



**Minutes of a Meeting of the
Marlborough District Council
held in the Council Chambers and via Zoom, 15 Seymour Street, Blenheim
on THURSDAY 11 AUGUST 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, G A Hope, F D Maher, M A Peters, T P Sowman and N P Taylor.

Present via Zoom

Cllrs M J Fitzpatrick and D D Oddie.

In Attendance

Mr M S Wheeler (Chief Executive), Mr A J Lyall (Property and Community Facilities Manager), Mr R Foitzik (General Counsel), Mr H R Versteegh (Environmental Science & Policy Group Manager), Mr M J Porter (Democratic Services Manager) and Ms N J Chauval (Support Services Administrator/Zoom Management).

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*.

Obituaries

Cllr Hope delivered a tribute in honour of Tom Harrison BEM, a former Mayor, District Councillor and Blenheim Borough Councillor, who passed away on 18 July 2022. The Mayor delivered a tribute in honour of Richard Bradley, Chief Negotiator for Rangitāne o Wairau's settlement process with the Crown, and a key driver in upholding the history of the Wairau area, who passed away early July 2022.

A period of silence was observed.

Cncl-0822-40 Declaration of Interests

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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-0622-380;
- The interests as declared under Minute No. PF&C-0722-28 (Minute Nos. PF&C-0722-30 and PF&C-0722-32); and
- The interest as declared at the meeting by Cllr Croad under Minute No. Cncl-0822-e-7.

Cncl-0822-41 Confirmation of Minutes

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The Mayor/Cllr Taylor:

That the Minutes of the Council Meeting held on 30 June 2022 (Minute Nos. Cncl-0622-380 to Cncl-0622-389) be taken as read and confirmed.

Carried

Committee Reports

Cncl-0822-42 Assets & Services Committee

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Cllrs Fitzpatrick/Arbuckle:

That the Committee report contained within Minute Nos. A&S-0722-1 to A&S-0722-13 be received and the recommendations adopted.

Carried

Cncl-0822-43 Environment Committee

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Cllrs Hope/Sowman:

That the Committee report contained within Minute Nos. Env-0722-14 to Env-0722-27 be received and the recommendations adopted.

Carried

Cncl-0822-44 Planning, Finance & Community Committee

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Cllrs Peters/Croad:

That the Committee report contained within Minute Nos. PF&C-0722-28 to PF&C-0722-39 be received and the recommendations adopted.

Carried

Cncl-0822-45 Victoria Domain Reserves Management Plan – Proposed Change for use of Memorial Park

R510-014-029-02

Members noted that the purpose of the report was to seek approval to notify a proposed change, for the purposes of public submission in accordance with section 41 of the Reserves Act, to the Victoria Domain Reserves Management Plan (Plan) (as set out in Attachment 6.1 to the agenda) regarding the use of Memorial Park for temporary parking.

Mr Lyall reported that at the Assets and Services meeting of 16 June 2022 it was resolved to proceed with a review of the Plan to deal with an issue regarding parking of vehicles on Memorial Park from overflow parking associated with the operation of Picton Marina. The review has now been completed and a draft change has been prepared to the Plan that will enable a larger area of Memorial Park to be used for temporary parking and provides for the area of land allocated in Memorial Park for temporary parking be increased in size by approximately 40 percent; and that a clear accessway of 5 metres in width be provided on the south side of Memorial Park for pedestrian and bicycle access to the head of Memorial Park. Consultation with Te Ātiawa will be undertaken. Notification will occur on 16 August 2022 with a four-week submission period closing on 13 September 2022.

Cllrs Brooks/Oddie:

1. That Council approve the proposed change to the Victoria Domain Reserves Management Plan as set out in Attachment 6.1 to the agenda for the purposes of public submission in accordance with Section 41(6) of the Reserves Act 1977.
2. That as a comprehensive review of the Victoria Domain Reserves Management Plan is not being undertaken, the Council resolves under section 41(5A) of the Reserves Act that written suggestions under section 41(5) are not required as these would not have materially assisted in the preparation of the proposed change to the Plan.

Carried

Cncl-0822-46

Amendment to Building Act 2004 Instrument of Delegation

L150-003-01

Members noted that the purpose of the report was to approve the amended Building Act 2004 Instrument of Delegation (**attached** as Attachment 7.1 to the agenda).

Mr Foitzik reported that Council performs the functions of a Building Consent Authority ("**BCA**") for its district under the Building Act 2004 ("**the Act**") and is registered under the Act. MBIE requires Council to maintain a BCA accreditation under the Building (Accreditation of Building Consent Authorities) Regulations 2006 ("**Regulations**") and has appointed IANZ to undertake those accreditations each year. The scope of the accreditation covers all of Council's statutory obligations as a registered BCA under the Act.

The last audit by IANZ took place in May 2022 and found a breach of general non-compliance that the Council's building consent team Instrument of Delegation ("**the Instrument of Delegation**") did not include sections 104, 165 and 166 as the defined building control functions under section 3 of the Regulations. IANZ requires Council to review and amend the Instrument of Delegation by 19 August 2022.

Cllrs Sowman/Taylor:

1. That the Council decides to assume the delegated responsibilities and duties of the Environment Committee in respect of 'Building Control' matters.
2. That the Council approves the amended Instrument of Delegation to clear the non-compliance as notified by IANZ.
3. That the previous Building Act 2004 Instrument of Delegation dated 15 November 2018 is revoked and replaced with the amended Building Act Instrument of Delegations dated 3 August 2022 with effect of 11 August 2022 (**attached** as Attachment 7.1 to the agenda).
4. That the Council, after having made the decisions under 1- 3 above, confirms the delegations to the Environment Committee as set out in Minute No. Cncl-1019-129 (**attached** as Attachment 7.2 to the agenda).

Carried

Cncl-0822-47

Decision to Conduct Business with the Public Excluded

The Mayor/Cllr Arbuckle:

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)
- Partial Revocation Request
- Draft Bylaw Considerations

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.
Partial Revocation Request Draft Bylaw Considerations	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 10.35 am.

Confirmed this 22nd day of September 2022

J C LEGGETT
MAYOR

Record No.