19, including Business Trust Marlborough and Infometrics. The Te Taihū intergenerational strategy group approved key outcome and priority areas, which included assessing the impact of COVID-19 on the strategy.

Members were advised that some Smart+Connected Industry steering groups were able to meet during the COVID-19 lockdown, but working group activity was limited due to other priorities for the participants.

Members were advised that the Havelock Community Association met on 15 June for the first time since lockdown in March and are thrilled that Council has approved funding as part of the Small Townships programme to enable the completion of the Havelock Community Link Pathway.

It was noted that the forestry and wood sector group met on 16 July and have agreed that one Committee will handle the two functions and progress is being made.

**Cllrs Croad/Maher:**

**That the information be received.**

**Carried**

ATTENDANCE: Lyne Reeves, Council's Community Development Advisor, was present for the following item.

## **PF&C-0720-26      MDC Youth Council Plan 2020-2021      C150-002-018-01**

The purpose of the report was to advise Council on the Youth Plan for 2020-2021 as put forward by the Marlborough Youth Council.

It was noted that the development of the Youth Plan gives the Youth Council targets for activities and initiatives they wish to focus on to increase service provision, information and knowledge for young people in Marlborough. The Youth Council will be involved in all aspects of implementation of this plan including

decision making in relation to any funding requests. The 2020-2021 plan approved by the Youth Council was attached to the agenda item for members' information and a full report of achievements will be provided at the end of 2021.

Members were advised that normally the Youth Council operates for a calendar year but due to the loss of time from the COVID-19 restrictions it is intended for this year's Youth Council to operate through to the end of 2021. This will ensure sufficient time to implement their plan. It was noted that the Youth Council's membership is very young compared to previous Council's with only one year 13 student. They are enthusiastic and a great bunch of representatives.

It was noted that the Youth art project was recently unveiled in Picton and there is also a Youth Art Exhibition in conjunction with the Millennium Art Galley with invitations being sent to Councillors shortly. It was noted that the exhibition will be open for six weeks and members are encouraged to attend.

It was noted that the new process for membership is working really well with good buy in from the colleges. There is a greater focus on governance and leadership skill development with more opportunities being given to extend skills including co-Chairing with the Mayor.

It was raised whether there would be interest from the Youth Council on being involved in the TEAM phase 2 recovery plan. Lyne Reeves agreed to discuss this with the Youth Council.

**The Mayor/Cllr Andrews:**

**That Council receive the Youth Council Plan the period through to December 2021.**

**Carried**

ATTENDANCE: Ms Rachel Anderson, Council's Policy Portfolio Manager and Sarah Brand, Council's Environmental Scientist, were present for the following item.

## **PF&C-0720-27      National Environmental Standards for Air Quality - Consultation      L225-08-01**

The purpose of the report was to seek agreement from the Committee to lodge the prepared submission on the proposed amendments to the National Environmental Standards for Air Quality (NESAQ) that the Government currently has out for consultation. The MDC submission on the NESAQ and the Evaluation of the NESAQ proposed amendments and the impacts for Blenheim were attached to the agenda item for members' information.

It was noted that the changes to the standards being proposed have the potential to impact people living and working within the Blenheim Airshed. In particular, the amended legislation could have economic costs.

Members were advised that the assessment of the proposal in the Marlborough context indicates that the daily proposed PM<sub>2.5</sub> standard will not be met and that an annual proposed PM<sub>2.5</sub> standard will provide more health benefits over the longer term.

It was noted that the opportunity was also taken to focus on the overall air quality picture and the interconnectedness of various approaches to addressing issues. Including the potential expansion of the Government's Warmer Kiwi Homes programme and home insulation scheme, and the opportunities this could hold for post-Covid economic recovery. Support for the government investigating ways to make ULEB appliances more affordable (including heat pumps), and as New Zealand moves towards a more electrified economy to meet climate change obligations, the provision of reasonably priced, renewable electricity.

Members were advised that the Sub-Group appointed to work with staff on the proposed submission are supportive of the submission presented.

**Cllrs Oddie/Brooks:**

**That Council lodge the prepared submission, attached to this report, on the proposed amendments to the National Environmental Standards for Air Quality.**

**Carried**

ATTENDANCE: Cllr Maher declared a conflict of interest and withdrew for this item.

ATTENDANCE: Mr Alan Johnson, Council's Environmental Science & Monitoring Manager, was present for the following two items.

## **PF&C-0720-28      Catchment Care Programme Funding**

**E355-021-03-001**

The purpose of the report was to acknowledge and consider Council funding towards the Catchment Care Programme announced under the Governments *Jobs for Nature* fund.

Members were advised the Council submitted a proposed list of community based collaborative environment projects for consideration by the Government that align to objectives in the Marlborough Environment Plan, Regional Pest Management Plan and outcomes of the Kotahitanga Mo Te Taiao Alliance Strategy.

The Ministry of the Environment (Mfe) announced funding of \$600,000 for a five year period as a contribution towards the \$1.7M Catchment Care Programme. This allocation provides the Council and community an opportunity to scale up the Catchment Care Programme by working in a collaborative way to collectively make a difference in improving and maintaining water quality outcomes.

It was noted that the \$1.7M Catchment Care Programme is expected to be funded by a range of contributions from landowners, Government and Council. The Council cash contribution expected is to be \$590,000 over a five year period. The Council funding for the Programme is able to be allocated from an existing budget provision of \$250,000 and an additional budget of \$340,000 is required to make up the shortfall.

Members were advised that the programme would co-exist and compliment work underway with the Taylor River Enhancement Programme and the Hill Country Erosion Fund which are initiatives already funding by Council and Government.

Members discussed the proposal and agreed to provide the additional funding. It was raised whether there were any strings attached to the funding. It was noted that a Deed will need to be formed and this will be completed shortly and regular reporting will be undertaken. There will also be milestones and check points and these will be determined by the Catchment Care programme.

**Cls Oddie/Taylor:**

- 1. That the information be received.**
- 2. That Council approve the additional funding of \$340,000 for the Catchment Care Programme over a five year period sourced from Council reserves.**

**Carried**

ATTENDANCE: Eric Jorgensen, Sounds Advisory Committee was present for the following item.

## **PF&C-0720-29      Marlborough Sounds Sustainable Land Transition Fund: Feasibility Study – Plantation Forestry Practices**

**E315-003-006-01**

The purpose of the report was to consider a proposal for undertaking a feasibility study for a Marlborough Sounds Sustainable Land Transition Fund.

It was noted that the Sounds Advisory Group (SAG) submitted a proposal to Council 2019 Annual Plan for \$50,000 of co-funding to support a Provincial Growth Fund (PGF) application for an additional \$50,000 to complete a Marlborough Sounds Sustainable Land Transition Fund feasibility study (SLTF). The SAG has prepared a proposal with the support in principle from the Marine Farm and the Forest Owners Association.

Members were advised that the SLTF feasibility proposal was focused on evidence that sedimentation from various legacy land uses, including a significant source from plantation forestry, has impacted greatly on the coastal ecosystems.

It was reported that the approach seeks to deal with this legacy issue and pointedly aims to support regulatory processes and policy and to gain support from central government. Furthermore the feasibility study could potentially help to further provide information on alternative options for non-regulatory interventions to compliment sustainable management outcomes in the Marlborough Sounds.

In addition the SLTF has potential to be aligned to the restoration project in the Te Hoiere Sounds that seeks to address similar issues relating to protecting and improving the ecological integrity of terrestrial, estuarine and river systems in the catchment.

It was noted that if PGF is not successful other central government funding avenues be considered d that this be reflected in the recommendation.

**Cls Oddie/Sowman:**

1. **That the information be received.**
2. **That Council provide funding of \$50,000 from Council 2019/20 carry forwards to proceed with a PGF application, or other central government funding if required, to prepare a Marlborough Sounds Sustainable Land Transition Fund Feasibility study.**
3. **That Council approve funding for the feasibility study and that provision is made to ensure the study is integrated with sustainable management outcomes provided in the Marlborough Environment Plan and aligned to the objectives of the Te Hoiere Restoration Project.**

**Carried**

ATTENDANCE: The Mayor withdrew from the meeting at 10.05 am during the following item and rejoined the meeting at 10.23 am during the following item.

ATTENDANCE: Mr Neil Henry, Council's Manager Strategic Planning & Economic Development and Nicci Boucher, Manager Screen Wellington was present for the following item.

**PF&C-0720-30      Screen Marlborough – Annual Report  
2019 / 2020**

**E100-013-01**

The purpose of the report was to provide an update on the activities of the Screen Marlborough screen office and the partnership with Screen Wellington. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 20133198).

The Annual report for Film Office Services 2019-20 was attached to the agenda item for members' information.

Members were advised that Marlborough now has a collection of images which is used to pitch the region as a filming location as well as marketing material. The image library is housed on the 'Screen' page of [MarlboroughNZ](#) and puts Marlborough on the map for future projects. The page has been heavily visited in the six months to June 2020, far exceeding the target set for year two even with limited promotion. The Screen Marlborough online permitting portal is also now live.

Screen Wellington has facilitated engagement with key agencies such as the New Zealand Film Commission and Regional Film Offices of NZ.

Notable successes in Year 2 included the filming of North Spur (a feature length film by Marlborough director and producer Aaron Falvey).

The Marlborough District Council now has its own permit application and has put forward for three major international projects.

Members were advised that currently there is unprecedented international demand for NZ remote services. This demand will be well serviced by the Lane Street Studios development opening May 2021 and the virtual studio development at Avalon Studios.

It was noted that film industry provides significant spin offs in that unique skill sets are on display and are being passed on to New Zealanders. Films are also creating increased activity particularly in tourism and trades.

Nicci Boucher extended an invitation to members to make contact with her when in Wellington to see first hand the progress being made.

**Cirs Croad/Brooks:**

**That the report be received.**

**Carried**

ATTENDANCE: Meeting adjourned at 10.27 am and resumed at 10.43am.

ATTENDANCE: Ms Stacey Young, Council's Chief Information Officer, was present for the following item.

## **PF&C-0720-31 Smart Services and Rural Broadband**

**C150-002-005-01**

The purpose of the report was to clarify Council's current role in the provision of "smart services" and "rural broadband" for Marlborough.

Stacey Young spoke to the report and noted that Council does support connectivity but doesn't necessarily need to supply it as is identified with the Waihopai Valley pilot scheme. It was noted that the Pacific.Net has taken over the ownership of this site and equipment.

It was reported that the Government announced in 2017 that it was contracting with the Rural Connectivity Group to provide an additional 1669 rural users with Rural Broadband coverage. This has still left a significant area of Marlborough without coverage. To address the remaining connectivity areas Crown Infrastructure Partners (CIP) invited Council to submit a revised application for Rural Broadband and Mobile Black Spot funding. The Marlborough region did receive funding through Wireless Internet Service Providers, and the large Rural Connectivity Groups.

As the funding application was being prepared the complexities and risks of a large scale solution became more evident. Of increasing concern was the need to mitigate the risks to Council but still achieve the outcome of "better connectivity" and "smart services" for the region. To better understand the risks to Council Genesis Consulting were engaged to independently consider the viability of the Smart Services Initiative.

A business case using the Government's model for "Better Business Planning" was prepared. The viability review and business case both suggest Council move away from delivering Telecommunications and focus on digital services data and information. The Smart Services Aquaculture Case Studies were attached to the agenda item for members' information.

It was noted that Council's focus is on data and information (capture, storage, sharing, management analytics and visualisation and support) for the region. These services are required for Council's own business needs particularly to meet regulatory environmental management and planning requirements.

Members were advised that the Provincial Growth Fund was established in 2019 for regional funding initiatives and the Smart Services project for the Sounds was considered a good candidate and met the strategy to focus on digital services data and information.

The initial application was for the completion of the use of smart technology in the Marlborough Sounds environment. However, a review of our approach identified the need to further mitigate risks and phase in services by testing case studies which can develop industry buy-in and collaboration. As with any technology project, there are elements of the unknown, so this phased approach is underway in the Pelorus Sound and a "proof of concept" has been established.

A Provincial Growth Fund application for further phases was lodged in June 2020 in the under million-dollar category with supporting funding from Council and Industry. The Council funding will be contingent on the Provincial Growth Fund and Industry contributions. A decision on the provincial growth fund application to

progress the Smart Services project for the region is pending. It was noted that progress requires further industry funding at each step.

Council will continue to engage with stakeholders to work on sharing data collected across the region from the various suppliers e.g. NIWA, Cawthron, and Industry to make that available to the Marlborough region. Capturing data is the first step in the process of encouraging the consumption by stakeholders for science and research.

Members were advised that Council will continue to encourage the Wireless Internet Service Providers and the Rural Connectivity Group to provide connectivity for rural broadband in the Marlborough region as funded by CIP.

It was noted that further work on an equitable split of ongoing operating costs will occur based on information from each phase. This cannot be accurately estimated until we understand variables such as battery life, sensor durability etc in the marine environment.

It was raised that the Rural Advisory Group (RAG) needed to be informed on the paper and Stacey Young and Mark Wheeler agreed to attend the next RAG meeting.

Members discussed the recommendation and Cllr Faulls proposed the following amendment which was put.

**Cllrs Faulls/Maher:**

**That Council is not a provider or developer of Rural Broadband services or mobile black spot capabilities, but, will continue to advocate on behalf of remote and other rural communities to achieve efficient broadband services.**

**Carried**

The following motion was then put.

**Cllrs Oddie/Taylor:**

**That Council:**

- 1. Continue to support and promote the Smart Services Project for a Smart region which can:**
  - Provide shared data enabling improved collaboration which contributes to an increased understanding of Marlborough's environment;**
  - Reduce those maritime navigational risks which are the responsibility of the Harbourmaster; and**
  - Assist with the effective and efficient management of Council infrastructure.**
- 2. Is not a provider or developer of Rural Broadband services or mobile black spot capabilities, but, will continue to advocate on behalf of remote and other rural communities to achieve efficient broadband services.**

**Carried**

## **PF&C-0720-32      Audit & Risk Sub-Committee**

**D050-001-S02**

The minutes of the Audit & Risk Sub-Committee meeting held on 24 June 2020 were presented for ratification by the Committee.

Martin Fletcher advised that he and the Chair of the Audit & Risk Sub-Committee have met with Audit New Zealand and discussed the proposed audit fees for the next three years and cost recoveries.

**Cllrs Peters/Croad:**

**That the Minutes of the Audit & Risk Sub-Committee meeting held on 24 June 2020 be ratified.**

**Carried**

ATTENDANCE: Mr Jamie Lyall, Council's Manager Property and Community Facilities, was present for the following item.

## PF&C-0720-33      **State Highway 6 Roundabout – Information on Land Acquisition by Crown**      **R800-006-002-01**

The purpose of the report was to inform Council on progress with the Crown acquisition of Council land adjacent to the State Highway 6 / State Highway 62 (Rapaura Road) intersection (land). A Draft plan showing land to be acquired was attached to the agenda item for members' information.

Council have been approached by agents of New Zealand Transport Agency (NZTA) seeking acquisition of the land under the Public Works Act. Consultation is underway with several affected parties including Lessees of the land. If the acquisition proceeds, then adjustment to two Leases over the affected land will need to be made. These adjustments are expected to be minor but may result in a small reduction in rental received by Council.

NZTA is agreeable in principle to paying compensation to Council for the land and also reimbursing any reasonable costs incurred.

Members were supportive of the proposal and recommended that delegated authority be given to Manager Property and Community Facilities in liaison with the Chair Planning, Finance & Community Committee and Chair of the Land Transport Committee.

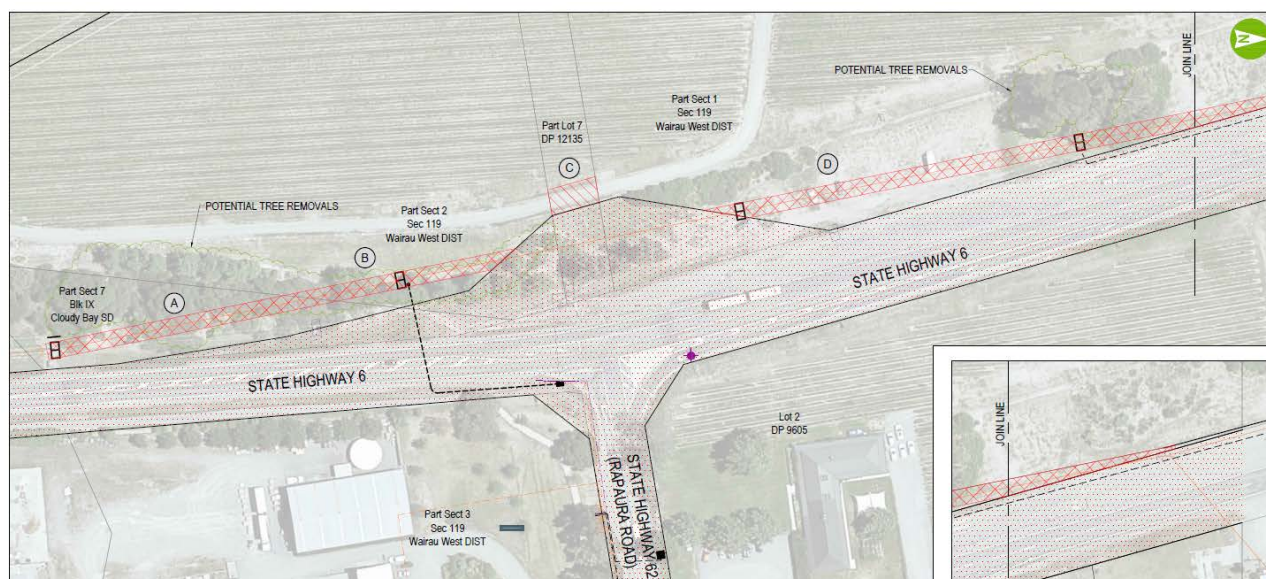
Members were advised on the next steps and these were further detailed in the agenda time.

Members were advised that a report on the development will be forthcoming via an Assets & Services Committee meeting.

### **Cllrs Maher/Oddie:**

**That delegated authority be given to the Manager Property and Community Facilities to undertake negotiations in selling the land, adjacent to the State Highway 6 / State Highway 62 (Rapaura Road) intersection (identified in the map below), in liaison with the Chair Planning, Finance & Community Committee and Chair of the Land Transport Committee.**

### **Carried**





## **PF&C-0720-34      Housing for Seniors Sub-Committee**

**D050-001-S03**

The minutes of the Housing for Seniors Sub-Committee meeting held on 2 July 2020 were presented for ratification by the Committee.

Clr Brooks provided a brief update to members on the Marlborough Housing Group meeting of 21 July 2020. It was noted that membership of the group is significantly diverse with representatives from a number of different agencies. The group is proving to be a huge help in the sector for information sharing, is largely community driven and is proving well worthwhile.

**Cls Brooks/Andrews:**

**That the Minutes of the Housing for Seniors Sub-Committee meeting held on 2 July 2020 be ratified.**

**Carried**

## **PF&C-0720-35      Financial Report for Council – Period Ended 31 May 2020**

**F275-002-19**

Martin Fletcher, Chief Financial Officer presented Council's financial report for the period ended 31 May 2020.

Mr Fletcher provided updated information to members from that contained in the agenda. Members were advised that financial information to date is an actual surplus of \$1M above budget; income \$3.3M and expenditure \$2.3M above budget.

It was noted that the largest increase in income is in the rates area with the main contributors being water rating and a reduction in the rate remissions that were forecast which is viewed as a positive sign of the economy and how the district as a whole is going.

It was noted that there has been an increase in demand on energy efficient loans.

Capital expenditure is \$40.6M down on a forecast of \$44.3M which is certainly impacted by COVID.

Members were provided with an update on a number projects currently underway. It was noted that the Lansdowne Park development is on target for completion early 2021. The Ward Hall is proving challenging which means there may be cost implications but it will provide an opportunity to upgrade as the work progresses.

In regards to rates remissions it was noted that this was only approved up to 30 June however ratepayers are encouraged to contact Council's rates area to discuss if there are any issues.

As a result of the question of whether there was an insert being included with the rates invoice advising ratepayers that if they were struggling to pay their rates to contact Council? Members were advised, via email following the meeting, that should a person not pay by the due date a letter is sent identifying the "Come and Talk to Us" message. If payment plans are agreed and direct debits put in place, any penalty is generally remitted at that stage.

**Cls Croad/Hope:**

**That Council receive the Financial Report for Council for the period ending 31 May 2020.**

**Carried**

## **PF&C-0720-36      Information Package**

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**Cls Brooks/Taylor:**

**That the Planning, Finance & Community Information Package dated be received and noted.**

**Carried**



## PF&C-0720-37      **Decision to Conduct Business with the Public Excluded**

Cllrs Taylor/Andrews:

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

- Confirmation of Public Excluded Minutes
- Financing Options

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Minutes and Committee Reports	As set out in the Minutes and Reports	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under Section 7 of the Local Government Official Information and Meetings Act 1987.
Financing Options	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).	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 12.03 pm.

Record No: 20135198

## 6. Review of the Freedom Camping Control Bylaw 2012

(also refer to Appendix 6.1 and Appendix 6.2)

(Clr Oddie) (Report prepared by J Tito)

R510-005-03-02

### Purpose of report

1. The purpose of this report is for Council to adopt the documentation required for public notification of the Review of the *Freedom Camping Control Bylaw 2012*, being:
  - 1.1. the Revised Statement of Proposal for *Marlborough District Council Freedom Camping Control Bylaw*; and
  - 1.2. the draft *Marlborough District Council Freedom Camping Control Bylaw 2020*.
2. The second purpose of this report is to advise Council that the public notification will commence on 7 August 2020 for one month and close on 6 September 2020.

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### RECOMMENDATION

**That Council adopts the attached documentation in the review of the Marlborough District Council Freedom Camping Control Bylaw 2012 and that the review is to be publicly notified for one month from 7 August 2020 to 6 September 2020.**

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### Background/Context

3. Following the 2019 Annual Plan process and in consideration of the submissions and presentations received by the community, Council agreed that a Review of the *Marlborough District Council Freedom Camping Control Bylaw 2012* would take place in mid-2020.
4. An earlier review of the *Marlborough District Council Freedom Camping Control Bylaw 2012* was held in 2015/16 which adopted the 2016 amendment.
5. At the Assets and Services Committee on 9 July 2020 it was recommended that Council approve the commencement of the Review of the *Marlborough District Council Freedom Camping Control Bylaw 2012* and appoint a Freedom Camping Sub-Committee to hear public submissions on the Bylaw review.

### Assessment/Analysis

6. The *Marlborough District Council Freedom Camping Control Bylaw 2012* was developed to provide a regional approach to the implementation of the *Freedom Camping Act 2011*, which sets out the statutory direction on management of freedom camping in New Zealand.
7. Under the current *Marlborough District Council Freedom Camping Control Bylaw 2012*, there are designated areas that either prohibit or restrict freedom camping with conditions attached to the various sites.
8. In November 2019, Council engaged an independent party to undertake a review of freedom camping in Marlborough. This review involved site assessments and identified the impacts of freedom camping at each site as well as any site constraint issues. This engagement produced a report titled *Responsible Camping Review* (May 2020) and is available on Council's website under Freedom Camping Bylaw Review.
9. In conjunction with the *Responsible Camping Review* Council has identified a number of potential changes to designated sites in the current Bylaw based on site assessments and a change in the type of vehicles permitted at Council's sites.

## Next steps

10. The proposed changes to the existing Bylaw are outlined in the *Revised Statement of Proposal for Review of Marlborough District Council Freedom Camping Control Bylaw 2012* (attached as Appendix 6.1) and the revised draft *Marlborough District Council Freedom Camping Control Bylaw 2020* (attached as **Appendix 6.2**).
11. Once the draft *Marlborough District Council Freedom Camping Control Bylaw 2020* has been publicly notified, the public can make submissions to Council regarding the proposed changes or to identify any other issues relating to freedom camping.
12. The draft *Marlborough District Council Freedom Camping Control Bylaw 2020* will be notified for one month with submissions accepted until 6 September 2020. The submissions will be summarised in preparation for the hearings.
13. The Freedom Camping Sub-Committee will hear submissions over three days during the week of 14 September.
14. Any amendments to the draft *Marlborough District Council Freedom Camping Control Bylaw 2020* will be presented for adoption at the Assets and Services Committee on 1 October 2020.
15. The Bylaw will then be ratified at the next scheduled Council meeting with adoption of the Bylaw prior to the 2020/21 summer period.

## Attachments

**Appendix 6.1** – Revised Statement of Proposal for Review of Marlborough District Council Freedom Camping Control Bylaw 2012

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**Appendix 6.2** – Draft Marlborough District Council Freedom Camping Control Bylaw 2020

Page 57

Author	Jane Tito, Reserves & Amenities Manager
Authoriser	Jamie Lyall, Property & Community Facilities Manager

## **Revised Statement of Proposal for Review of Marlborough District Council Freedom Camping Control Bylaw 2012**

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*This statement of proposal has been prepared as provided for in the Freedom Camping Act 2011 and the Local Government Act 2002.*

### **Introduction**

1. Council would like to hear your views on proposed changes to the Freedom Camping Bylaw 2012. The Bylaw provides a regional approach and guidance to the Freedom Camping Act 2011, which sets out the legislative requirements for administering freedom camping in New Zealand.
2. The way people travel in and round New Zealand has been changing for some years with an increased number of visitors and locals travelling. The types of vehicles being used appear to be a combination of self-contained vehicles and non-self-contained vehicles (vehicles that do not provide toilets or other facilities).
3. The visitors to our region are from both New Zealand and overseas. Council promotes management of the responsible camping community using an educational focus in a way that makes visitors (and locals) feel welcome in Marlborough. Providing advice and information about the rules and regulations is an important part of this focus and allows for a more informed traveller.
4. Council considers that while the Freedom Camping Bylaw 2012 and subsequent amendment in 2016 has been effective it is timely to review the bylaw including the type of vehicles allowed to camp and whether the restrictions or prohibitions placed on areas controlled through the Bylaw continue to be appropriate.
5. The Council had identified a need for a more strategic and long-term sustainable approach to the management of camping for visitors to the region. In November 2019, Council undertook an external, independent review of responsible camping in Marlborough. The review was wide ranging and focussed on all camping, particularly low cost or free camping and whether the existing facilities met the demands of the visitors and community and whether the sites were in the right locations.
6. The review also assessed individual sites where freedom camping is allowed and the impact on areas, camper profile, who they are and where they come from, their demographic and general motivation for camping.
7. The six-month review held from November 2019 to May 2020 provided Council with the opportunity to engage with key stakeholders and to understand where changes to the Bylaw may be introduced to meet the needs of the community. From the report, the Council has identified amendments to the current approved freedom camping sites with an extensive change proposed for the use of the Wairau Diversion site.
8. The Responsible Camping Review report can be downloaded from the Council's website as background information.

### **The Proposal**

9. A proposal to change the type of camping vehicles to be considered is a fundamental change to the Bylaw that currently allows a mix of both self-contained and non-self-contained vehicles at Council freedom camping sites. Council proposes to revise the 2012 bylaw with the following amendments—

- a) that freedom camping sites allow only self-contained vehicles.
10. In relation to changes to how the sites are managed, Council proposes
- a) to prohibit freedom camping at existing freedom camping sites, at—
- Brown River Reserve
  - Ohauparuparu Bay
  - Koromiko Recreation Reserve (Collins Memorial Reserve)
- b) To prohibit freedom camping at new locations, at—
- Grovetown Lagoon
  - Marfells Beach Road
- c) To permit freedom camping, with restrictions, at—
- Picton: 44 High Street, public carpark between 6:00 pm and 9:00 am (limited to 10 vehicles)
  - Picton: Memorial Park between 6:00 pm and 9:00 am (limited to 10 vehicles)
  - Ward Domain (limited to 10 vehicles)
- d) Council is also seeking a reformat of the current freedom camping site at the Wairau Diversion. This will allow the site to be used as a rest area for travellers either from or heading to the Picton ferry terminals. It is proposed that
- The Wairau Diversion site within close proximity to Picton would replace the Koromiko Recreation Reserve (Collins Memorial Reserve) as the closest site between Picton and Blenheim.
  - The Koromiko Recreation Reserve would return to be a day use area only. This aligns with the original intention of this reserve as a day use area. The opportunity to reduce the impact on significant conservation values at the adjacent QEII National Trust area is also recognised in this proposal.
  - The reformat of the Wairau Diversion site would allow for improved monitoring of the site, better direction and access of the area to those travellers arriving late. There is an existing toilet facility at the location which could be modified to cope with the larger numbers experienced in the last two years. The Wairau Diversion has seen an increase in vehicle numbers from approximately 50 per night in the high season to about 85 per night on average.
  - The reformat and onsite management of the Diversion will also provide Council with improved health and safety management of camping numbers and the site itself.
  - There is an opportunity to consider an Ambassador-type programme where there is a full time onsite manager employed during the high peak season from November to March each year. This system has been trialled in other regions with proven success and is also a system used nationally at some Department of Conservation sites.

- e) Provide Council with the authority to close any area to freedom camping where
- there is a recognised or potential health and safety issue at the site due to the risk of fire or flood;
  - there is a potential health and safety risk at the sites including overcrowding;
  - the area is being used for an event approved by Council;
  - there is a need to better protect public access; or
  - maintenance is required at the restricted area.
11. Further details on the changes proposed can be seen in the summary of Proposed Changes to Freedom Camping Control Bylaw
12. **Reasons for the proposed changes to the bylaw**
- The Summary attached explains Council's reasons for proposing the changes to the bylaw.
13. **Determination whether bylaw is appropriate**
- A bylaw prohibiting or restricting freedom camping may only be made if Council is satisfied that—
- a) the bylaw is necessary to protect the area or to protect the health and safety of people who may visit the area or to protect access to the area;
  - b) the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area; and
  - c) the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.
14. **Submissions**
- Any interested person or body is welcome to make a submission or comments on the proposed bylaw.
- Copies of the Statement of Proposal (including the draft bylaw) are available from the Marlborough District Council offices in Seymour Street, Blenheim, from the libraries in Blenheim and Picton and the Council website [www.marlborough.govt.nz](http://www.marlborough.govt.nz) "Have Your Say" page.
- Council will take account of all submissions made when making decisions on the proposed bylaw. There will be a Council hearing for those submitters who indicate they wish to speak in support of their submission.
- How you can make a submission**
- Email your submission to [freedomcampingsubmission@marlborough.govt.nz](mailto:freedomcampingsubmission@marlborough.govt.nz)
  - Drop your submission into the Council office at 15 Seymour Street, Blenheim:
  - Post your submission to:  
Freedom Camping Bylaw Review  
Marlborough District Council  
PO Box 443  
Blenheim 7240

Submissions must be received by Council no later than **5.00 pm on Monday 7 September 2020**.

Please make sure you include your contact details (name, phone, email and postal addresses) and whether or not you wish to speak to Council at a hearing on the bylaw.

Please note that all submissions, including name and contact details of the submitter, will be made available to the public and media on Council's website.

All enquiries should be directed to Marlborough District Council on 520 7400 or email [jane.tito@marlborough.govt.nz](mailto:jane.tito@marlborough.govt.nz)

### **Attachments**

1. Summary of Proposed Changes to Freedom Camping Control Bylaw 2012.
2. Draft of Marlborough District Council Freedom Camping Bylaw 2020.

## **Summary of Proposed Changes to Freedom Camping Control Bylaw**

### *Koromiko Recreation Reserve (Collins Memorial Reserve)*

#### **Proposed change: Close the site**

Large numbers of visitors arrive in the Picton vicinity either by ferry or in preparation to depart by ferry. With the proposed change in use of the Wairau Diversion as a preferred fatigue stop for travellers, it is proposed that the Koromiko Recreation Reserve reverts to the original intention of use as a day use area only. The site has had several improvements including to the layout of the carpark, new picnic furniture and simplified the vegetation and landscaping on site, which will benefit visitors as a day use option.

The review identified risks associated with the location of this site to SH1, particularly around traffic management and arriving and leaving from the site.

While the review also noted the significant conservation values at the adjacent QEII National Trust area there did not appear to be a risk from the associated camping.

### *Brown River Reserve*

#### **Proposed change: Close the site**

While some layout works were provided to the Brown River site, located on the outskirts of Rai Valley township, the site has had an overcrowding issue for some time and the rework of the site has not improved this issue to the extent hoped. The site has also been identified as a health and safety risk to overnighting campers due to the potential to flood with speed and the inability of a good warning system.

Brown River Reserve is also a popular reserve with the local community and a recent petition from the local community has shown a preference for it to be returned as a day use area. There is another reserve in Rai Valley (Alfred Stream Reserve) that is better positioned and functioning well to continue to allow freedom camping.

### *Elterwater Reserve*

#### **Proposed change: Close the site**

The Elterwater Reserve located on State Highway One north of the Ward Township is a road reserve layby area administered by the NZ Transport Authority and Marlborough Roads. The site is not able to be controlled as a site under the Freedom Camping Act and will be removed from the Bylaw.

### *Ohauparuparu Bay*

#### **Proposed change: Close the site**

The site at Ohauparuparu Bay is located on the western side of Kenepuru Heads about an hour's drive from Linkwater. The land the site is located on is a mixture of Sounds foreshore reserve, private ownership and an unformed legal road with the site being predominately private ownership. This makes it difficult to clarify the different types of land involved.

Due to the geographical distance to the site from Blenheim, Ohauparuparu has not been monitored as frequently as possible by Council. There are also at least three Department of Conservation sites for camping along the Kenepuru Drive before Ohauparuparu Bay, including one close by at Kenepuru Head.



### *Ward Domain*

#### **Proposed change: Open new site**

With Elterwater Reserve not able to be managed as a freedom camping site, it is proposed that a new site be located at the Ward Domain. The Ward Domain has a new carpark that would be suitable for up to 10 campers, without compromising the day use option of the site by the local community.

The Council has identified that there is a need for a freedom camping site about 45-55 minutes from Picton. In the past, Elterwater Reserve has been a popular overnight stop for visitors exiting the late arriving ferries. This is also the case for travellers heading towards the Picton ferry to depart north.

### *Picton*

#### **Proposed change: Open new site**

There are two sites proposed in the Picton CDB to allow for 10 self-contained campers each:

1. 44 High Street carpark (public carpark)
2. Memorial Park

Two new sites have been introduced into Picton to meet the level of demand from the ferries which carry high levels of camping related vehicles. The move to larger sized ferries that will carry more vehicles than currently is also a factor in providing more opportunities to stay in Picton. Another factor is that many campers arriving or leaving from Picton are only requiring a single or part night accommodation.

### *Marfells Beach Road*

#### **Proposed change: Prohibit new location**

Council have assessed a request from the Department of Conservation to prohibit freedom camping on an area of road reserve along the Marfells Beach Road, as you approach the Department of Conservation camping area. This request is specifically related to safety concerns, access of the area and a need to protect the natural environment.

### *Grovetown Lagoon*

#### **Proposed change: Prohibit new location**

A significant restoration project to enhance the environment of the Grovetown Lagoon has been undertaken since 2015, it is proposed that Grovetown Lagoon join the Prohibited sites list.

This will allow protection of the natural habitat at the site and reduce potential disturbance that could become evident with overnight camping.

### *Self-Contained Vehicles*

The Council is proposing to require all vehicles using its freedom camping sites to be certified self-contained. For camping to be sustainable, there needs to be conditions where the environment can sustain the numbers of campers staying at a site and the community can sustain the cost of providing and maintaining these facilities, managing enforcement and complaints. The cost of lost recreation opportunities for local residents also needs to be accounted for.

There is clear evidence that free camping sites in proximity to main touring routes are no longer able to be sustained due to their popularity and the cost to the environment and community.

Council sites promote the understanding of the agreed values in the Tiaki Promise (a commitment to care for New Zealand while travelling promoted by Tourism New Zealand).

### *Other Restrictions*

It is proposed that Council is able to close any area to freedom camping where there is a recognised or potential health and safety issue at the site or the risk of fire or flood is high, or there is a potential health and safety risk at the sites including overcrowding; the area is being used for an event approved by Council, there is a need to better protect public access; or maintenance is required at the restricted area.



**MARLBOROUGH  
DISTRICT COUNCIL**



Record No. 20137109

## **Marlborough District Council Freedom Camping Control Bylaw 2020**

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Pursuant to section 11 of the Freedom Camping Act 2011, the Marlborough District Council makes the following bylaw.

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### **Bylaws**

#### **1. Title**

This bylaw is the Marlborough District Council Freedom Camping Control Bylaw 2020.

#### **2. Commencement**

This bylaw comes into force on xx December 2020.

#### **3. Interpretation**

In this bylaw, unless the context requires another meaning –

**Freedom camp** and **freedom camping** have the meaning given in section 5 of the Freedom Camping Act 2011.

**Enforcement officer** has the meaning given in section 4 of the Freedom Camping Act 2011.

**Local authority area** has the meaning given in section 6 of the Freedom Camping Act 2011 and also means within the Marlborough District.

**Certified self-contained vehicle** means a vehicle designed and built for the purpose of camping which is practically configured to meet the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days, without requiring any external services or discharging any waste and complies with New Zealand Standard 5465:2001, as evidenced by the display of a current self-containment warrant issued under New Zealand Standard Self Containment of Motor Caravans and Caravans, NZS 5465:2001 and any subsequent amendments.

#### 4. Purpose

The purpose of this bylaw is to regulate freedom camping in local authority areas so as to:

- 4.1 protect the area;
- 4.2 protect the health and safety of people who may visit the area; and/or
- 4.3 protect access to the area.

#### 5. Prohibited Areas

No person may freedom camp in any local authority area identified in Schedule One—Prohibited Areas For Freedom Camping.

#### 6. Restricted Areas

6.1 No person may freedom camp in any local authority area identified in Schedule Two—Restricted Areas unless he or she complies with the restrictions imposed on use of that area as set out in Schedule Two.

6.2 Council may prohibit, by putting up signs, freedom camping in any restricted area where:

- a) there is a high risk of fire or imminent flood in the area;
- b) there is a potential health and safety risk at the sites including overcrowding;
- c) the area is being used for an event approved by Council;
- d) there is a need to better protect public access; or
- e) maintenance is required at the restricted area.

The prohibition must be removed when the circumstances described in clause 6.2 no longer apply. While an area is prohibited under clause 6.2, no person may freedom camp in the area.

6.3 No person may freedom camp in any other local authority area (not specified in Schedule One or Two) unless the following general restrictions are complied with:

- a) Spends no more than two consecutive nights at the site, in any four week period;
- b) Camps in a certified self-contained vehicle;
- c) Lights no fires;
- d) Does not restrict public access to the area; and
- e) Appropriately disposes of all waste.

## 7. Council Consent to Freedom Camping

- 7.1 A person may freedom camp in a Prohibited Area as set out in Schedule One the prior written consent of the Chief Executive of Marlborough District Council is obtained. Consent is at the absolute discretion of the Chief Executive and may be granted with or without conditions. Consent must be sought at least 20 working days in advance. All costs incurred by Council in determining the application for consent must be met by the applicant and must be paid before the determination will be released.
- 7.2 A person may freedom camp in a Restricted Area as set out in Schedule Two otherwise than in accordance with the restrictions on freedom camping in that area if the prior written consent of the Chief Executive of Marlborough District Council is obtained. Consent is at the absolute discretion of the Chief Executive and may be granted with or without conditions. Consent must be sought at least 20 working days in advance. All costs incurred by Council in determining the application for consent must be met by the applicant and must be paid before the determination will be released.
- 7.3 In relation to consent given in accordance with clauses 7.1 or 7.2:
- a) Any conditions attaching to the consent must be complied with;
  - b) Fires are not permitted on site; and
  - c) On departure the site must be left in a clean and tidy condition with all rubbish and waste removed.
- 7.4 Consent given in accordance with clause 7.1 or 7.2 may be revoked by the Council if an Enforcement Officer believes, on reasonable grounds, that the person(s) to whom consent has been granted has:
- a) acted in a manner likely to offend or annoy other people using the site;
  - b) damaged or is likely to cause damage to the site; and/or
  - c) breached any of the conditions of consent including the limitations in clause 7.3.
  - d) Revocation of consent occurs at the time the Enforcement Officer directs the person(s) to leave the site.

## 8. Offences and Penalties

- 8.1 In accordance with section 20 of the Freedom Camping Act 2011, every person who freedom camps in a local authority area in breach of any prohibition or restriction in this bylaw commits an infringement offence and is liable to a fee of \$200 (or other amount as prescribed by regulations made under that Act).
- 8.2 Section 20 of the Freedom Camping Act 2011 provides for other offences in relation to freedom camping.



## Schedule One—Prohibited Areas For Freedom Camping

### 1. Blenheim Urban Area

Freedom Camping is prohibited in all local authority areas within the Blenheim Urban Area.

The Blenheim Urban Area encompasses the area within the southern boundary of the Wither Hills Farm Park, to the south side of the Co-op Drain to the intersection of Redwood Pass Road and State Highway 1, from the Riverlands ponds to the stop bank on the north side of the Ōpaoa (Opawa) River through to the bridge at Thompson Ford Road, Murphys Road, Middle Renwick Road to Severne Street including Sheps' Park along David Street to Battys Road, the area from Middle Renwick Road, Rose Street and Banksia Place to the Westwood shopping complex, New Renwick Road to Aerodrome Road then along the true left of the Taylor River through to Taylor Dam Reserve, as shown on the Blenheim Urban Area Map.

Wynen Street Carpark and the Taylor Dam Reserve Upper Level (as defined in Schedule Two) are not included in the Blenheim Urban Area.





## 2. Picton Urban Area

Freedom Camping is prohibited in all local authority areas within the Picton Urban Area except at designated locations within the carparks at 44 High Street, Picton and at Memorial Park.

The Picton Urban Area encompasses the Elevation, Wairau Road, Essons Valley, following the bush line through Waikawa Bay and Victoria Domain through to Shelly Beach, Picton Foreshore through to the Picton Cemetery at Gravesend Place and back to the Wairau Road as shown on the Picton Urban Area Map.



### 3. Havelock Urban Area

Freedom Camping is prohibited in all local authority areas within the Havelock Urban Area including Log Wharf Reserve as shown on the Havelock Urban Area map.

The Havelock Urban Area encompasses the area south of Mahakipawa Road across the estuary to the Marina through to Cook Street then to the intersection with State Highway 6, then following the bush line back to Mahakipawa Road and State Highway 6.



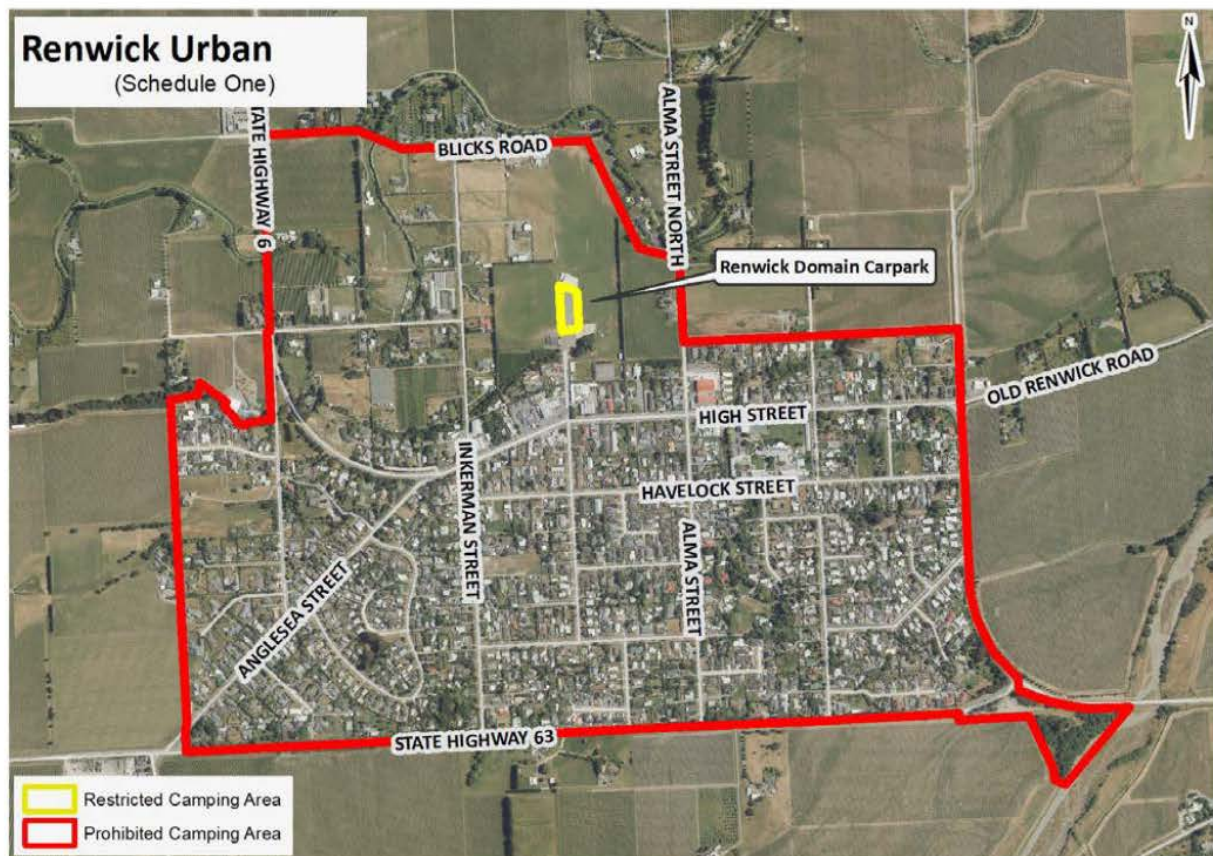


#### 4. Renwick Urban Area

Freedom Camping is prohibited in all local authority areas within the Renwick Urban Area except the Renwick Domain Carpark

The Renwick Urban Area encompasses the area from the intersection of High Street and Old Renwick Road via State Highway 6 through to the north side of State Highway 63 where it intersects with Anglesea Street to Boyce Street including River Terrace and from Gee Street to Blinks Lane, including the Domain Area, then into Alma Street North to Oudenarde Street then to Brook Street along to High Street back to the intersection of Old Renwick Road as shown on the Renwick Urban Area map.

Renwick Domain Carpark (as defined in Schedule Two) is not included in the Renwick Urban Prohibited Area.



## 5. Seddon Urban Area

Freedom Camping is prohibited in all local authority areas within the Seddon Urban Area.

Seddon Urban Area encompasses Wakefield Street across State Highway 1 to Marama Road then into Foster Street, including the Domain, connecting into Beaumont Street, encompassing Nursery Lane back to the intersection of Simpson Street, Renwick Street and then along Mills Street to Fearon Street as shown on the Seddon Urban Area map.





## 6. Queen Charlotte Drive Area

Freedom Camping is prohibited along the whole of Queen Charlotte Drive, on the formed road, on road reserve, and on road verges including at the Queen Charlotte Drive Lookout.



## 7. Anakiwa Road

Freedom Camping is prohibited from the turn off at Queen Charlotte Drive through to the start of the Queen Charlotte Track with the exception of the Anakiwa Village Green (as defined in Schedule Two—Restricted Areas) is not included in the Anakiwa Road Prohibited Area.



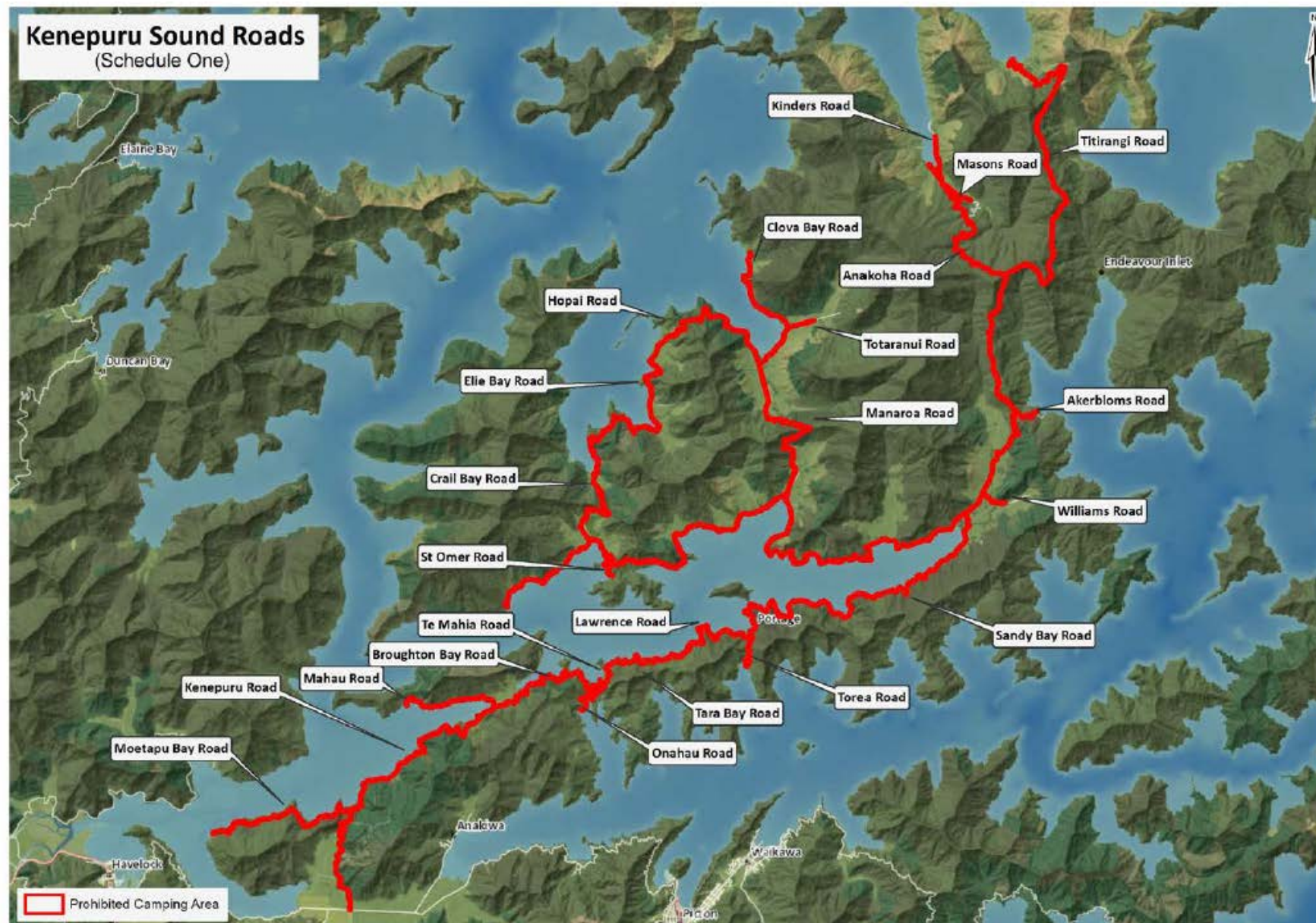
The Kenepuru Sound Roads covered by this Bylaw are:

- (a) Akerbloms Road which runs from Titirangi Road to Punga Cove;
- (b) Anakoha Road which runs from Titirangi Road to Masons Road;
- (c) Broughton Bay Road which runs from Kenepuru Road to Broughton Bay;
- (d) Clova Bay Road which runs from Manaroa Road to Otatara Road;
- (e) Crail Bay Road which runs from Kenepuru Road to Crail Bay;
- (f) Elie Bay Road which runs from Crail Bay Road;
- (g) Hopai Road;
- (h) Kenepuru Road which runs from Queen Charlotte Drive at Linkwater to Hopewell;
- (i) Lawrence Road which runs from Kenepuru Road to Puketea Bay;
- (j) Manaroa Road which runs from Clova Bay Road to Waitaria Bay;
- (k) Moetapu Bay Road which runs from Kenepuru Road to Hoods Bay;
- (l) Onahau Road which runs from Kenepuru Road to Waterfall Bay;
- (m) Sandy Bay Road which runs inland from Kenepuru Road;
- (n) St Omer Road which runs from Kenepuru Road to St Omer;
- (o) Tara Bay Road which runs from Kenepuru Road to Tara Bay;
- (p) Te Mahia Road which runs from Kenepuru Road to Te Mahia Bay;
- (q) Titirangi Road which runs from Kenepuru Road to Titirangi;
- (r) Torea Road which runs from Kenepuru Road at Portage to Torea Bay;
- (s) Williams Road which runs from Titirangi Road inland between Deep Bay and Kenepuru Head;
- (t) Mahau Road which runs from Kenepuru Road to Mahau Road end;
- (u) Masons Road which runs off Anakoha Road to road end;
- (v) Kinders Road which runs off Mason Road to road end;
- (w) Totaranui Road which runs off Clova Bay Road to road end;

and as generally shown on the Prohibited Roads Map.

Freedom Camping is prohibited along the whole of these roads (on the formed road, the road reserve and on the road verges).







**9. Port Underwood Road**

Freedom Camping is prohibited along the whole of Port Underwood Road, on the formed road, on road reserve, on road verges and includes the Ocean Bay Reserves.

Port Underwood Road runs from Waikawa to Rarangi and as generally shown on the Prohibited Port Underwood Road Map.



## 10. Upper Spring Creek Reserve

Freedom Camping is prohibited in all parts of the Upper Spring Creek Reserve.

The Upper Spring Creek Reserve is located on Rapaura Road approximately 400 metres from the intersection with State Highway One, at Spring Creek as shown on the Upper Spring Creek Reserve Map.





### 11. River Reserve on Steam Wharf Road

Freedom Camping is prohibited in all parts of the River Reserve on Steam Wharf Road.

The River Reserve is located adjacent to the Wairau Rowing Club premises on Steam Wharf Road in Grovetown as shown on the River Reserve on Steam Wharf Road Map.



## 12. River Reserve on Jones Road

Freedom Camping is prohibited in all parts of the River Reserve on Jones Road.

The River Reserve on Jones Road is located adjacent to the Blenheim Rowing Club premises on Jones Road in Grovetown as shown on the River Reserve on Jones Road Map.

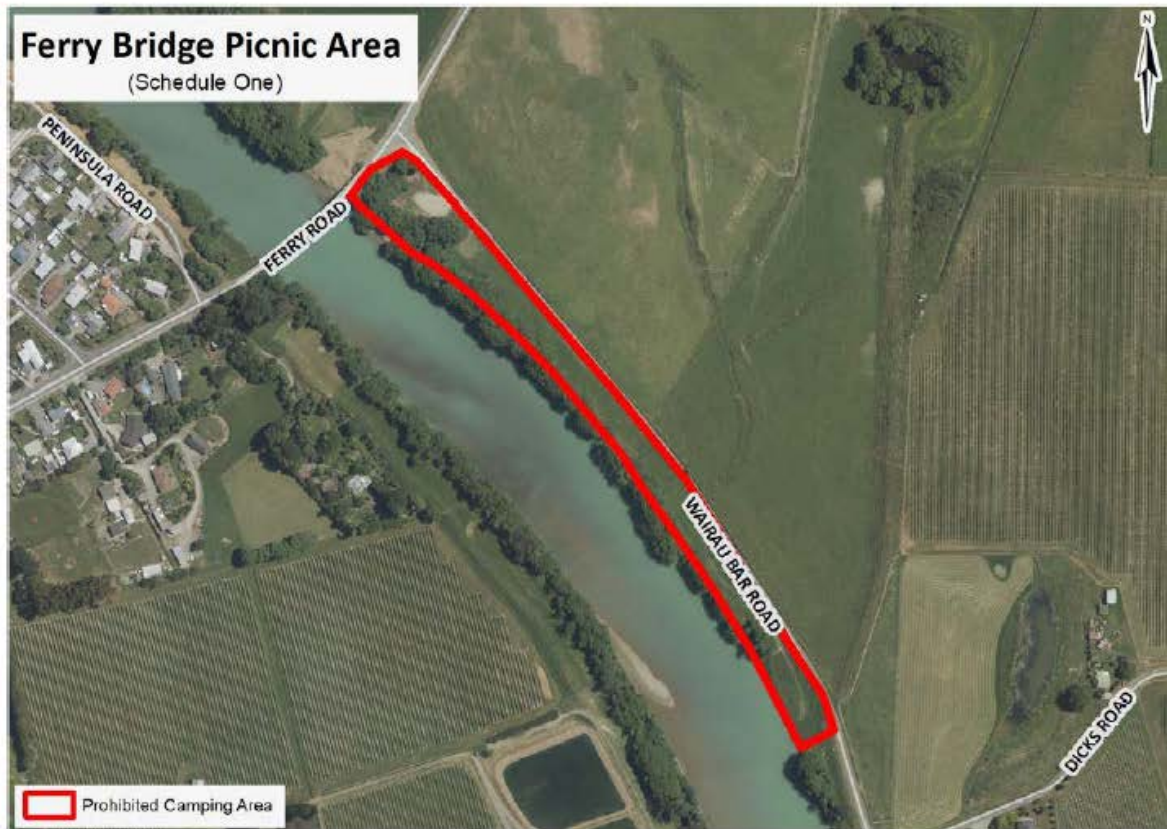




### 13. Ferry Bridge Picnic Area

Freedom Camping is prohibited in all parts of the Ferry Bridge Picnic Area.

The Ferry Bridge Picnic Area is located on the north-east side of the Ferry Bridge which links Ferry Road and Botham's Bend Road. The prohibited area runs from the bridge to the east and down to the stop bank as shown on the Ferry Bridge Picnic Area Map.



#### 14. Wairau Diversion Prohibited Area

Freedom Camping is prohibited in the Wairau Diversion Reserve Prohibited Area.

The Wairau Diversion Reserve is located at the mouth of the Wairau Diversion. It is accessed at the intersection of Thomas Road and Neal Road. Part of the Wairau Diversion Reserve is a prohibited area and part is a restricted area.

The Wairau Diversion Reserve Prohibited Area is that part of the reserve extending from the eastern boundary of the restricted area going in an easterly direction and ending at the foreshore as shown on the Wairau Diversion Reserve Area Map (Schedule One).

Wairau Diversion Reserve (as defined in Schedule Two) is not included in the Wairau Diversion Reserve Prohibited Area.





### 15. Freeths Road Prohibited Area

Freedom Camping is prohibited on the formed road and adjoining road reserve along Freeths Road. Freedom camping is also prohibited at the Koromiko Recreation Reserve.

Freeths Road and Koromiko Recreation Reserve are located at Koromiko (about 6km to the south of Picton) and to the east of State Highway One.



**16. Rarangi Blue Gum/Millennium Rock Road Reserve**

Freedom Camping is prohibited on the Rarangi Blue Gum/Millennium Rock Road Reserve.

The Rarangi Blue Gum/Millennium Rock Road Reserve is located at the intersection of Rarangi Road and Rarangi Beach Road and adjoins the Department of Conservation Rarangi Recreation Amenity Reserve.





### 17. Penzance Bay Township Area

Freedom Camping is prohibited in all local authority areas within Penzance Bay as shown on the Penzance Bay Township Map.

Penzance Bay is located off Archers Road in Tennyson Inlet, Pelorus Sound/Te Hoiere.

The Penzance Bay Township area encompasses Archers Road through to Kamahi Road, including Worlds End Road.



## 18. French Pass Roads

Freedom Camping is prohibited along the whole of these roads (on the formed road, the road reserve and on the road verges).

The French Pass Roads covered by this Bylaw are:

From State Highway 6 to Ronga Road, Croisilles Road including Okiwi Bay Township, Tunncliffe Reserve, Croisilles French Pass Road encompassing the French Pass Township, Te Towaka-Port Ligar, Elaine Bay and Bulwer Roads.





## 19. Taylor Dam Reserve Lower Level

Freedom Camping is prohibited in all parts of the Taylor Dam Reserve Lower Level.

Taylor Dam Reserve Lower Level on Taylor Pass Road, located to the south of Blenheim, is shown on the Taylor Dam Reserve Lower Level (Schedule One) Map.

Taylor Dam Reserve Upper Level (as defined in Schedule Two) is not included in the Taylor Dam Reserve Lower Level Prohibited Area.



**20. Grovetown Lagoon along Steam Wharf Road**

Freedom Camping is prohibited in all parts of the Grovetown Lagoon area along Steam Wharf Road (including on the formed road, the road reserve and on the road verges).

Grovetown Lagoon area is located on Steam Wharf Road, as shown on the Grovetown Lagoon along Steam Wharf Road (Schedule One) Map.



**21. Marfells Beach Road, Marfells Beach**

Freedom Camping is prohibited along the road (the formed road, road reserve and road verges) leading to the Department of Conservation campground at Marfells Beach as shown on the Marfells Beach Road (Schedule One) map.





**22. Brown River, Rai Valley**

Freedom Camping is prohibited in all parts of Brown River Reserve located adjacent to State Highway Six along Ronga Road in Rai Valley and as shown on the Brown River Reserve (Schedule One) map.



## Schedule Two—Restricted Areas

### 1. Blairich Reserve

Freedom Camping is restricted in all parts of Blairich Reserve.

Blairich Reserve is located approximately 12 kilometres north and west of Seddon, adjacent to the Awatere Valley Road, as shown on the Blairich Reserve (Schedule Two) map.

No person may freedom camp except in the area shown and in a certified self-contained vehicle.

The maximum period anyone can freedom camp in this area is two consecutive nights in any four week period.





## 2. Double Bay Reserve

Freedom Camping is restricted in all parts of the Double Bay Reserve.

Double Bay Reserve is located in Double Bay in the Mahau Sound. It is located adjacent to and to the north of Moetapu Bay Road as shown on the Double Bay Reserve (Schedule Two) map.

No person may freedom camp except in the area shown and in a certified self-contained vehicle.

Vehicle numbers are limited to six.

The maximum period anyone can freedom camp in this area is two consecutive nights in any four week period.



### 3. Ohingaroa Reserve

Freedom Camping is restricted in all parts of the Ohingaroa Bay Reserve.

Ohingaroa Reserve is located in Ohingaroa Bay in the Mahau Sound. It is located adjacent to and to the north of Kenepuru Road, as shown on the Ohingaroa Reserve (Schedule Two) map.

No person may freedom camp except in the area shown and in a certified self-contained vehicle.

Vehicle numbers are limited to four.

The maximum period anyone can freedom camp in this area is two consecutive nights in any four week period.





#### 4. Wairau Diversion Reserve — Restricted Area

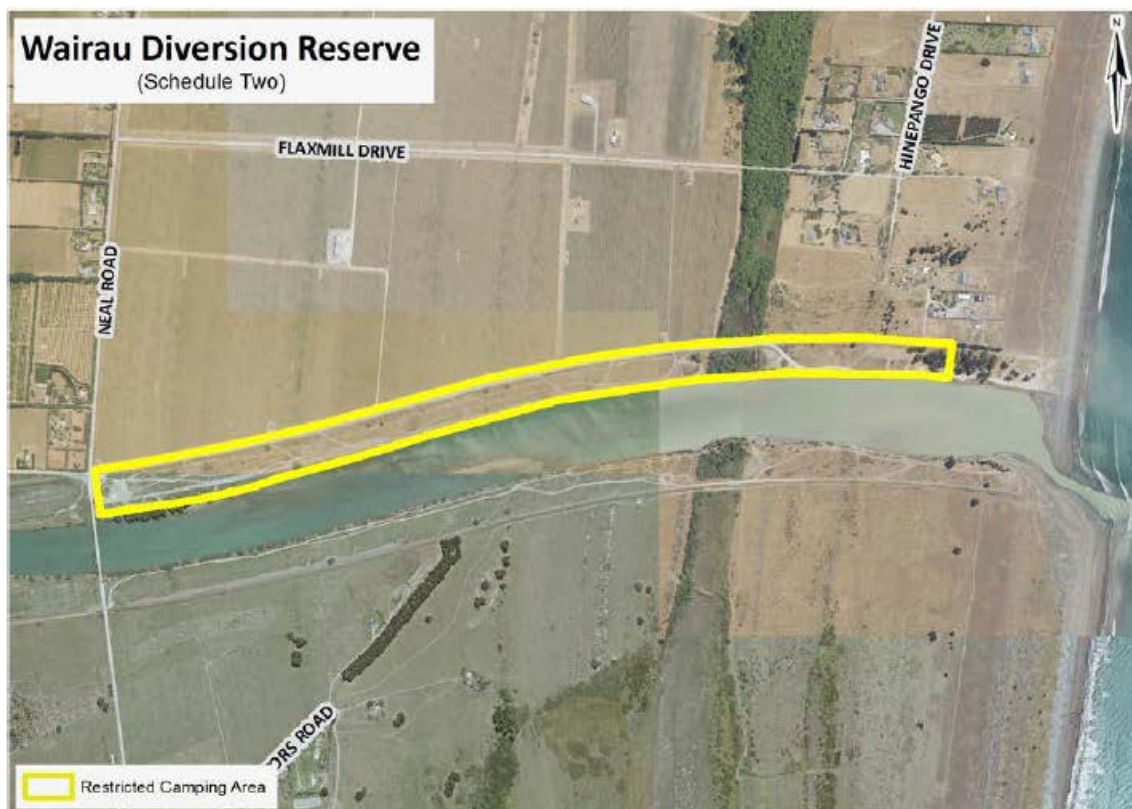
Freedom Camping is restricted in all parts of the Wairau Diversion Reserve Restricted Area.

The Wairau Diversion Reserve is located at the mouth of the Wairau Diversion. It is accessed from the intersection of Thomas Road and Neal Road. Part of the Wairau Diversion reserve is a prohibited area and part is a restricted area.

The Wairau Diversion Reserve Restricted Area is that part of the reserve from the western boundary of the prohibited area stretching in a westerly direction for approximately two kilometres to Neal Road and being approximately 80 metres wide as shown on the Wairau Diversion Reserve Area (Schedule Two) map.

No person may freedom camp except in the area shown and in a certified self-contained vehicle.

The maximum period anyone can freedom camp in this area is two consecutive nights in any four week period.





## 5. Taylor Dam Reserve Upper Level

Freedom Camping is restricted in some parts of the Taylor Dam Reserve.

The Taylor Dam Reserve Upper Level is located off Taylor Pass Road approximately 7 kms from Blenheim as shown on the Taylor Dam Reserve Upper Level (Schedule Two) map.

No person may freedom camp except in the area shown and in a certified self-contained vehicle.

The maximum period anyone can freedom camp in this area is two consecutive nights in any four week period.

Vehicle numbers are limited to 10 vehicles.



**6. Alfred Stream Reserve**

Freedom Camping is restricted in the Alfred Stream Reserve.

Alfred Stream Reserve is located to the west of off State Highway Six near Rai Valley, as shown on the Alfred Stream Reserve (Schedule Two) map.

No person may freedom camp except in the area shown and in a certified self-contained vehicle.

The maximum period anyone can freedom camp in this area is two consecutive nights in any four week period.





## 7. Renwick Domain Carpark

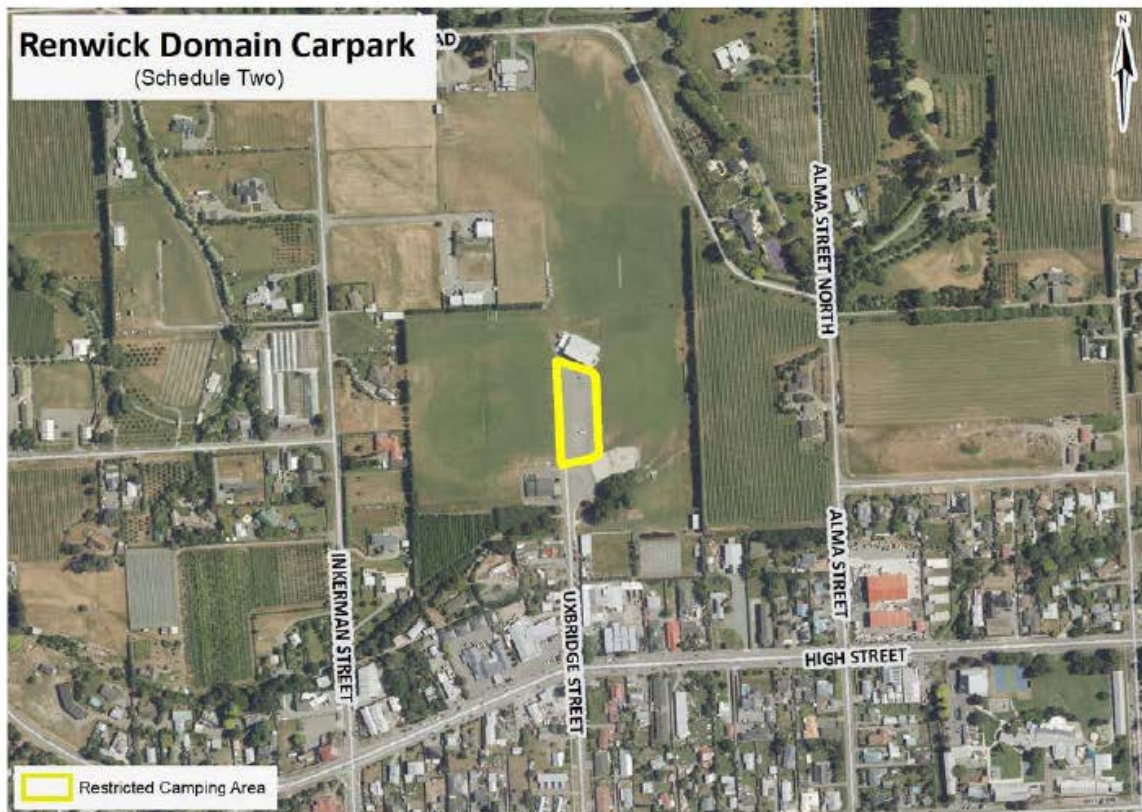
Freedom Camping is restricted in all parts of Renwick Domain Carpark.

Renwick Domain Carpark is located in Uxbridge Street, Renwick, as shown on the Renwick Domain Carpark (Schedule Two) map.

No person may freedom camp except in the area shown and in a certified self-contained vehicle.

Vehicle numbers are limited to 10 to be parked between the hours 6.00 pm - 9.00 am.

The maximum period anyone can freedom camp in this area is two consecutive nights in any four week period.



## 8. Wynen Street Carpark

Freedom Camping is restricted in all parts of the Wynen Street Carpark.

Wynen Street Carpark is located in Blenheim on Wynen Street (between Symons Street to the east and Market Street to the west) and as shown on the Wynen Street Carpark (Schedule Two) map.

No person may freedom camp except in the area shown and in a certified self-contained vehicle.

The maximum period anyone can freedom camp in this area is one night in any four week period.

Vehicles are to be parked between the hours 6.00 pm - 9.00 am.





**9. Anakiwa Village Green**

Freedom Camping is restricted in all parts of Anakiwa Village Green as shown on the Anakiwa Village Green (Schedule Two) map.

No person may freedom camp except in the area shown and in a certified self-contained vehicle.

Vehicle numbers are limited to six.

The maximum period anyone can freedom camp in this area is two consecutive nights in any four week period.



**10. 44 High Street Carpark, Picton**

Freedom Camping is restricted in all parts of 44 High Street, Carpark Picton as shown on the 44 High Street Carpark Picton (Schedule Two) map.

No person may freedom camp except in the area shown and in a certified self-contained vehicle.

Vehicle numbers are limited to ten and hours of stay are between 6:00 pm and 9:00 am.

The maximum period anyone can freedom camp in this area is two consecutive nights in any four week period.





## 11. Memorial Park, Picton

Freedom Camping is restricted in all parts of Memorial Park, Picton as shown on the Memorial Park, Picton (Schedule Two) map.

No person may freedom camp except in the area shown and in a certified self-contained vehicle.

Vehicle numbers are limited to ten and hours of stay are between 6:00 pm and 9:00 am.

The maximum period anyone can freedom camp in this area is two consecutive nights in any four week period.



## 12. Ward Domain

Freedom Camping is restricted in all parts of Ward Domain as shown on the Ward Domain (Schedule Two) map.

Ward Domain is located within the outer edges to the north of Ward Township, as shown on the Ward Domain Map.

No person may freedom camp except in the area identified and in a certified self-contained vehicle.

The maximum period anyone can freedom camp in this area is two consecutive nights in any four week period.

Vehicle numbers are limited to 10.





## 7. Blenheim Library and Art Gallery

(The Mayor) (Report prepared by J Lyall)

C315-18-076

### Purpose of report

1. To seek Council approval to progress the construction of the Library and Art Gallery development located in High Street, Blenheim.

### Executive Summary

2. The development is a combined Library and Art Gallery for the Community of Marlborough that is now in a position to proceed.
3. A project control governance structure was established two years ago to identify, monitor and manage all of the project related risks. A high number of the risks have now been resolved with the remaining risks now at a manageable level.
4. An application to the Crown Infrastructure Partners' "Shovel Ready Projects Fund" has been successful and a grant of \$11M has been provided by Central Government for the development.
5. The development was tendered locally and one tender is within the estimate provided by the quantity surveyor and within Council's budget.

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### RECOMMENDATION

**That Council progress the construction of the Library and Art Gallery development located in High Street, Blenheim.**

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### Background/Context

6. The proposal for a new Library/Art Gallery was first initiated through the 2013 "Growing Marlborough – A Strategy for the Future" which identified that current library facilities in Blenheim and Picton were no longer adequate to serve the public's changing expectations.
7. Community consultation was carried out as part of Council's 2015-25 Long Term Plan and then again as part of the 2018-28 Long Term Plan where approval to progress the development was provided.
8. A Project Control Group (PCG) was formed with Council and Art Gallery representatives tasked with preparing an architectural concept and progressing required land purchases. Warren and Mahoney Architects were appointed after a public Expression Of Interest (EOI) process and were commissioned to develop a concept design.
9. In August 2019 a paper was presented to Council outlining a number of key elements that needed to be addressed as part of the risk management process associated with building a new Library/Art Gallery for Marlborough's community. A high number of these risks have been resolved or are now at a manageable stage.
10. The key risks identified by the PCG were as follows:
  - a) Approval of concept design – The concept design needed to satisfy both Council and Art Gallery representatives.  
**Achieved** – Art Gallery representatives informed Council in writing that this is now satisfied.
  - b) Land ownership – All land titles need to be in Council's name.  
**Achieved** – Council purchased the former Liquorland site.

- c) Construction costings – Estimates need to be in line with approved budgets based on the preliminary concept design.  
**Achieved** – One tender price received in July 2020 is in line with the quantity surveyed assessment.
- d) Capital funding for Art Gallery – Council requires confidence that capital will be available to complete construction.  
**Achieved** – Central Government allocation from Crown Infrastructure Partners will provide sufficient monies to ensure that the Art Gallery's ¼ share of capital cost is paid for in full and that Council borrowing and reserves benefit from the 75% balance.
- e) Assessment of future operating costs – Council and Art Gallery footprints have increased therefore operating costs will have increased.  
**Achieved** – Library operational costs were included in Council's February 2020 budget process. Council's Library team is developing a plan for the delivery of a modernised Library service to take full advantage of the new facility.  
**Work in progress** – An independent review of Art Gallery operational costs was carried out that assessed an additional \$60,000 in operating costs was required. This amount excluded any additional staff costs. Art Gallery personnel are exploring opportunities in this area. Any proposed increase in future budgets is under Council's control.
- f) FF and E funding – Council requires confidence that funding will be available for furniture, fittings and equipment.  
**Achieved** - Library FFE funding approved in February 2020.  
**Work in progress** – Art Gallery have their fundraising strategy underway for FFE.

## Comments

- 11. When the last report was provided in August 2019, Council had no knowledge of the pending COVID-19 pandemic. From a design and tendering perspective the development has progressed on time and in line with the original programme schedule.
- 12. The demolition of the existing buildings on the site commenced in March 2020 and was completed in May 2020. Tests have been carried out for geotechnical purposes and a remedial action plan (RAP) has been prepared for soil contamination.
- 13. A resource consent for the development was issued in July 2020 and a date for blessing the site is also being arranged with local iwi. A briefing was carried out in mid-June with all media agencies with the building design receiving some favourable comments from the Marlborough community.
- 14. In response to COVID-19, Council adopted some policy changes to the contract and tendering process. The aim of these changes was to support local contractors and businesses throughout Marlborough. The tender for the Library/Art Gallery was restricted to four local commercial construction contractors with no competitors invited from outside of the region.
- 15. One of the tenders received is within the quantity surveyed estimate of \$19.9M provided for the project. Council's Library share of this construction cost is 75%, which equates to approximately \$15M, with the remaining 25% the responsibility of the Art Gallery. Tender "tags", timelines and due diligence has now been completed on the lowest tender construction company. The next step in the process is for the PCG to award the construction contract and to negotiate a start date.

## Central Government Funding

- 16. The Library and Art Gallery is a major development for Marlborough's community and also for Council. An application was lodged with Crown Infrastructure Partners as a 'Shovel Ready Project' and was successful in receiving \$11M of Central Government funding.
- 17. The building footprint is allocated 75% for the Library and 25% for the Art Gallery therefore the cost allocation is based on the same ratio. It is thought that a fair way to allocate the Central Government funding would be to apply the same percentage of 75% to the Library and 25% to the Art Gallery. The

rules around the use and allocation of the funding are still being determined and it is proposed that a verbal update on this matter will be provided at the meeting.

## **Risk Management**

18. Council is aware that a Project Control Group (PCG) has been established to govern the development with a strong focus on risk management. A high number of the risks have now reached the point of being resolved such as building design, land acquisition, capital funding, consent matters and pricing and tender management.
19. The focus now is on 'contract risk' such as tender evaluation, off-shore procurement, contract variations, construction programme and delivery. These risks are common when dealing with a project of this value and scale.
20. The Art Gallery have engaged Giblin Associates to prepare a fundraising strategy that will focus on raising funds for payment of the Art Gallery FFE (Furniture, Fittings and Equipment). The amount required to be raised is \$460,000-760,000. The proposed source of funding is the local community, Lotteries and Central Government. The Art Gallery still need to find solutions to the financial operational increases as a result of managing a bigger footprint with additional staff but they have approximately two years to find a suitable solution.

Author	Jamie Lyall, Property & Community Facilities Manager
Authoriser	Mark Wheeler, Chief Executive

## 8. Three Waters Reform Programme – Phase 1 Opt-in MOU

(also refer to Appendix 8.1)

(Clr Taylor) (Report prepared by R Coningham)

W400-011-01

### Purpose of report

1. To inform Council of the National Three Waters Reform Programme currently taking place and recommend that Council opt in to the first phase of this programme to enable access to the initial \$761M funding package.

### Executive Summary

2. Following the Government inquiry into the 2016 Havelock North drinking water contamination where approximately 5,500 of the town's 14,000 residents were estimated to have become ill with campylobacteriosis and it is suspected of contributing to the deaths of three people, Government via the Department of Internal Affairs has been carrying out a review of the three waters services currently in place throughout the country. Legislation is currently proceeding through the House to form a new water regulator (Taumata Arowai) with extensive powers and which specifies requirements and methods for local government to meet its responsibilities. The Government also announced in July 2020 an initial stimulatory funding package of \$761M for Three Waters works as part of the first phase of reforms and to assist post COVID-19 recovery. In order for Council to access this funding, an "opt in" MOU must be signed where Council agrees to take part in the first phase of the review process through to June 2021. There is no obligation in the MOU for Council to continue with the process after Phase 1.

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### RECOMMENDATION

**That Council agrees to sign and "Opt-in" to the first phase of the Three Waters review programme, enabling it to apply for part of the \$761M national funding package for eligible projects.**

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### Background/Context

3. Over the past three years, central and local government have been considering solutions to challenges facing delivery of three waters services to communities.
4. While addressing the regulatory issues, both central and local government acknowledge that there are broader challenges facing local government water services and infrastructure, and the communities that fund and rely on these services.
5. In July 2020, the Government announced a funding package of \$761M to provide immediate post-COVID-19 stimulus to local authorities to maintain and improve three waters (drinking water, wastewater, stormwater) infrastructure, and to support a three-year programme of reform of local government water services delivery arrangements.
6. The Government has indicated a preference for publicly owned multi-regional entities for water service delivery to realise the benefits of scale for communities and reflect neighbouring catchments and communities of interest. There is a preference that entities will be in shared ownership of local authorities. Design of the proposed new arrangements will be informed by discussion with the local government sector.
7. There is a shared understanding that a partnership approach between Central and Local Government will best support the wider community interests, and ensure that any transition to new service delivery arrangements is well managed and as smooth as possible. This has led to the formation of a joint Three Waters Steering Committee to provide oversight and guidance on three waters services delivery and infrastructure reform.

8. The Joint Three Waters Steering Committee has been established to provide oversight and guidance to support progress towards reform, and to assist in engaging with local government, iwi/Māori and other water sector stakeholders on options and proposals.
9. The Steering Committee comprises independent chair Brian Hanna, several local government mayors, chairs and chief executives, representatives of Local Government New Zealand and the Society of Local Government Managers, officials and advisors from the Department of Internal Affairs, Taumata Arowai, and the Treasury.
10. The Steering Committee will ensure that the perspectives, interests and expertise of both central and local government and of communities throughout New Zealand are considered, while the challenges facing water services and infrastructure are addressed. This will include periods of engagement, in the first instance with the local government sector.
11. While the Government's starting intention is for publicly-owned multi-regional entities for water service delivery, with a preference for local authority ownership, final decisions on a service delivery model will be informed by this discussion with the local government sector and the work of the Steering Committee.
12. Initial funding will be made available immediately to those councils that sign up to the Memorandum of Understanding (MoU) and associated Funding Agreement and Delivery Plan for the first stage of the Three Waters Services Reform Programme. Population and land area are proposed to be used to allocate the available funding across territorial authorities. On this basis Marlborough could expect an allocation of up to approximately \$8M.
13. The deadline currently communicated for the signing of the MOU is 31 August 2020, with the first stage of the Three Waters Services Reform Programme currently scheduled to run till 30 June 2021.
14. The Reform Programme is designed to support economic recovery post COVID-19 and address persistent systemic issues facing the three waters sector, through a combination of:
  - 14.1. stimulating investment, to assist economic recovery through job creation, and maintain investment in water infrastructure renewals and maintenance;
  - 14.2. and reforming current water service delivery, into larger scale providers, to realise significant economic, public health, environmental, and other benefits over the medium to long term.
15. The MOU document would commit Council to the first stage of the reform programme which includes:
  - 15.1. agreeing to work with neighbouring councils to consider the creation of large scale entities;
  - 15.2. Agreeing to principles and objectives of working together with central government;
  - 15.3. Openly sharing Council's information and analysis undertaken on the state of its three waters asset base and delivery system.
16. The MOU document does not:
  - 16.1. Legally commit Councils to future phases of the reform programme;
  - 16.2. Require Councils to transfer assets or establish new water entities;
  - 16.3. Exclude participation in later phases – Council's that choose to opt in later can still do so but will not have access to the initial funding package.
17. Staff consider there is little risk in signing the MOU.
18. Staff have reviewed the MOU document which is **attached** (as **Appendix 8.1**).
19. Further information on the Three Waters Reform Programme including the MOU document, copies of presentations being made to Council's currently on this programme can be found on the Department of Internal Affairs website at the following link. <https://www.dia.govt.nz/Three-Waters-Reform-Programme>



**Option One – Recommended Option – Council sign's the MOU document to commit to the first stage of the Three Waters Services Reform Programme**

*Advantages*

20. Ability of Council to access the Central Government Three Waters Services Reform \$761M funding package.

*Disadvantages*

21. Council resources in the form of staff time in particular will need to be committed to participating in the first stage of the Three Waters Services Reform Programme

**Option Two – Status Quo – Council does not sign's the MOU document to commit to the first stage of the Three Waters Services Reform Programme**

*Advantages*

22. Council will not need to commit resource (staff time in particular) to participating in the first stage of the Three Waters Services Reform Programme

*Disadvantages*

23. Council will not have the ability to access the Central Government Three Waters Services Reform \$761M funding package.

**Next steps**

24. If Council decides to proceed with the recommended option, the signed MOU document will need to be returned to DIA by 31 August 2020.
25. Application forms for funding and a delivery programme will also need to be submitted for review and approval.
26. Any approved projects will need to have begun by 31 March 2021.

**Attachments**

Appendix 8.1 – Model Memorandum of Understanding – Three Waters Services Reform

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Author	Richard Coningham, Manager Assets & Services
Authoriser	Mark Wheeler, Chief Executive

<b>Summary of decision-making considerations</b>			
<b>Fit with purpose of local government</b>			
The proposal enables cost effective use of Council's resources by enabling the ability to apply for funding to the Government's Three Waters Services Reform funding package.			
<b>Fit with Council policies and strategies</b>			
	<i>Contributes</i>	<i>Detracts</i>	<i>Not applicable</i>
LTP / Annual Plan	✓	<input type="checkbox"/>	<input type="checkbox"/>
Financial Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Infrastructure Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Social well-being	✓	<input type="checkbox"/>	<input type="checkbox"/>
Economic development	✓	<input type="checkbox"/>	<input type="checkbox"/>
Environment & RMA Plans	✓	<input type="checkbox"/>	<input type="checkbox"/>
Arts & Culture	<input type="checkbox"/>	<input type="checkbox"/>	✓
3 Waters	✓	<input type="checkbox"/>	<input type="checkbox"/>
Land transport	<input type="checkbox"/>	<input type="checkbox"/>	✓
Parks and reserves	<input type="checkbox"/>	<input type="checkbox"/>	✓
This proposal contributes to the above identified categories by allowing Council to accelerate its Three Waters maintenance and capital programmes with funding obtained from the Government's Three Waters Services Reform funding package.			
<b>Nature of the decision to be made</b>			
The options do not involve a significant decision in relation to land or a body of water.			
<b>Financial considerations</b>			
There are no known financial implications.			
<b>Significance</b>			
The decision is considered of low significance under Council's Significance and Engagement Policy.			
<b>Engagement</b>			
No engagement is proposed as specific projects are yet to be formally identified which will qualify for the funding available.			
<b>Risks: Legal / Health &amp; Safety etc</b>			
There are no known significant risks or legal implications as this agreement only commits Council to engaging in the first stage of the reform programme and sharing of its Three Waters assets and service data.			
<b>Climate Change Implications</b>			
There are no known climate change implications to this decision.			

# MODEL

## Memorandum of Understanding Three Waters Services Reform

Between the [Sovereign in right of New Zealand acting by and through the Minister of Local Government] and  
[Territorial Authority]

Date

## PURPOSE

This Memorandum of Understanding (Memorandum) sets out the principles and objectives that the Parties agree will underpin their ongoing relationship to support the improvement in three waters service delivery for communities with the aim of realising significant public health, environmental, economic, and other benefits over the medium to long term. It describes, in general terms, the key features of the proposed reform programme and the Government funding arrangements that will support investment in three waters infrastructure as part of the COVID 19 economic recovery.

## BACKGROUND

Over the past three years central and local government have been considering solutions to challenges facing the regulation and delivery of three water services. This has seen the development of new legislation to create Taumata Arowai, the new Water Services Regulator, to oversee and enforce a new drinking water regulatory framework, with an additional oversight role for wastewater and stormwater networks.

While addressing the regulatory issues, both central and local government acknowledge that there are broader challenges facing the delivery of water services and infrastructure, and the communities that fund and rely on these services. There has been regulatory failure, underinvestment in three waters infrastructure in parts of the country, and persistent affordability challenges, and additional investment is required to increase public confidence in the safety of drinking water and to improve freshwater outcomes. Furthermore, investment in water service delivery infrastructure is a critical component of a collective response to climate change and increasing resilience of local communities.

The Parties to this Memorandum consider it is timely to apply targeted infrastructure stimulus investment to enable improvements to water service delivery, progress reform in partnership, and ensure the period of economic recovery following COVID-19 supports a transition to a productive, sustainable economy. Additional funding will be subject to Government decision-making and reliant on the Parties demonstrating substantive progress against the reform objectives. The quantum, timing, conditions, and any other information relating to future funding will be advised at the appropriate time but will likely comprise additional tranches of funding and more specific agreement to key reform milestones.

The reform process and stimulus funding, proposed by Government, is designed to support economic recovery post COVID-19 and address persistent systemic issues facing the three waters sector, through a combination of:

- stimulating investment, to assist economic recovery through job creation, and maintain investment in water infrastructure renewals and maintenance; and
- reforming current water service delivery, into larger scale providers, to realise significant economic, public health, environmental, and other benefits over the medium to long term.

There is a shared understanding that a partnership approach will best support the wider community and ensure that the transition to any eventual new arrangements is well managed and as smooth as possible. This requires undertaking the reform in a manner that enables local government to continue and, where possible, enhance delivery of its broad “wellbeing mandates” under the Local Government Act 2002, while recognising the potential impacts that changes to three waters service delivery may have on the role and functions of territorial authorities.

## PRINCIPLES FOR WORKING TOGETHER

The Parties shall promote a relationship in their dealings with each other, and other Parties related to the three waters services reform, based on:

- mutual trust and respect; and
- openness, promptness, consistency and fairness in all dealings and communication including through adopting a no-surprises approach to any matters or dealings related to the reform programme; and
- non-adversarial dealings and constructive problem-solving approaches; and
- working co-operatively and helpfully to facilitate the other Parties perform their roles; and
- openly sharing information and analysis undertaken to date on the state of the system for delivering three waters services and the quality of the asset base.

This Memorandum is intended to be non-binding in so far as it does not give rise to legally enforceable obligations between the Parties.

## REFORM OBJECTIVES AND CORE DESIGN FEATURES

By agreeing to this Memorandum, the Parties agree to work constructively together to support the objectives of the three waters service delivery reform programme.

The Parties agree that the following objectives will underpin the reform programme and inform the development of reform options/proposals:

- significantly improving the safety and quality of drinking water services, and the environmental performance of drinking water and wastewater systems (which are crucial to good public health and wellbeing, and achieving good environmental outcomes);
- ensuring all New Zealanders have equitable access to affordable three waters services;
- improving the coordination of resources, planning, and unlocking strategic opportunities to consider New Zealand's infrastructure and environmental needs at a larger scale;
- increasing the resilience of three waters service provision to both short- and long-term risks and events, particularly climate change and natural hazards;
- moving the supply of three waters services to a more financially sustainable footing, and addressing the affordability and capability challenges faced by small suppliers and councils;
- improving transparency about, and accountability for, the delivery and costs of three waters services, including the ability to benchmark the performance of service providers; and
- undertaking the reform in a manner that enables local government to further enhance the way in which it can deliver on its broader "wellbeing mandates" as set out in the Local Government Act 2002.



In addition to these objectives, the Parties recognise that any consideration of changes to, or new models for, water service delivery arrangements must include the following fundamental requirements and safeguards:

- mechanisms that provide for continued public ownership of water service delivery infrastructure, and protect against privatisation; and
- mechanisms that provide for the exercise of ownership rights in water services entities that consider the interests and wellbeing of local communities, and which provide for local service delivery.

The Parties also recognise the reform programme will give rise to rights and interests under the Treaty of Waitangi and both Parties acknowledge the role of the Treaty partner. This includes maintaining Treaty settlement obligations and other statutory rights including under the Resource Management Act 1991 and the Local Government Act 2002. The outcome of discussions with iwi/Māori will inform design of appropriate mechanisms to reflect Treaty interests. This will include clarity of roles and responsibilities.

The Parties agree to work together to identify an approach to service delivery reform that incorporates the objectives and safeguards noted above, and considers the following design features as a minimum:

- water service delivery entities, that are:
  - of significant scale (most likely multi-regional) to enable benefits from aggregation to be achieved over the medium to long-term;
  - asset owning entities, with balance sheet separation to support improved access to capital, alternative funding instruments and improved balance sheet strength; and
  - structured as statutory entities with appropriate and relevant commercial disciplines and competency-based boards;
- delivery of drinking water and wastewater services as a priority, with the ability to extend to stormwater service provision only where effective and efficient to do so; and
- publicly owned entities, with a preference for collective council ownership;
- mechanisms for enabling communities to provide input in relation to the new entities.

The Parties acknowledge that work will also be undertaken to develop a regulatory framework, including mechanisms to protect the interests of consumers.

## FUNDING ARRANGEMENTS

The Government has indicated its intention to provide funding to stimulate investment to enable improvements in water service delivery, support economic recovery and progress Three Waters Services Reform. The quantum of funding available for the Council (and each participating Council) will be notified by Government prior to signing this Memorandum.

Funding will be provided as soon as practicable following agreement to this Memorandum and the associated Funding Agreement and Delivery Plan. The Delivery Plan will need to show that the funding is to be applied to operating or capital expenditure on three waters service delivery (with the mix to be determined by the Council) that:

- supports economic recovery through job creation; and
- maintains, increases and/or accelerates investment in core water infrastructure renewals and maintenance.<sup>1</sup>

The Delivery Plan will be based on a simple template and will include a summary of projects, relevant milestones, costs, location of physical works, number of people employed in works, reporting milestones and an assessment of how it supports the reform objectives set out in this Memorandum.

The Delivery Plan will be supplied to Crown Infrastructure Partners, and other organisations as agreed between the Parties, who will monitor progress of application of funding against the Delivery Plan to ensure spending has been undertaken consistent with public sector financial management requirements.

Agreement to this Memorandum and associated Funding Agreement and Delivery Plan are required prior to the release of Government funding. The Council will have the right to choose whether or not they wish to continue to participate in the reform programme beyond the term of the Memorandum.

## FUTURE AGREEMENTS

The Parties may choose to enter other agreements that support the reform programme. These agreements will be expected to set out the terms on which the Council will partner with other councils to deliver on the reform objectives and core design features, and will include key reform milestones and detailed plans for transition to and establishment of new three waters service delivery entities.

## PROGRAMME MANAGEMENT

The Government will establish a programme management office and the Council will be able to access funding support to participate in the reform process.

The Government will provide further guidance on the approach to programme support, central and regional support functions and activities and criteria for determining eligibility for funding support. This guidance will also include the specifics of any information required to progress the reform that may be related to asset quality, asset value, costs, and funding arrangements.

## TERM

This Memorandum is effective from the date of agreement until 30 June 2021 unless terminated by agreement or by replacement with another agreement related to the reform programme.

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<sup>1</sup> Maintains previously planned investment that may have otherwise deferred as a result of COVID-19.

## INTERACTIONS, MONITORING, INFORMATION AND RECORDS

The Parties nominate the following representatives to act as the primary point of communication for the purposes of this Memorandum and any other purpose related to the reform programme.

Government's representative	Council
[As delegated]	[Chief Executive of the Council]

It is the responsibility of these representatives to:

- work collaboratively to support the reform objectives;
- keep both Parties fully informed;
- act as a first point of reference between Parties and as liaison persons for external contacts; and
- communicate between Parties on matters that arise that may be of interest to either party.

If the contact person changes in either organisation, the other party's contact person must be informed of the new contact person immediately and there should be an efficient transition to ensure the momentum of the reform process is not undermined.

## CONFIDENTIALITY

Neither of the Parties is to disclose, directly or indirectly, any confidential information received from the other party to any third party without written consent from the other party, unless required by processes under the Official Information Act 1982 or the Local Government Official Information and Meetings Act 1987 (whichever applies), or under a Parliamentary process- such as following a Parliamentary question, in which case the relevant party is to inform the other party prior to disclosure. Protocols will be established to enable exchange information between Councils where that is consistent with progressing reform objectives.

## DISPUTE RESOLUTION

Any dispute concerning the subject matter of this document is to be settled by full and frank discussion and negotiation between the Parties.

.....  
SIGNED on behalf of the Crown

by [insert name - DELETE TEXT]

[Sovereign in right of New Zealand acting by  
and through the Minister of Local  
Government]:

.....  
SIGNED by [insert name of the Mayor of the  
Territorial Authority signing - DELETE TEXT] on  
behalf of [Territorial Authority]

.....  
SIGNED by [insert name of the Chief Executive  
of the Territorial Authority signing - DELETE  
TEXT] on behalf of [Territorial Authority]

.....  
Witness signature

Witness name [insert name - DELETE TEXT]  
Witness occupation [insert occupation -  
DELETE TEXT]

Witness address [insert address - DELETE  
TEXT]

.....  
Witness signature

Witness name [insert name - DELETE TEXT]  
Witness occupation [insert occupation  
-DELETE TEXT]

Witness address [insert address - DELETE  
TEXT]

## 9. Decision to Conduct Business with the Public Excluded

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)
- Salary Review
- Appointment

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Minutes and Committee Reports	As set out in the Minutes and Reports	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under Section 7 of the Local Government Official Information and Meetings Act 1987.
Salary Review Appointment	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.