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**MARLBOROUGH  
DISTRICT COUNCIL**



Only Marlborough

30 July 2021

Record No: 21157122  
File Ref: D050-001-02  
Ask For: Mike Porter

## **Notice of Council Meeting – Thursday, 5 August 2021**

Notice of the Council Meeting to be held in the Council Chambers, 15 Seymour Street, Blenheim on Thursday, 5 August 2021 to commence at 9.00 am.

### **BUSINESS**

As per Order Paper attached.

**MARK WHEELER  
CHIEF EXECUTIVE**



**Order Paper for the  
COUNCIL MEETING**  
to be held in the Council Chambers, 15 Seymour Street, Blenheim  
on THURSDAY, 5 AUGUST 2021 commencing at 9.00 am

**Open Meeting**

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## Marlborough District Council

**Order Paper for the  
COUNCIL MEETING**  
to be held in the Council Chambers, 15 Seymour Street, Blenheim  
on THURSDAY, 5 AUGUST 2021 commencing at 9.00 am

### 1. Karakia

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

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

### 2. Apologies

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### 3. Declaration of Interests

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

## **4. Minutes**

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- 4.1 Confirmation of the Minutes of the Council Meeting held on 24 June 2021  
(Minute Nos. Cncl-0621-415 to Cncl-0621-427)

**Minutes of a Meeting of the  
Marlborough District Council  
held in the Council Chambers, 15 Seymour Street, Blenheim  
on THURSDAY 24 JUNE 2021 commencing at 9.05 am**

**Present**

The Mayor J C Leggett (in the Chair), Cllrs J L Andrews, J A Arbuckle, C J Brooks (from 9.38 am), J D N Croad, B G Dawson, B A Faulls, M J Fitzpatrick, G A Hope, F D Maher, M A Peters, T P Sowman and N P Taylor.

**Present via Zoom**

Clr D D Oddie.

**In Attendance**

Messrs M F Fletcher (Acting Chief Executive), R Foitzik (General Counsel) and M J Porter (Democratic Services Manager).

**Karakia**

The meeting opened with a karakia.

**Apology**

The apology for lateness from Clr Brooks was received.

**Cncl-0621-415 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:

1. The various interests as declared under Minute Nos. Cncl-0521-362 and Cncl-0621-375;
2. The interest as declared under Minute No. Env-0621-393 (Minute No. Env-0621-400);
3. The interest as declared under Minute No. PF&C-0621-406 (Minute No. PF&C-0621-e-53); and
4. The interests as declared by the Mayor at the meeting (refer Minute Nos. Cncl-0621-420 and Cncl-0621-425) below.

**Cncl-0621-416 Confirmation of Minutes** -

**The Mayor/Clr Taylor:**

**That the Minutes of the Council Meeting held on 13 May 2021 (Minute Nos. Cncl-0521-362 to Cncl-0521-369) be taken as read and confirmed.**

**Carried**

**Cncl-0621-417 Confirmation of Minutes** -

**The Mayor/Clr Maher:**

**That the Minutes of the Extraordinary Council Meeting held on 21 May 2021 (Minute Nos. Cncl-0521-370 to Cncl-0521-371) be taken as read and confirmed.**

**Carried**

## **Cncl-0621-418 Confirmation of Minutes** -

Staff are to amend the minutes of the meeting to include that Clr Brooks declared an interest in submission 3548 (*Justine Johnson [Te Whanau Hou Grovetown Lagoon Inc]*).

**The Mayor/Clr Taylor:**

**That the Minutes of the Council Meeting held on 8 June 2021 (Minute Nos. Cncl-0621-375 to Cncl-0621-380), and as amended above, be taken as read and confirmed.**

**Carried**

## **Committee Reports**

### **Cncl-0621-419 Assets & Services Committee** -

In relation to Minute No. A&S-0621-385 (Elmslie Bay (Te Aumiti/French Pass) Jetty), Clr Faulls referred to an email received from Laurence Etheridge, Chair of the French Pass Residents Association, where Mr Etheridge confirmed that the Association recommends replacing the jetty along the same dimensions as the current jetty, including the re-installation of the original shed.

**Clrs Taylor/Fitzpatrick:**

**That the Committee report contained within Minute Nos. A&S-0621-381 to A&S-0621-392 be received and the recommendations adopted.**

**Carried**

ATTENDANCE: The Mayor declared an interest in the following item and Clr Hope assumed the chair.

### **Cncl-0621-420 Environment Committee** -

**Clrs Hope/Sowman:**

**That the Committee report contained within Minute Nos. Env-0621-393 to Env-0621-405 be received and the recommendations adopted.**

**Carried**

ATTENDANCE: The Mayor assumed the Chair.

### **Cncl-0621-421 Planning, Finance & Community Committee** -

**Clrs Peters/Croad:**

**That the Committee report contained within Minute Nos. PF&C-0621-406 to PF&C-0621-414 be received and the recommendations adopted.**

**Carried**

### **Cncl-0621-422 Regional Transport Committee** -

**Clrs Maher/Fitzpatrick:**

**That the Committee report contained within Minute Nos. RTC-0521-372 to RTC-0521-373 be received and the recommendations adopted.**

**Carried**

## **Cncl-0621-423 Special Hearing Committee to Hear Submissions on the 2021-31 Long Term Plan Consultation Document**

**The Mayor/Clr Taylor:**

**That Special Hearing Committee to Hear Submissions on the 2021-31 Long Term Plan Consultation Document report contained within Minute No. LTP-0621-374 be received and the recommendations adopted.**

**Carried**

ATTENDANCE: Ms Sarah Edmonds, Council's Planner - Biosecurity, was present for the following item.

## **Cncl-0621-424 Proposed East Coast Beach Vehicle Bylaw** **L225-16-04**

Members noted that the purpose of the report was to seek approval to release a Statement of Proposal containing a draft Bylaw to regulate motor vehicles on the east coast of Marlborough using the special consultative procedures of the Local Government Act 2002 (LGA 2002).

Sarah Edmonds, in summary, reported that a Sub-Committee of Council was established in December 2020 to finalise a draft Bylaw and other documentation. The notification material for a Proposed East Coast Beach Vehicle Bylaw has been prepared and was ready to be released for public consultation using the special consultative procedure under the LGA. A Statement of Proposal has been prepared that confirms the perceived problem, assesses the options that Council considered to address the perceived problem and includes a draft Bylaw prepared using the provisions of the Land Transport Act 1998 and Local Government Act 2002. The draft Bylaw attempts to resolve the identified public health, safety and nuisance issues and to provide protection of the environment and ecosystems on Marlborough's east coast in a way that is no more than reasonably necessary. Notification of the Statement of Proposal provides the opportunity for the public to provide their views in a submission to Council about the proposal.

Ms Edmonds advised that a hearings panel needs to be convened to hear submitter's views at a hearing, deliberate on all submissions and then make recommendations to Council on whether to make a Bylaw.

Members noted the four separately attached documents, being Attachment 6.1 - Summary factsheet (filed in CM – Record No. 21133339); Attachment 6.2 - Statement of Proposal (Draft Bylaw) (filed in CM – Record No. 21133340); Attachment 6.3 - Technical Report (Version 4, June 2021) (filed in CM – Record No. 21133342); and Attachment 6.4 - Submission form (filed in CM – Record No. 21133343).

**Clrs Hope/Peters:**

- 1. That Council receives the information.**
- 2. That Council approves for release a Statement of Proposal containing a draft Bylaw, Summary and Technical Report (v4, 2021) to commence public consultation.**
- 3. That Council determines the period for making a submission will open on 1 July 2021 and close at 5pm on 26 August 2021 (40 working days).**
- 4. That Council delegates authority to the East Coast Beach Vehicle Bylaw Sub-Committee to appoint a hearings panel consisting of at least one Councillor and two Commissioners to hold hearings, to hear submissions on this proposal and make recommendations to Council following deliberation on the submissions received.**
- 5. That Council approves the proposed timeline for the making of a Bylaw.**

**Carried**

ATTENDANCE: The Mayor declared an interest in the following item and Clr Taylor assumed the chair.

## **Cncl-0621-425 Marlborough District Council Dog Control Policy and Dog Control Bylaw Review**

**E305-003-001-01**

Members noted that the purpose of the report was for Council to adopt the draft Marlborough District Council Dog Control Policy and Bylaw 2021 with effect from 1 August 2021.

Staff reported that the Environment Committee at its meeting on Thursday 10 June recommended that Council adopt the draft Marlborough District Council Dog Control Policy and Bylaw 2021 with effect from 1 August 2021.

### **Cirs Arbuckle/Sowman:**

- 1. That Council approve the Recommendation Report of the Hearings Panel to the Marlborough District Council and Submitters in respect of the proposed Dog Control Policy and Dog Control Bylaw 2020 (including Appendix One) (as reported to the Environment Committee on 10 June 2021).**
- 1. That the draft Marlborough District Council Dog Control Dog Policy May 2021 (as reported to the Environment Committee on 10 June 2021) is adopted as the Marlborough District Council Dog Control Dog Policy May 2021 effective 1 August 2021.**
- 2. That the draft Marlborough District Council Dog Control Bylaw May 2021 (as reported to the Environment Committee on 10 June 2021) is adopted as the Marlborough District Council Dog Control Bylaw May 2021 effective 1 August 2021.**

### **Carried**

ATTENDANCE: The Mayor assumed the Chair.

ATTENDANCE: Ms Gina Ferguson, Council's Consents & Compliance Group Manager, was present for the following item.

## **Cncl-0621-426 Monitoring Fees & Charges - Resource Management Act 1991 - NES Fresh Water**

**E360-003-001**

Members noted that the purpose of the report was to adopt the proposed schedules of charges for monitoring permitted activities under the Resource Management (National Environmental Standards for Fresh Water) Regulations 2020.

Staff reported that the report detailed the background and consultation process for proposed charges for monitoring permitted activities under the Resource Management (National Environmental Standards for Fresh Water) Regulations 2020.

Following discussion on the issue a motion (that contained further information than that included in the staff report) was moved by Clr Hope, with Clr Croad seconded. An amendment was made directly as follows:

### **Cirs Peters/Fauls:**

**That the hourly rate for an Environmental Protection Officer, as part of recommendation 4 of the original motion, be identified as a GST exclusive amount i.e. \$134.78 (+GST).**

### **Carried**

The motion (with the amendment as indicated above) was then put to the meeting.



Clrs Hope/Croad:

1. That Council adopt the recommendation of the hearing panel to introduce the following permitted activity monitoring charge for NES-Freshwater Activities from 1 July 2021:

NES Freshwater Activities – Administration, Monitoring and Supervision	Charge Type	Charge \$ (excl GST)	Charge \$ (incl GST)
Administration/Notification fee	Fixed Annual or One off/ Notification fee	\$36.52	\$42.00
Sampling including the contracting of Consultant	Variable	Actual	Actual
Environmental Protection Officer	Per Hour	\$134.78	\$155.00

2. That the fixed annual or one off Administration/Notification fee be reviewed as per the Council's Revenue and Financing Policy.
3. That all sampling/laboratory/contractors and disbursements to be charged out at actual cost to Council.
4. That the hourly rate for an Environmental Protection Officer of \$134.78 (+GST) be reviewed annually.

Carried

## **Cncl-0621-427 Decision to Conduct Business with the Public Excluded**

The Mayor/Clr Taylor:

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

1. Confirmation of Public Excluded Minutes
2. Committee Reports (Public Excluded Sections)

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

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

Carried

The meeting closed at 10.00 am.

Confirmed this 5<sup>th</sup> day of August 2021

J C LEGGETT  
MAYOR

Record No. 21118413

## **4. Minutes**

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- 4.2 Confirmation of the Minutes of the Extraordinary Council Meeting held on 30 June 2021  
(Minute Nos. Cncl-0621-428 to Cncl-0621-431)

**Minutes of the  
EXTRAORDINARY MEETING of the MARLBOROUGH DISTRICT COUNCIL  
held in the Committee Room, 15 Seymour Street, Blenheim  
on WEDNESDAY 30 JUNE 2021 commencing at 1.00 pm**

### **Present**

The Mayor J C Leggett (in the Chair), Cirs J L Andrews, J A Arbuckle, C J Brooks, J D N Croad, B G Dawson, B A Fauls, M J Fitzpatrick, G A Hope, F D Maher, D D Oddie (from 1.09 pm), M A Peters, T P Sowman and N P Taylor.

### **In Attendance**

Mr M S Wheeler (Chief Executive), Mr M F Fletcher ( Chief Financial Officer), Mr R Foitzik (General Counsel), Ms J Tito (Reserves & Amenities Manager) and M J Porter (Democratic Services Manager).

### **Karakia**

The meeting opened with a karakia.

### **Apology**

The apology for lateness from C/r D D Oddie was noted.

## **Cncl-0621-428 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.

## **Cncl-0621-429 Adoption of the 2021-31 Long Term Plan**

**F230-L21-04**

Members noted that the purpose of the report was to adopt the final 2021-31 Long Term Plan (LTP) document for the period 1 July 2021 to 30 June 2031. The document (filed in CM – Record No. 21133371) was separately circulated to members and placed on Council's website prior to the meeting.

Mr Fletcher reported that the content of the LTP is a consolidation of the financial policies, financial and infrastructure strategies, activity statements and budgets that were adopted by Council following consideration and adoption of LTP Working Group recommendations; the Budget meeting held on 25 February 2021; the Extraordinary Council meeting on 9 April 2021 as part of adopting the Consultation Document. These documents were made available as supporting documents on the Council website during the public submission period; and the Council meeting of 8 June when submissions were considered by Council.

Mr Fletcher drew members' attention to the Balanced Budget Benchmark on page 25 of the LTP. Based on the methodology specified in the Regulations, Council has an unbalanced budget in the financial years ending June 2023 and 2024, by one percent and two percent respectively. Where this occurs, Council is required to resolve under s100(2) of the Local Government Act 2002 that it is financially prudent to do so.

Members commended the quality work and professionalism all involved in the Long Term Plan process had shown.

### **The Mayor/C/r Taylor:**

- 1. That Council agrees that despite it having an “unbalanced budget” in the financial years ending 30 June 2023 and 2024, that when taken as a whole the 2021-2031 Long Term Plan is financially prudent.**
- 2. That Council adopts the Long Term Plan for the period 1 July 2021 to 30 June 2031, subject to receiving an unmodified Audit Opinion from Audit NZ.**

### **Carried**

The Mayor/Clr Taylor:

That Council receive the unmodified Audit Opinion, dated 30 June 2021, from Audit NZ; therefore Council adopts the Long Term Plan for the period 1 July 2021 to 30 June 2031.

Carried

## Cncl-0621-430 Setting of Rates for the 2021-22 Financial Year

F270-23-01

Members noted that the schedule (filed in CM – Record No. 21133373) was separately circulated and placed on Council's website prior to the meeting.

The Mayor/Clr Maher:

That the Marlborough District Council set the rates and charges, as set out in the schedule hereto, under the Local Government Act 2002 and the Local Government (Rating) Act 2002, on rating units in the District for the financial year commencing on 1 July 2021 and ending on 30 June 2022:

### Marlborough District Council

GST has been calculated on the basis of 15% for the year. The rates below are GST inclusive.

#### TARGETED GENERAL TYPE RATES

##### 1. *Geographic Area General Works and Services Rates*

General Works and Services Rates are set differentially for six geographic areas, depending on where the land is situated.

Within each geographic area, the rating units are further differentiated into categories of rateable land in accordance with the use to which the land is put i.e. Residential or rural, commercial or industrial and homestay or farmstay.

Rating units may be partitioned by Council where there are two or more land uses that fit into different differential rating categories.

These rates fund the "*Geographic Area's Rate Component*" of the net cost of operations, capital expenditure and debt servicing cost, after making provision for targeted rates and charges, general revenue, and utilisation of various reserves.

A Geographic Area General Works and Services Rate pursuant to Sections 16 and 17 of the Local Government (Rating) Act 2002 and Schedule 2 of that Act, based on the rateable land value of all rating units in the District, to be set and assessed differentially for one or more of the following categories of rateable land -

- *Blenheim Geographic Area (BM)*

- |      |                                                                                                                                                                                                                  |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1171 | Blenheim rating units with a residential or rural land use –0.314699 cents in the dollar.                                                                                                                        |
| 1172 | Blenheim rating units with a commercial or industrial land use – 0.948232 cents in the dollar.                                                                                                                   |
| 1173 | Blenheim rating units with a homestay or farmstay type land use occurring on a residential or rural rating unit where a Building Act consent and/or Resource consent is required – 0.473104 cents in the dollar. |

- ***Blenheim Vicinity Geographic Area (BV)***

- 1191 Blenheim Vicinity rating units with a residential or rural land use – 0.248056 cents in the dollar.
- 1192 Blenheim Vicinity rating units with a commercial or industrial land use – 0.483269 cents in the dollar.
- 1193 Blenheim Vicinity rating units with a homestay or farmstay type land use occurring on a residential or rural rating unit where a Building Act consent and/or Resource consent is required – 0.306863 cents in the dollar.

- ***Picton Geographic Area (PN)***

- 1211 Picton rating units with a residential or rural land use – 0.406715 cents in the dollar.
- 1212 Picton rating units with a commercial or industrial land use – 0.790194 cents in the dollar.
- 1213 Picton rating units with a homestay or farmstay type land use occurring on a residential or rural rating unit where a Building Act consent and/or Resource consent is required 0.502776 cents in the dollar.

- ***Picton Vicinity Geographic Area (PV)***

- 1231 Picton Vicinity rating units with a residential or rural land use – 0.222904 cents in the dollar.
- 1232 Picton Vicinity rating units with a commercial or industrial land use – 0.474374 cents in the dollar.
- 1233 Picton Vicinity rating units with a homestay or farmstay type land use occurring on a residential or rural rating unit where a Building Act consent and/or Resource consent is required – 0.28576 cents in the dollar.

- ***General Rural Geographic Area (GR)***

- 1251 General Rural rating units with a residential or rural land use – 0.25304 cents in the dollar.
- 1252 General Rural rating units with a commercial or industrial land use – 0.417735 cents in the dollar.
- 1253 General Rural rating units with a homestay or farmstay type land use occurring on a residential or rural rating unit where a Building Act consent and/or Resource consent is required – 0.294217 cents in the dollar.

- ***Sounds Admin Rural Geographic Area (AR)***

- 1271 Sounds Admin Rural rating units with a residential or rural land use – 0.131007 cents in the dollar.
- 1272 Sounds Admin Rural rating units with a commercial or industrial land use – 0.250413 cents in the dollar.
- 1273 Sounds Admin Rural rating units with a homestay or farmstay land use occurring on a residential or rural rating unit where a Building Act consent and/or Resource consent is required – 0.160858 cents in the dollar.

## 2. *Geographic Area General Works and Services Charges*

A targeted Geographic Area General Works and Services Charge on the basis of a fixed amount on every separately used or inhabited part of a rating unit ensures that rating units contribute on a uniform basis to fund the “*Geographic Area’s Uniform Charge Component*” of the net cost of operations, capital expenditure and debt servicing charges, after making provision for targeted rates and charges, general revenue and utilisation of various reserves.

These charges are to be set differentially for six geographic areas, depending on where the land is situated; on the same basis as for the Geographic Area General Works and Services Rates.

A Geographic Area General Works and Services Charge to be set on the basis of a fixed amount on every separately used or inhabited part of a rating unit pursuant to Sections 16 and 17 of the Local Government (Rating) Act 2002 in the following geographic areas, or on infrastructural utilities that are not rated under the geographic areas:

Blenheim Geographic Area	\$848
Blenheim Vicinity Geographic Area	\$754
Picton Geographic Area	\$868
Picton Vicinity Geographic Area	\$740
General Rural Geographic Area	\$558
Sounds Admin Rural Geographic Area	\$448
Infrastructural Utilities (not rated in areas above)	\$703

## 3. *Targeted Debt Servicing Rates*

A Grovetown Sewerage Loan Rate pursuant to Section 16 of the Local Government (Rating) Act 2002 to be set at 0.224864 cents in the dollar on the land value of every rating unit in the Grovetown Sewerage Special Rating Area in respect of which no contribution to the lump sum scheme was chosen to fund debt servicing costs on Grovetown Sewerage Loans.

A Renwick Sewerage Loan Rate pursuant to Section 16 of the Local Government (Rating) Act 2002 to be set at 0.034234 cents in the dollar on the land value of every rating unit in the Renwick Sewerage Special Rating Area in respect of which no contribution to the lump sum scheme was chosen, such rate to be applied towards debt servicing costs on the Renwick Sewerage Loan.

A Southern Valleys’ Irrigation Loan Rate, pursuant to section 16 of the Local Government (Rating) Act 2002, to be set on the basis of a fixed amount per irrigable hectare of \$288.80 on every rating unit in the Southern Valleys’ Special Rating Area in respect of which no contribution to the lump sum scheme was chosen to fund debt servicing costs on Southern Valleys’ Irrigation Loans.

A Flaxbourne Community Irrigation Loan Rate, pursuant to section 16 of the Local Government (Rating) Act 2002, to be set on the basis of a fixed amount per hectare of \$1 on all land committed to receive a base allocation of water on every rating unit in the Flaxbourne Special Rating Area. The quantum of the loan rate will alter as the proposal is progressed and will be used to either fund investigation costs incurred should the scheme not proceed or the total cost of the scheme should construction contracts be awarded.

## 4. *Targeted Roding Rates and Charges*

A French Pass Road Charge, pursuant to Section 16 of the Local Government (Rating) Act 2002, to be set on the basis of a fixed amount of \$99.00 on every rating unit in the French Pass Rating Area, such rate to be applied towards the cost of seal extension in the targeted area.

A Kenepuru Road Rate, pursuant to Section 16 of the Local Government (Rating) Act 2002, to be set at 0.009845 cents in the dollar on the capital value of every rating unit in the former Kenepuru Riding, for roding improvements in that area.

## 5. Targeted Rivers Rates

A Wairau Valley Rivers Works Rate, being a targeted rate pursuant to Sections 16 and 17 of the Local Government (Rating) Act 2002, to be set on the Capital Value of every rating unit situated in the Wairau Valley Rivers Rating Area classified in one or more of the following categories to fund the Cost of Operations, Capital Expenditure, etc of River Planning, Control and Flood Protection, in the above Rating Area:

– Wairau Valley Rivers Works - Rural A	– 0.058977 cents in the dollar
– Wairau Valley Rivers Works - Rural B	– 0.053670 cents in the dollar
– Wairau Valley Rivers Works - Rural C	– 0.040105 cents in the dollar
– Wairau Valley Rivers Works - Rural D	– 0.005308 cents in the dollar
– Wairau Valley Rivers Works – Blenheim Urban 1	– 0.043259 cents in the dollar
– Wairau Valley Rivers Works - Blenheim Urban 2	– 0.037010 cents in the dollar
– Wairau Valley Rivers Works - Blenheim Urban 3	– 0.032204 cents in the dollar
– Wairau Valley Rivers Works - Blenheim Urban 4	– 0.018265 cents in the dollar
– Wairau Valley Rivers Works – Other Urban 1 in Wairau Catchment	– 0.041241 cents in the dollar
– Wairau Valley Rivers Works - Other Urban 2 in Wairau Catchment	– 0.027985 cents in the dollar

## 6. Targeted Sewerage Rates

### Definitions:

For the purposes of this section –

“Connected” refers to any separately used or inhabited part of a rating unit that is connected, either directly or indirectly, through a private drain to a public drain. “Serviced” has the same meaning.

“Serviceable” refers to any separately used or inhabited part of a rating unit situated within 30 metres of a public sewerage or stormwater drain to which it is capable of being effectively connected, either directly or through a private drain, but which is not so connected.

“Combined sewerage rates and charges” do not include the initial debt servicing requirements for any new schemes not paid by lump sum contributions.

## 7. Combined Sewerage Scheme Capital Works Rate

A combined Sewerage Capital Works Rate, pursuant to Sections 16 and 17 of the Local Government (Rating) Act 2002 to be set and assessed differentially on the land value of every rating unit in the Combined Sewerage Rating Area, classified in the following areas, to meet capital expenditure and debt servicing costs of the combined sewerage scheme:

Blenheim Group	0.048298 cents in the dollar
Havelock	0.073895 cents in the dollar
Picton	0.052644 cents in the dollar
Seddon	0.088384 cents in the dollar

## 8. Combined Sewerage Scheme Charge

Pursuant to Section 16 of the Local Government (Rating) Act 2002 the following Rates are to meet expenditure of the combined sewerage scheme other than capital and debt servicing costs:

- A Sewerage User Charge to be set on the basis of a fixed amount of \$430 on every separately used or inhabited part of a serviced rating unit connected to the Combined Sewerage Scheme.
- A Sewerage Non-User Charge to be set on the basis of a fixed amount of \$215 on every

separately used or inhabited part of a serviceable rating unit within the Combined Sewerage Rating Area.

## 9. Targeted Water Supply Rates

### Definitions:

For the purposes of this Section –

“Serviced” or “Connected” refers to any separately used or inhabited part of a rating unit to which water is supplied.

“Serviceable” refers to any separately used or inhabited part of a rating unit to which water can be but is not supplied (being property situated within 100 metres from any part of the waterworks).

## 10. Combined Water Scheme Capital Works Rate

A combined Water Capital Works Rate, pursuant to Sections 16 and 17 of the Local Government (Rating) Act 2002 to be set and assessed differentially on the land value of every rating unit in the Combined Water Rating Area, classified in the following areas, to meet capital expenditure and debt servicing costs of the combined water scheme:

Blenheim	0.046754 cents in the dollar
Havelock	0.071533 cents in the dollar
Picton	0.050962 cents in the dollar
Koromiko	0.032260 cents in the dollar
Renwick	0.050027 cents in the dollar
Seddon	0.085559 cents in the dollar

## 11. Combined Water Scheme Charge

Pursuant to Sections 16 and 19 of the Local Government (Rating) Act 2002 the following Rates are to meet expenditure of the combined water scheme other than capital and debt servicing costs:

## 12. Blenheim Water Supply

- A Blenheim Water User Charge for non-metered rating units, being a rate to be set on the basis of a fixed amount of \$346 on every separately used or inhabited part of a serviced rating unit in the Blenheim Water Supply Area [including the Burleigh Extension].
- A Blenheim Water Non User Charge for non-metered rating units, being a targeted rate to be set on the basis of a fixed amount of \$173 on every separately used or inhabited part of a serviceable rating unit in the Blenheim Water Supply Area [including the Burleigh Extension].
- A Blenheim Metered Water Charge, for metered rating units [including the Burleigh Extension], being a rate to be set for the quantity of water provided to residential metered connections according to the following scale of charges:

A charge of \$82 per quarter for the volume of any water supplied between 0 m<sup>3</sup> and 63 m<sup>3</sup> (and)

A metered charge of \$1.30 per cubic metre for the volume of water supplied in excess of 63 m<sup>3</sup> per quarter.

## 13. Havelock Water Supply

- A Havelock Water User Charge, for residential units, being a rate to be set on the basis of a fixed amount of \$232 on every separately used or inhabited part of a serviced rating unit in the Havelock Water Supply Area.



- A metered charge of \$1.86 per cubic metre for the volume of water supplied in excess of 200 m<sup>3</sup> per annum.

#### **14. *Picton Water Supply***

- A Picton Water User Charge, for non-metered rating units, being a rate to be set on the basis of a fixed amount of \$588 on every separately used or inhabited part of a serviced rating unit in the Picton Water Supply Area.
- A Picton Water Non User Charge, for non-metered rating units, being a rate to be set on the basis of a fixed amount of \$294 on every separately used or inhabited part of a serviceable rating unit in the Picton Water Supply Area.
- A Picton Metered Water Ordinary Charge, for metered rating units, being a rate to be set for the quantity of water provided to residential metered connections (excluding “Koromiko Special Pipe-line Agreement” consumers) according to the following scale of charges:

A charge of \$139.50 per quarter for the volume of any water supplied between 0 m<sup>3</sup> and 39 m<sup>3</sup> (and)

A metered charge of \$3.56 per cubic metre for the volume of water supplied in excess of 39 m<sup>3</sup> per quarter.

- A Picton Metered Water Koromiko Charge, for metered rating units, being a rate to be set for the quantity of water provided to all “Koromiko Special Pipe-line Agreement” consumers of \$2.85 per cubic metre.

#### **15. *Renwick Water Supply***

- A Renwick Water User Charge, for residential units, being a rate to be set on the basis of a fixed amount of \$232 on every separately used or inhabited part of a serviced rating unit in the Renwick Water Supply Area.

A metered charge of \$1.04 per cubic metre for the volume of water supplied in excess of 200 m<sup>3</sup> per annum.

#### **16. *Seddon Water Supply***

A Seddon Water Charge, pursuant to Section 16 of the Local Government (Rating) Act 2002, being a rate to be set on the basis of a fixed amount of \$540 on every separately used or inhabited part of a rating unit within the Seddon Water Supply Area (excluding all commercial consumers) and any new lots created by subdivision of such rating units whether connected or not.

Pursuant to Sections 16 and 19 of the Local Government (Rating) Act 2002, a Seddon Metered Water Charge being a rate to be set for the quantity of water provided for all residential consumers on the Seddon Water Supply of \$1.86 per cubic metre for all usage in excess of 275 cubic metres per annum.

#### **17. *Wairau Valley Water Supply***

A Wairau Valley Water Charge, pursuant to Section 16 of the Local Government (Rating) Act 2002, being a rate to be set on the basis of a fixed amount of \$240 for each water meter, excluding all commercial water meters, connected to a rating unit within the Wairau Valley Water Supply Area.

Pursuant to Sections 16 and 19 of the Local Government (Rating) Act 2002, a Wairau Valley Metered Water Charge being a rate to be set for the quantity of water provided for each residential water meter connected to a rating unit within the Wairau Valley Water Supply Area of \$2.48 per cubic metre for all usage in excess of 350 cubic metres per annum.

These two rates are set to recover the net cost of operations, capital expenditure and debt servicing costs.

### **18. Commercial Metered Water Charges**

Pursuant to Sections 16 and 19 of the Local Government (Rating) Act 2002, the following rates to recover the net cost of operations.

### **19. Blenheim Commercial Metered Water Charge**

- A Blenheim Metered Water Charge for metered rating units [including the Burleigh Extension], being a rate to be set for the quantity of water provided to commercial metered connections according to the following scale of charges:

A charge of \$44.50 per quarter for the volume of any water supplied between 0 m<sup>3</sup> and 50 m<sup>3</sup> (and)

A metered charge of \$0.89 per cubic metre for the volume of water supplied in excess of 50 m<sup>3</sup>.

### **20. Havelock Commercial Metered Water Charge**

- A Havelock Metered Water Charge to be set for metered rating units, being a rate for the quantity of water provided to commercial metered connections according to the following scale of charges:

A charge of \$121.00 per quarter for the volume of any water supplied between 0 m<sup>3</sup> and 50 m<sup>3</sup>.

A metered charge of \$2.42 per cubic metre for the volume of water supplied in excess of 50 m<sup>3</sup>.

### **21. Picton Commercial Metered Water Charge**

- A Picton Metered Water Ordinary Charge, for metered rating units, being a rate to be set for the quantity of water provided to commercial metered connections (excluding connections where water is Onsold) according to the following scale of charges:

A charge of \$140.50 per quarter for the volume of any water supplied between 0 m<sup>3</sup> and 50 m<sup>3</sup> (and)

A metered charge of \$2.81 per cubic metre for the volume of water supplied in excess of 50 m<sup>3</sup>.

- A Picton metered Water Onsold Rate, for metered rating units, being a rate to be set for the quantity of water provided to commercial metered connections that is subsequently Onsold according to the following scale of charges:

A charge of \$140.40 per quarter for the volume of any water supplied between 0 m<sup>3</sup> and 45 m<sup>3</sup>.

A metered charge of \$3.12 per cubic metre for the volume of water supplied in excess of 45 m<sup>3</sup>.

### **22. Renwick Commercial Metered Water Charge**

- A Renwick Metered Water Charge, for metered rating units, being a rate to be set for the quantity of water provided to commercial metered connections according to the following scale of charges:

A charge of \$90.50 per quarter for the volume of any water supplied between 0 m<sup>3</sup> and 50 m<sup>3</sup> (and)

A metered charge of \$1.81 per cubic metre for the volume of water supplied in excess of 50 m<sup>3</sup>.

### **23. *Seddon Commercial Metered Water Charge***

Pursuant to Sections 16 and 19 of the Local Government (Rating) Act 2002, a Seddon Metered Water Charge for metered rating units being a rate to be set for the quantity of water provided for all commercial metered connections on the Seddon Water Supply according to the following scale of charges:

A charge of \$171 per quarter for the volume of any water supplied between 0 m<sup>3</sup> and 50 m<sup>3</sup> and

A metered charge of 3.42 per cubic meter for the volume of water supplied in excess of 50 m<sup>3</sup>.

### **24. *Wairau Valley Commercial Metered Water Charge***

Pursuant to Sections 16 and 19 of the Local Government (Rating) Act 2002, a Wairau Valley Metered Water Charge being a rate to be set for the quantity of water provided for each commercial water meter connected to a rating unit within the Wairau Valley Water Supply Area according to the following scale of charges:

A charge of \$175 per quarter for the volume of any water supplied between 0 m<sup>3</sup> and 50 m<sup>3</sup> (and)

A metered charge of \$3.50 per cubic metre for the volume of water supplied in excess of 50 m<sup>3</sup>.

This rate is set to recover the net cost of operations, capital expenditure, and debt servicing costs.

### **25. *Rural Awatere Water Supply***

A Rural Awatere Water Charge, pursuant to Section 16 of the Local Government (Rating) Act 2002, being a rate to be set on the basis of a fixed amount of \$900 on every separately used or inhabited part of a rating unit within the Rural Awatere Water Supply Area and any new lots created by subdivision of such rating units whether connected or not.

Pursuant to Sections 16 and 19 of the Local Government (Rating) Act 2002, a Rural Awatere Metered Water Charge being a rate to be set for the quantity of water provided for all consumers on the Rural Awatere Water Supply of \$2.21 per cubic metre for all usage in excess of 275 cubic metres per annum.

These two rates are set to recover the net cost of operations, capital expenditure, and debt servicing costs.

### **26. *Riverlands Water Supply***

Water Rates, pursuant to Sections 16 and 19 of the Local Government (Rating) Act 2002, to recover the costs of operations, capital expenditure and debt servicing:

A Riverlands Metered Water Charge, for metered rating units, being a rate to be set for the quantity of water provided to all consumers according to the following scale of charges:

A charge of \$41 per quarter for the volume of any water supplied between 0 m<sup>3</sup> and 40 m<sup>3</sup> (and)

A metered charge of \$1.02 per cubic metre for the volume of water supplied in excess of 40 m<sup>3</sup>.

## **27. Southern Valleys' Irrigation Scheme**

A Southern Valleys' Metered Irrigation Charge, pursuant to Section 19 of the Local Government (Rating) Act 2002, being a rate to be set for the quantity of water provided to metered connections of \$0.25 per cubic metre.

The metered irrigation rate is set to recover the scheme's net operating costs.

## **TARGETED REFUSE AND RECYCLING CHARGES**

### **28. Blenheim/Picton (Residential) Refuse and Kerbside Recycling Collection**

A Blenheim/Picton (Residential) Refuse and Kerbside Recycling Collection Rate, pursuant to Sections 16, 17 and 18 of the Local Government (Rating) Act 2002, to be set on the basis of a fixed amount of \$121 on every separately used or inhabited part of a rating unit in the collection rating area, in respect of which Council is prepared to provide a refuse and kerbside recycling collection service.

### **29. Blenheim/Picton (Residential) Refuse Collection**

A Blenheim/Picton (Residential) Refuse Collection Rate, pursuant to Sections 16, 17 and 18 of the Local Government (Rating) Act 2002, to be set on the basis of a fixed amount of \$75 on every separately used or inhabited part of a rating unit in the collection rating area, in respect of which Council provides or is prepared to provide a refuse collection service only.

### **30. Blenheim/Picton (Commercial/Industrial) Refuse Collection**

A Blenheim/Picton (Commercial/Industrial) Refuse Collection Rate, pursuant to Sections 16, 17 and 18 of the Local Government (Rating) Act 2002, to be set on the basis of a fixed amount of \$75 on every separately used or inhabited part of a rating unit in the collection rating area, in respect of which Council provides or is prepared to provide a refuse collection service.

## **OTHER TARGETED RATES**

### **31. Energy Efficiency Rates**

A Targeted Energy Efficiency Rate, pursuant to Section 16 of the Local Government (Rating) Act 2002, to be set on the basis of a calculation on the extent of energy efficiency services provided to a rating unit as a percentage of the service amount (inclusive of associated costs including both interest and principal) until the service amount is recovered as follows:

Energy Efficiency Rate 2	0%
Energy Efficiency Rate 3	16.436225%
Energy Efficiency Rate 4	16.213457%
Energy Efficiency Rate 5	15.997973%
Energy Efficiency Rate 6	15.789545%
Energy Efficiency Rate 7	15.649303%
Energy Efficiency Rate 8	15.512816%
Energy Efficiency Rate 9	15.411147%
Energy Efficiency Rate 10	15.311906%
Energy Efficiency Rate 11	15.278583%

### **32. Residential Pool Inspections**

A Targeted Residential Pool Inspections Rate pursuant to Section 16 of the Local Government (Rating) Act 2002, to be set on the basis of a fixed amount of \$92 on every separately used or inhabited part of a rating unit with a residential pool, such rate to be used to fund the costs associated with carrying out residential pool inspections in Marlborough under the Building (Pools) Amendment Act 2016.

### **33. Tourism Rates**

A Targeted Tourism Rate, pursuant to Sections 16, 17 and 18 of the Local Government (Rating) Act 2002, to be set on the basis of a fixed amount on every separately used or inhabited part of a rating unit, set differentially for the following land uses, to enable Destination Marlborough to promote Marlborough as a tourist destination:

Residential or rural properties used for short term rental accommodation - \$224.

Commercial properties used for short term rental accommodation where less than 30 people can be accommodated - \$224.

Commercial properties used short term rental accommodation where 30 or more people can be accommodated - \$343.

Commercial properties used for Tourism Activities (excluding the groups above) - \$250.

Where a tourism operator operates in two or more of the groups above from the same rating unit, only the highest applicable group charge will be assessed.

### **34. Landscape Rates**

A Targeted Landscape Rate, pursuant to Sections 16, 17 and 18 of the Local Government (Rating) Act 2002, to be set on the basis of a fixed amount on every separately used or inhabited part of a rating unit with higher landscaping standards for new subdivisions (and existing subdivisions following consultation) to fund the resulting additional maintenance costs, according to the following scale of charges:

Properties with Urban level 1 landscaping standards - \$42

Properties with Urban level 2 landscaping standards - \$53

Properties with Rural level 1 landscaping standards - \$59

Properties with Rural level 2 landscaping standards - \$179

### **35. Tuamarina/Waikakaho Hall Rate**

A Tuamarina/Waikakaho Hall Rate, pursuant to Section 16 of the Local Government (Rating) Act 2002, being a rate to be set on the basis of a fixed amount of \$18.45 on every rating unit in the Tuamarina/Waikakaho Rating Area, towards to upkeep of the Tuamarina/Waikakaho Hall.

### **36. Residential Rates Postponement Scheme**

To cover costs for this scheme, the following fees and charges are set for the 2021-22 rating year. All fees and charges will be added as either a one-off or annual charge as the case may be, to the approved applicant's rate account.

Initial charges		Fees and charges	
Application fee			\$50.00
Contribution to the decision facilitation process			\$300.00
Annual charges			
Administration fee			\$50.00
Reserve fund levy			0.25%
Interest rate			
2020-2021			4.0%

Property insurance: a ratepayer must submit a current certificate annually.

### 37. Due Dates For Payment

The above rates and charges are for the period 1 July 2021 to 30 June 2022 and will become due and payable by four instalments as follows:

Instalment	Last date for payment before penalty is added
One	8 September 2021
Two	8 December 2021
Three	8 March 2022
Four	8 June 2022

Charges for Metered Water:

Meter reading date between	Last date for payment before penalty is added
1 Jul 2021 –30 Sept 2021	20 Oct 2021
1 Oct 2021 – 31 Dec 2021	20 Jan 2022
1 Jan 2022 - 31 Mar 2022	20 Apr 2022
1 Apr 2022 – 30 Jun 2022	20 Jul 2022

### 38. Penalty Provisions (Additional Charges on Unpaid Rates)

A penalty, equivalent in amount to 10% of the instalment amount remaining unpaid at the close of day on the “Last Date for Payment”, shall on the next day be added to that amount of unpaid rates.

Pursuant to sections 57/58 of the Local Government (Rating) Act 2002, a further penalty of 10% will be added to all rates and charges that remain unpaid on 30 June 2022.

### 39. Penalty Provisions (Unpaid Metered Water)

A penalty, equivalent in amount to 10% of the metered water amount remaining unpaid at the close of day on the “Last Date for Payment”, shall on the next day be added to that amount which remains unpaid.

### 40. A Separately Used or Inhabited Part of a Rating Unit (SUIP)

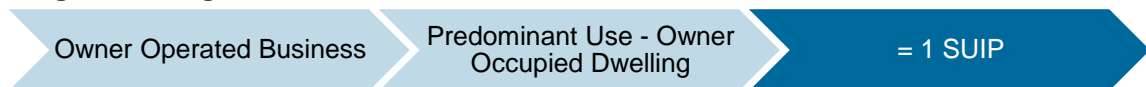
A SUIP includes any portion inhabited or used by the owner or a person other than the owner who has the right to use or inhabit that portion by virtue of a tenancy, lease, licence, or other agreement. It includes separately used parts, whether or not actually occupied at any particular time, which are used by the owner for rental (or other form of occupation) on an occasional or long term basis by someone other than the owner.

A rating unit that has a single use or occupation is treated as having one separately used or inhabited part.

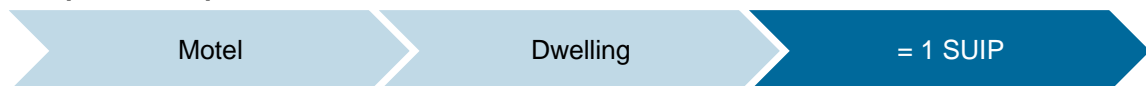
Vacant land and vacant premises offered or intended for use or habitation by a person other than the owner and usually used as such are defined as ‘used’.

Exceptions to the definition:

- Predominantly residential rating units where the owner of the unit resides and operates a business (including a homestay or farmstay activity) from the same rating unit will be charged as being one SUIP.

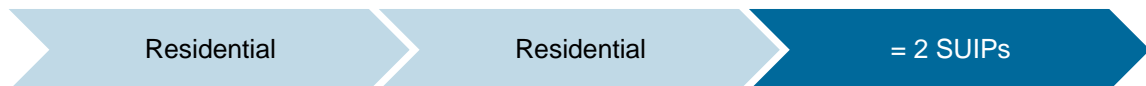


- Motels, and hotels used for commercial rental and dwellings used by owners or managers of a hotel or motel are treated as one business use even though each accommodation unit may be capable of separate use.

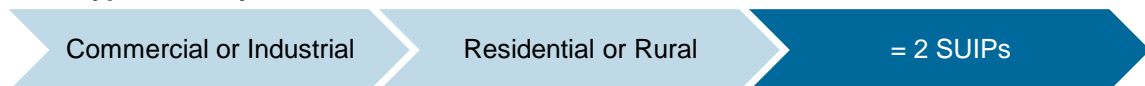


Examples of the application of the definition:

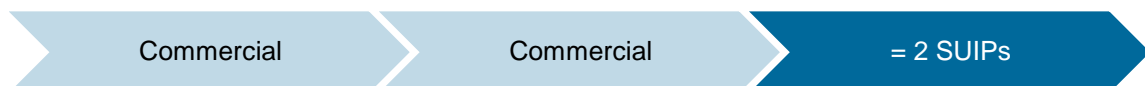
- Where a rating unit has two separately used parts, whether or not actually occupied at any particular time, they will be treated as two SUIPs.



- Where a rating unit contains both a commercial or industrial type use, and a residential or rural type use they will be treated as two SUIPs.



- Where a number of different businesses are located on one rating unit, each separate business will be assessed as a SUIP.



#### **41. Rating Categories**

It shall be at the sole discretion of the Council to determine the use or predominant use of any property in the district. The Council has adopted the following rating categories:

##### **Residential or rural**

All land used for a private residence and all land used for rural purposes. This excludes rest homes and residential establishments that provide residential care. It also excludes all forms of commercial accommodation.

Rural purpose means any agricultural, horticultural or pastoral purpose and includes the keeping of bees, poultry or livestock. This group will include all rating units not otherwise categorised within a specified category.

Forestry is included in this category for the purposes of the General Works and Services Rate.

##### **Commercial or industrial**

All land used for a commercial or industrial purpose. It includes but is not limited to, any trade or service or activity undertaken or provision of facilities, by any person with a view to making a profit or charging any fee or deriving any other consideration in relation to the trade or service or activity or provision.

Industrial includes a business, manufacturer, undertaking, or service associated with the production of any type of goods.

For the purposes of the general works and services rate, this category includes residential rest homes and residential establishments that provide residential care and all forms of commercial accommodation as well as rating units otherwise assessed as utilities.

Commercial accommodation includes but is not limited to the provision of accommodation for a fee or other consideration but does not include:

- Properties where the principal purpose is the provision of long stay accommodation ie: 28 days or more.
- Properties that provide accommodation for five or less people.
- Properties that were originally constructed as residential properties that provide accommodation for six or more, which are included in the homestay or farm stay category.

##### **Homestay or farm stay**

Includes all rating units that are used for a homestay or farm stay activity on land predominantly used for residential or rural purposes, where a Building Act or resource consent was required for homestay or farm stay use (i.e. for six or more persons).

##### **Infrastructural utilities**

Land used for an essential service such as water, electricity, gas, telecommunications or sewerage.

#### **42. Geographic Areas**

The geographic areas can generally be described as follows:

##### **Blenheim Area (BM)**

All of that area encompassed by the former Blenheim Borough Council together with those properties within a 1.5 km radius of that area which have a zoning of Residential or Industrial in the Wairau/Awatere Resource Management Plan (eg: includes, Burleigh, Hammerichs Road, Riverlands and Waipuna Street); as well as any properties that are connected to (or are able to be connected to) either the Blenheim Water or Blenheim Group Sewerage Schemes, but excluding properties in the Renwick, Spring Creek and Grovetown Sewerage Rating Areas;



and residential or rural properties and properties in the Riverlands Industrial Estate and Cloudy Bay Business Park that have an area of greater than one hectare.

Also included in the Blenheim area are a number of properties where it was an express condition of subdivisional resource consent.

Growth areas rezoned Urban Residential 2 Greenfields will be excluded from the Blenheim Area until granting of subdivision title.

Other land rezoned Urban Residential 2 or 3 as a result of the Proposed Marlborough Environment Plan will be similarly excluded from the Blenheim Area until granting of subdivision title.

### **Blenheim Vicinity Area (BV)**

All of that area encompassed within the following general description, but excluding the Blenheim areas described above:

From just north of the Rarangi Settlement following around the foothills in a south-westerly direction; taking in the Tuamarina Settlement; to the south bank of the Wairau River and then up the Wairau south bank to the Waihopai River; up the east bank of the Waihopai River to just north of Omaka Downs; and then generally following the base of the foothills; around to include the Taylors Pass in a south easterly direction as far as the Branch River; following the boundaries of properties on the south east side of the Taylor River; then around the base of the foothills to include land between SH 1 and both sides of Redwood Pass Road to and including 393 Redwood Pass Road; then to the coast on the south of the Vernon Lagoons.

### **Picton Area (PN)**

All of that area encompassed by the former Picton Borough Council; together with the area of those properties serviced by the Picton Water or Sewerage Schemes (excluding those properties listed in the schedule below).

### **Schedule**

Pt Lot 1 DP 6881, Pt DP 467 Waitohi Valley Blk XI Linkwater SD, Lot 1 DP 303616 Lot 1 DP 8240, Pt Sec 41 District of Waitohi, Lot 2 DP 3716, Lot 1 DP 3716, Lot 1 DP 9175, Lot 2 DP 9175, Lot 1 DP 10989, Lot 2 DP 10989, Lots 1 2 DP 1353 Lot 1 DP 1148 Pt Sec 37 Waitohi Reg Dist, Lots 2 5 DP 3183, Pt Sec 103 Waitohi Valley District Blk XV Linkwater SD, Lot 1 DP 402932 Lot 1 DP 5595 Lot 2 DP 5660 Sec 38 Pt Sec 37 Waitohi Dist, Lot 1 DP 9268, Pt Lot 1 DP 7160, Lot 1 DP 12294, Lot 2 DP 10225 Lot 1 DP 10476, Lot 1 DP 10882, Lot 2 DP 434941 Pt DP 747 Pt Sec 25 Wairau Dist Pt Lots 1-3 DP 693 Pt Sec 12 Pt Sec 13 Blk XV Linkwater SD, Secs 105 106 Pts Sec 36 104 Waitohi Valley Dist, Lot 1 DP 6397, Lots 1 2 DP 303945, Lots 3 4 DP 303945 Sec 129 Pt 159 Picton Subn Sec 18 Blk XV Linkwater SD, Lot 1 DP 302741, Lot 1 DP 10871, Lot 1 DP 6129, Lot 1 DP 759 Lot 2 Pt Lot 1 DP 1594, Pt Sec 63-65 Picton Subn. Lots 1-9 12 DP 1086, Sec 1 SO 429571 Lot 10 DP 1086, Lot 11 DP 1086, Lot 13 DP 1086, Lot 14 DP 1086, Lot 2 DP 3080, Sec 1 SO 416848 Lot 1 DP 3080, Sec 2 SO 416848 Lot 16 DP 1086, Lot 18 DP 1086, Pt Waikawa 2C2, Lot 4 DP 11736, Lot 1 DP 335692, Lot 2 DP 344933, Lot 3 DP 11736, Lot 1 DP 11736, Lot 1 DP 344933, Lot 2 DP 404985, Lot 1 DP 424360, Lot 2 DP 424360, Lot 3 DP 424360, Lot 4 DP 424360, Lot 5 DP 424360, Waikawa 3B Blk XII Linkwater SD Blk XI Arapawa SD, Lot 1 DP 9994, Lot 1 DP 10354, Waikawa Sec A2 Waikawa West Blk XII Linkwater SD Blk XI Arapawa SD, Waikawa Sec 4B2 Waikawa West Blk XII Linkwater SD Blk XI Arapawa SD, Lot 2 DP 7961 Pts Sec 10 & Pt Sec 11 Waitohi Dist Pts Sec 100 Waitohi Dist, lot 3 DP 8884.

Also included in the Picton area are a number of properties where it was an express condition of subdivisional resource consent.

### **Picton Vicinity Area (PV)**

All of that area from the western point of Ngakuta Bay to the former Picton Borough boundary; plus all of that area from the eastern point of Waikawa Bay to Whatamongo Bay; plus a corridor area from the southern boundary of the former Picton Borough to Speeds Road; excluding properties serviced by the Picton Water or Sewerage Schemes, but including the properties listed in the Schedule above.

**General Rural Area (GR)**

All of that area administered by the former Marlborough County and excluding that part of the former County's area which has been included in either the Blenheim, Blenheim Vicinity, Picton, Picton Vicinity or Sounds Admin Rural areas.

**Sounds Admin Rural Area (AR)**

All of that area with basically sea access only, which was subject to the former Marlborough County Council Empowering Act 1965.

**Carried**

The Mayor took this opportunity to thank Loren Moore for her 10 plus years of service to Council, as she (and her family) move to New Plymouth and a role in the District Council there.

**Cncl-0621-431 Decision to Conduct Business with the Public Excluded** -

The Mayor/Clr Maher:

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

- Review of Bylaw

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
Review of Bylaw	Maintain legal professional privilege as provided for under Section 7(2)(g).	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 1.43 pm.

Confirmed this 5<sup>th</sup> day of August 2021

J C LEGGETT  
MAYOR

Record No. 21144704

## **4. Minutes**

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- 4.3 Confirmation of the Minutes of the Extraordinary Council Meeting held on 8 July 2021  
(Minute Nos. Cncl-0721-7 to Cncl-0721-8)

**Minutes of the  
EXTRAORDINARY MEETING of the MARLBOROUGH DISTRICT COUNCIL  
held in the Council Chambers, 15 Seymour Street, Blenheim  
on THURSDAY 8 JULY 2021 commencing at 11.32 am**

### **Present**

The Mayor J C Leggett (in the Chair), Cirs J L Andrews, J A Arbuckle, C J Brooks, J D N Croad, B A Faulls, M J Fitzpatrick, G A Hope, F D Maher, D D Oddie, M A Peters, T P Sowman and N P Taylor.

### **In Attendance**

Mr M S Wheeler (Chief Executive), Mr A Johnson (Environmental Science & Monitoring Manager), Ms S Edmonds (Strategic Planner) and Mr M J Porter (Democratic Services Manager).

### **Karakia**

The meeting opened with a karakia.

### **Apology**

**Cirs Taylor/Fitzpatrick:**

**That the apology for absence from Clr B G Dawson be received and sustained.**

### **Carried**

## **Cncl-0721-7 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.

## **Cncl-0721-8 Proposed East Coast Beach Vehicle Bylaw**

**L225-16-04**

Members noted the purpose of the report was to seek approval to release updated notification documents and change the consultation period for the Proposed East Coast Beach Vehicle Bylaw process.

Staff reported that following the Council meeting on 24 June 2021, Council received advice from the Department of Conservation (DOC) that confirmed the proposed Bylaw could apply to part of the Clifford and Cloudy Bay Marine Mammal Sanctuary between the Awatere River mouth and Cape Campbell. The Statement of Proposal approved on 24 June 2021 was amended. Changes were made under the section 'Preparation of a draft Bylaw', clause 9(1) of the draft Bylaw and addition of a line to the table on page 37. These changes were made for clarification purposes only. The decision at the Council meeting on 24 June 2021 to change clause 6(4) in the draft Bylaw was also included.

Staff further reported that in the Technical Report a number of edits were made to improve the readability of the report. While they were all minor, the number of changes warranted Council approving a new revision [v5, July 2021] for release. A change was also made to the Te Tau Ihu iwi section in the Technical Report under Cultural Values. To reflect this change, the wording in the Statement of Proposal was amended on page 7 and the deletion of a sentence on the front page of the Summary. In the submission form 'neutral' was added to the instructions throughout the form. All of these changes were also for clarification purposes.

Members noted that none of the changes to the documents were substantive changes to the content of the draft Bylaw. However, for completeness and transparency Council agreed that the updated versions be the ones to be released for public consultation on the Proposed East Coast Beach Vehicle Bylaw. Council also agreed that the period for making submissions needs to be changed to opening on 15 July 2021 and closing at 5.00pm on 8 September 2021.

**The Mayor/Clr Hope:**

1. That Council receives the information.
2. That Council approves for release an amended Statement of Proposal containing a draft Bylaw, Summary, Submission Form and Technical Report [v5, 2021] to commence public consultation.
3. That Council determines a new period for making submissions. Submissions will open on Thursday 15 July 2021 and close at 5.00 pm on the 8 September 2021 (40 working days).
4. That Council approves a new timeline for the making of a Bylaw.

**Carried**

The meeting closed at 11.36 am.

Confirmed this 5<sup>th</sup> day of August 2021

J C LEGGETT  
**MAYOR**

Record No. 21145639

## **5. Committee Reports**

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### **5.1 Assets & Services Committee**

Assets & Services Committee Meeting held on 8 July 2021  
(Minute Nos. A&S-0721-1 to A&S-0721-6)



**Report and Minutes of a Meeting of the  
ASSETS & SERVICES COMMITTEE  
held in the Council Chambers, 15 Seymour Street, Blenheim  
on THURSDAY, 8 JULY 2021 commencing at 9.00 am**

**Present**

Cls N P Taylor (Chairperson), M J Fitzpatrick (Deputy), J L Andrews, C J Brooks, B G Dawson, F D Maher, M A Peters, Mayor J C Leggett, Mr R Hunter (iwi representative)

**Also Present**

Cls J A Arbuckle, G A Hope (from 9.34 am), D D Oddie, J D N Croad, B A Fauls and T P Sowman

**In Attendance**

Mr Richard Coningham (Manager – Assets & Services Department), Jamie Lyall (Manager – Property and Community Facilities) and Nicole Chauval (Committee Secretary)

**Apologies**

No apologies were received.

The Chair advised that if required the meeting would adjourn at 10 am to enable members to attend the 3-Waters FAQ webinar at reconvene at the conclusion of the webinar.

**A&S-0721-1 Declaration of Interests** -

No interests with items on the agenda were declared.

ATTENDANCE: Graeme Taylor (Commercial Manager Marlborough Tasman Rugby), Wayne Young (Chairman Tasman Rugby), Dave Patterson (Referee Education Officer), Dan Monahan (High Performance Coach), Gray Cornelius (Assistant Coach) were present for the following item.

**A&S-0721-2 Lansdowne Park – High Performance Training  
Centre R510-009-L01-04**

The purpose of the report was to seek approval from the Committee to convert the current sports administration building (former St Johns) housing local Rugby, Netball and Softball to a 'High Performance Training Centre (HPTC)'. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 21141538).

Members were advised that the new Sports Hub facility located at Lansdowne Park is scheduled for completion in September 2021. It is planned that the sports administration activities of Rugby, Netball, Softball and Touch currently operating from the former St Johns building will operate from the new Sports Hub on its completion.

Members of Tasman Rugby spoke to the proposal and provided members with information on Tasman Rugby's (TRU) performance both in Marlborough and nationally and what could be further achieved in a high performance environment. It was noted that the HPTC would not just be for the exclusive use of rugby players but available to assist players from other sporting codes and athletes.

With a High Performance Training Centre (HPTC) there would not be constraints around scheduling. Plans of the proposed gym layout were shown and discussed. It was noted that the proposed design supports multiuse.

It was noted that TRU see the project as long term and are seeking a 5 + 5 + 5 year licence to occupy the existing building with an option to extend the licence if the activity is successful.

Members were advised that Marlborough Netball have provided a supporting letter to TRU.





Ms Dever noted for the reporting period that there is a surplus of \$12.3M due to 3-Water Funding. Income is favourable to budget by \$8.6M, expenditure is unfavourable to budget by \$1.6M and Capex is unfavourable to budget by \$33.1M.

The major variances between actual and budget were noted as: unbudgeted grant revenue of \$6.3M from the Department of Internal Affairs (DIA) for projects in wastewater, water and stormwater and \$0.6M from the Ministry of Business Innovation and Employment (MBIE) for flood protection work at Southern Valleys and Upper Condors.

Roading revenue is behind budget by \$1.7M due to lower NZTA roading subsidies. These subsidies are directly correlated to lower roading capital expenditure. It was noted that there has been a significant catch up on the previous month.

The purchase of 120,000 New Zealand Units for \$4.5M to meet Council's expected emission trading obligations for the next three years.

Capital expenditure is behind budget in most activities due to timing of projects which have been 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.

**Cirs Peters/Maher:**

**That the financial report for the period ended 31 May 2021 be received.**

Carried

## **A&S-0721-6      Decision to Conduct Business with the Public Excluded**

**Cirs Taylor/Peters:**

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

- Pavilion
- Cycle Trial

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
Pavilion Cycle Trail	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 11.28 am.

Record No. 21137231

## **5. Committee Reports**

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### **5.2 Planning, Finance & Community Committee**

Planning, Finance & Community Committee Meeting held on 22 July 2021  
(Minute Nos. PF&C-0721-9 to PF&C-0721-22)



**Minutes of a Meeting of the  
PLANNING, FINANCE & COMMUNITY COMMITTEE  
held in the Council Chambers, 15 Seymour Street, Blenheim  
on THURSDAY, 22 JULY 2021 commencing at 9.00 am**

### **Present**

Cirs M A Peters (Chairperson), J D N Croad, J L Andrews, J A Arbuckle, C J Brooks, B G Dawson, B A Fauls, M J Fitzpatrick, G A Hope, F D Maher (from 9.46 am), D D Oddie, T P Sowman, N P Taylor and Mayor J C Leggett.

### **Present via Zoom**

Cirs J D N Croad and J A Arbuckle.

### **In Attendance**

Messrs M F Fletcher (Chief Financial Officer), D G Heiford (Manager Economic, Community & Support Services) and M J Porter (Democratic Services Manager).

### **Apology**

**Cirs Hope/Fauls:**

**That the apology for lateness from Clr F D Maher be received and sustained.**

### **Carried**

## **PF&C-0721-9 Declaration of Interests** -

No interests with items on the agenda were declared.

Members expressed their gratitude to all of those who had assisted in the Weather Related Emergency Event over the last few days

## **PF&C-0721-10 Destination Marlborough – Business Plan** **E100-004-01**

Members noted that the purpose of the report was for Council to receive the final Destination Marlborough 2021/2022 Business Plan (Plan) as attached to the agenda.

Clr Croad advised that Council and Destination Marlborough have agreed that a draft business plan be prepared and presented prior to 30 June each year for consideration. This was presented at the Committee meeting on 29 April 2021 (Minute No. PF&C-0421-350 refers). Council now needs to formally receive the final Plan.

**Cirs Croad/Fauls:**

**That Destination Marlborough Trust's Business Plan for 2021/2022 be received.**

### **Carried**

ATTENDANCE: Mr N P Henry, Council's Manager Strategic Planning and Economic Development, was present for the following three items.

## **PF&C-0721-11 TEAM COVID-19 Economic Recovery Group** **C500-005-010-03**

Members noted that the purpose of the report was for the disestablishment of the TEAM Economic Recovery Group and the retention of remaining TEAM funding for targeted projects to address remaining economic impacts.

Staff reported that TEAM published its final report on 5 July 2021 (<https://www.marlborough.govt.nz/civil-defence-emergency-management/covid-19-novel-coronavirus/the-economic-action-marlborough-team-group/reports>). TEAM research has revealed that most businesses have managed the impact of COVID-19 well, and no areas of specific support were identified. The exception to this is the visitor economy, particularly in Picton and the Sounds, which is more reliant on international visitors. A second ongoing issue related to COVID-19 was the shortage of labour that has been exacerbated by the lack of immigration due to the borders being closed.

Staff recommended that the TEAM Economic Recovery Group structure be disestablished, and that any remaining funding be retained to mitigate impacts where ongoing economic impact is present. Approximately \$50,000 of TEAM funding was uncommitted at the time the report was written.

It was noted that there was a provision for underwriting the “Yealands Classic Fighters Airshow” of \$50,000 (which may or may not be needed). It was further noted that the Commercial Underwrite Fund had also underwritten the event of \$50,000 for weather related matters.

Members noted their concern that if there was a future outbreak of COVID-19 what would happen. Cllr Peters advised that a watching-brief will be kept and TEAM could be resurrected depending on the circumstances at the time.

**Cllrs Peters/Taylor:**

- 1. That Council disestablishes the TEAM Economic Recovery Group.**
- 2. That Council retains any remaining TEAM funding for applications to address ongoing COVID-19 related economic impacts.**
- 3. That Council note that TEAM have provided for an underwriting of the “Yealands Classic Fighters Airshow” of \$50,000; noting also that the Commercial Underwrite Fund had also underwritten the event of \$50,000 for weather related matters.**

**Carried**

ATTENDANCE: Ms D Vermaas, Council’s Economic Development Programmes Manager was present for the following two items.

## **PF&C-0721-12 Economic Development Update E100-010-01**

Staff reported that the purpose of the report was to provide an update on the activities of Council’s Economic Development team between 15 April 2021 and 7 July 2021.

Staff reported in relation to Smart Business Marlborough that business support activity has continued in the period and updated economic data from Infometrics has been received. Business Trust Marlborough continue to provide support to local businesses and development of the Screen Marlborough office continues to progress.

In relation to Smart+Connected Industry it was reported that those groups continue to hold regular meetings and work on collaborative projects.

It was also reported that Smart+Connected Community groups have met monthly since the last update and are progressing a number of projects.

Comment was made on the Kānoa (Regional Economic Development & Investment Unit) meeting and the need for Marlborough to retain its identity.

**Cllrs Croad/Hope:**

**That the information be received.**

**Carried**

## **PF&C-0721-13 Economic Development Programme 2021/22 E100-010-01**

Ms Vermaas reported that the purpose of the report was to update the Committee on the planned activities of Council’s Economic Development team in the 2021-2022 financial year. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 21152299).

Staff reported that Council recently approved a new economic development approach as part of the 2021-31 Long Term Plan. The report identified the proposed actions in 2021/22 led by the economic development team across the six pillars of activity - business capability, economic leadership and vision, foresight and intelligence, innovation R&D and transformation, workforce and talent development, and investment and attraction.

It was noted that once the programme is developed further Destination Marlborough will be involved.

**Cirs Croad/Brooks:**

**That the information be received.**

**Carried**

ATTENDANCE: Mr G Webster, Council's District Libraries Manager, was present for the following item.

**PF&C-0721-14      Marlborough District Libraries – Looking Back  
at the Year Ended 30 June 2021      L300-018-001-02**

Mr Webster provided a comprehensive update on Library services for the year ending 30 June 2021. The report was a record of events, programmes and happenings in the libraries during 2020-21.

**Cirs Dawson/Brooks:**

**That the information be received.**

**Carried**

ATTENDANCE: Mr P Hawes, Council's Manager Environmental Policy, was present for the following two items.

**PF&C-0721-15      Natural and Built Environments Bill – Exposure  
Draft      L150-019-R01**

Members noted that the purpose of the report was to inform the Committee of the release of the Natural and Built Environments Bill – Exposure Draft and to confirm a process for the Council to respond to the Exposure Draft.

Staff reported that on 29 June 2021, an Exposure Draft of the Natural and Built Environments Bill was publicly released for public submission. The Exposure Draft contains content that covers the purpose of the Natural and Built Environments Act (NBA) (including Te Tiriti o Waitangi clause) and related provisions, the National Planning Framework, and NBA plans. Submissions on the Exposure Draft, which close on 4 August 2021, will be considered by Select Committee through an inquiry process.

Staff further reported that Council should present its views on the Exposure Draft in order for these to be considered by the Select Committee. This also represents an opportunity to present the Council's view on the proposal for a single combined plan for Marlborough District, Nelson City and Tasman District. Given the short timeframes involved, there will not be an opportunity for the Committee to consider a Council submission. Instead, it is proposed to establish a sub-group to consider and approve a Council submission.

Following discussion on Councillors' input into the response, it was agreed that staff would invite all Councillors to a workshop to be held on Monday 26 July at 11.00 am.

**The Mayor/Cir Oddie:**

- 1. That the report and the attached Natural and Built Environments Bill – Exposure Draft be received.**
- 2. That the Mayor, Deputy Mayor and Cir Peters be delegated authority to consider and approve a Council submission to the Natural and Built Environments Bill – Exposure Draft.**

**Carried**

**PF&C-0721-16 Appeals on the PMEP Decision M100-09-01**

Members noted that the purpose of the report was to inform the Committee of progress with resolving appeals made to the Environment Court on the PMEP.

Staff reported that 51 notices of appeal on the PMEP were lodged with the Environment Court. In response to multiple Environment Court directions, a structure, process and timeline for managing the appeals has been proposed by the Council and was confirmed by the Court in December 2020. The initial focus is on Section 6 matters including natural character, landscape, indigenous biodiversity, open space and public access, cultural matters and heritage. These matters are collectively referred to as "Group 1" topics. The current mediation schedule for Group 1 runs to the end of August 2021. Informal discussions continue to occur with some appellants regarding options for resolving specific appeal points, as time and resources allow.

**Cirs Oddie/Peters:**  
**That the report be received.**

**Carried**

**PF&C-0721-17 Housing for Seniors Sub-Committee D050-001-H01**

The Minutes of the Housing for Seniors Sub-Committee meeting held on 1 July 2021 were attached for ratification by the Committee.

**Cirs Brooks/Andrews:**  
**That the Minutes of the Housing for Seniors Sub-Committee meeting held on 1 July 2021 be ratified.**

**Carried**

**PF&C-0721-18 Sister City Sub-Committee D050-001-S02**

The Minutes of the Sister City Sub-Committee meeting held on 23 June 2021 were attached for ratification by the Committee.

The Sub-Committee was congratulated on securing the 2022 Sister Cities New Zealand conference.

**Cirs Faulls/Sowman:**  
**That the Minutes of the Sister City Sub-Committee meeting held on 23 June 2021 be ratified.**

**Carried**

**PF&C-0721-19 Audit & Risk Sub-Committee D050-001-A05**

The Minutes of the Audit & Risk Sub-Committee meeting held on 28 June 2021 were attached for ratification by the Committee.

**Cirs Peters/Oddie:**  
**That the Minutes of the Audit & Risk Sub-Committee meeting held on 28 June 2021 be ratified.**

**Carried**

**PF&C-0721-20 Financial Report for Council – Period Ended  
31 May 2021 F275-002-020**

Mr Fletcher presented Council's financial report for the period ended 31 May 2021.

Mr Fletcher verbally advised that full year figures (at this stage) show a surplus against budget of \$2.1M; income is favourable by \$8.8M; expenditure is 6.7M unfavourable; and Capital Expenditure is forecast to be \$72.9M, which will be a record.

Members were advised that the major variances between actual and budget were roading income which is behind budget due to lower development contributions and New Zealand Transport Agency (NZTA) roading

subsidies (these subsidies are directly correlated to lower roading capital expenditure); unbudgeted funding received from the Ministry of Primary Industries (MPI) to complete the Molesworth National Wilding Conifer Control Programme; unbudgeted revenue from the shovel ready projects fund for the new Blenheim Library build and flood protection works on the Wairau River; unbudgeted grant revenue from the Department of Internal Affairs (DIA) for projects throughout sewer, water and stormwater; lower external interest costs due to the low interest rates and lower capital expenditure in previous years. The capital budget being behind budget mostly because of issues with land acquisitions, resources consents, contractor availability, design complications and staff capacity; and development contributions received from have been much higher than budgeted.

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

The meeting discussed the recent rates notices which included the recent revaluation. To highlight this discussion a powerpoint presentation was shown (presentation filed in CM Record No. 21152319).

**Cllrs Peters/Oddie:**

**That Council receive the Financial Report for the period ending 31 May 2021.**

**Carried**

## **PF&C-0721-21 Information Package** -

**Cllrs Brooks/Andrews:**

**That the Planning, Finance & Community Information Package dated 22 July 2021 be received and noted.**

**Carried**

## **PF&C-0721-22 Decision to Conduct Business with the Public Excluded** -

**Cllrs Peters/Fitzpatrick:**

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

- **Sub-Committee Minutes (Public Excluded Sections)**

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

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

**Carried**

The meeting closed at 10.51 am.

Record No: 21152621

## 6. Link Pathway – Funding Re-allocation for Storm Repairs

(Clrs C Brooks and J Andrews)

R510-012-004-02

### Purpose of report

3. To seek Council approval to reallocate funding approved in the 2020/21 Annual Plan for the Link Pathway Trust to develop the last section of the Link Pathway and that the funding be used to support repairs of the pathway significantly affected by the July 2021 storm.

### Executive Summary

4. The Link Pathway Trust seeks approval to re-allocate 2020/21 Annual Plan funding of \$169,565 secured for path construction, to be directed to repair sections of the path after significant storm damage.

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### RECOMMENDATION

**That Council approve the re-allocation of \$169,565 being unspent 2020/21 Annual Plan funds for planned new path construction, to be used for path storm damage repairs to the existing path.**

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### Background/Context

5. Prior to the July 17 rain storm the Link Pathway (Picton – Havelock) was over 95 percent complete, with only the Mahikapawa Arm and Belvue Bay sections to complete, see attached map (**attachment 1**).
6. The Mahikapawa Causeway and six road bridge treatments or clip-ons are also required to provide safe connection along the path, with the Trust identifying early on that these structures are beyond their scope to build.
7. The Link Pathway Trust were about to commence construction of the path section beside the Lower Mahikapawa Arm, having consents, traffic management and contractors in place. 2020/21 Annual Plan funding of \$169,565 was secured for the construction of this last section, however these funds have not been spent to date.
8. The significant storm and high rainfall event on the 16 and 17 July that created a district wide State of Emergency extensively damaged several sections of the path, along with Queen Charlotte Drive and other district roads and infrastructure.
9. The western end of the Link Pathway was worst affected, with the Mahikapawa Hill and Grove to Momorangi sections receiving significant damage. Slips and slumping are the main issues with complete bank loss in some locations, refer photos.



Link Pathway, Grove to Momorangi – Slumping





Link Pathway, Tirimoana to Anakiwa Slips

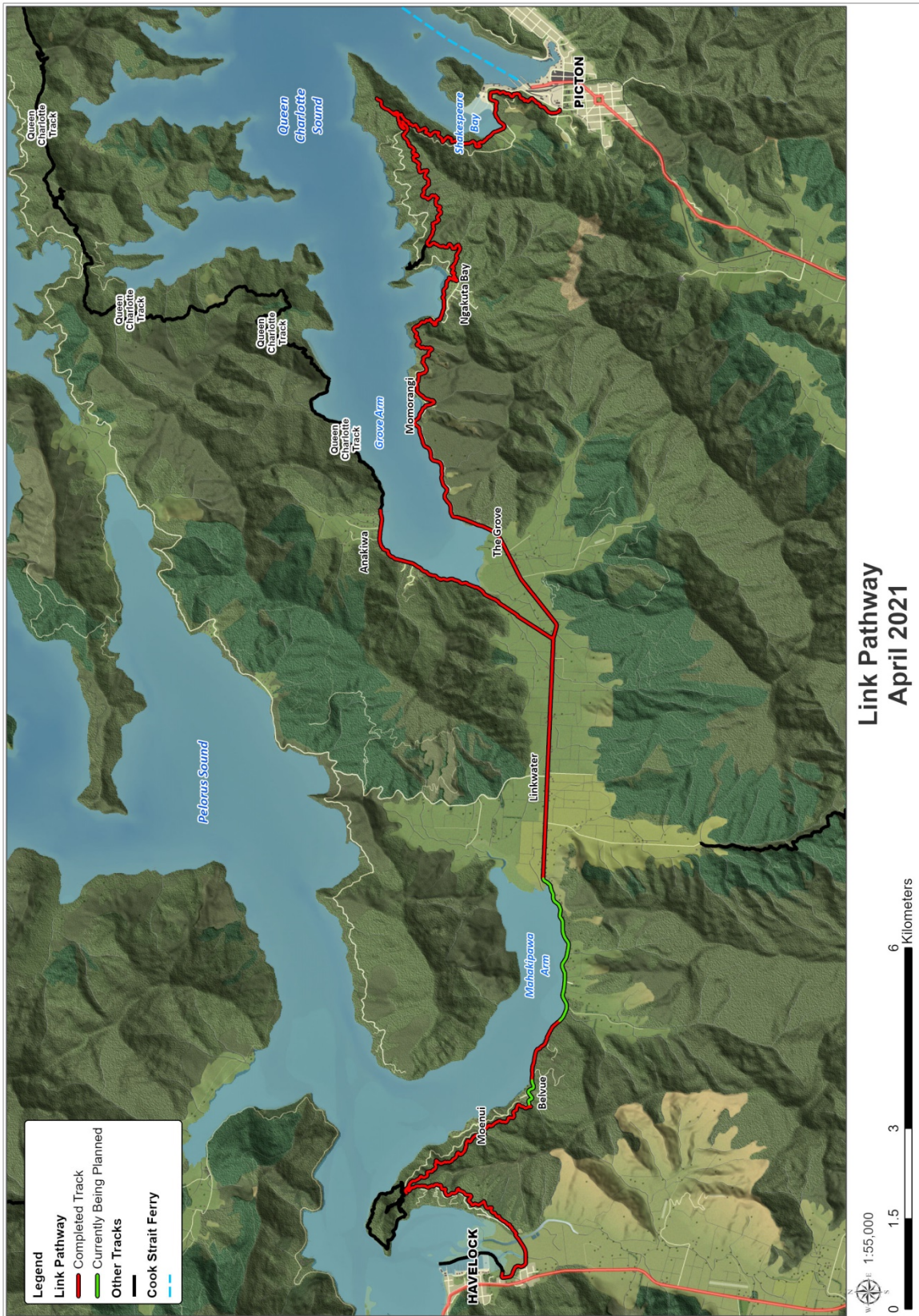
10. The Picton to Ngakuta Bay path section is in much better shape, requires far less work to re-open and will be cleared first. The aim will be to enable the annual 'Marina to Marina Half Marathon' event in October to proceed, as runners use the Link Pathway from Anakiwa to Picton.
11. Recent media coverage on the path damage has prompted many 'Give a Little' donations and messages of support to rebuild the path and reinforces the high level of interest and community connection with the path.
12. The Trust has requested that the 2020/21 funding of \$169,565 be re-allocated from construction work to repair storm damage.
13. The Trust will undertake repairs and assess the path and outstanding future works. These works will be priced and all funding options will then be explored.

## Attachments

Attachment 1 –Map of Link Pathway, April 2021

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Author	Robin Dunn, Reserves & Amenities Officer
Authoriser	Mark Wheeler, Chief Executive



## 7. Review of the Responsible Camping Control Bylaw 2020

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(Report prepared by J Tito)

R510-005-15-02

### Purpose of report

1. The purpose of this report is to seek approval to undertake further consultation on the Responsible Camping Control Bylaw 2020 (Bylaw) to address procedural concerns regarding compliance with the Freedom Camping Act 2011 and Local Government Act 2002.
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### RECOMMENDATION

**That Council approve further consultation on the Responsible Camping Control Bylaw 2020.**

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### Background/Context

2. Following the Annual Plan process of 2019, and in consideration of the submissions and presentations received by the community, Council agreed that a Review of the *Marlborough District Council's Freedom Camping Control Bylaw 2012* would take place from mid-2020.
3. As part of the review, Council engaged a specialist (co-funded by the Ministry of Business, Innovation and Employment) to undertake a review of "Responsible Camping in Marlborough"<sup>1</sup> and report its findings back to Council. The report would help Council better understand the impacts and issues responsible camping has on our community and to provide support for a possible bylaw review.
4. At the Council meeting of 6 August 2020, Council approved public notification of the *Freedom Camping Control Bylaw 2020* and the timeline for the notification was set for 7 August 2020 to 7 September 2020. There were 350 submissions received with 49 submitters electing to speak to their submissions.
5. A panel to hear submissions (Freedom Camping Sub-Committee) was formed with six Councillors who reviewed submissions and oversaw the hearing during 14 to 16 September 2020.
6. The Bylaw was adopted at an Extraordinary Council Meeting on 27 November 2020 with the Bylaw being effective from 1 December 2020.
7. At the end of April 2021, Council received a draft statement of claim for judicial review (Claim) from the New Zealand Motor Caravan Association (NZMCA) in relation to the Bylaw.
8. The key points of the NZMCA Claim are:
  - (a) Submitters were not given the chance to make submissions on the prohibition on freedom camping in all except five sites. NZMCA believe this was a breach of s82(1)(a) and (b) of the Local Government Act 2002
  - (b) The Council did not undertake a s11 Freedom Camping Act 2011 (FCA) assessment of all areas in the district (other than for the five sites) by applying the criteria set out in s11(2) FCA for each area in breach of the purpose and intent of the FCA ( to allow freedom camping except where prohibited).

### Assessment/Analysis

9. Council does not fully accept the claims but has decided to undertake further consultation on the Bylaw to address key points noted in paragraphs 8(a) and (b) above.
10. Council will also use the further consultation to review the effect of the Bylaw during the recent responsible camping season from November 2020 to April 2021, which was managed under the Bylaw.

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<sup>1</sup> Responsible Camping Review for Marlborough District Council (May 2020)

11. Coincidentally, central government is reviewing the Freedom Camping Act 2011. A series of roadshows and forums with Councils and the public were held including in Marlborough. Council attended a meeting in May 2021 led by staff from the Ministry of Business, Innovation and Employment and a well-attended public meeting was also held in Picton.
12. The Responsible Camping Panel which will review submissions and manage the hearing will consist of two independent commissioners and one Councillor to ensure transparency of process. It is expected that this panel will be confirmed by 15 November 2021.
13. The Council will commence the public notification process on 17 September 2021 with the six-week notification period closing on 28 October 2021. In the subsequent period, a robust analysis of the submissions will be done with public hearings scheduled for 1-3 February 2022.
14. Following the hearings in February 2022, along with the analysis of the submissions received a new Bylaw will be adopted, or the current Bylaw will be reconfirmed.
15. It is anticipated that the Bylaw, once adopted by Council, will come into effect from 1 May 2022.



### Next steps

16. The following table sets out the process and schedule of the review of the current Bylaw (*Responsible Camping Control Bylaw 2020*).

Date/Period	Activity and description
5 August 2021	Advise Council's intention to review the <i>Responsible Camping Control Bylaw 2020</i> .
6 August to 15 September 2021	Staff prepare required documentation to support the <i>Proposed Draft Responsible Camping Control Bylaw 2020</i> including the <i>Area, sites and road assessments for Restricted and Prohibited Areas</i>
16 September 2021	Council approve the public notification of the <i>Proposed Draft Responsible Camping Control Bylaw 2020</i>
17 September 2021 to 28 October 2021	Submissions open for the public to make submissions on the <i>Proposed Draft Responsible Camping Control Bylaw 2020</i>
28 October 2021	Submissions close
29 October 2021 to 31 January 2022	Analysis of submissions received
15 November 2021	Confirm <i>Responsible Camping Panel</i> to review submissions and manage the hearings.
1-3 February 2022	Hearings Panel hear submissions
4 February to April 2022	Deliberations of the Hearings Panel
1 May 2022	New <i>Responsible Camping Control Bylaw 2022</i> .

17. A paper will be presented to the September Council meeting recommending the draft Proposed Bylaw for notification.

Author	Jane Tito, Manager Parks and Open Spaces
Authoriser	Mark Wheeler, Chief Executive

<b>Summary of decision-making considerations</b>			
<b>Fit with purpose of local government</b>			
The proposal enables [e.g. <i>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</i> ].			
[If inconsistent, explain why, refer to the particular part of the purpose and why the preferred option is still recommended despite the inconsistency.]			
<b>Fit with Council policies and strategies</b>			
 	Contributes	Detracts	Not applicable
LTP / Annual Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Financial Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Infrastructure Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Social well-being	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environment & RMA Plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arts & Culture	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3 Waters	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land transport	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks and reserves	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
This proposal contributes to the [name category] relating to [describe].			
[If the preferred option detracts from any of the above, explain why, refer to the particular part of the purpose and why the preferred option is still recommended despite the inconsistency.]			
<b>Nature of the decision to be made</b>			
The options do not involve a significant decision in relation to land or a body of water.			
<b>Financial considerations</b>			
There are no known financial implications.			

<b>Summary of decision-making considerations</b>
<b>Significance</b> The decision is considered of low significance under Council's Significance and Engagement Policy.
<b>Engagement</b> A communications plan <a href="#">will</a> developed.
<b>Risks: Legal / Health &amp; Safety etc</b> They risks will be managed through <a href="#">public notification of the review of the Bylaw</a>
<b>Climate Change Implications</b> There are no known climate change implications to this decision.

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

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

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

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

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