



**Minutes of a Meeting of the
Marlborough District Council
held in the Council Chambers, 15 Seymour Street, Blenheim
on THURSDAY 24 JUNE 2021 commencing at 9.05 am**

Present

The Mayor J C Leggett (in the Chair), Cllrs J L Andrews, J A Arbuckle, C J Brooks (from 9.38 am), J D N Croad, B G Dawson, B A Faulls, M J Fitzpatrick, G A Hope, F D Maher, M A Peters, T P Sowman and N P Taylor.

Present via Zoom

Cllr D D Oddie.

In Attendance

Messrs M F Fletcher (Acting Chief Executive), R Foitzik (General Counsel) and M J Porter (Democratic Services Manager).

Karakia

The meeting opened with a karakia.

Apology

The apology for lateness from Cllr Brooks was received.

Cncl-0621-415 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-0521-362 and Cncl-0621-375;
- The interest as declared under Minute No. Env-0621-393 (Minute No. Env-0621-400);
- The interest as declared under Minute No. PF&C-0621-406 (Minute No. PF&C-0621-e-53); and
- The interests as declared by the Mayor at the meeting (refer Minute Nos. Cncl-0621-420 and Cncl-0621-425) below.

Cncl-0621-416 Confirmation of Minutes -

The Mayor/Cllr Taylor:

That the Minutes of the Council Meeting held on 13 May 2021 (Minute Nos. Cncl-0521-362 to Cncl-0521-369) be taken as read and confirmed.

Carried

Cncl-0621-417 Confirmation of Minutes -

The Mayor/Cllr Maher:

That the Minutes of the Extraordinary Council Meeting held on 21 May 2021 (Minute Nos. Cncl-0521-370 to Cncl-0521-371) be taken as read and confirmed.

Carried

Cncl-0621-418 Confirmation of Minutes -

Staff are to amend the minutes of the meeting to include that Cllr Brooks declared an interest in submission 3548 (*Justine Johnson [Te Whanau Hou Grovetown Lagoon Inc]*).

The Mayor/Cllr Taylor:

That the Minutes of the Council Meeting held on 8 June 2021 (Minute Nos. Cncl-0621-375 to Cncl-0621-380), and as amended above, be taken as read and confirmed.

Carried

Committee Reports

Cncl-0621-419 Assets & Services Committee -

In relation to Minute No. A&S-0621-385 (Elmslie Bay (Te Aumiti/French Pass) Jetty), Cllr Faulls referred to an email received from Laurence Etheridge, Chair of the French Pass Residents Association, where Mr Etheridge confirmed that the Association recommends replacing the jetty along the same dimensions as the current jetty, including the re-installation of the original shed.

Cllrs Taylor/Fitzpatrick:

That the Committee report contained within Minute Nos. A&S-0621-381 to A&S-0621-392 be received and the recommendations adopted.

Carried

ATTENDANCE: The Mayor declared an interest in the following item and Cllr Hope assumed the chair.

Cncl-0621-420 Environment Committee -

Cllrs Hope/Sowman:

That the Committee report contained within Minute Nos. Env-0621-393 to Env-0621-405 be received and the recommendations adopted.

Carried

ATTENDANCE: The Mayor assumed the Chair.

Cncl-0621-421 Planning, Finance & Community Committee -

Cllrs Peters/Croad:

That the Committee report contained within Minute Nos. PF&C-0621-406 to PF&C-0621-414 be received and the recommendations adopted.

Carried

Cncl-0621-422 Regional Transport Committee -

Cllrs Maher/Fitzpatrick:

That the Committee report contained within Minute Nos. RTC-0521-372 to RTC-0521-373 be received and the recommendations adopted.

Carried

Cncl-0621-423 Special Hearing Committee to Hear Submissions on the 2021-31 Long Term Plan Consultation Document

The Mayor/Clr Taylor:

That Special Hearing Committee to Hear Submissions on the 2021-31 Long Term Plan Consultation Document report contained within Minute No. LTP-0621-374 be received and the recommendations adopted.

Carried

ATTENDANCE: Ms Sarah Edmonds, Council's Planner - Biosecurity, was present for the following item.

Cncl-0621-424 Proposed East Coast Beach Vehicle Bylaw **L225-16-04**

Members noted that the purpose of the report was to seek approval to release a Statement of Proposal containing a draft Bylaw to regulate motor vehicles on the east coast of Marlborough using the special consultative procedures of the Local Government Act 2002 (LGA 2002).

Sarah Edmonds, in summary, reported that a Sub-Committee of Council was established in December 2020 to finalise a draft Bylaw and other documentation. The notification material for a Proposed East Coast Beach Vehicle Bylaw has been prepared and was ready to be released for public consultation using the special consultative procedure under the LGA. A Statement of Proposal has been prepared that confirms the perceived problem, assesses the options that Council considered to address the perceived problem and includes a draft Bylaw prepared using the provisions of the Land Transport Act 1998 and Local Government Act 2002. The draft Bylaw attempts to resolve the identified public health, safety and nuisance issues and to provide protection of the environment and ecosystems on Marlborough's east coast in a way that is no more than reasonably necessary. Notification of the Statement of Proposal provides the opportunity for the public to provide their views in a submission to Council about the proposal.

Ms Edmonds advised that a hearings panel needs to be convened to hear submitter's views at a hearing, deliberate on all submissions and then make recommendations to Council on whether to make a Bylaw.

Members noted the four separately attached documents, being Attachment 6.1 - Summary factsheet (filed in CM – Record No. 21133339); Attachment 6.2 - Statement of Proposal (Draft Bylaw) (filed in CM – Record No. 21133340); Attachment 6.3 - Technical Report (Version 4, June 2021) (filed in CM – Record No. 21133342); and Attachment 6.4 - Submission form (filed in CM – Record No. 21133343).

Cirs Hope/Peters:

- 1. That Council receives the information.**
- 2. That Council approves for release a Statement of Proposal containing a draft Bylaw, Summary and Technical Report (v4, 2021) to commence public consultation.**
- 3. That Council determines the period for making a submission will open on 1 July 2021 and close at 5pm on 26 August 2021 (40 working days).**
- 4. That Council delegates authority to the East Coast Beach Vehicle Bylaw Sub-Committee to appoint a hearings panel consisting of at least one Councillor and two Commissioners to hold hearings, to hear submissions on this proposal and make recommendations to Council following deliberation on the submissions received.**
- 5. That Council approves the proposed timeline for the making of a Bylaw.**

Carried

ATTENDANCE: The Mayor declared an interest in the following item and Clr Taylor assumed the chair.

Cncl-0621-425 Marlborough District Council Dog Control Policy and Dog Control Bylaw Review

E305-003-001-01

Members noted that the purpose of the report was for Council to adopt the draft Marlborough District Council Dog Control Policy and Bylaw 2021 with effect from 1 August 2021.

Staff reported that the Environment Committee at its meeting on Thursday 10 June recommended that Council adopt the draft Marlborough District Council Dog Control Policy and Bylaw 2021 with effect from 1 August 2021.

Cirs Arbuckle/Sowman:

- 1. That Council approve the Recommendation Report of the Hearings Panel to the Marlborough District Council and Submitters in respect of the proposed Dog Control Policy and Dog Control Bylaw 2020 (including Appendix One) (as reported to the Environment Committee on 10 June 2021).**
- 2. That the draft Marlborough District Council Dog Control Dog Policy May 2021 (as reported to the Environment Committee on 10 June 2021) is adopted as the Marlborough District Council Dog Control Dog Policy May 2021 effective 1 August 2021.**
- 3. That the draft Marlborough District Council Dog Control Bylaw May 2021 (as reported to the Environment Committee on 10 June 2021) is adopted as the Marlborough District Council Dog Control Bylaw May 2021 effective 1 August 2021.**

Carried

ATTENDANCE: The Mayor assumed the Chair.

ATTENDANCE: Ms Gina Ferguson, Council's Consents & Compliance Group Manager, was present for the following item.

Cncl-0621-426 Monitoring Fees & Charges - Resource Management Act 1991 - NES Fresh Water

E360-003-001

Members noted that the purpose of the report was to adopt the proposed schedules of charges for monitoring permitted activities under the Resource Management (National Environmental Standards for Fresh Water) Regulations 2020.

Staff reported that the report detailed the background and consultation process for proposed charges for monitoring permitted activities under the Resource Management (National Environmental Standards for Fresh Water) Regulations 2020.

Following discussion on the issue a motion (that contained further information than that included in the staff report) was moved by Clr Hope, with Clr Croad seconded. An amendment was made directly as follows:

Cirs Peters/Fauls:

That the hourly rate for an Environmental Protection Officer, as part of recommendation 4 of the original motion, be identified as a GST exclusive amount i.e. \$134.78 (+GST).

Carried

The motion (with the amendment as indicated above) was then put to the meeting.

Cllrs Hope/Croad:

1. That Council adopt the recommendation of the hearing panel to introduce the following permitted activity monitoring charge for NES-Freshwater Activities from 1 July 2021:

NES Freshwater Activities – Administration, Monitoring and Supervision	Charge Type	Charge \$ (excl GST)	Charge \$ (incl GST)
Administration/Notification fee	Fixed Annual or One off/ Notification fee	\$36.52	\$42.00
Sampling including the contracting of Consultant	Variable	Actual	Actual
Environmental Protection Officer	Per Hour	\$134.78	\$155.00

2. That the fixed annual or one off Administration/Notification fee be reviewed as per the Council's Revenue and Financing Policy.
3. That all sampling/laboratory/contractors and disbursements to be charged out at actual cost to Council.
4. That the hourly rate for an Environmental Protection Officer of \$134.78 (+GST) be reviewed annually.

Carried

Cncl-0621-427 Decision to Conduct Business with the Public Excluded

The Mayor/Cllr 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 10.00 am.

Confirmed this 5th day of August 2021

J C LEGGETT
MAYOR

Record No. 21135727