



**Report and Minutes of a Meeting of the
ASSETS & SERVICES COMMITTEE
held in the Council Chambers and via Zoom, 15 Seymour Street, Blenheim on
THURSDAY, 10 MARCH 2022 commencing at 9.00 am**

Present

Clrs N P Taylor (Chairperson), M J Fitzpatrick (Deputy), J L Andrews, C J Brooks, B G Dawson, F D Maher, Mayor J C Leggett and Mr R Hunter (iwi representative)

Present via Zoom

Clrs M A Peters

Also Present

Clrs J A Arbuckle, J D N Croad, B A Faulls and T P Sowman

Also Present via Zoom

Clrs G A Hope and D D Oddie

In Attendance

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

The Chair 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 Chair 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*.

Clr Taylor presented Joseph Larrington with the Connexis Infrastructure Training NZ Apprenticeship Wastewater Treatment with strand in Multistage Processes and Wastewater Treatment with strand in Multistage Processes, Level 4 certificates.

Apologies

No apologies were received.

A&S-0322-262 Declaration of Interests -

Clr Brooks declared an interest in Item 9 – Notable Tree Removal Request – Eucalyptus viminalis, Rema Reserve, Hope Drive, Blenheim.

ATTENDANCE: Steve Murrin, Marlborough Roads Manager, was present via Zoom for the following item.

A&S-0322-263 Effects of February Weather Events on Roding Network **R800-006-002-02**

Mr Murrin provided members with an update on the damage suffered across the Roding Network as a result of the two Weather Events in early February. Clean up and recovery works are underway.

Members were advised that the two major dropouts on the French Pass Road and an additional one on Port Underwood Road are likely to take some time. These tasks have been given to the Marlborough Roads Recovery Team to complete.

It was noted that the costs of the clean-up and the building of retaining walls is still being finalised but is likely to be in the region of \$1.5 - \$2.0M.

Photos of the damage were included in the information pack.

Members were advised that a separate Emergency Works claim will be submitted to Waka Kotahi as a result of the weather events. It is anticipated that as these events happened in the same financial year as the July 2021 event the same Funding Assistance Rate will be applied but this is yet to be confirmed by Waka Kotahi.

It was noted that if approval wasn't given then the standard the financial assistance rate of 71% would apply.

Cirs Fitzpatrick/Brooks:
That the report be received.

Carried

ATTENDANCE: David Craig, Management Accountant – Operations, was present for the following item.

A&S-0322-264 Financial Report for the year to 31 January 2022 **F275-001-02**

The Financial Report for the Assets and Services and Property and Community Facilities (including parking) Departments for the year to 31 January 2022 was presented to members.

Mr Craig noted for the reporting period there is a surplus of \$2.9M. Income is favourable to budget by \$20.0M, expenditure is unfavourable to budget by \$17.1M and Capex is unfavourable to budget by \$27.5M.

The major variances between year to date actual and budget were noted as: Roading emergency reinstatement costs following the July 2021 storm event are above budget by \$17.0M and are offset by increased roading subsidies of \$16.0M. Other flood damage repair costs of \$1.8M have been incurred to date, predominantly within the Flood Protection Activity, and will be subject to an insurance claim. Any resulting shortfall will be funded from Emergency Reserves. There are some related savings of \$0.5M in minor works contracts.

Development contributions (\$1.3M) and Reserve fund contributions (\$0.7M) are both favourable to budget because of levies charged for the latest stages of the Rose Manor and Wai Iti subdivisions.

Vested assets are favourable to budget by \$1.4M. Accounting entries have been completed for vested assets of \$1.93M in relation to stages 7C-E of the Rose Manor subdivision development. Further entries are anticipated in February-March for Westwood stage 2 and Wai Iti stage 1 developments, with a total estimated value of \$6.65M.

Trade waste revenue is unfavourable to budget by \$525,000. Dump fee revenue is favourable to budget by \$419,000. This reflects the fee increase implemented to recover the \$10 per tonne Waste Levy increase imposed by Central Government.

Grant expenditure is favourable to budget by \$491,000. Approval has been given to make quarterly advance payments to Marlborough Kaikoura Trail Trust for Whale Trail funding.

Network and Asset Management costs are unfavourable to budget by \$966,000. Council budgets for 60% of this cost under its roading renewal activities.

It was noted that year to date capital expenditure of \$31.0M remains ahead of the comparative period for last year at \$22.8M. The Forecast values have been updated to reflect the best estimate of expected year end results. Further work is required to improve the accuracy of the forecast values and particularly so for capital expenditure.

Members were advised that capital expenditure is forecast at \$85.7M. It was noted this is a very optimistic assessment and is more likely to be in the \$65M - \$70M range.

Cirs Peters/Dawson:
That the financial report for the period ended 31 January 2022 be received.

Carried

A&S-0322-265 Road Exchange Proposal – 3608 State Highway 6, Havelock R800-004-H14

Members noted that the purpose of the report was to consider an application for a road stopping in exchange for an easement involving land at 3608 State Highway 6, Havelock and the provision of a 10 m wide esplanade strip.

Members were advised that the applicant wants to stop a section of unformed road within the property to enable expansion of their mussel shell business and essentially in exchange grant an easement along the boundary with State Highway 6, Havelock and the provision of a 10 m wide esplanade strip.

A plan of the proposal was attached to the agenda item for members' information.

It was noted that the public would not be denied access to the river given the other options available such as off Readers Road coupled with the provision for the esplanade strip. A number of groups/organisations including the NZ Walking Access Commission were approached and are in support of the proposal.

It was reported that all costs would be the responsibility of the applicants other than the water supply easement documents.

Clr Maher/The Mayor:

- 1. That Council authorise the procedures in terms of Sections 17 and 116, 117 and 120 of the Public Works Act, to be granted an easement and by way of compensation to stop an area of legal road and amalgamate this with the adjoining title and in terms of s237(b) Resource Management Act 1991 and for the owner to grant a 10 m wide esplanade strip. The proposals being as shown on the plan referred to.**
- 2. That such approval be on the basis that the applicant is responsible for all survey, legal, administrative and other costs even if the processes do not proceed for whatever reason.**
- 3. That it be confirmed that Council sees the exchange as an equality of value with no monetary difference to be secured.**
- 4. That any additional easements necessary for services or utilities impacting on the portion of road proposed to be stopped to be created be registered in conjunction with any transfer of land with all costs involved to be the responsibility of the applicant.**
- 5. That as indicated in 1 above, the road once stopped be amalgamated with the applicant's adjoining property such that both titles are held within the one title.**
- 6. That if survey documentation to initiate the processes is not completed within a year of Council's consent, then the application lapses.**
- 7. That the easement documents proposed for the purposes of conveyance of the main Havelock water supply shall be completed by the solicitors appointed by Council at the cost of Council and on the terms deemed necessary for such water supply purposes.**
- 8. That encumbrance documentation, prepared by the solicitor acting for Council at the cost of the applicant, be entered into to cover the fact that there is no immediate zoning for the stopped road pending action by the Policy Unit by way of plan change.**

Carried

A&S-0322-266 Road Stopping/Vesting Exchange Proposal – Higgins Road PN183871#05

It was noted that the report presented sought to obtain Council authorisation of the procedures associated with an exchange proposal under the Public Works Act involving land located in Higgins Road.

By way of background it was noted that the applicants own land in Higgins Road and wish to develop it as a vineyard but are unable to fully do so whilst unformed legal road runs through part of the property. It is intended that the applicant will ensure that a replacement strip of legal road will be formed and vested to ensure continuity of legal access.

A plan of the proposal was attached to the agenda for members' information.

Members were advised that a survey plan will be prepared to enable the legalisation process to be actioned once ratified at Full Council.

Cirs Maher/Brooks:

1. That Council approve:

- a) Pursuant to section 114 of the Public Works Act 1981 the declaration as road the land shown outlined in blue on the attached plan and the vesting of this in Council; and
- b) Pursuant to section 116, 117 and 120 of the Public Works Act the stopping of the area of unformed legal road shown outlined in orange on the attached plan and for this to be amalgamated with the adjoining title held by Talley's.

2. That any easements necessary for services or utilities impacting on the portion of road proposed to be stopped be created and registered in conjunction with any transfer of the land should the exchange be completed with all costs involved to be the responsibility of the applicant.

3. That if the survey documentation to initiate the exchange is not completed within a year of Council consent then any consent shall lapse.

4. That Council shall obtain a valuation, at the cost of the applicant, to define the values of the respective parcels with the applicant to pay compensation to ensure exchange equity.

5. That any approval be on the basis that the applicant is responsible for all costs involved with the proposal.

6. That the applicant shall ensure that the parcel of land to be vested in Council as legal road shall be formed to a standard acceptable to Marlborough Roads with all costs to be the responsibility of the applicant.

NB This may require some added width at the corner leading into the road proposed to be vested to ease the acute angle of that corner.

7. That there be no severance parcel resulting from the road formation, with any severance areas being amalgamated into adjoining land.

8. That encumbrance documentation, prepared by the solicitor acting for Council at the cost of the applicant, be entered into to cover the fact that there is no immediate zoning for the stopped road pending action by the Policy Unit by way of plan change.

Carried

A&S-0322-267 Waste Fees and Charges

W300-006-008-14

Members noted that the purpose of the report was to gain approval to implement the proposed waste fees and charges from 1 July 2022.

Mr Coningham reported that the annual review of waste fees and charges has been completed. This year will see a significant increase in landfill gate fees predominantly attributable to the changes in the waste disposal levy, carbon price and aftercare/reserve provisions at the regional landfill site. Cost recovery for these increases is via increased gate fees, and amendment to the kerbside refuse collection targeted rate.

During discussion it was noted that there is no alternative option to these revised waste fees and charges as they are initiated by Government legislative changes designed to support the policy of landfill avoidance. Any attempt to reduce the impact of these changes would undermine this policy approach.

Clr Fitzpatrick/Mr Hunter:

That Council agrees to:

- 1. Recover all costs associated with an increase in the waste disposal levy, landfill carbon price, landfill aftercare/reserve provisions, and contract escalations from user pays (gate fee) contributions and an amendment to the kerbside refuse collection targeted rate.**
- 2. Implement the updated waste fees and charges with effect from 1 July 2022.**

Carried

Clr Peters requested an update on the lease and operation of Council's vineyard/land adjoining the regional landfill site. Clr Taylor noted she will discuss with Council staff on providing a report either to a future Committee meeting or Council briefing.

ATTENDANCE: Dean Heiford, Manager Economic, Community and Support Services, was present for the following item.

A&S-0322-268 Powerhouse Reserve Management

A200-002-22, PN530442#08

Members noted that the purpose of the report was to review and approve the future management structure for the Powerhouse Reserve, Picton. An image of the Reserve was shown (presentation filed in CM Record No. 2248454).

By way of background members were advised that the Powerhouse Reserve in Picton has been leased to the Picton Seaport Trust (and its predecessors) since 1994. The Picton Seaport Trust (PST) has gradually developed the reserve by renovating existing buildings and relocating other heritage buildings onto the site. This development has been within the lease parameters and Resource Consent U120416 with Building Consents applied for on an as required basis.

Members were advised that the PST is effectively defunct with the manager / administrator having left the district and no other trustees available to pick up the operations of the Trust. Council administration and support in the interim will allow the formation of a new trust and the associated renewal of the resource consent and lease with the Trust. The current funds and assets will be signed over to Council from the current manager / Trust for the wider community.

It was noted that Clr Taylor and staff have been looking at options for the review and revival of a replacement trust. Members of the Picton community have identified that they wish to retain the site and buildings for wider community use.

In response to a query on what the aspirations are for the space. It was noted that once a new Trust is established one of their roles would be to investigate community desires for the space. Presently ideas have been raised regarding the environment and arts. The community see it as an exciting development for Picton with considerable possibilities.

It was noted that the current resource consent needs to be renewed as does the lease with Council. This will provide an opportunity to modernise the deed to more reflect the community desire from a solely heritage focus to dual use of the site and buildings for community organisations and events.

Mr Heiford advised that Council staff will stay engaged for some time to assist any newly formed Trust and consideration will be given to further development of the site for ease of future maintenance.

Clrs Taylor/Andrews:

- 1. That Council take over the administration and management of the Powerhouse Reserve buildings and amenities until a new Trust is formed, new Resource Consent is approved, and a new lease entered into with a suitable legal entity.**
- 2. That approval be given for Council staff to assist with the formation of a new trust in liaison with the Picton Community.**
- 3. That approval be given for Council staff to assist, with the new trust, in applying for a new Resource Consent to reflect the proposed wider community use of the Powerhouse Reserve.**
- 4. That approval be given for Council staff to assist, with the new trust, entering a new lease with Council that reflects the wider community use of the Powerhouse Reserve.**
- 5. That Council agree to delegated authority for Councillors Taylor and Brooks and the Manager, Economic, Community and Support Services to finalise all other aspects of the proposal.**

Carried

ATTENDANCE: Robert Hutchinson, Parks and Open Spaces Officer, was present via Zoom for the following two items and Jane Tito, Parks and Open Spaces was present for the following three items.

A&S-0322-269 Notable Tree Removal Request – Eucalyptus viminalis, Rema Reserve, Hope Drive, Blenheim **R510-034-002-02**

The purpose of the report was to consider a request for removal of a Notable *Eucalyptus viminalis* growing on Rema Reserve, Hope Drive, Blenheim.

Prior to the meeting supplementary information on the notable tree removal request was circulated to members. The following three reports were attached to the agenda for members' information: Post failure Report December 2021 - Tim Lovejoy; Tree Management Review October 2021 - Brad Cadwallader; Climbing Report March 2021 - Tim Lovejoy and the Marlborough District Council Tree Policy - Policy 6.2.4

Members were advised that in accordance with the Council's Tree Policy a postal survey of 125 homes within a 250 metre radius from the tree was undertaken and wider community feedback was also sought. 89 responses were received, 59 from residents and 30 from the general public. Of the responses received 42 of the residents and 5 of the general public sought removal of the tree while 16 of the residents and 25 of the public sought retention of the tree. There was 1 undecided submission.

It was reported that the Eucalyptus undergoes six-monthly visual inspections, a yearly climbing inspection and is visually inspected after winds exceed 75Kmph. The tree is currently healthy, and all identifiable issues have been dealt with either by pruning or stropping branches where these are of concern. A maintenance plan has been developed to manage the 95-year-old tree.

Clr Arbuckle noted his support for retaining the tree and proposed that the recommendation contained within the attached report, 'Tree Management Review October 2021 - Brad Cadwallader', that a low rail fence be installed once all recommended work has been carried out be included in any recommendation to retain the tree. He noted that the tree is healthy and there will always be a cost to preserve trees for the future.

Mr Hutchinson advised that a temporary fence has been installed as a precautionary measure to isolate members of the public from the area immediately beneath the tree and warning signs have been ordered.

It was noted that following the removal of two gums in the area maintenance costs for the tree have increased to \$2500/pa. This is at the high end of tree maintenance costs as staff are reacting to every complaint received from residents. For others it is a set maintenance process of approximately \$500 per year.

During further discussion it was noted that the outcome from the survey of the residents surrounding the tree was that the majority supported the tree's removal. Members noted that the reports refer on a number of occasions to the tree developing a pattern of failure.

It was put forward that in future when sub-divisions are being developed consideration be given to the location and type of tree plantings to ensure they are appropriate for the area and residents of that sub-division both now and in the future.

It was queried whether the current Tree Policy was fit for purpose. A section of the Tree Policy was attached to the agenda item. The recent Picton tree decision was raised and members were advised that there has been subsequent discussions with the landowners who had requested the removal of a tree adjoining their property in Picton.

It was suggested that Clrs Taylor, Brooks and Andrews meet to consider whether a review of the policy is required.

It was noted that a resource consent will be required if the tree is to be removed and members suggested that this be noted in the recommendation.

Clrs Fitzpatrick/Andrews:
That Council approve the request to remove the notable *Eucalyptus viminalis*, from the Rema Reserve, Hope Drive, Blenheim and to move to the next stage of the process.

Carried

NB: Clr Brooks declared an interest in the above Notable Tree Removal Request – Eucalyptus viminalis, Rema Reserve, Hope Drive, Blenheim item and did not take part in discussions nor vote on the issue.

A&S-0322-270 Indoor Facilities Review

R510-014-006-01

Members noted the purpose of the report was to consider a draft report on the stocktake of all facilities in the District to provide for sporting, recreational and cultural use and be updated on finding available space for sporting, recreation and cultural groups. The draft report was attached to the agenda for members' information.

An assessment provided by staff at the November 2021 Assets & Services Committee meeting was that there was limited capacity in Council-owned facilities for additional sporting, recreation and cultural use. Investigations were still underway to consider other community facilities including those on school grounds that may have capacity for additional use.

Members were advised that the report concluded that there is a limited supply of indoor spaces for court sport that can handle high impact activities; a lack of indoor spaces able to accommodate the permanent or semi-permanent set out of apparatus, equipment or flooring such as a boxing rink; and there is an opportunity to have a centralised booking system for all facilities.

Mr Hutchinson noted that discussions are happening with an Australian based company about a centralised booking system and how their programme would fit within our systems and province. So far things are looking positive. If suitable consideration will be given to whether it will be held within the Council network or from outside. Both options are being worked through.

Members noted there were a number of facilities not included in the report. It was reported that the report targeted public community halls and facilities not commercial facilities. The St Christophers Hall was not included and Mr Hutchinson to follow this up. Members to email Ms Tito any further additional facilities.

It was noted that staff are continuing to work with the groups who were seeking a 'permanent home' for their activities. This has not yet been able to be resolved given the requirements for three of the groups to have permanently set-up equipment and an inability to share facilities.

Cirs Brooks/Taylor:

That the report and information be received.

Carried

ATTENDANCE: Grahame Smail, Parks and Open Spaces Officer, was present for the following item.

A&S-0322-271 Picton/Waitohi Community Garden R510-009-H10-05

The purpose of the report was to seek approval for the establishment of a community garden for the Picton/Waitohi community at the Huia Street Reserve, Picton and to confirm funding of \$15,500 for the establishment of the community garden. An image of the proposed site was shown (presentation filed in CM Record No. 2248704).

By way of background members were advised that approval had been given for a community garden to be established in an area of river reserve adjoining Beach Road Reserve. Funding of \$15,500 was approved to help support the establishment of the community garden along with assistance to provide a water supply and meet any consenting requirements. However, due to unforeseen circumstances the project did not go ahead and the Council funding and offer of other assistance was not drawn upon.

It was noted that under the umbrella of Charitable Trust Envirohub Marlborough, a small project group met to reignite the establishment of a community garden largely based on the original 2018 proposal. Council staff have met with the group and advised of an alternative location for the garden at the end of Huia Street within the Huia Street Reserve.

Members of the project group met and considered both the Beach Road site and the Huia Street Reserve and determined the Huia Street Reserve was preferable. A proposal was prepared by the project group for use of the Huia Street site and this was attached to the agenda for members' information.

Mr Smail noted that the project will make good use of the site and the community group have put together a programme and made approaches to a number of community organisations in regards to utilising the space.

Mr Hunter was fully supportive of the proposal and advised that the Marlborough Community Gardens have been communicating with the group and have offered their support. It was noted that to ensure longevity of the initiative expanding into likeminded groups ensures they will be around for some time.

Clr Brooks/Mr Hunter:
That Council:

1. **Approve the establishment of a community garden for the use and benefit of the Picton/Waitohi community at Huia Street Reserve.**
2. **Approve \$15,500 (fifteen thousand, five hundred dollars) as establishment support funding including assistance with the provision of other aspects such as access, fencing, water supply and signage.**
3. **Approve the garden to be established under the auspices of Envirohub Marlborough through a formal lease.**

Carried

ATTENDANCE: Maighan Watson, Project & Contracts Manager, was present for the following item.

**A&S-0322-272 Parking Financial Report for Six Month Period
to December 2021 R800-002-01**

Ms Watson presented the Parking Financial report for the six-month period ending 31 December 2021.

It was noted that at the start of the 2021-22 financial year, the new tariffs for parking fees, leases and permits were introduced across Blenheim and Picton Central Business Districts (CBD's). In November 2021 Central Government lifted the moratorium in place which had previously restricted enforcement for vehicle WOFs, COFs and registrations. This temporary freeze has substantially impacted infringement revenue for the first 5-month period of the financial year.

Members were advised that data for the first 6-month period shows parking revenue is tracking close to budget this is in spite of the 1-hour free parking which does indicate that Council has the balance right. The forecast for the year-end revenue position at six-months is 5% below budget.

It was noted that any adverse impacts of Covid-19 on parking revenue and CBD occupancy levels for the six-month period from January to June 2022 are currently unknown. Consequently, revenue forecasting and the year-end position may be affected.

Clr Arbuckle noted his support for the free parking but queried whether it was sustainable given that the account is in deficit due to the parking building and therefore there is a need to keep reviewing the financial position of the portfolio.

It was noted that as a result of the removal of the 'lollipop' metres and the parking building barrier there has been a decrease in vandalism and spend on consumables.

Clrs Peters/Dawson:
That the information be received.

Carried

A&S-0322-273 Information Package -

Clrs Taylor/Andrews:
That the Assets and Services Information Package dated 10 March 2022 be received and noted.

Carried

The meeting closed at 11.16 am.

Record No. 2249158