

MARLBOROUGH DISTRICT COUNCIL
15 SEYMOUR STREET
PO BOX 443, BLENHEIM 7240
NEW ZEALAND

TELEPHONE (0064) 3 520 7400
FACSIMILE (0064) 3 520 7496
EMAIL mdc@marlborough.govt.nz
WEB www.marlborough.govt.nz



**MARLBOROUGH
DISTRICT COUNCIL**



13 May 2022

Record No: 2290683
File Ref: D050-001-02
Ask For: Mike Porter

Notice of Council Meeting – Thursday, 19 May 2022

Notice of the Council Meeting to be held in the Council Chambers, 15 Seymour Street, Blenheim on Thursday, 19 May 2022 to commence at 9.00 am.

BUSINESS

As per Order Paper attached.

MARK WHEELER
CHIEF EXECUTIVE



**Order Paper for the
COUNCIL MEETING
to be held in the Council Chambers and via Zoom, 15 Seymour Street, Blenheim
on THURSDAY, 19 MAY 2022 commencing at 9.00 am**

Open Meeting

1.	Karakia	Page	1
2.	Apologies	Page	1
3.	Declaration of Interests	Page	1
4.	Minutes		
4.1	Council – 7 April 2022	Pages	2 - 6
5.	Committee Reports		
5.1	Environment Committee	Pages	7 - 13
5.2	Planning, Finance & Community Committee	Pages	14 - 21
6.	Decision to Conduct Business with the Public Excluded	Page	22

Public Excluded

1.	Public Excluded – Confirmation of Minutes		
1.1	Council – 7 April 2022	Pages	1 - 2
2.	Public Excluded - Confirmation of Committee Reports		
2.1	Planning, Finance & Community Committee	Pages	3 - 5
3.	Legal Agreements	Pages	6 - 7
4.	Development	Page	8
5.	Determination of Items able to be Released to the Public	Page	9

Note: The Environment Committee minutes (open), and the Planning, Finance & Community Committee minutes (open and PE) were circulated separately post the agenda being initially distributed. These minutes are now included in this final version of the agenda.

Marlborough District Council

Order Paper for the
COUNCIL MEETING
to be held in the Council Chambers and via Zoom, 15 Seymour Street, Blenheim
on THURSDAY, 19 MAY 2022 commencing at 9.00 am

1. Karakia

Tēnā koutou, tēnā koutou, tēnā koutou katoa
E te Atua tō mātou Kai-hanga,
ka tiāho te maramatanga me te ora, i āu kupu kōrero,
ka tīmata āu mahi, ka mau te tika me te aroha;
meatia kia ū tonu ki a mātou
tōu aroha i roto i tēnei huihuinga.
Whakakī a matou whakaaro ā mātou mahi katoa,
e tōu Wairua Tapu.
Āmine.

(God our Creator,
when you speak there is light and life,
when you act there is justice and love;
grant that your love may be present in our meeting.
So that what we say and what we do may be filled with your Holy Spirit.
Amen.)

2. Apologies

3. Declaration of Interests

Members are 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.

4. Minutes

- 4.1 Confirmation of the Minutes of the Council Meeting held on 7 April 2022
(Minute Nos. Cncl-0422-304 to Cncl-0422-313)



**Minutes of a Meeting of the
MARLBOROUGH DISTRICT COUNCIL
held in the Council Chambers and via Zoom, 15 Seymour Street, Blenheim
on THURSDAY 7 APRIL 2022 commencing at 9.00 am**

Present

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

Cllr D D Oddie.

In Attendance

Messrs M S Wheeler (Chief Executive), M F Fletcher (Chief Financial Officer) and 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*.

Cncl-0422-304 Declaration of Interests -

Members were reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

A number of declarations were noted in the agenda:

- The various interests as declared under Minute Nos. Cncl-0222-234;
- The interest as declared under Minute No. A&S-0322-262 (Minute No. A&S-0322-269);
- The interest as declared under Minute No. PF&C-0322-e-50 (Minute Nos. PF&C-0222-e-51 and PF&C-0222-e-55); and
- The interest declared at the meeting by Cllr Maher in relation to item 90 under Minute No. Env-0322-281.

Cncl-0422-305 Confirmation of Minutes -

Members discussed the resolution under Minute No. Cncl-0222-252 (Wellbeing Funding) and agreed a third resolution should be added to the original two resolutions to make the thinking behind the motion clearer. The full motion therefore is:

Cllrs Peters/Taylor:

1. That Council agree to funding of up to \$1.26M from the Government Three Waters Better Off package; and
2. That Council agree to undertaking a strategic review of how the balance of Three Waters Better funding be spent.
3. This resolution is subject to receiving clear information from Government before proceeding.

Carried

An error in the commentary under Minute No. Cncl-0222-256 is to be corrected by staff.

The Mayor/Clr Brooks:

That the Minutes of the Council Meeting held on 24 February 2022 (Minute Nos. Cncl-0222-234 to Cncl-0222-259), as amended above, be taken as read and confirmed.

Carried

Cncl-0422-306 Confirmation of Minutes

-

The Mayor/Clr Taylor:

That the Minutes of the Extraordinary Council Meeting held on 4 March 2022 (Minute Nos. Cncl-0322-260 to Cncl-0322-261) be taken as read and confirmed.

Carried

Cncl-0422-307 Confirmation of Minutes

-

The Mayor/Clr Taylor:

That the Minutes of the Extraordinary Council Meeting held on 24 March 2022 (Minute Nos. Cncl-0322-286 to Cncl-0322-287) be taken as read and confirmed.

Carried

Committee Reports

Cncl-0422-308 Assets & Services Committee

-

Members discussed the recommendation under Minute No. A&S-0322-269 and agreed that the Resource Consent process needs to be followed.

Clrs Taylor/Fitzpatrick:

That the Committee report contained within Minute Nos. A&S-0322-262 to A&S-0322-273 be received and the recommendations adopted.

Carried

NB: Clr Arbuckle requested that his vote against Minute No. A&S-0322-269 be recorded.

NB: Clr Brooks reiterated her interest in Minute No. A&S-0322-269 and did not take part in discussion nor vote on the issue.

Cncl-0422-309 Environment Committee

-

Clrs Hope/Croad:

That the Committee report contained within Minute Nos. Env-0322-274 to Env-0322-281 be received and the recommendations adopted.

Carried

NB: Clr Maher declared an interest relation to item 90 under Minute No. Env-0322-281 and did not take part in discussion nor vote on the issue.

Cncl-0422-310 Planning, Finance & Community Committee

-

Staff are to add in the commentary that Ethan Patrick, Youth Council representative, spoke to the Committee.

Clrs Peters/Croad:

That the Committee report contained within Minute Nos. PF&C-0322-288 to PF&C-0322-303 be received and the recommendations adopted.

Carried

Cncl-0422-311 Grants Sub-Committee

Cllrs Andrews/Sowman:

That the Sub-Committee report contained within Minute Nos. Grnt-0322-282 to Grnt-0322-285 be received and the recommendations adopted.

Carried

Cncl-0422-312 2022-23 Annual Plan Update - Have Your Say Document

F230-A22-03

Mr Fletcher reported that the purpose of the report was to adopt 2022-23 Annual Plan, consultation document, called the *2022-23 Annual Plan Update - Have Your Say*. The document was attached to the agenda and an paper copy was circulated prior the meeting.

It was reported that aside from the impacts of COVID-19, there is no significant variation from the Council's 2021-31 Long Term Plan (LTP). The *2022-23 Annual Plan Update - Have Your Say* is a high-level summary which identifies Council's signalled intention to have a rates increase of 5.37%, the impact that has on levels of service and major capital budgets/projects proposed for the 2022-23 year, and the subsequent three years. It also includes a message from the Mayor and how to make a submission. The *2022-23 Annual Plan Update - Have Your Say* will be published on Council's website and can be printed off from there. It will also be made available via local newspapers.

In addition, a number of articles and media releases on this year's Annual Plan projects and programmes will continue to be published on our website, Facebook and Twitter during April. A small number of printed copies of the *2022-23 Annual Plan Update - Have Your Say* will be made available from Council offices and libraries. Council's website will contain supporting information about the Annual Plan, including the agenda from the 24 February Council meeting, which included all the new projects, the budget summary, LTP activity statements, capital expenditure and general financial content at that time.

Members commended those involved in a clear concise document.

The Mayor/Cllr Brooks:

That Council adopt the *2022-23 Annual Plan Update – Have Your Say*.

Carried

Cncl-0422-313 Decision to Conduct Business with the Public Excluded

The Mayor/Cllr Taylor:

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

- Confirmation of Public Excluded Minutes
- Committee Reports (Public Excluded Sections)

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Minutes and Committee Reports	As set out in the Minutes	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under Section 7 of the Local Government Official Information and Meetings Act 1987.

Carried

The meeting closed at 9.40 am.

Confirmed this 19th day of May 2022

J C LEGGETT
MAYOR

Record No. 2272276

5. Committee Reports

5.1 Environment Committee

Environment Committee Meeting held on 28 April 2022
(Minute Nos. Env-0422-314 to Env-0422-324)



**Minutes of a Meeting of the
ENVIRONMENT COMMITTEE**
held in the Council Chambers and via Zoom, 15 Seymour Street, Blenheim
on THURSDAY, 28 APRIL 2022 commencing at 9.00 am

Present

Mayor J C Leggett (Chairperson), Councillors G A Hope (Deputy), J A Arbuckle, B A Fauls, Mr E R Beech (Rural representative)

Present via Zoom

Councillors D D Oddie (Deputy) and J D N Croad

Also Present

Councillors C J Brooks, B G Dawson and N P Taylor

In Attendance

Ms G Ferguson (Consents and Compliance Group Manager), Nicole Chauval (Committee Secretary) and Mike Porter (Democratic Services Manager, Zoom Management)

In Attendance via Zoom

Mr H R Versteegh (Environmental Science and Policy Group Manager)

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*.

Apologies

Cllrs Arbuckle/Mr Beech

That the apology for absence from Cllr T P Sowman be received and sustained and the apology for non-attendance from Cllr J L Andrews and M A Peters be noted.

Carried

Env-0422-314 Declaration of Interests

No interests with items on the agenda were declared.

ATTENDANCE: Mr Luke Grogan, Council's Nautical and Coastal Team Manager, was present for the following item.

Env-0422-315 Tory Channel/Kura te Au Currents and Tides

H100-001-01

Members noted that the purpose of the report was to demonstrate the advances made toward understanding the complexity of current flows in the Tory Channel Current/Kura te Au and Queen Charlotte Sound/Tōtaranui and provision of the data in real time to ships to support safe navigation. *To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 2280867).*

The report 'Real time prediction of tidal and non-tidal flows to improve the navigational safety at the entrance to the Tory Channel' was attached to the agenda for members' information. It was noted that the paper and its findings were presented at the Australasian Coasts and Ports Conference earlier this year.

Members were advised that the software development was only possible on account of the detailed bathymetric data collected during the HS51 multibeam survey of Queen Charlotte Sound/Tōtaranui undertaken in 2016/17.

It was reported that the software, in addition to providing necessary and real time insights into Tory Channel/Kura te Au Currents, can also enable a detailed modelling of currents and tides at any selected location within the entirety of Queen Charlotte Sound/Tōtaranui. This means it will have application that extends beyond navigation safety matters.

Mr Grogan advised that following successful implementation a robust validation phase is being progressed with advice and guidance from Land Information New Zealand and co-operation from both ferry operators. This collaborative approach will ensure that sufficient confidence in the data develops across key stakeholder groups and encourage the data to be utilised as intended to actively inform safe navigation.

It was reported that the information will be made freely available to the public via Council's website.

At the conclusion of the item Mr Grogan introduced Captain Jake Oliver the new Harbour Master to members.

Clrs Oddie/Croad:
That the information be received.

Carried

ATTENDANCE: Cllr Taylor withdrew from the meeting at 9.51 am during the following item.

ATTENDANCE: Heli Wade, Council's Te Hoiere Project Manager and Sioban Harnett, Environmental Services Contract Manager, were present for the following item.

Env-0422-316 Te Hoiere Project Update E355-021-01-001

The purpose of the report was to provide an update on recent developments on Te Hoiere Kaitiaki Charitable Trust and the proposed Memoranda of Understanding (MoU) for Council to act as fund holder and project directorate on behalf of the Trust and an overview and progress update on the Jobs for Nature and Integrated Catchment Enhancement Plan project implementation. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 2291446).

Members were advised that the future of Te Hoiere Restoration Project is secured, with the creation of Te Hoiere Kaitiaki Charitable Trust on 15 March 2022. Marlborough District Council Chief Executive Mark Wheeler and Mayor, John Leggett, signed on behalf of the Council and Ngāti Kuia general manager Dave Johnston and chair Waihaere Mason for the iwi.

An MOU has been drafted clarifying MDC's role as fund holder and providing project services on behalf of the Trust and the subsequent Te Hoiere Project.

Functional restoration groundwork has now commenced on both Crown funded catchment restoration projects. Initial progress has been modest, though momentum is now currently building as landowners slowly commit to stream fencing and restoration planting later in this calendar year.

It was reported that agreements with landowners have been developed, signed and commenced. There were some delays experienced due to delays seeking final agreement and Covid restrictions (both direct and indirect).

Members were advised that the Council will be the fundholder on behalf of the Te Hoiere Trust of central funds granted to Te Hoiere Project and/or the Te Hoiere Trust. The parties have agreed that the Council will provide personnel and support resources and funding for the continued implementation of the Te Hoiere Catchment

Plan and the undertaking by the Te Hoiere Trust of its roles and actions as set out in the Plan. The funding for delivery and support structures is sourced from central government funding.

Contractors for rural fencing, pest plant control and native planting have been interviewed and umbrella contracts signed for imminent work.

Cllrs Faulls/Hope:
That the information be received.

Carried

ATTENDANCE: James Mills-Kelly, Council's Land Resources Advisor, was present for the following item.

Env-0422-317 Hill Country Erosion Fund Programme

E355-019-004

The purpose of the report was to provide members with an update on the Hill Country Erosion Fund Programme (HCEF). To highlight the report a powerpoint presentation was shown (presentation filed in CM Record No. 2291447).

Mr Mills-Kelly reported that the Hill Country Erosion Programme aims to prevent the loss of topsoil and reduce sediment entering waterways in Marlborough's hill country. The Programme provides assistance and funding support to landowners looking to treat eroding or erosion-prone land.

It was noted that over 5000 natives have been planted across 49 hectares of retired marginal hill country in the last planting season. 2450 poplar poles were supplied to landowners to stabilise over 260 hectares of erosion-prone grazing land. The majority of the work was undertaken in South Marlborough's dry east coast hill country. In addition, 1000 tagasaste trees and 300 dryland oaks were supplied as trials to particularly challenging dry faces with a northerly aspect where poles and/or natives had previously failed.

Members were advised that this coming winter season the programme aims to supply landowners with 20,000 native plants for reverting marginal pastureland to retired native vegetation. On top of this, the fund will supply 6000 poplar poles for hillside stabilisation planting on pasture land, as well as 2500 dryland oak species for space planting in particularly dry conditions. It was noted that funding assistance is also available for retirement fencing and establishment of coppicing woodlot forestry species, which can provide alternatives to pine forestry, reducing harvest-related erosion risks.

It was noted that the current funding round of the HCEF ends in June 2023, applications for the next round open in May.

Cllrs Hope/Mr Beech:
That the information be received.

Carried

ATTENDANCE: Rob Simons, Council's Senior Biosecurity Officer, was present for the following item.

Env-0422-318 Jobs for Nature: Kotahitanga mō te Taiao

Alliance 'Restoring and Protecting Flora' Project Update

E315-021-002-02

Members noted that the purpose of the report was to provide an outline of the Jobs for Nature (JfN) Restoring and Protecting Flora Project, the project's origins, and its operating structure in the wider context of JfN initiatives across Te Tau Ihu. Included in the report was an operational update about the project and its progress in Marlborough which is guided by the Kotahitanga mō te Taiao Alliance (KMTT). To highlight the report a powerpoint presentation was shown (presentation filed in CM Record No. 2291449).

It was noted that as part of the Government's \$1.219-billion-dollar covid recovery package in mid-2020, the JfN initiative was launched in a bid to stimulate the economy of country's regions through nature-based employment. JfN funding is distributed across multiple government agencies, including the Department of Conservation (DOC).

The Kotahitanga mō te Taiao Alliance (KMTT) was a key platform for prioritising potential JfN projects and associated funding channel through DOC. The KMTT Alliance is a partnership of Te Tau Ihu Councils, iwi, DOC and The Nature Conservancy. The Restoring and Protecting Flora Project was endorsed by the KMTT Alliance as one of three projects in Te Tau Ihu to receive benefit through JfN.

It was reported that as at 31 March 2022 the project has delivered weed control across 83 hectares. The work delivered to date has been implemented by non-invasive techniques using hand-held tools and is estimated to benefit a total of 413 hectares by reducing the spread risk of the weed species targeted across these sites. Over 2,000 plants have been destroyed including willows, wilding pines, barberry and old man's beard.

The project in its current format is expected to conclude on 24 April 2024 when the current funding and operational contracts will expire. It was noted that TNC may be exploring other funding opportunities to enable work to continue beyond 2024. Until then project partners will continue to work closely to meet the project's objectives, and to enhance relationships so that the project's conservation gains can be maintained into the future.

Cllrs Croad/Hope:
That the information be received.

Carried

ATTENDANCE: Peter Davidson, Council's Groundwater Scientist, was present for the following item.

Env-0422-319 World Water Day 2022

E345-007-001

Members were advised that the United Nations theme for 2022 was: Groundwater – Making the Invisible Visible and to mark the occasion. The Marlborough District Council staff produced two videos featuring local issues and items to raise the profile of groundwater in Marlborough district, and nationally.

The two videos produced by Marlborough District Council to celebrate World Water Day 2022 were shown to members.

It was noted that the videos proved popular locally especially, but also nationally and demonstrated the popularity of visual tools for conveying environmental or science messages.

Cllr Hope/The Mayor:
That the information be received.

Carried

ATTENDANCE: Brendon Robertson, Council's Building Control Group Manager, was present for the following item.

Env-0422-320 Revision of Building Control Fees 2022-2023

R450-002-B01

Members were advised that the Special Consultative Procedure for the proposed "Revision of Building Control Fees Financial Year 2022/2023" was undertaken as agreed at the 10 February 2022 Environment Committee meeting.

No submissions were received and it is requested that Council adopt the Revision of Building Control Fees Financial Year 2022/2023" effective on or after the 1 July 2022.

It was raised whether consideration could be given to reviewing the banding as well as fees for the next revision. Mr Robertson will consider this when the next revision is undertaken.

Cllrs Hope/Arbuckle:

1. That the report “Revision of Building Control Fees Financial Year 2022/2023” be received.
2. That the proposed “Revision of Building Control Fees Financial Year 2022/2023 be adopted with an implementation date of 1 July 2022.

Carried

ATTENDANCE: Karen Winter, Council's Team Leader Environmental Health, was present for the following item.

Env-0422-321 Food Act 2014 fees

E350-004-009-02

Members were advised that the Special Consultative Procedure has been undertaken for the proposed 2022/2023 Food Act 2014 Fees. Four submissions were received with no submitters wishing to be heard. The sub-committee met to consider the submissions received. A submissions summary and minutes from the Sub-Committee were attached to the agenda item for members' information.

It was noted that the fees have not been increased due to Covid and that the increase proposed is relatively small.

Ms Winter noted that the recommendation from the Sub-Committee was that the proposed fees, as detailed in the Statement of Proposal for the 2022/2023 Food Act Fees, be accepted.

Cllrs Faulls/Arbuckle:

That Council confirm the proposed Food Act 2014 fees be adopted.

Carried

Env-0422-322 Animal Control Sub- Committee

D050-001-A04

The minutes of the Animal Control Sub-Committee meeting held on 10 March 2022 were presented for ratification by the Committee.

Cllrs Arbuckle/Faulls:

That the minutes of the Animal Control Sub-Committee meeting held on 10 March 2022 be ratified.

Carried

ATTENDANCE: Barbara Mead, Council's Advocacy and Practice Integration Manager, was present via Zoom for the following item.

Env-0422-323 Appeals Update

R450-004-22

It was reported that as at 11 April 2022 Council is engaged in eight proceedings either as respondent or s274 party (excluding Abatement Notice appeals and enforcement proceedings).

Members were advised that the EDS v Otago Regional Council case had been adjourned to 11/12 April 2022. This has now been set down for the second week of May 2022. It is at the Supreme Court level so there will be no further appeals. A summary and update were provided, and further information was contained in the agenda item.

In response to a query on when the appeals for costs of objection will be heard. Ms Mead noted that there is considerable back log due to COVID-19 so it is unlikely to be any time soon. It was noted that Council is standing by the decision made by Commissioner Walsh but has taken on board to be as transparent as

possible in regard to costings. Adjustments have been made to Council's paperwork and these adjustments are being considered by Council's Compliance Manager to determine whether they will be fit for purpose.

Cllrs Arbuckle/Oddie:

That the information be received.

Carried

Env-0422-324 Information Package

-

The Mayor/Cllr Hope:

That the Regulatory Department Information Package dated be received and noted.

Carried

The meeting closed at 11.21 am.

Record No: 2291499

5. Committee Reports

5.2 Planning, Finance & Community Committee

Planning, Finance & Community Committee Meeting held on 5 May 2022
(Minute Nos. PF&C-0522-325 to PF&C-0522-335)



**Report and Minutes of a Meeting of the
PLANNING, FINANCE & COMMUNITY COMMITTEE
held in the Council Chambers and via Zoom, 15 Seymour Street, Blenheim
on THURSDAY 5 MAY 2022 commencing at 9.00 am**

Present

Cllrs M A Peters (Chairperson), J D N Croad, J L Andrews, J A Arbuckle, C J Brooks, B G Dawson, B A Faulls, G A Hope, F D Maher, T P Sowman, N P Taylor and Mayor J C Leggett

Present via Zoom

Councillor M J Fitzpatrick

In Attendance

Messrs M F Fletcher (Chief Financial Officer), D G Heiford (Manager, Economic, Community & Support Services), N Chauval (Committee Secretary) and Mike Porter (Democratic Services Manager, Zoom Management)

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*.

Apologies

Cllr Croad/The Mayor:

That the apology for absence from Cllr D Oddie be received and sustained.

Carried

PF&C-0522-325 Declaration of Interests

-

No interests with items on the agenda were declared.

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

PF&C-0522-326 Vehicle Length Restrictions Queen Charlotte Drive and Kenepuru Road R800-006-002-02

Members noted that the purpose of the report was to seek Council approval to implement vehicle length restrictions on Queen Charlotte Drive and Kenepuru Road while the repairs to the July storm event are being completed.

Mr Murrin noted that since the opening of the damaged sections of Queen Charlotte Drive and Kenepuru Road following the July 22 storm event, temporary length restrictions have been implemented on both roads. The restrictions were able to be put in place under Section 94D of Civil Defence Emergency Management Act 2002.

It was reported that as the Recovery Transition period is likely to finish within the next few weeks it is important that procedures are put in place so vehicle length restrictions can be implemented where required.

The proposed restrictions are to cover Queen Charlotte Drive between Dalziels Bridge at Linkwater and the Havelock Transfer Station, and Kenepuru Road between Onahau Bay Road (Mistletoe Bay) intersection and Torea Road intersection.

Members were advised that at a meeting with the Recovery Team on 4 May 2022 it was raised that further restrictions are likely once work starts on what is being referred to as the Portage Heights Slip. It was suggested that the following wording be added to recommendation 3, *'and also be delegated authority to implement any further restrictions required during the recovery'*. It was noted that by including the amendment it would minimise any delays by having to come back through the Committee for approval. The community have been advised that they will be given at least a months' notice prior to any major changes to road restrictions.

It was noted that all going well the restrictions on Kenepuru Road would be lifted around Labour Weekend but then re implemented after Easter while the Portage Heights Site is repaired. This is programmed for April/May 2023.

Members discussed the proposed amendment and during discussion Cllr Taylor suggested the following further amendment be included *'and the delegated authority will expire'*. Members supported the additional amendment.

Cllrs Taylor/Maher:

- 1. That under Clause 11 Schedule 10 Local Government Act 1974 Council approve a Temporary Vehicle Length Restriction of 12.6m on Queen Charlotte Drive from Dalziels Bridge at Linkwater through to the entrance to the Havelock Transfer Station.**
- 2. That Council approve a Temporary Vehicle Length Restriction of 8.0m on Kenepuru Road from Onahau Bay Road Intersection through to Torea Road Intersection.**
- 3. That the Marlborough Roads Manager, Manager of Assets and Services, and the Chair of Assets and Services be delegated authority to lift the length restrictions once repairs are completed and also be delegated authority to implement any further restrictions required during the recovery. These temporary restrictions and the delegated authority will expire on or before 30 June 2023.**

Carried

ATTENDANCE: Pere Hawes, Council's Strategic Planner – Implement and Review was present for the following three items; Sarah Brand, Council's Strategic Planner was present for the following item and Angela Fenemor (Incite Consulting) was present via Zoom for the following item.

**PF&C-0522-327 Alignment of the Proposed Marlborough
Environment Plan with the NES for
Freshwater, Stock Exclusions Regulations
and Measurement and Reporting of Water
Takes Regulations N100-002-11, M100-09-03-01**

Members were advised that the purpose of the report was to identify rules within the Proposed Marlborough Environment Plan (pMEP) that duplicate or conflict with the following National Direction Instruments (collectively referred to as the Essential Freshwater regulations):

- Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-Fw);
- Resource Management (Stock Exclusion) Regulations 2020 (stock exclusion regulations);
- Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 (revised 2020) (water metering regulations).

It was noted that recommendations were given for the deletion and/or amendment to pMEP provisions to remove duplications and conflicts, together with suggested Advice Notes for insertion to provide guidance on the application of the Essential Freshwater regulations in relation to the pMEP. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No.2292244).

Members were advised that the NES regulating freshwater came into force on 3 September 2020 and the Council is required to remove duplication or conflict with the NES regulations as soon as practicable without requiring the use of the First Schedule process.

It was noted that the stock exclusion regulations and the water metering regulations were made under section 360 of the RMA and both require the use of a First Schedule process to remove rules that are inconsistent with them. However, as the pMEP is proposed, Council has the option to withdraw provisions that duplicate or conflict with the regulations.

Members were advised that a detailed assessment of the rules within the pMEP against the Essential Freshwater Regulations was undertaken to determine any duplication or conflict between the instruments. A number of changes are recommended to remove duplication and/or conflict from the pMEP, and to guide Plan users to the correct regulation. The reports, pMEP NEW-FW Alignment Assessment April and pMEP NES-FW Alignment Table April are available on Council's website and links were provided in the agenda item for members' information.

It was noted that the pMEP NES-FW Alignment Table has been updated, the updates do not affect the recommendations. An updated table will be circulated following meeting and the uploaded Council's website.

It was reported that overall, the outcomes sought by the Essential Freshwater Regulations generally align with the objectives of the pMEP, and any recommended amendments to remove duplication or conflict will not result in any change to the overarching policy framework within the pMEP.

Members were advised that some of the provisions recommended for removal or amendment are subject to appeals on the pMEP. The decisions in respect of alignment can affect the currency of the appeal, especially where rule and/or rule standard is to be removed from the pMEP. Following on from the alignment process, it will be necessary to establish which appeals are affected by the changes required to align the pMEP with the Essential Freshwater regulations. It will be important for the appeals process to clearly identify what amendments have been made to align the MEP to the Essential Freshwater regulations.

It was noted that those provisions which require removal will have the effect that these appeals will not need to be heard and resolved. These will be notified to the relevant appellants and details updated through the Council website appeals portal.

Members were advised that Given that the MEP process is at appeal stage, an alignment with the Wairau Awatere Resource Management Plan and the Marlborough Sounds Resource Management Plan is not considered an appropriate exercise. If rule and/or rule standards are still in effect, and there is duplication or conflict, it is clear that the NES-Fw applies.

In regard to dissemination of Information it was noted that independent of the appeals process, it is important that the wider community is aware of the changes made to the provisions of the MEP. This is because many of the rules subject to the alignment process had legal effect at the date of notification of the MEP (9 June 2016).

It is proposed that the report and associated Table be included in an appropriate location on the Council website, together with some explanatory text explaining the process.

Cllrs Arbuckle/Croad:

- 1. That the report be received.**
- 2. That the amendments recommended to the provisions of the pMEP contained in the NES-Fw and Stock Exclusion Regulations Alignment Table to remove duplication or conflict between the rules of the pMEP and the Essential Freshwater regulations be adopted.**
- 3. That the report and associated Table be included in an appropriate location on the Council website.**

Carried

Postscript: Following the meeting a pMEP NES-Fw Alignment table Updated May 2022 was circulated and links to information on the website in regard to the Essential Freshwater national changes and the NES-Fw –situated under the Environmental section of the website under compliance services were circulated.

PF&C-0522-328

Appeals on the PMEP Decision

M100-09-01

Members were advised that 51 notices of appeal on the PMEP were lodged with the Environment Court.

Mr Hawes noted that in response to multiple Environment Court directions, a structure, process and timeline for managing the appeals proposed by the Council was confirmed by the Court in December 2020. The focus in 2021 was on Section 6 matters (matters of national importance) including natural character, landscape, indigenous biodiversity, open space and public access, cultural, and heritage. These matters are collectively referred to as “Group 1” topics.

Mediation on Group 1 topics commenced in March 2021 and concluded in December 2021. To date, almost a third of all appeal points to the pMEP have been considered through formal mediation on Group 1.

Mediation on Group 2 topics commenced in February 2022 and concluded in March 2022.

Mediation on Group 3 topics commenced in March 2022 and is ongoing.

It was reported that good progress has been made in resolving appeals in Group 1 and 2. A consent order has been issued by the Environment Court for the Landscape, Cultural, and Open Space and Public Access topics. A consent memorandum is currently being considered by the Environment Court for Heritage and a further consent memorandum is in preparation for the Indigenous Biodiversity topic.

Formal mediation on Group 3 topics is due to be completed in May 2022.

The Council will then propose a mediation schedule for remaining topics.

It was noted that since the Covid-19 Delta outbreak almost all parties have joined remotely with the exception of the Court Commissioner, Pere Hawes and staff.

Cirs Peters/Arbuckle:
That the report be received.

Carried

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

PF&C-0522-329 Report on the Results of Survey - Marlborough Housing We'd Choose

N100-001-06-05

Members noted that the purpose of the report was to provide the results of a housing demand survey of the types of housing people in Blenheim would choose to buy or to rent. To highlight the report a powerpoint presentation was shown (presentation filed in CM Record No. 2292190).

Members were advised that the brief of the study was not to predict future levels of housing supply and demand – rather, it aimed to compare what people say they would choose based on their ability to pay, to both the existing housing stock and what is being built.

The survey involved more than 300 residents across Blenheim and the surrounding towns (i.e. Renwick, Spring Creek and Grovetown). Participants were identified via a phone call in December 2021 or January 2022 and asked to complete an online survey.

It was reported that the key finds were that survey respondents considered features that relate to environment and property, the most important. By far the most important feature was Safe from crime, followed by Safe from natural hazards, Freehold title, and Standalone dwelling.

In terms of location choice, there is a difference between unconstrained and constrained choice. The largest mismatch is observed in Blenheim Rural where 17% of respondents would like to live here but given financial reasons only 9% can afford to live here. In Renwick and Blenheim Central constrained demand is greater than unconstrained demand, suggesting respondents would not have chosen to live there, but are limited by their financial situation.

In terms of typology, the survey results revealed the majority of respondents would prefer a standalone dwelling, but once financial constraints are applied, more than a third of participants were willing to consider

higher density forms of housing. Enabling the provision of a mix of housing types to meet the demand is therefore important for future planning and housing development processes.

Members were advised that the next steps were that the findings of the study can be used to inform property developers of the nature of demand in terms of housing typology. In this way, the report may encourage the consideration of alternative forms of housing to meet the mixed nature of housing demand.

The report will be distributed to property developers and the Marlborough Housing Group for their information.

Clr Fitzpatrick noted that A Planning for Change Urban Design and Planning for a Changing Society report had been produced by Karl Fitzpatrick and offered to circulate to Councillors following the meeting.

The findings of this study will also assist to inform review work already determined by the Committee as a consequence of receiving the Housing and Business Capacity Assessment 2021. The Assessment recommended that a refresh of the Growing Marlborough Growth Strategy occur. The results of the study provide a valuable insight into the need to provide for a mix of housing options in any future growth planning process.

The Assessment also recommended that a review of the planning provisions for Urban Residential 1 be undertaken to identify and address any constraints to intensification (that the zone is intended to provide for). The results of the survey confirm that alternative housing options are required and this can be taken into account in that current review process.

Clrs Brooks/Hope:

That the report “Marlborough Housing We’d Choose - Housing Demand Preferences, April 2022” be received.

Carried

ATTENDANCE: Neil Henry, Council’s Manager Economic Development and Strategic Planning, Mark Unwin, Economic Programmes Manager were present for the following item and Dorien Vermaas, Economic Portfolio Manager was present via Zoom for the following item.

PF&C-0522-330 Economic Development Update E100-010-01

The purpose of the report was to provide an update on the activities of Council’s Economic Development Team between 24 March and 5 May 2022.

Mr Unwin noted that there had been a number of development enquiries. The team are currently working with a tourism operator regarding bioluminescence tours in the sounds. Development of an itinerary for a robotics company who are potentially setting up operation in Marlborough and working on a proposal for an engineering and building academy in partnership with industry and the secondary schools.

Members were advised that the Economic Wellbeing Strategy has been concluded and was widely distributed to stakeholders for consultation. The consultation period finishes on 9 May at 5 pm

The following Economic Development Conferences and Events are planned, Marlborough Innovation Day will run on 16 May at Bragato; Startup Marlborough will run at the Marlborough Research Centre on 17 June; Future of work conference is on 2 June; and Aviation followup workshop is on 18 May.

Clrs Croad/Brooks:

That the information be received.

Carried

PF&C-0522-331 Commercial Events Fund Sub-Committee
E100-002-006-25

The Minutes of the Commercial Events Fund Sub-Committee meeting held on 7 April 2022 were attached for ratification by the Committee.

Members were advised that funding for 'Feast Marlborough - Sounds Seafood Festival 2023' had been declined but applicants were invited to request a meeting with the sub-committee to talk about their long-term vision for Feast Marlborough. Cllr Peters requested an invite to this meeting if/when it goes ahead.

Cllrs Fitzpatrick/Fauls:

That the Minutes of the Commercial Events Fund Sub-Committee meeting held on 7 April 2022 be ratified.

Carried

PF&C-0522-332 Housing for Seniors Sub-Committee
D050-001-H01

The Minutes of the Housing for Seniors Sub-Committee meeting held on 31 March 2022 were attached for ratification by the Committee.

Cllrs Brooks/Hope:

That the Minutes of the Housing for Seniors Sub-Committee meeting held on 31 March 2022 be ratified.

Carried

ATTENDANCE: Tessa Dever, Council's Financial Accountant, was present for the following item

PF&C-0522-333 Financial Report for Council – Period Ended
28 February 2022
F275-001-01

Martin Fletcher, Chief Financial Officer and Tessa Dever, Council's Financial Accountant presented Council's financial report for the period ended 31 January 2022.

Members were advised that the major variances actual and budget were Sale of stage 7 of Boulevard Park on Taylor (BPOT). This item was budgeted in last financial year (Gain on Sale of \$7.5M); Receipt of an insurance claim for damage from the 2016 Kaikoura Earthquake and 2021 July flood event. (\$1.8M); Waka Kotahi emergency funding for the flood damage sustained in the July flood event. Waka Kotahi have approved a 95% subsidy rate on emergency works up to \$20M. To 28 February \$21.7M has been spent on flood damage repairs with Waka Kotahi contributing \$19.8M. Vested assets are ahead of budget due to contributions from Rose Manor and Westwood developments. Further vested assets are anticipated for the Rose Manor, Patchett Way and Wai-iti developments, with a total estimated value of \$4.5M. Development contributions are ahead of budget due to contributions from Rose Manor and Wai-iti developments. Government funding for the following projects Catchment Care, Hillside Erosion and Te Hoiere (\$2.1M). Lower than anticipated grants uplifted. Lower external interest costs due to the low interest rates and lower capital expenditure in previous years. Internal interest costs are less due to lower capital expenditure last year.

Comments were provided in the report on variances greater than \$100,000.

Cllrs Peters/Croad:

That Council receive the Financial Report for the period ending 28 February 2022.

Carried

PF&C-0522-334 Information Package -

Clr Faulls/The Mayor:

That the Planning, Finance & Community Information Package dated be received and noted.

Carried

PF&C-0522-335 Decision to Conduct Business with the Public Excluded -

Clrs Brooks/Arbuckle:

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

Sub-Committee Minutes (Public Excluded Sections)

Services Procurement

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
Sub-Committee Minutes	As set out in the Minutes and Reports	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.
Services Procurement	To enable the Council, as holder of the information, to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) as 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 11.05 am.

Record No: 2292864

6. Decision to Conduct Business with the Public Excluded

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

- Confirmation of Public Excluded Minutes
- Committee Reports (Public Excluded Sections)
- Legal Agreements
- Development

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Minutes and Committee Reports	As set out in the Minutes and Reports	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.
Legal Agreements Development	To enable the Council, as holder of the information, to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) as 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.