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**MARLBOROUGH
DISTRICT COUNCIL**



Only Marlborough

3 December 2021

Record No: 21257374
File Ref: D050-001-02
Ask For: Mike Porter

Notice of Council Meeting – Thursday, 9 December 2021

Notice of the Council Meeting to be held in the Council Chambers, 15 Seymour Street, Blenheim on Thursday, 9 December 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, 9 DECEMBER 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, 9 DECEMBER 2021 commencing at 9.00 am

1. Karakia

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

3. Declaration of Interests

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

4. Minutes

- 4.1 Confirmation of the Minutes of the Council Meeting held on 28 October 2021
(Minute Nos. Cncl-1021-119 to Cncl-1021-126)

**Minutes of a Meeting of the
Marlborough District Council
held in the Council Chambers and via Zoom, 15 Seymour Street, Blenheim
on THURSDAY 28 OCTOBER 2021 commencing at 9.00 am**

Present in Council Chambers

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

Present by Zoom

Clr M J Fitzpatrick.

In Attendance

Messrs M S Wheeler (Chief Executive) and M J Porter (Democratic Services Manager).

Karakia

The meeting opened with a karakia.

The Mayor welcomed all to the meeting, whether present in the Council Chambers or via Audio Visual link (Zoom) as per Standing Orders and the *COVID-19 Response (Urgent Management Measures) Legislation Act 2020*. The Mayor also advised the meeting was being recorded and that a link to the recording would be loaded to Council's website as soon as practicable following the meeting in accordance with the *COVID-19 Response (Urgent Management Measures) Legislation Act 2020*.

Apology

Clrs Taylor/Brooks:

That the apology for absence from Clr T P Sowman be received and sustained.

Carried

Cncl-1021-119 Declaration of Interests -

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

A number of declarations were noted in the agenda:

- The various interests as declared under Minute Nos. Cncl-0921-73;
- The various interests as declared under Minute No. PF&C-1021-105 (refer Minute Nos. PF&C-1021-109, PF&C-1021-111 and PF&C-1021-e-20); and
- The interests as declared by Clr Taylor at the meeting (Minute Nos. PF&C-1021-115 and PF&C-1021-116).

Cncl-1021-120 Confirmation of Minutes -

Mr Wheeler was asked if there had been a response to the letter sent to the Minister of Local Government (refer Minute No. Cncl-0921-79 – Three Waters Reform). Mr Wheeler advised that the letter had been acknowledged but not responded to.

The Mayor/Clr Arbuckle:

That the Minutes of the Council Meeting held on 16 September 2021 (Minute Nos. Cncl-0921-73 to Cncl-0921-80) be taken as read and confirmed.

Carried

Committee Reports

Cncl-1021-121 Assets & Services Committee -

Cllrs Taylor/Fitzpatrick:

That the Committee report contained within Minute Nos. A&S-0921-81 to A&S-0921-88 be received and the recommendations adopted.

Carried

Cncl-1021-122 Environment Committee -

Clr Hope refuted the comments attributed to him in the Stuff article "Plant rediscovered in lagoon decades after last sighting" (Minute No. Env-1021-97 – Wairau Lagoon State of the Environment Monitoring refers).

The Mayor/Clr Oddie:

That the Committee report contained within Minute Nos. Env-1021-93 to Env-1021-105 be received and the recommendations adopted.

Carried

Cncl-1021-123 Planning, Finance & Community Committee -

Cllrs Croad/Peters:

That the Committee report contained within Minute Nos. PF&C-1021-105 to PF&C-1021-118 be received and the recommendations adopted.

Carried

Cncl-1021-124 Grants Sub-Committee -

Cllrs Andrews/Brooks:

That the Sub-Committee report contained within Minute Nos. Grnt-1021-89 to Grnt-1021-92 be received and the recommendations adopted.

Carried

Cncl-1021-125 2022 Council Meeting Schedule **D050-001-01**

Attached to the Agenda for consideration was the draft schedule of meetings for 2022. At the meeting it was requested that the election date be inserted.

The Mayor/Clr Taylor:

That the meeting schedule for 2022 be approved.

Carried

The meeting adjourned at 9.10 am to allow Council to discuss, with the media present, the recent announcements in regard to Three Waters. The meeting resumed at 10.12 am

Cncl-1021-126 Decision to Conduct Business with the Public Excluded

The Mayor/Clr Croad:

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	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 10.13 am.

Confirmed this 9th day of December 2021

J C LEGGETT
MAYOR

Record No. 21243719

4. Minutes

- 4.2 Confirmation of the Minutes of the Extraordinary Council Meeting held on 3 November 2021
(Minute Nos. Cncl-1121-127 to Cncl-1121-128)

**Minutes of the
EXTRAORDINARY MEETING of the MARLBOROUGH DISTRICT COUNCIL
held in the Council Chambers and via Zoom, 15 Seymour Street, Blenheim
on WEDNESDAY 3 NOVEMBER 2021 commencing at 11.30 am**

Present in the Council Chambers

The Mayor J C Leggett (in the Chair), Cllrs J L Andrews, C J Brooks, J D N Croad, 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

Cllr J A Arbuckle.

In Attendance in the Council Chambers

Mr M S Wheeler (Chief Executive), Mr M F Fletcher (Chief Financial Officer) and Mr M J Porter (Democratic Services Manager).

Karakia

The meeting opened with a karakia.

The Mayor welcomed all to the meeting, whether present in the Council Chambers or via Audio Visual link (Zoom) as per Standing Orders and the *COVID-19 Response (Urgent Management Measures) Legislation Act 2020*. The Mayor also advised the meeting was being recorded and that a link to the recording would be loaded to Council's website as soon as practicable following the meeting in accordance with the *COVID-19 Response (Urgent Management Measures) Legislation Act 2020*.

Apologies

The Mayor/Cllr Croad:

That the apologies for absence from Cllrs D D Oddie (at the Aquaculture Hearings on behalf of Council) and B G Dawson be received and sustained.

Carried

Cncl-1121-127 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-1121-128 Annual Report 2020-21

F275-A20-01

Members noted that the purpose of the report was to adopt the Annual Report for the Marlborough District Council for the financial year ended 30 June 2021.

Mr Fletcher reported that the Annual Report reports the performance of Council against non-financial performance targets and financial forecasts.

Members noted the circulated letter from Mr Ian Marshall (Chairperson of the Audit & Risk Sub-Committee) confirming the 2020-21 Annual Report had been reviewed by the Audit & Risk Sub-Committee and had been audited by Audit New Zealand and therefore recommended that Council adopt the 2020-21 Annual Report

Members of the Audit & Risk Sub-Committee advised that at the Sub-Committee meeting held earlier that morning that they had met with Rehan Badar, Audit Director, and received an explanation of the audit process and the issues that needed to be worked through during the audit. Rehan also advised that the audit had progressed smoothly.

Members of the Audit & Risk Sub-Committee recommended that the Mayor and Chief Executive sign the proposed letters of Representation for the 2020-21 Annual Report and that Council adopt the 2020-21 Annual Report as presented without alteration, together with the Auditor's unmodified opinion.

Members acknowledged the considerable effort by the Finance team and other Council staff involved in the process.

The Mayor/Clr Hope:

That Marlborough District Council's Final Annual Report for the financial year ended 30 June 2021 be adopted subject to receiving the relevant Audit Opinions.

Carried

Following that resolution Mr Fletcher advised that an unmodified audit opinion had been received from Audit New Zealand.

The Mayor/Clr Taylor:

That the unmodified Audit Opinion of Audit New Zealand be received.

Carried

The meeting closed at 11.58 am.

Confirmed this 9th day of December 2021

J C LEGGETT
MAYOR

Record No. 21243886

4. Minutes

- 4.3 Confirmation of the Minutes of the Extraordinary Council Meeting held on 15 November 2021
(Minute Nos. Cncl-1121-148 to Cncl-1121-150)

**Minutes of the
EXTRAORDINARY MEETING of the MARLBOROUGH DISTRICT COUNCIL
held in the Council Chambers and via Zoom, 15 Seymour Street, Blenheim
on MONDAY 15 NOVEMBER 2021 commencing at 4.00 pm**

Present in the Council Chambers

The Mayor J C Leggett (in the Chair), Cllrs J L Andrews, C J Brooks, 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

Cllr J A Arbuckle.

In Attendance in the Council Chambers

Mr M S Wheeler (Chief Executive), Mr D G Heiford (Manager Economic, Community & Support Services), Mrs J Tito (Reserves & Amenities Mng'r), Mrs L Craighead (Reserves & Amenities Officer – Planning) and Mr M J Porter (Democratic Services Manager).

Karakia

The meeting opened with a karakia.

The Mayor welcomed all to the meeting, whether present in the Council Chambers or via Audio Visual link (Zoom) as per Standing Orders and the *COVID-19 Response (Urgent Management Measures) Legislation Act 2020*. The Mayor also advised the meeting was being recorded and that a link to the recording would be loaded to Council's website as soon as practicable following the meeting in accordance with the *COVID-19 Response (Urgent Management Measures) Legislation Act 2020*.

Apology

The Mayor/Cllr Brooks:

That the apology for absence from Cllr D D Oddie (at the Aquaculture Hearings on behalf of Council) be received and sustained.

Carried

Cncl-1121-148 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.

Two interests were declared at the meeting:

- The interests as declared by Cllrs Faulls and Maher at the meeting (Minute Nos. Cncl-1121-150).

Cncl-1121-149 Review of Representation for 2022 and 2025 Elections

D050-004-022-15

Members noted that the purpose of the report was to resolve Council's final proposal, following consideration of submissions received on Council's initial proposal for representation arrangements for the 2022 and 2025 elections.

Staff reported on the process required. Members noted that a proposal from the Working Group (which included comment on all submissions received, further comment following the hearing of submissions and a recommendation with reasons for that recommendation) had been circulated prior to the meeting.

The Working Group advised that 29 submissions had been received on Council's initial proposal. The majority of submitters (27) agreed that Council should use the provisions of section 19V(3)(a) of the Local

Electoral Act 2001 (island or isolated communities) to maintain the make-up of the Marlborough Sounds Ward at 3 members, with the total number of Councillors at 14 members. One submitter agreed with Council's initial proposal as a step in the right direction. This submitter also commented during his submission that preference would be for a system of election at large across the whole district. One submitter submitted in support of Option 3 of the initial proposal: Mixed system – along with the Māori Ward there is also a General Ward (elected at large) and a Ward structure similar to the current configuration.

No submissions were received opposing the transfer of the areas known as Omaka Landing and Rose Manor from the Wairau-Awatere Ward to the Blenheim Ward. No submissions were received supporting the establishment of Community Boards.

The submissions in support of retaining three (3) members for the Marlborough Sounds Ward overwhelmingly agreed the Ward contained communities of interest isolated communities.

The Working Group agreed to this proposal noting:

- a. In the past 3 reviews the Commission has endorsed the retention of a third Marlborough Sounds Ward member.
- b. The recent weather event in July 2021 has shown the fragility of the roading system in the Marlborough Sounds with a number of roads still closed by large slips. This makes it difficult for constituents in some areas to attend community meetings.
- c. There are a number of areas in the Marlborough Sounds Ward which are without or have limited internet connection or mobile phone coverage.
- d. All Councillors, once elected, represent all of the Marlborough District. However it is more likely for constituents in the Marlborough Sounds Ward to contact a Councillor from that Ward as being more "in tune" with the issues which arise in that Ward. This belief was reinforced by a number of submitters.
- e. The Marlborough Sounds Ward is a large geographic area that has special and unique transport and communications challenges in one of the largest geographic areas in New Zealand. It contains two boat-access-only island communities - being Rangitoto ke ti Tonga/D'Urville Island and Arapaoa Island. Both have a community of permanent residents.
- f. That three (3) members for the Marlborough Sounds Ward are required to provide effective representation for isolated communities within that Ward.

Members discussed the recommendations of the Working Group. Members expressed their appreciation for a well thought-out pragmatic recommendation.

Cirs Taylor/Croad:

1. **That the submissions to Council's Initial Proposal on the Review of Representation for 2022 from Glenda Robb, Melva Robb, David Dew, Corey Hebbard (Te Rūnanga a Rangitāne o Wairau), Kathryn Baxter, Les McKay, Julia Pointon (Havelock Community Association), Robyn Richards (The Waikawa Ratepayers & Residents Association), Warwick Lissaman, Ralph Mason, Craig & Ngaire Service, Andrew Caddie (Kenepuru & Central Sounds Residents Association), Ailsa Carey (The Marlborough Rural Advisory Group), Sue and Godfrey Walker, Leanne Schmidt (Rural Connect), Linda and Doug Booth, Kerstin Mueller (Guardians of the Sounds), Adele Meyer, John Cretney (Cissy Bay Community Association), Bev Doole (Marlborough Environment Centre), Lesley Davies (Penzance Tuna Bays Property Owners' Association), Siobhan Wakeling & Scott Adams (Marlborough Federated Farmers), Lynley Perkins, Monyeen Wedge (Queen Charlotte Sound Residents Association), Jenny Garing (Pelorus Area Health Trust (PAHT)), Kimberlee Tregidga, Vic and Yvonne Koller, Tim Newsham and Faye Leov (The Rai Valley Progress League) be received.**
2. **That Council amends its initial proposal of 30 August 2021 as contained within Minute No. Cncl-0821-63 and makes its final representation proposal as follows:**
 - (a) **That in accordance with the provisions of Section 19H of the Local Electoral Act 2001, the Marlborough District Council hereby resolves that the Council to be elected at the 2022 triennial elections shall comprise a Mayor elected at large and fourteen (14) Councillors of whom:**
 - **Seven (7) members shall be elected by the electors of the Blenheim Ward; and**
 - **Three (3) members shall be elected by the electors of the Wairau-Awatere Ward; and**

- Three (3) members shall be elected by the electors of the Marlborough Sounds Ward; and
- One (1) member shall be elected by the electors of the Marlborough Māori Ward;

the boundaries of the said wards being those delineated on SO Plan 431037 (Marlborough Sounds Ward), LGC-053-2016-W-2 (Wairau-Awatere Ward), LGC-053-2016-W-3 (Blenheim Ward) and LGC-053-2016-W-1 (Marlborough District and Marlborough Māori Ward), and deposited with Land Information New Zealand and the Local Government Commission, subject to the amendment as outlined in 2.(c) below.

- (b) That the Council, in determining the number of members to be elected by the electors of any of the said wards, considers that there would be fair representation having regard to the population of every ward, taking into account that the Marlborough Sounds Ward is (or contains) an isolated community pursuant to sections 19V(2) and (3) of the Local Electoral Act 2001, and further that the ward structure will provide effective representation of communities of interest within the District.
- (c) That meshblocks 4013645, 4013646, 4013647, 4013650 and 4013651 (Omaka Landing); and 4013655, 4013657, 4013658, 4013659 and 4013660 (Rose Manor) be transferred from Wairau-Awatere Ward to Blenheim Ward.
- (d) That Council not proceed with any community boards as it considers that the significant community, advisory and ratepayer and resident organisations that already exist provide good local government in the District.

NB: Council will be giving public notice of its proposal pursuant to Section 19N of the Local Electoral Act 2001 advising the right of any person who has lodged a submission to lodge a written appeal (section 19O of the Local Electoral Act 2001) against the decision of Council. As an amendment to Council's initial proposal was made that same public notice will advise of the right for any interested person or organisation to lodge a written objection against Council's decision.

The Marlborough Sounds Ward is (or contains) an isolated community pursuant to sections 19V(2) and (3) of the Local Electoral Act 2001. The proposal to increase the number of members in the Marlborough Sounds Ward to three (3) falls outside the +/- 10% population formula so that the proposal must be referred to the Local Government Commission for determination.

The grounds for the decision and the determination on the objections and submissions lodged have been recorded based on the reasons put forward by the Working Group and by members during the debate:

- a. In the past 3 reviews the Local Government Commission has endorsed the retention of a third Marlborough Sounds Ward member.
- b. The recent weather event in July 2021 has shown the fragility of the roading system in the Marlborough Sounds with a number of roads still closed by large slips. This makes it difficult for some residents to attend community meetings.
- c. There are a number of areas in the Marlborough Sounds Ward which are without or have limited internet connection or mobile phone coverage.
- d. All Councillors, once elected, represent all of the Marlborough District. However it is more likely for constituents in the Marlborough Sounds Ward to contact a Councillor from that Ward as being more "in tune" with the issues which arise in that Ward. This belief was reinforced by a number of submitters.
- e. The Marlborough Sounds Ward is a large geographic area that has special and unique transport and communications challenges in one of the largest geographic areas in New Zealand. It contains two boat-access-only island communities - being Rangitoto ke ti Tonga/D'Urville Island and Arapaoa Island. Both have a community of permanent residents.
- f. That three (3) members for the Marlborough Sounds Ward are required to provide effective representation for isolated communities within that Ward.

Carried

Cncl-1121-150 Responsible Camping Control Bylaw 2022

R510-005-17-06

Members noted that the purpose of the report was to seek approval of the documentation required for public notification of the draft Responsible Camping Control Bylaw 2022, being a Statement of Proposal for the Marlborough District Council Responsible Camping Bylaw 2022 (filed in CM: Record No. 21240132) and the draft Marlborough District Council Responsible Camping Bylaw 2022 including the Area, Site and Road Assessments (filed in CM: Record No. 21240133).

Staff reported that Council adopted the Responsible Camping Control Bylaw 2020 (2020 Bylaw) in November 2020 providing for freedom camping in Marlborough. The adopted 2020 Bylaw reduced the areas where people could freedom camp to five locations. In response the New Zealand Motor Caravan Association lodged a claim for judicial review in the High Court citing concerns over the way decisions were made on the 2020 Bylaw and that not all areas had been the subject of assessments to enable the extent of prohibitions to be made. In an attempt to resolve the claim, and amongst other reasons including the ongoing pandemic and July 2021 flooding event, the Council decided to review the 2020 Bylaw and undertake further consultation. A revised bylaw, accompanying Statement of Proposal (SOP) and area assessments have been prepared. It is proposed these are now the subject of consultation and public submission.

Members noted that the report covered in detail the Background/Context, Review of the 2020 Bylaw, Reserves Act requirements, Review of 2020-2021 camping season, Central Government reforms for freedom camping, COVID-19 and a summary of the paper.

It was noted that the "Restrictions" under Renwick Domain Carpark needed to be amended to read the same as that for Wynen Street Carpark. Staff advised that this will be amended.

Cirs Croad/Sowman:

1. **That Council approves the documentation set out in 1.1 to 1.3 above, including any amendments made at the meeting, for the notification of the draft Marlborough District Council Responsible Camping Control Bylaw 2022.**
2. **That Council uses the special consultative procedures of the Local Government Act 2002 for notification of the draft Marlborough District Council Responsible Camping Control Bylaw 2022.**
3. **That Council allows a period from 17 November 2021 to 17 January 2022 for submissions to be received on the draft 2022 Bylaw.**
4. **That Council acting under delegation from the Minister of Conservation and pursuant to section 44(1) of the Reserves Act, authorises freedom camping on:**
 - **Part Lot 35 Deeds 5A - Classified and named Renwick Recreation Reserve by Gazette notice 100614 (Gaz 1980 p2847); and**
 - **Section 44 Block III Taylor Pass SD - Local Purpose (Soil Conservation and River Control) Reserve Gazette notice 115360 (Gaz 1983 p2500).**

Carried

NB: Cirs Fauls and Maher declared an interest in the above and did not take part in discussions nor vote on the matter

The meeting closed at 4.46 pm.

Confirmed this 9th day of December 2021

J C LEGGETT
MAYOR

Record No. 21245985

5. Committee Reports

5.1 Assets & Services Committee

Assets & Services Committee Meeting held on 11 November 2021
(Minute Nos. A&S-1121-129 to A&S-1121-147)



**Report and Minutes of a Meeting of the
ASSETS & SERVICES COMMITTEE
held in the Council Chambers, 15 Seymour Street, Blenheim
on THURSDAY 11 NOVEMBER 2021 commencing at 2.00 pm**

Present

Cirs 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

Cirs J A Arbuckle, J D N Croad, B A Faulls and T P Sowman

In Attendance

Mr Richard Coningham (Manager – Assets & Services Department) Mr Jamie Lyall (Manager – Property and Community Facilities), Mr Mike Porter (Democratic Services Manager/Zoom Management) and Nicole Chauval (Committee Secretary)

Apology

Cirs Taylor/Brooks:

That the apology for non-attendance from Clr Oddie be noted.

Carried

A&S-1121-129 Declaration of Interests -

Clr Taylor declared an interest in Item 8 – Out of District Water Connection Application for 198 Wither Road – Additional Connection for proposed development.

ATTENDANCE: Laura Skilton, Transport Planner, Marlborough Roads, was present for the following item.

A&S-1121-130 Blenheim Integrated Transport Study

R800-010-006-02

The purpose of the report was to receive the Blenheim Integrated Transport Study Strategic Business Case and approve funding for a Blenheim Network Operating Framework. The report was available on Council's website for members' information. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 21251565).

It was noted that the Blenheim Integrated Transport Study (BITS) is a study into Blenheim's future transport requirements. The study aligns with the Waka Kotahi's Business Case Process to enable funding applications for any recommendations made from the study. The Point of Entry was approved by Waka Kotahi on 9 April 2021 which recommended a Strategic Business Case be undertaken.

The Strategic Business Case was undertaken by Marlborough Roads staff. This included a facilitated workshop held on 23 April 2021. Three problem statements were defined and corresponding evidence to support the problem statements were reviewed.

The three problem statements were:

Problem 1- Increasing congestion on main traffic routes results in longer journey times, constrained freight movements and increased frustration;

Problem 2 - Existing roading infrastructure and public attitudes favour private vehicle use reducing alternative mode acceptance and take-up rates;

Problem 3 - The town centre boundaries are poorly defined resulting in difficult access, poor circulation and sprawling land use.

Members were advised that the next stage in the Waka Kotahi Business Case process is to undertake a Programme Business Case. It was noted that Waka Kotahi has endorsed the Strategic Business Case, but has not approved funding for it. Waka Kotahi has advised that one of the key reasons for a poorly defined roading hierarchy is because Blenheim does not have a Network Operating Framework. Waka Kotahi has approved funding subsidy for a Network Operating Framework to be established, and will review the funding for a Programme Business Case after this has been prepared. Budget has been set aside for Regional Transport Planning which will be used to fund the development of the Network Operating Framework, resource is required to complete the work.

It was reported that the next steps are for a consultant to be engaged to undertake this work. The work will include a series of workshops, the first likely to be held in February and attended by key stakeholders including Council representatives. Regular updates will be provided to the Committee.

Cllrs Peters/Maher:

That Council receives and endorses the Blenheim Integrated Transport Study Strategic Business Case.

Carried

A&S-1121-131 Release of National Land Transport Programme R800-008-06

Members were advised that Waka Kotahi have now published the funding levels for the 2021-24 NLTP and Marlborough District Council's Maintenance and Renewal programme has been funded at \$51,692,258. This is around \$8m more than was indicated back in May, and only \$2m short of the original funding request.

Members were aware that a revised programme that fitted with the indicative funding levels had been presented and accepted by Council. The programme would keep maintenance expenditure to what was proposed in the initial bid so contractual obligations could be met. However it did reduce renewal expenditure over the 3 year NLTP period by \$10m to keep the programme within the funding allocation which meant there would be reduced renewal expenditure meant that over time there would be a reduction in Levels of Service across the network and a backlog of renewals would build up.

It was noted that Council had accepted the reduced programme, and agreed that Council's share of the unfunded \$10m (approx. \$4.5m) would be held in reserve to be used to fund any major issues that arose over the period of the NLTP. Council had also agreed to fund \$600,000 of unsealed road metalling over the 3 year period from a special Port Marlborough Reserve.

It was reported that the Emergency Works funding request submitted to Waka Kotahi for \$21.7m for the response stage of the event has been confirmed and will receive FAR of 95% once expenditure exceeds 10% of Council's Maintenance and Renewals expenditure.

Members were advised that Council's Maintenance and Renewals programme for the 2021/22 year is budgeted at \$16,885,873. 10% of the programme equates to \$1,688,587. This means the first \$1,688,587 expenditure on Emergency Works will receive FAR of 51% with the remainder of the response receiving FAR of 95%. It is proposed that the Council share be funded from the \$980,000 subsidy budgeted for Emergency Works with the remainder of \$848,000 coming from the Emergency Events Reserve.

Clr Peters noted that the LTP Working Group may need to include an item on its agenda to look at all Reserve Funds going forward.

Members were advised that as the programme for this year has already been set at the reduced funding level, the renewal programme would be increased over years 2 and 3 of the NLTP. This would mean that the Maintenance and Renewal programme will deliver on the originally agreed Levels of Service, the Network should not deteriorate as was predicted under the constrained funding levels and the recommendations from the Waka Kotahi Technical Audit on increasing our Resealing programme can be achieved.

It was noted that contractors have been given a good indication of Council's requirements.

Cirs Maher/Fitzpatrick:

1. That approval be given to increase the Maintenance and Renewal programme from \$43.6m to \$51.6m over the 2021-24 NLTP to align with allocated Waka Kotahi funding.
2. That Council notes the allocation of \$600,000 from the Port Marlborough Special Dividend Reserve for unsealed road metalling over the three year NLTP period of 2021-2024.
3. That approval be given to fund the estimated \$1.83m Council share of Emergency Works resulting from the July weather event, from the Emergency Works budget (\$980,000) and the Emergency Events Reserve (\$848,000).

Carried

ATTENDANCE: David Craig, Council's Management Accountant - Operations, was present for the following item.

A&S-1121-132 Financial Report for the year to 30 September 2021

F275-001-02

The Financial Report for the Assets and Services and Community Facilities (including parking) Departments for the year to 30 September 2021 was presented to members.

Mr Craig noted for the reporting period that there is a deficit of \$5.9M. Income is unfavourable to budget by \$1.9M, expenditure is unfavourable to budget by \$4.0M and Capex is unfavourable to budget by \$15.2M.

The major variances between actual and budget were noted that the major variances between year to date actual and budget: Roading revenue is behind budget by \$1.3M due to lower NZTA roading subsidies. These subsidies are directly correlated to roading capital expenditure which is typically programmed over the summer months. Council is unable to claim any subsidy on emergency works until the recent Waka Kotahi Board approval is entered into the Transport Investment Online (TIO) claim system. The unclaimed value to date is \$4.9M; Trade waste revenue is currently being assessed so that invoicing can occur; Emergency reinstatement operating costs of \$5.9M have been incurred on the roading network following the July 2021 flood event, and a further \$0.6M on other flood damage repairs, predominantly within the Flood Protection activity; 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. Other projects have been deferred with resources being diverted to flood damage repairs.

It was noted that the year to date capital expenditure of \$12.3M is well ahead of the comparative period for last year at \$9.8M.

Cirs Peters/Dawson:

That the financial report for the period ended 30 September 2021 be received.

Carried

ATTENDANCE: Geoff Dick, Council's Rivers and Drainage Engineering Manager, was present for the following item.

A&S-1121-133 17 July 2021 Wairau River Flood Event – Scheme Performance and Damages Summary, Proposed Repairs and Capital Upgrades

R710-01-001

The report provided members with a brief summary of the Wairau Scheme performance during the 17 July 2021 flood event, repairs that are underway, a recommended schedule of repairs, and initial consideration of future capital upgrade options to address identified flood capacity or security concerns. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 21251743).

Members were advised that the July event was a very large flood event in the Wairau that was at or just below scheme design capacity. Overall the scheme performed well but there were three significant stopbank breaches, significant sections of stopbank that either had no freeboard or over topped and significant but expected system damage.

Repairs are well underway with priority focused on restoring full flood security. A complete programme of recommended works at an estimated cost of \$11.2m is anticipated to take until June 2024 to complete. It was noted that a culvert has been located at Morrins Hollow which will need to be removed. No budget has been allocated for this work.

The majority of the schedule of repairs are anticipated to be eligible for LAPP and NEMA funding recovery support significantly reducing the expected cost burden on scheme ratepayers. All claims will be subject to LAPP and NEMA eligibility criteria and their upfront deduction.

Members were advised that 10 – 15% of the proposed repair package may be ineligible. The balance could be sourced from either the Wairau Operating Reserve or the Emergency Events Reserve, with the final apportionment between the two to be determined at the February Budget meeting.

It was noted that the first claims are proposed to be submitted in January next year and regular financial reports to the Committee are proposed. The first update is likely to be no later than June 2022 as the P1 (Priority 1) works near completion and costs/contributions can be supplied. At that point the year 2 and 3 work programme can be adjusted as necessary to stay within Council financial approvals.

It was noted that the repairs coincide with the extension transition at Pukaka Quarry. Steps are underway to secure additional commercial resource with repairs also being staged until Pukaka Quarry is back on line.

Members were advised that two repair options for the Wairau Diversion mouth are proposed. These were discussed and detailed in the agenda item. Further investigation and design work will be undertaken on the two options with a report provided to the Committee for confirmation of the preferred option before completing the design of the repairs.

Cirs Maher/Taylor:

- 1. That the report be received.**
- 2. That Council staff continue with the recommended schedule of repairs noting that there will be opportunities to adjust the schedule as necessary for the Year 2 and 3 (Priority 2) works based on regular progress and financial reporting at 6 monthly intervals starting in June 2022.**
- 3. That Council notes that a final design recommendation is yet to be made for the large lower Diversion bank edge repair adjacent to the proposed new freedom camping area.**
- 4. That the funding of the local share balance to be found be considered as part of the current 2022-23 annual plan budget process.**
- 5. That a more detailed review of scheme performance be undertaken once the current schedule of repairs nears completion to inform Council of options for ongoing upgrades to further increase scheme security and capacity as part of preparing the next Council LTP.**

Carried

ATTENDANCE: Stephen Rooney, Council's Operations & Maintenance Engineer, was present for the following two items.

A&S-1121-134 Out of District Water and Wastewater Connection application for 33 Waters Avenue – Additional connections existing use and development W440-003-002-01, W450-004-004-03, PN163723#04

Members were advised that Council has received a request for additional water and wastewater connections to supply an existing dwelling, and office / workshop. The site is zoned Rural Living Zone under the MEP, hence the application for out of district approval. A location plan was attached to the agenda for members' information.

It was reported that an out of district approval was obtained in 2016 to connect the existing office / workshop to Council water and wastewater. The wastewater has been connected, however the water has not. The previous approval is now lapsed. One Out of District water and wastewater connection is required to serve the property. Council infrastructure has the capacity to serve this property and proposed activity, it is allowed for in network modelling.

Conditions and limitations of water use and one wastewater discharge will be required.

Clr Fitzpatrick queried the recommendation in regards to *1.a)iv) limiting water use to the immediate vicinity of the dwelling/office* Mr Rooney advised that sections in the area are larger than the average local residential property and this point highlights to property owners that if they use their allocation for irrigating pasture considerably more water would be used than allocated.

It was noted that the point does provide Council with an opportunity to discuss with the landowner if exceedance does occur. As a possible way forward it was suggested that if members agreed to remove 1.a)iv) then the following footnote could be included under *iii) Note to achieve this the property owner should consider not irrigating beyond the immediate vicinity of the house.* This would then give them notice if they do exceed.

Clr Fitzpatrick moved that the point 1.a)iv) be removed from the recommendation. The following amended motion was put.

**Clrs Fitzpatrick/Brooks:
That Council:**

1. **Approve these out of district water and wastewater connection applications subject to the following;**
 - a) **That a metered water connection be installed.**
 - i) **That a water connection fee be paid for Council to supply and install a 20mm diameter metered water connection. This connection will include a Reduced Pressure Zone (RPZ) backflow prevention device.**
 - ii) **That a water Development Contribution be paid for 1.30 Household Equivalent Units, and applied as per the Development Contributions policy for each lot.**
 - iii) **That any future activity on this lot shall not exceed 1.30 household equivalent unit, i.e. the water demand shall not exceed 5,200 litres per day**
 - iv) **That the property pays water rates as per Council's Out of District connections rating policy.**
 - v) **That a Blenheim metered water charge be applied for the new connections. This charge is set by the MDC Rating Policy and is subject to the standard minimum quarterly charge.**

- b) That the existing wastewater connection be permitted to take additional discharge from the property
 - i) That a Wastewater Development Contribution be paid for 1.80 Household Equivalent Units, and applied as per the Development Contributions policy.
 - ii) That a Zone Development Contribution be paid for 1.80 Household Equivalent Units, and applied as per the Development Contributions policy.
 - iii) That the proposed lots pay wastewater rates as per Council's Out of District connections rating policy.
- c) That the applicant be advised approval of these service connections does not imply that resource consent approval will be granted.
- d) That the approved connections to this property only be completed following a successful resource consent / building consent application. Failure to obtain consent within one year of this approval will result in forfeit of this Out of District water and wastewater approval.

Carried

ATTENDANCE: Cllr Taylor declared a conflict of interest and withdrew for this item and Cllr Fitzpatrick assumed the chair.

A&S-1121-135 Out of District Water Connection application for 198 Wither Road – Additional connection for proposed development W450-004-004-03, PN536857#04

Members were advised that Council has received a request for additional water connections to supply a proposed seven lot subdivision. The site is zoned Rural Environment Zone under the Proposed Marlborough Environment Plan (MEP). Hence this application is for an out of district approval.

One of the Lots contains an existing dwelling with an existing out of district connection.

A new water main and six new Out of District water connections are required to serve the proposed subdivision.

It was noted that following the water main extension, Council infrastructure will have the capacity to serve the additional allotments, however there will be limitations to usage.

This Wither Road East area has an existing reticulated system, is mostly connected and is recognised within Council as an area that is to be served from the Blenheim water supply.

Members were advised that Development Contributions would apply to each new connection as specified within the Development Contribution Policy. A Connection fee shall apply to the new connection. The water connection shall be metered, and shall include a RPZ prevention device.

**Cllrs Peters/Brooks:
That Council:**

1. Approve this out of district water connection application subject to the following:
 - a) That new water mains and water connections be installed for the proposed subdivision.
 - i. New water mains designed in accordance with the Council Code of Practice for Subdivision and Land Development must be installed to serve the subdivision.

- ii. That new water laterals must be installed to serve each Lot. Each connection shall include an approved water meter and Reduced Pressure Zone (RPZ) backflow prevention device.
- iii. A design plan shall be submitted to Councils Infrastructural Projects Engineer for approval. This shall include location, depth, pipe details and construction details. Approval shall be obtained prior any works commencing. This shall be accompanied with a design certificate from the certifying engineer.
- iv. The applicant's engineer shall make contact with Council's Infrastructural Projects Engineer to verify the new water main has been successfully pressure tested, disinfected and flushed, and to arrange a mutually suitable time for verification of residual chlorine.
- v. The applicant's contractor shall make contact with Council's Works and Operations to arrange a mutually suitable time for any required water shutdowns and stand over for connection to the existing Council water main.
- vi. Upon completion, as built plans and remaining certification shall be provided to the approval of Council's Infrastructural Projects Engineer.
- vii. The applicant is responsible with the costs associated with this work.
 - i. That a water Development Contribution be paid for one Household Equivalent Units per additional connection, and applied as per the Development Contributions policy.
 - ii. That any future activity on each lot shall not exceed one household equivalent unit, i.e. the water demand for each lot shall not exceed 4,000 litres per day.
- b) That the proposed lots pay water rates as per Council's Out of District connections rating policy. That a Blenheim metered water charge be applied for the new connections. This charge is set by the MDC Rating Policy and is subject to the standard minimum quarterly charge.
- c) That the applicant be advised approval of these service connections does not imply that subdivision approval will be granted.
- d) That the approved connections to this property only be completed following a successful subdivision application. Failure to obtain Subdivision consent within one year of this approval will result in forfeit of this Out of District water approval.
- e) That a memo or consent notice be added to the new lot to record that there are limitations with this water supply, that additional items such as a tank and booster pump will likely be required to maintain an acceptable supply of water and pressure throughout the day, and that water use is limited to that required to serve a dwelling and immediately around a dwelling.

Carried

ATTENDANCE: Cllr Fitzpatrick vacated the chair and Cllr Taylor assumed the chair.

ATTENDANCE: Alec McNeil, Council's Solid Waste Manager, was present for the following item.

**A&S-1121-136 Waste Management and Minimisation Services
Tender Process C315-21-077**

Members were advised that the current waste management and minimisation services contract expires in November 2023. The report set out the tender process for the renewal of the waste management and minimisation contract which covers existing levels of service.

It was noted that the procurement timeline took into account the logistical challenges associated with contract mobilisation for a start date in November 2023.

Members were advised that community consultation will take place post-tender and prior to the contract being awarded. It was noted that the purpose of the consultation will be to update the community on the outcomes of the tender and seek approval for any changes to levels of service. The consultation will follow the process set out in s.82 of the Local Government Act and include a statement of proposal, what other options were considered and the cost associated with the proposed levels of service going forward.

The market will be informed about the tender process starting at the collective pre-tender meeting in November 2021 and the follow up individual meetings in December 2021 and January 2022.

Members were advised that these meetings will be an opportunity for a two-way exchange between the parties for a more informed, risk mitigated, tender process.

Cirs Fitzpatrick/Dawson:

1. **That Council approve the waste management and minimisation services tender process and options below:**
 - (a) ***Option 1 Status Quo*** – this option will continue the existing LOS without change. This tender response is a price reset to current LOS and is not subject to consultation. Approval to award is delegated to the Chief Executive, Mayor and Chair of the Assets and Services Committee in line with current Council procurement policy.
 - (b) ***Option 2 Status Quo with Modifications*** – this option will ask for a tender response to the following modifications to existing LOS:
 - i) Introduction of a containment system for the current recycling crate (cover or bag liner)
 - ii) Inclusion of the Repurposing of Unwanted Household Goods service with the Reuse Centre
 - (c) **Option 3 Additional Levels of Service** – this option will ask for a tender response to the following additional LOS requests:
 - i) Conversion of existing kerbside collection methodology to wheelie bins or similar
 - ii) Expansion of kerbside collection service to Rai Valley, Havelock, Renwick, Wairau Valley, Rarangi, Tuamarina, Spring Creek, Rapaura, Grovetown, Seddon and Ward.
 - iii) Introduction of a Renwick transfer station
 - iv) Introduction of remote transfer stations to Duncan Bay, Ohingarua Quarry, Okiwi Bay, Portage, Port Underwood, The Grove, Titirangi and Waihopai. The remote transfer stations would replace existing coin skips.
2. **That the tender process will include a request for information and pricing (RFIP) related to the operation and maintenance of the Reuse Centre, Ewaste and Salvage Yard.**
3. **That the tender process will include a request for proposal (RFP) for the remainder of the waste management and minimisation services as set out in this report.**

Carried

ATTENDANCE: Jane Tito, Council's Parks and Open Spaces Manager, was present for the following four items.

A&S-1121-137 Responsible Camping – Ranger Monitoring
R510-005-05

The purpose of the report was to seek Council funding to manage monitoring of responsible camping across the Marlborough region for this financial year.

Members were advised that there is currently no budget for funding responsible camping monitoring and enforcement this year as Central Government has withdrawn its funding. It is proposed that budget for the 2021/22 season could be funded as a one off from the Forestry and Land Development Reserve, staff would seek on-going funding through the next year's budget round.

The following three options were presented for discussion – Monitoring Capacity (4 months/7 days per week / 8 hour days) cost \$70,000; reduced level of monitoring contract (4 months/7 days per week/4 hour days) cost \$35,000 or monitoring based on demand – number of complaints received \$20,000.

It was noted that in reviewing the previous year's monitoring, it was believed that the monitoring period and worked hours could be reduced without impacting on meeting the demands of monitoring and the 2020 bylaw. There would continue to be an educational focus for visitors to the region which has worked well to date with very few complaints and low infringement numbers.

Members discussed the options and noted their preference for option 1 noting that it gave a full monitoring presence and there would be better capability to capture data based on evidence and management of any issues.

The Mayor/Clr Brooks:

- 1. That Council approve a responsible camping monitoring budget for the 2021/22 year to be funded from the Forestry and Land Development Reserve.**
- 2. That Council approve option 1 (4 months/7 days per week / 8 hour days) \$70,000 for monitoring and enforcement of responsible camping sites is preferred for the 2021/22 year.**

Carried

**A&S-1121-138 Lansdowne Park Sportshub – Management
Structure**

R510-014-016-09

The report to the Committee provided an update on the proposed management structure for the Lansdowne Park Sports Hub.

Members were aware that the Lansdowne Park Sports Hub project is nearing completion and a number of sporting codes are preparing to relocate into the building. It was noted that discussions are underway with an additional two clubs who are interested in using the Sports Hub as their Club base.

It was noted that a number of management options have been explored for the new facility with a preference for a Council staff member to operate from the site. The Lansdowne Park Sports Hub Reference Group supports this option.

The Sports Hub would provide support and guidance to the other sports/community hubs while recognising that each hub would continue to operate independently. It was noted that it will be important for the new Lansdowne Park based role to develop key relationships with the administration arms of the other sports/community hubs in Marlborough including Picton, Awatere, Renwick and Havelock.

Members were advised there is no intention to put a Governance arm in place at this point in time but may be a consideration further down the track. It is proposed to provide regular reports to the Assets & Services Committee.

Operational budget models are being completed and will be included in next year's annual plan. Salary provision was approved for the Sports Hub management position through this year's 2021-31 LTP.

Agreements for building occupation are currently being worked through with all of the sporting organisations user groups. Staff will prepare budgets to meet operational requirements as part of 2022-23 budget process.

Clrs Fitzpatrick/Brooks:

That the information be received.

Carried

ATTENDANCE: Cllr Andrews withdrew from the meeting at 3.38 pm.

ATTENDANCE: The meeting adjourned at 3.38 pm and resumed at 4.00 pm

ATTENDANCE: Cllr Croad withdrew from the meeting at 4.13 pm during the following item.

A&S-1121-139 Land Subdivision Account (2021/22) R510-021-02

The report to the Committee sought approval to fund projects that were referred to the Land Subdivision Reserve from the Long Term Plan 2021-31 and Council's Parks and Open Spaces Team.

Members were aware that in previous years Council has held a Land Subdivision Reserve workshop. The purpose of the workshop was primarily to prioritise funding as project demand was often higher than the funding available. It has been agreed by the Chair of Assets and Services and the Manager of Property and Community Facilities to trial putting all Land Subdivision Reserve projects through committee so that more information can be made available to Councillors as many of the projects now involve substantial amounts of funding.

It was noted that the process is that throughout the year, all Land Subdivision Reserve funded projects will be put forward for Committee approval with the correlating funds deducted from the Land Subdivision Reserve balance. The balance of funds will be included in each report.

Council received a number of submissions through the 2021-31 Long Term Plan (LTP) seeking funding support for recreational and growth related projects. Parks and Open Spaces staff have also put forward a number of growth related projects.

Cllrs Dawson/Fitzpatrick:

That Council approve funding totalling \$1,058,762 from the Land Subdivision Reserve leaving a balance of \$1,941,552 for projects referred from the 2021-31 Long Term Plan and projects put forward from the Parks and Open Spaces Team as per the following Table.

LTP Submission	Project Description	Landsub Funding	Decision
Opening Balance			
Te Pā Wānanga o Omaka Marae	New playground – hard court surface	\$34,975	Approved
Ward School	Playground upgrade – repurpose older pieces and introduce new play	\$40,000	Approved
Renwick Tennis Club	Support for fourth tennis court	\$31,500 <i>Noted: Staff to pass on Council's congratulations for their hard work and the increased usage of the courts.</i>	Funding no longer required
Wairau Valley Community Hall	Upgrade kitchen and re-painting roof	\$68,000 \$40,000 <i>Note: Staff to determine if painting can be funded from the Halls Budget</i>	Approved - excludes painting
Picton Foreshore	Water fountains and shade	\$80,000 <i>Note: Contact Picton Business Group on placement etc.</i>	Approved

LTP Submission	Project Description	Landsub Funding	Decision
Blenheim – Lansdowne Park	Fit out of Sports Hub	\$150,000	Approved
Blenheim	Lansdowne 5,6 and Athletic Park - surface and drainage report	\$16,000	Approved
Blenheim Lansdowne Park	Softball – Extension of #1 Diamond	\$60,000	Approved
Blenheim Lansdowne Park	Moisture sensor system (hardware and software)	\$20,787	Approved
Endeavour Park	Gravel Banding	\$110,000	Approved
Ecological reserves	Upgrade tracks and, signage (Marshall Place, Blenheim,; Captains Close and Lincoln Street, Picton	\$40,000	Approved
	Kahikatea Reserve: Development of carpark, access, signage	\$130,000	Approved
Picton Tracks	Upgrades to tracks (Bobs Bay and Scout), and new tracks at Ridgeline and Sue's	\$250,000	Approved
Anakiwa	Village Green drainage upgrade	\$35,000	Approved
Havelock	Waterfall Track – Match TIF funding	\$52,000	Approved
	Subtotal	\$1,058,762	
Closing Balance			\$1,941,552

Carried

ATTENDANCE: Robin Dunn, Council's Parks and Open Spaces Officer, was present for the following two items.

A&S-1121-140 Parks and Open Spaces - Bridges and Structures

R510-012-004-05

The report provided an update to the Committee on the state of structures (bridges, platforms, boardwalks and other structures) on the Parks and Open Spaces network across Marlborough and sought funding for some urgent work required on two of Council's bridge assets. A proposed five year structures replacements 2022/23-2026/27 scheduled was attached to the agenda item.

It was noted that the most recent Structures Engineers Report was received in September 2021. Generally the structures are in good condition with only minor repairs and general maintenance required. Three areas were highlighted for specific and more immediate attention and these were noted and detailed in the report.

Members were advised that further investigation has occurred on the Humphries Dam Track bridges and as a consequence both Bridge No. 56 and Bridge No. 57 have been recommended for urgent replacement. Bridge No. 58 has been estimated to have another five years of life, with replacement now recommended in 2026.

Members were advised that if these bridges are not replaced it may be necessary to close the track to prevent access to ensure public health and safety. It was noted that significant savings can be made by undertaking replacement of the two bridges at once as the site is somewhat remote and the bridges are a similar style. Designs for the bridges have been prepared and building consents lodged. No resource consent is required as the bridges are being replaced like for like. A tender for the build and installation of these bridges will take place once funding has been approved.

The funding required for the replacement of the two bridges is \$115,000.

The report noted that there are thirteen structures due for replacement or re-decking during this four year period. Staff will seek funding provision for these works in next year's budget process.

Cirs Fitzpatrick/Brooks:

That Council approve funding of \$115,000 for the replacement of Humphries Dam Track bridges No. 56 and 57 from the Land Subdivision Reserve.

Carried

A&S-1121-141 Notable Tree Removal Request – Road Reserve Adjacent to 35 South Terrace, Picton

R510-034-002-02

The purpose of the report was for members to consider and make a decision on a request for removal of a Notable oak tree located on road reserve beside 35 South Terrace, Picton.

It was noted that the tree is in a healthy condition and has been regularly inspected by arborists. Work has also been undertaken by arborists to prune the tree in response to ongoing concerns.

In response to whether it could be further reduced it was noted that being guided by arborists the more you cut a tree and impact on it the more harm you do and it can create a weak joint if too much is removed.

Clr Brooks noted that following further discussion she would consider moving an additional point 2 in the recommendation that a further reduction of 20% be undertaken the next or subsequent year.

Members were advised that a survey of residents and the wider community has occurred. 48 responses were received with 26 of these supporting removal of the tree and 21 supporting retention of the tree. A powerpoint of the survey results was shown (filed in CM Record No.21252880)

It was noted that after assessing the provisions of the Tree Policy staff have recommended that the request for removing the tree be refused due to its healthy state, its listing in the Marlborough Environment Plan as a notable tree, the character and amenity it provides to the area and the low risks as assessed by arborists to its health, life and property. A resource consent would be required under the provisions of the Marlborough Environment Plan for its removal.

Clr Arbuckle as Chair of the Marlborough Landscape Group noted that the tree became a notable tree in 2016. It was noted that a tree does go through quite a process to become a Notable tree and being in the PMEPP does give it status. The Landscape Group does advocate retaining healthy trees.

Cirs Brooks/Peters:

- 1. That Council decline the request to remove the notable oak tree located on road reserve beside 35 South Terrace, Picton.**
- 2. That height and breadth of the tree continue to be managed in accordance with page 79 of the agenda item as per below.**

Future management of the oak should focus on reduction pruning to check the lateral development of the tree. The reduction of the canopy will ensure that it remains compact and symmetrical in this windy environment. The David James report suggested a 20% reduction of the top although the Tree Consultant recommended that this is carried out over the entire tree. The consultant also concurred with the Nelmac comments that if the tree is reduced then this would achieve the same risk reduction as the installation of braces.

Excerpt from Memorandum 13 May 2020 to Robin Dunn from Brad Cadwallader from Cadwallader Tree Consultancy

Carried

ATTENDANCE: Cllr Faulks withdrew from the meeting at 4.56 pm during the following item.

ATTENDANCE: Robert Hutchinson, Council's Parks and Open Spaces Officer, was present for the following two items.

A&S-1121-142 Open Space Facilities Review R510-014-006-01

The report to the Committee provided an update on the progress of undertaking a stocktake of all facilities in the District to provide for sporting, recreational and cultural use.

By way of background it was noted that during the 2021 Long Term Plan (LTP) process, Council received six submissions from community groups seeking Council assistance. All groups were looking for a "home" to run their activities and at the time Council had two community buildings available.

The vacant buildings were the old girl guides building at Churchward Park and the more modern building on Taylor Pass Road that had housed a Kohanga Reo but has since been leased to a commercial child care centre. Another building that has potentially become available is the former home of the Pony Club in the Taylor River Reserve, with the relocation of the Pony Club to the Equestrian Centre.

Members were advised that considerable work has been undertaken to fully understand the stock of all facilities available within Marlborough including those not on Council land e.g. school halls, church halls etc. It was noted that Council and private facilities are being assessed using predetermined parameters and thresholds.

Information gathered is being compiled and a picture of whether there is capacity within existing facilities is slowly being developed. Attached to the agenda item was an early draft of the assessments prepared so far by Council staff.

It was noted that of the Council-owned places (sports pavilions, community halls and community centres) there is very limited capacity to include other groups in already tight scheduling. Some facilities have leases in place that mean negotiations may be needed to allow additional use by other activities.

Members were advised that once the two parts of the investigations are completed a more complete picture of the availability of space will be provided to Councillors. An update on progress will be provided which will include when the investigations will be completed.

It was noted that submitters will be updated on progress to date.

**Cllrs Taylor/Fitzpatrick:
That the information be received.**

Carried

A&S-1121-143 Request to Remove Vegetation/Trees – Dillons Point Road **R510-009-D01-04**

Members were advised that a request to remove riparian plantings from Dillons Point Road, Blenheim on both sides of the Ōpaoa River has been received. The removal of vegetation is to accommodate a new vehicle exit onto Dillons Point Road from a proposed commercial development behind the Blenheim Railway Station. The reason for removal is to meet a requirement of Marlborough Roads to ensure an 80m sight distance is maintained. Aerials identifying the location of the vehicle exit, vegetation to be removed and site lines required were attached to the item for members' information.

It was noted that an assessment against the Council's Tree Policy has been undertaken and the assessment/analysis was contained in the agenda item. Staff report that all plant material is healthy and growing well. The Silver Birch is the only tree that has any issues in that it requires yearly pruning to ensure it remains clear from the power lines in this area.

It was noted that the developer has the option of having vehicles exiting the site through the same way they entered.

Cllrs Peters/Maher:

That Council decline the request to remove the vegetation from the Dillons Point Road riparian plantings on both sides of the Ōpaoa River.

Carried

ATTENANCE: Cllr Andrews rejoined the meeting at 5.08 pm during the following item.

ATTENDANCE: Linda Craighead, Council's Parks and Open Spaces Planner was present for the following two items.

A&S-1121-144 Review of Smokefree Position Statement – Update **R510-014-001-03**

Ms Craighead spoke to the report and noted that work has begun on reviewing the Council's Smokefree Position Statement. The review is being conducted in conjunction with NMH and the Cancer Society.

It was noted that a submission had been received to this year's Long Term Plan and the decision was to review the Council's Smokefree Position Statement, which was last reviewed in 2014. A copy of the Policy Position Statement was attached to the agenda for members' information. The request for review had come from the Cancer Society and the Nelson-Marlborough District Health Board (NMH).

Members were advised that at an initial meeting with representatives from the Cancer Society and NMH, they advised that they had been working with Nelson City Council to develop a draft Smokefree policy. It was noted that the three councils are at different stages of policy development but there had been discussion around the idea of preparing a Te Tau Ihu policy. Given the differences across the three areas there would need to be differences within the policy to acknowledge this.

Members discussed the proposal with the Mayor noting his opposition to a joint policy. The Mayor considered there would be no benefit to Marlborough and that the community is better served by having a standalone policy. The Mayor moved the following amendment to the recommendation noted in the agenda.

The Mayor/Cllr Taylor:

- 1. That the information be received.**
- 2. That Council undertake a review of its Smoke Free Position Statement and develop a Marlborough Smoke Free Policy specifically for the Marlborough District.**

Carried

A&S-1121-145 Request for Removal of Two Oak Trees – Waikawa Bay

R510-009-W04-05

Members were advised that a request has been received to remove two English Oak trees (*Quercus robur*) on Waikawa Road near the Arapawa Māori Rowing Club building. Reasons for the removal included the trees are large, there are safety concerns with the tree overhanging Waikawa Road and the trees encroach on the views from nearby dwellings.

It was noted that the trees have been monitored for their ongoing health with the most recent assessment occurring in September 2021. For Tree 1 there were no issues identified by the arborist and the only recommendation is that ongoing monitoring occurs. For Tree 2 the arborist has identified the tree is in poor health and that no pruning or other works can be done to improve the condition of the tree.

The risk associated with the failure of both trees has been identified as low by the arborist, despite the poor condition of Tree 2.

In accordance with the Council's Tree Policy a survey of residents and the wider community has occurred. 22 responses were received with a fairly even split between those supporting removal of the trees and those who wanted them retained.

Clrs Peters/Andrews:

1. That approval be given to retain the oak tree adjacent to the Arapawa Māori Rowing Club building (referred to as Tree 1).
2. That approval be given to remove the oak tree located opposite 360 Waikawa Road (referred to as Tree 2).



Carried

A&S-1121-146 Information Package

Clrs Taylor/Brooks:

That the Assets and Services Information Package dated be received and noted.

Carried

A&S-1121-147 Decision to Conduct Business with the Public Excluded

Cllrs Taylor/Dawson:

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

- Validation of Road

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
Validation of Road	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 5.22 pm.

Record No. 21255053

5. Committee Reports

5.2 Environment Committee

Environment Committee Meeting held on 18 November 2021
(Minute Nos. Env-1121-154 to Env-1121-163)



**Minutes of a Meeting of the
ENVIRONMENT COMMITTEE**
held in the Council Chambers, 15 Seymour Street, Blenheim
on THURSDAY, 18 NOVEMBER 2021 commencing at 9.00 am

Present

Mayor J C Leggett (Chairperson), Councillors G A Hope (Deputy), J A Arbuckle, J D N Croad, B A Faulls, T P Sowman (from 10.02 am), Mr E R Beech (Rural representative)

Also Present

Councillors J L Andrews, C J Brooks, F D Maher, N P Taylor and M A Peters

In Attendance

Mr H R Versteegh (Environmental Science and Policy Group Manager) and Ms G Ferguson (Consents and Compliance Group Manager), Mr M Porter (Democratic Services Manager/Zoom Management) and N Chauval (Committee Secretary)

Apologies

The Mayor/Clr Croad:

That the apology for absence from Clr D D Oddie (Deputy) and Clr T P Sowman for lateness be received and sustained.

Carried

Env-1121-154 Declaration of Interests -

No interests with items on the agenda were declared.

ATTENDANCE: Jono Underwood, Council's Biosecurity Manager, was present for the following item.

**Env-1121-155 Scientific investigation into wattle infestations
in the vicinity of Picton/Waitohi – Report**

E315-005-000-01

It was noted that Lincoln University had been contracted to provide the Committee with an investigative report and commentary on the wattle infestations present in the vicinity of Picton/Waitohi. The report *Acacia invasion at Picton: which species are involved and what are the likely impacts on successional trajectories and fire hazard?* was attached to the agenda for members' information.

Mr Underwood spoke to the report and noted the key findings.

Members were advised that resource is the biggest hurdle in dealing with infestations and given the lack of alignment for strategic Biosecurity intervention, the conversation rests with the community to decide what, if anything they wish to see happen coupled with a discussion on resource to deliver that. This could also be part of looking at wider alignment across ecological restoration initiatives – either existing or new.

It was noted that if any large-scale management takes place, it should be carefully staggered over 10 years, and be cognisant of other invasive species – including the browse pressure – or restoration efforts.

It was noted that regeneration is on land disturbance not windblown.

Clr Croad/Mr Beech:

1. **That the report be received.**
2. **That the matter of the management of wattles within the vicinity of Picton/Waitohi be tabled for discussion through appropriate community forum(s) scoping the community's appetite for broader ecological restoration initiatives.**

Carried

ATTENDANCE: Zeke Hoskins, Council's Environmental Science Technician, was present for the following item.

Env-1121-156 Working for Nature / Mahi mō te Taiao

E390-003-20

The report provided an update on the sub-committee decisions regarding the allocation of Mahi mō te Taiao/Working for Nature grant funding. To highlight this report a PowerPoint presentation was shown (presentation filed in CM Record No. 21253600).

It was noted that the Working for Nature/Mahi mō te Taiao grant round was officially launched on Monday 2nd August and closed Tuesday 31 August. A total of 18 Habitat Marlborough applications and 18 Protecting Marlborough applications were received.

The combined requested total of both categories was \$253,825.62 which exceeded the \$90,000 budget that has been allocated for the 2021/2022 financial year.

A sub-committee of Councillors, the Environment Committee Rural Representative and a representative from the Marlborough Landscape Advisory Group reviewed the applications.

It was reported that 13 Habitat Marlborough applications were successful, with four projects being fully funded. Twelve Protecting Marlborough applications were successful, with three projects being fully funded. Details of all grant applications approved were listed in the agenda item.

Clrs Hope/Croad:

That the report be received.

Carried

ATTENDANCE: Alan Johnson, Council's Environmental Science & Monitoring Manager, was present for the following item.

Env-1121-157 Jobs for Nature Update

E360-002-002-03

By way of background it was noted that Jobs for Nature is a \$1.219 Billion programme that manages funding across multiple government agencies to benefit the environment, people and the regions. The programme forms part of the COVID-19 recovery package ("Jobs for Nature").

The total number of projects where Council is directly managing stands at five with approved budgets from Government in the order of \$25 million to be implemented by 2026. The five projects are Te Hoiere/Pelorus Catchment Restoration Project; Te Hoiere Project – Catchment Condition Survey, Quick-win jobs and restoration; Catchment Care At-Risk Catchments; National Wilding Conifer Control Programme (NWCCP); and Protecting and Restoring Flora at Scale.

The projected new jobs to be created, with the exception of the wilding conifer programme, over the duration of the projects is 133 FTE positions. Members were advised on what the government definition of an FTE is. The positions created range from project managers, delivery personnel and support services.

It was noted that the Council's responsibility is primarily a 'fund holder' role with key government accountabilities and managing the overarching service delivery aspects of the activities and services for each project

Mr Johnson noted that to-date Council has used in kind resources of current staff who also have continued with their usual workloads. New Jobs for Nature staff, Sioban Harnett, Aubrey Tai, Zeke Hoskins, Rachel Russell were introduced to members. Mr Johnson acknowledged that Council is fortunate to have them on board as their skill sets are highly sought after.

Cirs Hope/Faults:
That the information be received.

Carried

ATTENDANCE: Clr Sowman joined the meeting at 10.02 am during the following item.

ATTENDANCE: Grace Tocker, Council's Environmental Protection Officer, was present for the following item.

Env-1121-158 Winery Wastewater & Grape Marc Monitoring Report **E360-006-02**

The purpose of the report was to inform the Committee of the Compliance Group's ongoing monitoring of the discharge of winery wastewater and grape marc to land for the period 1 June 2020 – 31 May 2021. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 21253442).

A Compliance Snapshot Fact Sheet was circulated to members and is filed in CM Record No. 21253457.

It was noted that in 2021 Marlborough has 28,360 total producing hectares with 269,521 total tonnes processed (last year 342,036 tonnes total). This equates to 72.8% proportion of the grapes harvested in NZ.

Council monitored 40 wineries that discharge winery waste to land within the rural environment for the 2020/2021 monitoring period with the following results: 16 wineries [40%] (18 in 2020) were fully compliant with all conditions or rules. 13 wineries [32.5%] (8 in 2020) were assessed as technically non-compliant. 10 wineries [25%] were assessed as non-compliant (12 in 2020). One winery was assessed as significantly non-compliant.

It was noted that common areas of non-compliance were Exceeding pH range; Wastewater ponding; Exceeding wastewater/soil sampling limits; Missing sampling events or providing information late; and Wastewater or soil parameters exceeded.

Members were advised that some wineries have moved to an automated system where pH is monitored constantly and the system will not allow wastewater to be discharged when the pH is outside of the permitted range.

It was noted that the Compliance team will continue to engage with industry to address industry related issues such as solid waste disposal and management.

Cirs Croad/Faults:
That the information be received.

Carried

Env-1121-159 Animal Control Sub-Committee **D050-001-A04**

The minutes of the Animal Control Sub-Committee were presented for ratification by the Committee.

Clr Arbuckle noted that the Animal Control contract is due to expire on 31 March 2022. RFPs closed on 5 November. Applications will go through the evaluation process and it is planned that the contract will be awarded before Christmas.

Cat management – noted the recent article on Four Paws and their facility. They have been asked to present to a future Sub-Committee meeting.

Blenheim Dog Park – The Sub-Committee is currently working with Parks & Open Spaces and Assets & Services with a plan being developed for the site. Investigation is underway on whether there would be sufficient space to include a Remembrance Park. Once a proposal is developed a report will be provided to this Committee.

Clr Arbuckle outlined to members the inquiry regarding rehoming menacing dogs. The Sub-Committee is seeking clarification on whether it has delegation to make a decision.

Members were advised that the Sub-Committee seeks regular upgrades from the BBA on dogs in the CBD following the adoption of the new Animal Control Bylaw currently no issues have been reported.

Clr Taylor advised that she will follow up with Reserves on doggie doo stations which were raised during the bylaw process.

Mr Beech noted the Four Paws article on neutering and then returning cats to the wild and considered that from a biosecurity and biodiversity perspective Council should not be supporting this policy.

Cirs Arbuckle/Sowman:

That the minutes of the Animal Control Sub-Committee meeting held on 7 October 2021 and 4 November 2021 be ratified.

Carried

ATTENDANCE: Barbara Mead, Council's Advocacy and Practice Integration Manager, was present for the following two items.

Env-1121-160 Resource Consent Hearings Update

R450-004-22

The report to the Committee provided a rolling summary of hearings scheduled and completed for applications for resource consent. It was noted that since the onset of Covid-19 and the Level 4 Lockdown a practice has been implemented to consider extension of timeframes and online hearings where appropriate.

It was noted that five hearings have been completed in the year commencing 1 July 2021. Decisions on two of the applications have been issued. A table listing the hearings was attached to the agenda item.

In response to a query on the Flaxbourne Irrigation Scheme members were advised that the application has been put on hold at the request of the applicant.

The Mayor/Clr Croad:

That the report be received.

Carried

Env-1121-161 Appeals Update

R450-004-22

Members were advised that as at 3 November 2021 Council is engaged in nine appeals either as intervener or respondent. A summary and update was provided and further detailed in the agenda item.

Cirs Arbuckle/Sowman:

That the information be received.

Carried

ATTENDANCE: Cllr Brooks withdrew from the meeting at 10.30am.

Env-1121-162 Information Package

-

Val Wadsworth, Council's Environmental Scientist – Hydrology provided members with further information on the 17 July 2021 weather event. Images were shown to support the additional information (filed in CM Record Nos: 21253117, 21253118, 21253119).

The Mayor/Cllr Croad:

That the Regulatory Department Information Package dated 18 November 2021 be received and noted.

Carried

Env-1121-163 Decision to Conduct Business with the Public Excluded

-

The Mayor/Cllr Croad:

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
Minutes	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.

Carried

The meeting closed at 10.48 am.

Record No: 21253737

5. Committee Reports

5.3 Planning, Finance & Community Committee

Planning, Finance & Community Committee Meeting held on 25 November 2021
(Minute Nos. PF&C-1121-164 to PF&C-1121-xxx)



**Minutes of a Meeting of the
PLANNING, FINANCE & COMMUNITY COMMITTEE
held in the Council Chambers, 15 Seymour Street, Blenheim
on THURSDAY, 25 NOVEMBER 2021 commencing at 9.00 am**

Present

Cls M A Peters (Chairperson), J L Andrews, J A Arbuckle, C J Brooks, B G Dawson, B A Faulls, M J Fitzpatrick, G A Hope, T P Sowman N P Taylor and Mayor J C Leggett

In Attendance

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

Apologies

Cls Arbuckle/Brooks:

That the apologies for absence from Clrs J D N Croad, F D Maher and D D Oddie be received and sustained.

Carried

The Chair welcomed all to the meeting, noting that the order of the agenda would be altered to assist in the administration of the meeting.

PF&C-1121-164 Declaration of Interests -

Clr Hope declared an interest in Item 6 (Marlborough Research Centre Trust Annual Report 2020-21) and Item 16 (Bragato Research Institute).

Clr Taylor declared an interest in Item 11 (Appeals on the PMEP Decision).

ATTENDANCE: Port Marlborough's Mr Rhys Welbourne (Chief Executive) and Mr Dean Craighead (Chief Financial Officer) were present for the following item.

PF&C-1121-165 MDC Holdings Limited and Group Annual Reports for the Year Ended 30 June 2021 S400-004-002-20

Messrs Welbourne and Craighead presented Port Marlborough New Zealand Limited's Annual Report 2021 with a powerpoint presentation (presentation filed in CM Record No. 21254037)

Mr Heiford presented Marlborough Airport Limited's Annual Report 2021 with a powerpoint presentation (presentation filed in CM Record No. 21254040).

Mr Fletcher presented Marlborough District Council Holdings Limited's Annual Report 2021 with a powerpoint presentation (presentation filed in CM Record No. 21254041).

Members noted that the Annual Reports were available on each respective website and that links were included in the agenda item.

Members asked a number of questions at the meeting and had the common view that the results were very satisfactory in challenging times.

Cls Hope/Andrews:

That the Annual Reports of MDC Holdings Limited and its subsidiaries for the financial year ended 30 June 2021 be received.

Carried

ATTENDANCE: Marlborough Civic Theatre Trust's Kevin Mosely (Chairman), Anton James (Trustee) and Karyn Delves (General Manager) were present for the following item.

PF&C-1121-166 Marlborough Civic Theatre Trust A200-002-09

Mr Mosely, Mr James and Ms Delves reported on the Marlborough Civic Theatre Trust's operations and financial results for the year ended 30 June 2021. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 21254043).

Members acknowledged the situation COVID-19 has placed on the Trust and appreciated the business foundation the Trust have worked hard to achieve.

**Cirs Taylor/Brooks:
That the information be received.**

Carried

PF&C-1121-167 Small Townships Programme Sub-Committee D050-001-S03

The Minutes of the Small Townships Programme Sub-Committee meeting held on 4 November 2021 were attached for ratification by the Committee.

Clr Arbuckle advised that a paper would be placed on the agenda for the budget meeting in February 2022 regarding the delivery of projects.

**Cirs Brooks/Arbuckle:
That the Minutes of the Small Townships Programme Sub-Committee meeting held on 4 November 2021 be ratified.**

Carried

ATTENDANCE: Marlborough Stadium Trust's Luke van Velthooven (Trust Chairperson) and Matthew Kerr (Treasurer) were present for the following item.

PF&C-1121-168 Marlborough Stadium Trust – Annual Report R300-001-04

Messrs van Velthooven and Kerr presented the Marlborough Stadium Trust's audited annual accounts and a report on its activities for the past financial year. Members acknowledged the presence of a large turnout of trustees and senior staff in the public gallery.

Members noted that a link to the Annual Report was included in the agenda item.

Council and the Trust made presentations to two retiring trustees (Peter Baker and Roy Devanny). Both have been involved since the inception of the Trust in 1998 either as a trustee or volunteer. Council members also took the opportunity to thank the two retiring trustees for their 23 years of service to the Marlborough community.

**Cirs Brooks/Taylor:
That the Marlborough Stadium Trust's Annual Report and financial accounts for the year ended 30 June 2021 be received.**

Carried

ATTENDANCE: The meeting adjourned at 10.28 am and resumed at 10.55 am

PF&C-1121-169 Housing for Seniors Sub-Committee D050-001-H01

The Minutes of the Housing for Seniors Sub-Committee meeting held on 11 November 2021 were attached for ratification by the Committee.

Clr Brooks advised that the Andrew Place refurbishment of five senior housing units would be completed by Christmas this year. Clr Brooks also advised that tender documents for the George Street development are due back mid-January 2022.

Clrs Brooks/Andrews:

That the Minutes of the Housing for Seniors Sub-Committee meeting held on 11 November 2021 be ratified.

Carried

PF&C-1121-170 Audit & Risk Sub-Committee D050-001-A05

The Minutes of the Audit & Risk Sub-Committee meeting held on 3 November 2021 were attached for ratification by the Committee.

Clrs Peters/Hope:

That the Minutes of the Audit & Risk Sub-Committee meeting held on 3 November 2021 be ratified.

Carried

ATTENDANCE: Marlborough Research Centre Trust's Bernie Rowe (Trust Chairman) and John Patterson (Associate) were present for the following item.

PF&C-1121-171 Marlborough Research Centre Trust Annual Report 2020-21 E100-009-01

Messrs Rowe and Patterson presented the Marlborough Research Centre Trust's Annual Report 2020/21 and the Financial Overview and Highlights for 2020/21. To highlight this report a powerpoint presentation was shown (presentation filed in CM Record No. 21254044). Members acknowledged the presence of Edwin Pitts (Trustee and Board Chairman), Gerald Hope (Chief Executive) and Susan Foster (Office and Accounts Manager) in the public gallery.

Members noted that the Annual Report 2020/21 had been circulated separately to the agenda (filed in CM Record No. 21247791) and that the highlights package formed part of the agenda.

Members asked a number of questions at the meeting.

Clrs Brooks/Taylor:

That the Marlborough Research Centre Annual Report 2020/21 and Financial Overview and Highlights Report for 2020/21 be received.

Carried

NB: Clr Hope declared an interest in the above and did not take part in discussions as an elected member, nor did he vote on the issue.

ATTENDANCE: Sam Young, Council's Regional Events Advisor was present for the following two items.

PF&C-1121-172 Regional Events Update E100-002-011-01

Members noted that the purpose of the report was to provide an update on the activities of Council's Regional Events Advisor and Marlborough's events sector.

In summary Mrs Young reported that the South Island Masters Games was successfully held in Marlborough for the first time in October attracting approx. 2,000 participants. A large number of Marlborough events have been forced to postpone/cancel due to the most recent Covid outbreak and subsequent restrictions on

gatherings. Organisers are urgently seeking clarification from government on what is/isn't required in order to deliver their events along with a clearer explanation of how events will operate under the proposed Covid-19 Protection Framework. Round 1 of the 2021/2022 Commercial Events Fund is now complete with \$71,000 of funding approved. To date, 14 applications totalling just under \$2m have been submitted by Marlborough events to the Te Taihū Regional Events Fund (MBIE funding). Government have announced the 'Events Transition Support Scheme' offering financial support for large scale events over summer. Work is underway on Marlborough's Summer Events Guide showcasing events taking place around the region between 1 December 2021 and 28 February 2022.

Cirs Sowman/Andrews:
That the information be received.

Carried

PF&C-1121-173 Commercial Events Fund Sub-Committee
E100-002-006-24

The Minutes of the Commercial Events Fund Sub-Committee meeting held on 7 October 2021 were attached for ratification by the Committee.

Cirs Fitzpatrick/Arbuckle:
That the Minutes of the Commercial Events Fund Sub-Committee meeting held on 7 October 2021 be ratified.

Carried

ATTENDANCE: Hans Versteegh, Council's Environmental Science & Policy Group Manager, was present for the following item.

PF&C-1121-174 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.

In summary 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, and heritage. These matters are collectively referred to as "Group 1" topics. Good progress has been made in resolving appeals in Group 1. To date, this means almost a third of all appeal points have been considered through formal mediation. Additional mediation has recently been scheduled by the Environment Court for Topic 1: Cultural and Topic 5: Indigenous Biodiversity. Informal discussions continue to occur with relevant parties on other outstanding matters in Group 1. Progress on these discussions will be reported to the Court in accordance with the directions it has recently provided.

Cirs Arbuckle/Brooks:
That the report be received.

Carried

NB: Clr Taylor declared an interest in the above and did not take part in discussions nor vote on the issue.

ATTENDANCE: Sean Nicolson, Council's Assistant Financial Accountant, was present for the following item.

PF&C-1121-175 Financial Report for Council – Period Ended
30 September 2021 F275-002-21

Mr Nicolson presented Council's financial report for the period ended 30 September 2021.

Members were advised that the major variances between actual and budget were the sale of stage 7 of Boulevard Park on Taylor (gain on sale of \$7.5M); receipt of an insurance claim for damage from the 2016 Kaikoura Earthquake of \$1.3M; Government funding for the following projects Catchment Care, Hillside

Erosion and Te Hoiere of \$1.0M; roading costs for the emergency reinstatement of the Kenepuru Road of \$5.9M; lower than anticipated grants uplifted in the first quarter; and lower external interest costs due to the low interest rates and lower capital expenditure in previous years.

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

Cirs Peters/Dawson:

That Council receive the Financial Report for the period ending 30 September 2021.

Carried

PF&C-1121-176 Information Package -

It was agreed that Mrs Young would report further on Follow-ME website and Facebook analytics at the next meeting of this Committee.

Cirs Andrews/Brooks:

That the Planning, Finance & Community Information Package dated 25 November 2021 be received and noted.

Carried

PF&C-1121-177 Decision to Conduct Business with the Public Excluded -

Cirs Dawson/Sowman:

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

- Sub-Committee Minutes (Public Excluded Sections)
- Bragato Research Institute (NZWRC)
- Investigations 2020/2021

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 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.
Bragato Research Institute (NZWRC)	To enable the Council, as holder of the information, to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) as 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.

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
Investigations 2020/2021	In order to protect the privacy of natural persons, as provided for under Section 7(2)(a).	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under Section 7 of the Local Government Official Information and Meetings Act 1987.

Carried

The meeting closed at 12.20 pm.

Record No: 21255446

5. Committee Reports

5.4 Grants Sub-Committee

Grants Sub-Committee held on 16 November 2021
(Minute No. Grnt-1121-151 to Grnt-1121-153)



**Minutes of a Meeting of the
GRANTS SUB-COMMITTEE
held in the Council Chambers, 15 Seymour Street, Blenheim
on TUESDAY 16 NOVEMBER 2021 commencing at 9.26 am**

Present

Clr Jenny Andrews (Chairperson); Clr Cynthia Brooks; Clr Thelma Sowman; Mrs Karen Hartshorne; Mrs Kate Parker; Ms Sally Wadworth; Ms Deborah Dalliessi; Mr Graeme Haymes

In Attendance

Jodie Griffiths (Community Partnerships Advisor), Natalie Lawler (Community Partnerships Support) and Nicole Chauval (Committee Secretary)

Apologies:

No apologies were received.

Grnt-1121-151 Declaring an Interest

C150-001-000-01

Committee members were reminded of their responsibilities when allocating the available funding under set criteria, and they were advised of what was expected of them when having an interest in a particular application. The intention of declaring an interest is to ensure that those with an interest have no involvement in the decision making process.

Council's District Secretary's advice is that Committee members, once they have declared an interest, leave the room for that particular application. Members were advised that it is important that it be seen that matters are processed without any influence especially where, for example, there are competing applications; some organisations may not have a representative around the table. The rule needed to be applied strictly for the process to be seen as fair to all concerned.

It was noted that declaring an interest applies to those who are members or honorary members of an organisation and also where it could be perceived that a person has an interest in an organisation.

It was reported that the chairperson would make the final decision if there was dissention.

Sally Wadworth/Deborah Dalliessi:
That the information be received.

Carried

**Grnt-1121-152 Clarification of Process for Decision Making for
Community Grants Allocation**

C150-001-000-01

Committee members' attention was drawn to the process for decision making that had been successfully used by previous Grants Sub-Committees. Members had been asked to familiarise themselves with the process prior to the meeting so that this could be consistently applied when considering grant applications.

Karen Hartshorne/Kate Parker:
That the information be received.

Carried

Grnt-1121-153 Council Community Grants Allocation**C150-001-000-01**

Council provides \$300,000 per annum for grants to be allocated under specific criteria and eligibility conditions to community organisations providing Arts & Culture; Community Services; Environment; Heritage and Sport and Recreation.

Members were advised that 102 applications were received with 100 applications considered to be eligible for funds and two applications were considered to be ineligible. Total funds requested were \$676,228.54.

ATTENDANCE: The meeting adjourned at 10.31 am and resumed at 10.46 am

ATTENDANCE: The meeting adjourned at 12.37 pm and resumed at 1.10 pm

ATTENDANCE: The meeting adjourned at 3.10 pm and resumed at 3.26 pm

Members were advised that a late application from Connect (previously Blenheim Baptist Community Church) had been received. It was noted that they had created a draft submission but had not completed the process by submitting the submission to Council. It was agreed that the application be considered.

The Committee made the following recommendations:

Arts & Culture

Organisation	Project Description	Actual
Havelock Community Theatre	Rectification of Cyclorama Wall	\$1,000.00
Marlborough Creative Fibre Guild	Paint/repair Beavertown Hall <i>(Clr Andrews declared a conflict of interest and withdrew from the meeting for this item and Clr Sowman assumed the chair)</i>	\$2,500.00
Picton Little Theatre	\$5K operational grant + \$2.5k unexpected expenses <i>(Clr Andrews declared a conflict of interest and withdrew from the meeting for this item and Clr Sowman assumed the chair)</i>	\$2,000.00
Blenheim Musical Theatre Inc	Operating Expenses	\$5,000.00
Picton Quilters	Ongoing costs expenses, insurance, rental Condition: Funding for venue hire and insurance.	\$700.00
Rai Valley A&P Show	Financial support to run the A&P show	\$3,000.00
Photograph Wairau Valley 2021	Cover expenses of photo exhibition Condition: The photos to be retained by the Wairau Valley Community Association.	\$3,500.00
Millennium Gallery Trust Board	Development of new website <i>(Kate Parker declared a conflict of interest and withdrew from the meeting for this item)</i>	Declined
The Omaka Observatory Charity Trust	Crater construction and transport	\$3,000.00
Marlborough Art Society	Deliver an extended visual art programme	Declined
The Royal New Zealand Foundation of the Blind	Accessible audio books for our library Note: Discuss with Glen Webster, District Libraries Manager.	\$4,000.00

Community Services

Organisation	Project Description	Actual
Connect (previously Blenheim Baptist Community Church)	Programs for socially isolated people Condition: Food/refreshments not eligible.	\$5,000.00
New Zealand Council of Victim Support Groups	Cost to support Marlborough victims 24/7	\$3,000.00
Coastguard Marlborough Incorp	Image Stabilized Binoculars x 2	\$4,208.00
School Start First Impressions Marlborough	Operational Funding Note: For any official reports/supporting	\$5,000.00

Organisation	Project Description	Actual
	documents full names to be included.	
Open Home Foundation	Operating Costs Condition: Food not eligible.	\$5,000.00
Havelock Vision 2020	Community Liaison Officer & Projects	\$2,500.00
Pelorus Area Health Trust	Administrator Wages	\$4,500.00
Age Concern Marlborough Inc	Assistance toward overhead expenses (Clr Andrews declared a conflict of interest and withdrew from the meeting for this item and Clr Sowman assumed the chair)	\$5,000.00
Duncan Bay Volunteer Rural Fire Brigade	Install power & warning device	\$8,500.00
Royal New Zealand Plunket Trust	Operational Costs	\$5,000.00
Marlborough Community Development Trust	Managers Salary	\$5,000.00
Marlborough Community Vehicle Trust	Purpose of new vehicle Condition: Funds available on the group obtaining additional funding for a vehicle.	\$6,000.00
Renwick Playcentre	Facilitator Wages	\$5,000.00
Brain Injury Association	Wages for liaison officer services	\$9,143.00
Papatuanuku Independency Trust	To purpose build a tunnel house	\$3,146.00
Graeme Dingle Foundation	Delivery of Kiwi Can & Stars Programme Note: One application per organisation per year.	Declined
Marlb Multiple Sclerosis Society	Wages & operational costs Condition: For operating costs.	\$5,000.00
St Christophers Eldercare	Equipment/trainer Elders Exercise Group Note: \$1200 is retrospective not eligible for funding.	\$3,000.00
CCS Disability Action Nelson Marlborough Incorp	Operating Costs Condition: For local operating costs.	\$2,500.00
The Salvation Army NZ - Blenheim Corps	Community Positive Lifestyle Programme Condition: Food not eligible.	\$9,000.00
Marlborough Youthwork Trust	Operational and other costs for 24/7 Youth Workers	\$9,500.00
Good Bitches Trust	Operating Costs	\$1,937.00
St Mary's Preschool	Update Whanau Area Note: Deemed a lower priority and insufficient funds being available to allocate to all applications.	Declined
North Rarangi Water Supply	Replace Water Storage Tank Note: Deemed a lower priority and insufficient funds being available to allocate to all applications.	Declined
St Mary's School Blenheim	Drinking Fountains	\$4,500.00
The Girl Guides Association NZ	Volunteer Support and staff salary Condition: For term programme, programme books, badges, welcome pack and awards	\$4,700.00
Marlb Boys College parent-teacher Association	Staff wages & hardship and welfare Condition: For hardship and welfare	\$6,000.00
Top of the South Neighbourhood Support	Operational Costs for Marlborough Condition: For Marlborough	\$5,000.00
Presbyterian Support Upper South Island	Family Works Marlborough mentoring	\$6,500.00
Picton Community Early Learning Centre	Shade Sail & support teacher wages Condition: For shade sail	\$3,000.00
Life Education Trust Marlborough	Ongoing costs to run services Note: Operating Grant \$5,000 maximum	\$2,500.00

Organisation	Project Description	Actual
Harvest Life Youth Group	Weekly Services Condition: food not eligible	\$950.00
Marlborough Youth Trust	MYT Sticks and Wheels Youth Group Note: One application per organisation per year	Declined
The National Foundation for the Deaf Inc	Offer 150 hearing screening checks Note: When accountability report comes in note how selecting students is undertaken	\$3,500.00
Awatere Early Learning Centre Incorp	Furniture and Fittings for preschool Note: Deemed a lower priority and insufficient funds being available to allocate to all applications.	Declined
Picton Community Centre	Kitchen Appliance	\$2,000.00
Creative Kids Trust Board	Operating Costs – wages Note: Over \$5,000 operating cap	\$2,000.00
New Zealand Chinese Association Nelson & Marlborough Branch	Celebrate Chinese New Year & Culture Condition: Venue hire	\$1,500.00
Volunteer Marlborough Charitable Trust	Volunteer of the Year Awards Note: Insufficient funds	Declined
Abbeyfield Marlborough	Set up costs for administrative purposes	Declined
Autism New Zealand	Operational Costs Condition: For travel costs	\$1,500.00
People First New Zealand Inc	Operating Costs Condition: For venue hire and resources	\$1,250.00
Manu Ora	Operational Costs Note: Outside the scope of this fund	Declined

Environment

Organisation	Project Description	Actual
Marlborough 4 Paws Charitable Trust	Feral Feline Population Management	\$8,500.00
Kaipupu Point Mainland Island Society Inc	Shade house for native plant nursery Note: Reapply when land area is confirmed	Declined
Envirohub Marlborough	Establishment of Picton Community Garden Note: Reapply when land area is confirmed	Declined
Tui Nature Reserve Wildlife Trust	Operational Expenses Note: Over \$5,000 operating cap. Low priority	Declined
Picton Enviro Centre, Joint Venture, Envirohub, Kaipupu & PDC	Operating Costs and running costs	\$2,000.00
Penzance Tuna Bay Property Owners Association	Purchase of Mulcher Note: Deemed a lower priority and insufficient funds being available to allocate to all applications.	Declined
Picton Dawn Chorus	PDC Operation Plan Implementation Note: Deemed a lower priority and insufficient funds being available to allocate to all applications.	Declined

Heritage

Organisation	Project Description	Actual
Marlborough Stamp Collectors Club	Insurance Cover and audit costs	\$3,000.00
Picton Heritage & Whaling Museum	Development of external signage Note: One application per organisation per year.	Declined
Te Pataka O Wairau	Night Market Note: Deemed a lower priority and insufficient funds being available to allocate to all applications.	Declined

Sport and Recreation

Organisation	Project Description	Actual
Havelock Menzshed	Assistance with operational costs	\$1,500.00
Waitohi JAB	Socks and Shorts	\$2,800.00
Pine Valley Outdoor Centre	Signage, plants, storm repairs, chimney Condition: Excludes signage	\$7,000.00
Picton Bridge Club Inc	Equipment scoring	\$3,000.00
The Marlborough Tennis Club	3 tennis nets and 3 centre straps	\$1,424.00
Churchward Park Scout Group	Working with the Youth of Marlborough Condition: For youth programme costs	\$5,000.00
Marlb Orienteering Club	Software for event management and timing for orienteering	\$3,000.00
Picton Golf Club	Fertiliser to maintain golf greens	\$1,938.00
Marlborough Tennis Association	Annual cost of hiring facilities	\$3,500.00
Blenheim Croquet Club Inc	Maintenance of Lawns	\$4,000.00
Marl Group NZ Riding for the Disabled Association	New signage Note: Deemed a lower priority and insufficient funds being available to allocate to all applications.	Declined
Picton Rowing Club Incorporated	Insurance Costs	\$3,000.00
Moutere Rugby Club	Operating Costs for maintenance of facilities	\$4,500.00
Nopera Bay Golf Club	Subsidise volunteer travel, turf costs Clr Sowman declared a conflict of interest and withdrew from the meeting for this item)	\$2,500.00
Renwick Rugby Club	Equipment and first aid	\$5,000.00
Blenheim Rowing Club	Insurance costs	\$4,500.00
Waikawa Boat Club	Fire Alarm System Condition: Consultant costs	\$2,070.00
Seddon TaeKwon-Do Inc	Training mats and protective equipment	\$7,000.00
Port Marlborough Pavilion	Digital Display Panel	\$4,500.00
Marlborough Netball	Wages, sports complex fit out Condition: For operating costs	\$5,000.00
Marlborough Boys College Rowing	Funds towards paying coach	\$6,000.00
Marlb Mountain Bike Club Inc	Enduro Race Timing System	\$6,000.00
Marlborough Boys College Rugby	Rugby Development Officer	\$4,000.00
Awatere Pony Club	New showjumping stands	\$3,500.00
Brooklyn Croquet Club Inc	Upgrading of lawns to remove undulations	\$4,000.00
Rainbow Sports Club Inc	Rental Equipment	\$4,000.00
Hockey Marlborough Inc	Operational Costs Note: Over \$5,000 operating costs Condition: For insurance	\$3,734.00
Wairau Rowing Club	Volunteer Expenses	\$2,000.00
Blenheim Golf Club Incorporated	John Deere Green Mower Note: Deemed a lower priority and insufficient funds being available to allocate to all applications.	Declined
Marlborough Model Railway Club Inc	Insurance & Public Liability. To clad & insulate front of club rooms	\$2,000.00
Dressage Marlborough	Annual Operating Costs	\$3,500.00
Rarangi Golf Club	Repairs to refrigeration unit Note: Deemed a lower priority and insufficient funds being available to allocate to all applications.	Declined

SCHEDULE 'A' – Withdrawn Applications

Organisation	Project Description	Reason
Wairau Community Hall	Kitchen Equipment	Funding received via Long Term Plan
Marlborough Multicultural Centre	Marlborough Multicultural Festival	Event cancelled.

SCHEDULE 'B' - Ineligible Applications

Organisation	Project Description	Reason
Marlborough Hospice	Replacement Carpet	Floor coverings not eligible.
The Marlborough Sounds Restoration Trust	Double Cove Trap Network Extension	Received Marlborough District Council Environmental grant.
Tasman Regional Sports Trust	Salary for admin hub network	Receives an annual operating grant for wages.
Picton Emergency Response Inc	Drone Batteries	No Contribution

Clr Sowman/Sally Wadworth:

1. That Council approve the above listed grants to community organisations totalling \$300,000.
2. That it be noted that the applications listed in 'Schedule A' have been withdrawn.
3. That it be noted that the applications listed in 'Schedule B' do not qualify for assistance.

Carried

At the conclusion of the above the following motion was put.

Karen Hartshorne/Kate Parker:

That the decision making process be clearly outlined at the beginning of the meeting and referred to during the meeting as required.

Carried

Members were advised that Ngati Rarua o te Wairau Society – Creative Communities Scheme grant and the Bush Telegraph Down the Sounds - Community Grants, have sought extensions for their projects due to Covid and the Marlborough Sounds weather event respectfully.

Clr Andrews/Debbie Dalliesi:

That project extensions be approved for Ngati Rarua o te Wairau Society and the Bush Telegraph Down the Sounds.

Carried**Proposed Audit visits**

1. Papatuanuku Independency Trust - Clr Andrews and Karen Hartshorne
2. Awatere Early Learning Centre Incorp
3. Churchward Park Scout Group – Clr Brooks
4. Seddon Taekwon-Do Inc

The meeting closed at 4.52 pm.

Record No: 21256390

6. Fabians Valley Cemetery Resignation and Appointment of Trustee

(Clr Maher) (Report prepared by Tony Quirk)

L150-001-F44C

Purpose of Report

1. This report is to action a resignation and appointment of a replacement Trustee.
-

RECOMMENDATIONS

1. That Council in accordance with section 23 of the Burial and Cremations Act 1964 revoke the appointment of Eric Warmouth following his resignation and approve the appointment of Geoffrey Alexander Warmouth as Trustee of the Fabians Valley Cemetery Trust with such appointment to take effect following public notification as required by the Burial and Cremations Act 1964.
 2. That appreciation is extended to Eric Warmouth for his services to the Fabians Valley Cemetery over many decades.
-

Background/Context

2. Eric Warmouth has tendered his resignation as a Trustee after many decades of service both as a Trustee and as Chair of the Cemetery Trust.
3. The current Chair, Scott Adams, has put forward the name of Geoffrey Alexander Warmouth as a replacement Trustee.
4. A letter of appreciation has been sent to Eric for his lengthy service as Trustee.

Author	Tony Quirk, District Secretary
Authoriser	Mark Wheeler, Chief Executive

7. Te Hoiere Kaitiaki Charitable Trust

(includes Attachment 7.1)

(Clr Faulls) (Report prepared by Heli Wade)

E355-021-01

Purpose of Report

1. To explain the background to establishing the Te Hoiere Kaitiaki Charitable Trust.
2. To approve the trust deed and to ratify MDC's representation on the Board and Councillor Faulls as MDC's representative on the Trust Board.

Executive Summary

3. The Trust is being formed for the purpose of providing leadership and encouraging the restoration and enhancement of the Te Hoiere Project area and the receiving waters including the Te Hoiere/Pelorus Sound out to Te Kakaho/Chetwode Islands.

RECOMMENDATIONS

That Council:

1. **Approve the Te Hoiere Kaitiaki Charitable Trust Deed and ratifies Marlborough District Councils representation on the board of trustees**
2. **Approve Councillor Faulls to represent Marlborough District Council on the board of Te Hoiere Kaitiaki Charitable Trust.**

Background/Context

4. In October 2020, the need to establish a legal entity to govern Te Hoiere Catchment Restoration Project was raised by MfE.
5. After some deliberation about the advantages and disadvantages of an Incorporated Society or a Trust, the Project governance decided that a Charitable Trust would be the best fit for a legal entity for the Project.
6. It was felt that a trust would cement the long-term intention of the Project partners and the community. This would ensure the lead agencies are committed to the Project and that the outcomes would extend beyond the life of the Project, become part of the Te Hoiere way and make sure that the outcomes are truly intergenerational.
7. The trust board will consist of representatives from Marlborough District Council and Kaikaiawaro Charitable Trust (Ngāti Kuia), with provision for the Director-General of Conservation, or his/her delegate, to appoint a suitable community representative. For now there are a further three places in the board to be filled. These are two representatives of the resident community and another representative from the Kotahitanga mō te Taiao Alliance. These places can be filled once the Trust has been registered and established, as there is an urgent need to have a legal entity in place to oversee a MfE funding agreement for At Risk Catchments funding.
8. A Department of Conservation representative will be appointed as a special trust advisor, to ensure that all three lead partner voices are represented in the trust board.

Presentation

A short presentation will be given by Heli Wade (10 minutes).

Attachment

Attachment 7.1 – Te Hoiere Kaitiaki Charitable Trust Deed

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Author	Heli Wade, Te Hoiere Project Manager
Authoriser	Alan Johnson, Environmental Science and Monitoring Manager

‘Haere, kakea te ara poka hou’
‘go and ascend the newly trodden path’

THIS DEED is made this day of 2021

PARTIES

1. **KAIKAIWARO CHARITABLE TRUST BOARD** (2517992 and CC44633) and **MARLBOROUGH DISTRICT COUNCIL** (*the Settlers*).
2. **WAIHAERE MASON** (Trustee No. 1) and **BARBARA ANNE FAULLS** (Trustee No. 2) (*the Trustees*).

BACKGROUND TO TRUST

1. The Te Hoiere or Pelorus River is the largest river catchment which flows into the Marlborough Sounds. It is a very significant area for the tangata whenua who have a long and rich association with the river and its catchment and who carry active kaitiaki responsibilities.
2. Te Hoiere is significant to local communities, industries and private landowners. The catchment supports their economic, social and environmental wellbeing. Te Hoiere has high freshwater biodiversity values and species which need particular care. The Te Hoiere catchment and its receiving Kaituna/Havelock estuary are very sensitive to adverse ecological impacts and these have been suffered already.
3. The Trust is being formed for the purpose of providing leadership and encouraging the restoration and enhancement of the Te Hoiere Project area and the receiving waters including the Te Hoiere/Pelorus Sound out to Te Kakaho/Chetwode Islands.

FURTHER BACKGROUND

1. The Settlers wish to establish this Trust for charitable purposes in New Zealand and have paid to the Trustees by way of gift the sum of \$100.00 (*the initial gift*).

2. The Trustees have agreed to accept and hold the initial gift on trust along with any further moneys or property received by the Trust and to carry out the charitable purposes.
3. The Trustees intend to apply to be incorporated as a Board under Part 2 of the Charitable Trusts Act 1957 to carry out the charitable purposes of the Trust and to seek registration under the Charities Act 2005.

OPERATIVE PART

1.0 NAME OF THE TRUST

- 1.1 The Trust shall be called and known as the Te Hoiere Kaitiaki Charitable Trust (*the Trust*).

2.0 CHARITABLE PURPOSES OF THE TRUST

- 2.1 The purposes of the Trust are to carry out charitable purposes in Marlborough associated with the restoration and enhancement of Te Hoiere and also to carry out every other charitable purpose in Marlborough whether relating to the advancement of education or otherwise and specifically (but without limitation) at the discretion of the Board, these may include:

- (a) Leading and supporting the restoration, enhancement and safeguarding of the existing environments of the river Te Hoiere, its catchments and its receiving waters.
- (b) Stimulating the awareness and understanding of the communities and associated parties in relation to the Te Hoiere Project.
- (c) Supporting and encouraging community aspirations and initiatives that embrace the Te Hoiere Project outcomes.
- (d) Seeking and obtaining such funding and other support as may be available.
- (e) Ensuring that all values of Iwi and all parties are respected, supported and promoted through the collaborative partnership.

- (f) Engendering a spirit of co-operation, working in partnerships, kotahitanga and commitment in and towards the advancement of the Project.
- (g) Using the experiences and lessons gained in relation to this Project to help in the advancement of similar projects elsewhere.
- (h) Engaging with schools and with the children of the communities to ensure that the values embodied in the Project are lasting and that they leave a continuing legacy effect.
- (i) Engaging with the relevant commercial stakeholders to ensure that commercial interests can be advanced in a way that is transparent and in harmony with the objectives of the Project.
- (j) Doing anything necessary or helpful to the sustainability of the above purposes.
- (k) Delivering what the Project seeks to achieve and engaging all resources for that purpose.

2.2 Pecuniary gain or the advancement of non-charitable purposes is not a purpose of the Trust.

2.3 The charitable purposes set out in clause 2.1 shall be paramount and shall exclude any act or omission that is or may be deemed to be not in accordance with the charitable purposes, and, notwithstanding any other provision in this Trust Deed, no power or reservation expressed or implied shall authorise the Trustees to do or suffer any act that does not further those charitable purposes.

3.0 INTERPRETATION

3.1 In this Trust Deed where not inconsistent with the context the following terms shall have the following meanings:

- (a) *Board* means the Trustees at any time.
- (b) *Charitable Purposes* means the charitable purposes of the Trust set out in clause 2.0.

- (c) *Financial Year* means the year defined in clause 6.1.
- (d) *Income* shall be deemed to mean and include all net income derived from investments and the carrying on of any kind of business as and when received in each financial year.
- (e) *Trust* means the Charitable Trust constituted by this Trust Deed.
- (f) *Trust Deed* means this Deed of Trust and any subsequent Deeds made or declared by the Trustees supplemental hereto.
- (g) *Trust Property* means:
 - (i) The initial gift, and
 - (ii) All other real and personal property which may later be or become vested in the Trustees on the trusts of this Trust Deed.
- (h) *Trustees* include the Trustees and their successors or such other persons or corporation duly appointed under this Trust Deed.

3.2 In this Trust Deed unless the context otherwise requires:

- (a) Any expression identifying a party extends to and includes the executors, administrators, successors and assigns of that party.
- (b) The singular number includes the plural and vice versa and words importing one gender only includes the other genders.
- (c) Reference to any Act or Regulation or by-law extends to and includes any statutory or other modification or re-enactment thereof and any other like provision for the time being in force in New Zealand.
- (d) Where an expression identifying a party refers to more than one individual or corporation all covenants (express or implied) to be observed or performed shall bind all such individuals and corporations jointly and severally.

- (e) The background recitals and any clause headings are explanatory only and shall not be deemed to be part of this Trust Deed and shall not in any way affect the interpretation of any of the provisions of this Trust Deed.

4.0 POWERS

4.1 The Board shall stand possessed of the Trust property to apply the income and the capital for charitable purposes in accordance with this Trust Deed, and its powers shall not be limited or restricted by any principle of construction, rule of law or statutory power or provision other than as expressly provided for in this Deed.

4.2 To carry out the charitable purposes, in addition to statutory powers (whether pursuant to Section 13, Charitable Trusts Act 1957, or otherwise), the Trust and the Board shall have all the rights, powers and privileges of a natural person acting as the beneficial owner of trust property, including, without limiting the foregoing, the following:

- (a) To purchase, lease, hire or otherwise acquire any real or personal property.
- (b) To sell, let, mortgage or otherwise dispose of or deal with any of the trust property.
- (c) To acquire or establish any commercial business or entity (and the Trustees shall be fully indemnified from the trust property for any personal liability they may incur in connection with the debts or liabilities of any such commercial business or entity).
- (d) To construct, maintain, improve or alter any trust property.
- (e) To borrow, raise, invest or lend money in any manner and on any terms suitable to the Board.
- (f) To enter into any arrangement or contract with any individual, Government Department, local authority or corporate body.
- (g) To pay all or any of the expenses incurred in establishing and running the Trust.

- (h) To buy from or sell to any Trustee property of any kind provided that the transaction is approved by prior Board resolution and that the transaction is no less advantageous to the trust than if it was undertaken at current market rates.
- (i) To appropriate and partition any part of the trust property in its then actual condition or state of investment (and at such value as the Board in its absolute discretion thinks fit) in or towards the charitable purposes.
- (j) To merge or amalgamate with any other exclusivity charitable entity and to transfer or distribute all or any part of the trust property to any merged or amalgamated entity.
- (k) To employ or engage staff, advisers and volunteers (including Trustees in accordance with current market conditions, but not for their services as Trustees), and to pay their wages, salaries and/or their expenses on terms suitable to the Board.
- (l) To alter the charitable purposes, powers and rules of the Trust as long as no alteration or addition endangers the charitable purposes and status of the Trust.
- (m) To do anything else that in the opinion of the Board furthers the Trust's charitable purposes.

5.0 THE BOARD OF TRUSTEES

5.1 Constitution of the Board of Trustees

- (a) The Board of Trustees shall consist of a minimum of two (2) and a maximum of five (5) Trustees provided always that in the event of any vacancy arising under any of the provisions in clause 5.1 (i) hereof the remaining Trustees shall be entitled to continue to exercise the rights, powers and privileges of the Board of Trustees until the appointment of any new Trustee to increase the number of Trustees to the minimum specified at the beginning of this paragraph.

- (b) The Trustees named in this Trust Deed shall be the original Board members and their appointment will commence from the date of this Trust Deed.
- (c) Trustee No. 1 has been appointed by the Kaikaiawaro Charitable Trust Board. If any vacancy shall occur in relation to Trustee No. 1 that vacancy shall be filled by a further appointment by the Kaikaiawaro Charitable Trust Board.
- (d) Trustee No. 2 has been appointed by Marlborough District Council. If any vacancy shall occur in relation to Trustee No. 2 that vacancy shall be filled by a further appointment by Marlborough District Council.
- (e) An additional Trustee may be appointed by the Director-General of the Department of Conservation for the time being or his or her delegate.
- (f) Any additional Trustees to take the number of Trustees to the maximum of five (5) Trustees shall be appointed by the Kaikaiawaro Charitable Trust Board and Marlborough District Council acting together.
- (g) It shall be the responsibility of the continuing Trustees to satisfy themselves as to the appointments made by the appointors above and to then record their adoption of such appointments by Deed.
- (h) The Trustees shall retire after three (3) years' service but shall be eligible to be reappointed.
- (i) Each Trustee shall at all times :
 - (i) Honour the charitable purposes of the Trust and promote its interests and the charitable purposes.
 - (ii) Do nothing to bring the Trust into disrepute.
 - (iii) Observe strict confidentiality in respect of all dealings of and with the Trust or the public.

- (j) Each Trustee shall hold office until the Trustee:
- (i) Resigns on giving written notice delivered to the Secretary of the Trust, and the resignation shall take effect from the date specified in the notice or the date the notice is received by the Secretary, whichever is the later.
 - (ii) After having failed to attend three (3) consecutive Board meetings without an accepted apology is removed by resolution of the Board.
 - (iii) Dies.
 - (iv) Is or becomes an undischarged bankrupt.
 - (v) Is or becomes prohibited from being a director or promoter of, or being concerned or taking part in the management of an incorporated or unincorporated body under the Companies Act 1993, the Financial Markets Conduct Act 2013, or the Takeovers Act 1993.
 - (vi) Is or becomes a person who is prohibited from one or more of the following under an order made, or a notice given, under a law of a country, State, or territory outside New Zealand that is prescribed for the purposes of Section 151 (2) (eb) of the Companies Act 1993:
 - Being a director of a body corporate incorporated outside New Zealand (an overseas company), or
 - Being a promoter of an overseas company, or
 - Being concerned in or taking part in the management of an overseas company.
 - (vii) Is or becomes disqualified from being an officer of a charitable entity under Section 31(4) of the Charities Act 2005, or
 - (viii) Has been or is convicted:

- Of an offence under sub-part 6 of Part 4, or under any of Sections 217 to 266 of the Crimes Act 1961, within the past five (5) years.
 - Within the past five (5) years, in a country other than New Zealand, of an offence that is substantially similar to an offence specified in subparagraph (i).
 - Of a money laundering offence or an offence relating to the financing of terrorism, whether in New Zealand or elsewhere.
- (ix) Is or becomes a person subject to:
- A banning order under the Financial Markets Conduct Act 2013; or
 - A management banning order under the Financial Markets Conduct Act 2013 or the Takeovers Act 1993, or
 - An order under Section 108 of the Credit Contracts and Consumer Finance Act 2003, or
 - A confiscation order under the Criminal Proceeds (Recovery) Act 2009, or
 - A property order made under the Protection of Personal and Property Rights Act 1988, or whose property is managed by a trustee corporation under Section 32 of that Act.
- (x) Is removed from the Board.
- (k) The appointment as a Trustee of any person who is disqualified from being an officer of a charitable entity by virtue of Section 16, Charities Act 2005, as a Trustee shall be null and void, and if after appointment any Trustee becomes disqualified by virtue of that Section that Trustee shall be deemed to have retired from the time of such disqualification.
- (l) Any Trustee who has been held by a Court of competent jurisdiction to have been guilty of misconduct in the administration of the Trust, or has been convicted of a crime involving dishonesty as defined by Section 2 of

the Crimes Act 1961, or who is suffering from a mental disorder within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992 shall be deemed to have retired.

- (m) A Trustee may, notwithstanding any other provision in this Deed be removed by the person or persons who appointed that Trustee to the office of Trustee. Before any such removal is effective the Trustee must be given reasons for that Trustees proposed removal in writing and must be given a fair opportunity to respond and all of the Rules of Natural Justice must be observed. If the Appointor or Appointors effect the removal it shall be notified to the remaining Trustee or Trustees in writing forthwith.
- (n) Once any retirement or removal has been recorded by Deed the Trustee retiring or being removed shall:
 - (i) Be deemed to have waived any claim to trustee's remuneration, and
 - (ii) Unless otherwise specified in this Deed, be indemnified by the Trust from all claims, demands, actions or proceedings whatsoever in relation to the Trust other than claims relating to his or her personal dishonesty or his or her wilful commission of an act known to be a breach of trust.
- (o) The appointment of a Trustee shall not be effective until recorded by Deed completed by the Trustees and where the incoming Trustee is a party and the cessation of the appointment of any Trustee shall not be effective until recorded by resolution recorded in the Board Minute Book or by Deed.
- (p) Where for any reason a Trustee has not been properly appointed or is disqualified from holding office, anything done by that Trustee or by the Board before the discovery of that irregularity shall be as valid as if the Trustee had been properly appointed or had not been so disqualified.
- (q) Notwithstanding any other provision in this Deed:
 - (i) As to required quorum, if there are only two (2) Trustees and if one is removed, no business of the Trust may be conducted until a replacement Trustee has been appointed so that there will at all

times be a minimum of two (2) Trustees.

- (ii) If there are only two (2) Trustees and there is a disagreement between them the decision of the Trustee other than Trustee No. 2 shall prevail.
- (iii) If there are more than two (2) Trustees then the decision of the majority shall prevail.

5.2 **Board Meetings**

- (a) The Board shall hold an Annual General Meeting no later than 30 November in each year at a time and place fixed by the Board.
- (b) The Annual General Meeting shall be open to attendances by the public. Members of the public attending shall be observers and shall be given a fair right to speak but shall not have any voting power. Voting power shall lie with the Trustees.
- (c) The Annual General Meeting:
 - (i) Shall consider and adopt an Annual Report.
 - (ii) Shall consider and adopt the Annual Statement of Accounts and any audit.
 - (iii) Shall appoint Co-Chairpersons and such other officers as may be appropriate.
 - (iv) May appoint a Patron or Patrons.
 - (v) May, or if required by statute shall, appoint a member of the Institute of Chartered Accountants of New Zealand (who is not a Trustee) to financially review or to audit the annual accounts of the Trust and provide a certificate as a result of that review or audit (and if any such person is unable to act the Board may appoint a replacement), and

- (vi) Shall consider any general business.
- (d) Proceedings of the Board shall be regulated in accordance with the rules set out in clause 5.3 and such rules may be amended by resolution of the Trustees passed by a simple majority.

5.3 Rules for Board Meetings

- (a) The Board shall meet as often as the business of the Trust requires, but not less than once every year, at such times and places and in such manner (including by telephone or video conference) as may be appropriate.
- (b) Fourteen (14) days prior written notice of the date, time and place of all Board meetings shall be given by post or email to all Trustees but the requirement for that period of notice may be waived by a majority of Trustees, and such waiver shall be recorded in the Board Minute Book.
- (c) A Board meeting shall be convened forthwith upon the requisition in writing of more than one-third of the Trustees, stating the purpose for which the meeting is required.
- (d) The Board may appoint committees comprising such Trustees and such other persons as they shall determine, with or without power to co-opt, and may delegate to such committees such powers as it may specify, and any such committee shall, in the exercise of the powers delegated to it, conform to any regulations that may be imposed on it by the Board.
- (e) Meeting arrangements:
 - (i) Board meetings may be held in person or by audio, audio and visual, or electronic link (provided that all such meeting participants must at all times be able to hear all participants speaking at the meeting).
 - (ii) The quorum for Board or Board committee meetings shall be half the number of Trustees for the time being or half the number of the Trustees forming the committee present at (or participating in) such

a meeting, and if a quorum is not present fifteen (15) minutes after the time for commencement of the meeting the meeting shall be adjourned to such date, time and place as those present decide.

- (iii) All Board meetings shall be chaired by the co-Chairpersons or one of them or in their absence by some other Trustee appointed for the purpose by the meeting.
 - (iv) At its discretion the Board and any Board committee may allow non-Trustees to attend and speak at Board and any Board committee meetings,
 - (v) No proxy voting shall be permitted at any Trustees or Board committee meeting.
 - (vi) Preferably, Board and Board committee decisions will be made by consensus, but if the Board or Board committee fail to reach unanimous agreement the decision shall be made by a simple majority of those Trustees and Board committee members present and voting.
- (f) The Board and any Board committee may act by resolution approved unanimously through a written ballot conducted by email, electronic poll or mail, and any such decisions of the Board shall be recorded by means of entering evidence of the decision in the Board Minute Book PROVIDED ALWAYS that the provisions of this paragraph shall not dispense with the need for regular meetings of the Board as required by these Rules.
- (g) The decisions of the Board made under Rule 5.3(f) shall be recorded by means of entering evidence of the decision in the Board Minute Book PROVIDED ALWAYS that the provisions of this paragraph shall not dispense with the need for regular meetings of the Board as required by these Rules.
- (h) Other than as prescribed to the contrary in this Trust Deed, the Board shall have power to regulate its proceedings as the Trustees think fit.

- (i) The Board may from time to time make and amend regulations, bylaws and policies for the conduct and control of Trust activities, but no such regulations, bylaws or policies shall be inconsistent with this Trust Deed.

5.4 **Secretary of the Trust**

If a Secretary to the Trust is appointed the Secretary shall have the following duties and responsibilities (which may be delegated) or such other duties as the Board may determine:

- (a) Recording the Minutes of all Board meetings in the Board Minute Book (and any such Minutes when confirmed and signed by the chairperson of the next meeting shall be *prima facie* evidence that the meeting was duly convened and held and shall be accepted as a *prima facie* true and correct record of all that transpired at that meeting).
- (b) Retaining custody of the Common Seal of the Trust and maintaining and preserving all Trust records, documents, papers and books.
- (c) Dealing with and answering such correspondence and performing such other duties as the Board may from time to time determine.
- (d) The office of Secretary may be combined with the office of Treasurer.

5.5 **Common Seal**

Upon the Trust being incorporated as a Trust Board under Part 2 of the Charitable Trusts Act 1957 the Board shall obtain a Common Seal in the approved name of the Trust and:

- (a) The Common Seal shall be held by the Secretary.
- (b) The Common Seal shall be used only when authorised by resolution of the Board.
- (c) Every document to which the Common Seal is affixed shall be signed by any two (2) Trustees PROVIDED ALWAYS that if a trustee company is the Trustee the Common Seal shall be affixed and witnessed by a designated officer of the trustee company.

5.6 Treasurer of the Trust

If a Treasurer to the Trust is appointed the Treasurer shall have the following duties and responsibilities (which may be delegated) or such other duties as the Board may determine:

- (a) Keeping such books of account as may be necessary to provide a true and complete record of the Trust's financial position, report on the Trust's financial position to each Board meeting, and present an annual Statement of Accounts (Income and Expenditure Account and Balance Sheet) to the Annual General Meeting.
- (b) Maintaining bank accounts in the name of the Trust, and all cheques and withdrawal forms shall be signed and electronic banking systems operated by any two (2) of the Trustees or by one Trustee and one other person designated by the Board.
- (c) Banking all money received on account of the Trust within seven days of receipt.
- (d) Submitting all accounts paid or for payment to the Board for approval of payment.
- (e) Performing such other duties as the Board may from time to time determine.
- (f) The office of Treasurer may be combined with the office of Secretary.

5.7 Trustee Potential or Actual Conflicts of Interest

- (a) If a Trustee:
 - (i) Becomes directly or indirectly interested in a transaction with the Trust (for instance, as a personal contractor for, or as shareholder, director or trustee of, any entity doing business with the Trust).
 - (ii) Discloses or uses confidential Trust information (which the Trustee may only disclose or use with the Board's prior written approval).

- (iii) Acquires or disposes of shares in any entity doing business with the Trust.
- (iv) Becomes or ceases to be a personal contractor for, or as shareholder, director or trustee of, any entity doing business with the Trust,
- (v) Receives any payment, benefit, loan or guarantee from the Trust,

that Trustee must forthwith complete an entry in the Trust's Conflicts Register setting out details of the date and nature of the transaction and its monetary value (if applicable).

- (b) Any Trustee who has declared a conflict of interest may not vote on the matter in respect of which the conflict of interest has been declared, but may be counted in the quorum of any Trustees' meeting or committee meeting and may witness the affixing of the Trust's common seal to any document relating to any transaction where the Trustee has declared a conflict of interest.
- (c) If the Trust effects any insurance for any Trustee that shall not be deemed to create any conflict of interest for any Trustee.

5.8 Special Trust Advisor

The Board may appoint a Special Trust Advisor on such terms and conditions as it thinks fit. Such person shall have none of the duties or functions of a trustee.

6.0 CONTROL OF TRUST FUNDS AND PROPERTY

6.1 Financial Year

The financial year for the Trust shall be from 1 July in each year to 30 June in the following calendar year or otherwise as determined by the Board.

6.2 Additions to Trust Fund

The Board may in its absolute discretion from time to time:

- (a) Invite and accept as additions to the trust property any voluntary contributions of money or other property real or personal whether by donation, legacy, gift, or otherwise.
- (b) Employ or pay collectors or canvassers and expend part of the income of the trust property in advertising any appeal to the public or selected members of the public for voluntary contributions in such manner as the Board thinks fit.

6.3 Application of Income

- (a) The Board may in its absolute discretion apply the whole or any part of the income each financial year for such charitable purposes in such amounts, at such time or times, for such period or periods, including making payments to other charitable entities with purposes similar to those of the Trust, and subject to such terms and conditions as the Board may from time to time determine.
- (b) The Board may in its absolute discretion make such loans out of the income each financial year for such charitable purposes in such amounts, at such time or times, for such period or periods, with or without security, at such rate or rates of interest or without interest, and subject to such terms and conditions as to repayment or otherwise as the Board may from time to time determine.
- (c) The Board may in its absolute discretion from time to time:
 - (i) Retain the whole or such part of the income each financial year and place such income in one or more reserve funds as it determines to provide for depreciation in the value of any investments due to inflation or otherwise, or for redemption of debts or other charges, or to supplement the income made available in any future year or years for grants or loans or for such other charitable purposes, and

- (ii) In any financial year resort to any such reserve funds to:
- Apply the whole or such parts thereof for the purpose for which it was established, or
 - Supplement or increase the income for that financial year made available for the making of grants or loans as authorised in this Trust Deed (notwithstanding the purpose or purposes for which such reserve fund or funds were established).

AND any income arising from any such reserve funds shall be treated as income from the trust property, and any balance of such reserve funds not resorted to or allocated by determination of the Board shall be deemed to have become an accretion to the trust property.

6.4 **Application of Capital**

The Board may in its absolute discretion from time to time apply such sums and make such grants or loans out of the capital of the trust property for such charitable purposes, in such amounts, at such time or times, for such period or periods, and subject to such terms and conditions as it may determine.

6.5 **Investment Powers**

- (a) The Board may in its absolute discretion from time to time:
- (i) Retain any investments or property for the time being forming part of the trust property, or
 - (ii) Sell or realise any such investments or property.
 - (iii) Invest the proceeds of any such sale or realisation and any money forming part of the trust property and not immediately required for payment of grants or loans, and
 - (iv) Vary or transpose such investments for or into other investments.

(b) The Board shall have all the powers of investment conferred by law and shall have the same full and unrestricted powers of investment and of varying investments as if the Board was beneficially entitled to the trust property. The Board may exercise those powers without any restriction or limitation and, notwithstanding anything to the contrary contained or implied in this Trust Deed, may in its absolute discretion from time to time:

- (i) Carry on any kind of business, and
- (ii) Invest in any form of investment (whether or not involving liability, whether or not authorised by law for the investment of trust funds, and with or without security, at such rate or rates of interest or without interest, and subject to such terms and conditions as to repayment or otherwise as the Board may determine);

BUT no loans or advances may at any time be made by the Trust to the Settlers, any Trustee, any donor to the Trust, or to any person or relative associated with the Settlers, any Trustee, or any donor to the Trust.

(c) The Board shall have no obligation to diversify the investments of the Trust nor to formulate an investment strategy.

6.6 **Remuneration of Trustees**

Any Trustee for the time being who may be a person engaged in any profession or business may be so employed and act, and, if so, shall be entitled to charge and be paid the usual professional or other proper and reasonable charge for any business or act done by that Trustee or any firm or company in which that Trustee is a partner, shareholder or director in connection with the administration of the Trust, including acts which a trustee could have done personally in the same way in all respects as if that Trustee was not a Trustee.

7.0 **ADVICE AND DELEGATION**

7.1 The Board may in its absolute discretion from time to time:

- (a) Act on the advice of any barrister or solicitor, chartered accountant, stock broker or other professional or expert person with at least seven years of relevant experience.

- (b) Authorise an agent to act as custodian trustee to hold and administer any investments, and shall not be responsible for any loss occasioned by acting upon such advice or by the default or employment of such agent or delegation to a committee.

7.2 The Board may in its absolute discretion from time to time exercise the power to compromise, compound, relinquish, abandon, or settle any claim, demand, action, proceeding, or defence brought by or against the Trust without being responsible for any loss occasioned thereby .

8.0 ENABLING POWERS

8.1 The Trust shall be administered by the Board in accordance with the rules set out in this Deed.

8.2 If any dispute arises out of or in connection with this Deed the following processes shall be followed:

- (a) The person raising the dispute must notify other parties involved in the dispute, in writing, specifying the nature of the dispute.
- (b) Following delivery of the written notice issued under paragraph (a) of this clause, the parties must use all reasonable endeavours to resolve the dispute amicably by discussion, consultation, negotiation or other means.
- (c) If the dispute is not resolved within fourteen (14) clear days of delivery of the written notice issued under paragraph (a) of this clause:
 - (i) Any party to the dispute may serve written notice on the other parties requiring them to attend mediation in relation to the dispute and the parties may agree on a mediator.
 - (ii) If agreement on the appointment of a mediator has not been reached within seven (7) clear days of delivery of the notice requiring mediation any party may request that the Arbitrators and Mediators Institute of New Zealand appoint a mediator.

- (iii) The mediator shall specify the terms on which the mediation shall take place, including the time and place for the mediation, and
 - (iv) The mediator's costs shall be set shared equally by all parties unless otherwise agreed at the mediation.
- (d) If the dispute is not referred to mediation or remains unresolved within seven (7) clear days of the termination of mediation, the dispute shall be referred to arbitration, and:
- (i) If agreement on the appointment of an arbitrator has not been reached within seven (7) clear days of delivery of the notice requiring mediation any party may request that the Arbitrators and Mediators Institute of New Zealand appoint an arbitrator.
 - (ii) The Second Schedule to the Arbitration Act 1996 shall not apply.
 - (iii) The arbitrator shall specify the terms on which the arbitration shall take place, including the time and place for the arbitral hearing, and
 - (iv) The arbitrator's costs shall be shared equally by all parties unless the arbitrator determines otherwise in the arbitral award.

9.0 INDEMNITY

9.1 No Trustee shall be liable for any loss to the Trust other than loss attributable to his or her personal dishonesty or wilful commission of an act known to be a breach of trust.

9.2 No Trustee shall be liable in respect of the acts or omissions of any co-trustee and shall not be bound to take any proceedings against any co-trustee for any breach of trust committed or alleged to have been committed by any such co-trustee.

9.3 Subject to any contrary decision of a Court or arbitrator, the Trustees shall at all times be indemnified by and out of the trust property from and against all costs, charges, losses, damages, and expenses sustained or incurred by them or in or about the execution and discharge of their office or in or about any claim, demand, action, proceeding, or defence at law or in equity in which they may be joined as a party, but this indemnity does not extend to claims relating to any

Trustee's personal dishonesty or wilful commission of an act known to be a breach of trust.

10.0 REGISTERED OFFICE

10.1 The registered office of the Trust shall be at such place as the Board shall from time to time determine.

11.0 ALTERATIONS AND ADDITIONS TO THE TRUST DEED

11.1 This Trust Deed may be amended by the Board in its absolute discretion by supplemental Deeds, provided that no amendment may be made which would:

- (a) Alter the exclusively charitable nature or tax-exempt status of the Trust.
- (b) Extend the charitable purposes to purposes or objects out of New Zealand.
- (c) Conflict with the provisions of the Charitable Trusts Act 1957 or the Charities Act 2005.

12.0 DURATION AND TERMINATION

12.1 The Trust shall continue in perpetuity until:

- (a) A majority of the Trustees pass a resolution to wind up the Trust, and at a Board meeting held not earlier than 30 days after the first resolution was passed a resolution confirming the resolution to wind up the Trust is passed by a two-thirds majority of all Trustees at the time; or
- (b) The Trust is dissolved pursuant to section 26, Charitable Trusts Act 1957, or
- (c) The Trust is wound up by order of the High Court.

- 12.2 On the winding up of the Trust the trust property may at the discretion of the Board be realised and after payment of all proper costs charges and expenses the capital and income of the trust property or the net proceeds of realisation thereof shall be applied by the Board for such charitable purposes in New Zealand as the Board in its absolute discretion thinks fit.

EXECUTION

1. **SIGNED** for and on behalf of)
KAIKAIWARO CHARITABLE TRUST)
BOARD by its authorised signatories:)

Signature

Signature

Name

Name

Position Held

Position Held

Address

Address

2. **SIGNED** for and on behalf of)
MARLBOROUGH DISTRICT COUNCIL)
by its authorised signatories:)

Signature

Signature

Name

Name

Position Held

Position Held

Address

Address

3. **SIGNED** by the said **WAIHAERE**)
MASON as Trustee No 1 in the)
presence of:)

4. **SIGNED** by the said **BARBARA ANNE**)
FAULLS as Trustee No 2 in the)
presence of:)

CHARITABLE TRUST DEED
(Te Hoiere Kaitiaki Charitable Trust Board)

Dated

2021

KAIKIAWARO CHARITABLE TRUST BOARD and
MARLBOROUGH DISTRICT COUNCIL

Settlers

A N D

WAIHAERE MASON

(Trustee No. 1)

BARBARA ANNE FAULLS

(Trustee No. 2)

RADICH⁺LAW
BARRISTERS AND SOLICITORS

RADICH LAW
SOLICITORS
BELLS ROAD
BLENHEIM

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022096-1315
3 December 2021

8. Decision to Conduct Business with the Public Excluded

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)
- Renwick Cycle Trail
- Financing Consideration
- Statement of Proposal Document
- Contract Considerations

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Minutes and Committee Reports	As set out in the Minutes 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.
Renwick Cycle Trail Financing Consideration Statement of Proposal Document	To enable the Council, as holder of the information, to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) as provided for under Section 7(2)(i).	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under Section 7 of the Local Government Official Information and Meetings Act 1987.
Contract Considerations	In order to protect the privacy of natural persons, as provided for under Section 7(2)(a).	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under Section 7 of the Local Government Official Information and Meetings Act 1987.