



**Minutes of the
EXTRAORDINARY MEETING of the MARLBOROUGH DISTRICT COUNCIL
held in the Council Chambers and via Zoom, 15 Seymour Street, Blenheim
on MONDAY 15 NOVEMBER 2021 commencing at 4.00 pm**

Present in the Council Chambers

The Mayor J C Leggett (in the Chair), Cllrs J L Andrews, C J Brooks, 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

Clr J A Arbuckle.

In Attendance in the Council Chambers

Mr M S Wheeler (Chief Executive), Mr D G Heiford (Manager Economic, Community & Support Services), Mrs J Tito (Reserves & Amenities Mngnr), Mrs L Craighead (Reserves & Amenities Officer – Planning) and Mr M J Porter (Democratic Services Manager).

Karakia

The meeting opened with a karakia.

The Mayor welcomed all to the meeting, whether present in the Council Chambers or via Audio Visual link (Zoom) as per Standing Orders and the *COVID-19 Response (Urgent Management Measures) Legislation Act 2020*. The Mayor also advised the meeting was being recorded and that a link to the recording would be loaded to Council's website as soon as practicable following the meeting in accordance with the *COVID-19 Response (Urgent Management Measures) Legislation Act 2020*.

Apology

The Mayor/Clr Brooks:

That the apology for absence from Clr D D Oddie (at the Aquaculture Hearings on behalf of Council) be received and sustained.

Carried

Cncl-1121-148 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.

Two interests were declared at the meeting:

- The interests as declared by Cllrs Faulls and Maher at the meeting (Minute Nos. Cncl-1121-150).

Cncl-1121-149 Review of Representation for 2022 and 2025 Elections

D050-004-022-15

Members noted that the purpose of the report was to resolve Council's final proposal, following consideration of submissions received on Council's initial proposal for representation arrangements for the 2022 and 2025 elections.

Staff reported on the process required.

Members noted that a proposal from the Working Group (which included comment on all submissions received, further comment following the hearing of submissions and a recommendation with reasons for that recommendation) had been circulated prior to the meeting.

The Working Group advised that 29 submissions had been received on Council's initial proposal. The majority of submitters (27) agreed that Council should use the provisions of section 19V(3)(a) of the Local Electoral Act

2001 (island or isolated communities) to maintain the make-up of the Marlborough Sounds Ward at 3 members, with the total number of Councillors at 14 members. One submitter agreed with Council's initial proposal as a step in the right direction. This submitter also commented during his submission that preference would be for a system of election at large across the whole district. One submitter submitted in support of Option 3 of the initial proposal: Mixed system – along with the Māori Ward there is also a General Ward (elected at large) and a Ward structure similar to the current configuration.

No submissions were received opposing the transfer of the areas known as Omaka Landing and Rose Manor from the Wairau-Awatere Ward to the Blenheim Ward. No submissions were received supporting the establishment of Community Boards.

The submissions in support of retaining three (3) members for the Marlborough Sounds Ward overwhelmingly agreed the Ward contained communities of interest isolated communities.

The Working Group agreed to this proposal noting:

- a. In the past 3 reviews the Commission has endorsed the retention of a third Marlborough Sounds Ward member.
- b. The recent weather event in July 2021 has shown the fragility of the roading system in the Marlborough Sounds with a number of roads still closed by large slips. This makes it difficult for constituents in some areas to attend community meetings.
- c. There are a number of areas in the Marlborough Sounds Ward which are without or have limited internet connection or mobile phone coverage.
- d. All Councillors, once elected, represent all of the Marlborough District. However it is more likely for constituents in the Marlborough Sounds Ward to contact a Councillor from that Ward as being more "in tune" with the issues which arise in that Ward. This belief was reinforced by a number of submitters.
- e. The Marlborough Sounds Ward is a large geographic area that has special and unique transport and communications challenges in one of the largest geographic areas in New Zealand. It contains two boat-access-only island communities - being Rangitoto ke ti Tonga/D'Urville Island and Arapaoa Island. Both have a community of permanent residents.
- f. That three (3) members for the Marlborough Sounds Ward are required to provide effective representation for isolated communities within that Ward.

Members discussed the recommendations of the Working Group. Members expressed their appreciation for a well thought-out pragmatic recommendation.

Cirs Taylor/Croad:

1. **That the submissions to Council's Initial Proposal on the Review of Representation for 2022 from Glenda Robb, Melva Robb, David Dew, Corey Heberd (Te Rūnanga a Rangitāne o Wairau), Kathryn Baxter, Les McKay, Julia Pointon (Havelock Community Association), Robyn Richards (The Waikawa Ratepayers & Residents Association), Warwick Lissaman, Ralph Mason, Craig & Ngairie Service, Andrew Caddie (Kenepuru & Central Sounds Residents Association), Ailsa Carey (The Marlborough Rural Advisory Group), Sue and Godfrey Walker, Leanne Schmidt (Rural Connect), Linda and Doug Booth, Kerstin Mueller (Guardians of the Sounds), Adele Meyer, John Cretney (Cissy Bay Community Association), Bev Doole (Marlborough Environment Centre), Lesley Davies (Penzance Tuna Bays Property Owners' Association), Siobhan Wakeling & Scott Adams (Marlborough Federated Farmers), Lynley Perkins, Moneen Wedge (Queen Charlotte Sound Residents Association), Jenny Garing (Pelorus Area Health Trust (PAHT)), Kimberlee Tregidga, Vic and Yvonne Koller, Tim Newsham and Faye Leov (The Rai Valley Progress League) be received.**
2. **That Council amends its initial proposal of 30 August 2021 as contained within Minute No. Cncl-0821-63 and makes its final representation proposal as follows:**
 - (a) **That in accordance with the provisions of Section 19H of the Local Electoral Act 2001, the Marlborough District Council hereby resolves that the Council to be elected at the 2022 triennial elections shall comprise a Mayor elected at large and fourteen (14) Councillors of whom:**
 - **Seven (7) members shall be elected by the electors of the Blenheim Ward; and**
 - **Three (3) members shall be elected by the electors of the Wairau-Awatere Ward; and**
 - **Three (3) members shall be elected by the electors of the Marlborough Sounds Ward; and**
 - **One (1) member shall be elected by the electors of the Marlborough Māori Ward;**

the boundaries of the said wards being those delineated on SO Plan 431037 (Marlborough Sounds Ward), LGC-053-2016-W-2 (Wairau-Awatere Ward), LGC-053-2016-W-3 (Blenheim Ward) and LGC-053-2016-W-1 (Marlborough District and Marlborough Māori Ward), and deposited with Land Information New Zealand and the Local Government Commission, subject to the amendment as outlined in 2.(c) below.

- (b) That the Council, in determining the number of members to be elected by the electors of any of the said wards, considers that there would be fair representation having regard to the population of every ward, taking into account that the Marlborough Sounds Ward is (or contains) an isolated community pursuant to sections 19V(2) and (3) of the Local Electoral Act 2001, and further that the ward structure will provide effective representation of communities of interest within the District.
- (c) That meshblocks 4013645, 4013646, 4013647, 4013650 and 4013651 (Omaka Landing); and 4013655, 4013657, 4013658, 4013659 and 4013660 (Rose Manor) be transferred from Wairau-Awatere Ward to Blenheim Ward.
- (d) That Council not proceed with any community boards as it considers that the significant community, advisory and ratepayer and resident organisations that already exist provide good local government in the District.

NB: *Council will be giving public notice of its proposal pursuant to Section 19N of the Local Electoral Act 2001 advising the right of any person who has lodged a submission to lodge a written appeal (section 19O of the Local Electoral Act 2001) against the decision of Council. As an amendment to Council's initial proposal was made that same public notice will advise of the right for any interested person or organisation to lodge a written objection against Council's decision.*

The Marlborough Sounds Ward is (or contains) an isolated community pursuant to sections 19V(2) and (3) of the Local Electoral Act 2001. The proposal to increase the number of members in the Marlborough Sounds Ward to three (3) falls outside the +/- 10% population formula so that the proposal must be referred to the Local Government Commission for determination.

The grounds for the decision and the determination on the objections and submissions lodged have been recorded based on the reasons put forward by the Working Group and by members during the debate:

- a. In the past 3 reviews the Local Government Commission has endorsed the retention of a third Marlborough Sounds Ward member.
- b. The recent weather event in July 2021 has shown the fragility of the roading system in the Marlborough Sounds with a number of roads still closed by large slips. This makes it difficult for some residents to attend community meetings.
- c. There are a number of areas in the Marlborough Sounds Ward which are without or have limited internet connection or mobile phone coverage.
- d. All Councillors, once elected, represent all of the Marlborough District. However it is more likely for constituents in the Marlborough Sounds Ward to contact a Councillor from that Ward as being more "in tune" with the issues which arise in that Ward. This belief was reinforced by a number of submitters.
- e. The Marlborough Sounds Ward is a large geographic area that has special and unique transport and communications challenges in one of the largest geographic areas in New Zealand. It contains two boat-access-only island communities - being Rangitoto ke ti Tonga/D'Urville Island and Arapaoa Island. Both have a community of permanent residents.
- f. That three (3) members for the Marlborough Sounds Ward are required to provide effective representation for isolated communities within that Ward.

Carried

Cncl-1121-150 Responsible Camping Control Bylaw 2022

R510-005-17-06

Members noted that the purpose of the report was to seek approval of the documentation required for public notification of the draft Responsible Camping Control Bylaw 2022, being a Statement of Proposal for the Marlborough District Council Responsible Camping Bylaw 2022 (filed in CM: Record No. 21240132) and the draft

Marlborough District Council Responsible Camping Bylaw 2022 including the Area, Site and Road Assessments (filed in CM: Record No. 21240133).

Staff reported that Council adopted the Responsible Camping Control Bylaw 2020 (2020 Bylaw) in November 2020 providing for freedom camping in Marlborough. The adopted 2020 Bylaw reduced the areas where people could freedom camp to five locations. In response the New Zealand Motor Caravan Association lodged a claim for judicial review in the High Court citing concerns over the way decisions were made on the 2020 Bylaw and that not all areas had been the subject of assessments to enable the extent of prohibitions to be made. In an attempt to resolve the claim, and amongst other reasons including the ongoing pandemic and July 2021 flooding event, the Council decided to review the 2020 Bylaw and undertake further consultation. A revised bylaw, accompanying Statement of Proposal (SOP) and area assessments have been prepared. It is proposed these are now the subject of consultation and public submission.

Members noted that the report covered in detail the Background/Context, Review of the 2020 Bylaw, Reserves Act requirements, Review of 2020-2021 camping season, Central Government reforms for freedom camping, COVID-19 and a summary of the paper.

It was noted that the "Restrictions" under Renwick Domain Carpark needed to be amended to read the same as that for Wynen Street Carpark. Staff advised that this will be amended.

Clrs Croad/Sowman:

1. **That Council approves the documentation set out in 1.1 to 1.3 above, including any amendments made at the meeting, for the notification of the draft Marlborough District Council Responsible Camping Control Bylaw 2022.**
2. **That Council uses the special consultative procedures of the Local Government Act 2002 for notification of the draft Marlborough District Council Responsible Camping Control Bylaw 2022.**
3. **That Council allows a period from 17 November 2021 to 17 January 2022 for submissions to be received on the draft 2022 Bylaw.**
4. **That Council acting under delegation from the Minister of Conservation and pursuant to section 44(1) of the Reserves Act, authorises freedom camping on:**
 - **Part Lot 35 Deeds 5A - Classified and named Renwick Recreation Reserve by Gazette notice 100614 (Gaz 1980 p2847); and**
 - **Section 44 Block III Taylor Pass SD - Local Purpose (Soil Conservation and River Control) Reserve Gazette notice 115360 (Gaz 1983 p2500).**

Carried

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

The meeting closed at 4.46 pm.

Confirmed this 9th day of December 2021

J C LEGGETT
MAYOR

Record No. 21245985