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**MARLBOROUGH  
DISTRICT COUNCIL**



Only Marlborough

25 January 2023

Record No: 2317105  
File Ref: D050-001-A03  
Ask For: Nicole Chauval

## **Notice of Committee Meeting – Tuesday, 31 January 2023**

A meeting of the Assets & Services Committee will be held in the Council Chambers, 15 Seymour Street, Blenheim on **Tuesday, 31 January 2023 commencing at 9.00 am.**

### **BUSINESS**

As per Agenda attached.

**MARK WHEELER  
CHIEF EXECUTIVE**





**Meeting of the  
ASSETS AND SERVICES COMMITTEE  
to be held in the Council Chambers, District Administration Building, Seymour Street,  
on TUESDAY, 31 JANUARY 2023 commencing at 9.00 am**

**Committee**

Clr J D N Croad (Chairperson)  
Clr J C Rosene (Deputy)  
Clr S R W Adams  
Clr S J Arbuckle  
Clr D A Dalliessi  
Clr B G Dawson  
Clr M R L Flight  
Mayor N P Taylor  
Iwi representative (to be advised)

**Departmental Head**

Richard Coningham, (Manager, Assets & Services) and Jamie Lyall  
(Manager, Property & Community Facilities)

**Staff**

Nicole Chauval (Committee Secretary)

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**In Public**

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## **1. Apologies**

No apologies received.

## **2. 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.

### 3. Financial Report for the year to 30 November 2022

(Clr Croad) (Report prepared by David Craig)

F275-001-02

#### Purpose of Report

- To present the Financial Report for the Assets and Services and Community Facilities (including Parking) Departments for the year to 30 November 2022.

#### Executive Summary

- The Financial Report for the Assets & Services and Community Facilities (including Parking) Departments from 1 July 2022 to 30 November 2022 is presented below.

#### Revenue and Operational Expenditure

(in millions)	1 July to 30 November			Whole year		
	Actual	Budget		Forecast	Budget	
Surplus/Deficit	-\$2.2	-\$1.6	✘ -\$0.6	\$4.3	\$5.3	✘ -\$1.0
Income	\$61.6	\$62.9	✘ \$1.3	\$152.5	\$154.0	✘ \$1.5
Expenditure	\$63.8	\$64.5	✔ \$0.7	\$148.2	\$148.7	✔ \$0.5

#### Major variances between year to date actual and budget:

- Roading emergency reinstatement costs following the July 2021 and August 2022 storm events are above budget by \$2.2M and are offset by increased operational roading subsidies of \$2.7M. Other flood damage repair costs of \$816k have been incurred to date, mainly within the Flood Protection Activity, and are well within budget at this time. There are also associated savings of \$315k for minor works contracts in the Flood Protection Activity.
- Flood event welfare response and recovery costs are captured under the Emergency Management Activity and \$674k has been incurred to date. Most of these costs are eligible for subsidy from either National Emergency Management Agency (NEMA) or Waka Kotahi (NZTA). Claims are still pending.
- Roading subsidy on capital expenditure is below budget by \$2.6M due to scheduling of the renewals programme over the warmer summer months.
- Development contributions (\$1.146M) and Reserve fund contributions (\$271k) are both unfavourable to budget and are sourced from levies charged on development. These revenues are expected to improve during the year as staged subdivisional development occurs.
- Vested assets are favourable to budget by \$323k. Accounting entries have been completed for stage 8b of the Rose Manor subdivision.
- Trade waste revenue is unfavourable to budget by \$432k. 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. Annual charges have now been assessed and the annual and first quarterly charges invoiced. Revenue for disposal of winery liquid waste directly to the Harding Roads industrial ponds (through septage receival facility) is favourable to budget by \$426k.
- Dump fee revenue is unfavourable to budget by \$522k. Activity is generally a little quieter during the winter months and we do expect the variance to diminish as we progress through the year.
- Grant income is favourable to budget by \$494k which is mainly attributable to the Provincial Growth Fund for Wairau River flood protection scheme \$255k, 3Waters Stimulus Funding \$147k and Tourism Infrastructure Funding (TIF) for public convenience upgrades \$118k; offset by unfavourable MFE grant for weighbridge installations \$26k.

- Grant expenditure is favourable to budget by \$832k due to Marlborough Kaikoura Trail Trust (MKTT) and Marlborough Equestrian Park projects. Indications are that the Marlborough Equestrian project is unlikely to progress this financial year and funding (\$294k) will be carried over into 2023-24.
- Depreciation charges \$451k and interest costs \$347k are both favourable year to date.
- Additional information is given on variances at an activity level later in the report.

### Capital Expenditure

(in millions)	1 July to 30 November		Whole year			
	Actual	Budget		Forecast	Funded	
Capex	\$15.0	\$39.4	✘ \$24.4	\$59.8	\$67.5	✘ \$7.7

Council has funded a budget of \$67.5M for capital expenditure in the 2022-23 Annual Plan. The total programmed work for the year is \$98.2M (including \$30.7M of carryovers from previous financial years). This ensures that multiple projects can continue to progress.

Actual year to date expenditure is currently at 22% of the funded amount.

The major areas of capital expenditure to date are:

- Roads and Footpaths \$5.975M
- Wastewater \$2.550M
- Water Supply \$4.738M

Capital expenditure is impacted for many reasons including finalising community consultation, obtaining land access, obtaining resource consents, the availability of external professional expertise and receiving an acceptable contract price and contractor availability.

### Forecasts

- Forecast values have been reviewed with particular emphasis on capital expenditure. Much of this data has been extracted from the 2023-24 Annual Plan process, which is currently underway.
- The operating surplus is forecast to reduce by \$1.026M to \$4.262M, through a combination of reduced revenue of \$1.511M (capital roading subsidies, dump fees, development contributions, insurance refunds/claims and trade waste charges) and reduced operating costs of \$485k.
- Forecast capital expenditure is \$59.8M, which is \$7.7M below the 2022-23 Annual Plan budget.
- The major capital projects which have been deferred are the replacement of the main terminal sewer pump station (MOPS) in Alabama Road, Havelock sewer treatment plant and Seddon sewer land treatment, water treatment upgrades in Havelock, Picton and Riverlands, Lions Back reservoir and Flaxbourne irrigation scheme
- Forecast data will continue to be updated as we progress through the year and as new information comes to hand.

## RECOMMENDATION

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

### Background/Context

3. Below is the Financial Report for the Assets & Services and Community Facilities (including Parking) Departments, for the five-month period ended 30 November 2022.
4. Budget values include 2021-22 carryovers, which were approved in the August meeting cycle.

5. The Forecast column provides projected end of year outcomes, and these will be continually updated as we progress through the year.
6. Entries have been completed to account for November revenues and expenditures, including outstanding retention values of \$2.14M for 40 separate construction contracts.
7. All figures are rounded to the nearest thousand unless otherwise stated.
8. The use of ✘ or ✔ is challenging for capital expenditure. Normally if you are over budget, it is not good, so should get a ✘. Equally if you are tracking well behind/under budget that is also not good. As a result, for capital expenditure a ✔ is for within -10%/+5% and anything outside that range being a ✘.

## Financial Report by Significant Activity

### 9. Community Facilities

#### Revenue and Operating Expenditure

(in thousands)	1 July to 30 November			Whole year				
	Actual	Budget			Forecast	Budget		
Surplus/Deficit	-\$305	-\$734	✔	\$429	-\$286	-\$485	✔	\$199
Revenue	\$6,347	\$6,537	✘	-\$191	\$15,499	\$15,690	✘	-\$191
Expenditure	\$6,652	\$7,272	✔	-\$620	\$15,785	\$16,175	✔	-\$390

The unfavourable revenue variance of \$191k or 3% is due to development contributions of \$71k and reserve fund contributions of \$271k, offset by favourable government grants of \$118k from Tourism Infrastructure Funding (TIF) for public convenience upgrades and insurance claim for water damaged Stadium 2000 flooring \$41k.

The favourable operating expenditure variance of \$620k or 9% is due to personnel costs \$45k, contracts \$171k, general expenses \$30k, grants (Whale Trail and Equestrian Park) \$822k, depreciation \$45k and interest \$39k; offset by unfavourable insurance \$49k, repairs & maintenance (including flood damage) \$199k and tree maintenance \$83k.

#### Capital expenditure

(in thousands)	1 July to 30 November			Whole year				
	Actual	Budget			Forecast	Funded		
Capex	\$972	\$4,860	✘	-\$3,888	\$6,897	\$6,921	✔	-\$24

We have achieved 9% of programmed works or 14% of the \$6.921 million approved in the annual plan (i.e., excluding carry overs). This is due to lower than budgeted expenditure in cemeteries \$221k, halls \$86k, memorials \$117k, public conveniences \$1.584M, reserves \$2.302M and swimming pools \$694k.

The major budgets within the community facilities program are for cemeteries \$649k (\$59k), memorials \$253k (\$0), public conveniences \$3.497M (\$241k), reserves \$5.155M (\$611k) and swimming pool \$1.230M (\$0). Year to date expenditures are shown in brackets.



10. **Direct Management**

Revenue and Operating Expenditure

(in thousands)	1 July to 30 November			Whole year				
	Actual	Budget		Forecast	Budget			
Surplus/Deficit	-\$300	-\$831	✓	\$530	-\$58	-\$427	✓	\$369
Revenue	\$266	\$147	✓	\$119	\$471	\$352	✓	\$119
Expenditure	\$566	\$977	✓	-\$411	\$529	\$779	✓	-\$250

Favourable revenues of \$119k or 81% are due to 3Waters stimulus funding \$147k, offset by unfavourable fees & charges \$37k

The favourable operating expenditure of \$411k or 42% is due to personnel costs \$97k, professional fees (climate change provision) \$183k and internal costs & recoveries \$93k.

**Capital expenditure**

(in thousands)	1 July to 30 November			Whole year				
	Actual	Budget		Forecast	Funded			
Capex	\$0	\$25	✗	-\$25	\$60	\$0	✗	\$60

Capital expenditure of \$60k is budgeted for additional bunker storage at the works operations depot.

11. **Emergency Management**

Revenue and Operating Expenditure

(in thousands)	1 July to 30 November			Whole year				
	Actual	Budget		Forecast	Budget			
Surplus/Deficit	-\$706	-\$35	✗	-\$672	-\$740	-\$71	✗	-\$670
Revenue	\$332	\$314	✓	\$17	\$772	\$755	✓	\$17
Expenditure	\$1,038	\$349	✗	\$689	\$1,512	\$825	✗	\$687

The favourable revenue variance of \$17k or 5% is due to NZTA subsidy for flood damage response costs \$25k; offset by occupancy charges for FENZ, which will be invoiced later in the year \$7k.

The unfavourable operating expenditure of \$689k or 197% is due to the flood response and welfare costs \$674k.

**Capital expenditure**

(in thousands)	1 July to 30 November			Whole year				
	Actual	Budget		Forecast	Funded			
Capex	\$1	\$4	✗	-\$2	\$9	\$9	✓	\$0

A small budget provision of \$9k has been made for office and communication equipment.

## 12. Roads and Footpaths

### Revenue and Operating Expenditure

(in thousands)	1 July to 30 November		Whole year					
	Actual	Budget			Forecast	Budget		
Surplus/Deficit	-\$1,771	-\$924	✘	-\$847	-\$1,453	-\$606	✘	-\$847
Revenue	\$31,532	\$31,332	✓	\$200	\$75,397	\$75,197	✓	\$200
Expenditure	\$33,302	\$32,256	✘	\$1,047	\$76,850	\$75,803	✘	\$1,047

The \$200k or 1% favourable variance in the Roothing and Footpath revenue is due to subsidy on operations and maintenance activities (including emergency reinstatement works) of \$2.710M and vested assets \$166k; offset by subsidy on renewal works, which are predominantly scheduled over the warmer summer months, of \$2.594M. The NZTA approved programme for emergency works is \$52.4M with an enhanced Financial Assistance Rate [FAR] of 95%.

The unfavourable total expenditure variance of \$1.047M or 3% is primarily due to those emergency reinstatement costs of \$2.157M, with \$23.5M being spent to date.

Network and Asset Management costs are also above budget by \$139k. This is the Waka Kotahi NZTA work category which provides for the general management and control of the road network and management of road assets. This encapsulates professional services and Council budgets for 60% of this cost under its roading renewal activities. A transfer will be completed at year end.

There are favourable variances for minor events \$167k, sealed pavement maintenance \$371k, structure maintenance \$124k, depreciation \$187 and interest \$110k.

### Capital expenditure

(in thousands)	1 July to 30 November		Whole year					
	Actual	Budget			Forecast	Funded		
Capex	\$5,976	\$10,338	✘	-\$4,363	\$26,463	\$17,199	✘	\$9,264

We have achieved 22% of programmed works or 35% of the \$17.199M approved in the annual plan. The bulk of the capital (renewals) programme is behind budget due to scheduling of these works over the warmer summer months.

There are favourable variances in bridge renewals \$194K, drainage renewals \$168k, footpath renewals \$137k, minor improvements \$642k, pavement rehabilitation \$618k, sealed road resurfacing \$1.112M, structures component replacements \$166k, traffic services \$119k and unsealed road metalling \$279k.

Other non-subsidised activities which are also behind budget include Blenheim CBD works \$730k, Picton CBD works \$400k, small townships upgrades \$746k and roading related works (including cycle facilities, kerb & channel, signage, and seal extension) \$1.002M and wharves \$119k.

The Blenheim northwest extension zone is unfavourable to budget by \$2.013M due to the purchase of Thomsons Ford Road property (\$2.9M) to facilitate stormwater reticulation upgrades for the northwest zone. This acquisition is being funded from development contributions.

Vested assets are ahead of budget by \$165k.

### 13. Parking

#### Revenue and Operating Expenditure

(in thousands)	1 July to 30 November			Whole year				
	Actual	Budget		Forecast	Budget			
Surplus/Deficit	\$45	-\$43	✓	\$87	\$218	\$154	✓	\$64
Revenue	\$955	\$828	✓	\$127	\$2,115	\$1,988	✓	\$127
Expenditure	\$911	\$871	✗	\$39	\$1,897	\$1,834	✗	\$63

The favourable revenue variance of \$127 or 15% is due to infringements \$22k, parking leases \$99k and legal fees recovered \$11k.

Expenditure is unfavourable to budget by \$39k or 5% due to legal fees (lodging fines at Court) \$29k, repairs & maintenance \$15k and rates \$15k; offset by favourable contracts \$16k.

#### Capital expenditure

(in thousands)	1 July to 30 November			Whole year				
	Actual	Budget		Forecast	Funded			
Capex	\$0	\$197	✗	-\$197	\$454	\$98	✗	\$356

Capital expenditure is behind budget by \$197k with 0% of programmed works being completed. The budget provides for resurfacing of various carparks \$380k, parking machines \$75k and sundry plant \$18k.

### 14. Flood Protection

(in thousands)	1 July to 30 November			Whole year				
	Actual	Budget		Forecast	Budget			
Surplus/Deficit	\$1,264	\$874	✓	\$390	\$2,930	\$2,485	✓	\$445
Revenue	\$4,654	\$4,988	✗	-\$334	\$11,638	\$11,971	✗	-\$334
Expenditure	\$3,391	\$4,114	✓	-\$724	\$8,708	\$9,487	✓	-\$779

#### Revenue and operating expenditure

The unfavourable revenue variance of \$334k or 7% is due to insurance proceeds for river flood damage repairs (claim is currently being prepared) \$826k and sales (quarry rock) \$88k; offset by favourable grants for the Southern Valleys/Upper Condors upgrade (Provincial Growth Fund) \$255k, gravel extraction \$49k, property rentals \$25k and disbursement recoveries (river leases) \$246k.

The favourable operating expenditure variance of \$724k or 18% is due to contracts \$77k, flood damage repairs \$644k, minor contract works \$315k and interest \$36k; offset by unfavourable chemicals \$28k, greenscape contracts \$38, weed control \$50k, power \$57k and internal costs & recoveries \$114k.

## Capital expenditure

(in thousands)	1 July to 30 November		Whole year			
	Actual	Budget		Forecast	Funded	
Capex	\$142	\$3,498	✘ -\$3,356	\$4,060	\$5,166	✘ -\$1,106

We have achieved 2% of programmed works or 3% of the \$5.17M approved in the annual plan. Favourable ytd variances include pump stations \$139k, rock and gabion protection \$821k, stopbanks \$783k, drainage channels (Town Branch drain) \$1.377M and land purchases \$131k.

Major budgeted projects include Wairau River (Tuamarina to Waihopai) edge protection works \$1.33M, Lower Wairau River stopbanks \$1.21M, Omaka River stopbank & edge protection works \$0.8M and Town Branch Drain/Camerons Drain upgrades \$3M.

The land acquisition for the Pukaka Quarry expansion was completed in 2021-22. A new haul road is required to access the new area and works are underway. A budget of \$315k has been provided for this project.

## 15. Wastewater

### Revenue and Operating Expenditure

(in thousands)	1 July to 30 November		Whole year			
	Actual	Budget		Forecast	Budget	
Surplus/Deficit	-\$280	-\$201	✘ -\$79	\$1,233	\$1,741	✘ -\$508
Revenue	\$5,354	\$5,535	✘ -\$181	\$13,922	\$14,572	✘ -\$650
Expenditure	\$5,634	\$5,736	✔ -\$102	\$12,689	\$12,831	✔ -\$142

Revenue has an unfavourable variance of \$181k or 3%. This is due to development contributions \$495k and trade waste charges \$432k; offset by favourable connection charges \$112k, miscellaneous revenue (disposal of winery liquid waste at Hardings Road industrial ponds) \$426k and vested assets \$208k.

Trade waste charges are applied to those commercial or industrial properties that are likely to have a sewer flow greater than the average domestic property. This flow is calculated based on the volume of water used through the metered connection to the property. Current year charges have been assessed and invoicing has been completed for the annual customers and the first quarterly instalment for the higher users.

Operating expenditure has a favourable variance of \$102k or 2% due to reticulation maintenance \$44k, treatment \$211k, depreciation \$46k and interest costs \$33k; offset by unfavourable insurance \$52k and pump stations \$156k.

### Capital Expenditure

(in thousands)	1 July to 30 November		Whole year			
	Actual	Budget		Forecast	Funded	
Capex	\$2,550	\$5,329	✘ -\$2,778	\$6,337	\$10,572	✘ -\$4,235

We have achieved 18% of programmed works or 24% of the \$10.57M approved in the annual plan. Across the activity, pump stations \$1.869M and treatment \$723k are behind programme.

Aeration upgrades to the Blenheim domestic and industrial treatment ponds at Hardings Road have cost \$1.775M to date. The 2022-23 combined budget is \$1.5M.

Final costs for the \$15.7M Blenheim sewerage upgrade, which provides for future residential growth for 700 homes, are filtering through with \$389k spent year to date.

The focus on relining of earthenware wastewater pipes has now moved to Picton. \$3.1M is budgeted in 2022-23, with \$128k expended year to date.

Replacement of the Main Terminal Pump Station (MOPS) in Alabama Road is planned during 2022-24. This station pumps all the sewage from Blenheim, Woodbourne, Renwick and Marlborough Ridge through a 5.1km long pipeline to the Blenheim sewage treatment plant. The station is built in an area that is susceptible to liquefaction. Consideration was given to ground improvement and strengthening but that proved impractical. A new station will provide improved seismic and hydraulic performance. \$3.5M is budgeted in 2022-23 and a further \$4M in 2023-24. Physical works are now expected to commence in 2023-24 and be completed in 2024-25.

A new sewage treatment plant is planned for Havelock. The new treatment plant will significantly improve effluent quality. The project is budgeted over 2021-24 for the consenting, design and building of a new treatment plant at a new site and the construction of a new terminal pump station. The budget over this period is \$13.635M, with \$3.137M budgeted in 2022-23. Physical works are now expected to commence in 2023-24 and be completed in 2024-25.

In 2022-23 there is \$2.09M budgeted for Picton sewerage treatment aeration upgrade. The forecast is \$418k.

The Seddon sewage treatment plant requires major upgrading. Although the existing treatment plant could be replaced with a modern plant producing a consistently high-quality effluent which is suitable for continuing discharge to Starborough Creek without environmental impact, there is a strong recommendation in the current discharge consent for removal of the discharge to Starborough Creek and instead to irrigate to land. A significant volume of storage and large area of land is required for land treatment.

The preferred option includes storage, high level treatment, irrigation of the golf course and other sites. A total budget of \$13.6M has been allocated for 2022-25, with \$2.6M budgeted in 2022-23. Physical works are now expected to commence in 2023-24 and be completed in 2024-25.

## 16. Stormwater

### Revenue and Operating Expenditure

(in thousands)	1 July to 30 November				Whole year			
	Actual	Budget			Forecast	Budget		
Surplus/Deficit	\$210	\$384	✘	-\$174	\$989	\$1,130	✘	-\$141
Revenue	\$1,395	\$1,635	✘	-\$240	\$3,685	\$3,924	✘	-\$240
Expenditure	\$1,186	\$1,251	✔	-\$66	\$2,696	\$2,794	✔	-\$98

Revenue has an unfavourable variance of \$240k or 15% due to development contributions \$209k and vested asset \$62k; offset by favourable connection charges \$31k.

Operating expenditure is favourable to budget by \$66k or 5% due to reticulation maintenance \$41k and depreciation \$21k.

## Capital expenditure

(in thousands)	1 July to 30 November		Whole year					
	Actual	Budget			Forecast	Funded		
Capex	\$140	\$1,534	✘	-\$1,393	\$1,064	\$3,420	✘	-\$2,356

We have achieved 3% of programmed works or 4% of the \$3.42M approved in the annual plan.

Major budgets include replacement of Redwood St stormwater main (Muller Rd to Stephenson St) \$1M, Blenheim pipeline renewals \$1.2M, Picton pipeline renewals \$970k (actual \$62k), Goulter St pipeline upgrade in Seddon (ahead of roading improvements) \$350k and vested assets \$200k (\$21k).

Year to date expenditure for new connections is \$57k.

## 17. Waste management

### Revenue and Operating Expenditure

(in thousands)	1 July to 30 November		Whole year					
	Actual	Budget			Forecast	Budget		
Surplus/Deficit	-\$149	\$491	✘	-\$641	-\$481	\$152	✘	-\$633
Revenue	\$6,038	\$6,607	✘	-\$569	\$15,288	\$15,857	✘	-\$569
Expenditure	\$6,187	\$6,116	✘	\$71	\$15,769	\$15,705	✘	\$65

Revenue has an unfavourable variance of \$569k or 9% due to dump fees \$522k, grants (waste levy) \$26k and sales \$39k. Dump fee revenue variations are expected to improve over the busier summer period.

Operating expenditure has an unfavourable variance of \$71k or 1%. This is due to unfavourable variances in contracts \$257k and flood damage repairs (Picton transfer station access road) \$60k; offset by favourable waste levy payments \$102k, projects (recycling) \$118k and depreciation \$90k.

### Capital Expenditure

(in thousands)	1 July to 30 November		Whole year					
	Actual	Budget			Forecast	Funded		
Capex	\$438	\$1,361	✘	-\$922	\$3,498	\$2,656	✘	\$842

We have achieved 13% of programmed works or 17% of the \$2.66M approved in the annual plan.

Regional Landfill stage 9 construction costs are budgeted over two years, with \$2.9M in 2022-23 and \$3.55M the following year. Physical works have commenced and actual year to date costs are \$200k, including design.

A budget of \$260k has been provided in 2022-23 to complete weighbridge installations at the Resource Recovery Centre and the Greenwaste facility (actual \$239k). Some additional funding (circa \$147k) is proposed from the unallocated waste disposal levy received from Central Government.

## 18. Water supply

### Revenue and Operating Expenditure

(in thousands)	1 July to 30 November			Whole year				
	Actual	Budget		Forecast	Budget			
Surplus/Deficit	-\$231	-\$640	✓	\$408	\$1,905	\$1,172	✓	\$733
Revenue	\$4,680	\$4,928	✗	-\$248	\$13,686	\$13,677	✗	\$9
Expenditure	\$4,911	\$5,567	✓	-\$656	\$11,781	\$12,506	✓	-\$725

Revenue has an unfavourable variance of \$248k or 5% due to unfavourable metered water sales \$256k and development contributions \$185k; offset by favourable backflow prevention charges \$133k and connection charges \$55k.

Expenditure has a favourable variance of \$656k or 12% due to insurances \$53k, meter maintenance & reading \$35k, pump stations \$23k, reticulation maintenance \$225k, treatment \$147k, depreciation \$62k and interest \$116k; offset by unfavourable consultancy \$25k.

### Capital Expenditure

(in thousands)	1 July to 30 November			Whole year				
	Actual	Budget		Forecast	Funded			
Capex	\$4,738	\$12,102	✗	-\$7,364	\$10,737	\$21,185	✗	-\$10,448

We have achieved 16% of programmed works or 22% of the \$21.2M approved in the annual plan.

Expenditure to date has been primarily in Renwick (\$1.794M) and Wairau Valley (\$1.107M) for water treatment upgrades.

Other significant project expenditure has occurred in Havelock for reservoir supply pipeline (\$156k), Speeds Road to Elevation pipeline \$507k, York Street watermain replacement \$197k and Renwick AC water pipeline replacement \$666k

Major 2022-23 budgets by scheme include:

	Budget (\$000)	Forecast (\$000)
<ul style="list-style-type: none"> <li> <b>Blenheim</b>            Pipelines - fire/capacity upgrades \$666 \$0            Treatment - lime upgrade/additional land \$560 \$460            Pipeline renewals \$836 \$1,809         </li> </ul>		
<ul style="list-style-type: none"> <li> <b>Havelock</b>            Treatment - new treatment plant and supply pipeline \$5,324 \$352         </li> </ul>		
<ul style="list-style-type: none"> <li> <b>Picton</b>            Pipelines - Speeds Road to Elevation Reservoir \$600 \$1,360            Treatment - bring new wells into service with a filtration stage to improve resilience of the supply \$3,800 \$140         </li> </ul>		
<ul style="list-style-type: none"> <li> <b>Renwick</b>            Treatment - new water treatment plant and connection to the bores in Conders Bend Road \$8,334 \$7,003         </li> </ul>		

• <b>Awatere Rural</b> Reservoir - Lions Back	\$2,322	\$185
• <b>Seddon</b> Pipelines - Beaumont Street development	\$656	\$0
• <b>Riverlands</b> Pipelines - from new wells to reticulation scheme	\$2,613	\$354
Treatment - new wells into service with treatment to meet drinking water standards	\$5,762	\$848
• <b>Wairau Valley</b> Treatment – additional well and new treatment plant to meet drinking water standards	\$950	\$1,637
• <b>Southern Valleys Irrigation Scheme</b> Pump station upgrades	\$1,891	\$145
• <b>Flaxbourne Irrigation Scheme</b> Pipelines – new irrigation scheme	\$4,000	\$11

## 19. Forecasts

Forecast values have been reviewed with particular emphasis on capital expenditure. Much of this data has been extracted from the 2023-24 Annual Plan process.

Forecast data will continue to be updated as we progress through the year and as new information comes to hand.

Author	David Craig, Management Accountant – Operations
Authoriser	Richard Coningham, Assets and Services Manager and Jamie Lyall, Property and Community Facilities Manager



## 4. Blenheim Integrated Transport Study – Decision

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(Clr Dawson) (Report prepared by Laura Skilton)

R800-010-006-02

### Purpose of Report

1. To endorse the Network Operating Framework undertaken as part of the Blenheim Integrated Transport Study.

### Executive Summary

2. The Blenheim Integrated Transport Study (BITS) is a study into Blenheim’s future transport requirements. The study aligns with Waka Kotahi’s business case process to enable local road or state highway funding applications for any recommendations made from the study over \$2M.
  3. The strategic business case has been completed which included problem statements and evidence to support the problem statements. As part of the BITS, a [Network Operating Framework \(NOF\)](#) was commenced for Blenheim and Picton. The NOF establishes an aspirational future multi-modal set of network hierarchies that can be used to make transport funding decisions.
  4. The NOF network hierarchies can be used as a planning tool to make transport decisions.
- 

### RECOMMENDATION

**That Council endorse the Marlborough Network Operating Framework set of networks to allow Council staff and Marlborough Roads to update the road hierarchies for each mode in relevant documents.**

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### Background

5. In 2019, Council commissioned a study to review SH1 through the urban area of Blenheim and consider options for improving the flow of SH1 traffic. The study concluded that increasing population has increased traffic flow and placed increased pressure at the roundabouts on SH1. The study shows the three roundabouts on SH1 are sensitive to small variations in flow. The majority of traffic on SH1 between Dodson Street and Riverlands is local traffic and the volume of through traffic does not warrant the construction of a bypass. A series of short term and long term recommendations were made. The long term recommendations require network wide analysis, which was outside the scope of the study, and form the basis of this study.
6. The Blenheim Integrated Transport Study (BITS) is a study into Blenheim’s future transport requirements. The study has been undertaken utilising Waka Kotahi’s business case process to enable funding applications for any recommendations made from the study that can not be covered by low cost low risk projects
7. Waka Kotahi recommended that a Network Operating Framework (NOF) be undertaken as the next stage of the BITS.

### Blenheim Integrated Transport Study

8. The Strategic Business Case was undertaken by Marlborough Roads staff. This included a facilitated workshop held in April 2021. Partners and key stakeholders discussed causes, consequences and agreed problem statements. The workshop resulted in three problem statements and the business case reviewed supporting evidence for the problem statements.
  9. Problem statement one was around congestion: *“Increasing congestion on main traffic routes results in longer journey times, constrained freight movements and increased frustration.”*
  10. Problem statement two was around mode share: *“Existing roading infrastructure and public attitudes favour private vehicle use reducing alternative mode acceptance and take-up rates.”*
  11. Problem statement three was around the town centre: *“The town centre boundaries are poorly defined resulting in difficult access, poor circulation and sprawling land use.”*
-

12. The BITS Strategic Business Case was endorsed by Council and Waka Kotahi late 2021. Waka Kotahi recommended that a NOF be undertaken as the next stage of the study.

## **Network Operating Framework**

13. A Network Operating Framework (NOF) establishes an aspirational network hierarchy for different modes of transport (general traffic, freight, public transport users, pedestrians, and cyclists) while considering the inter-relationship of those modes with land use. It gives guidance on network operations, network planning, and where to consider trade-offs in terms of relative encouragement between modes. The NOF can be seen as a foundation framework that provides a multi-modal view of the network aspirations.
14. A NOF has been undertaken for the urban areas in Blenheim and Picton and was developed in principal with a workshop of stakeholders in January 2022. The NOF was received by the Regional Transport Committee in June 2022.
15. The NOF is attached as an appendix. It is a live document and can be updated to reflect changes in land uses and any future strategic objectives of a region.
16. With the completion of the NOF, there are opportunities to use the new road hierarchies.
17. The walking and cycling networks in the Council's Walking and Cycling Strategy 2019 do not align with the networks in the NOF. The NOF walking and cycling networks has a two-tier hierarchy that should be used for all networks. The new NOF hierarchies will allow prioritisation for funding to improve walking and cycling in Blenheim and Picton, while balancing the needs of other modes.
18. District Plan road hierarchies establish which roads are predominantly for through traffic, than those that are predominantly for access and those with a mix of use. This enables a set of standards and rules within the plan to ensure relevant standards and levels of service are met. The road hierarchy in the Marlborough Environment Plan (MEP) was not updated when the plan was developed. As such it is out of date and does not reflect the latest land use. The NOF general traffic road hierarchy has established four tiers and staff consider that the MEP road hierarchy should be replaced with the NOF hierarchy. This will make it easier to maintain standards in the MEP rules and ensure new developments meet the road hierarchy standards. Changes to the MEP road hierarchy would be via a plan variation process.
19. The Council Code of Practice for Subdivision and Land Development (CoP) utilises NZS4404 which includes references to road hierarchy names (arterial, collector, distributor, local), but there is no reference in the document which road hierarchy it relates to. Staff consider that the CoP should reference the NOF network.
20. The NOF did not review existing public transport routes; however, the report considered that there is an opportunity to undertake a separate public transport review. The report highlighted that a review of the public transport network will align with the Government Policy Statement and the Carbon Emissions Plan as it relates to reducing the reliance on private motor vehicles.
21. The Land Transport Rule: Setting of Speed Limits 2022 requires that each council prepares a Speed Management Plan. There is an opportunity to utilise the strategic networks for general traffic, freight, walking and cycling, when considering suitable future speed limits.
22. The NOF workshops highlighted that Blenheim does not have an intuitive ring route around the town centre. While the commercial area extends for several blocks in each direction it was noted that the core commercial area was within Alfred Street, Seymour Street, Kinross Street and Sinclair Street with a transport disconnect along the southern edge. These roads are not considered to form an intuitive ring road with vehicle traffic typically using SH1 Main Street. Earlier studies including the Wairau Plains Transport study and the Marlborough Growth Strategy have highlighted the need for a clear ring road to enhance the central area. The NOF stated that this concept would require a separate investigative study. Staff are considering the next steps for progressing this aspect the NOF and will provide advice at a later date.
23. The NOF stated that there is an opportunity to consider urban transformation projects for some of these streets as "streets for people" with traffic calming, reduced speed limits, and allowing the community to use the street in a safer environment. Roads that are not designated as one of the four tiers are local destination roads with no specific priority and can become "streets for people".

### **Option One (Recommended Option)**

24. Option one is endorse the Network Operating Framework set of networks and to allow Council staff and Marlborough Roads to update the road hierarchies for each mode in relevant documents.

#### *Advantages*

25. A consistent set of networks throughout Council documents.
26. Allows Council to make better decisions on specific roads based on the underlying priorities for that road.

#### *Disadvantages*

27. Council strategies will need to be updated to incorporate the modal networks.

### **Option Two – Status Quo**

28. Option two is to revisit aspects of the NOF if required.

#### *Advantages*

29. Opportunity to review outcomes.

#### *Disadvantages*

30. Delays in planning decisions.
31. Delay the strategic document preparation.

### **Next steps**

32. Council staff and Marlborough Roads to update the required documents to include the modal networks.
33. Use the modal networks to prioritise projects in the Regional Land Transport Plan.

### **Attachment**

**Attachment 1** – Marlborough NOF Report available on Council’s website via the following link  
<https://www.marlborough.govt.nz/your-council/meetings>

Author	Laura Skilton, Transport Planner, Marlborough Roads
Authoriser	Richard Coningham, Manager Assets and Services

## Summary of decision-making considerations

### Fit with purpose of local government

The proposal enables changes to mode share and the town centre to be undertaken more quickly and at reduced cost.

### Fit with Council policies and strategies

	<i>Contributes</i>	<i>Detracts</i>	<i>Not applicable</i>
LTP / Annual Plan	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
Financial Strategy	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
Infrastructure Strategy	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
Social well-being	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
Economic development	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
Environment & RMA Plans	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
Arts & Culture	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
3 Waters	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
Land transport	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
Parks and reserves	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>

This proposal contributes to a significant number of Council policies and strategies and by enabling a speedier, less expensive process to improve transport options for the residents of Blenheim.

### Nature of the decision to be made

The options do not involve a significant decision in relation to land or a body of water.

### Financial considerations

There are no known financial implications for the recommended option. To continue with the Waka Kotahi process will require funding.

### Significance

The decision is considered of low significance under Council's Significance and Engagement Policy.

### Engagement

No engagement is proposed as engagement will occur for individual projects.

### Risks: Legal / Health & Safety etc

There are no known significant risks or legal implications.

### Climate Change Implications

By approving the recommendation, changes enabling mode shift and reduced emissions can be made faster.

## 5. Approval for Changes to Levels of Waste Services

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(Clr Dalliesi) (Report prepared by Dr Alec McNeil)

C315-21-077-08

### Purpose of Report

1. To approve proposed changes to levels of waste services.

### Executive Summary

2. Council consulted the community on proposed changes to levels of waste services in accordance with section 83 of the Local Government Act 2022. The consultation ran between 1 and 30 November 2022. Council received 459 submissions. Hearing Panel meetings were held on 8, 9 and 12 December 2022. This paper sets out the outcomes of the consultation process, advice provided to the Hearing Panel and the Hearing Panel deliberations. Approval is now sought to implement the changes to levels of waste services as amended in response to the consultation feedback.
- 

### RECOMMENDATIONS

1. That the Hearing Panel Deliberation Report of 12 December 2022 be received.
  2. That the proposed changes to levels of waste services as set out in the November 2022 statement of proposal are progressed with the following amendments:
    - i) the kerbside collection methodology should include wheelie bins that offer residents a low (80 litre), standard (140 litre) or high (240 litre) volume option,
    - ii) the proposed remote transfer stations for Okiwi Bay and Duncan Bay should not be progressed,
    - iii) a remote transfer station should be established on part of the existing Rai Valley transfer station; and
    - iv) the proposed inclusion of kerbside collection in Wairau Valley and Ward should not proceed.
  3. That a communication plan for the roll out of the new waste services is developed and implemented across the 2023/24 period.
  4. That further refinement of the kerbside collection area occurs across the 2023/24 period.
- 

### Background

3. In 2019-20 Council consulted the community on waste matters to inform the next waste management and minimisation plan 2021-27 (WMMP). Council adopted this WMMP in May 2021. The WMMP targets for the period 2021 to 2027 and the latest updates are:

#### 3.1 Investigate beneficial use of landfill gas by December 2021.

January 2023 update – Council have engaged a suitably qualified Contractor to assess whether the landfill gas could be used as a fuel source for a biogas plant that produces electricity. A further update on the progress of this work is expected by July 2023.

#### 3.2 Investigate a regional solution for organic material including green, animal and food wastes by December 2022.

January 2023 update – several private sector companies are investigating the feasibility of establishing an organics processing solution for the region. Most organic inputs to landfill are

from commercial and industrial sources. Council will continue to work with these interested parties. If a suitable organic processing facility can be established by the private sector, then Council could then consider options for domestic organic materials such as garden and food waste.

### 3.3 Re-tender the waste management and minimisation services and award contracts by November 2023.

January 2023 update – this tender process took place during 2022 resulting in a proposed change to the level of service provided to the community. The proposed change in level of service, which was subject to community consultation in November 2022, included the introduction of wheelie bins onto the kerbside routes, the expansion of the kerbside routes to other towns in the district, and the introduction of remote transfer stations to replace the existing coin skips and rural community recycling containers. The outcome of the proposed changes to level of service will be determined by Council by March 2023.

### 3.4 Implement, monitor, and review the contracts awarded across the period 2024 to 2027.

January 2023 update – this target is still pending.

4. This report refers to the **re-tender the waste management and minimisation services and award contracts by November 2023** target. This re-tender process occurred during 2022 through a request for proposal procurement approach. The outcome from the tender process, if implemented, would see changes to levels of waste services resulting in the need for community consultation. The proposed changes to levels of waste services included expanding the kerbside collection area, the introduction of wheelie bins for kerbside rubbish and recycling collection, and the introduction of remote transfer stations to replace the current coin skips and rural community recycling bins.
5. Council consulted the community on proposed changes to levels of waste services in accordance with section 83 of the Local Government Act 2022. The consultation was advertised using print, radio, and social media channels. The consultation period ran from 1 November 2022 to 30 November 2022. A series of public information meetings were also held across the consultation period with attendances ranging from 4 to 25. In total, 459 submissions were received during the consultation period. Most of the submissions were received via the online submission form with a small number via post and direct email.
6. A Hearing Panel was convened and included Cllr Croad (Chair), Cllr J Arbuckle, Cllr Dalliessi and Cllr Fauls. Hearing Panel meetings were held on 8, 9 and 12 December 2022. Those wishing to speak to their submission attended in person or via a Teams video link. Links to the audio-visual recordings of the meetings are available via the following link <https://www.marlborough.govt.nz/services/refuse/community-consultation-waste-services>
7. The Hearing Panel deliberated on 12 December 2022 and made a series of recommendations in response to the consultation submissions. Refer to Attachment 3.

## Assessment

8. Submissions were analysed for themes and a report provided to the Hearing Panel for their reference in advance of listening to submitters. Refer to Attachment 1.
9. The main themes in response to the proposed changes to the kerbside collection service included bin size, uplift frequency, and odour. Bin size concerns can be mitigated by offering a range of sizes based on low, standard, or high-volume waste and recycling production. By sizing the bin to the household, the frequency of uplift concern is also mitigated. In relation to odour generated from waste or recycling sitting in a wheelie bin, the anticipation is that households will contain the waste in kitchen bags or similar and that recycling will be washed to prevent odour generation or residual contamination building up in the bin.
10. The main themes in response to the proposed introduction of remote transfer stations included location, litter, and odour. Submissions from Okiwi Bay and Duncan Bay residents suggested that the

remote transfer station that would service their locale be located at the Rai Valley transfer station. In relation to litter and odour, the remote transfer stations will be serviced on a planned basis that matches seasonal fluctuation in demand, mitigating the potential for accumulation of waste or recycling at these sites.

11. The online submission form posed a series of questions for submitters to respond to. A total of 459 submissions were received. A summary of the responses is set out in the following table.

Question Name	Answers (Y/N)	Total	%
<b>Question 1</b>	N/A	50	11%
Are you in favour of Council's proposal to expand the kerbside collection area?	No	61	13%
	Yes	348	76%
	Total	459	100%
<b>Question 2</b>	N/A	56	12%
Are you in favour of Council's proposal to introduce wheelie bins into the kerbside collection service?	No	69	15%
	Yes	334	73%
	Total	459	100%
<b>Question 3</b>	N/A	63	14%
Are you in favour of the bin size (140-litre) for recycling being emptied fortnightly?	No	75	16%
	Yes	321	70%
	Total	459	100%
<b>Question 4</b>	N/A	63	14%
Are you in favour of the bin size (140-litre) for refuse being emptied fortnightly?	No	116	25%
	Yes	280	61%
	Total	459	100%
<b>Question 5</b>	N/A	61	13%
Are you in favour of the crate size (55-litre) for glass being emptied fortnightly?	No	80	17%
	Yes	318	69%
	Total	459	100%
<b>Question 6</b>	N/A	52	11%
Have you used the waste calculator on Council's website to estimate your annual cost for refuse and recycling?	No	240	52%
	Yes	167	36%
	Total	459	100%
<b>Question 7</b>	N/A	141	31%
The annual targeted rate charge for the kerbside collection service from 1 July 2024 is estimated at \$160 including GST. What do you think of this price?	Higher	181	39%
	Lower	137	30%
	Total	459	100%

Question Name	Answers (Y/N)	Total	%
<b>Question 8</b>	N/A	56	12%
Do you approve of the introduction of remote transfer stations to replace the current coin skips?	No	85	19%
	Yes	318	69%
	Total	<b>459</b>	100%
<b>Question 9</b>	N/A	46	10%
Do you have any other comments to make on the proposed changes to the level of service?	No	255	56%
	Yes	158	34%
	Total	<b>459</b>	100%
<b>Question 10</b>	N/A	459	
Supporting Documents	Total	<b>459</b>	

12. Following on from the hearings and in considering evidence presented by submitters the Hearing Panel made the following recommendations.

12.1 The proposed changes to levels of waste services should be adopted with the following amendments:

- i) the kerbside collection methodology should include wheelie bins that offer residents a low (80 litre), standard (140 litre) or high (240 litre) volume option,
- ii) the proposed remote transfer stations for Okiwi Bay and Duncan Bay should not be progressed,
- iii) a remote transfer station should be established on part of the existing Rai Valley transfer station; and
- iv) the proposed inclusion of kerbside collection in Wairau Valley and Ward should not proceed.

12.2 A communication plan for the roll out of the new waste services is developed and implemented across the 2023/24 period.

12.3 Further refinement of the kerbside collection area occurs across the 2023/24 period.

## Discussion on Hearing Panel Recommendations

13. The offering of a range of bin sizes can be delivered without any material impact on the Contract cost. To achieve this recommendation each kerbside collection entitled property owner would be written to by March 2023. The letter would confirm any Council decision to progress with the changes to levels of waste services and request that the property owner indicate which size of wheelie bin is preferred by completing an online submission form that is unique to the entitled property address. The subsequent list would then be supplied to the Contractor by June 2023 and bin orders placed. This work can be covered from internal resources and budgets.

14. The redevelopment of the Rai Valley transfer station to include a remote transfer station can be achieved within the current site boundary. The cost associated with this redevelopment will be funded from a combination of existing budgets, waste disposal levy and where possible Central Government infrastructure grants. The design and costs can be further refined during 2023.



15. The roll out or implementation plan for the new Contract and any new service will be provided to Council during March / April 2023. The plan will set out the timelines, messaging and collateral intended to support and promote any new Contract services. Internal work has already been undertaken on this plan including discussions with other councils on their recent experiences with such roll outs.
16. The kerbside collection area will require further refinement across 2023 if this change in level of service is progressed. This work will finalise the kerbside collection area and update the Council rating system as appropriate. Costs associated with this predominantly field work are anticipated to be covered from internal resources and budgets as well as support from the Contractor.
17. The exclusion of Wairau Valley and Ward from the kerbside collection area does not materially impact on the Contract proposal or cost. Wairau Valley and Ward both contain a small number of properties that can continue to be serviced via the transfer stations.
18. The submission database shows 2 responses from Wairau Valley both of which were against the kerbside expansion. For Ward, the database shows 10 responses with 6 in favour and 4 against the kerbside expansion. The public meeting in Ward had an audience of 20 with a vocal majority indicating they were against the kerbside expansion.

### **Feedback to Submitters**

19. Submitters have been sent a general response thanking them for their submission and confirming the date of the Assets and Services meeting at which this paper will be discussed. In addition, submissions that raised specific questions or raised specific points have been responded to individually.

### **Summary**

20. The community consultation process for proposed changes to levels of waste services has now concluded. The Hearing Panel has considered the submissions and in principle recommends that the proposed changes are progressed subject to the amendments set out at point 12.
21. The amendments recommended by the Hearing Panel address themes identified in the consultation submissions but do not materially impact on the Contract proposal or cost.

### **Option One (Recommended Option)**

22. That the Hearing Panel Deliberation Report of 12 December 2022 be received.
23. That the proposed changes to levels of waste services as set out in the November 2022 statement of proposal are progressed with the following amendments:
  - i) the kerbside collection methodology should include wheelie bins that offer residents a low (80 litre), standard (140 litre) or high (240 litre) volume option,
  - ii) the proposed remote transfer stations for Okiwi Bay and Duncan Bay should not be progressed,
  - iii) a remote transfer station should be established on part of the existing Rai Valley transfer station; and
  - iv) the proposed inclusion of kerbside collection in Wairau Valley and Ward should not proceed.
24. That a communication plan for the roll out of the new waste services is developed and implemented across the 2023/24 period.
25. That further refinement of the kerbside collection area occurs across the 2023/24 period.

### *Advantages*

26. Adopting this option will:

- provide the community and visitors to the region with an improved level of service,
- improve the efficiency of collecting recycling materials and refuse,
- reduce the potential for littering and illegal dumping; and
- promote behaviour change at an individual and community level.

### *Disadvantages*

27. This option introduces change into our community which will require ongoing support as we transition into the new levels of waste services.

### **Option Two (Alternative Option)**

28. Reject the proposed changes to levels of waste services and re-tender based on current service levels.

### *Advantages*

29. Nil.

### *Disadvantages*

30. Re-tendering will not guarantee a different outcome.

31. The market response to a re-tender is not guaranteed to provide a competitive outcome.

### **Next steps**

32. Confirm an unconditional Contract by March 2023.

33. Establish an implementation plan by April 2023.

34. Confirm the bin size stock requirements by June 2023.

35. Confirm the remote transfer station locations and requirements by December 2023.

36. Confirm the kerbside collection area by December 2023.

37. Confirm the roll out information collateral by December 2023.

38. Undertake Contract handover preparatory work during April to June 2024

39. Deliver the roll out information during April to June 2024

40. Deliver wheelie bins during May / June 2024.

41. Complete Contract handover work during June 2024.

42. New service commencement 1 July 2024.

### **Attachments**

**Attachment 1** - Waste Services Consultation Memo setting out the themes and results that emerged from the community consultation page 24

**Attachment 2** – Notes of the Proposed Changes to Levels of Waste Services Hearing page 32

**Attachment 3** – Deliberations of Proposed Changes to Levels of Waste Services Hearing Panel page 34

Author	Dr Alec McNeil, Solid Waste Manager
Authoriser	Stephen Rooney, Operations and Maintenance Engineer

Author	Dr Alec McNeil, Solid Waste Manager
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**Summary of decision-making considerations**

**Fit with purpose of local government**

The proposal enables democratic local decision-making and action by, and on behalf of the community and relates to consideration of providing a public service, its need, and cost effectiveness.

**Fit with Council policies and strategies**

	<i>Contributes</i>	<i>Detracts</i>	<i>Not applicable</i>
LTP / Annual Plan	✓	<input type="checkbox"/>	<input type="checkbox"/>
Financial Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Infrastructure Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Social well-being	✓	<input type="checkbox"/>	<input type="checkbox"/>
Economic development	<input type="checkbox"/>	<input type="checkbox"/>	✓
Environment & RMA Plans	<input type="checkbox"/>	<input type="checkbox"/>	✓
Arts & Culture	<input type="checkbox"/>	<input type="checkbox"/>	✓
3 Waters	<input type="checkbox"/>	<input type="checkbox"/>	✓
Land transport	✓	<input type="checkbox"/>	<input type="checkbox"/>
Parks and reserves	✓	<input type="checkbox"/>	<input type="checkbox"/>

**Nature of the decision to be made**

The options do not involve a significant decision in relation to land or a body of water.

**Financial considerations**

The additional levels of service proposed can be met within existing budgets.

**Significance**

The decision is considered of medium significance under Council's Significance and Engagement Policy.

**Engagement**

A special consultation process was followed (sec.83 of LGA).

**Risks: Legal / Health & Safety etc**

There are no known significant risks or legal implications caused by this request.

**Climate Change Implications**

The level of service changes will result in a reduction in vehicle emissions across the region. Further work will be required to quantify this impact.

*Attachment 1*

Record Number: 22243760  
File Ref: C315-21-077-08  
Date: 25 January 2023

**Memo To: Hearings Panel, Executive Management Team**

**Copy To: Stephen Rooney, Nicole Chauval**

**From: Alec McNeil**

**Subject: Waste Services Consultation**

This memo sets out the themes and results that have emerged from the community consultation on proposed changes to levels of waste service. The consultation ran from 1 to 30 November 2022 inclusive. Consultation closed at 4.00pm on 30 November 2022. A total of **459** submissions were received. A total of **24** wish to speak to their submission.

## Themes

The main themes identified in the submissions are summarised in the following table. Staff comments are provided to inform the Hearing Panel in their deliberation.

Theme Name	Theme Description	% of Responses	Staff Comment
Frequency	The frequency of kerbside collection should be weekly, particularly of rubbish.	10%	A weekly kerbside collection service would double the size of the collection fleet. This would double the kerbside collection fleet emissions profile. The proposed fortnightly service cost is \$160 per year. A weekly service would cost in the region of \$240 per year.
Split collection	Some residents wanted refuse weekly and recycling fortnightly on the grounds of volume matching and odour mitigation.	1%	Splitting the frequency of collection for rubbish and recycling will result in an increased collection fleet and an increased collection fleet emission profile.
Odour	The potential for odour to be generated due to a fortnightly collection of rubbish.	7%	<p>The anticipation is that rubbish will be placed in the wheelie bins in a contained manner, for example, in a kitchen size bin bag supplied by the resident. On that premise the odour impact is considered to be mitigated.</p> <p>In other Council areas bin washing to limit the potential for residual waste build up in the bins has been supplied on a commercial basis. Generally, these Council areas have a large enough market that sustains a commercial user pays service. In the case of Marlborough, a commercial response is unlikely to be viable. A rate funded service can be supplied on a quarterly basis at \$16 per entitled property per year or on a six-monthly basis at \$8 per property per year.</p>
Bin Size	The size of the wheelie bin was considered as either too large or too small.	8%	<p>A range of wheelie bin sizes can be offered. From an administration perspective the kerbside collection area would be surveyed in advance and ratepayers asked to confirm which size of bin they would like. The 140-litre bin size would be the default and an 80 litre and 240 litre option offered for both rubbish and recycling. A variable bin size also has internal implications for the rating system which can be worked through. Indicative pricing for the three bin sizes will take account of the increase or reduction in collected material. The other main Contract cost is related to collection and will not be affected as the trucks still have to service the complete routes regardless of the bin size. In terms of cost, the following annual targeted rates are indicative:</p>

Theme Name	Theme Description	% of Responses	Staff Comment
			<ul style="list-style-type: none"> <li>• 80 litre bins and crate \$140 including GST per annum</li> <li>• 140 litre bins and crate \$160 including GST per annum</li> <li>• 240 litre bins and crate \$200 including GST per annum</li> </ul>
Crate size	The size of the glass crate was considered as either too large or too small.	1%	The crate size is aligned to the collection methodology. If the crate was larger, it may introduce manual handling issues for the Contractor.
Litter	The potential for wheelie bins to contribute to the production of litter if they blow over in high winds.	1%	Both the proposed kerbside collection systems and the remote transfer station system are anticipated to provide a more contained service option that will reduce the likelihood of litter being produced. In addition, the funding of the remote transfer stations from a general geographic rate is anticipated to reduce the incidence of illegal dumping/littering.
Glass bin	Some residents wanted either to comingle the glass with other recycling or to have a glass wheelie bin for mixed glass.	1%	The current end market for the glass i.e., the furnace in Auckland, requires the material to be colour sorted. Comingling glass with other recycling or mixing the glass in one wheelie bin would require a separate processing/sorting solution. This type of processing/sorting solution is related to the tonnage throughput and can be justified in larger urban centres but not in lower tonnage settings such as Marlborough.
Greenwaste bin	Requests for a greenwaste wheelie bin collection service.	5%	<p>A greenwaste kerbside collection service would require additional processing capacity and a secure end market demand for the shredded greenwaste material. Greenwaste wheelie bins introduce the possibility of contamination from flaxes and other fibrous materials as well as weed killer contaminated grass clippings.</p> <p>The current physical transfer station collected greenwaste system can be advanced during the term of the new contract if a suitable end market can be established.</p>
Foodwaste bin	Requests for a foodwaste collection service.	1%	A foodwaste kerbside collection bin also requires a processing capacity solution and an end market demand. Food waste bins also introduce further possibilities for contamination being placed in the bin, for example, packaging materials and other rubbish.

Theme Name	Theme Description	% of Responses	Staff Comment
			The majority of the organics loading in the region is from commercial and industrial sources not households. Once a solution for this material is developed then Council can revisit the topic of food waste.
Incentives	High volume recyclers and low volume rubbish producers to be rewarded financially.	1%	Some overseas jurisdictions operate a pay as you throw system. These systems are reliant on weight derived data at a household level which will not be available under this Contract.
Cost to elderly	Concerns raised about cost impact on elderly residents on fixed incomes.	1%	The introduction of a range of bin sizes will provide some mitigation of cost. In addition, other wider general rate rebates options are available from Council.
Kerbside wind	Wheelie bins will blow over in high winds.	2%	Wheelie bins can be affected by high winds and can be blown over. The placement of the bin presents an option to reduce the potential of this happening. A rubber lid clip product can be retro fitted to bins in areas that experience consistently high wind issues. This clip opens during the bin emptying cycle. <a href="https://wellington.govt.nz/rubbish-recycling-and-waste/bins-bags-crates-and-skips/wheelie-bins-and-bin-clips">https://wellington.govt.nz/rubbish-recycling-and-waste/bins-bags-crates-and-skips/wheelie-bins-and-bin-clips</a> . The clip product retails at \$15 including GST per unit.
Remote transfer station (RTS) location	Proposed RTS location at Duncan Bay and Okiwi Bay rejected or criticised.	16%	The proposed RTS locations at Duncan Bay and Okiwi Bay can be relocated to a redeveloped Rai Valley transfer station.
Additional RTS	Additional RTS sites requested for other rural communities.	1%	Additional or alternative RTS sites can be considered as part of the pre-contract planning period which runs across 2023 and 2024.
Transfer stations	Clarity sought on whether there would be any changes to the existing transfer station network.	1%	The existing transfer stations will be retained and redeveloped over the life of the Contract. It is anticipated that bulkier waste and bulkier recycling items will continue to be delivered through the transfer station network. Whilst the rubbish throughput is likely to decrease at the transfer stations as a result of the expanded kerbside service and RTS service this will present opportunities to reconfigure the sites, for example, for the collection of greenwaste.

Theme Name	Theme Description	% of Responses	Staff Comment
Access (kerbside)	Concerns raised about accessing certain streets across the kerbside collection area.	1%	The Contract contains provisions for managing difficult access areas on the kerbside routes. This may include using smaller vehicles for hilly or narrow streets.
Placement (kerbside)	Concerns about physically placing/handling the bins on collection days.	1%	The wheelie bins are designed such that the centre of balance is achieved without any manual handling issues. Similarly, when the bins are positioned for emptying, they are flat on the ground rather than resting on the wheels.
Retain bags	Some residents wanted to retain the existing refuse bag system on the premise that it matched volume needs and was easier to handle.	2%	Low volume waste producers are attracted to retaining the current bag system. Retaining the current bag system alongside a wheelie bin system would result in a change to the type of collection fleet supplied by the Contractor. This in turn would result in significant change in Contract price as more time is required to handle bags on the routes. The more time taken on the routes increases the likelihood that more collection vehicles will be required. Offering a range of bin sizes partly mitigates the potential for supplying more capacity than is required.
Include other areas for kerbside	Inclusion of other areas, for example, Marlborough Ridge and other parts of Lower Wairau was requested.	1%	Other areas can be identified and considered during the pre-contract period. Additional kerbside properties will result in additional fleet requirements. The current projected kerbside property count is in the region of 17,500. The Contractor has been asked to model up to 20,000 properties
Rates query	Generally, residents were not aware of the annual geographic rate/charge mechanism.	1%	Residents were not aware of the annual geographic rates/charges mechanism or how to access it via the smart map function on the Council website. This can be addressed through targeted communication.



## Public Information Meetings

The following table summarises the public information schedule that was delivered during the consultation period.

Location	Venue	Date
Blenheim	Springlands School Hall	Thursday 3 November 2022
Picton	Port Marlborough Pavilion	Tuesday 8 November 2022
Grovetown	Ūkaipō – Rangitāne Cultural Centre	Thursday 10 November 2022
Renwick	Renwick Community Hall	Tuesday 15 November 2022
Havelock	Havelock School Hall	Thursday 17 November 2022
Rai Valley	Rai Valley School Hall	Tuesday 22 November 2022
Blenheim	Springlands School Hall	Thursday 24 November 2022
Seddon	Seddon Community Hall	Friday 25 November 2022
Ward	Ward Community Hall	Tuesday 29 November 2022

Meeting attendance figures ranged from 2 to 20.

Some additional themes that emerged from the public information meetings included:

- Methods of communication
- Pre-determined outcomes versus consulting on a proposal
- Ability to vary the proposal in response to consultation submissions
- Decision-making process
- Reaction to change
- Opt in versus opt out

## Results

The following table summarises the responses to the questions asked on the consultation form

Question Name	Answers (Y/N)	Total	%
<b>Question 1</b>	N/A	50	11%
Are you in favour of Council's proposal to expand the kerbside collection area?	No	61	13%
	Yes	348	76%
	Total	459	100%
<b>Question 2</b>	N/A	56	12%
Are you in favour of Council's proposal to introduce wheelie bins into the kerbside collection service?	No	69	15%
	Yes	334	73%
	Total	459	100%
<b>Question 3</b>	N/A	63	14%
Are you in favour of the bin size (140-litre) for recycling being emptied fortnightly?	No	75	16%
	Yes	321	70%
	Total	459	100%
<b>Question 4</b>	N/A	63	14%
Are you in favour of the bin size (140-litre) for refuse being emptied fortnightly?	No	116	25%
	Yes	280	61%
	Total	459	100%
Question Name	Answers (Y/N)	Total	%
<b>Question 5</b>	N/A	61	13%
Are you in favour of the crate size (55-litre) for glass being emptied fortnightly?	No	80	17%
	Yes	318	69%
	Total	459	100%
<b>Question 6</b>	N/A	52	11%
Have you used the waste calculator on Council's website to estimate your annual cost for refuse and recycling?	No	240	52%
	Yes	167	36%
	Total	459	100%
<b>Question 7</b>	N/A	141	31%
The annual targeted rate charge for the kerbside collection service from 1 July 2024 is estimated at \$160 including GST. What do you think of this price?	Higher	181	39%
	Lower	137	30%
	Total	459	100%
<b>Question 8</b>	N/A	56	12%
Do you approve of the introduction of remote transfer stations to replace the current coin skips?	No	85	19%
	Yes	318	69%
	Total	459	100%

<b>Question 9</b>	N/A	46	10%
Do you have any other comments to make on the proposed changes to the level of service?	No	255	56%
	Yes	158	34%
	Total	<b>459</b>	100%
<b>Question 10</b>	N/A	459	
Supporting Documents	Total	<b>459</b>	

**Notes of the  
Proposed Changes to Levels of Waste Services Hearing Panel Meetings held in  
Council Chambers on 8 December 2022 commencing at 1.00 pm and  
9 and 12 December 2022 commencing at 9.00 am**

**Present**

Councillors David Croad (Chair), Deborah Dalliessi, Jamie Arbuckle, and Barbara Faults

**In Attendance**

Dr Alec McNeil (Solid Waste Manager) and Nicole Chauval (Secretary). Stephen Rooney (Operations and Maintenance Engineer) present Monday 12 December 2022.

**Apologies**

Mark Wheeler (Chief Executive)

**Proposed Changes to Levels of Waste Services      C315-21-077-08**

The Chair welcomed those present for each of the Hearing days and outlined the format for the Hearing.

There were 459 submissions received and of those 24 submitters wanted to speak to their submission.

Prior to the Hearing the following reports/information were circulated to the Hearing Panel:

1. Memo – Waste Services Consultation (Filed in CM Rec No. 22256219)
2. Example of Hearing Appointment Letter (Filed in CM Rec No. 22256219)
3. Speaking Submissions (Filed in CM Rec No. 22256219)
4. Non-Speaking Submissions (Filed in CM Rec No. 22256219)

The following speakers had indicated they would speak to their submission but withdrew prior to the Hearing date or on the Hearing day.

- 5641 George Jackson
- 5723 Rev Peniamina Faalave (EFKS Blenheim)
- 5766 Alexandra Smedley
- 5816 Annette McWatters
- 5833 Kim Davies
- 5883 Jess Palmer
- 5980 Janie Granger
- 5869 Sally Warren
- 6025 Gordon and Sue Adamson
- 6042 Ian and Mary-Jane Reade
- 6061 Luke Kibblewhite
- 6069 Beryl Archer (Penzance Tuna Bay Property Owners Association)

The following are a list of submitters' that spoke to the Hearing Panel on the comments noted in their submission.

**Thursday, 8 December 2022**

5845 Richard Smedley (present via Teams)

5742 Chris Walmsley (present via Teams)

A selection of photos and a video were shown to the panel (filed in CM Rec No. 22254108 and 22254109).

5762 Michael Stoneley

5993 Patricia Sprange

ATTENDANCE: The Hearing adjourned at 1.53 pm and resumed at 2.28 pm.

5828 Paul Williams (present via Teams)

*Refer to the following links for an audio-visual recording of the 8 December 2022 Hearing.*

[Waste Services Consultation Hearing 8 December 2022 - Part One](#)

[Waste Services Consultation Hearing 8 December 2022 - Part Two](#)

[Waste Services Consultation Hearing 8 December 2022 - Part Three](#)

The **Thursday, 8 December 2022** Hearing adjourned at 2.49 pm and reconvened on **Friday, 9 December 2022** at 9.00 am.

**Friday, 9 December 2022**

5874 Scott Adams

5898 Bruce and Tina Higgs (present via Teams)

5990 Chris Simpson

6030 Gordon Waide

6032 Hana Lylie Wilkinson (Nelson Marlborough Public Health Services) (present via Teams)

6037 Jill Pendleton

*Refer to the following link for an audio-visual recording of the 9 December 2022 Hearing*

[Waste Services Consultation Hearing 9 December 2022](#)

The **Friday, 9 December 2022** Hearing adjourned at 10.43 am and reconvened on **Monday, 12 December 2022** at 9.00 am.

**Monday, 12 December 2022**

6070 Kieran O'Boyle

*Refer to the following link for an audio-visual recording of the meeting.*

[Waste Services Consultation Hearing 12 December 2022](#)

There being no further business the Hearing closed at 9.19 am.

*Note:*

1. Two submissions were received after the consultation had closed and have not been included in the statistical information. They were circulated to the Panel for their information.
2. Two late submissions were received after the consultation had closed and the Hearing Panel meetings had concluded. These late submissions were not circulated nor included in the statistical information.



**Deliberations of  
Proposed Changes to Levels of Waste Services Hearing Panel held in Council  
Chambers on 12 December 2022**
**Present**

Councillors D Croad (Chair), D Dalliessi, J Arbuckle and B Faulls

**In Attendance**

Dr Alec McNeil (Solid Waste Manager), Stephen Rooney (Operations and Maintenance Engineer), Nicole Chauval (Secretary)

**Executive Summary**

1. Council called for submissions on proposed changes to levels of waste services. The proposed changes included:
  - 1.1. expanding the kerbside collection area to include Grovetown, Havelock, Rarangi, Rai Valley, Renwick, Seddon, Spring Creek, Tuamarina, Wairau Valley, and Ward,
  - 1.2. changing the kerbside collection methodology to include wheelie bins; and,
  - 1.3. introducing remote transfer stations to replace the current coin skips service and the current rural community recycling service.
2. 459 submissions were received. 24 submitters indicated they wished to speak to their submissions. 12 submitters spoke to their submission across the three days of hearings held on the 8, 9 and 12 December 2022. 12 submitters who had indicated they wished to speak subsequently withdrew after further discussion with Council staff.
3. The key points raised by the 459 submitters were:
  - 3.1. frequency of wheelie bin collection,
  - 3.2. the size of the wheelie bins; and,
  - 3.3. the proposed locations for the remote transfer stations at Okiwi Bay and Duncan Bay.
4. The responses to the consultation questions are summarised in the following table:

Question Name	Answers (Y/N)	Total	%
<b>Question1</b>	N/A	50	11%
Are you in favour of Council's proposal to expand the kerbside collection area?	No	61	13%
	Yes	348	76%
	<b>Total</b>	<b>459</b>	<b>100%</b>
<b>Question2</b>	N/A	56	12%
Are you in favour of Council's proposal to introduce wheelie bins into the kerbside collection service?	No	69	15%
	Yes	334	73%
	<b>Total</b>	<b>459</b>	<b>100%</b>
<b>Question3</b>	N/A	63	14%
Are you in favour of the bin size (140-litre) for recycling being emptied fortnightly?	No	75	16%
	Yes	321	70%
	<b>Total</b>	<b>459</b>	<b>100%</b>

Question Name	Answers (Y/N)	Total	%
<b>Question4</b>	N/A	63	14%
Are you in favour of the bin size (140-litre) for refuse being emptied fortnightly?	No	116	25%
	Yes	280	61%
	Total	459	100%
<b>Question5</b>	N/A	61	13%
Are you in favour of the crate size (55-litre) for glass being emptied fortnightly?	No	80	17%
	Yes	318	69%
	Total	459	100%
<b>Question6</b>	N/A	52	11%
Have you used the waste calculator on Council's website to estimate your annual cost for refuse and recycling?	No	240	52%
	Yes	167	36%
	Total	459	100%
<b>Question7</b>	N/A	141	31%
The annual targeted rate charge for the kerbside collection service from 1 July 2024 is estimated at \$160 including GST. What do you think of this price?	Higher	181	39%
	Lower	137	30%
	Total	459	100%
<b>Question8</b>	N/A	56	12%
Do you approve of the introduction of remote transfer stations to replace the current coin skips?	No	85	19%
	Yes	318	69%
	Total	459	100%
<b>Question9</b>	N/A	46	10%
Do you have any other comments to make on the proposed changes to the level of service?	No	255	56%
	Yes	158	34%
	Total	459	100%
<b>Question10</b>	N/A	459	
Supporting Documents	Total	459	

## 5. Discussion

- The Hearing Panel discussed the various issues raised through the consultation process. In relation to the kerbside proposals, the Hearing Panel viewed this as a system change and supported its implementation with the exception of Wairau Valley and Ward. In relation to the remote transfer stations, the Hearing Panel did not support the proposed locations at Okiwi Bay and Duncan Bay. The Hearing Panel favoured a redevelopment of the existing Rai Valley transfer station instead.
- The Hearing Panel acknowledged that themes drawn from the submissions could be specific to individuals or demographics or geographic areas. The Panel acknowledged that people respond to change in different ways. For example, elderly residents concern about handling the bins and the cost to people on fixed incomes. The Hearing Panel concluded that on balance the proposed changes to levels of waste services, subject to the Panel recommendations being adopted, would be an improvement for a majority of the community and achieves the intended outcomes of the waste management and minimisation plan 2021-27.
- The Hearings Panel deliberated on feedback from Wairau Valley and Ward. The Panel concluded, on balance, these locations be excluded from the kerbside collection system change.

9. The Hearing Panel acknowledged that further community feedback will be received during the future implementation and roll out phases of service delivery. The Panel concluded that quality, regular and ongoing communication with the community will be key during these phases.

10. **Recommendations**

The hearings panel agreed to the following:

- 10.1. The proposed changes to levels of waste services should be adopted with the following amendments:

- 10.1.1. the kerbside collection methodology should include wheelie bins that offer residents a low (80 litre), medium (140 litre) and high (240 litre) volume option,
- 10.1.2. the proposed remote transfer stations for Okiwi Bay and Duncan Bay should not be progressed,
- 10.1.3. a remote transfer station should be established on part of the existing Rai Valley transfer station; and,
- 10.1.4. the proposed inclusion of kerbside collection in Wairau Valley and Ward should not proceed.

- 10.2. A communication plan for the roll out of the new waste services is developed and implemented across the 2023/24 period.

- 10.3. Further refinement of the kerbside collection area occurs across the 2023/24 period.

The deliberation meeting concluded at 11am on Monday 12 December 2022.

Record No.22256220



## 6. Bluegums Odour Survey

(Clr Dalliessi) (Report prepared by Dr Alec McNeil)

C315-21-039-02

### Purpose of Report

1. To provide an update on the Bluegums landfill odour survey undertaken during 2022.

### Executive Summary

2. Council receives district-wide odour complaints via the online PONG (Prevailing Odour Not Good) reporting system. The reports entered in the system relate to odours from various land use, industrial, and domestic activities which affect the amenity of the complainant. In 2022, in response to complaints about odours in the Taylor Pass area attributed to the landfill, Council undertook an odour survey. This report sets out the results of the survey and changes in operational practice at the landfill during 2022. A further survey during March 2023 to May 2023 is recommended.

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### RECOMMENDATIONS

1. That the report be received.
2. That approval be given for another odour survey to be undertaken across March 2023 to May 2023 and that the survey results are reported back to Council.

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### Background/Context

3. The Bluegums landfill has been in operation since 1996. The site is located approximately 1km south of the Taylor Pass housing area. The landfill receives average annual waste inputs of 68,000 tonnes. Up to 75% of the waste input tonnage is derived from commercial and industrial sources. A summary of waste inputs for the 2021-22 period is appended to this report.
4. The Bluegums Landfill site operates under a Resource Consent (U000950). Operational compliance with the resource consent is set out in the Landfill Management Plan. The Bluegums Landfill also generates gas as a by-product from the degradation of the waste. This gas is captured and destroyed or burned off via an on-site flare. The current Landfill Management Plan and supporting Odour Management Plan can be found on the Council website:  
<https://www.marlborough.govt.nz/services/refuse/bluegums-landfill>
5. Council receives odour complaints from a variety of sources about a range of activities. To capture these complaints an online reporting tool has been developed. The PONG (Prevailing Odour Not Good) reporting system allows the community to report any odour they experience. These reports are then followed up by Council staff and any findings updated onto the PONG system. The complainants are then contacted by a combination of visit, email or phone call.
6. In response to PONG reports registered by the community about the Bluegums Landfill, Council conducted an odour survey utilising three odour data loggers. These data loggers are used to detect the presence of Hydrogen Sulphide which is one of the constituents of landfill gas. One data logger was deployed at the landfill and two were deployed at private properties within the Taylor Pass housing area.
7. The odour survey was conducted across June 2022 and July 2022. The data was retrieved on a regular basis by returning the data loggers to Council and connecting them to a laptop. The data loggers remained fully functional throughout the trial period. Screenshots of the recorded data are appended to this report.
8. Prior to the odour survey several operational matters related to the landfill were reviewed and the following changes implemented:

- 8.1 Inputs of organic materials under the sludges and animals waste category were restricted.
  - 8.2 Landfill customers were reminded that waste containers needed to be cleaned down to prevent the accumulation of odour generating residues.
  - 8.3 Landfill customers were advised that waste vehicles are not to park in the Taylor Pass area prior to the landfill opening.
  - 8.4 The landfill operational activity was reviewed, and changes made to improve the potential for odour mitigation, for example, by limiting the size of the operational area and increasing the amount of soil cover used.
  - 8.5 Landfill gas extraction flow was increased from 300 to 400 cubic metres per hour.
  - 8.6 The odour suppressant spray lines were extended to provide wider coverage on site. These lines spray out an organic chemical that disrupts any odour flow that may be moving across the site. The suppressant system operates out of hours on a time-controlled basis.
  - 8.7 The sewer network within the Taylor Pass area was checked for odours during the trial period.
  - 8.8 Monthly updates on landfill operational matters are now provided on the Council website. The purpose of these updates is to signal to the community any activity that may result in short term odour production, for example, trenching works associated with the landfill gas collection system. Other matters such as increased traffic movements related to waste inputs or landfill construction are also highlighted.
9. During the trial period a total of 34 PONG reports associated with the landfill were received. The reports are ranked on a scale of impact with 0 being the least impactful and 6 being the most impactful. A screenshot of the PONG reports for this period is appended to this report. Locations have been removed. Also appended to this report is a description of the impact descriptions set out on the PONG form. Up to 50% of the PONG reports submitted during the trial period cited historical issues with odours that were associated with the landfill.
10. Some correlation was established between landfill activity and PONG reports. The correlation i.e., where an attributable cause could be established included:
- 10.1 trenching works on site,
  - 10.2 incoming loads that were creating odours as they transited through the community,
  - 10.3 downtime of the gas flare; and,
  - 10.4 downtime of the odour suppressant spray lines.

## **Assessment/Analysis**

11. The data loggers recorded no traces of Hydrogen Sulphide during the trial period.
12. Up to 50% of the PONG reports submitted during the trial period cited historical issues with odours that were associated with the landfill.
13. During the sewer investigations a temporary bung was discovered to have been left in place. The bungs are normally used to test a system during construction or repair and should be removed once the testing is completed. The location of the bung was adjacent to some of properties that has been experiencing odour issues. Whilst the bung did not completely block the sewer it would have caused build up of material from time to time.
14. Feedback was received from the community on how representative the odour survey would be if it was only conducted during the cooler months. To alleviate this issue a further survey across the warmer months and harvest period is being recommended.

15. Since the odour survey concluded the PONG system has registered 11 complaints up until 7 November 2022. Half of these complaints refer to non-landfill odour related issues.

### **Option One (Recommended Option)**

16. That another odour survey is undertaken across March 2023 to May 2023 and that the results of this survey are reported back to Council.

#### *Advantages*

17. The additional odour survey will provide a data set that covers both cooler and warmer periods.

#### *Disadvantages*

18. Nil. The cost of the survey is in the region of \$5,000 which can be covered from existing budgets.

### **Option Two (Status Quo)**

19. That Council does not undertake the additional odour survey.

#### *Advantages*

20. Nil.

#### *Disadvantages*

21. The odour data set does not cover the warmer periods.

### **Next steps**

22. Approve the recommendations in this report.
23. Release an update to the community through various communications platforms including print media, social media, the Council website.

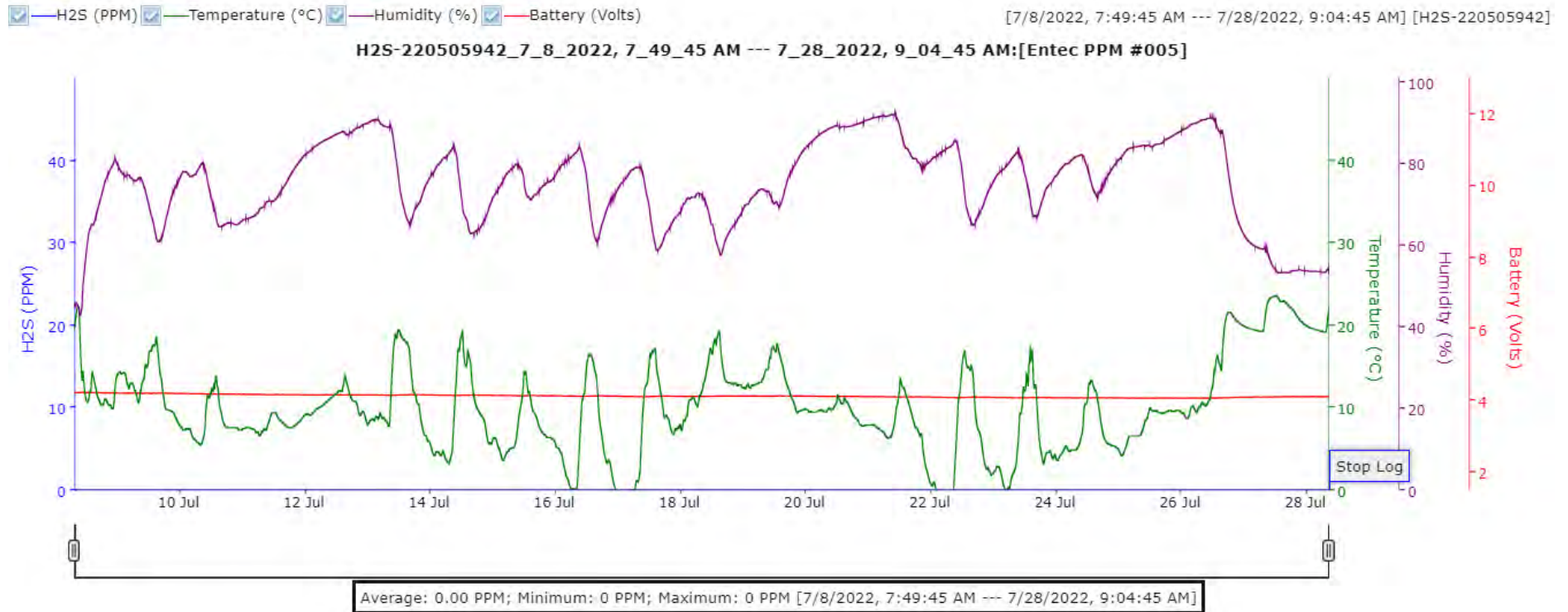
Author	Dr Alec McNeil, Solid Waste Manager
Authoriser	Stephen Rooney, Operations and Maintenance Engineer

## Bluegums Landfill Waste Inputs 2021-22

Product Id	Product Name	Weigh Count	Net Weight
ASB	Asbestos	197	871.98
ASH	Ash	34	134.72
C Soil	Contaminated Soil	586	5897.78
GEN	General Refuse	11635	23008.76
GRASSC	Commercial Grass Waste	505	172.8
GRNWGRASS	Green Waste/Grass	144	1134.62
LTR	Litter	860	198.62
LW	Liquid Waste	344	2179.9
MDCASB	MDC Asbestos	1	0.22
MDC-C	MDC Cleanfill	155	1038.14
MDC-G	MDC General Refuse	746	3895.98
MDC-S	MDC Special Waste	160	212.84
MSHELL	Mussel Shells	1035	6534
SAWD	Sawdust	133	275.26
SLDG	Sludges and Animal Wastes	1146	5248.62
TAG	Replacement Key Tag	38	0
TInExt	Timber In (External)	273	697.42
TomWaste	Tomato Waste	13	70.6
TSB	Transfer Station Bagged Waste	258	714.78
WFM	Winery filter media	694	2506.4
WSC Soil	WSC soil/rubble	152	1494.9
WSCRW	WSC Residual Waste	1255	4026.6
XFER	Transfer Station Waste	684	2994.84
<b>Totals</b>		<b>21048</b>	<b>63309.78</b>

### Data Logger Screen Shots

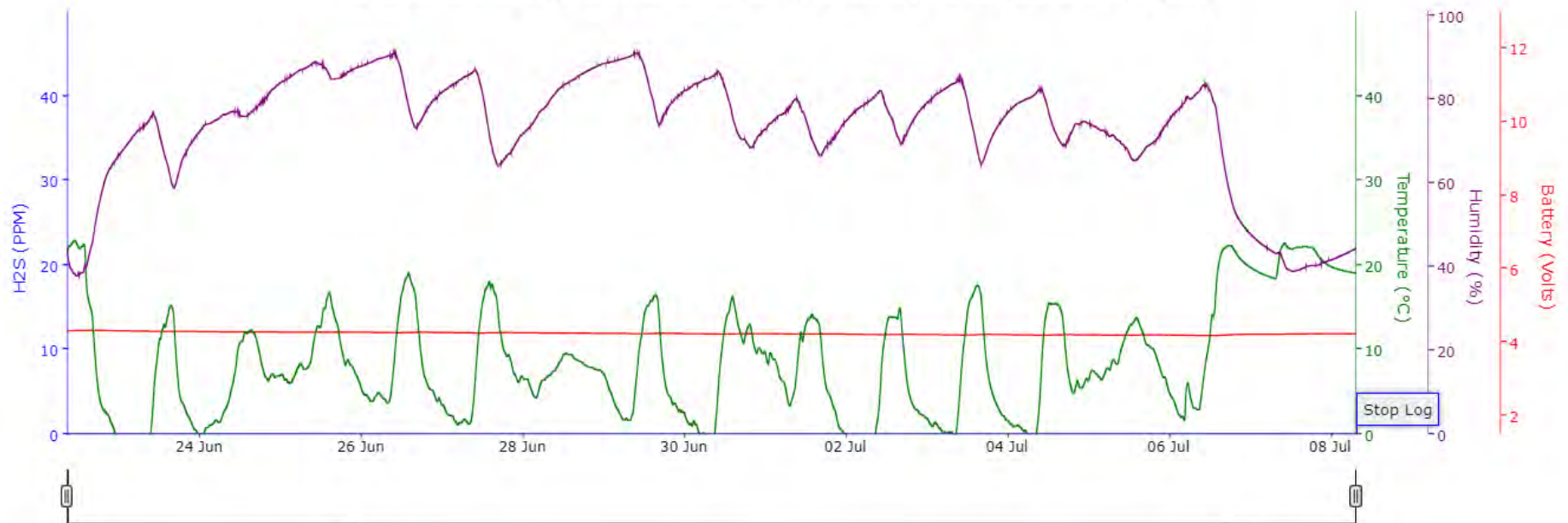
The following screen shots capture the recorded data across the trial period. Each data logger has its own serial number ending in 42, 43 or 44. No incidences of Hydrogen Sulphide were recorded via the data loggers during the trial period.



H2S (PPM)  Temperature (°C)  Humidity (%)  Battery (Volts)

[6/22/2022, 8:35:43 AM --- 7/8/2022, 7:45:43 AM] [H2S-220505942]

H2S-220505942\_6\_22\_2022, 8\_35\_43 AM --- 7\_8\_2022, 7\_45\_43 AM:[Entec PPM #005]

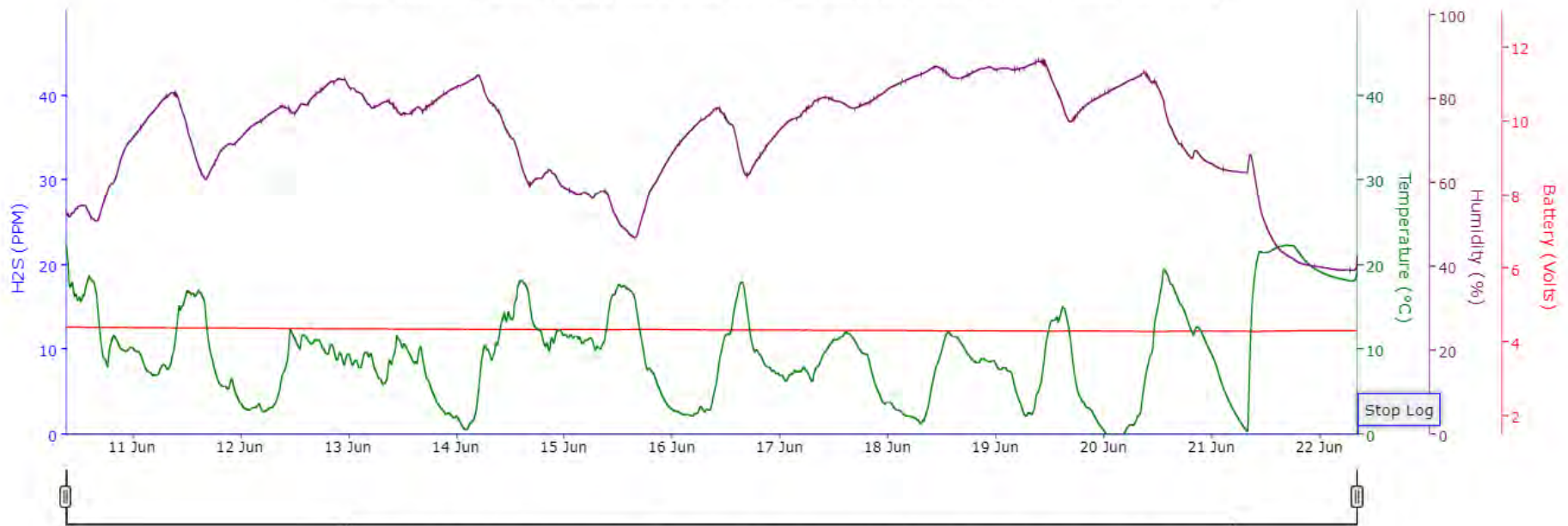


Average: 0.00 PPM; Minimum: 0 PPM; Maximum: 0 PPM [6/22/2022, 8:35:43 AM --- 7/8/2022, 7:45:43 AM]

C:\Users\amc1\Documents\AcruLog\H2S-220505942\_6\_10\_2022, 9\_14\_41 AM --- 6\_22\_2022, 8\_29\_41 AM.acrudata: [6/10/2022, 9:14:41 AM] [Entec PPM #005]

H2S (PPM)  Temperature (°C)  Humidity (%)  Battery (Volts) [6/10/2022, 9:14:41 AM --- 6/22/2022, 8:29:41 AM] [H2S-220505942]

H2S-220505942\_6\_10\_2022, 9\_14\_41 AM --- 6\_22\_2022, 8\_29\_41 AM:[Entec PPM #005]



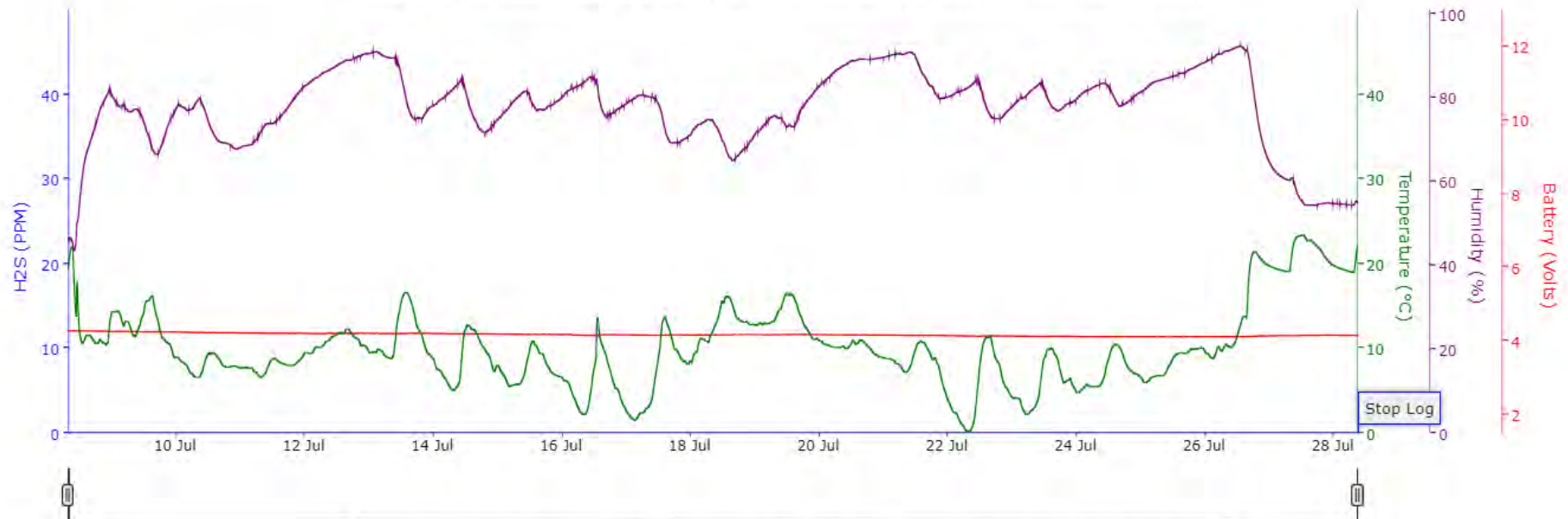
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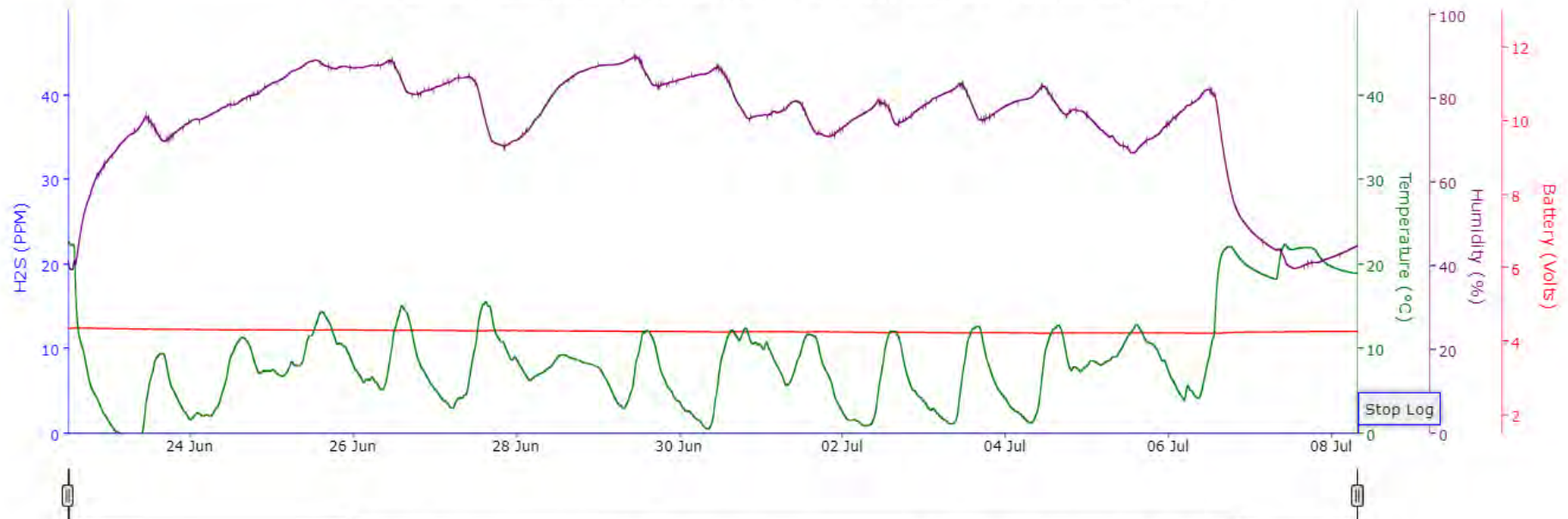
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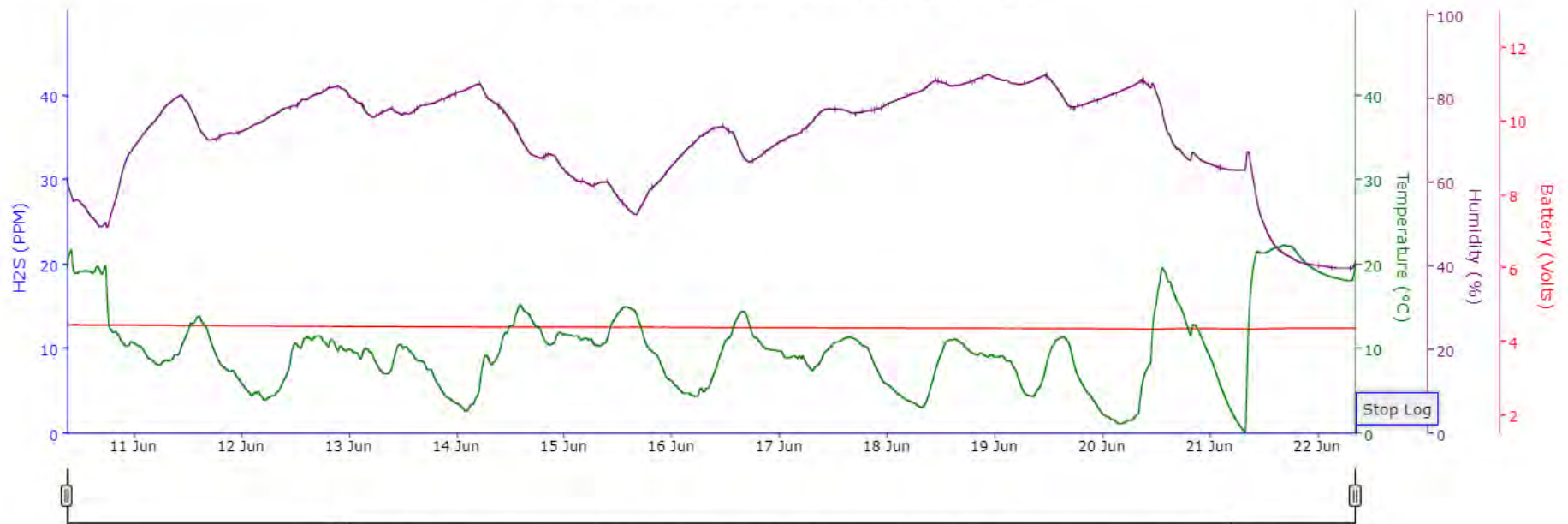


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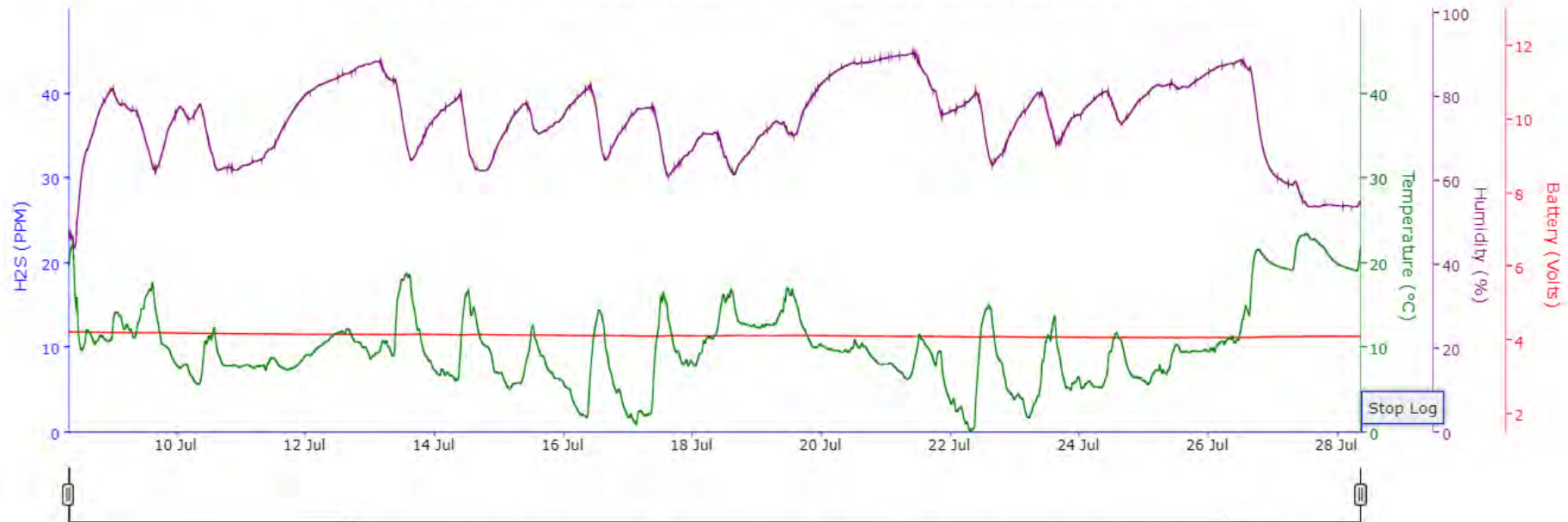


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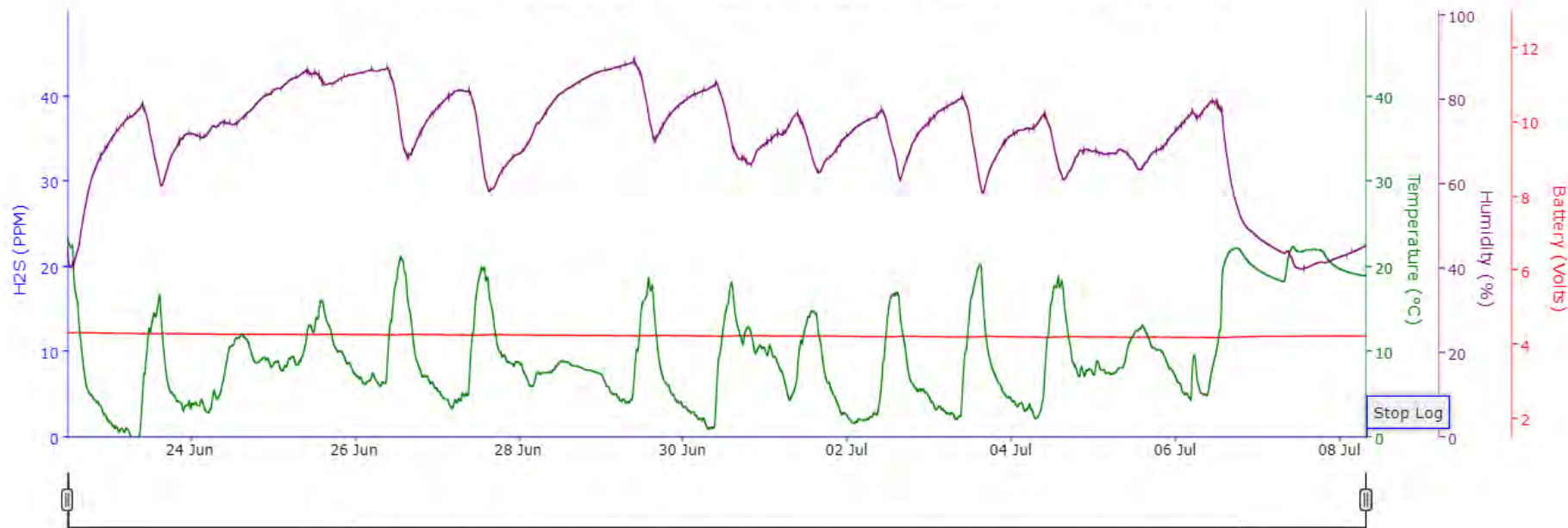


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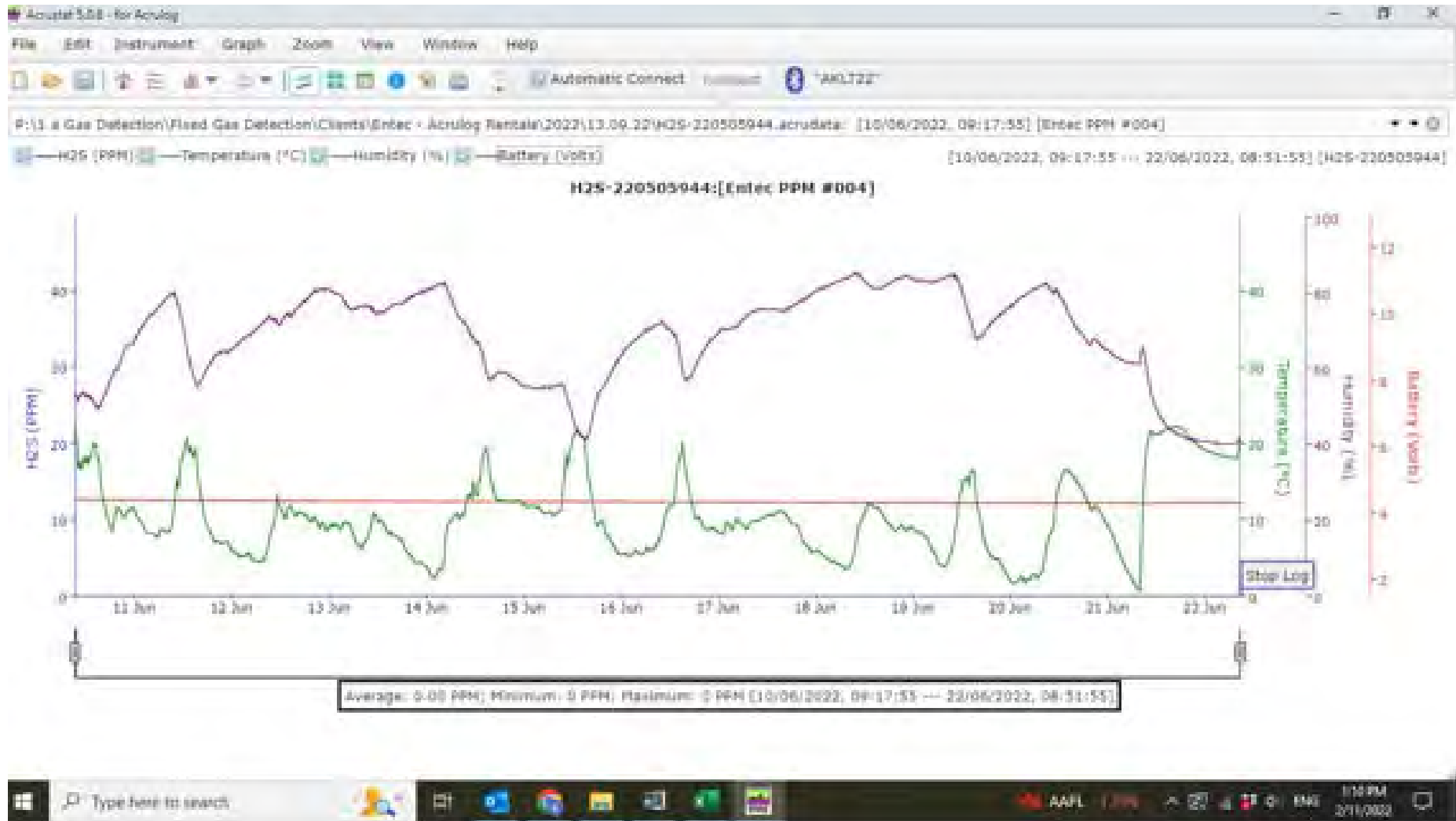
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Average: 0.00 PPM; Minimum: 0 PPM; Maximum: 0 PPM [6/22/2022, 12:12:42 PM --- 7/8/2022, 7:54:42 AM]





Screenshot of the PONG system reports across trial period

P.O.N.G. Reports Das... Time Period All Time or Choose Date Range (set time period to 'All Time' first) 6/10/2022 7/28/2022

**Severity**

- Level 6  
**0**  
Last update: a few s
- Level 5  
**1**  
Last update: a few s
- Level 4  
**2**  
Last update: a few s
- Level 3  
**18**  
Last update: a few s
- Level 2  
**13**  
Last update: a few s
- Level 1  
**0**  
Last update: a few s
- 0**  
Last update: a few s

**P.O.N.G. Reports Within Time Period**

- Creation Date: 31/7/2022, 3:42 pm  
Severity: 3  
MDC  
Status: **Completed**
- Creation Date: 28/7/2022, 10:02 pm  
Severity: 2  
MDC  
Status: **Completed**
- Creation Date: 25/7/2022, 1:14 pm  
Severity: 2  
MDC  
Status: **Completed**
- Creation Date: 21/7/2022, 3:28 pm  
Severity: 2  
MDC  
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Severity: 3  
Last update: a few seconds ago

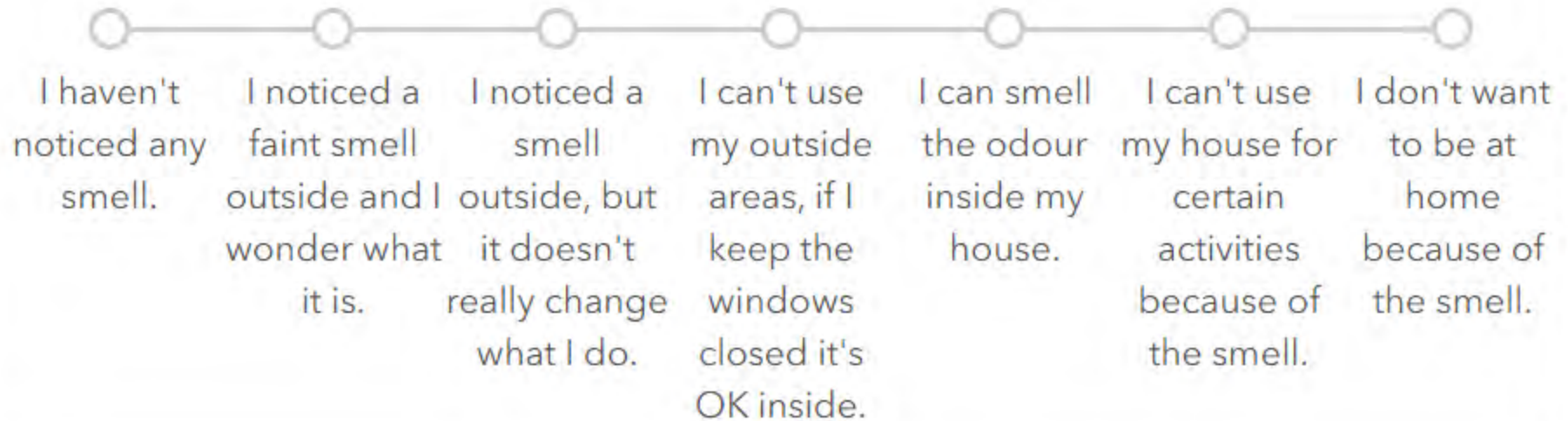
Marlborough District Council

Map | Editing/Advanced Filtering | Reports of Odour By Date | Reports by Severity

## How does the smell affect you?\*

Select the correct strength using the scale and descriptions below.

The options are ranked from having the least to the most affect on you.



<b>Summary of decision-making considerations</b>			
<b><i>Fit with purpose of local government</i></b>			
The proposal enables democratic local decision-making and action by, and on behalf of the community and relates to consideration of providing a public service, its need, and cost effectiveness.			
<b><i>Fit with Council policies and strategies</i></b>			
	<i>Contributes</i>	<i>Detracts</i>	<i>Not applicable</i>
LTP / Annual Plan	✓	<input type="checkbox"/>	<input type="checkbox"/>
Financial Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Infrastructure Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Social well-being	✓	<input type="checkbox"/>	<input type="checkbox"/>
Economic development	✓	<input type="checkbox"/>	<input type="checkbox"/>
Environment & RMA Plans	✓	<input type="checkbox"/>	<input type="checkbox"/>
Arts & Culture	<input type="checkbox"/>	<input type="checkbox"/>	✓
3 Waters	<input type="checkbox"/>	<input type="checkbox"/>	✓
Land transport	✓	<input type="checkbox"/>	<input type="checkbox"/>
Parks and reserves	<input type="checkbox"/>	<input type="checkbox"/>	✓
<b><i>Nature of the decision to be made</i></b>			
The options do not involve a significant decision in relation to land or a body of water.			
<b><i>Financial considerations</i></b>			
Nil			
<b><i>Significance</i></b>			
The decision is considered of low significance under Council's Significance and Engagement Policy.			
<b><i>Engagement</i></b>			
The community will benefit from approval of an additional odour survey.			
<b><i>Risks: Legal / Health &amp; Safety etc</i></b>			
Nil			
<b><i>Climate Change Implications</i></b>			
Nil			



## 7. WorksOps – Gravel Storage Options

---

(The Chair) (Report prepared by Dr Alec McNeil)

C315-21-039-02

### Purpose of Report

1. To obtain approval to lease a section of land at the Bluegums landfill for the purpose of gravel storage.

### Executive Summary

2. The current WorksOps gravel storage area sits at the end of George Conroy Drive. This facility will need to be relocated as the Taylor Pass Closed Landfill is developed into a managed open space for the community. This paper sets out two options for gravel storage and recommends that the Bluegums option is approved.
- 

### RECOMMENDATION

**That a section of land at the Bluegums Landfill site entrance is leased to Simcox. The land area and annual lease value will be as per the Alexander Hayward Ground Value Evaluation Report dated 22 January 2022.**

---

### Background/Context

3. The WorksOps Department require an ongoing source and supply of gravel as part of their planned and emergency work programme. The current gravel store is located at the end of George Conroy Drive, adjacent to a local school. This general area is anticipated to be developed into a formal entrance and parking for the new managed open space located at the Taylor Pass Closed Landfill. The gravel yard and ancillary operations therefore need to be relocated.
4. Two relocation options have been identified as follows.
  - 4.1 Option 1 – relocate to the WorksOps Wither Road Depot and store the gravel in new concrete bunkers. Estimated cost of bunker construction is in the region of \$60k dependent on ground conditions.
  - 4.2 Option 2 – relocate to a new site at the entrance to Bluegums Landfill. This new site would be developed and operated by Simcox Construction who would also store gravel at the site. Simcox would pay Council a lease in the region of \$8k per annum.
5. The attached lease evaluation report was commissioned by Simcox and shows the approximate lease area at the entrance to the Bluegums Landfill.

### Assessment/Analysis

#### Option 1 Discussion

6. Council has significant volumes of equipment that need yard space for storage. This equipment is primarily related to the three waters services but can also include storage for other Council departments.
  7. The WorksOps Depot on Wither Road has been reconfigured to provide more yard space for Council. The remainder of the site has been leased to a third party. Installing new concrete bunkers for gravel storage would occupy a large section of the space that has just been created. In addition, 24/7 access to the new bunkers would be required further reducing the amount of yard area available for storage.
  8. Establishing a gravel storage area at the Bluegums Site would maintain the new additional yard space at the Wither Road Depot and avoid the need to construct new concrete storage bunkers at cost in the region of \$60k.
-

## Option 2 Discussion

9. By allowing Simcox to develop a new site at the Bluegums entrance area, Council would be able to set up a gravel storage and supply arrangement that services the needs of WorksOps. In addition, the WorksOps team could deliver any excavated material direct to the Simcox cleanfill site on Maxwell Pass Road instead of double handling as is the current practice.
10. Some additional travelling time would be incurred by WorksOps staff but this can be offset against the direct tipping of excavated material and loading out with gravel. This is a change in practice rather than a monetary issue.
11. The development of additional activity at the Landfill entrance could be perceived as intensification of Landfill activity and regardless of any information or ongoing messaging to the community any truck movements will be associated with the landfill. Whilst the traffic movements from both Simcox and WorksOps are indicated as being small (single figures per day), the distinction between waste activity and the Simcox location activity is unlikely to be made by the community. Community perception will therefore require management.
12. The lease value determination is based on undeveloped ground but the site would be handed back to Council as developed at the end of any lease agreement.
13. The monetary sums involved in this lease consideration would point to a Departmental level decision on whether to proceed rather than tendering to the market. Any gravel storage and supply agreement between Council and Simcox could be captured in either the lease agreement or via a separate Contract.
14. The lease would trigger a requirement to separate the existing roading access from the Landfill by installing additional internal fencing and gates at the landfill entrance area at a cost estimate of \$8k to \$10k. This cost would be shared between the parties. The location of the proposed lease area at the entrance to the landfill is shown below. The landfill entrance is 1km from the edge of Blenheim. The new fence line is shown in red and the proposed lease area in orange.



15. Whilst any lease agreement would be drafted and subsequently managed by APL, it may be the case that amendments to the landfill operations Contract would be required to set out the relationship between Simcox and the Landfill contractor. This can be dealt with internally by staff at no additional cost.
16. Any consent(s) required would be a matter for Simcox at their cost. Simcox would also be responsible for any operational plans and mitigation, for example, dust control, at their cost.

17. On balance, the development of a gravel storage yard at the entrance to Bluegums would benefit Council by providing a long-term gravel storage and supply solution. This in turn provides a continuation of service to the community with minimal cost implications.

**Option One (Recommended Option)**

18. That a section of land at the Bluegums Landfill site entrance is leased to Simcox. The land area and annual lease are as per the Alexander Hayward Ground Value Evaluation Report dated 22 January 2022.

*Advantages*

19. The lease area will provide a gravel and storage solution for the WorksOps department pending their relocation from the current facility on George Conroy Drive.
20. The new facility will provide an annual income to Council in the region of \$8k.

*Disadvantages*

21. Some adverse community reaction may emerge.

**Option Two**

22. Develop new storage bunkers at the Wither Road Depot at a cost in the region of \$60k.

*Advantages*

23. The Wither Road location is a couple of kilometres closer to Blenheim.

*Disadvantages*

24. The cost of bunker installation and the reduction in yard space for storage of other Council equipment.

**Next steps**

25. Approve the recommendation in this report.
26. Conclude lease agreement with Simcox via APL.
27. Conclude gravel storage and supply agreement with Simcox via Assets and Services staff.

**Attachment**

**Attachment 1** – Ground Rental Valuation Report from Alexander Haywood

page [56]

Author	Dr Alec McNeil, Solid Waste Manager
Authoriser	Stephen Rooney, Operations and Maintenance Engineer

## Ground Rental Valuation Report

**Proposed Simcox Construction Lease, Part 'Bluegums' Site,  
341 Taylor Pass Road, Blenheim**



---

**Alexander Hayward Ltd  
Level 1/20 Market St  
PO Box 768  
Blenheim 7240**

**ALEXANDER HAYWARD LTD**  
PROPERTY ADVISERS

## Executive Summary

This Valuation Summary is part of the full valuation report and must be read in conjunction with the whole report.

20 January 2022

The Manager  
Isaac Construction Limited  
Simcox Construction  
14 Taylor Pass Road  
**BLLENHEIM 7210**

**ATTENTION** : Mr A Clark

Dear Sir

**RE: Ground Rental Valuation – Proposed Simcox Lease, Part ‘Bluegums’ Site, 341 Taylor River, Blenheim**

<b>Instructions</b>	The report and valuation are made as a consequence of verbal instructions received from Mr A Clark requesting us to complete a market ground rental valuation of the abovementioned property for proposed lease purposes for the use of Isaac Construction Limited.
<b>Our Client</b>	Isaac Construction Limited, Simcox Construction Division.
<b>Purpose of Valuation</b>	Market ground rental for proposed lease purposes.
<b>Brief Description</b>	The subject is a proposed lease of approximately 3,750 m <sup>2</sup> of land adjacent to the entrance of the ‘Bluegums’ landfill site at Taylor Pass Road. The land lies near level and will take access from the existing landfill access point. The land is currently in rank pasture and partially fenced to boundaries. No services are reticulated. The lease is proposed to be developed by Simcox for gravel storage under a standard net Lease Agreement, yet to be drawn up.



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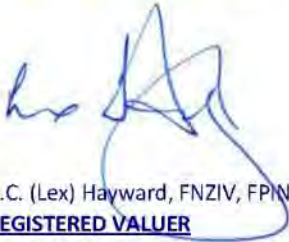
## ALEXANDER HAYWARD LTD

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<b>Date of Inspection</b>	18 January 2022.
<b>Effective Date of Valuation</b>	18 January 2022.
<b>Market Rental</b>	Subject to the stipulations, conditions and assumptions contained within the body of this report and appended, it is our opinion the market ground rental of the proposed tenancy at the effective date is <b>\$8,400 (eight thousand four hundred dollars)</b> per annum plus GST, if any and lease stated outgoings.

---

**Prepared By**  
**Alexander Hayward Ltd**



A.C. (Lex) Hayward, FNZIV, FPNZ  
**REGISTERED VALUER**

AOI.rpt  
Z:\PROPERTY FILES\COMMERCIAL\Taylor River (Ex Catchment Board Lease 119) Timberlink\Butleigh (Timberlink) Taylor River Jan 2020\MR BMH.docx

Subject Property Inspected: Yes

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## Detailed Property Report and Valuation

### 1 Introduction

#### 1.1 Identification and Status of the Valuer

The attached report has been prepared by Alexander Charles Hayward, FNZIV, FPINZ, AAMINZ, Registered Valuer. Lex holds Fellow Member status of the New Zealand Institute of Valuers and Fellow Member status of the Property Institute of New Zealand, Associate status of the Arbitrators and Mediator's Association of New Zealand. He has been in private practice in the Marlborough region since 1982 as an urban, rural, plant and chattels valuer and Arbitrator. Lex is a Panel Valuer to most major lending institutions, complies with PINZ Continuing Professional Development and holds an Annual Practising Certificate.

We confirm the Valuer is experienced, qualified and competent to provide an objective and unbiased valuation of the property and confirm neither Alexander Hayward Ltd nor Alexander Charles Hayward have any material connection with the subject, or the party commissioning the valuation.

#### 1.2 Valuation Standards

The valuation has been completed in accordance with International Valuation Standards 2020, the Australia and New Zealand Valuation and Property Standards 2009 and subsequent amendments.

#### 1.3 Basis of Value

Market Rental

The International Valuation Standards 2020 defines 'Market Rental' as :

*The estimated amount for which an interest in real property should be leased on the valuation date between a willing lessor and a willing lessee on appropriate lease terms in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.*

The valuation has been assessed under the principle of "highest" and "best" use which is defined as:

*The most probable use of a property which is physically possible, appropriately justified, legally permissible, financially feasible and which results in the highest value of the property under consideration.*

We have assessed "highest and best" use to be limited to Rural Environment zone compliant activities, but limited due to Regional Landfill designation.

#### 1.4 Extent of Investigation

An on-site, visual inspection has been carried out.



**1.5 Nature and Source of the Information Relied Upon (if applicable)**

- RPNZ Sales Data
- REINZ Sales Data
- HEADWAY Systems Sales Data
- Alexander Hayward Database
- Local Authority Property Files
- Record of Title particulars memorialised by Land Information New Zealand
- Resource Management classifications and controls as stated within the District Plan of the governing Territorial Local Authority
- Sales and leasing data from various industry sources, including sales and leasing real estate agents
- Any Lease(s) or other property specific information
- Engineering, structural or building reports
- Plans or any information as provided to us

**1.6 Assumptions and Special Assumptions**

Will be clearly stated in the body of the report.

**1.7 Restrictions on Use, Distribution or Publication**

This confidential document is for the sole use of persons directly provided with it by Alexander Hayward Ltd. Use by or reliance upon this document by any other person or for any other purpose other than those parties identified as 'Our Client' (or are identified as being able to rely on this report) is not authorised by Alexander Hayward Ltd and Alexander Hayward Ltd is not liable for any loss arising from any such unauthorised use or reliance. We accept no liability to third parties, nor do we contemplate that this document will be relied upon by third parties. We invite other parties who may come into possession of this document to seek our written consent to them relying on this document. We reserve the right to withhold our consent or to review the contents of this document in the event that our consent is sought. The document should not be reproduced without our written authority.

**2 Property Description**

**2.1 Resource Management**

The subject property lies within the "Rural Environment" zone under the Proposed Marlborough Environment Plan and is designated for 'Regional Landfill' purposes. Rural Environment zone rules permit a variety of rural-based activities subject to compliance with standards.

Whilst we do not purport to have any Resource Management expertise, we consider it likely Resource Consent will be required for the proposed gravel storage activity and complete our rental valuation assessment on the basis that the tenant has obtained suitable resource consent for the activity.

### 3 Tenancy Description

The subject comprises a reasonably regular shaped block at the Taylor Pass entrance of the Bluegums landfill site, 341 Taylor Pass Road. We have been provided with a sketch plan which outlines proposed lease boundaries.



We estimate the tenancy would encompass around 3,750 m<sup>2</sup>, taking access off the existing landfill accessway and although a power pole and power lines cross the northern portions of the site, no services are or will be reticulated.

The land lies near level with medium light stony soils which appear to be reasonably well drained. The land carries a cover of rank overgrown pasture at date of inspection with larger established trees towards the eastern boundary. Parts of the block are fenced with traditional iron standard and wire fencing.

### 4 Lease Details

Whilst we have not been provided with any proposed lease document, we have been instructed to complete the assessment on the basis of a standard Ground Lease Agreement for an initial term of five years with two further rights of renewal of three years each. Base rental is to be reviewable after year three and upon renewal with standard ratchet clause in place.

Tenant is to be responsible for all usual outgoings in maintenance conditions in addition to base rental with no compensation for tenant's improvements on lease termination and a term could be determined by another party on reasonable notice.

## 5 Valuation Methodology

In determining a market rental in terms of the subject tenancy, it is considered the usual legal and valuation principles apply as to approach and weight which must be given to the various market transactions considered to be comparable market evidence and utilised as the basis for assessment of the rental. The principle of comparing "like with like" is a well-accepted and recognised valuation concept. Firstly, open market evidence is considered and if there is little or no such evidence, other evidence such as rental reviews, arbitration agreements and the like are considered.

Our rental assessment is based on a comparison with recent lettings and reviews of comparable tenancies in the nearby locality. The comparison is made on a "net occupancy cost" basis, this being the most appropriate methodology for our subject.

Preference is given to evidence of new leaseings rather than rent reviews and the like.

The evidence gathered is adjusted as appropriate for the location, quality and space offered, size, lease terms and conditions as the basis for our assessment of rental for the subject property. The assessment is based upon comparable evidence of comparable tenancies. Where necessary, leasing inducements and incentives have been analysed to reflect the true or effective rental payable.

Typically, in order to assess market ground rental, we have regard to two approaches, the return on underlying land value or traditional approach and direct comparison with other ground rentals or the classical approach.

### 5.1 Traditional Approach

The traditional approach to determine market ground rental is to assess the underlying land value and then apply an appropriate rental percentage (yield rate) to that land value. Rental assessment under traditional approach is that of which a prudent Lessee would pay having regard to the circumstances of the lease including consideration of term and other lease factors such as review, compensation for improvements, rights of refusal, etc. The approach also reconciles land difference including shape, contour, location, zoning factors, etc. through assessment of appropriate land value.

The appropriate yield rate is then determined by market yield rates derived from other evidence and also by having regard to general market influences and other financial instruments including interest rates, bonds, etc.

### 5.2 Classical Approach

The classical approach involves undertaking analysis of comparable rental evidence generally to a rate per m<sup>2</sup>. Rentals are then adjusted by size, shape/contour, location, zoning, usability, lease term, time and any other appropriate factors to reconcile and compare directly with the subject.



6 Land Value Assessment for Traditional Approach

6.1 Sales Evidence

Address	Sale Date	Sale Price \$	Rating Value \$	Land Area (Ha)
34 WATERS AVE 	24/05/2021	1,150,000	740,000	0.6554
Vacant industrial zone land sale, rear site, \$175/m <sup>2</sup> overall.				
21 VERNON ST 	23/12/2020	1,200,470	1,230,000	0.8286
Vacant industrial 2 zoned site sold with construction rights for development. \$145/m <sup>2</sup> .				
3518 SH 1 	15/12/2021	Confidential	6,270,000	32.7774
Large Industrial 2 zoned development block sold at less than \$35/m <sup>2</sup> land sale price.				
AERODROME RD 	01/08/2021	Confidential	2,891,000	18.7500
Industrial one zone development block. Raw block land sale price around \$50 per m <sup>2</sup> .				

## 6.2 Reconciliation

We then reconcile market based sales evidence to derive our land value.

Location	Sale Price\$	Sale Date	Land Sale Price \$/m <sup>2</sup>
34 WATERS AVE	1,150,000	24/05/2021	175
21 VERNON ST	1,200,470	23/12/2020	145
AERODROME RD	Confidential	01/08/2021	50
3518 SH 1	Confidential	15/12/2021	35

We have analysed a range of land sales to complete our assessment of valuation.

Sales evidence ranges between \$35 and \$175 per m<sup>2</sup> although the lower sale price per m<sup>2</sup> is for large blocks suitable for development.

Our subject land area indicates land value likely to be more aligned to the smaller block sales at Waters Avenue and Vernon Street however, we make adjustments for use potential on the basis of zoning, services, consent requirements and location.

## 7 Comparable Evidence for Classical Approach

In order to complete our rental assessment, we have analysed rentals known to us for a range of comparable tenancies, some scheduled as follows:

### 7.1 Rental Evidence

Location	Date
<b>GOULAND RD</b> <i>Historic rental of land which was let in a different but comparable locality at \$4.98/m<sup>2</sup>. A larger sized site.</i>	01/07/2014
<b>SHEFFIELD ST</b> <i>Older yard rental of superior property. Confidential.</i>	01/06/2015
<b>GOULAND RD</b> <i>Unusually shaped but comparable sized land parcel, rural zoned but used as industrial use. Confidential.</i>	01/10/2016
<b>GOULAND RD</b> <i>Large scale rental with yard component analysed to around \$3.50/m<sup>2</sup>. Larger area.</i>	01/07/2017
<b>GOULAND RD</b> <i>Smaller ground rental at higher level.</i>	01/09/2017
<b>GOULAND RD</b> <i>Significantly larger ground rental, recently negotiated rent review</i>	01/12/2018
<b>NEW RENWICK RD</b> <i>Recently negotiated rent review of industrial yard. Superior. Confidential</i>	01/02/2019

Since the data above has been collected under the provisions of the Privacy Act, we do not provide full details or our analysis of the rentals however, we do note some information provided is confidential and cannot be shared with any party other than the parties addressed as the client in this report. This information should be treated as highly confidential and used for your purposes only.

**7.2 Rental Value Discussion**

We have considered a wide range of rental evidence to compare with the subject. Generally, the evidence ranges between \$3.50 and \$10.00 per m<sup>2</sup> for yard space and taking into consideration the subject's attributes, we consider the subject will be positioned below the lower end of this range. Assessment of rentals based on a percentage of land value return is difficult however, these have generally been decreasing and broadly range between 4.5% and 7.0%.

We are aware of one recently let confidential agreement where the land rent was based on a 6.75% return on land value. However, we consider it appropriate for the subject to be positioned between 5.0% and 6.0%.

**8 Land Value Assessment**

**8.1 Land**

	<i>Area (m<sup>2</sup>)</i>	<i>\$/m<sup>2</sup></i>	<i>Adjust</i>	\$
a) Underlying Land Value	3,750	125	30.0%	<u>140,625</u>
<b><u>LAND VALUE INDICATED</u> (plus GST, if any)</b>				<b>Hold \$ <u>140,000</u></b>

**9 Rental Valuation**

**9.1 Traditional Approach**

			\$
Land Value			140,000
Ground Rent		@	<u>6.00%</u>
			8,438
<b><u>RENTAL VALUE INDICATED</u> (plus GST, if any)</b>			<b>Hold \$ <u>8,400</u></b>

**9.2 Classical Approach**

	<i>Area (m<sup>2</sup>)</i>	<i>Rent\$/m<sup>2</sup></i>	\$
Ground Rent	3,750	2.25	<u>8,437.50</u>
<b><u>RENTAL VALUE INDICATED</u> (plus GST, if any)</b>			<b>Hold \$ <u>8,437</u></b>

**9.3 Summary**

Traditional Approach	\$ 8,400
Classical Approach	\$ 8,437
<b><u>MARKET RENTAL ADOPTED</u> (plus GST, if any)</b>	<b>\$ <u>8,400</u></b>



## 10 Valuation Conclusion

Subject to the stipulations, conditions and assumptions contained within the body of this report and appended, it is our opinion the market ground rental of the subject at the effective date is **\$8,400 (eight thousand four hundred dollars)** per annum plus GST, if any and outgoings.

The above rental indicates a rental based on direct comparison of \$2.25 per m<sup>2</sup> which is supportable by our direct comparison market evidence.

## 11 Qualifications, Disclaimers and Compliance Statement

The statements of fact presented in the report are correct to the best of the Valuer's knowledge.

The analysis and conclusions are limited only by the reported assumptions and conditions.

The Valuer has no direct or indirect pecuniary or other interest in the subject property and is not aware of any other potential conflict of interest.

The Valuer's fee is not contingent upon any aspect of the report.

The valuation was performed in accordance with the New Zealand Institute of Valuers Code of Ethics and Property Institute of New Zealand Code of Ethics.

The Registered Valuer signing this report holds a current Annual Practising Certificate.

The Registered Valuer has satisfied professional education requirements and has all appropriate qualifications and a minimum five years experience in the location and category of property being valued.

The Valuer has made a personal inspection of the property internally and externally on the date given in the valuation summary of this report.

No one, except those specified in the report, has provided professional assistance in preparing the report.

Alexander Hayward Ltd holds professional indemnity insurance and the Valuer signing this report is covered by that policy.

## 12 Statement of Valuation Policies

The valuation is made on the basis of the description of the property in this report including any undertakings given by the owner in relation to the property and defined in the report.

This valuation and all valuation services are provided by Alexander Hayward Limited solely for the use of the client named at 1.2.

Any valuations within this report are expressed in New Zealand dollars.

Alexander Hayward Limited does not and shall not assume any responsibility to any person other than the client for any reason whatsoever including breach of contract, negligence (including negligent mis-statement) or wilful act or default of themselves or others by reason of or arising out of the provision of this valuation or valuation services. Any person, other than the client, who uses or relies on this valuation does so at their own risk.

The report is not intended as a structural, site, services or engineering survey neither is it intended to be an environmental liability audit. We do not warrant the land is not subject to statutory rights not recorded on the relevant Record of Title and not apparent from visual inspection of the property. Substances such as asbestos, lead, narcotics, other chemicals, toxic waste or other potentially hazardous materials, could if present, adversely affect the value of the property. The stated value is based on the assumption that there is no material on or in the property that would cause loss in value. No undertaking is given about the absence of asbestos. The recipient of this report is advised that the valuer is not qualified to detect such substances, quantify the impact or estimate the remedial cost. No historic search of land use has been made. We assume no responsibility in connection with such matters.

In preparing this report we have used all reasonable skills as a valuer, but we are not qualified to assess the structural integrity of the improvements on the property nor the stability, load bearing capacity or integrity of the land. Unless otherwise stated, we have not noticed anything during our inspection of the property that would, as a valuer acting reasonably, alert us to any issue in respect of the property's structural integrity nor of the land's stability, load bearing capacity or integrity. We give no warranty as to those issues.

The report makes every effort to provide a true valuation of the property as inspected, however the valuer cannot comment on or make allowance for failure of any element of any structure, or if it contains materials, or design, or building systems, or have a standard of workmanship which effectively does not prevent damage from or manage the presence of water or moisture to which the structure might reasonably be subjected, nor any consequence arising from such failure.

The valuation is made on the basis there are no outstanding requisitions from local or central government in respect of the land or improvements and that the property, where relevant, complies with all applicable legislation including but not limited to the Disabled Persons Community Welfare Act 1975, Building Act 2004, Health and Safety at Work Act 2015, Evacuation of Buildings Regulations 1992 and Resource Management Act 1991. We advise we have not obtained a Land Information Memorandum (LIM) but suggest prior to any dealing with this property, such a report be obtained from the Local Authority. We are not qualified to identify either the need for, or the costs of, structural strengthening of non-residential buildings to meet the required 34% of Current Code Building Standard. Survey by an appropriately qualified expert should be undertaken. Any deficiency may have a material impact on our valuation. Should any matter be disclosed by the LIM, surveys or environmental audit we reserve the right to alter this valuation to take account of such matters. Any sketch, plan or map is included to assist the reader in visualising the property. Any aerial photograph is copyright to the Marlborough District Council. Unless otherwise stated, it is assumed all improvements lie within title boundaries.

This valuation has been completed for the specific purpose stated in this report. No responsibility is accepted in the event that this report is used for any other purpose.



## ALEXANDER HAYWARD LTD

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The report is relevant as at the date of preparation and to circumstances prevailing at that time. However, within a changing economic environment, returns on investment and values can be susceptible to variation - sometimes over a relatively short time scale. We therefore strongly recommend that before any action is taken involving acquisition, disposal or borrowing, restructuring or any other transaction after two months from the date of this report that you consult us.

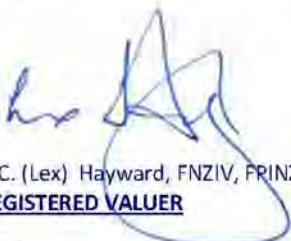
Alexander Hayward Limited has a policy of not contracting out of the provisions of the Consumer Guarantees Act. Accordingly, where there is any conflict between any statement in this report and the Consumer Guarantees Act 1993, the latter shall prevail.

Neither the whole nor any part of this valuation report, or any reference thereto, or the valuation assessment contained therein, or the names and professional affiliation of the valuers, may be included in any published document, circular or statement without our written approval as to the form and context in which it may appear. Copyright is held by Alexander Hayward Ltd.

Alexander Hayward Limited certifies Alexander Charles Hayward holds a current Practising Certificate and is a Fellow of the Property Institute of New Zealand and the New Zealand Institute of Valuers.

Should you require any further information, please do not hesitate to contact the undersigned

Yours faithfully  
**ALEXANDER HAYWARD LTD**



A.C. (Lex) Hayward, FNZIV, FRINZ  
**REGISTERED VALUER**

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13 Appendix A

Additional Photos



*Power Pole and power lines*

## **8. Road Stopping Proposal – 92 Alfred Street, Blenheim**

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(Clr Dawson) (Report prepared by Richard Coningham)

R800-004-B34

### **Purpose of Report**

1. To obtain a decision from Council on a request to stop a portion of road which adjoins the property described as 92 Alfred Street, Blenheim.

### **Executive Summary**

2. Now that Council has an Urban Road Stopping policy in place, Council can now consider the request to stop a portion of road which adjoins the property described as 92 Alfred Street, Blenheim.
- 

### **RECOMMENDATION**

**That Council decline the request to stop a portion of road which adjoins the property described as 92 Alfred Street, Blenheim.**

---

### **Background/Context**

3. A request to stop a portion of unformed road consisting of an area of approximately 76m<sup>2</sup> was brought to Council for consideration in September 2021. A License to Occupy the area is currently held.
4. The decision on this request was to leave the paper to lie on the table until a policy on Road Stopping was developed (Refer Attachment 1).
5. An Urban Road Stopping Policy was developed and presented to Council in August 2022 and was adopted (Refer Attachment 2).
6. The Urban Road Stopping Policy was prepared to provide a consistent approach to urban road stopping requests in Marlborough.
7. Submitters to the original application were contacted to reconsider the application in light of the development of the Urban Road Stopping Policy.
8. Herenga ā Nuku (Walking Access New Zealand) have stated:
  - 8.1 "...we are satisfied with the 2022 Urban Road Stopping Policy which requires future considerations re Unformed Legal Road use to be taken into account and require no further input on this proposed road stop relating to 92 Alfred St, Blenheim."
9. Marlborough Roads Senior Transport Planner has applied the Urban Road Stopping Policy to this request and recommends that the request be declined (Refer Attachment 3), a portion of this analysis is listed below:
  - 9.1 "Section Three of the policy identifies various issues to be considered when an application to stop a road is received. The issues are to protect Council assets, in particular if the asset is required into the future, even if it is not required at the present time and the protection of public utilities."

### **Option One (Recommended Option)**

10. That the request to stop a portion of road which adjoins the property described as 92 Alfred Street, Blenheim is declined.

### *Advantages*

11. Consistent with the goals of Council's Urban Road Stopping Policy.
12. Provides for any potential future road widening/improvements required on Alfred Street.

### *Disadvantages*

13. Does not allow the owner of 92 Alfred Street to achieve their goals.

### **Option Two**

14. That the request to stop a portion of road which adjoins the property described as 92 Alfred Street, Blenheim is approved.

### *Advantages*

15. Allows the owner of 92 Alfred Street to achieve their goals

### *Disadvantages*

16. Inconsistent with Council's Urban Road Stopping Policy implemented in August 2022.

### **Attachments**

**Attachment 1** – September 2021 Assets & Services Committee Agenda Item and Minute page 74

**Attachment 2** – August 2022 Assets & Services Committee Agenda Item and Minute page 78

**Attachment 3** – Memo from Laura Skilton, Marlborough Roads page 85

Author	Richard Coningham, Manager Assets and Services
Authoriser	Mark Wheeler, Chief Executive

## **Summary of decision-making considerations**

### **Fit with purpose of local government**

The proposal enables democratic local decision-making and action by, an on behalf of communities and relates to providing a public service and it is considered good-quality and cost effective.

### **Fit with Council policies and strategies**

	<i>Contributes</i>	<i>Detracts</i>	<i>Not applicable</i>
LTP / Annual Plan	<input type="checkbox"/>	<input type="checkbox"/>	✓
Financial Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Infrastructure Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Social well-being	<input type="checkbox"/>	<input type="checkbox"/>	✓
Economic development	<input type="checkbox"/>	<input type="checkbox"/>	✓
Environment & RMA Plans	<input type="checkbox"/>	<input type="checkbox"/>	✓
Arts & Culture	<input type="checkbox"/>	<input type="checkbox"/>	✓
3 Waters	<input type="checkbox"/>	<input type="checkbox"/>	✓
Land transport	✓	<input type="checkbox"/>	<input type="checkbox"/>
Parks and reserves	<input type="checkbox"/>	<input type="checkbox"/>	✓

This proposal contributes to the categories identified above as it through application of Council's Urban Road Stopping Policy.

### **Nature of the decision to be made**

The options do not involve a significant decision in relation to land or a body of water.

### **Financial considerations**

There are no known financial

### **Significance**

The decision is considered of low significance under Council's Significance and Engagement Policy.

### **Engagement**

No engagement is proposed due to the low significance of this decision

### **Risks: Legal / Health & Safety etc**

There are no known significant risks or legal implications

### **Climate Change Implications**

There are no known climate change implications to this decision.

## 6. Road Stopping Proposal – 92 Alfred Street, Blenheim

(Clr Maher)

R800-004-B34

### Purpose of Report

1. To obtain Council's authorisation and commencement of the procedures associated with stopping of a portion of road which adjoins property described as 92 Alfred Street, Blenheim.

### Executive Summary

2. Adjoining the property at 92 Alfred Street, Blenheim there is an unformed road (UR), area consisting of approximately 76m<sup>2</sup>. The owner of the property is seeking to stop the unformed road which is currently fenced, landscaped and included in the property.
3. A Licence to Occupy the area is currently held.

---

### RECOMMENDATIONS

1. That the Council authorise, pursuant to Section 342 of the Local Government Act 1974, the procedures associated with the stopping of the road shown on the aerial presented.
2. That when the road has been stopped Council shall sell the land to the applicant for a price to be fixed by a competent valuer to value that part; Council shall appoint the valuer and the valuation shall proceed in accordance with the 'protocols for the valuation of stopped road' adopted by Council.
3. That all valuation costs shall be payable by the applicant for the road stopping regardless of whether or not the stopping is finalised.
4. That the valuation be obtained when the road stopping process has been finalised.
5.
  - a) That any easements necessary for services or utilities impacting on the portion of road proposed to be stopped be created and registered in conjunction with any transfer of the land should the road stopping be completed, with all costs involved to be the responsibility of the applicant.
  - b) Reference is made in paragraph 13 to Pole DF5333 remaining within the legal road corridor. Should, following survey, it be found this is not the case and the pole is within the area proposed for stopping the applicant and Marlborough Lines must discuss and reach agreement about any adjustment.
6. That a condition of the approval be that the land once stopped be amalgamated with the adjoining property so that both titles are held within the one title, this being in terms of Section 342 of the Local Government Act 1974.
7. That a legal agreement is entered into with Council and signed by the owners and registered on the title that extends to the area of stopped road requiring the use of that land to comply with the rules set out in the Urban Residential 1 Zone of the PMEP. The agreement to be in place while said land is un-zoned and such agreement shall be prepared by the Solicitor acting for Council with the costs involved to be the responsibility of the applicant.
8.
  - a) That it be acknowledged that the amalgamation may require the removal of the limitation to parcels which would need to be actioned by the applicant.
  - b) Reference is made to paragraphs 20 and 21. A further recommendation is that discretion is provided for the District Secretary to authorise any modification provided Council's requirement is protected by way of legal documentation.

*Note: Any legal input and documentation preparation surrounding this requirement shall be at cost of the applicant.*



9. That such approval be on the basis that the applicant be responsible for all survey, legal, administrative and other costs even if the road stopping does not proceed by reason of objection.
10. That within 14 days of notice that the title is available, settlement is to be completed with interest charged at 14% for any delayed settlement.
11. That it be acknowledged at this stage Council can give no commitment that the road stopping will be completed given the objection rights available under the said Section 342.
12. That if the survey documentation to initiate the road stopping process is not completed within a year of Council consent then the application for road stopping lapses.

---

## Background

4. The applicant owns property at 92 Alfred Street, Blenheim.
5. Adjoining the property is an unformed road, an area of 76m<sup>2</sup> approximately. The unformed road to be stopped is currently fenced and included in the property. Refer to aerial plan below.



6. A Licence to Occupy the area proposed to be stopped has been in place since 1 June 2020. APL do not have an issue with the road being stopped.

## Proposal

7. Ms Pitts has applied for the stopping of a portion of legal road adjoining her property at 92 Alfred Street, Blenheim with the intention of the road land being amalgamated into their adjoining title. Ms Pitts will purchase the land at valuation and pay all costs related to the road stopping.
8. The portion of road is unformed, has never been used as road and there is seen to be no future need for it as road.



## Explanation

9. The applicant's intention is to demolish the existing house and to better facilitate the positioning of a new building. The area proposed to be stopped has been fenced for a number of years and as such has no encroachment on to the footpath or roadway, and apart from tree removal and new fencing, there will be little change to the road front appearance.
10. The applicant has provisional approval for a new vehicle access way off Alfred St adjacent to 94 Alfred Street across the existing Licenced Area. Current vehicle access is from Dashwood Street and will be reinstated if necessary otherwise will become pedestrian only access to the property.
11. The property owners of 94 Alfred Street have been approached by the applicant and have no objection to the proposed road stopping.

## Services

12. Chorus has confirmed that they have no network within the proposed road stopping area and therefore have no objection to the application.
13. Marlborough Lines have no objection to the proposed road stopping currently covered by a Licence to Occupy. They noted that the Pole DF5333 will remain within the legal road corridor if the road stopping is approved.
14. Marlborough Roads have no issue with the proposed road stopping.
15. No Council utility services will be affected by the proposed road stopping.
16. Council's Parks and Open Spaces team have no issue with the proposed road stopping application.
17. The Rivers Section have no concerns with closing/transferring this piece of road to the applicant as their access to the Taylor River/stopbanks is generally either via Dashwood Street or Beaver Road from High Street, neither of which is affected by this proposal.
18. Council's Sustainable Transport Manager has no issue with the proposed road stopping.
19. NZ Walking and Access Commission noted that the road reserve has been amalgamated into other properties along that section of Alfred St and the legal road is now of varying width and as a result the opportunity for use as a possible cycleway or road widening has been lost. The Commission suggested that unimpeded access along the footpath, which appeared overgrown, be required. The Commission was contacted and were advised that there is a standard requirement regarding the removal of vegetation as it impacts on access along footpaths. The Commission advised they were satisfied with the standard requirement and do not now have issue with the road stopping application.

## Comments

20. The Pt Lot 224 Deeds 15 measuring approximately 903m<sup>2</sup> is Limited as to Parcels. It is required that amalgamation of the road once stopped is amalgamated with the adjoining property so both titles are held within the one title. This may require removal of the Limitation as to Parcels and this would need to be actioned by the applicant.
21. Council is prepared to receive feedback on this requirement and the need for removal of the limitation as to parcels provided documentation is held that holds the parcels together in a way that does not result in a separate title.

Author	Nicole Chauval, Committee Secretary
Authoriser	Tony Quirk, District Secretary



## **8. Adoption of a Road Stopping Policy – Decision**

(Cllr Maher) (Report prepared by Laura Skilton)

L150-023-002-34

### **Purpose of Report**

1. The purpose of the report is to seek the Council's approval to adopt the Urban Road Stopping Policy.

### **Executive Summary**

2. Marlborough District Council does not have a policy for stopping roads within the district. A request was made by the Regional Transport Committee to prepare a policy for Urban Road Stopping to assist decision processes in the future. This agenda item seeks Council approval of the policy.

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### **RECOMMENDATION**

**That Council adopts the Urban Road Stopping Policy (attached).**

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### **Background/Context**

3. An application was made to purchase road reserve adjacent to 92 Alfred Street. As Council did not have a Road Stopping Policy, the decision was deferred, and the Regional Transport Committee members requested that Marlborough Roads prepares a Road Stopping Policy for Urban Roads.
4. A policy has been prepared on the basis that each application will be considered on its own merit. 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.
5. The policy is only for urban roads. 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 are urban.
6. This policy does not include situations where Council needs to purchase private property for road improvements, it is only for potentially selling land where an application has been made and Council Officers consider that the land is not required now or into the future.
7. Should an application be successful, the applicant would be responsible for all costs associated with the transfer of land.

### **Option One (Recommended Option) – Adopt Policy**

8. Adopt the policy.

#### *Advantages*

9. Council will have guidance and consistency on road stopping applications.
10. Streamline Council decision making processes.

#### *Disadvantages*

11. Rural applications are not covered under this policy.

### **Option Two – Status Quo**

12. Council will not have an Urban Road Stopping Policy

### *Advantages*

13. Potentially more flexibility.

### *Disadvantages*

14. Decisions will be made on an ad-hoc basis.

### **Next steps**

15. Council to adopt the policy and to retain this policy with other Council policies.

### **Attachment**

**Attachment 1** – Urban Road Stopping Policy

page [28]

Author	Laura Skilton, Transport Planner, Marlborough Roads.
Authoriser	Richard Coningham, Manager Assets and Services

**Summary of decision-making considerations**

**Fit with purpose of local government**

The proposal enables a consistent approach to road stopping in urban areas.

**Fit with Council policies and strategies**

	<i>Contributes</i>	<i>Detracts</i>	<i>Not applicable</i>
LTP / Annual Plan	<input type="checkbox"/>	<input type="checkbox"/>	X
Financial Strategy	X	<input type="checkbox"/>	<input type="checkbox"/>
Infrastructure Strategy	X	<input type="checkbox"/>	<input type="checkbox"/>
Social well-being	<input type="checkbox"/>	<input type="checkbox"/>	X
Economic development	<input type="checkbox"/>	<input type="checkbox"/>	X
Environment & RMA Plans	X	<input type="checkbox"/>	<input type="checkbox"/>
Arts & Culture	<input type="checkbox"/>	<input type="checkbox"/>	X
3 Waters	<input type="checkbox"/>	<input type="checkbox"/>	X
Land transport	X	<input type="checkbox"/>	<input type="checkbox"/>
Parks and reserves	<input type="checkbox"/>	<input type="checkbox"/>	X

This proposal contributes to Land Transport, RMA plans and infrastructure strategy by enabling an easier decision making process.

**Nature of the decision to be made**

The options do not involve a significant decision in relation to land or a body of water.

**Financial considerations**

There are no known financial implications.

**Significance**

The decision is considered of low significance under Council's Significance and Engagement Policy.

**Engagement**

Engagement has occurred with Council Officers and Council legal team.

No further engagement is considered necessary.

**Risks: Legal / Health & Safety etc**

There are no known significant risks or legal implications.

**Climate Change Implications**

There are no known climate change implications to this decision.



		<i>Urban Road Stopping Policy</i>				
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	<b>The (kerb-to-kerb) section of a street or road that is primarily used by motor vehicles. It is legally defined as roadway.</b>
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.
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.

Term	Definition
	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.

## **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.



Memorandum

To	Nicole Chauval		
CC	Seve Murrin		
From	Laura Skilton	Date	9/11/2022
Subject	Road Stopping Application – 92 Alfred Street		

**1. Background**

An application was made to stop the paper road adjoining 92 Alfred Street. This was sent to the Asset and Services Committee for consideration on 30 September 2021. The committee put the application on hold, pending a policy development.

Subsequently an Urban Road Stopping Policy was prepared and adopted by Council on 23 August 2022. This memo revisits the application for road stopping and the policy.

**2. Application**

An application was received on 18 March 2021 to stop adjacent to 92 Alfred Street y Beverley Pitts.

The applicant wishes to purchase 78 square metres of land along the southern boundary of 92 Alfred Street. The application noted that 94 Alfred Street and 100 Alfred Street have purchased the road frontage along their property.

The application states:

*The LTO has been fenced for the last 40 years and as such has no encroachment on to footpath or roadway, and apart from tree removal and new fencing, there will be little change to the road front appearance. It will have no change to vehicle visibility from the Dashwood/Alfred St intersection. No Service connections easements are required as I have been advised by Marlborough Lines, that the Electricity connection is Grandfathered as this is on the existing roadway. The Chorus access pole is currently located just outside the northeastern corner of the property, but is actually located just inside the boundary as per the new property survey. No subdivision of this site is contemplated. I have provisional approval for a new vehicle access way off Alfred St adjacent to 94 Alfred St. across the existing LTO and wish for this to be included in the application to purchase. Current vehicle access from Dashwood St will be reinstated if necessary and will become pedestrian only access to the property*

The area of land wanting to be purchased is provided in Figure 1.

Figure 1 Application Area





### 3. 92 Alfred Street

92 Alfred Street is located on the north west corner of Alfred Street and Dashwood Street. Alfred runs parallel to High Street and is generally zoned Residential 1 which allows high intensity housing. The Business 1 zone on High Street ends at Dashwood Street.

The land area is 903m<sup>2</sup>. The request is to purchase 78m<sup>2</sup> of road reserve to make the total title 981m<sup>2</sup>. Access to the site is on Dashwood Street.

Figure 2 shows the property boundaries along Alfred Street. Legal road reserve is shown in grey and the boundaries are superimposed in red.

Figure 2 Alfred Street Road Boundaries



At 92 Alfred Street, Alfred Street has a legal road width of 15.0m and a formed width of 12.0m. The kerb to kerb width is 7.6m and each footpath is 2.2m wide.

92 Alfred Street currently has a license to Occupy (LTO) the road reserve adjacent to their site. It should be noted that none of the other properties that use road reserve have an LTO. The LTO was applied for in 1 June 2020. A license to occupy does not give exclusive use rights and can be revoked by Council should they require the land for roading purposes.

A Network Operating Framework (NOF) has recently been prepared for Blenheim and Picton. The NOF provides a hierarchy of roads for alternative modes of transport. Alfred Street between SH1 and Seymour Street is classified as a preferred traffic route. West of Seymour Street it is unclassified, which makes it a local road. Alfred Street between SH1 and Henry Street is classified as a secondary cycle route. Alfred Street between SH1 and Seymour Street is classified as a primary pedestrian route and between Seymour Street and Henry Street as a secondary pedestrian route. Dashwood Street is not in any of the classifications.

The Council Code of Practice is in the process of being updated. A local road with access to 20 houses has a preferred kerb to kerb width of 7.7m while a local road with access more than this has a preferred kerb to kerb width of 10.0m. Alfred Street between Dashwood Street and Beaver Street has more than 20 properties with direct access to it.

### 4. Urban Road Stopping Policy

The Urban Road Stopping Policy was adopted by Council on 23 August 2022. The policy was prepared to provide a consistent approach to road stopping in Marlborough.

Section Three of the policy identifies various issues to be considered when an application to stop a road is received. The issues are to protect Council assets, in particular if the asset is required into the future, even if it is not required at the present time and the protection of public utilities.

## 5. Discussion

The application for road widening is at an intersection. Intersection improvements often require additional land, in particular if a roundabout is going to be constructed. At this stage there is no intention of upgrading the intersection of Alfred Street and Dashwood Street, however traffic volumes could increase here in the future due to the high intensity housing that is allowed, and also the Government encouraging high density housing close to town centres.

Future road widening is not possible on the southern side as the footpath is adjacent to the property boundaries, however on the northern side there is a 3m space between most property boundaries and the footpath, noting that all the properties are encroaching onto road reserve, except at #94 and #100 where road stopping has already taken place. These were undertaken prior to the Urban Road Stopping Policy being undertaken and not likely to have been granted if the application was undertaken now.

While this section of Alfred Street is not ranked in the Network Operating Framework or Council's road hierarchy, Alfred Street adjacent to the site is.

The minimum Lot size for Residential 1 is 290m<sup>2</sup>. At 903m<sup>2</sup> the property can already be subdivided into 3 Lots. The additional land is therefore not required to subdivide, and 903m<sup>2</sup> should be ample for the property owner to utilise the existing land.

## 6. Conclusion

Marlborough Roads considers that the road stopping at 92 Alfred Street should not be granted.

## 9. Road Naming Sub-Committee

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(Clr Dallessi)

R800-007-06-07

1. The minutes of the Road Naming Sub-Committee meeting held on 15 December 2022 are **attached** for ratification by the Committee.
- 

### **RECOMMENDATION**

**That the minutes of the Road Naming Sub-Committee meeting held on 15 December 2022 be ratified.**

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**Report from the ROAD NAMING SUB-COMMITTEE held in Council Chambers,  
District Council Administration Building, Seymour Street, Blenheim on  
Thursday 15 December 2022 at 11.25 am**

**Present**

Councillors Deborah Dalliessi (Chair), Sally Arbuckle and Brian Dawson

**Also Present**

Mayor Nadine Taylor

**In Attendance**

Stephen Rooney (Operations & Maintenance Engineer) and Nicole Chauval (Committee Secretary)

**Apologies**

No apologies were received.

Cllr Dalliessi opened the meeting and welcomed members.

The Mayor, as past Sub-Committee Chair, provided those present with a brief history on the Committee and its establishment.

**1. Decision to Conduct Business with the Public Excluded**

**Cllrs S Arbuckle/Dawson:**

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

- Road Name Request

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
Road Name Request	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.

The meeting concluded at 11.53 am

Record No: 22260713



## 10. Regional Transport Committee

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(Clr Dawson)

D050-001-R01

1. The minutes of the Regional Transport Committee meeting held on 18 November 2022 are **attached** for ratification by the Committee
- 

### **RECOMMENDATION**

**That the minutes of the Regional Transport Committee meeting held on 18 November 2022 be ratified.**

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**Report and Minutes of a Meeting of the  
REGIONAL TRANSPORT COMMITTEE  
held in the Council Chambers and via Teams, 15 Seymour Street, Blenheim  
on FRIDAY 18 NOVEMBER 2022 commencing at 11.00 am**

**Present**

Councillors B G Dawson (Chairperson), S R W Adams, J D N Croad and J C Rosene, and Ms E Speight (Waka Kotahi NZ Transport Agency).

**In Attendance**

Mayor N P Taylor (from 12.20 pm), Cllr D A Dalliessi, Mr M S Wheeler (Chief Executive), Mr R P Coningham (Manager, Assets and Services Department), Mr A James (Waka Kotahi NZ Transport Agency), Ms L Skilton (Marlborough Roads), Ms A M Smith (Waka Kotahi NZ Transport Agency), Senior Sergeant P I Payne (NZ Police), Mr H M Meyers (NZ Automobile Association), Mr P G Heagney (Road Transport Association) and M J Porter (Democratic Services Manager).

**In Attendance via Teams**

Cllrs J A Arbuckle and R J Innes, Mr J Bond (Road Transport Association) and Ms T Forrester (Waka Kotahi NZ Transport Agency).

The Chairperson welcomed all to the meeting.

**Apologies**

Cllrs Dawson/Croad:

That the apology for lateness from Mayor N P Taylor be received and sustained and the apologies for non-attendance from Inspector S J Feltham (NZ Police) and Mr S J Murrin (Marlborough Roads) be noted.

**Carried**

**Declaration of Interests**

No interests with items on the agenda were declared.

**1. Confirmation of Last Meeting's Minutes D050-001-R01**

The minutes of the previous meeting held on 17 June 2022 were taken as read and confirmed.

Cllrs Dawson/Croad:

That the minutes of the Marlborough Regional Transport Committee held on 17 June 2022 be taken as read and confirmed.

**Carried**

**2. Confirmation of Waka Kotahi NZ Transport Agency's  
Representative on the Marlborough Regional Transport  
Committee D050-001-R01**

Members noted the letter from the Chief Executive of Waka Kotahi NZ Transport Agency advising that Emma Speight, Director Regional Relationships, was the Agency's representative on the Marlborough RTC. The letter also advised that the alternate was Mark Owen, Regional Manager Wellington/Top of the South.

**3. Request to Vary Nelson-Marlborough-Tasman Regional  
Land Transport Plan 2021 (RLTP) R800-007-02**

Members noted that the purpose of the report was a request for variation of the Nelson-Marlborough-Tasman RLTP to include the updated project name (from SH6 Blenheim to Nelson – (median barrier) to SH6 Blenheim

to Woodbourne Safety Improvements), and additional funding (exceeds \$5M threshold) to cover all costs associated with the project.

The name has been updated to SH6 Blenheim to Woodbourne Safety Improvements to better reflect the location. Works include construction of two new Roundabouts on SH6 outside Blenheim (outside Marlborough Airport and at the Bells Road/St Leonards Road/SH6 intersection) and minor safety improvements, including installation of an Intersection Speed Zone, at the Jacksons Road Intersection.

The report advised that there was an initial error in the material provided by SIP into the RLTP process where costs for implementation were not accounted for. The estimated expenditure to complete the SH6 Blenheim to Woodbourne Safety Improvements was \$17,416,000 (previously \$14,216,000).

**Cirs Dawson/Rosene:**

**That the request for a variation of the Nelson-Marlborough-Tasman Regional Land Transport Plan 2021 to include the updated project name (SH6 Blenheim to Woodbourne Safety Improvements), and additional funding (totalling \$17,416,000) to cover all costs associated with the project be approved.**

**Carried**

#### **4. Presentation on Transport Projects in Marlborough**

**R800-007-02**

Ms Skilton spoke to the presentation as attached to the agenda. Ms Skilton covered topics on the Blenheim Integrated Transport Study and Network Operating Framework and the Interisland Resilience Connection Project.

**Cirs Dawson/Croad:**

**That the presentation be received.**

**Carried**

#### **5. Report/Presentation from Waka Kotahi NZ Transport Agency**

**R800-007-16**

Ms Speight spoke to the presentation as attached to the agenda. Ms Speight covered topics on the Asset Management Data Standard; Taumata Taiao; Safe System audit guidelines; Safety camera expansion and transfer; One Network Framework; Driver Licensing Improvement Programme; Coastal Shipping investment; and Marlborough Updates.

It was noted at the meeting that the RTA representatives advised that they would be happy to meet with Wine Industry representatives regarding the overloading of trucks during vintage.

**Cirs Dawson/Croad:**

**That the presentation be received.**

**Carried**

#### **5. General Business**

A number of points from the various agencies around the table were canvassed.

The meeting closed at 12.45 pm.

Record No. 2316463

# 11. Adoption of Marlborough District Council Responsible Camping Control Bylaw 2022

(Clr Croad) (Report prepared by Linda Craighead)

R510-005-17-09

## Purpose of Report

1. To adopt the Responsible Camping Control Bylaw 2022 with effect from 1 May 2023.

## Executive Summary

2. The Council reviewed its Freedom Camping Control Bylaw 2012 in 2019/20 under the provisions of the Freedom Camping Act 2011 (**FCA**). After consultation and notification of a draft bylaw, the Responsible Camping Control Bylaw 2020 (**2020 Bylaw**) was adopted by Council on 27 November 2020 with freedom camping provided for at five sites across Marlborough.
3. A claim for judicial review from the New Zealand Motor Caravan Association (**NZMCA**) was lodged with the High Court in May 2021 over limitations of the 2020 Bylaw and procedural matters. The appeal was heard in early November 2021 and the Court's decision was to remove the part of the bylaw that prohibited freedom camping outside of the five sites. This meant freedom camping could occur outside of the five sites and not be in conflict with the 2020 Bylaw.
4. In response to lodgement of the NZMCA claim the Council undertook further consultation to address points raised in the claim for judicial review. Further site assessments were undertaken, and a revised Statement of Proposal (**SOP**) and draft bylaw were notified for public submission in November 2021 (the **2022 Bylaw**) with three additional sites proposed. On completion of the hearing process the Hearing Panel issued an interim decision confirming the sites included in the SOP.
5. The Hearing Panel's interim decision also directed that further assessments be undertaken on six other sites and roadsides in five valley areas. As a result of these assessments further submissions were sought on three sites and on roadsides in all five valleys. A hearing was held in early December 2022.
6. A final decision of the Hearing Panel confirmed that the three sites should be added to the 2022 Bylaw, bringing the total number of sites available for freedom camping to 11. In relation to roadsides in the five valleys the Hearing Panel considered that freedom camping should continue to be prohibited in these areas.
7. The last steps in the process are for the Council to formally adopt the 2022 Bylaw, to approve camping on reserve land pursuant to the provisions of the Reserves Act 1977 and to apply for resource consent for three of the freedom camping sites.

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## RECOMMENDATIONS

That the Council:

1. **Adopts the Marlborough District Council Responsible Camping Control Bylaw 2022 effective 1 May 2023 – see Attachment 2.**
2. **Acting under a delegation from the Minister of Conservation and pursuant to section 44(1) of the Reserves Act, authorises camping on that part of the following reserves where a bylaw made under the Freedom Camping Act 2011 is in place:**
  - **Lot 1 DP 366864 – classified as Local Purpose (Picnic Area) Reserve [Alfred Stream Reserve];**
  - **Section 5 Block XVII Taylor Pass Survey District – classified as Recreation Reserve by Gazette Notice 105187 (Gaz 1981 p2585) [Blairich Recreation Reserve]; and**

- **Section 1 Block XV Patriarch Survey District – classified as Recreation Reserve by Gazette Notice 1981 p3732 [Wash Bridge Recreation Reserve].**

**3. Applies for resource consent for the freedom camping sites to be located at Alfred Stream Reserve, Opouri Road [Carluke Domain] and Renwick Dog Park.**

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## **Background**

8. The Council reviewed its Freedom Camping Control Bylaw 2012 in 2019/20. After consultation and notification of a draft bylaw, the Responsible Camping Control Bylaw 2020 (2020 Bylaw) was adopted by Council on 27 November 2020, becoming effective from 1 December 2020. The 2020 Bylaw provided for freedom camping at five sites across Marlborough (Wairau Diversion, Lake Elterwater, Renwick Domain, Taylor Dam and Wynen Street carpark, Blenheim).
9. A claim for judicial review from the NZMCA was subsequently lodged with the High Court in May 2021. Two key allegations of the claim were that:
- submitters were not given the chance to make submissions on the prohibition on freedom camping in all except five sites; and
  - the Council did not undertake an assessment of all areas in the district by applying the criteria set out in s11(2) of the FCA.
10. In response, the Council decided to undertake further consultation to address points raised in the claim for judicial review. Further site assessments were undertaken, and a revised SOP and draft bylaw were notified by the Council in November 2021 (the 2022 Bylaw) with three additional sites proposed to be added for freedom camping being Blairich Reserve, Opouri Road [Carluke Domain] and Wash Bridge Recreation Reserve.
11. In addition, the SOP advised that there were five other “areas” that may also be considered appropriate for freedom camping on roads in parts of the Awatere Valley, Wairau Plains, Wairau Valley, Waihopai Valley and Southern Valleys. The intention was this would be the subject of further investigation and possible amendment to the 2022 Bylaw.
12. The High Court appeal was heard in early November 2021 and the Court’s decision was released on 23 December. The Court severed the part of the 2020 Bylaw that prohibited freedom camping outside of the five sites, meaning that freedom camping could occur and not be in conflict with the 2020 Bylaw. Since the High Court decision monitoring of freedom camping has largely focussed on the five sites.

## **Decisions**

13. After receiving 91 submissions a Hearing Panel comprising Martin Williams (independent commissioner), former Mayor John Leggett and current Mayor Nadine Taylor heard from 20 submitters at a hearing on 28 March 2022. From considering submissions and also the decision of the High Court, the Hearing Panel issued an Interim Decision<sup>1</sup> on 14 April stating the 2022 Bylaw should be adopted in the form proposed in the SOP. The Panel also directed that further assessment of six sites and the roadside areas described in paragraph 11 above, should be undertaken by an independent consultant before a final decision would be issued.
14. Following completion of the assessments, the Hearing Panel determined that further submissions should be sought on the inclusion of the following sites and roads:
- Alfred Stream Reserve – Rai Valley
  - Renwick Dog Park – cnr State Highway 6 and Foxes Island Road

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<sup>1</sup> The Interim Decision can be found on the Council website at <https://www.marlborough.govt.nz/your-council/bylaws/responsible-camping-control-bylaw-2020/draft-responsible-camping-bylaw-2022>

- Lansdowne Park, Blenheim
  - Wairau Plains roads - west of State Highway 1
  - Southern Valleys roads
  - Waihopai Valley roads
  - Awatere Valley roads
  - Wairau Valley roads
15. Submissions were received from 44 individuals and organisations and a hearing was held on 6 December 2022 with six submitters appearing. The Hearing Panel also heard from Steve Murrin from Marlborough Roads in relation to the use of the road corridor for freedom camping.
16. The Hearing Panel's Final Decision (see Attachment 1) was issued on 16 December 2022. In considering the three specific additional sites proposed for freedom camping, the Panel found that these could be approved subject to the conditions recommended in the McArthur 2022 Report<sup>2</sup> as these were consistent with the s11(2) FCA statutory tests. That is, the recommended conditions would adequately protect the relevant areas, health and safety and access, with this comprising a proportionate response to the specific circumstances of each site and the issues raised in submissions and evidence.
17. The Panel also found that:
- (a) Traffic, pedestrian and cyclists' safety can be managed for each site (including the Renwick Dog Park), and without a significant impact on users of these reserves otherwise (for example in relation to Lansdowne Park).
  - (b) Issues relating to flood risk can be adequately managed for the Alfred Stream Reserve, through the preclusion against tents and the continued use of a lockable gate (when there is a risk of the area flooding) as referred to in the 2022 McArthur Report.
18. The Panel did not consider the issues with roadside areas in the 5 valleys were as straight forward. The Panel acknowledged there is no real significant evidence of historic issues associated with freedom camping along roadside areas in Marlborough prior to 2020 (when the provision for this was removed through adoption of the 2020 Bylaw). On the other hand, the Panel considered the situation that would now arise on reinstating provision for freedom camping in roadside areas, which has been prohibited since the 2020 Bylaw came into force.
19. There was no evidence to suggest the roadside areas would become inundated with freedom campers. However, the Panel were concerned as to whether providing for freedom camping in unspecified roadside areas (beyond a given setback distance from the road carriageway) is workable in the sense of actually providing meaningfully for any additional freedom camping opportunity. Further, that whether freedom camping could be carried out in a way that can be practicably complied with, safely, and having regard to the nature of activities carried out in these rural settings. All of the roadside areas were noted by the Panel as being predominated by a mix of intensive farming and horticulture, which productive use the Marlborough Environment Plan (MEP) seeks to sustain.
20. The Hearing Panel's decision records that "*continuation of the prohibition on freedom camping in road reserve areas in the 5 valleys in question should be maintained, as necessary to:*
- *Protect the areas concerned (and in particular continuation of productive agricultural and horticultural uses in those areas); and*

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<sup>2</sup> The McArthur 2022 report can be found on the Council website at <https://www.marlborough.govt.nz/your-council/bylaws/responsible-camping-control-bylaw-2020/draft-responsible-camping-bylaw-2022>



- *Protect the health and safety of all road users including potential freedom campers themselves; and*
  - *Protect access to rural properties by vehicles such as milk tankers, harvesting machinery and the like.”*
21. In summary the interim and final decisions of the Hearing Panel collectively address the requirements of the FCA to enable a bylaw to be made in terms of s11(2). The decisions of the Hearing Panel as explained in the Interim and Final Decision reports are recorded in the Marlborough District Council Responsible Camping Control Bylaw 2022 – see Attachment 2.
  22. One matter that has arisen since notification of the 2022 Bylaw is in relation to the Wash Bridge Recreation Reserve. The upper terrace of the reserve had initially been preferred (and notified in the 2022 Bylaw) as it was elevated above the Wairau River. However, an area of the lower terrace has been investigated as it would be easier to form and is located in a lower speed environment than the upper terrace location.
  23. Further discussions with the Rivers Engineer have taken place and the lower terrace site is still considered sufficiently high enough above the Wairau River to enable camping to occur. A legal check with the Council’s inhouse solicitors has also confirmed that although not on the exact site of the notified 2022 Bylaw, the preferred site on the lower terrace is still on the same reserve and sufficiently close enough for people to have understood the location. Very little specific feedback was received about this site during the submission period – those that supported freedom camping supported the site and those that opposed freedom camping opposed the site.
  24. Therefore a new map has been included within the bylaw to show the preferred location on the lower terrace to be used for freedom camping at the Wash Bridge Recreation Reserve.

## **Reserves Act**

25. Unlike the FCA where freedom camping is permitted everywhere unless otherwise restricted or prohibited, under the provisions of the Reserves Act 1977 (**RA**) the reverse applies. Of particular relevance is section 44 of the RA, which does not allow camping in reserves unless this is consented by the Minister of Conservation or is provided for in a reserve management plan. (A delegation has previously been made from the Minister of Conservation to local authorities to administer section 44 of the RA and consent to camping in reserves.)
26. Currently none of the reserve management plans in place for Marlborough’s reserves enables camping to occur. Nor has an express permission to authorise camping on reserves been previously made in accordance with section 44 of the RA. The default position is therefore that camping is a prohibited activity on reserves.
27. Consequently a specific resolution has been included in this report’s recommendation to authorise freedom camping under section 44 of the RA at Alfred Stream Reserve, Blairich Recreation Reserve and Wash Bridge Recreation Reserve. (Sites at Opouri Road, Lansdowne Park and Renwick Dog Park are not reserve land and so the RA does not apply to these locations.)

## **Resource Consents**

28. Under the provisions of the Marlborough Environment Plan there is provision within some zones for freedom camping as a permitted activity. However, for land zoned Open Space 1 (Alfred Stream), Rural Environment (Renwick Dog Park) or road reserve (Opouri Road), there is no permitted activity rule for freedom camping. Therefore resource consent will be required for each of these sites.

## **Next steps**

29. Formation of an area for freedom camping will be required at the Opouri Road and Wash Bridge Recreation Reserve sites. Marking out of areas for freedom camping at Lansdowne Park and Renwick Dog Park sites is also required with signage to be put in place for the new locations.

30. Resource consents to enable freedom camping at Alfred Stream Reserve, Opouri Road and Renwick Dog Park sites will be prepared and lodged.

## **Attachments**

**Attachment 1** – Final Decision of Hearings Panel page 98

**Attachment 2** – Marlborough District Council Responsible Camping Bylaw 2022 page 113

Author	Linda Craighead, Planner, Parks and Open Spaces
Authoriser	Jane Tito, Manager, Parks and Open Spaces



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**Final Decision of the Hearings Panel in respect of  
Draft Marlborough District Council  
Responsible Camping Bylaw 2022**

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Hearings Panel: Martin Williams (Chair)  
Mayor Nadine Taylor  
Mr John Leggett

Hearing: 6 December 2022

**MARLBOROUGH DISTRICT COUNCIL  
RESPONSIBLE CAMPING BYLAW 2022**

**FINAL DECISION OF HEARINGS PANEL**

**Introduction and Background**

1. We have been appointed under delegated authority to hear submissions on the Statement of Proposal (SOP) for the Marlborough District Council Responsible Camping Bylaw 2022 (the 2022 Bylaw) and make decisions on that bylaw for adoption by the Council.
2. This is the second and final decision we are making on the 2022 Bylaw.
3. We refer to and adopt for the purpose of this decision, the overview of the background to the 2022 Bylaw as traversed in our Interim Decision of 14 April 2022<sup>1</sup>.
4. This includes the summary of what the 2022 Bylaw would provide for in terms of additional freedom camping sites (relative to the 2020 Bylaw, which it replaces).<sup>2</sup>
5. For the various reasons recorded in our Interim Decision (which we again adopt and do not repeat here), we decided in essence that:
  63. After considering all of the views expressed in submissions, the Panel is satisfied that, *subject to the reservations recorded below*, the 2022 Bylaw (as notified in the SOP):
    - (a) Restrains (prohibits or restricts) responsible camping, only where necessary to protect the areas, health and safety of people who may visit those areas, or access to them, including as assessed and addressed in the November 2021 and McArthur Reports; and
    - (b) Is the most appropriate and proportionate way of addressing the perceived problems regarding freedom camping *in relation to each area*, and
    - (c) Is not inconsistent with the New Zealand Bill of Rights Act 1990 (in that regard, we heard and received no evidence or submissions seriously suggesting otherwise).

<sup>1</sup> Paragraphs 1- 24 of the Interim Decision.

<sup>2</sup> Paragraphs 22 and 23 of the Interim Decision.

6. The reservations referred to in this extract of the Interim Decision were twofold, namely that:
- (a) We had been presented with submissions requesting that provision for freedom camping be made for a range of additional sites, and we were not yet satisfied that restrictions on freedom camping were necessary under the Freedom Camping Act 2011 (FCA), in relation to some of those sites (as listed below).
  - (b) We considered that further assessment was warranted to determine whether freedom camping should be provided for along the road side within 5 valley areas within the District identified as *potentially suitable* for freedom camping in the SOP.<sup>3</sup>
7. Specifically, the SOP had identified that freedom camping could potentially be provided for within parts of the Awatere Valley, Wairau Plains, Wairau Valley, Waihopai Valley and Southern Valleys.
8. As notified, the 2022 Bylaw prohibited freedom camping in these areas, consistent with the 2020 Bylaw (prior to which freedom camping along roadside areas throughout most of the District was unregulated).
9. We determined that further consideration should be given to the following six additional sites as potential 'restricted areas' for freedom camping, within the conditions and proposed limitations set out below:
- Okivi Bay Township – March to December inclusive only (number of sites and nights to be determined).
  - Anakiwa Village Green – four sites – maximum stay of two nights.
  - Alfred Stream – five sites – maximum stay of one night.
  - Renwick Dog Park – number of sites and sites to be determined.
  - Endeavour Park (upper carpark), Picton – four sites – one night maximum stay (Monday to Thursday inclusive only).

<sup>3</sup> See paragraph 23 of the Interim Decision.

- Lansdowne Park, Blenheim – four sites – one night maximum stay (Monday to Thursday inclusive)<sup>4</sup>.
10. We directed the Council staff to commission an independent consultant to progress further investigation regarding the potential roadside areas within the 5 valleys identified in the SOP. This was to be followed by consultation on any further specific sites identified through that assessment, to take place alongside further consultation on the six potential additional restricted camping sites set out above.<sup>5</sup>
  11. In response to that direction, the Council commissioned Mr Paul McArthur to carry out the further investigations involved with the six potential additional sites, and the roadside areas in the 5 valleys in question.
  12. Mr McArthur had prepared the original assessment for the Council commissioned in May 2020 prior to notification of the 2020 Bylaw, which preceded further site specific assessment completed by the Council in November 2021, as also referred to and explained in our Interim Decision.<sup>6</sup>
  13. Broadly speaking, Mr McArthur's 2022 report (*Marlborough District Council Proposed Responsible Camping Bylaw 2022 (2022 McArthur Report)*), adopted the same evaluation framework applied in the Council's November 2021 report, whereby each site investigated was assessed and scored against the three principal criteria set under s 11(2) of the FCA (as potentially justifying a restriction against freedom camping), namely:
    - To protect the area.
    - To protect the health and safety of people who may visit the area.
    - To protect access to the area.
  14. In essence, where a total score for an area (against these criteria) was determined to be more than 8, or if the score for any one of the criteria is 5, the recommendation followed that freedom camping should be prohibited in that area.

<sup>4</sup> See paragraph 79 of the Interim Decision.

<sup>5</sup> Refer paragraphs 79 and 86 of the interim decision.

<sup>6</sup> Refer paragraphs 6 and 20.



15. The specific methodology employed in the 2022 McArthur Report is as set out on page 3 of that report, for both the specific sites and the roadside areas in the 5 valleys referred to in the 2022 SOP.
16. Specifically, the Report records as follows:

#### Sites

The following assessment process has been used in reviewing each of these sites:

1. Review previous history of the use of this site either informally or through previous Bylaw provisions.
2. Review 2022 SOP proposal and submissions relating to the site.
3. Seek feedback from stakeholders and adjoining landowners on the possible site settings for assessment.
4. Undertake assessment in accordance with Section 11(2) of the Freedom Camping Act 2011 (FCA) - within the context of site assessments already undertaken for the immediate or wider area.

#### Areas

1. Review previous history of the use of each area either informally or through previous Bylaw provisions.
2. Review 2022 SOP proposal and submissions relating to the area.
3. Undertake tabletop GIS review of Council controlled land<sup>7</sup> within each area that may be eligible for consideration under the following criteria:
  - Physically accessible to vehicles
  - Ability for vehicles to park well off the edge of the formed road
  - Not obviously be within a flood prone location including within the Draft Marlborough Environment Plan (MEP)<sup>8</sup> flood hazard area or hazardous wildfire area
4. Undertake field inspection of shortlisted locations within each area.
5. Seek feedback from key stakeholders including Marlborough Emergency Management, MDC Rivers Engineer and Marlborough

<sup>7</sup> Council parks and reserves, legal roads and other Council owned land.

<sup>8</sup> Proposed – but operative in part.

Roads and any local stakeholders and adjoining landowners of any identified sites.

6. Undertake assessment in accordance with Section 11(2) of the Freedom Camping Act 2011 (within the context of site assessments already undertaken for the immediate or wider area).
7. Consult with the local community on any sites likely to be recommended.

17. The 2022 McArthur Report then sets out the detail of the assessments made in accordance with this methodology, recording for each of the six specific sites:

- A summary of previous findings reached under the November 2021 assessment.
- Issues raised during consultation.
- Discussion of the site relative to the FCA statutory criteria.
- The rating arrived at for each specific site.

18. For the roadside area assessments, the 2022 McArthur Report again sets out more information regarding each area, including:

- The assessment of the area under the November 2021 report.
- Specific sites within the valley areas assessed in more detail.
- A discussion relative to the FCA statutory criteria.
- The rating arrived at for each area.

19. It is noted here that following the initial desktop review of these roadside areas (as referred to in the methodology summary set out above), a shortlist of 51 sites were identified as worthy of further investigation across those five areas. Site visits were undertaken to determine the feasibility of those specific sites being used for freedom camping (termed a "reality check" within the 2022 McArthur Report).<sup>9</sup>

20. The 2022 McArthur Report rated three of the 6 specific sites (as set out at paragraph 9 above) as having a total score of 8 or less namely:

- Alfred Stream Reserve.

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<sup>9</sup> Page 23 of that report.

- Renwick Dog Park.
  - Lansdowne Park, Blenheim.
21. All of the 5 roadside valley areas were rated as having a total score of 7.
  22. On that basis, the Panel invited consultation through further submissions on these three specific sites, and the 5 roadside valley areas.
  23. For each of the three specific sites, conditions consistent with our findings in the Interim Decision were recommended i.e. as including:
    - Use of certified self-contained vehicles only (no tents).
    - Four or five designated sites only.
    - Maximum stay of one night in any four-week period (Monday-Thursday inclusive only, for Lansdowne Park).
  24. For the roadside areas, the following conditions were recommended:
    - Certified self-contained vehicles only.
    - Maximum stay of one night in any four week period.
    - No open fires.
    - *No parking immediately adjacent to the formed road edge or shoulder.*
  25. The fourth recommended condition (in italics above) was the subject of considerable evidence and attention at the hearing on 6 December, as addressed further below.

#### **Submissions and Evidence Received and Heard**

26. A total of 44 submissions were received through this further consultation on the three specific sites and five roadside valley areas.
27. We made it clear in our Interim Decision that we did not intend to provide any further opportunity for submitters to relitigate, repeat or restate issues and submissions already made on matters canvassed in that decision, with the focus of the further consultation being specifically and

solely on the additional sites and roadside areas now being considered.<sup>10</sup>

28. That point was also made clearly in the notice inviting further submissions on the specific sites and areas.
29. In reaching this final decision, we record that we have had regard to all of the written submissions received within this scope, and to the additional information and evidence presented at the hearing on 6 December 2022, from the following submitters:
  - Mr Chris Faulls
  - Mr Alan Johnson (New Zealand Motor Caravan Association)
  - Mr John Kershaw
  - Ms Jane Buckman
  - Mr Evan White (Federated Farmers New Zealand, Marlborough Branch)
  - Mr Alain Bassin.
30. By way of summary (only) we set out here what we consider to be the main points made in these written submissions, and the evidence presented at the hearing regarding the three specific sites and 5 roadside valley areas in issue.

#### *Specific Sites*

- Suitably located, able to accommodate freedom camping alongside existing activities in these park and reserve areas.
- (Conversely), not suitably located (too close to urban and residential areas), lack of capacity (carparking etc needed for other activities in these reserve areas), flooding risk (Alfred Stream Reserve).
- Traffic safety (Renwick Dog Park) and need for careful management relative to other uses in the park (Renwick Dog Park in particular, eg cyclists and shared pathways).

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<sup>10</sup> Paragraphs 87 to 88 of the Interim Decision

- Non-compliance with self-containment requirements (putting pressure on Council facilities including toilets), littering etc.

#### *Roadside Areas*

31. Points made in support of providing for freedom camping in the roadside areas included:

- Additional provision for freedom camping needs to be made in the District because, if the Bylaw is too restrictive, it will create enforcement issues (with people being more inclined to break the rules).
- Roadside areas had been available for freedom camping previously (prior to the 2020 Bylaw) without any difficulties, and no major increase in the use of these areas is now anticipated.
- There are better regulatory tools coming through new legislation which will improve compliance with self-containment standards.
- Safety issues could be managed through (for example) requiring vehicles to park at least 2 m from the road carriageway (to achieve more certainty as to what was allowed under the Bylaw), and leave their parking lights on at night.

32. Points made against freedom camping in these areas included:

- Lack of compliance.
- Safety to road users and campers (blind corners, vehicles parked at night, potential for collision with rural vehicles at night including milk tankers and logging trucks).
- Fire and flooding risk.
- Erratic driver behaviour (freedom campers searching for suitable sites, including late in the evening – driver fatigue).
- Lack of availability of any suitable sites with narrow road corridors in most of the valleys, forcing encroachment onto private land, inappropriate use of school bus turn around sites, and farm entrance/gateways.
- Uncertainty as to what is meant by "immediately adjacent" or "the formed road edge or shoulder", with neither local residents nor freedom campers knowing what is allowed and what is not.

- Impacts on rural activities (which are sought to be sustained under the Council's Resource Management Environment Plan) including:
    - Amenity impacts – littering of roadside areas etc.
    - Impacts on farm operations eg use of farm gateways impeding farm vehicle, milk tanker access and the like.
    - Encroachment into or interference with private property.
    - Health and safety risks (roadside areas considered dangerous eg blind corners).
    - Additional presence of unknown people in rural community areas.
33. A key point which emerged during the course of the hearing of submitters was that, regardless of whether they supported or opposed provision for freedom camping in roadside areas, they all agreed that it would be better to identify specific sites within road corridors to give greater certainty to everyone involved, as to where freedom camping could take place or was instead prohibited.
34. This was also considered likely to afford greater safety to freedom campers unfamiliar with the valley roads involved, rather than driving around searching for sites they estimate to be sufficiently distant from the road carriageway, to comply with the Bylaw.
35. For the record, we record that we have not had regard to points made in written submissions (and evidence at the hearing) as to the potential impact of freedom camping on existing tourist facilities, or the relative contribution of freedom camping to tourism.
36. We do not consider that to be a relevant matter. Instead, we must consider whether there is a case for restricting freedom camping having regard to the statutory tests in s 11 of the FCA, and in particular, whether this is necessary for the protection of the relevant areas, health and safety, or for access (as set out above).
37. We also record that we do not accept submissions made by the NZMCA that issues identified in the 2022 McArthur Report during consultation are irrelevant. As recorded in our Interim Decision, we are required under the Local Government Act 2002 to have regard to the views and preferences of persons likely to be affected by or have an interest in this bylaw proposal.



38. After we had heard from submitters, we asked for Mr Steven Murrin, a former Manager of Marlborough Roads, to attend the hearing to answer questions about these issues.
39. Firstly we picked up on the suggestion by the NZMCA that (for greater certainty) a 2 m setback from the road carriageway be set in conditions. Other submitters during the hearing had been concerned that this was not sufficiently distant from the carriageway to be safe, so we asked Mr Murrin for his view.
40. Mr Murrin's preference was a distance of 9 m from the carriageway, consistent with what had for many years been considered a 30 ft "safe zone" from the edge of the road.
41. Mr Murrin said that he could be satisfied with a 5 m setback, but the greater distance the better. He confirmed in answers to questions that he could see a concern about driver behaviour and distraction when searching for freedom camping sites which were compliant with the bylaw (whatever the setback distance), including in the early evening or night time period.
42. Mr Murrin also advised that there had not been any previous history of safety issues, prior to freedom camping along roadside areas becoming prohibited under the 2020 Bylaw.
43. Looking at the realities of the situation, it was not clear to Mr Murrin, whether there would in fact be any real availability of freedom camping sites on areas sufficiently set back from the road carriageway. This is because roads across the District generally have a 20 m corridor, of which the sealed carriageway comprises 7 m with a 1 m shoulder, leaving only 9 or 10 m between the road carriageway and private land otherwise available.
44. A 5 m (or greater) restriction either side of the carriageway would therefore effectively preclude freedom camping in most of the valley areas (apart perhaps from the Awatere Valley, where there is less boundary definition through fencing).
45. Mr Murrin also advised that in his opinion access from the Renwick Dog Park would be safe, with adequate site distances along Highway 6 at the intersection with Foxes Island Road.
46. Finally, we heard briefly from Ms Craighead.

47. Ms Craighead advised that in her opinion, the Renwick Dog Park site can be suitably (even "well") managed with signage and pathway delineation.
48. Further that if we as a Panel can be satisfied that the setback distance from the road carriageway could be adequately enforced, those roadside areas in the 5 valleys could be considered as suitable for freedom camping.

#### Discussion and Findings

49. Reflecting on the submissions and evidence received and heard, and having deliberated on the same, we find and observe, as follows:
  - (a) Firstly, that in relation to the three specific additional sites proposed for freedom camping, that these can be approved subject to the conditions recommended in the McArthur 2022 Report, consistent with the s 11(2) FCA statutory tests. That is, the recommended conditions would adequately protect the relevant areas, health and safety and access, with this comprising a proportionate response to the specific circumstances of each site and the issues raised in submissions and evidence.
  - (b) Specifically, that traffic, pedestrian and cyclists' safety can be managed for each site (including the Renwick Dog Park), and without a significant impact on users of these reserves otherwise (for example in relation to Landsdowne Park).
  - (c) That issues relating to flood risk can be adequately managed for the Alfred Stream Reserve, through the preclusion against tents and what we understand to be the continued use of a lockable gate (when there is a risk of the area flooding) as referred to in the 2022 McArthur Report.<sup>11</sup>
50. The issues with the roadside areas in the 5 valleys are not as straight forward.
51. Firstly, we note that there is no real evidence of any significant historic issue associated with freedom camping along roadside areas in Marlborough District prior to 2020, when that activity was unregulated. This is confirmed in the 2022 McArthur Report for each area assessed,<sup>12</sup> by Mr Murrin at the hearing, and with one submitter

<sup>11</sup> Page 12.

<sup>12</sup> For example refer page 25.

referring to "isolated" events of concern in the past, rather than suggesting any common place or systemic issue.

52. On the other hand, we need to consider the situation that would now arise on *reinstating* provision for freedom camping in roadside areas, which has been prohibited since the 2020 Bylaw came into force.
53. We accept the evidence given by Mr Johnson that there is no reason to suspect the areas would suddenly become inundated. Equally however, the previous situation was not one involving specific restrictions or conditions including as proposed for consultation in this case, namely that there be no freedom camping "immediately adjacent to the formed road edge or shoulder".
54. We entirely accept the submissions and evidence given that this condition was problematic, unclear even vague and open to considerable interpretation. In legal terms, the condition would arguably be "void for uncertainty".<sup>13</sup>
55. However, the proposed "cure" to this deficiency, i.e. a condition setting a specific setback distance from the carriageway (whether to 2 m, 5 m or 9 m as had been suggested by Mr Murrin) would raise further issues of its own.
56. First, it is by no means clear to us that there is in fact any meaningful number of sites within the District that could comply with a setback in the range considered reasonable from a traffic safety perspective by Mr Murrin (5 to 9m). As a matter of general logic and common sense, that would not seem to be the case where the road corridor itself is only 20 m wide and occupied by a 7-8 m carriageway and shoulder.
57. Regardless, such a setback requirement might force freedom campers looking for sites that could comply with (say) a 5 m setback restriction, to do one or more of the following things:
  - (i) Park, or at least be tempted to park, in farm gate/entranceways, school bus turn around areas or other Council reserve areas that are not suitable or appropriate for the purpose.

<sup>13</sup> I.e. as not containing adequate information as to the duties of those who are to obey (*Battison v Melloy* [2014] NZHC 1462 at [88]).

- (ii) Encroach onto private land (where there is no fence line to delineate the boundary between the road reserve and private land); and/or
- (iii) Drive erratically or unpredictably (particularly visitors to the District unfamiliar with the roads or local area) searching for sites that comply with the setback distance, and in circumstances where those freedom campers might be unfamiliar with the local context (use of the roads concerned by forestry trucks, milk tankers and stock trucks).

58. More generally, these points raise a real question in our minds as to whether providing for freedom camping in unspecified roadside areas (beyond a given setback distance from the road carriageway) is *workable* in the sense of actually providing meaningfully for any additional freedom camping opportunity, and in a way that can be practicably complied with, safely, and having regard to the nature of activities carried in out in these rural settings.
59. As the 2022 McArthur Report records in relation to each valley area, they are all predominated by a mix of intensive farming and horticulture, which productive use the Marlborough Environment Plan seeks to sustain.
60. As we see it, the only real solution for roadside areas would be to identify specific sites (as preferred by all submitters), as Mr McArthur had attempted to do as noted earlier in this decision, albeit without any great depth of evaluation relative to the s 11 FCA criteria.
61. It may be that the Council on a future review of the Bylaw is minded to progress investigation of such specific sites as suitable and safe for the purpose, but in the meantime we must make our decision.
62. That decision is, for the reasons just outlined, that we consider continuation of the prohibition on freedom camping in road reserve areas in the 5 valleys in question should be maintained, as necessary to:
- Protect the areas concerned (and in particular continuation of productive agricultural and horticultural uses in those areas); and
  - Protect the health and safety of all road users including potential freedom campers themselves; and

- Protect access to rural properties by vehicles such as milk tankers, harvesting machinery and the like.

63. For completeness, we record that we do not consider it would be sufficient to also include a condition precluding the parking of freedom camping vehicles in farm gateways or entranceways, as a potential more "proportionate" response.
64. That would also not cure the range of issues traversed in this part of our decision as set out above. We similarly find in relation to the possibility of requiring that parking lights be left on at night.

#### **Decision**

65. For all of these reasons, our final decision is that the 2022 Bylaw as notified in the SOP be approved, with the addition of the Alfred Stream Reserve, Renwick Dog Park and Landsdowne Park sites, subject to the conditions proposed in the 2022 McArthur Report.

Dated: 16 December 2022



.....  
**Martin Williams**  
Chair of Hearings Panel



.....  
**Mr John Leggett**



.....  
**Mayor Nadine Taylor**

## Marlborough District Council Responsible Camping Bylaw 2022

### Marlborough District Council Responsible Camping Control Bylaw 2022

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Pursuant to section 11 of the Freedom Camping Act 2011, the Marlborough District Council makes the following bylaw.

#### Bylaw

##### 1. Title

This bylaw is the Marlborough District Council Responsible Camping Control Bylaw 2022.

##### 2. Commencement

This bylaw comes into force on 1 May 2023.

##### 3. Interpretation

In this bylaw, unless the context requires another meaning –

**Council** means the Marlborough District Council.

**Responsible camp** and **responsible camping** have the same meaning given to freedom camp and freedom camping respectively in section 5 of the Freedom Camping Act 2011.

**Enforcement officer** has the meaning given in section 4 of the Freedom Camping Act 2011.

**Local authority area** has the meaning given in section 6 of the Freedom Camping Act 2011 and also means within the Marlborough District.

**Certified self-contained** vehicle means a vehicle designed and built for the purpose of camping which is practically configured to meet the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days, without requiring any external services or discharging any waste, and:

- Complies with NZS 5465:2001 Self-containment of motor caravans and caravans;
- Displays a current self-containment warrant issued in accordance with NZS 5465:2001 Self-containment of motor caravans and caravans and any subsequent amendments in the inside left of the front window, or the inside left of the windshield, with the warrant details facing outwards; and
- The toilet facility must be readily useable within the vehicle including sufficient head and elbow room at all times, even with the bed made up.

##### 4. Purpose

The purpose of this bylaw is to regulate responsible camping in local authority areas so as to:

- (a) protect the area;
- (b) protect the health and safety of people who may visit the area; and/or
- (c) protect access to the area.



## **5. Restricted Areas**

- 5.1 No person may responsible camp in areas identified in Schedule 1 unless they comply with the restrictions imposed on use of that area as set out Schedule 1.
- 5.2 Restricted Areas will be regularly monitored and, where required, access will be restricted or prohibited on a site-by-site basis for the following reasons:
- (a) there is a high risk of fire or imminent flood in the area;
  - (b) there is a potential health and safety risk at the sites, including due to overcrowding;
  - (c) the area is being used for an event approved by the Council;
  - (d) there is a need to better protect public access; or
  - (e) maintenance including improvements to allow recovery of the site.
- 5.3 The prohibition must be removed when the circumstances described in clause 5.2 no longer apply. While an area is prohibited under clause 5.2, no person may responsible camp in the area.

## **6. Prohibited Areas**

- 6.1 No person may responsible camp in any local authority area identified in Schedule 2.
- 6.2 No person may responsible camp in an area identified in Schedule 1 where the person does not comply with the restrictions imposed on use of that area in that Schedule.

## **7. Council consent to responsible camp**

- 7.1 A person or group may responsible camp in a Prohibited Area if they have obtained the prior written consent of the Chief Executive Officer of the Council.
- 7.2 A person or group may responsible camp in a Restricted Area otherwise than in accordance with the restrictions on responsible camping in that area if they have obtained the prior written consent of the Chief Executive Officer of the Council.
- 7.3 Consent is at the absolute discretion of the Chief Executive Officer and may be granted with or without conditions. Consent must be sought at least 20 working days in advance of the proposed date for freedom camping. All costs incurred by Council in determining the application for consent must be met by the applicant and must be paid before the determination will be released.
- 7.4 In relation to consent given in accordance with clauses 7.1 or 7.2:
- (a) any conditions attaching to the consent must be complied with;
  - (b) fires are not permitted on site; and
  - (c) on departure the site must be left in a clean and tidy condition with all rubbish and waste removed.
- 7.5 Consent given in accordance with clause 7.1 or 7.2 may be revoked by the Council if an Enforcement Officer believes, on reasonable grounds, that the person(s) to whom consent has been granted has:
- (a) acted in a manner likely to offend or annoy other people using the site;
  - (b) damaged or is likely to cause damage to the site; and/or
  - (c) breached any of the conditions of consent including the limitations in clause 7.4.

- 7.6 Revocation of consent occurs at the time the Enforcement Officer directs the person(s) to leave the site.


## **8 Offences and Penalties**

In accordance with section 20 of the Freedom Camping Act 2011, every person who responsible camps in a local authority area in breach of any prohibition or restriction in this bylaw commits an infringement offence and is liable to a fee of \$200 (or other amount as prescribed by regulations made under that Act).

Section 20 of the Freedom Camping Act 2011 provides for other offences in relation to responsible camping.

## Schedule 1 – Restricted areas for responsible camping

No person may camp in any local authority area identified as a Restricted Area unless they comply with the restrictions imposed on use at that particular site.

WAIRAU DIVERSION RESTRICTED AREA	
<p><b>Description</b></p> <p>The Wairau Diversion responsible camping area is located on the northern side of the lower reach of the Diversion. It is accessed from the intersection of Thomas Road and Neal Road. The Wairau Diversion Reserve Restricted Area extends from the eastern boundary of the prohibited area at the Hinepango Wetland in an easterly direction to the Wairau Diversion day use area (which is a prohibited area for responsible camping).</p> <p>The Wairau Diversion Reserve Restricted Area has a fence on its eastern boundary between the day use and the camping area. There is clear signage into the area directing campers to the area allocated for camping.</p>	
<p><b>Restrictions</b></p> <p>No person may camp except in the area shown and camping must be in a certified self-contained vehicle.</p> <p>The maximum period anyone can camp in this area is two consecutive nights in any four-week period.</p> <p>Vehicle numbers are limited to 75 vehicles.</p>	<p><b>Camping Area</b></p> 

A temporary area for camping has been set aside at the Wairau Diversion until such time as repairs are made to reinstate that part of the current Restricted Area damaged in the 2021 flood event. The temporary area is shown in the map below and will revert to a prohibited area once the damage has been repaired.



## TAYLOR DAM RESERVE UPPER LEVEL RESTRICTED AREA

### Description

The Taylor Dam Reserve Upper Level is located off Taylor Pass Road approximately 7 kms south of Blenheim. The responsible camping area at the Taylor Dam Reserve is in the Upper Level of the Reserve – see map below. There is clear signage into the area directing campers to the area allocated for camping.

### Restrictions

No person may camp except in the area shown and camping must be in a certified self-contained vehicle.

The maximum period anyone can camp in this area is two consecutive nights in any four-week period.

Vehicle numbers are limited to 10 vehicles.

### Camping Area



## RENWICK DOG PARK RESTRICTED AREA

### Description

The Renwick Dog Park Restricted Area is located at the intersection of State Highway 6 and Foxes Island Road. The responsible camping area is in the south west corner of the site.

### Restrictions

No person may camp except in the area shown and camping must be in a certified self-contained vehicle.

The maximum period anyone can camp in this area is one night in any four-week period.

Vehicle numbers are limited to 5 vehicles.

### Camping Area





## RENWICK DOMAIN CAR PARK RESTRICTED AREA

### Description

The Renwick Domain Carpark is located in Uxbridge Street, Renwick. The responsible camping area at the Renwick Domain Carpark is located in an area allocated within the centre car parking area, near the Renwick Domain Skate Park.

There is clear signage into the area directing campers to the area allocated for camping.

### Restrictions

No person may camp except in the area shown and camping must be in a certified self-contained vehicle.

The maximum period anyone can camp in this area is two consecutive nights in any four-week period.

The maximum number of spaces available for camping is 20.

There is to be no washing hung outside of the vehicle and there is to be no cooking outside of the vehicle.

Responsible camping is limited to between the hours 6.00 pm - 9.00 am.

### Camping Area



## WYNEN STREET CAR PARK RESTRICTED AREA

### Description

The responsible camping area at the Wynen Street carpark is centrally located in Blenheim (between Symons Street to the east and Market Street to the west).

### Restrictions

No person may camp except in the area shown and camping must be in a certified self-contained vehicle.

The maximum period anyone can camp in this area is two consecutive nights in any four-week period.

There is to be no washing hung outside of the vehicle and there is to be no cooking outside of the vehicle.

Responsible camping is limited to between the hours 6.00 pm - 9.00 am.

### Camping Area



## LANSDOWNE PARK CAR PARK RESTRICTED AREA

### Description

Lansdowne Park is located on the north east side of Blenheim. The responsible camping area at the Park is in the south west corner of the main carpark.

### Restrictions

No person may camp except in the area shown and camping must be in a certified self-contained vehicle.

The maximum period anyone can camp in this area is one night (Monday to Thursday inclusive) in any four-week period.

The maximum number of spaces available for camping is 4.

### Camping Area



## LAKE ELTERWATER RESTRICTED AREA

### Description

Lake Elterwater Road Reserve is an area of legal road located approximately three kilometres north of Ward Township, adjacent to and to the east of State Highway 1.

### Restrictions

No person may camp except in the area shown and camping must be in a certified self-contained vehicle.

The maximum period anyone can camp in this area is two consecutive nights in any four-week period.

### Camping Area





## BLAIRICH RESERVE RESTRICTED AREA

### Description

Blairich Reserve is located approximately 12 kilometres north and west of Seddon, adjacent to the Awatere Valley Road.

### Restrictions

No person may camp except in the area shown and camping must be in a certified self-contained vehicle.

Camping in a tent is allowed at the Reserve for cyclists using the Awatere Valley Road.

The maximum period anyone can freedom camp in this area is two consecutive nights in any four-week period.

### Camping Area



## OPOURI ROAD (ADJACENT TO CARLUKE DOMAIN) RESTRICTED AREA

### Description

Opouri Road is located to the northeast of the Rai Valley Township, off Ronga Road. The area for camping is adjacent to the Carluke Domain.

### Restrictions

No person may camp except in the area shown and camping must be in a certified self-contained vehicle.

The maximum period anyone can camp in this area is two consecutive nights in any four-week period.

Vehicle numbers are limited to 8.

The camping area will be closed for camping when significant events are carried out on Carluke Domain.

No water from the community hall supply is to be used for topping off water tanks in camping vehicles.

### Camping Area



## ALFRED STREAM RESERVE RESTRICTED AREA

### Description

The Alfred Stream Reserve restricted area is a small rural reserve located near the south western entrance to the Rai Valley Township. It is a Local Purpose (Picnic Area) Reserve described as Lot 1 DP 366864.

### Restrictions

No person may camp except in the area shown and camping must be in a certified self-contained vehicle.

The maximum period anyone can camp in this area is one night in any four-week period.

Vehicle numbers are limited to 5

### Camping Area



## WASH BRIDGE RECREATION RESERVE RESTRICTED AREA

### Description

The Wash Bridge Recreation Reserve is located adjacent to State Highway 63 in the westernmost part of the Marlborough District. The camping area is located on the upper terrace.

### Restrictions

No person may camp except in the area shown and camping must be in a certified self-contained vehicle.

The maximum period anyone can freedom camp in this area is two consecutive nights in any four-week period.

### Camping Area



## **Schedule 2 – Areas prohibited for freedom camping**

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No person may responsibly camp in the following areas that have been identified as a Prohibited Area. This Schedule includes descriptions and maps indicating where camping is prohibited; if there is any conflict between the description and the map, the description of the Prohibited Areas will prevail.



## MARLBOROUGH SOUNDS

### Description

### Location

#### *D'Urville Island/Rangitoto ki te Tonga Prohibited Area*

D'Urville Island/Rangitoto ki te Tonga is located in the north western part of the Marlborough Sounds. The prohibited area includes both the formed road and legal road on Main Road D'Urville Island, Greville Harbour Road, Kupe Road, Woodmans Road, Port Hardy Road, Waitai Road, Patuki Road and Waiau Bay Road. Also included is the parking area adjacent to the Kapowai Wharf and the Local Purpose Reserve (Lot 5 DP 19808) extending along the foreshore adjacent to the Kapowai Wharf.



#### *French Pass Township Prohibited Area*

The French Pass Township Area is located in Elmslie Bay off the Croisilles French Pass Road in the outer Pelorus Sound. The prohibited area includes both the formed road and legal road on the Croisilles French Pass Road, including parking areas adjacent to the launching ramp and wharf, to the community hall on Local Purpose Reserve (Pt Sec 3 DP 3973 Blk V French Pass Survey District) and the foreshore.



#### *French Pass Roads Prohibited Area*

The French Pass Roads prohibited area encompasses the Croisilles French Pass Road, Te Towaka-Port Ligar Road, Waitata Road, Bulwer Road (and the roads of the Bulwer township), Te Towaka Road, Cissy Bay Road and Township, Cissy Bay Recreation Reserve (Lot 21 D P 6623), Bill Bryants Road, Elaine Bay Road and Township, Tennyson Inlet Road, Duncan Bay Road and Township (and the foreshore area adjacent to the launching ramp and jetty), Archers Road, Penzance Bay Township (including Kamahi Road through to World's End) and Croisilles Road. The French Pass Roads Area includes the formed road and legal road.



#### *Okiwi Bay Township Prohibited Area*

Okiwi Bay is located in the western part of the Marlborough Sounds accessed from State Highway 6 near Rai Valley. The Okiwi Bay Township prohibited area includes the following roads (both the formed road and legal road): Croisilles, Wharf Road, Hope Drive, Soucis Lane, Renata Road, The Esplanade, The Parade, Karepa Crescent, Harbour View Road, Okiwi Crescent, Old Mill Road, Orchard Lane, Field Terrace, Ruataniwha Place and Croisilles French Pass Road. The prohibited area also includes areas of Council owned land and Council owned or administered reserve.

- Lot 6 DP 4439 Blk X Whangamoia Survey District – Local Purpose (Utility) Reserve (known as Tunnicliffe Reserve)
- Lot 1 DP 5012 Blk X Whangamoia Survey District – Recreation Reserve
- Lot 2DP 499708
- Sec 1 SO 398478



## MARLBOROUGH SOUNDS

### Description

#### ***Havelock Urban Prohibited Area***

The Havelock Urban prohibited area encompasses the roads (both formed and legal road) in the area south of Mahakipawa Road across the estuary to the port/marina through to Cook Street then to the intersection with State Highway 6, then following the bush line back to Mahakipawa Road and State Highway 6. The prohibited area also includes areas of Council owned land and Council owned or administered reserve including Section 1 SO 5666 and Section 233 SO 4502 Town of Havelock Section 33 and Part Section 34 Town of Havelock – being land comprising Havelock War Memorial Park, commonly referred to as Havelock Domain.

### Location



#### ***Queen Charlotte Drive Prohibited Area***

Queen Charlotte Drive prohibited area includes all areas of the legal road between State Highway 6 at Havelock to the Picton Urban Prohibited Area including all formed road, road reserve, road verges and the Queen Charlotte Drive Lookout. It also includes Moenui Road, Pukenui Road, Belvue Bay Road, Te Puia Heights, Cullensville Road, Phillips Road, Manuka Drive and Brough Place. The prohibited area also includes:

- Sec 3 of 15 Blk X Linkwater Survey District (Linkwater Hall)
- Esplanade reserves adjacent to Manuka Drive
- SO 5582 Reclamation Blk IX Linkwater Survey District
- Parking area adjacent to Grove Wharf



#### ***Kenepuru Sound Roads Prohibited Area***

This Kenepuru Sound Roads prohibited area covers all roads servicing Kenepuru Sound north from Queen Charlotte Drive at Linkwater and includes all formed road, road reserve, road verges and accessways. These roads are:

Kenepuru Road, Moetapu Bay Road, Mahau Road, Broughton Bay Road, Te Mahia Road, Tara Bay Road, Lawrence Road, Torea Road, Onahau Road, Sandy Bay Road, St Omer Road, Crail Bay Road, Elie Bay Road, Hopai Road, Manaroa Road, Clova Bay Road, Totaranui Road, Titirangi Road, Williams Road, Akerbloms Road, Anakohe Road, Masons Road, Kinders Road.

Also included in the prohibited area are:

- Accessways to the foreshore from Kenepuru Road at Moetapu Bay and north of Ohingaroa Bay
- Reclamation Block IV Linkwater Survey District – Reserve for Parking Purposes (Te Mahia road end)
- Lot 4 DP 8235 Blk VI Gore Survey District – Local Purpose Esplanade Reserve, Kenepuru Head
- Sec 31 Blk I Gore Survey District – Local Purpose Reserve (site for a Public Hall, Waitaria Bay)
- Lot 2 DP 7098 BLK II Orieri Survey District – Esplanade Reserve
- Lot 12 DP 2899 Elie Bay





## MARLBOROUGH SOUNDS

### Description

### Location

#### *Double Bay Reserve Prohibited Area*

Double Bay is a small coastal reserve, being Lot 4 DP5720 Local Purpose (Recreation), accessed via a driveway from Moetapu Bay Road, off Kenepuru Road. All parts of the Reserve including the entrance road form part of the prohibited area.



#### *Ohingaroa Bay Reserve Prohibited Area*

Ohingaroa Bay Reserve is a coastal reserve located between the coastal marine area (sea) and Kenepuru Road approximately 7 kilometres from Linkwater. The prohibited area comprises two parcels of land being Lot 16 DP 7670 and Lot 4 DP 8447 Blk VI Linkwater Survey District, Local Purpose (Esplanade) Reserve.



#### *Anakiwa Road, Reserves and Village Green Prohibited Area*

The Anakiwa Roads, Reserves and Village Green prohibited area includes all formed road, road reserve and road verges from the turn off at Queen Charlotte Drive through to the Anakiwa Road end. It also includes Tirimoana Terrace, Okiwa Place, Oliver Place, Thompson Place and Lady Cobham Drive, the foreshore areas adjacent to Tirimoana Terrace and the Cobham Outward Bound School, and the reserves collectively known as Tirimoana Reserve (off Tirimoana Terrace and Thompson Place) as follows:

- Lot 13 DP 3180 – Recreation Reserve
- Lot 14 DP 3180 – Local Purpose (Esplanade) Reserve
- Lot 51 DP 5718 – Local Purpose (Esplanade) Reserve
- Lot 52 and 53 DP 5718 – Local Purpose (Public Utility) Reserve
- Lot 54 DP 5718 – Local Purpose Reserve




#### *Picton Urban Prohibited Area*

The Picton Urban prohibited area encompasses the Elevation, Wairau Road, Essons Valley, following the bush line through to and including Boons Valley Road, Waikawa Bay and Victoria Domain through to Shelly Beach, Picton Foreshore through to the Picton Cemetery at Gravesend Place and back to Wairau Road. The prohibited area includes the roads (both formed and legal road), Council owned land and Council owned or administered reserve.





MARLBOROUGH SOUNDS	
Description	Location
<p><b><i>Port Underwood Prohibited Area</i></b></p> <p>The Port Underwood prohibited area includes the Port Underwood Road that runs from Waikawa Bay to Rarangi along the western side of the Port and Tumbledown Bay Road which runs around the head of Port Underwood and down its eastern shore. The prohibited area includes both the formed road and legal road and the following reserves:</p> <ul style="list-style-type: none"> <li>• Lot 3 DP 2557 Local Purpose (Esplanade) Reserve – Opihi Bay</li> <li>• Lot 4 DP 5440 Local Purpose (Esplanade) Reserve – Whangataura Bay</li> <li>• Lots 5 and 6 DP 9787 Local Purpose Reserve – Hakahaka Bay</li> <li>• Section 27 Block XII Arapawa Survey District, Local Purpose Reserve – Oyster Bay</li> <li>• Lot 11 DP 496158, Te Tio Terrace</li> <li>• Lot 3 DP 3466 Vested as Esplanade Reserve and Lot 2 Local Purpose (Esplanade) Reserve – Ocean Bay</li> </ul>	

## NORTH MARLBOROUGH

### Description

#### ***Brown River Prohibited Area***

The Brown River prohibited area sits adjacent to the Rai River and is located close to the French Pass Road turn-off from State Highway 6, just north of the Rai Valley Township.

### Location



#### ***Rai Valley Prohibited Area***

The Rai Valley prohibited area includes Rai Valley Township, (including Bryants Road and Robertson Mill Place), Ronga Road, Opouri Road, Tunakino Valley Road, Staghorn Road, Kaiuma Road, Tennyson Inlet Road, Tunapai Road, Carluke Road, Rimu Gulley Road, Bulford Road, Hills Road and Hebberds Road. The prohibited area also includes Lot 20 DP 403493 Rai Stream Recreation Reserve. (Note an area of Opouri Road adjacent to the Carluke Domain has been included as a restricted camping area.)



#### ***Te Hoiere/Pelorus Valley Prohibited Area***

Te Hoiere/Pelorus Valley prohibited area includes Maungatapu Road, Tinline Road, Mount Richmond Road, Reserve Road, Te Hora Pa Road, Tapps Road, Wakamarina Road, Healys Road, Greig Lane, Rush Lane, Taylors Road, Daltons Road, Kaiuma Bay Road, Te Hoiere Road, Kuia Drive, Orapito Road, Tai Close and Toki Place. The prohibited area includes both the formed road and legal road.



#### ***Kaituna Valley and Northbank Valleys Prohibited Area***

The Kaituna Valley and Northbank Valleys prohibited area includes the following roads off State Highway 6: Readers Road, Douslins Gully Road, Prices Road, Twidles Road, Long Valley Road, Norths Road, Kenningtons Road, Mt Riley Road, Camerons Road, Leslies Road, Lamberts Road and Mahers Road. It also includes the Onamalutu Valley Roads, Bartletts Creek Road, Fabians Valley Road, Pine Valley Road, Cat Creek Road, Te Rou Road, Top Valley Road, Northbank Road and Goulter Road.



## NORTH MARLBOROUGH

### Description

#### ***Koromiko, Para and Tua Marina Prohibited Area***

The Koromiko, Para and Tua Marina prohibited area includes Lindens Road, Factory Road, Hawker Lane, Sirocco Lane, Station Road, Speeds Road, Speeds Road South, Para Road, Kaituna-Tua Marina Road, Gibsons Road, Waikakaho Road, Tua Marina Township (including Parkes Road, Bush Road, Wakefield Street, England Street, Pioneer Place, Cotterill Street, Campbell Road), Hunter Road, Blind Creek Road, Pembers Road, Tarrants Road, Thomas Road, Neal Road, Flaxmill Drive, Pukaka Road, Rarangi Road, Rarangi Beach Road, Rarangi settlements (including Isobel Place, Beatrice Street, Hinepango Drive, Bay End, Pipitea Drive, Ocean View Crescent, Edgewater Place, Woolleys Crossing, Shoreline Place, Karaka Street, Miro Street, Ngaio Street, Titoki Street)

Other land included in this prohibited area is Part Section 119, Village of Tua Marina, Local Purpose Reserve (site for a public hall).

### Location



#### ***Koromiko Recreation (Collins Memorial Reserve) and Freeths Road Prohibited Area***

The Freeths Road and the Koromiko Recreation (Collins Memorial) Reserve prohibited area (being Section 1 of Section 32 Waitohi Registration District) is located adjacent to State Highway 1 at Koromiko, south of Picton.





## NORTH MARLBOROUGH

### Description

#### *Rarangi Blue Gum/Millennium Rock Road Reserve Prohibited Area*

The Rarangi Blue Gum/Millennium Rock Road Reserve prohibited area is located at the intersection of Rarangi Road and Rarangi Beach Road and adjoins the Department of Conservation Rarangi Recreation Reserve.

### Location



#### *Wairau Diversion Prohibited Area*

The Wairau Diversion prohibited area is located on the northern side of the lower reach of the Diversion. It is accessed from the intersection of Thomas Road and Neal Road. The Wairau Diversion prohibited area extends from the coast to the eastern boundary of the responsible camping area and from the western boundary of the responsible camping area to Thomas Road and Neal Road.



## WAIRAU PLAINS

### Description

### Location

#### ***Renwick Urban Prohibited Area***

The Renwick Urban prohibited area encompasses the area from the intersection of High Street and Old Renwick Road along State Highway 6 through to the north side of State Highway 63 where it intercepts with Anglesea Street to Boyce Street including River Terrace and Terrace Road, from the Terrace Road/Gee Street intersection to Blicks Road, then into Alma Street North to Oudenarde Street across to and including the length of Pak Lims Road and back to the intersection of Old Renwick Road. The prohibited area includes the roads (both formed and legal road) and Council controlled reserve land but excludes an area of Renwick Domain which has been included as a restricted camping area.



#### ***Blenheim Urban Prohibited Area***

The Blenheim Urban prohibited area encompasses the Southern Wither Hills Farm Park boundary, to the south side of the Co-op Drain to the intersection of Redwood Pass Road and SH 1, from the Riverlands oxidation ponds to the stopbank on the north side of the Ōpaoa (Opawa) River to the bridge at Hammerichs Road, Hammerichs Road to State Highway 6 and east to St Leonards Road, Bells Road to Old Renwick Road, to Aerodrome Road, the area from Middle Renwick Road, Rose Street and Banksia Place to the Westwood shopping complex, New Renwick Road to Aerodrome Road, Green Lane and Rosina Corlett Lane and along the Taylor River through to the Taylor Dam Reserve.

The prohibited area includes the roads (both formed and legal road), Council owned land and Council owned or administered reserve, including sports parks, gardens, neighbourhood parks and river reserve. It does not include a part of Wynen Street car park or a part of the Lansdowne Park car park which have been included as restricted camping areas.



#### ***Taylor Dam Reserve Area – lower level Prohibited Area***

The Taylor Dam Reserve on Taylor Pass Road is located to the south west of Blenheim. The prohibited area includes Sections 9 and 45, Block III, Taylor Pass Survey District – Recreation Reserve being the lower level of the Reserve.



#### ***Wairau Plains Area - east of State Highway 1 Prohibited Area***

The Wairau Plains Area – east of State Highway 1 prohibited area encompasses the roads (both formed and legal), settlements and Council owned or administered land and reserves south of the Wairau River commencing at the State Highway 1 bridge over the Wairau River, then east along the south side of the River and the Wairau Diversion to the coast, then south along the coast to the mouth of the Wairau River and then west to the boundary of the Blenheim Urban Area where it intersects with State Highway 1 north of Blenheim and then north to State Highway 1 bridge.





**WAIRAU PLAINS**

**Description**

**Location**

***Ferry Bridge Picnic Area Prohibited Area***

The Ferry Bridge prohibited area is located on the east side of the Wairau River extending from the Ferry Bridge to the south east along Wairau Bar Road. The land is legal road.



***Grovetown Lagoon Prohibited Area***

Grovetown Lagoon is an area of restored wetland located east of Grovetown Township along Steam Wharf Road. The prohibited area comprises legal road.



***River Reserve on Steam Wharf Road Prohibited Area***



The River Reserve on Steam Wharf Road prohibited area (being Lot 3 DP 321467, Local Purposes Reserve (Flood Protection)) is located adjacent to the Wairau Rowing Club premises alongside the Wairau River near Grovetown.






***River Reserve on Jones Road Prohibited Area***

The River Reserve on Jones Road prohibited area is located adjacent to the Blenheim Rowing Club premises on Jones Road near Grovetown.







<b>WAIRAU PLAINS</b>	
<b>Description</b>	<b>Location</b>
<p><b><i>Wairau Plains Area - west of State Highway 1 Prohibited Area</i></b></p> <p>The Wairau Plains Area – west of State Highway 1 prohibited area encompasses the roads (both formed and legal), settlements and Council owned or administered land and reserves commencing on the south side of the State Highway 1 bridge over the Wairau River, then west along the south side of the River to the confluence with the Waihopai River, along the true right bank of the Waihopai River to State Highway 63, along State Highway 63 to Hawkesbury Road, then south to Dog Point Road, east along New Renwick Road to Bells Road, then following the boundary of the Blenheim Urban Area until it intersects with State Highway north of Blenheim and then north to the State Highway 1 bridge over the Wairau River.</p> <p>The prohibited area excludes an area at the Renwick Dog Park at the State Highway 63/Foxes Island Road intersection which has been included as a restricted camping area.</p>	
<p><b><i>Upper Spring Creek Reserve Prohibited Area</i></b></p> <p>The Upper Spring Creek Reserve (Lot 3 DP 11737) prohibited area is located on Rapaura Road approximately 400 metres west from the intersection with State Highway 1, at Spring Creek.</p>	



## SOUTHERN, WAIHOPAI AND WAIRAU VALLEYS

Description	Location
<p><b><i>Southern Valleys Prohibited Area</i></b></p> <p>The Southern Valleys prohibited area encompasses the area extending south from the Blenheim Urban Area to the Redwood Pass and Taylor Pass, then west to include the area south of New Renwick Road and Dog Point Road (extending as far as the true right bank of the Omaka River) to include the Benmorven, Brancott and Omaka Valleys. The prohibited area includes roads (both formed and legal), settlements and Council owned or administered land and reserves.</p>	 <p>A topographic map showing the Southern Valleys Prohibited Area. The area is outlined in a thick grey line, covering the region south of the Blenheim Urban Area, extending to the Redwood Pass and Taylor Pass, and west to the Omaka River. Major roads and settlements are visible within the outlined area.</p>
<p><b><i>Waihopai Valleys Prohibited Area</i></b></p> <p>The Waihopai Valley prohibited area extends from west of the true left right bank of the Waihopai River at State Highway 63, along State Highway 63 to Hawkesbury Road, south on Hawkesbury Road to the Omaka River, upstream of the Omaka River and includes the entire Waihopai, Avon and Tyntesfield Valleys. The prohibited area includes roads (both formed and legal) and Council owned or administered land and reserves.</p>	 <p>A topographic map showing the Waihopai Valleys Prohibited Area. The area is outlined in a thick grey line, extending from the Waihopai River at State Highway 63, along the highway to Hawkesbury Road, and south to the Omaka River. The map shows the terrain and road network of the valleys.</p>
<p><b><i>Wairau Valley Prohibited Area</i></b></p> <p>The Wairau Valley prohibited area extends west from the Waihopai River and south of the Wairau River to the Wash Bridge and then west on the north side of the Wash Bridge to the district boundary. The prohibited area includes roads (both formed and legal) extending from State Highway 63, the Wairau Valley Township and Council owned or administered land and reserves.</p> <p>The prohibited area does not include a part of the Wash Bridge Recreation Reserve, which has been included as a restricted camping area.</p>	 <p>A topographic map showing the Wairau Valley Prohibited Area. The area is outlined in a thick grey line, extending west from the Waihopai River and south of the Wairau River to the Wash Bridge, and then west to the district boundary. The map shows the terrain and road network of the valley.</p>



## SOUTH MARLBOROUGH

Description	Location
<p><b><i>Seddon Urban Prohibited Area</i></b></p> <p>The Seddon Urban prohibited area encompasses Wakefield Street across State Highway 1 to the intersection of Marama Road and Foster Street then into Foster Street, including Seddon Domain, connecting into Beaumont Street, encompassing Nursery Lane and Nursery Road back to Beaumont Street and across the railway line to Mills Street to the intersection with Fearon Street and along Fearon Street and Marlene Avenue to the intersection with Wakefield Street and Seaview Road.</p>	 <p>An aerial photograph showing the Seddon Urban Prohibited Area outlined in white. The area includes a mix of urban buildings, roads, and green spaces, situated near a large body of water.</p>
<p><b><i>Awatere Valley Prohibited Area</i></b></p> <p>The Awatere Valley prohibited area encompasses the area extending east and west from State Highway 1 north of Kaparu Road and Grassmere Road to south of Redwood Pass and Taylor Pass. The prohibited area includes both formed road and legal road but does not include the Seddon Urban Prohibited Area.</p> <p>The prohibited area does not include a part of the Blairich Recreation Reserve, which has been included as a restricted camping area.</p>	 <p>A topographic map of the Awatere Valley region, with the prohibited area outlined in white. The map shows terrain contours, roads, and the coastline.</p>
<p><b><i>Marfells Beach Road Prohibited Area</i></b></p> <p>Marfells Beach Road prohibited area includes the formed road and legal road leading to the camping ground at Marfells Beach, but does not include the camping ground as this is under the control of the Department of Conservation.</p>	 <p>An aerial photograph of Marfells Beach Road, outlined in white. The road runs along a beach area, with a label 'Marfells Beach Road' visible on the image.</p>
<p><b><i>Ward Domain Prohibited Area</i></b></p> <p>Ward Domain (Sec 10 Blk VI Town Ward - Flaxbourne Recreation Reserve) prohibited area is located off State Highway 1 at the northern end of the Ward Township.</p>	 <p>An aerial photograph of the Ward Domain area, outlined in white. The map shows State Highway 1, Ward Domain, and surrounding roads like Tachales Road and various creeks.</p>

Description	Location
<p><b><i>Ward Roads Prohibited Area</i></b></p> <p>The Ward Roads prohibited area includes all roads, both formed and legal (and subsidiary roads), from and including Kaparu Road and Grassmere Road south to the Marlborough District Council boundary. It also includes all roads in the Ward Township but does not include the area of New Zealand Transport Agency controlled road reserve adjacent to Lake Elterwater or an area of Marfells Beach Road.</p>	 <p>A satellite-style map of the Marlborough region in New Zealand. A white outline highlights the geographical area of the Ward Roads Prohibited Area, which follows the coast and inland roads from Kaparu in the north to the Marlborough District Council boundary in the south. The word 'Ward' is labeled on the map.</p>
<p><b><i>Lake Grassmere to Waima River Coast Prohibited Area</i></b></p> <p>The Lake Grassmere to Waima River Coastal prohibited area extends east from Marfells Beach to Cape Campbell and south to the Waima (Ure) River. It includes legal road and the Ward Beach area.</p>	 <p>A detailed topographic map of the coastal area from Marfells Beach to Cape Campbell. A red outline highlights the Lake Grassmere to Waima River Coastal Prohibited Area, which follows the coastline and inland roads. Key locations like Marfells Beach, Lake Grassmere, and Cape Campbell are labeled. The Waima (Ure) River is also shown.</p>



## 12. Road Safety Action Planning – Appointment of Chairperson

(The Chair) (Report prepared by Robyn Blackburn)

R800-005-09

### Purpose of the Report

1. The purpose of this report is to seek Council approval for the appointment of a new Chairperson for the Road Safety Action Planning group.

### Executive Summary

2. The Road Safety Action Planning group play an important role in delivering Road to Zero national strategy interventions to achieve the national target of a 40 percent reduction in death and serious injuries (from the 2018 levels) by 2030.
3. Staff have approached Councillor Rosene as the new Chairperson of this group, given his roading responsibilities. Councillor Rosene has advised his acceptance pending approval by the Assets & Services Committee.

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### RECOMMENDATION

**That Council approve Councillor Rosene as Chairperson of the Road Safety Action Planning group.**

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### Background

4. The Road Safety Action Planning group looks to improve road safety in Marlborough through strategic alignment with the *Road to Zero* national strategy by identifying crash risks to ensure actions:
  - i) are evidence based
  - ii) provide for progressive monitoring and ownership
  - iii) are stepped out so that all partners know the programme of work and who is doing what
  - iv) provide a joined up cohesive approach by all stakeholders
  - v) are delivered by all key stakeholders
5. The group membership and key stakeholders include NZ Police, Accident Compensation Commission, Te Whatu Ora (NMDHB), Waka Kotahi (NZTA) Marlborough Roads and NOC, and Council. The group is coordinated by Council's Road Safety Coordinator.

### Comments

6. Initially the group played an important role in gathering data from the community and supporting improvements in road safety through education and promotion of activities to achieve a high level of community awareness regarding keeping everyone safe on Marlborough roads.
7. Road Safety Action Planning is changing to address regional death and serious injury (DSI) crashes that impact on our communities through applying Road to Zero strategy interventions. It's time now to consolidate on the good, reflect on the "not so good", work in partnership to strengthen connections, create a space to share practise expertise, and to identify all local actions that can help achieve *Vision Zero*.
8. As a member of the roading portfolio committee, staff have sought Council's support as Chairperson of this group. In that regard Councillor Rosene has advised his acceptance of this role, subject to approval from the Assets & Services Committee.

Author	Robyn Blackburn, Road Safety Co-ordinator
Authoriser	Jane Tito, Manager Parks and Open Spaces

## **13. Information Package**

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### **RECOMMENDATION**

**That the Assets & Services Information Package dated 31 January 2023 be received and noted.**

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## 14. Decision to Conduct Business with the Public Excluded

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

- **Sub-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:

<b>General Subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for the passing of this resolution</b>
<b>Minutes and Committee Reports</b>	<b>As set out in the Minutes and Reports</b>	<b>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.</b>