



**Report and Minutes of a Meeting of the
ASSETS & SERVICES COMMITTEE**
held in the Scenic Hotel, Marlborough Room, 65 Alfred Street, Blenheim and via Zoom
on THURSDAY, 25 AUGUST 2022 commencing at 9.00 am

Present

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

Present via Zoom

Clr J L Andrews

Also Present

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

Also Present via Zoom

Clr D D Oddie

In Attendance

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

Apologies

No apologies were received.

A&S-0822-48 Declaration of Interests -

Clr Taylor declared an interest in Item 6 - Oxford Street Picton Intersection – Heavy Traffic Control and Item 7 – Picton Truck Parking. Clr Fitzpatrick assumed the Chair for these items.

Clr Maher declared an interest in Item 12 – A&P Park Sheep Pavilion – Funding Request

ATTENDANCE: Dr John Forrest, Council Nominated Trustee and Luke Van Velthooven, Chairperson Whale Trail Trust were present for the following item.

A&S-0822-49 Whale Trail Project Update – August 2022

C230-001-C02

Members were provided with a progress update for the Whale Trail. A powerpoint presentation was shown, highlighting the progress to date (filed in CM Record No. 22172256).

It was noted that the Clip-On section for the Wairau Bridge is ready for use. The project was completed on time and under budget. A blessing was conducted yesterday and an official opening will be scheduled for a later date. The bridge and clip-on section came through the recent flooding event relatively unscathed.

The Awatere Bridge element has 100% design approval from KiwiRail and an MoU with KiwiRail re overall support for project and maintenance and ownership post construction has been signed. The project is currently out to tender. Targeting completion for mid-2022.

John Forrest acknowledged the significant and tireless work being undertaken by volunteers over a considerable amount of time and without that input and commitment the project would not be where it is today.

It was reported the trail has received support from Te Rūnanga O Kaikōura with representation for Rūnanga on the Trust Board. There is ongoing work to find solutions for culturally sensitive areas. Assessment of inland route options have been completed from Clarence/Waitoa to Hapuku previously (NCTIR section). It was noted that this inland route is out of scope of the current project.

Trail infrastructure is an important aspect of the trail with regular rest areas and toilets being installed. The Trust is connecting with other funders for specific enhancements eg Yealands Sustainability grant for plantings which will be appropriate for their location. The Trust is working with Rotary to assist coordination of volunteers. Storytelling will be an exciting aspect of the trail and cultural interpretation will be developed with iwi.

Future funding and ongoing maintenance of the trail was raised and a response was provided by Mr van Velthooven.

Cirs Peters/Dawson:
That the information be received.

Carried

NB: The following item was brought forward from Item 12 on the agenda.

ATTENDANCE: Mr Robert Hutchinson, Council's Parks & Open Spaces Officer, was present via zoom for the following item. William Harris, President A&P Association and Jane Tito, Manager Parks and Open Space were present for the following item.

A&S-0822-50 A&P Park Sheep Pavilion - Funding Request **R510-009-A01-01**

Jane Tito noted that the purpose of the report was to seek Council's approval for funding to assist in the restoration works for the historic Sheep Pavilion at A&P Park. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 22172413).

It was reported that the A&P Association had submitted to the Annual Plan 2019/20 for financial assistance to repair the historic Sheep Pavilion at A&P Park with the decision that it be referred to the Assets and Services Committee for consideration. The Sheep Pavilion will turn 100 years old in 2023.

Staff have worked alongside the A&P Association and Heritage New Zealand to identify the work required to repair and strengthen the pavilion including the engagement of a heritage consultant to develop a conservation plan for the repairs. The A&P Association also engaged a quantity surveyor to evaluate the restoration works involved and provided a costing for review by Council and Heritage New Zealand. The restoration plan was provided to Heritage New Zealand for assessment and was accepted in mid-2021.

Since the evaluation in 2021 the cost of repair has increased from \$94,000 to \$127,500. Discussion has been had and an agreement has been proposed for a 50% split of the costs of the repair with the A&P Association. It is proposed that the Council portion of \$63,750 could be funded from the Forestry and Land Development Reserve.

It was noted there could be additional costs as further issues may be discovered once repairs are underway. Long term there is A&P budget to deal with maintenance that arise in the future.

In response to a query regarding other funding sources William Harris, President A&P Assn advised that the Association is working hard to source additional funding and coming up with fundraising ideas. There is also potential for the site to be available for other users. Consideration is also being given for the removal of some of the sheep pens to enable the Farmers Market to expand.

Cirs Brooks/Peters:
That Council approve funding from the Forestry and Land Development Reserve of \$63,750 as a 50 percent share of costs to fund restoration works on the Sheep Pavilion at A&P Park.

Carried

NB: Clr Maher declared an interest in the above A&P Park Sheep Pavilion – Funding Request and did not take part in discussions nor vote on the issue.

ATTENDANCE: Mr David Craig, Council's Finance & Information Supervisor, was present for the following two items.

**A&S-0822-51 Interim Financial Report for the year to 30 June
2022 F275-001-02**

The Interim Financial Report for the Assets and Services and Community Facilities (including Parking) Departments for the year 30 June 2022 were presented.

Major variances between year to date actual and budget were noted and further detailed in the report.

In particular it was noted that metered water sales are unfavourable to budget by \$457k due to high rainfall impacting SVIS irrigation sales and reductions in Havelock and Renwick water usage following the introduction of water meters. This is the first year that Renwick residents have been charged for water usage.

Trade waste revenue is unfavourable to budget by \$1.04M. Charges are based on the volume of water used through the metered connections of commercial and industrial properties that have a sewer flow greater than the average domestic property. It was reported that trade waste has been down for a number of years. A review is underway for trade waste charges and as part of that there will be a reassessment of those budgets.

Clrs Peters/Dawson:
That the financial report for the period ended 30 June 2022 be received.

Carried

A&S-0822-52 Budget Carryovers F275-001-02

Members noted that the purpose of the report was to present the 2021/22 departmental carryovers for approval.

A number of works scheduled for completion in 2021/22 did not proceed (or were not completed) for a variety of reasons. Details of these works were recorded on the schedule which was attached to the agenda item.

It was noted that since funding for the works was determined in the 2021/22 Annual Plan it is now necessary to amend the 2022/23 budgets to reflect these 'carryovers'. There is no additional rating impact arising from the 'carryover' action.

Clrs Peters/Dawson:
That the 2022/23 budgets be amended to incorporate the 2021/22 carryovers.

Carried

**A&S-0822-53 Oxford Street Picton Intersection - Heavy Traffic
Control R800-007-02**

The purpose of the report was to decide whether Council installs traffic islands to impede the path of heavy vehicle traffic using Oxford Street in Picton as a connector from Kent Street to Nelson Square.

Before the item was discussed Richard Coningham advised members that there has been further discussion with the Regional Transport Association who have continued concerns in relation to sight lines and speed.

Clr Maher supported Mr Coningham noting that it would be unwise to proceed and proposed that the item lie on the table for further work to be undertaken.

Clrs Maher/Brooks:
That the issue of Oxford Street Picton Intersection - Heavy Traffic Control lie on the table for further work to be undertaken.

Carried

NB: Clr Taylor declared an interest in the above Oxford Street Picton Intersection – Heavy Traffic Control and did not take part in discussions nor vote on the issue. Clr Fitzpatrick assumed the chair.

A&S-0822-54 Picton Truck Parking

R800-007-02

Members noted that the purpose of the report was to determine whether to proceed with investigation and community consultation on options for addressing truck parking issues in Picton. Investigation of options and community consultation could occur throughout 2022/2023. Options could include a Bylaw and be implemented early in 2024.

Members supported Council beginning a process of alternate options for truck parking and community consultation which could include a truck parking bylaw aiming at implementation early in 2024.

Cllrs Maher/Brooks:

That Council begins a process of investigation of alternate options for truck parking and community consultation which could include the implementation of a truck parking bylaw in early 2024.

Carried

NB: Cllr Taylor declared an interest in the above Picton Truck Parking item and did not take part in discussions nor vote on the issue. Cllr Fitzpatrick assumed the chair.

A&S-0822-55 Adoption of a Road Stopping Policy – Decision

L150-023-002-34

Mr Coningham noted that the purpose of the report was to seek the Council's approval to adopt the Urban Road Stopping Policy. The policy was attached to the agenda for members' information.

It was noted that the Marlborough District Council does not currently have a policy for stopping roads within the district. The policy was prepared on the basis that each application will be considered on its own merit. Members were advised that the priority will be to maintain Council's assets to ensure that the asset is protected against future demands and requirements, such as intersection upgrades, road widening, off road cycle paths.

Members were advised the policy is only for urban roads and in order to define urban and rural it was considered that the zones already present within the Marlborough Environment Plan was the best way to define which roads were urban.

Cllrs Maher/Fitzpatrick:

That Council adopts the Urban Road Stopping Policy (attached as Appendix 1).

Carried

ATTENDANCE: Mr Brett Walker, Council's Infrastructural Projects Engineer, was present for the following item.

A&S-0822-56 Out of District Water Connection and Wastewater Connection application for 40 Waters Avenue

**W440-003-002-01,
W450-004-004-03, PN533787#04**

Members noted that the purpose of the report was to consider an Out of District Water connection and an Out of District Wastewater connection application.

Mr Walker advised that Council received a request for a water connection and wastewater connection to the old Flight Timbers yard located at the eastern end of Waters Avenue. The site is situated outside of the Residential Zone within the Industrial 2 Zone, hence this application for out of district approval.

The site is no longer used for timber processing and the applicant proposes to lease parts of the site to various tenants. Council's infrastructure has the capacity to serve this property and proposed demand.

**Cllrs Fitzpatrick/Maher:
That Council:**

1. **Approve the Out of District Water connection application subject to the following conditions;**
 - (a) **That the demand on Council's Water infrastructure does not exceed that proposed with this application. The supply for an industrial use is not permitted with this approval.**
 - (b) **That a Water Development Contribution be paid for 1.2 Household Equivalent Units and applied as per the Development Contributions policy.**
 - (c) **The water infrastructure required to achieve a metered connection with backflow prevention connection to the Council wastewater system at the Waters Avenue boundary shall be designed and installed to the approval of Council's Infrastructure Projects Engineer.**
 - (d) **That the property pays Water Rates as per Council's Out of District Connections Rating policy.**
 - (e) **That the applicant be advised approval of these service connections does not imply that resource consent approval will be granted for the proposed activity.**
 - (f) **That failure to complete the physical water connection within one year of this approval will result in forfeit of this Out of District water approval.**
2. **Approve the Out of District Wastewater connection application subject to the following conditions;**
 - (a) **That the demand on Council's Wastewater infrastructure does not exceed that proposed with this application. The discharge from an industrial use is not permitted with this approval.**
 - (b) **That a Wastewater Development Contribution be paid for 4.44 Household Equivalent Units and applied as per the Development Contributions policy.**
 - (c) **The wastewater infrastructure required to achieve a connection and discharge to the Council wastewater system at the Waters Avenue boundary shall be designed and installed to the approval of Council's Infrastructure Projects Engineer.**
 - (d) **That the property pays Wastewater rates as per Council's Out of District connections rating policy.**
 - (e) **That the applicant be advised approval of these service connections does not imply that resource consent approval will be granted for the proposed activity.**
 - (f) **That failure to complete the physical wastewater connection within one year of this approval will result in forfeit of this Out of District wastewater approval.**

Carried

The meeting adjourned at 10.08 am for Councillors to meet with Minister McAnulty. The meeting resumed at 11.39 am.

ATTENDANCE: Jane Tito, Council's Manager Assets & Services, was present for the following two items.

A&S-0822-57 Responsible Camping – Ranger Monitoring
R510-005-05

Members noted the purpose of the report was to seek approval for funding to manage monitoring of responsible camping across the Marlborough region for this financial year.

It was reported that from 2018-2020 Central Government provided funding assistance for monitoring responsible camping within the region. In November 2021 Council approved funding to monitor responsible camping for the 2021/22 holiday season. The funding provides a comprehensive monitoring programme for responsible camping across Marlborough in line with the expectations of the community.

The Responsible Camping Control Bylaw 2020 is currently under review and the monitoring and enforcement function will not change regardless of any changes to the Bylaw. A new Bylaw is scheduled to be in effect for the 2022/23 holiday season.

It was reported that a budget item will be included in the 2023/24 Annual Plan for ongoing funding approval.

It was noted that while the period of monitoring is the same, an increase in funding to \$90,000 is being sought to cover a potential wider monitoring scope and increased operating costs to be funded from the Forestry and Land Development Reserve. The increase will also cover potential changes to the Responsible Camping Control Bylaw 2020, currently under review, with more outer lying areas of the region to be included. It was noted that the previous years' budget had been exceeded.

Members noted the recent weather event and the impact it has had on Rai Valley, French Pass and the Marlborough Sounds and queried whether this would have an effect on the monitoring budget. It was noted that the Sounds was a prohibited area and monitored on complaint basis only. Currently there is no public access and it will remain that way for some time which is likely to have an effect on camping areas in South Marlborough due to the Sounds not being accessible.

In consideration of that Cllr Peters proposed that the wording 'up to' be added to the recommendation to reflect the unknown element this event has thrown up.

Members were advised that the level of monitoring undertaken in recent years has contributed to fewer complaints. It is also clear from submissions received during the recent bylaw process that daily monitoring is regarded as essential by the community and the bylaw itself contemplates regular monitoring of responsible camping sites.

In response to a query regarding monitoring of vehicles to ensure compliance. Ms Tito noted this was monitored last year and will continue to be monitored this year.

Cllrs Peters/Brooks:

That Council approve a responsible camping monitoring budget up to \$90,000 for the 2022/23 year to be funded from the Forestry and Land Development Reserve.

Carried

NB: Cllr Faulls declared an interest in the above Responsible Camping – Ranger Monitoring item and did not take part in discussions nor vote on the issue.

A&S-0822-58 Request to Hold an Event Churchill Glade, Pollard Park R510-009-P06-01

Ms Tito noted that the purpose of the report was to consider a request to use Churchill Glade at Pollard Park for the Savour in the Park Event for three years with this year's event to take place on Saturday 26 November 2022.

Members were advised that no concerns have been identified by staff with the holding of previous events of a similar type at Churchill Glade. The Pollard Park Management Plan clearly anticipates events at Churchill Glade and provision has specifically been made in the Plan to enable the consideration of the consumption of alcohol on this reserve. It was noted that a special licence will be required for the event, which will be dealt with independently of this request.

It was noted that the Council's park booking process for events held at parks and reserves also requires a range of conditions to be met before approval is given.

Cllrs Fitzpatrick/Brooks:

That subject to all conditions being met for events on Council reserves, permission is given to hold the Savour in the Park event at Churchill Glade at Pollard Park from 2022-2024.

Carried

ATTENDANCE: Mr Robin Dunn, Council's Parks & Open Spaces Officer, was present for the following item.

**A&S-0822-59 Wither Hills Farm Park – Mountain Bike Event
Hub and Skills Area R510-009-W03-11**

Mr Dunn noted that the purpose of the report was for Council to consider a request from the Marlborough Mountain Bike Club to establish an event hub and skills area for mountain biking between the Gentle Annie and Rotary Lookout Tracks on the Wither Hills Farm Park; and extend the current Mountain Bike Park on the Wither Hills to include this new area. To highlight this report a powerpoint presentation and video were shown (presentation filed in CM Record No. 22172878 and 22173472).

A report of the proposed works which included details of the locations and descriptions of what is proposed was attached to the agenda for members' information.

Members were advised that as the identified location is outside of the area designated for mountain biking in the Wither Hills Farm Park Management Plan further assessment of the event hub and skills area proposal is considered necessary.

It was noted that a review of the Plan is to be started within the next few months but that will take some time to progress, therefore it is proposed that a specific public consultation on the proposal be undertaken ahead of the review. The outcome of that consultation would then inform the Council of the appropriateness or not of the proposed event hub and skills area being located between two popular walking tracks.

Consultation would commence within the next four weeks and be open for up to six weeks. There would be wide consultation which would include users of the park.

Members were advised that parts of the development of the area would be undertaken in conjunction with the approved development of a track specifically for the National School MTB Championships event scheduled for October 2023.

Cllrs Fitzpatrick/Dawson:

1. **That public consultation on the request by the Marlborough Mountain Bike Club to establish a permanent cross country track, skills area and event hub for mountain biking on the Wither Hills Farm Park in and around the Gentle Annie Track and Rotary Lookout Track be undertaken ahead of the review of the Wither Hills Farm Park Management Plan.**
2. **That the outcome of the consultation be reported to the Committee for a decision on whether to grant the following.**
 - a) **An event hub and skills area for mountain biking between the Gentle Annie and Rotary Lookout Tracks on the Wither Hills Farm Park.**
 - b) **To extend the current Mountain Bike Park area on the Wither Hills to include this proposed skills area.**

Carried

A&S-0822-60 Information Package -

Cllrs Brooks/Dawson:

That the Assets and Services Information Package dated 25 August 2022 be received and noted.

Carried

A&S-0822-61 **Decision to Conduct Business with the Public Excluded**

Cllrs Taylor/Peters:

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

- Tender

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
Tender	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 12.14 pm.

Record No. 22174480

Urban Road Stopping Policy						
Version no	1	CM Reference				
Adopted by		Adopted on				
Last Review date (if applicable)	NA	Next Review date				
		Select review period	1yr		2yr	

Section One: General Information

Purpose

To provide a consistent approach to Road Stopping in Marlborough.

Road stopping is the process of changing legal road land into fee simple land so it can be disposed to the adjoining land owner.

Scope

The Policy applies to the stopping of urban roads in Marlborough. It includes roads within the following zones in the Marlborough Environment Plan:

- Urban Residential 1
- Urban Residential 2
- Urban Residential 3
- Business 1
- Business 2
- Business 3
- Industrial 1
- Industrial 2

It does not cover roads in other zones, such as Rural Living or Rural Environment, or unformed legal roads, (referred to as paper roads).

Road Stopping is approved by Council on a case-by-case basis by way of an application has been made.

Definitions

For the purposes of this policy, unless otherwise stated, the following definitions shall apply:

Term	Definition
Carriageway	The (kerb-to-kerb) section of a street or road that is primarily used by motor vehicles. It is legally defined as roadway.
Encroachment	A road encroachment occurs when public access to a legal road is restricted, or where an area of legal road has been occupied for private use. For example, a driveway or fence which extends onto the road, or a balcony which protrudes over the road
Footpath	The area within the road reserve that is generally reserved for pedestrian use.

Term	Definition
Road	As defined in s 315 of the Local Government Act 1974 and s 43(1) of the Government Roading Powers Act 1989, and includes part of a road. It includes the carriageway, footpath, land that is legally road but not formed as carriageway or footpath, subsoil below the legal road and airspace above the legal road.
Road Reserve	Publicly owned land containing carriageway, paths, grass berms, street furniture, landscaping and/or utilities.
Road Stopping	Road stopping is the process of changing legal road land into fee simple land so it can be disposed to the adjoining land owner.

Responsibilities

Function	Responsibilities
Applicants	Apply to Council for a Road Stoppage.
Council Officers	Assess each application in accordance with this policy and make a recommendation to a Council Committee.
Council Committee	Approve, amend or decline an application in accordance with this policy.
LINZ	The Minister for Land Information, acting for the Minister of Lands, and the Chief Executive of LINZ (CE) have statutory powers under the PWA when dealing with land held by the Crown for public works.

Record of Amendments / Revisions

Record any revisions/amendments which have been made and when.

Details	Approved by Whom	Date
New Policy	Asset and Services Committee	XX XXXX 2022

Section Two: Road Stopping

Road stopping is a process undertaken to change legal road (road reserve) into fee simple land so that it is no longer subject to the law relating to road such as rights of public access. A road can only be stopped if it is considered that the road is no longer needed now or in the future. Once its status as public road is removed it can be disposed of.

Marlborough District Council will consider applications from landowners who consider an area of legal road adjoining their property is no longer required as a road and who wish to purchase it. It is important to understand that even where the road is not suitable for vehicular access (even if formed), its potential use for other public purposes, such as walking access, will be a relevant consideration in deciding whether the road is no longer needed and should be stopped.

An application form to stop a road can be found on the Council website.

<https://www.marlborough.govt.nz/services/roads-and-transport/road-stopping>

Schedule 10 of the Local Government Act 1974 provides details of the process for a road stopping.

LINZS15002: Standard for resumption and stopping of road sets out the procedures to be followed and provides guidance for the stopping of road under the Public Works Act 1981 and the Local Government Act 1974 and the resumption of unformed road by the Crown from territorial authorities under the s 323 of the Local Government Act 1974.

Any application for road stopping must be made by the landowner adjoining the legal road proposed for stopping since a requirement, if the road stopping is finalised, is that it must be transferred and amalgamated with the adjoining land.

Section Three: Consideration of Applications

When an application is received, details are considered by the relevant sections of Council before it is referred to Council for a decision.

Set out below are certain issues that would be considered in assessing any road stopping application:

- The need for the road now and into the future.
- The protection of public utilities.
- Whether or not the road in any application is included in the Council Street Widening Schedule dated May 1988.
- Ranking of the road in Council's road hierarchy and network operating framework.
- Proximity to an intersection so an assessment can be made about a need for future intersection upgrades.
- Adjacent land boundaries so there is consistency in any stretch of legal road.
- Allotment size and possible future use of the land.
- Would it result in a reduction in the road carriageway or footpath width.

It is acknowledged that many urban properties encroach into legal road because of uneven road boundaries, however this does not automatically entitle the adjacent landowner to encroach into the adjacent road and will not automatically result in an application being approved.

Section Four: Process of Road Stopping

Should Council approve commencement, the statutory processes in the Local Government Act 1974 must be followed.

All costs incurred by the Council, including any referral to the Environment Court, will need to be reimbursed by the applicant to Council.