



**Minutes of a Meeting of the
Marlborough District Council
held in the Council Chambers, 15 Seymour Street, Blenheim
on THURSDAY 5 AUGUST 2021 commencing at 9.00 am**

Present

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

Present via Zoom

Clr C J Brooks.

In Attendance

Messrs M S Wheeler (Chief Executive) and M J Porter (Democratic Services Manager).

Karakia

The meeting opened with a karakia.

Cncl-0821-23 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-0621-415;
- The interests as declared by Clr Faulls at the meeting under Minute No. Cncl-0821-29 (Item No. 6 – Link Pathway - Funding Re-allocation for Storm Repairs) and Minute No. Cncl-0821-30 (Item No. 7 – Review of the Responsible Camping Control Bylaw 2020).

Cncl-0821-24 Confirmation of Minutes -

The Mayor/Clr Taylor:

That the Minutes of the Council Meeting held on 24 June 2021 (Minute Nos. Cncl-0621-415 to Cncl-0621-427) be taken as read and confirmed.

Carried

Cncl-0821-25 Confirmation of Minutes -

The Mayor/Clr Taylor:

That the Minutes of the Extraordinary Council Meeting held on 30 June 2021 (Minute Nos. Cncl-0621-428 to Cncl-0621-431) be taken as read and confirmed.

Carried

Cncl-0821-26 Confirmation of Minutes -

The Mayor/Clr Taylor:

That the Minutes of the Extraordinary Council Meeting held on 8 July 2021 (Minute Nos. Cncl-0721-7 to Cncl-0721-8) be taken as read and confirmed.

Carried

Committee Reports

Cncl-0821-27 Assets & Services Committee -

Cllrs Taylor/Fitzpatrick:

That the Committee report contained within Minute Nos. A&S-0721-1 to A&S-0721-6 be received and the recommendations adopted.

Carried

Cncl-0821-28 Planning, Finance & Community Committee -

Clr Hope expressed appreciation to those involved in the submission to the Natural and Built Environments Bill – Exposure Draft.

Cllrs Peters/Croad:

That the Committee report contained within Minute Nos. PF&C-0721-9 to PF&C-0721-22 be received and the recommendations adopted.

Carried

Cncl-0821-29 Link Pathway – Funding Re-allocation for Storm Repairs **R510-012-004-02**

Members noted that the purpose of the report was to seek approval to reallocate funding approved in the 2020-21 Annual Plan for the Link Pathway Trust to develop the last section of the Link Pathway and that the funding be used to support repairs of the pathway significantly affected by the July 2021 storm.

Staff reported that the Link Pathway Trust were seeking approval to re-allocate 2020-21 Annual Plan funding of \$169,565 secured for path construction, to be directed to repair sections of the path after significant storm damage in the 17 July 2021 weather event.

Cllrs Peters/Brooks:

That Council approve the re-allocation of \$169,565 being unspent 2020/21 Annual Plan funds for planned new path construction, to be used for path storm damage repairs to the existing path.

Carried

NB: Clr Faulls declared an interest in the above and did not take part in discussions nor vote on the matter.

Cncl-0821-30 Review of the Responsible Camping Control Bylaw 2020 **R510-005-15-02**

Members noted that the purpose of the report was to seek approval to undertake further consultation on the Responsible Camping Control Bylaw 2020 (Bylaw) to address procedural concerns regarding compliance with the Freedom Camping Act 2011 and Local Government Act 2002.

Staff reported that following the adoption of the new Bylaw in November 2020, a draft statement of claim for judicial review (Claim) from the New Zealand Motor Caravan Association (NZMCA) in relation to the Bylaw was received (April 2021). The key points of the Claim are that submitters were not given the chance to make submissions on the prohibition on freedom camping in all except five sites (NZMCA believe this was a breach of s82(1)(a) and (b) of the Local Government Act 2002), and Council did not undertake a s11 Freedom Camping Act 2011 (FCA) assessment of all areas in the district (other than for the five sites) by applying the criteria set out in s11(2) FCA for each area in breach of the purpose and intent of the FCA (to allow freedom camping except where prohibited).

It was further reported that Council does not fully accept the claims but has decided to undertake further consultation on the Bylaw to address the key points noted above. Council will also use the further consultation to review the effect of the Bylaw during the recent responsible camping season from November 2020 to April 2021,

which was managed under the Bylaw. Coincidentally, central government is reviewing the Freedom Camping Act 2011. A series of roadshows and forums with Councils and the public were held including in Marlborough. Council attended a meeting in May 2021 led by staff from the Ministry of Business, Innovation and Employment and a well-attended public meeting was also held in Picton.

The Responsible Camping Panel, which will review submissions and manage the hearing, will consist of two independent commissioners and one Councillor to ensure transparency of process. It is expected that this panel will be confirmed by 15 November 2021.

Council will commence the public notification process on 17 September 2021 with the six-week notification period closing on 28 October 2021. In the subsequent period, a robust analysis of the submissions will be done with public hearings scheduled for 1-3 February 2022. Following the hearings in February 2022, along with the analysis of the submissions received a new Bylaw will be adopted, or the current Bylaw will be reconfirmed. It is anticipated that the Bylaw, once adopted by Council, will come into effect from 1 May 2022.

A full timetable was included in the agenda report.

Cls Oddie/Taylor:

That Council approve further consultation on the Responsible Camping Control Bylaw 2020.

Carried

NB: Clr Faulds declared an interest in the above and did not take part in discussions nor vote on the matter.

Cncl-0821-31 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 9.10 am.

Confirmed this 16th day of September 2021

**J C LEGGETT
MAYOR**

Record No. 21175627