



**Minutes of a Meeting of the
Marlborough District Council
held in the Council Chambers and via Teams, 15 Seymour Street, Blenheim
on THURSDAY 22 SEPTEMBER 2022 commencing at 3.00 pm**

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, D D Oddie, M A Peters, T P Sowman and N P Taylor.

In Attendance

Mr M S Wheeler (Chief Executive), Mr R P Coningham (Manager Assets & Services), Mr R Foitzik (General Counsel), Mr A P Quirk (District Secretary) and Mr M J Porter (Democratic Services Manager).

Karakia

The meeting opened with a karakia.

Cncl-0922-103 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-0822-40 and the interest declared under Minute No. Cncl-0822-e-7;
- The interests as declared under Minute No. A&S-0822-48 and the interest declared under Minute No. A&S-0822-57; and
- The interests as declared under Minute No. PF&C-0922-77.

Cncl-0922-104 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)
- Property Acquisition
- Contract Consideration

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.

Property Acquisition	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.
Contract Consideration	In order to protect the privacy of natural persons, as provided for under Section 7(2)(a).	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 resumed in open session.

Cncl-0922-105 Confirmation of Minutes

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Clr Brooks reported that six submissions were heard at the recent hearing of submissions for the Victoria Domain Reserves Management Plan – Proposed Change for Use of Memorial Park (Minute No. Cncl-0822-45 refers).

The Mayor/Clr Taylor:

That the Minutes of the Council Meeting held on 11 August 2022 (Minute Nos. Cncl-0822-40 to Cncl-0822-47) be taken as read and confirmed.

Carried

Committee Reports

Cncl-0922-106 Assets & Services Committee

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Clrs Taylor/Fitzpatrick:

That the Committee report contained within Minute Nos. A&S-0822-48 to A&S-0822-61 be received and the recommendations adopted.

Carried

Cncl-0922-107 Environment Committee

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Clr Hope, in moving the minutes, emphasised the importance of the reports to this Committee.

Clrs Hope/Oddie:

That the Committee report contained within Minute Nos. Env-0922-62 to Env-0922-76 be received and the recommendations adopted.

Carried

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That the Committee report contained within Minute Nos. PF&C-0922-77 to PF&C-0922-93 be received and the recommendations adopted.

Carried

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Cir Brooks, in moving the minutes, noted that the words “of Bryant Place” needed to be added to the preamble of Minute No. HfS-092-95 (6th paragraph, after the words “from the two owners”). Staff will make this change to the minutes.

That the Sub-committee report contained within Minute Nos. HfS-0922-94 to HfS-0922-102 be received and the recommendations adopted.

Carried

**Cncl-0922-110 Resource Hearings Sub-Committee -
Appointment as Commissioners**

D050-001-R12

Members noted that the purpose of the report was to appoint current Resource Hearings Sub-Committee members as commissioners to hear and determine notified resource consent applications until such time as the new committee structure has been finalised.

Staff reported that there are ongoing hearings that need to be held. Rather than inconvenience applicants by time extensions in which to hear the applications it was appropriate to appoint the current resource consent hearings committee members as commissioners. For the same reason it was seen as appropriate that Councillor Oddie be appointed as Commissioner to determine non-notified resource consent applications.

1. That Mr D D Oddie, Mr J A Arbuckle, Mr J D N Croad, Mrs B A Faulks and Mrs T P Sowman be appointed as Commissioners to hear and determine notified resource consent applications until such time as the committee structure for the ensuing term of Council has been finalised.
2. That Mr D D Oddie be appointed as Commissioner to determine non-notified resource consent applications until such time as the committee structure for the ensuing term of Council has been finalised.

Carried

Cncl-0922-111 District Licensing Committee - Appointment as Commissioners D050-001-D0

D050-001-D01

Members noted that the purpose of the report was to appoint current District Licensing Committee members as commissioners to consider and determine applications pursuant to the Sale and Supply of Alcohol Act 2012 until such time as the new committee structure has been finalised.

Staff reported that there are ongoing applications that need to be considered and hearings that may need to be held. Rather than inconvenience applicants by time extensions in which to hear the applications it was appropriate to appoint the current District Licensing Committee members as commissioners.

That Mr J C Leggett, Mrs N P Taylor, Mr G S Barsanti, Mr H Beard, Ms L Hawthorne and Ms M McHugh be appointed as Commissioners to consider and determine applications pursuant to the Sale and Supply of Alcohol Act 2012 until such time as the committee structure for the ensuing term of Council has been finalised.

Carried

**Cncl-0922-112 Responsible Camping Control Bylaw 2022
Review Hearings Panel - Appointment as
Commissioners** **L150-019-R03**

Members noted that the purpose of the report was to appoint the Responsible Camping Control Bylaw 2022 Review Hearings Panel members (appointed pursuant to Minute No. Cncl-0322-287) as commissioners to review and hear submissions and make recommendations to Council on the Marlborough District Council Responsible Camping Control Bylaw 2022.

Staff reported that the Hearing Panel comprising Mayor Leggett, Deputy Mayor Taylor and Martin Williams (an independent commissioner) was formed to hear submissions and make recommendations to Council. The Hearing Panel released an Interim Decision in April 2022 on submissions and directed that further assessment be undertaken on six sites and five road areas as potential restricted areas for freedom camping. As a consequence of this, the Hearing Panel has asked for a further round of submissions, which is due to be notified on 23 September. There is not time before the triennial elections to allow for submissions to be received and for the Hearing Panel to consider those submissions and issue a final recommendation to Council.

Cllrs Arbuckle/Brooks:

That Mr M J E Williams (Chair), Mr J C Leggett and Mrs N P Taylor be appointed as Commissioners to review and hear submissions and make recommendations to Council on the Marlborough District Council Responsible Camping Control Bylaw 2022.

Carried

NB: Cllr Faulls declared an interest in the above and did not vote nor take part in discussions.

**Cncl-0922-113 Review of Memorial Park - Victoria Domain
Reserves Management Plan - Appointment as
Commissioners** **R510-009-V01-04**

Members noted that the purpose of the report was to appoint the Review of Memorial Park - Victoria Domain Reserves Management Plan Hearings Panel members (appointed pursuant to Minute No. A&S-0622-376) as commissioners to hear submissions and make decisions on the review of Memorial Park as part of the Victoria Domain Reserves Management Plan.

Staff reported that there is an ongoing review that needs to be completed. Rather than inconvenience all parties with a new panel, it is considered prudent to continue with the current panel until such time as they have completed the review.

Cllrs Croad/Dawson:

That Mrs C J Brooks, Mrs N P Taylor and Mr M J Fitzpatrick be appointed as Commissioners to hear submissions and make decisions on the review of Memorial Park as part of the Victoria Domain Reserves Management Plan.

Carried

**Cncl-0922-114 Amendments to the Enforcement and
Prosecution Committee** **C500-011-E04**

Members noted that the purpose of the report was to approve the name change from 'Enforcement and Prosecution Committee' to 'Enforcement and Prosecution Panel', to approve the new structure of the Enforcement and Prosecution Panel and to delegate to the Chief Executive the power to appoint an additional independent, external third party as chair of the Enforcement and Prosecution Panel to make a final decision when this is considered appropriate for a particular enforcement or prosecution matter.

Staff reported that currently the Enforcement and Prosecution Committee (the Committee) is comprised of Mr Richard Fowler KC (or his alternative Mr Julian Ironside when Mr Fowler is unavailable), the Chief Executive (or his/her delegate), and the Assets and Services Manager (or his/her delegate). Councillors are not appointed to the Committee to align with the Solicitor General's prosecution guidelines dated 1 July 2013. The

Members agreed that although there are no Councillors on the Committee, the name of the Committee implies that it is a Council committee. To avoid confusion and to remove any perceptions of political involvement the name of the Committee is to be changed to 'Enforcement and Prosecutions Panel'. Members noted that Council staff have the capacity and expertise to deal with enforcement and prosecution matters. The establishment of the new in-house legal position of the General Counsel and the (ongoing) development of a Council in-house legal team means that legal advice regarding enforcement and prosecution matters can now also be obtained in-house at no extra costs.

The Mayor/Clr Taylor:

- Carried**

Members noted that the purpose of the report was to appoint the current Chair of the Planning, Finance and Community Committee as the delegated consulting authority under Section 268 of the Resource Management Act 1991 and Delegation GPP0002.1 until such time as the new committee structure has been finalised, and to appoint Mr D D Oddie as a Marlborough Environment Plan (MEP) Hearings Commissioner.

Clr Peters advised the meeting that Clr Oddie had been appointed as a Councillor onto the Marlborough Environment Plan (MEP) Hearings, but with his impending retirement as a Councillor, for him to continue on this panel a formal resolution was required to appoint him as a commissioner.

1. That Mr M A Peters be appointed as the consulting authority under Section 268 of the Resource Management Act 1991 and Delegation GPP0002.1 until such time as the committee structure for the ensuing term of Council has been finalised.
2. That Mr D D Oddie be appointed as a Marlborough Environment Plan (MEP) Hearings Commissioner.

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Cncl-0922-116 Renwick Community Memorial Hall c600-007-010-01

Members noted that the purpose of the report was to appoint Council representatives on to the Renwick Community Memorial Hall Committee.

Staff reported that the end date of the current hall committee is 26 September 2022 and they have requested that Council nominate the two representatives it can appoint by that date. The Committee at present comprises 12 people but it has been determined that this should be reduced to 8, given completion of the upgrade works. Council is therefore required to appoint two representatives as opposed to three. The present Council representatives are Anthony van de Water, Jeff Hammond and Margaret Gage (deceased). The two remaining Council representatives are happy to continue in that role. The RSA representatives have been appointed. The school representative appointments are subject to an election, as well as an election to be held for the community representatives.

Cllrs Maher/Brooks:

That Council appoint Anthony van de Water and Jeff Hammond to continue as the Council representatives on the Renwick Community Memorial Hall committee.

Carried

Cncl-0922-117 August 2022 Storm Event – Road Recovery E210-007-29-05

Members noted that the purpose of the report was to provide an overview of the road damage suffered following extreme rainfall over several days in August 2022, to seek Council approval to progress the initial repair of priority roads, and to outline a major planning programme to inform longer term access decision making and to address any consequent community impacts and mitigations.

Staff reported that during the week commencing 15 August 2022 an extreme rainfall event hit Marlborough. North Marlborough and the Marlborough Sounds were particularly hard hit with the Tunakino rain gauge recording over one metre of rain over a three day period. The Rai River experienced a record flood. There was widespread damage to property, housing and to roads. In the July 2021 storm 1620 road faults occurred. This event is expected to have suffered more than double that. There are also a lot more complex faults which will require more extensive and expensive restoration work, should they be undertaken. Initially “quick capture” GIS photography enabled early coarse repair cost estimation which assisted decisions about early priorities focussed on restoring access. The Marlborough Roads recovery team has been working hard to refine the initial costings and provide accurate estimates to inform Council and Waka Kotahi decision making.

Staff further reported that Council staff are hopeful that Waka Kotahi will confirm that the 95% Special Financial Assistance share of the \$46 million still unspent from the 2021 Storm Damage Special Assistance can now be applied to the 2022 damage and to barging and water taxi subsidies. There are expected to be conditions on the use of the money including that initial works are only to provide a basic access standard.

The short term priorities and long term strategy were detailed in the agenda item.

Cllrs Taylor/Maher:

- 1. That the remaining Special Assistance Funding from the 2021 storm event (approximately \$46 million) be applied to the provision of short term road access repairs and to ongoing barge and water taxi costs.**
- 2. That the short term priorities for road repairs be approved:**

Awatere Valley	(Southeast Marlborough; major pastoral farming, viticulture, and tourism route)
Waihopai Valley	(Southwest Marlborough; major pastoral farming, forestry and viticulture route)
Northbank Road	(adjacent to Wairau River, major forestry, dairy and pastoral farming route)
Port Underwood Road	(important aquaculture and forestry route; provides access to the interisland electricity and fibre optic cables)
Queen Charlotte Drive	(alternative access to Picton and Port Marlborough; access to Queen Charlotte Track, major tourism route, 578 houses – highest vehicle per day count)

French Pass Road	(to 3 km short of township; key aquaculture freight route, pastoral farming, challenging water transport options)
Opouri Road	(pastoral farming, holiday home and tourism route)
Kenepuru Road	(limited to the link road from Queen Charlotte Drive to Moetapu Bay and the commencement of the most inhabited parts of Kenepuru Road)
Kenepuru Road	(Fish Bay to Kenepuru Head; essential access to barge site)
Torea Bay barge site to Kenepuru Head	(essential access to barge sites)

3. That requests for proposals for development of a Long Term Strategy be sought.
4. That “Better Off” funding be applied for to commence the planning work.
5. That Waka Kotahi and other government agencies be asked to assist with any further Long Term Strategy funding required.

Carried

Cncl-0922-118 Valedictory for Retiring Members -

The Mayor presented retiring members Cllrs Jenny Andrews (24 years including 12 years as Deputy Mayor), Cynthia Brooks (9 years), Michael Fitzpatrick (6 years), Francis Maher (18 years), David Oddie (12 years) and Mark Peters (6 years) with appreciation certificates. Councillors were given the opportunity to make tributes to those retiring. Each retiring member gave their departing valedictory.

The Mayor also acknowledged Mr Richard Hunter (iwi representative on the Assets & Services Committee for 24 years) and Mr Ross Beech (rural representative on the Environment Committee for 12 years) with appreciation certificates. Both gave a departing valedictory.

The Deputy Mayor presented retiring Mayor John Leggett (6 years as Mayor and 6 years as Councillor) with an appreciation certificate. Councillors were given the opportunity to make tributes to the Mayor. The Mayor gave his departing valedictory.

The meeting closed at 5.55 pm.

Confirmed this 27th day of October 2022

**N P TAYLOR
MAYOR**

**M S WHEELER
CHIEF EXECUTIVE**

Record No. 222209438