



**Report and Minutes of a Meeting of the  
ASSETS & SERVICES COMMITTEE  
held in the Council Chambers, 15 Seymour Street, Blenheim  
on THURSDAY, 17 NOVEMBER 2022 commencing at 9.00 am**

**Present**

Cirs J D N Croad (Chairperson), J C Rosene (Deputy), S R W Adams, S J Arbuckle, D A Dalliessi, B G Dawson, M R L Flight and Mayor N P Taylor

**Also Present**

Cirs B A Faulls, J A Arbuckle, B J Minehan and T P Sowman

**Also Present via Video Link**

Clr R J Innes (from 9.11am)

**In Attendance**

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

**Apologies**

No apologies were noted

**A&S-1122-157 Declaration of Interests** -

Mayor Taylor and Clr Faulls declared an interest in Item 5 Draft Responsible Camping Bylaw 2022 Update.

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

**A&S-1122-158 Financial Report for the year to 30 September  
2022** **F275-001-02**

The Financial Report for the Assets and Services and Property and Community Facilities (including parking) Departments for the year to 30 September 2022 was presented to members.

Mr Craig advised that the report is an Actual versus Budget variance report and it is important to appreciate that the reports do not show all sources of funding or the application of those funds.

It was reported that budget values include 2021-22 carryovers, which were approved in the August meeting cycle. The Forecast column provides projected end of year outcomes and are continually updated as progressed through the year. Entries have been completed to account for September revenues and expenditures, including outstanding retention values of \$2.15M for 41 separate construction contracts.

Members were advised that for the reporting period there is a surplus of \$0.2M. Income is unfavourable to budget by \$1.6M, expenditure is favourable to budget by \$1.8M and Capex is unfavourable to budget by \$17.2M.

The major variances between year to date actual and budget were detailed in the agenda item.

Members are welcome to contact Mr Craig directly if they have any queries.

**Cirs Dawson/Flight:**

**That the financial report for the period ended 30 September 2022 be received.**

**Carried**

**A&S-1122-159      Approval of Amendment to Victoria Domain  
Reserves Management Plan      R510-014-029-01**

Mr Lyall, Council's Manager Property and Community Facilities, noted that the purpose of the report was seek approval from the Committee on an amendment to the Victoria Domain Reserves Management Plan provisions specifically regarding the use of Memorial Park for vehicle and boat trailer parking. Two images of the temporary parking areas were shown (CM Record No 22241854)

By way of background members were advised that in June 2021, the Marlborough District Council (Council) adopted the new Victoria Domain Reserves Management Plan (Plan) after a comprehensive public consultation process. The new Plan allocated an area within Memorial Park for temporary parking.

During the 2021-2022 Christmas period the demand for vehicle and trailer parking exceeded the available parking area causing impacts on the surrounding area. This resulted in a number of traffic safety issues for the wider community along with a number of complaints being received.

Council met with Port Marlborough staff and the Picton Police seeking solutions to the parking supply and traffic safety issues before the next busy boating period in Easter 2022. A number of solutions were viewed as a potential remedy for the future with Council approving the proposed change to the Victoria Domain Reserves Management Plan and that it be notified for public submission.

The Hearings Committee that had heard the original submissions to the Plan were reconvened to hear submissions on the proposed change. Following on from the hearing and in considering evidence presented by submitters the Hearing Panel made the following recommendations.

- a) A proposed helicopter landing site should be secured within Memorial Park and the remainder of Memorial Park be made available for temporary parking at peak times over holiday periods.
- b) Efficient control and management by Port Marlborough of the temporary parking area including pedestrian accessways on Memorial Park is necessary to provide the best community outcome.
- c) Council's Park Booking system will be used for holiday periods with peak parking requirements.
- d) A licence to occupy the reserve area to be used for parking will be entered into between Port Marlborough and Council to meet Reserve Act requirements.
- e) Council and Port Marlborough work together on a strategic plan for trailer parking in the Picton Marina vicinity.

Members raised whether the area identified is sufficient to accommodate the increasing boat numbers. Mr Lyall advised that Port Marlborough had noted at the Hearing that they were reasonably comfortable that the area would cater for the demand and will be managed to maximise the parking area. It was noted that Port Marlborough is also looking to free up some berthage area around the ramps so that parking/cueing space for boats is increased to alleviate congestion when boats are waiting to berth/or exit the marina.

In response to a query on the proposed temporary parking being located on grass and possible damage and the cost associated with that. Mr Lyall advised that a Licence to Occupy will be put in place with conditions included to mitigate any damage should that occur.

As part of discussions, it was noted that bollards will be installed to identify and separate the helicopter area from the parking area and the area for dog walkers would be clearly defined to ensure safety for all users.

**Cllrs Dawson/Dalliessi:**

- 1. That the Hearing Panel Decision Report of 30 September 2022 be received.**
- 2. That Council approves the amendments to the Victoria Domain Reserves Management Plan as noted in the Decision Report in accordance with Section 41 of the Reserves Act 1977.**

**Carried**

ATTENDANCE: Jane Tito, Council's Manager, Parks and Open Spaces, was present for the following item.

## **A&S-1122-160     Draft Responsible Camping Bylaw 2022 Update** **R510-005-17-01**

Ms Tito advised that the purpose of the report was to provide an update on progress of the Draft Responsible Camping Bylaw 2022.

In summary it was reported that Council reviewed its Freedom Camping Control Bylaw 2012 in 2019/20. After consultation and notification of a draft bylaw, the Responsible Camping Control Bylaw 2020 (2020 Bylaw) was adopted by Council on 27 November 2020, becoming effective from 1 December 2020. The bylaw provided for freedom camping at five sites across Marlborough (Wairau Diversion, Lake Elterwater, Renwick Domain, Taylor Dam and Wynen Street carpark, Blenheim).

In response to the adopted 2020 Bylaw, a claim for judicial review was lodged with the High Court in May 2021. The main points from the claim were detailed in the agenda item.

The Council decided to undertake further consultation to address these points and to consider other matters that had arisen since the 2020 Bylaw was adopted. Submissions closed at the end of January 2022 and 91 submissions were received.

A Hearing Panel consisting of Martin Williams (independent commissioner), former Mayor John Leggett and current Mayor Nadine Taylor heard from 20 submitters at a hearing on 28 March 2022. From considering submissions and also the decision of the High Court, the Hearing Panel issued an interim decision on 14 April.

The interim decision recorded that the 2022 Bylaw should be adopted in the form proposed in the Statement of Proposal, but the Panel also directed that further assessment of six sites and the five valley road areas should be undertaken by an independent consultant.

Following completion of the assessments the Hearing Panel determined that further submissions should be sought on the inclusion of the additional following sites and roads detailed in the agenda item.

44 submissions have been received and a hearing is scheduled for 6 December 2022.

Members were advised that once a final decision is issued from the Hearing Panel, the Council will be required to formally approve the bylaw, following the bylaw making requirements of the Local Government Act 2002.

**Cirs Dawson/S Arbuckle:**  
**That the information be received.**

### **Carried**

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

## **A&S-1122-161     Proposed Mountain Bike Skills Areas and New** **Tracks – Wither Hills Farm Park     R510-014-024-07**

It was noted that the purpose of the report was to decide whether to enable development of a permanent mountain bike skills area and new tracks in and around the Gentle Annie and Rotary Lookout Tracks on the Wither Hills.

Clr Croad advised that consultation for the proposal closed on 9 November 2022. This hasn't provided sufficient time to consider the submissions received and to make an informed decision.

Clr Croad then moved a motion that the item lie on the table to be discussed at the Council meeting on 15 December 2022 and prior to the Council meeting a workshop be held to provide members with an understanding of the proposal.

**Cllrs Croad/Rosene:**

1. **That the issue of the Proposed Mountain Bike Skills Areas and New Tracks – Wither Hills Farm Park Development lie on the table to be discussed at the Council meeting on 15 December 2022.**
2. **That prior to the Council meeting a workshop be held to provide members with an understanding of the proposal.**

**Carried**

NB: The following item was brought forward from Item 8 on the agenda.

ATTENDANCE: Cllr Innes withdrew from the meeting at 9.50 am during the following item.

ATTENDANCE: Robert Foitzik, Council's General Counsel was present via video link for the following item.

## **A&S-1122-162 Approval of Revised Terms of Reference (ToR) for Assets and Services Committee L150-016-38-03**

Mr Foitzik advised that the purpose of the report was to revise the Terms of Reference for the Assets & Services Committee. The Terms of Reference were attached to the agenda item.

Members discussed the ToR and noted that a quorum number had not been indicated. It was reported that information on meeting quorums is contained within Council's Standing Orders which were adopted on 27 October 2022.

It was suggested that the ToR could defer to the Standing Orders and the Mayor proposed an amendment to the recommendation to include that the Quorum noted in the Standing Orders which Council adopted on 27 October 2022 be included in the ToR.

Before the motion was put Cllr Arbuckle noted that the current delegation limitations did not allow for committees to temporarily amalgamate if required. Examples of when this is likely to occur were identified and discussed. At the conclusion of the discussion it was agreed that the recommendation include an amendment to reflect the ability of committees to amalgamate albeit temporarily.

It was also noted that the Rivers and Drainage networks were included under the Activities Areas but were not included under the Responsibilities and Key Projects. Members agreed that they be included as an amendment to the motion.

**The Mayor/Cllr Dawson:**

**That the Committee approve the following amendments to the Terms of Reference:**

- (a) **Quorum - adopt the Quorum as contained in Standing Orders adopted on 27 October 2022.**
- (b) **Delegation Limitations – amend to allow the Committee Chair to refer matters to other committees if deemed appropriate**
- (c) **Responsibilities and Key Projects – add Rivers and Drainage networks**

**Carried**

*Postscript: Further discussion on the ToRs was undertaken at the subsequent Environment & Planning Committee and Economic, Finance & Community Committee meetings and the amendments agreed to at this meeting were applied to all ToRs. The updated ToR for this Committee are attached.*

## Assets & Services Committee

|                      |   |
|----------------------|---|
| <b>Chair</b>         | David Croad   |
| <b>Deputy Chair</b>  | Jonathan Rosene   |
| <b>Membership</b>    | Scott Adams<br>Sally Arbuckle<br>Deborah Dalliessi<br>Brian Dawson<br>Matt Flight<br>Mayor Nadine Taylor<br>Iwi Representative (to be advised)  |
| <b>Quorum</b>        | The quorum as per clause 11.1 of the Standing Orders 2022 for a meeting of the Committee is:<br><br>(a) half of the members physically present, where the number of members (including vacancies) is even; and<br>(b) a majority of the members physically present, where the number of members (including vacancies) is odd. |
| <b>Meeting Cycle</b> | 6 weekly  |
| <b>Reports to</b>    | Full Council  |

### Responsibilities

This Committee is responsible for reviewing strategy and policy for Council's infrastructure. In fulfilling their role on the Assets and Services Committee, members shall be impartial and independent at all times

#### Activity Areas

1. Water, wastewater (sewerage) and storm water
2. Roads including road network; road safety (including walking and cycling strategies), parking, public transport
3. Solid waste and waste management (including recycling)
4. Rivers and drainage
5. Climate Change Action Plan
6. Road naming
7. Parks and Open Spaces Reserves
8. Sporting Reserves and Facilities
9. Community facilities and Halls
10. Cemeteries
11. Public conveniences
12. Regional Transport Committee (Statutory Committee)
13. Civil Defence Emergency Management Group (The delegation to act as this group is given to the Assets and Services Committee)

#### Responsibilities and Key Projects

1. Contribute to the preparation or amendment of Annual Plan and Long-Term Plans
2. Oversee preparation and approval of 30-year Infrastructure Strategy and Asset Management Plan
3. Delivery of Annual Work Programme;
4. Overseeing provision of capital and maintenance programmes to deliver effective:

- a) water, wastewater and storm water networks (including collection, treatment, reticulation and disposal), and
  - b) rivers and drainage networks, and
  - c) road network (including roads, bridges, footpaths, cycleways, wharves, landscaping and ancillary services and facilities, areas of public amenity and street lighting).
5. Overseeing provision of transportation planning, public transport and road safety.
  6. Regional Transport Committee: prepares the Regional Land Transport Plan or any variations to the Plan for approval by Council and provides Council with advice and assistance in relation to its transport responsibilities)
  7. Overseeing provision of solid waste collection and disposal services (including kerbside solid waste and recycling collection services, waste minimisation programmes, landfills and transfer stations).
  8. Oversee the management and future planning for Parks and Open Spaces and Sporting Reserves and Facilities
  9. Oversee the management and future planning for community facilities, halls, cemeteries and public conveniences.
  10. Oversee the implementation, review and ongoing development of Council's Climate Change Action Plan
  11. Overseeing the development, maintenance, monitoring and evaluation, and implementation of the Group Plan as required under section 17 (1)(i) of the Civil Defence and Emergency Management Act 2014

## Powers

The Assets and Services Committee will have delegated authority to carry out activities within its terms of reference and the activity areas listed above (excluding all powers reserved to the Council by law, or by resolution of the Council).

The committee has:

1. All powers necessary to perform the committee's responsibilities, including:
  - a) approval of a submission to an external body
  - b) establishment of working parties or steering groups.

~~1. The committee has the powers to perform the responsibilities of another committee, where it is necessary to make a decision prior to the next meeting of that other committee.~~

~~2. If a policy or project relates primarily to the responsibilities of the Assets and Services Committee, but aspects require additional decisions by Council, the Assets and Services Committee has the powers to make associated decisions on behalf Council. For the avoidance of doubt, this means that matters do not need to be taken to more than one of these committees for decisions.~~

**2. Associated decision:** If a matter relates primarily to the responsibilities of the Assets and Services Committee, but aspects require additional decisions by the Civil Defence Emergency Management Group, Regional Transport Committee, and/or Road Naming Sub-Committee, then the Assets and Services Committee has the powers to make associated decisions on behalf of those other committee(s). For the avoidance of doubt, this means that matters do not need to be taken to more than one of these committees for decisions.

**3. Referral of decisions:** The Committee may, from time to time, refer matters which it would ordinarily consider, to another Committee, if it considers the matter/project would be better dealt with by that other Committee.

**4. Referral for urgency:** The Committee Chair is authorised to refer urgent matters to the Council for decision, where this Committee would ordinarily have considered the matter. The Chairperson must make this referral in writing stating reasons for the referral.

### **Power to Act**

The Assets and Services Committee will:

1. Approve the adoption of strategies, polices and plans that relate to any activity area listed above where authorised by the Council;
2. Maintain the Council strategic relationships with NZ Transport Agency/Waka Kotahi;
3. Lodge and present submissions to external bodies on policies and legislation relevant to the Assets and Services Committee's Terms of Reference and any activity area listed above. (Note: Where timing constraints apply, the Chairperson (or in their absence, the Deputy Chairperson) has the authority to lodge submissions and seek retrospective approval;
4. Approve the review of bylaws under the Assets and Services Committee's jurisdiction and consider submissions; and
5. Initiate commencement of a consultation process, excluding initiating the special consultative procedure under the Local Government Act 2002 related to any activity area listed above.

### **Power to Recommend**

The Assets and Services Committee will:

1. Recommend the adoptions of strategies, policies and plans that relate to any activity area listed above where the final decision must be made by the Council;
2. Consider any proposal where public consultation is (or may be) required (including the use of the special consultative procedure) related to any activity area listed above, and to make recommendations to the Council as appropriate;
3. Recommend adoption of any new or amended bylaw related to any activity area listed above; and
4. Prepare a draft Assets and Services Strategy and recommend it for approval by the Council as part of the Long Term Plan.

## **Delegation Limitations**

The Assets and Services Committee may not delegate any of its responsibilities, duties or powers and its powers exclude powers that cannot be delegated to committees under the Local Government Act 2002.

## **Procedure**

The Chairperson will report back to the Council with recommendations of the Assets and Services Committee at the next Council meeting following each committee meeting.

NB: The following item was brought forward from Item 10 on the agenda.

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

## **A&S-1122-163 Bluegums Alternatives Assessment Review** **C315-21-039-02**

Mr McNeil noted that the Bluegums landfill consent expires in 2030. The report, referred to as an *Alternatives Assessment Review* and attached to the agenda item, sets out the process to obtain a new resource consent for the site with the recommendation that work begins in 2023 at a cost of up to \$150k excluding GST, funded from the existing Bluegums Landfill capital budgets.

It was noted that there are currently several landfill consent applications being undertaken across New Zealand which has provided an insight into the opportunities and challenges associated with the process and highlighted that where adequate information or evidence of alternatives has not been presented the resource consent process has experienced considerable time delays.

Members were advised that the process that is followed in support of the resource consent application will determine whether the continuation of landfill operations is appropriate for the Bluegums location. The process will also identify other options for managing residual waste.

It was reported that the whole community is included in the Alternatives Assessment Review for Bluegums landfill.

**Cirs Rosene/Dawson:**

- 1. That the report be received.**
- 2. That the process of obtaining a resource consent for Bluegums landfill post 2030 commences during 2023 with the undertaking of an Alternatives Assessment review at a cost of up to \$150k funded from the existing Bluegums landfill capital budgets.**

**Carried**

ATTENDANCE: Marlborough Stadium Trust's Luke van Velthooven (Trust Chairperson) and Matthew Kerr (Treasurer) were present for the following item.

## **A&S-1122-164 Marlborough Stadium Trust – Annual Report** **R300-001-04**

Messrs van Velthooven and Kerr presented the Marlborough Stadium Trust's audited annual accounts and a report on its activities for the past financial year. A graph of the Marlborough Stadium Trust's 14 Year Trends was shown (filed in CM Rec. No. 22242483)

Members noted that a link to the Annual Report was included in the agenda item.

Members acknowledged the presence of Mr van Velthooven's family and Stadium staff in the public gallery.

The Council made a presentation to retiring Trustee (and Chair) Luke van Velthooven in recognition of his 26 years of service to the Marlborough Stadium Trust. The Mayor took the opportunity to thank Mr van Velthooven for his years of service to the Trust and the Marlborough community at large.

**Clr Croad/The Mayor:**

**That the Marlborough Stadium Trust's Annual Report and financial accounts for the year ended 30 June 2022 be received.**

**Carried**

ATTENDANCE: The meeting adjourned at 10.56 am and resumed at 11.24 am

ATTENDANCE: The Mayor withdrew from the meeting at 11.27 am during the following item.



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

## **A&S-1122-165 July and August 2022 – Extreme Wet Weather Across Marlborough and Flooding Impacts on Council Controlled River Systems E210-017-06-01**

Members noted that the purpose of the report was to provide an initial summary of drainage and flooding impacts of the wet weather that occurred over the winter of 2022, and response completed or underway. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 22242548).

In summary Mr Dick reported that winter (July and August) 2022 was generally very wet across the Marlborough Region and culminated in an extreme rainfall event that affected the whole of the top of the South Island on 16-20 August 2022. During the August event over 1000mm of rain fell in parts of northern Marlborough including the Upper Rai Valley and adjacent Sounds.

The wet winter and the very large August storm caused further major damage to parts of the regions roading network and significant flooding in many rivers and streams. In addition the August storm caused groundwater table levels on the Wairau plains to rise above ground level.

It was noted that a substantial emergency response was required (and is still underway) particularly to Council's roading network. In addition, the flooding impacts from the August storm has caused additional flood damage to Wairau Scheme assets plus many farms and private properties. There has been a large number of calls by landowners for recovery advice and assistance where appropriate.

Wairau Scheme flood works contained this second very large flood in 12 months. The peak flow was recorded at 4250 cumecs on 20 August or around a 25 year return period event. It was noted that the completed July 2021 flood damage repairs including some temporary holding works came through this second event well.

Members were advised that assessment of additional necessary repairs, to Wairau Scheme assets, plus any additional work recommended in Wairau Scheme tributaries, Picton and Sounds watercourses is still underway. A recommended updated repair work programme taking into account remaining July 21 flood damage and August 2022 repairs is proposed to be tabled at the Assets & Services February 2023 meeting

**Cirs Dawson/Adams:**

**That the Committee receive the attached report and notes that:**

- (a) assessment of additional repairs and maintenance works is still underway including landowner assistance outside core Wairau Scheme and Picton/Waikawa works, with the aim to report back in February 2023.**
- (b) that work is already underway to further refine options for flood risk reduction for the lower terrace at Renwick that was significantly affected by the July and August rainstorms.**

**Carried**

ATTENANCE: The Mayor rejoined the meeting at 12.06 pm during the following item.

## **A&S-1122-166 Information Package** -

**Cirs Croad/Rosene:**

**That the Assets and Services Information Package dated 17 November 2022 be received and noted.**

**Carried**

## **A&S-1122-167 Decision to Conduct Business with the Public Excluded**

Cllrs Croad/Dawson:

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

- Land Acquisition
- Road Widening

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:

| <b>General subject of each matter to be considered</b> | <b>Reason for passing this resolution in relation to each matter</b>  | <b>Ground(s) under Section 48(1) for the passing of this resolution</b>  |
|--|---|--|
| Land Acquisition<br>Road Widening                      | To enable the Council, as holder of the information, to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) 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 12.11 pm.

Record No. 22242570