

**Minutes of a Meeting of the
Marlborough District Council
held in the Council Chambers, 15 Seymour Street, Blenheim
on THURSDAY 18 MAY 2023 commencing at 9.00 am**

Present

The Mayor N P Taylor (in the Chair), Cllrs S R W Adams, J A Arbuckle, S J Arbuckle, A R Burgess, J D N Croad, D A Dalliessi, B G Dawson, B A Faulls, M R K Flight, G A Hope, R J Innes, B J Minehan, J C Rosene and T P Sowman.

In Attendance

Mr M S Wheeler (Chief Executive), Mr A J Lyall (Property and Community Facilities Manager), Mr P J Hawes (Manager Environmental Policy), Captain J T Oliver (Harbourmaster), Ms N J Chauval (Committee Secretary) and Mr M J Porter (Democratic Services Manager).

Karakia

The meeting opened with a karakia.

Cncl-0523-362 Declaration of Interests -

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

A number of declarations were noted in the agenda:

- The various interests as declared under Minute Nos. Cncl-0423-327 and Cncl-0423-e-61;
- The interest as declared under Minute No. A&S-0423-334 (Minute No. A&S-0423-e-66);
- The interests as declared under Minute No. E&P-0423-343 (Minute Nos. E&P-0423-344, E&P-0423-352 and E&P-0423-353); and
- The interest as declared under Minute No. EFC-0523-360 (Minute No. EFC-0523-365).

Cncl-0523-363 Confirmation of Minutes -

The Mayor/Cllr Croad:

That the Minutes of the Council Meeting held on 6 April 2023 (Minute Nos. Cncl-0423-327 to Cncl-0423-333) be taken as read and confirmed.

Carried

Cncl-0523-364 Confirmation of Minutes -

Cllrs J Arbuckle/Croad:

That the Minutes of the Extraordinary Council Meeting held on 24 April 2023 (Minute Nos. Cncl-0423-358 to Cncl-0423-359) be taken as read and confirmed.

Carried

There are areas of the bylaw that will need greater attention and in-depth consultation with operators and members of the community. These will be pursued as amendments at a later date. These are anticipated to include requirements around lifejackets, carriage of communications, vessel identification, and carriage of AIS (automatic identification system), common passage plans and commercial shipping operations.

Cirs Innes/Croad:

1. That Council determines that in the absence of a navigation bylaw made in accordance with the Maritime Transport Act 1994, Council (and the Harbourmaster) have limited powers to regulate shipping and other activities on the water in the Marlborough region.
2. That Council determines that a navigation bylaw, in accordance with the Maritime Transport Act 1994, is the most appropriate way of addressing the perceived problem (regarding otherwise limited powers to regulate shipping and navigational safety).
3. That Council adopts and approves the draft Statement of Proposal and Bylaw attached to the Agenda as Appendices 1 and 2 respectively.
4. That Council authorises the Harbourmaster to make any required minor formatting changes and correction of errors in the draft Bylaw and Statement of Proposal.
5. That a special consultative procedure in accordance with section 87 of the Local Government Act 2002 be commenced, by public notice of the final Statement of Proposal and draft Bylaw on 1 June 2023.
6. That a submission period opens on 1st June 2023 and closes on 1st October 2023.
7. That if necessary a sub-committee is formed to hear and deliberate on any submissions made, consisting of a minimum of three Councillors.

Carried

ATTENDANCE: The Mayor declared an interest in the following item and vacated the Chair, the Deputy Mayor assumed the Chair.

Cncl-0523-369 Variation 2 – Ecologically Significant Marine Sites –Summary of Decisions M100-11-07

Members noted that the purposes of the report were to determine whether late submissions to Variation 2: Ecologically Significant Marine Sites are to be accepted, to adopt a summary of decisions requested in submissions to Variation 2, and to approve the public notification of the summary of decisions requested.

Mr Hawes advised that submissions on Variation 2 to the PMEP closed on 11 April 2023. Council is now required to summarise the decisions being sought through submissions and to publicly notify the availability of the summary. The public notification also commences the period for further submissions to be made on submissions. To progress the variation, Council needs to adopt the summary of decisions and approve its public notification. In addition, three submissions were received after the submission period had closed. Members agreed to accept these submissions based on the matters set out in Section 37 of the RMA.

Cirs Hope/Fauls:

1. That Council accept the late submissions from NZ Rock Lobster Industry Council, Te Ātiawa o Te Waka a Māui Trust and Alan Riwaka.
2. That Council adopt the summary of decisions requested in submissions, as set out in Attachment 7.1 as attached to the Agenda.
3. That Council publicly notify the summary of decisions, as soon as practicable, in the Marlborough Express, Blenheim Sun, Nelson Evening Mail, The Post and Christchurch Press.

Carried

ATTENDANCE: The Mayor returned to the Chair.

Cncl-0523-370 Variation 3 – Heritage Resource - Meretoto/Ship Cove – Summary of Decisions M100-11-08

Members noted that the purposes of the report were to determine whether late submissions to Variation 3: Heritage Resource - Meretoto/Ship Cove are accepted, to adopt a summary of decisions requested in submissions to Variation 3, and to approve the public notification of the summary of decisions requested.

Mr Hawes advised that submissions on Variation 3 to the PMP closed on 11 April 2023. Council is now required to summarise the decisions being sought through submissions and to publicly notify the availability of the summary. The public notification also commences the period for further submissions to be made on submissions. To progress the variation, Council needs to adopt the summary of decisions and approve its public notification. In addition, two submissions were received after the submission period had closed. Members agreed to accept these submissions based on the matters set out in Section 37 of the RMA.

Cirs Adams/Innes:

1. That Council accept the late submissions from Te Ātiawa o Te Waka a Māui Trust and Alan Riwaka.
2. That Council adopt the summary of decisions requested in submissions, as set out in Attachment 8.1 as attached to the Agenda.
3. That Council publicly notify the summary of decisions, as soon as practicable, in the Marlborough Express, Blenheim Sun, Nelson Evening Mail, The Post and Christchurch Press.

Carried

Cncl-0523-371 Decision to Conduct Business with the Public Excluded -

Cirs J Arbuckle/Dawson:

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

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

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

General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Minutes and Committee Reports	As set out in the Minutes	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under Section 7 of the Local Government Official Information and Meetings Act 1987.
Flaxbourne Irrigation	To enable the Council, as holder of the information, to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) provided for under Section 7(2)(i)	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under Section 7 of the Local Government Official Information and Meetings Act 1987.

Carried

The meeting closed at 10.48 am.

Confirmed this 29th day of June 2023

N P TAYLOR
MAYOR

Record No. 23122246