MARLBOROUGH DISTRICT COUNCIL 15 SEYMOUR STREET PO BOX 443, BLENHEIM 7240 NEW ZEALAND

25 September 2024

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Record No: File Ref: Ask For: 24226725 D050-001-A03 Nicole Chauval

Notice of Committee Meeting – Tuesday, 1 October 2024

A meeting of the Assets & Services Committee will be held in the Council Chambers, 15 Seymour Street, Blenheim on **Tuesday, 1 October 2024 commencing at 9.00 am.**

BUSINESS

As per Agenda attached.

JOHN BOSWELL CHIEF EXECUTIVE



Meeting of the ASSETS AND SERVICES COMMITTEE to be held in the Council Chambers, District Administration Building, Seymour Street, on TUESDAY, 1 OCTOBER 2024 commencing at 9.00 am.

Committee	Clr B G Dawson (Chairperson) Clr J C Rosene (Deputy) Clr S R W Adams Clr J D N Croad Clr D A Dalliessi Clr M R K Flight Mayor N P Taylor Ms D O'Connell (Iwi representative)
Departmental Head	Richard Coningham, (Manager, Assets & Services) and Jamie Lyall (Manager, Property & Community Facilities)
Staff	Nicole Chauval (Committee Secretary)

In Public

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1. Apologies

An apology from the Mayor has been received.

2. Declaration of Interests

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

3. Low Cost Low Risk – Roading Programme

(Clr Adams) (Report prepared by Steve Murrin)

R800-008-06

Purpose of Report

1. To advise the Committee of the outcomes of the NLTP bid for Council's Low Cost Low Risk (LCLR) Roading Programme and to determine if and how essential projects are funded.

Executive Summary

- 2. The NLTP funding decisions have been released by NZTA. Marlborough was not successful in obtaining any subsidy on its Low Cost Low Risk programme.
- 3. The committee to decide on which if any projects proceed, and what funding would be used to progress these projects.

RECOMMENDATIONS

- 1. That Marlborough Roads proceeds with replacement of the Elmslie Bay Jetty.
- 2. That Marlborough Roads applies for resilience funding for the replacement. If this is not successful the replacement will be funded as an unsubsidised project.
- 3. That as budget allows, projects not funded by NZTA proceed in the order recommended. These being the Urban Whale Trail Connection, Speed Management Around Schools and then the Not Critical Projects in the order provided.

Background/Context

4. Marlborough Roads on behalf of Council submitted a bid through the National Land Transport Programme (NLTP) process for \$10,113,000 for the LCLR Programme. The table below shows the Roading portion of that bid.

Project	24/25	25/26	26/27
Urban Whale Trail Connection	500,000		
Kent Street Footpath Improvements iRex		250,000	
Speed Management	1,000,000	1,000,000	500,000
High/Dublin Intersection Improvements		150,000	
Alfred/ Seymour Intersection Improvements	250,000		
Tourism Routes Signage and Delineation	25,000		
Waihopai Valley Seal Widening	600,000		
Elmslie Bay Jetty Replacement	1,000,000		
Kents Street SH 1 Revocation		800,000	
Total Annual Cost	3,375,000	2,200,000	500,000
Council Contribution 49%	1,653,750	1,078,000	245,000
Total 3 year cost			6,075,000
Council Contribution 3 year Total			2,976,750

5. The bid also included \$1.95m for London Quay Redevelopment which is a Parks and Open Spaces project and \$2.08m for Marlborough Sounds Future Access Study (MSFAS) Roading Improvements.

These projects are not shown in the above table as they do not form part of the Roads and Streets budgets.

- 6. The council LCLR bid did not receive any funding from the NLTP.
- 7. The only positive to come from the NLTP decision was that there is still an opportunity to apply for Resilience Funding for the improvements required under the MSFAS. There may also be an opportunity to apply for Resilience funding for the Elmslie Bay Jetty.
- As you will see from the table, Council had allocated funding for the 24/25 LCLR programme at \$3.375m. Of this Council's contribution of 49% is \$1.654m. Council's contribution has been budgeted in the LTP.

Assessment/Analysis

9. Marlborough Roads has made a recommendation on what they see as the priority for projects over the next 3 years. This priority is:

Critical Projects

Elmslie Bay (French Pass) Jetty Replacement.

Important Projects

Urban Whale Trail Connection through Blenheim, and implementation of the Speed Management Plan particularly around Schools.

Not Critical, but nice to do projects

Waihopai Valley Seal Widening, Kent Street SH 1 Revocation, High/Dublin Street Intersection Improvements, Alfred/Seymour Intersection Improvements, Tourism Route Signage, Kent Street Footpath Improvements. These projects are in the priority that Marlborough Roads recommends.

- 10. Council has budgeted a total of \$2.977m as their share of the LCLR programme over the next 3 years. This is the Council contribution, with no subsidy from NZTA.
- 11. From that budget allocation Marlborough Roads would recommend that Elmslie Bay Jetty replacement proceeds. This jetty is at the end of its life. Marlborough Roads will apply for resilience funding through NZTA. At this stage there is no indication of what Financial Assistance Rate (FAR) this funding would be at, and whether our application is likely to be successful.
- 12. If Resilience funding is not forthcoming then the replacement would have to proceed as an unsubsidised project.
- 13. A budget had been allocated to complete the Whale Trail section through Blenheim. This is very important for the completion of the trail.
- 14. Through the development of the Speed Management Plan, indications were given to the community that speed limit changes would be happening, particularly around schools, as well as sorting some of the speed anomalies that have eventuated with changes to speed limits on State Highways and not on side roads.
- 15. There is not sufficient funding to complete all the proposed projects. Marlborough Roads recommends that with the budget available, both the Urban Whale Trail and the most important aspects of the speed management plan be implemented. If there is any remaining funding then the non-critical projects proceed in the order provided under paragraph 8.

Option One (Recommended Option) – Maintain Council's share of LCLR budgets

- 16. That Marlborough Roads proceeds with replacement of the Elmslie Bay Jetty.
- 17. That Marlborough Roads applies for resilience funding for the replacement. If this is not successful the replacement will be funded as an unsubsidised project.

18. That as budget allows, that the unfunded projects proceed in the order recommended above. These being the Urban Whale Trail Connection, Speed Management Around Schools and then the Not Critical Projects in the order provided.

Advantages

19. Critical Projects still get completed.

Disadvantages

20. Works are completely funded by rates, with no subsidy from NZTA.

Option Two – Relinquish Council's LCLR budgets

- 21. Not proceed with any projects in the Low Cost Low Risk Programme and relinquish the budgets.
- 22. Council has a cost saving in the short term.
- 23. A savings in rates for 2025-26 and 2026-27 of 1.0% and 0.2% respectively. (no rates savings will occur in 2024-25 as rates have already been set)

Disadvantages

- 24. Some critical assets are likely to fail, such as Elmslie Bay Jetty.
- 25. Other projects that were programmed to take place will not happen.

Author	Steve Murrin, Marlborough Roads Manager
Authoriser	Richard Coningham, Manager Assets and Services

Summary of decision-making considerations

Fit with Council policies and strategies

	Contributes	Detracts	Not applicable
LTP / Annual Plan		x	
Financial Strategy		X	
Infrastructure Strategy		x	
Social well-being		X	
Economic development		x	
Environment & RMA Plans		X	
Arts & Culture			X
3 Waters			X
Land transport		X	
Parks and reserves			X
Because no NZTA subsidy was provide Council's Policies and Strategies.	ed the Low Cost Low Risk pr	ogramme detracts f	rom a number of
Nature of the decision to be mad	le		
The options do not involve a significant	t decision in relation to land c	or a body of water.	

Financial considerations

The project has been budgeted for in Roading Group in the 2024-27 budgets.

Significance

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

Engagement

No engagement has happened at this time.

Risks: Legal / Health & Safety etc

There are no known significant risks or legal implications.

Climate Change Implications

There are no known climate change implications to this decision.

4. NZTA Funding of LTP Roading Budget

(CIr Adams) (Report prepared by Steve Murrin)

R800-006-002-02

Purpose of Report

1. To advise the Committee of the outcome of the National Land Transport Plan (NLTP) Funding Decisions released by NZTA.

Executive Summary

2. Funding under the NLTP does not align with Council's LTP budgets. This will require a reduction in programme to stay within budget or extra funding brought into the programme.

RECOMMENDATIONS

That Council:

- 1. Adjusts the Council Roading Programme to ensure the programme fits within the NLTP budget for Operations and Pothole Prevention.
- 2. Uses the surplus of \$502,033 to offset as much of the deficit as possible in the Walking and Cycling programme.

Background/Context

- 3. Marlborough Roads developed the Marlborough District Council Asset Management Plan (AMP) to set Levels of Service required across the Roading Network, this AMP was endorsed by Council.
- 4. Council submitted its bid for funding to undertake the Roading programme endorsed in the AMP to the NLTP.
- 5. Decisions on NLTP funding were released in early September.

Assessment/Analysis

- 6. With the release of the NLTP, funding for our Roading programme has been confirmed. NZTA are not funding to Council's full Long Term Plan budgets.
- 7. Our Roading programme is made up of four categories, Operations, Pothole Prevention, Walking and Cycling and Bridge Renewals.

	MDC	24/25	25/26		3 year Approved	
Activity	Request	Allocation	Allocation	26/27 Allocation	Allocation	Difference
Operations	28,682,899	7,578,749	7,717,667	7,856,584	23,153,000	5,529,899
Pothole						
Prevention	41,321,487	13,525,740	13,773,667	14,021,593	41,321,000	487
Walking						
and Cycling	3,489,180	325,697	331,667	337,636	995,000	2,494,180
Bridge						
Renewals	2,880,677	0	0	0	0	2,880,677
Totals	76,374,243	21,430,186	21,823,001	22,215,813	65,469,000	10,905,243

- 8. The below table shows Council's 3 Year Funding request as well as the actual funding in the NLTP.
- 9. In summary, Council requested \$76.3m, this is the gross amount. The \$76.3m is made up of 51% from the NZTA \$38.9m with the remaining 49% coming from MDC \$37.4m.
 - Work Category MDC NLTP VAR [114] 382,117 386.811 (4,694) Structures maintenance 991.000 1.007.221 (16, 221)[121] Environmental maintenance 1.170.320 1,189,967 (19, 647)[122] Traffic (Network) services maintenance [123] Network Operations 373,000 379,262 (6,262) 44.159 44.701 [131] Level crossing warning devices (542) 420,764 415.658 [140] Minor events (5, 106)549,338 3,106,220 [151] (2,556,882)Network and asset management 368.800 [215] Structures component replacements 448.848 80,048 [221] Environmental renewals 0 26.187 (26, 187)788.480 648.816 139,664 [222] Traffic services renewals [322] Bridge renewals 512,114 0 512,114 Local Road Operations 5,675,034 7,578,749 (1,903,715) [111] Sealed pavement maintenance 2,176,786 2,213,266 (36, 480)[112] Unsealed pavement maintenance 742,891 755,370 (12, 479)[113] Routine drainage maintenance 722,329 734,434 (12, 105)[211] Unsealed road metalling 2,407,797 1,981,248 426,549 [212] Sealed road resurfacing 5,827,360 4,832,926 994,434 [213] Drainage renewals 1,697,325 1,396,638 300,687 [214] Pavement rehabilitation 1,958,880 1,611,858 347,022 Local Road Pothole Prevention 15,533,368 13,525,740 2,007,628 69.498 25.326 [124] Cycle path maintenance 44.172 541.655 112.464 429.191 [125] Footpath Maintenance [224] Cycle path renewal 54,406 16,095 38,311 580,783 171,812 408,971 [225] Footpath Renewal the NI TP IS MADE Walking and Cycling Improvements 325.697 920.645 1,246,342 22,454,744 21,430,186 **Total Continuous Programme** 1,024,558
- 10. Comparisons for the current financial year are shown in table below.

- 11. An anomaly in the above table is how Council fund Work Category 151. The difference between what is shown in the MDC budget and what is shown in the NLTP budget is largely covered by the surpluses shown in the Local Road Pothole Prevention (renewals) budgets.
- The shortfall in approval shown in the table above of \$1,024,558 is made up of 51% NZTA \$522,525, 49% MDC-\$502,033. The \$502,033 is the Council's budget for funding in excess of the programme funded by NZTA. This means that this amount is in effect available for unsubsidised activities if Council chooses to do so.

- 13. The table shows that there was no NLTP funding for bridge renewals. This is because the new requirement for bridge renewal funding means there needs to be a financial justification for each bridge. As long as Council can prove justification then NZTA FAR should still be forthcoming. In the current year there are no bridge replacements planned, so the funding set aside for bridges can be used across the programme.
- 14. Marlborough Roads believes with the surplus in Pothole Prevention and deficit in Operations overall we should be able to keep the programme within budget. In the 24/25 year this won't have an effect on levels of service in operations and pothole prevention but will reduce LOS in future years.
- 15. Walking and Cycling are the area that has taken the biggest hit in the funding outcomes. If we were to stick with the approved funding this means a 32% reduction in funding for Cyclepaths and a 50% reduction in funding for footpaths. It would mean there would be no footpath renewals in 24/25.
- 16. Marlborough Roads recommends that the council funding of \$502,033 be used to offset the deficit in the Walking and Cycling programme.
- 17. How year 2 and 3 of the NLTP will be undertaken will be brought back through Committee during 25/26 budget rounds.

Option One – (Adjust the Roading Programme to Align with NLTP Funding)

- 18. Adjust the roading programme to ensure the programme fits within budget for Operations and Pothole Prevention.
- 19. Use the surplus of \$502,033 to offset as much of the deficit as possible in the Walking and Cycling programme.

Advantages

20. The 2024/25 Roading programme is delivered within the current LTP budget.

Disadvantages

21. 10% Reduction in the renewal programme from the approved LTP.

Option Two – (Council to Provide Additional Funding to Complete Proposed Renewal and Walking and Cycling Programmes)

22. To complete the proposed Renewals and Walking and Cycling Programmes would require an additional \$1.8m in funding.

Advantages

23. Approved LTP programme is completed.

Disadvantages

24. Funding \$1.8m with no NZTA subsidy.

Presentation

A short presentation will be given by Amanda Smith and Steve Murrin

Author	Steve Murrin, Marlborough Roads Manager
Authoriser	Richard Coningham, Manager Assets and Services

Summary of decision-making considerations

Fit with Council policies and strategies

	Contributes	Detracts	Not applicable
LTP / Annual Plan	X		
Financial Strategy	X		
Infrastructure Strategy	x		
Social well-being			X
Economic development			X
Environment & RMA Plans			X
Arts & Culture			X
3 Waters			X
Land transport	X		
Parks and reserves			x

Nature of the decision to be made

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

Financial considerations

This work has been budgeted for in General Roading 2024-25budgets.

Significance

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

Engagement

No engagement is proposed as NLTP funding has been decided.

Risks: Legal / Health & Safety etc

There are no known significant risks or legal implications . There is the risk that the Roading Asset could deteriorate as a result of underfunding in renewals.

Climate Change Implications

There are no known climate change implications to this decision.

5. Request to Establish Commercial Mobile Sauna Operation on Shelly Beach

(The Chair) (Report prepared by Grahame Smail)

R510-009-S03-01

Purpose of Report

1. For Councillors to consider and determine whether a request to establish a commercial mobile sauna operation on Shelly Beach should be allowed.

Executive Summary

- A request has been received to establish a commercial mobile sauna operation on Shelly Beach Reserve. Two carparks would be required with the hours of operation being Sunday – Thursday, 4pm – 8pm, year-round.
- 3. The land is a recreation reserve and is covered by the Victoria Domain Reserves Management Plan (Plan). An initial staff assessment considered and determined the proposal did not fit with the policy framework of the Plan. As the applicant wishes to pursue the request a decision needs to be made by the Assets & Services Committee. If permission is granted under this Plan, then a resource consent will be required for the proposal given that commercial activities on Shelly Beach are not a permitted activity under the Proposed Marlborough Environment Plan (PMEP) rules.
- 4. An assessment of the proposal against the Plan's objectives and policies had been undertaken and there is some inconsistency with these, such that staff consider the request to locate the mobile sauna on Shelly Beach Reserve should be refused. The main issue is the commercial nature of what has been proposed, whereas the very specific policy direction for Shelly Beach is that it is for informal water based-recreational use and picnicking.
- 5. Other concerns include the loss of car parks, potential effects on amenity values for the area and the potential for increased and unanticipated use of the public toilets.
- 6. If it is considered that approval for the request should be given and a resource consent is also obtained, then a licence to occupy the Reserve will be required and all related costs, including payment of a concession fee, should be borne by the applicant.

RECOMMENDATION

That Council consider the request to establish a mobile sauna operation on Shelly Beach Reserve.

Background/Context

- 7. A request has been received to establish a commercial mobile sauna operation on Shelly Beach Reserve. A copy of the request is included as Attachment 1 to this report, which includes an aerial photo showing the proposed sitings of the mobile sauna. Two carparks would be required (one for the sauna unit and one for the towing vehicle) with the hours of operation proposed as Sunday – Thursday, 4pm – 8pm, year-round. Outside of the agreed operating hours, the mobile sauna would be removed from site.
- 8. The sauna does not require connection to any services and requires a small amount of water per day, which would be brought in by the operator. Heating of the sauna is by a small, low emission log fire with firewood to be kept on the back of the towing vehicle.
- 9. The applicant had already been operating from both Picton Foreshore and Shelly Beach without Council permission but was asked to stop given that various approvals were required.

- 10. The initial staff assessment of the proposal was that it did not fit with the policy frameworks of either the Victoria Domain Reserves Management Plan or the Picton Foreshore Management Plan. Consequently, staff asked the applicant to consider whether there was commercially zoned land where the activity would be more appropriate. However, as can be seen in Attachment 1 the applicant considers that there is no other site considered to be appropriate given the existing swimming area and proximity to Picton's centre for cruise ship visitors to easily access.
- 11. As the applicant still wishes to pursue the proposal for Shelly Beach a decision on this should be made by the Assets & Services Committee in accordance with Policy 6.4.10 of the Victoria Domain Reserves Management Plan.
- 12. A resource consent under the Marlborough Environment Plan is also required for the activity but there is no point in applying for this unless Council permission as land manager is provided. If all permissions are granted/approved then a licence to occupy the Reserve will need to be prepared and a concession fee paid. The applicant will need to be responsible for any costs associated with preparing a licence.

Assessment/Analysis

Status of land and current use

- 13. Shelly Beach Reserve is located on the eastern side of Picton Harbour and is gazetted under the Reserves Act 1977 (NZG 1979 p.3307) for recreation purposes. The Reserve is a significant focal point for small boat activity with a boat ramp that provides for kayaking, windsurfing and small dinghy sailing. The grassed areas are particularly well used in the summer for picnicking with picnic tables, seats and toilet facilities nearby. Non-commercial organised events are held at Shelly Beach, including waka ama and yacht club regattas, at various times during the year.
- 14. There is an existing lease between the Council and the Queen Charlotte Yacht Club over part of Shelly Beach Reserve. For the area occupied by the building there is an exclusive lease while in the car park area immediately behind, the Club has exclusive use during Club days, yachting regattas and other yachting specific events. Otherwise the parking area is to be available for use by the general public.
- 15. Of note one of the sites proposed by the applicant is within this car park area see Location 1 on the map in Attachment 1.

Management Plan assessment

- 16. The management of Shelly Beach Reserve falls under the Victoria Domain Reserves Management Plan (Plan). The applicant has provided their assessment of the proposal against the Plan's provisions and considers that aside from the commercial nature of the proposal, which sits outside what is anticipated by the Plan, the proposal is not contrary to the overall vision for the reserve area.
- 17. As set out earlier in this report the initial assessment staff undertook of the proposed mobile sauna was that it was not consistent with the Plan and this is still considered to be the case. To assist Councillors to make a decision on this proposal a staff assessment of the Plan's provisions follows and this includes consideration of the applicant's assessment.

Victo polic	ria Domain RMP objectives and ies	Assessment
Recreation Objectives		The applicant has highlighted these three objectives as being relevant to consider the proposed mobile sauna against.
3.1	A diverse range of recreational	relevant to consider the proposed mobile sauria against.
	opportunities across the Reserves are available for all users.	These three objectives are based around recreation use for all the areas that make up the Victoria Domain Reserves, with the
3.2	Free and open access to the Reserves is generally provided.	exception of 3.4 which is aimed specifically at Shelly Beach (and the nearby Memorial Park).
3.4	Shelly Beach and Memorial Park are available for recreational use.	There may be some impact on both access to Shelly Beach and its availability for recreational use from having the mobile sauna located here. This is explored further in the following assessment.

Victo polio	oria Domain RMP objectives and cies	Assessment
Recr 3.22	eation Policies for Shelly Beach Retain Shelly Beach primarily as a base for informal water-based recreational activities and picnicking.	The applicant considers the proposal will support the diversity of recreational opportunities available at Shelly Beach, and the non-permanent nature of the mobile operation will ensure that any events can be worked with or around as appropriate.
3.23	short term events e.g. regattas, concerts, where these provide benefit and interest to the community and	The reference to events (Policy 3.23) is accepted as any conditions of a licence to occupy the Reserve for the mobile sauna (if approval is given) would stipulate that on days where there are events then the mobile sauna would not be able to operate.
	visitors and the permission of the Council is obtained.	In terms of Policy 3.22, it is considered the proposal is inconsistent with this direction. The sauna is neither a water-based recreational activity or picnicking. The applicant states the sauna will support the diversity of recreational opportunities for Shelly Beach, however the policy is not directing that, it is actually limiting the extent of recreational activities that may occur here.
Appr	/visitor facilities Objective 6.2.1 opriately located facilities and structure for users of the Reserves.	The objective and policies are relevant to the Council providing facilities and infrastructure rather than by others.
Use Activ	of Reserves Objective 6.4.1 rities do not adversely affect recreational and enjoyment of the Reserves or on ral matters, ecological health or amenity	The extent to which this objective is not able to be achieved will ultimately be determined through consideration of Policy 6.4.5.
In co	of Reserves Policy 6.4.5 Insidering whether to allow activities or	The applicant's assessment identifies that the mobile sauna will provide for an all-weather health and wellbeing opportunity and will support the diversity of recreation activities at Shelly Beach.
netw infra	, including commercial activities, ork utilities or other similar structure, the following must be idered:	The Reserves Act purpose for the Reserve is recreation whereas what is proposed is clearly a commercial activity. This is not to say that a commercial activity cannot occur on a recreation reserve
(a)	Whether the proposed use is consistent with the primary recreation purpose of the Reserves;	provided that it does not take away from that purpose.
(b)	Does the proposed use impact on the use or enjoyment of the Reserves by other users;	There may be some reduction in recreational use and enjoyment of the Reserve and on amenity values for some while others may find the opportunity to have a sauna experience on the Reserve enhances their visit to the area.
(c)	Whether the proposal will enhance public benefit and enjoyment;	An aspect of small reserves such as Shelly Beach is that the public do enjoy not having commercial activities with the whole area able to be maximised for recreation. Given this activity is new to Marlborough in the form proposed, it is difficult to determine if there would be enhancement of public benefit and enjoyment of Shelly Beach.
(d)	Is there a demonstrated demand for the proposal and will it duplicate other facilities in the vicinity;	There has been no demonstrated demand for this type of activity on Shelly Beach Reserve as it is an untested activity (on any Council land). The only commercial activity provided for on Shelly Beach is a guided kayak operation in which instruction, embarking and disembarking is allowed.
		The mobile sauna will not duplicate other facilities in the vicinity.
(e)	Whether public access is restricted or may otherwise be affected by the proposal;	There may be some limited impact on public access to Shelly Beach from the proposal. The main impacts that might arise are to public parking and additional vehicle movements in a highly pedestrianised area.
		Public parking is already limited, especially on days where there is yachting or waka ama activity occurring. Taking away car parks for the sauna may further limit the ability for the public to access this Reserve.

	oria Domain RMP objectives and cies	Assessment
(f)	Does the proposal adversely affect cultural matters, ecological values or amenity values;	There are no known cultural matters or ecological values that would be of concern. There may be some adverse effect on amenity values while the sauna is in place.
(g)	Whether there will be a visual or audible intrusion in the Reserves environment that may detract from amenity values;	There may be some loss of visual amenity with locating the sauna unit on the Reserve, particularly in Locations 2 and 3, which are more visible. Location 1 would result in less visual intrusion being tucked away behind the Yacht Club building.
(h)	There will be no increased cost to the Council for maintenance unless approved by the Council;	With a mobile sauna on site for 4 hours 5 days a week, there is likely to be related use of the public toilets on the Reserve. Depending on how popular the sauna becomes this may require increased maintenance for the toilet facilities.
(i)	The proposal can be accommodated in terms of access, parking, services, support facilities and future expansion, if considered likely; and	The mobile sauna does not require connections to Council services on the Reserve. As discussed in (e) above the main concern here is the loss of two parking spaces, which in itself doesn't seem a lot. However, in an area where there are already constraints on parking given the existing activities in and near the Reserve, then the loss of parking space needs to be carefully considered.
(j)	Whether alternative locations for the proposal have been investigated.	The applicant has investigated other locations but is looking for a site adjacent to swimming areas and close to cruise ships to enable easy access for visitors.

- 18. In summary, there is some inconsistency when assessing the proposal against the Plan's objectives and policies. The main issue is the commercial nature of what has been proposed, whereas the very specific policy direction for Shelly Beach is that it is for informal water based-recreational use and picnicking. Other concerns include the loss of car parks, potential effects on amenity values for the area and the potential for increased and unanticipated use of the public toilets.
- 19. Staff consider the request to locate the mobile sauna on Shelly Beach Reserve should be refused.

Marlborough Environment Plan

20. As indicated above a resource consent for the activity will be required. The land is zoned Open Space 1 and commercial activities are not provided for as a permitted activity in this zone. If Council permission as land manager is given through this agenda item, then the applicant will need to apply for resource consent. The assessment of the mobile sauna as a commercial activity will then be determined through the RMA processes and MEP provisions.

Next steps

21. If Council approves the operation as land manager, then the applicant will proceed to apply for resource consent. If that is successful then a licence to occupy the Reserve will need to be prepared. The applicant should pay for any costs associated with preparing a licence and like other commercial operators on reserves will be required to pay a concession fee for operating.

Attachment

Attachment 1 – Request to site mobile sauna on Shelly Beach Reserve

Page [14]

Author	Grahame Smail, Parks and Open Spaces Officer
Authoriser	Jane Tito, Manager – Parks and Open Spaces

Attachment 1



16 September 2024

PROPOSED MOBILE SAUNA OPERATION – EL SAUNA SHELLY BEACH, PICTON ROBERT SAVAGE

The proposal is part of El Sauna Ltd's request to operate in the Picton area. The intention is to operate a single mobile sauna from the Shelly Beach Reserve on the eastern side on the Picton Harbour.

Figures 1 and 2 show the actual mobile sauna unit at Shelly Beach recently.

Two carparks would be occupied (one for the sauna unit and one for the towing vehicle), for set off peak hours on specific days. The preferred locations of these car parks are shown on the attached plan, Ayson Survey 16007 SP01 B.

A suggested operating schedule is Sunday – Thursday, 4pm – 8pm, year-round. Outside the agreed operating hours, the mobile sauna would be removed from site.

Bookings are made online, similar to a traditional health and fitness club rather than a mobile trading business.

Heating of the sauna is by a small, low emission log fire (refer to Figure 2). Firewood would be kept on the back of the towing vehicle.

Water is ladled, 250mls at a time, over hot stones for a light humidity effect in the sauna. The rate of usage is less than 8 litres per day and it would be brought in each day by the operator.

Given the nature of the proposal and how it operates, there would be no connection to any Council services.

The proposal offers a unique opportunity for all weather health and wellbeing, catering for cruise ship visitors as well as regular visitors to Shelly Beach. The location sought is considered the best option in the area – people can swim in the harbour, then come straight to the sauna.

It is acknowledged that approval from the Assets & Services Committee is the first step in a two-stage process, the second step being applying for a resource consent.

Under the Proposed Marlborough Environment Plan, Shelly Beach is zoned Open Space 1. The definition of a 'commercial activity' contained within this plan would apply to the proposal. Commercial activities are discretionary activities in this zone under Rule 17.4.3.



Directors-Matt Straker, BSurv., RPSurv. Mike Russell, BSurv., RPSurv. 89 Mildle Renwick Road P O Box 704, Blenheim, New Zealand 03 379-2900 office@ayson.co.nz www.ayson.co.nz

FIGURE 1: Mobile Sauna Unit at Shelly Bay

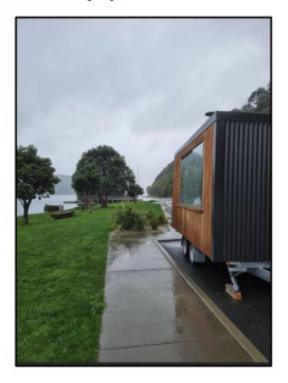


FIGURE 2: Internal view of Mobile Sauna, showing external view over Picton Harbour, and heating source.



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The Picton Foreshore Reserve Management Plan and the Victoria Domain Reserve Management Plan, prepared under the provisions of the Reserves Act, are the Council plans that guide the overall management of these specific areas of land. Shelly Beach Reserve is included within the Victoria Domain Plan.

The Victoria Domain Reserves Management Plan has the following strategic vision:

Victoria Domain Reserves are treasured as a place for recreation whilst natural, cultural and historical values are respected and responsibly enhanced and protected.

The proposal sits comfortably within this vision, supporting recreational use whilst appreciating specifically natural values. No aspect of the proposal is contrary to this vision, although it is accepted that the commercial nature of the proposal sits it outside of what is anticipated and provided for within the reserve area.

Objective 3 Ngā Tākaro Puangi / Recreation is particularly relevant to this proposal:

Objective 3.1 - A diverse range of recreational opportunities across the Reserves are available for all users. Objective 3.2 - Free and open access to the Reserves is generally provided. Objective 3.4 - Shelly Beach and Memorial Park are available for recreational use.

Relevant supporting policies, specific to Shelly Beach include:

Policy 3.22 - Retain Shelly Beach primarily as a base for informal water-based recreational activities and picnicking.

Policy 3.23 - Enable Shelly Beach to be used for short term events e.g. regattas, concerts, where these provide benefit and interest to the community and visitors and the permission of the Council is obtained.

The proposal will support the diversity of recreational opportunities available at Shelly Beach, and the non-permanent nature of the mobile operation will ensure that any events can be worked with or around as appropriate.

With regard to administration of the reserve, the following objectives and policies are of relevance:

Objective 6.1.1 Reserves are managed and maintained to provide a diverse range of recreational opportunities for all users while ensuring natural, cultural and historical values are protected.

Objective 6.2.1 - Appropriately located facilities and infrastructure for users of the Reserves.

Policy 6.2.3 - Ensure the design and placement of facilities and infrastructure are in keeping with the environment and do not detract from the amenity values of the Reserves.

Objective 6.4.1 - Activities do not adversely affect recreational use and enjoyment of the Reserves or on cultural matters, ecological health or amenity values.

These objectives and polices are likely to be more applicable to Council development of infrastructure servicing the reserve areas, however they can equally apply to proposals, ensuring that they do not detract from the amenity values of the reserve. It is considered that the proposal will add to the amenity value and encourage recreational use of the public area.

Policy 6.4.5 acknowledges that commercial operations may be considered, provided specific matters are considered:

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Policy 6.4.5 - In considering whether to allow activities or uses, including commercial activities, network utilities or other similar infrastructure, the following must be considered:

(a) Whether the proposed use is consistent with the primary 20 recreation purpose of the Reserves;

- (b) Does the proposed use impact on the use or enjoyment of the Reserves by other users;
- (c) Whether the proposal will enhance public benefit and enjoyment;
- (d) Is there a demonstrated demand for the proposal and will it duplicate other facilities in the vicinity;
- (e) Whether public access is restricted or may otherwise be affected by the proposal;
- (f) Does the proposal adversely affect cultural matters, ecological values or amenity values;
- (g) Whether there will be a visual or audible intrusion in the Reserves environment that may detract from amenity values;
- (h) There will be no increased cost to the Council for maintenance unless approved by the Council;
- (i) The proposal can be accommodated in terms of access, parking, services, support facilities and future expansion, if considered likely; and

(j) Whether alternative locations for the proposal have been investigated

While the proposal is a clearly a commercial activity, it is contended that it will enhance the use and enjoyment of the reserve for a number of users. Currently the level of demand has not been established, although based on other operations around New Zealand, it is a popular and well supported venture. There is no effect on cultural or ecological matters, and it is considered that amenity values will be enhanced by enabling people to relax and take in the scenery whilst partaking in the sauna experience. The mobile unit will be removed when not in operation, leaving no trace of its presence outside its set hours. There will be zero cost to the Council for maintenance, and all necessary resources (firewood and fresh water) will be brought in daily with the operation.

Alternative locations have been investigated, particularly outside of reserve areas (i.e. on the former Picton Aquarium site owned by Port Marlborough. No other site is considered to be as appropriate given the existing swimming area, proximity to Picton's centre for cruise ship visitors to easily access.

Policy 6.4.9 - The Reserves may be booked for sporting activities, recreation activities, cultural and recreation events or other special events where:

(a) these meet the permitted activity standards for the Marlborough Environment Plan (where relevant);

- (b) other statutory requirements are met (e.g. Building Act); and
- (c) event organisers agree to comply with conditions imposed for use of the Reserves.

Policy 6.4.10 - Where permission of the Council is required as a consequence of the Plan's policies or provisions this may be through:

(a) the Council's park booking system, where the proposal is consistent with the Plan; or

(b) the Assets and Services Committee of the Council where the proposal is not specifically provided for or consistent with the Plan.

As noted, it is acknowledged it is a twostep process. Permission is sought from the Assets and Services Committee prior to proceeding with a resource consent application.

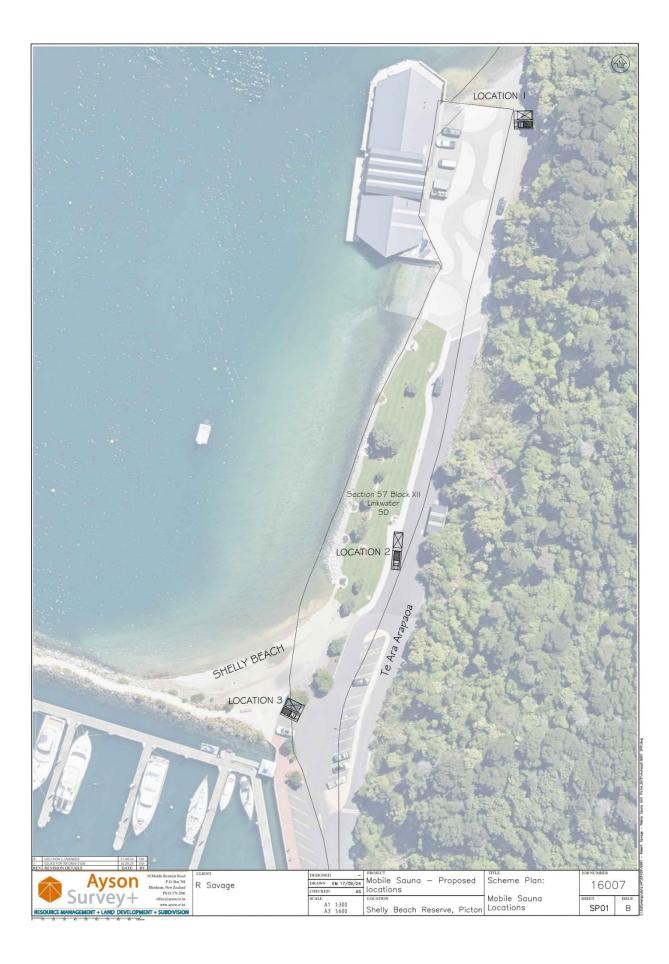
Objective 6.6.1 - Granting of occupation agreements (leases, licences or concessions) for individuals, groups, uses or facilities where the reasons for occupation are directly related to the Council's vision for the Reserves.

Policy 6.6.2 - Occupation agreements may be granted where they have been assessed against the policies of the Plan and the uses do not adversely impact on recreational use and enjoyment or on cultural, ecological or amenity values of the Reserves

As noted, the proposal sits comfortably within the vision for the reserve, supporting recreational use whilst appreciating specifically natural values.

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6. Cemetery Management

(The Chair) (Report prepared by Kiri Whiteman)

R520-001-000-00

Purpose of Report

1. To approve development of an overall cemetery policy and revocation of the Council's Cemeteries Bylaw 2017.

Executive Summary

- 2. Staff had identified there are omissions and errors in the current Cemeteries Bylaw 2017 (the Bylaw) as it relates to the installation of memorials (Section 10. Memorials). An approach to the Council's legal team was made to establish what options were available to deal with this and what consultation would be required to amend the Bylaw.
- 3. Part of the discussion on options also considered whether a bylaw was needed for cemetery operations and management, particularly as much of what is in the Bylaw is already covered by the Burial and Cremation Act 1964 Act (Act). Additionally, a review of the Act has proposed a requirement for councils to develop a cemetery policy in consultation with their community. If this is required then consideration needs to be given to whether a bylaw is needed as well.
- 4. A review of 22 other councils' websites was undertaken to determine whether they are managed through a bylaw or other mechanism. In summary 10 of the 22 councils did not have a bylaw in place: some had no specific management documents while others had practice and procedure manuals, policies or rules in place.
- 5. In considering four options for future management it is proposed that development of an overall cemeteries management policy be prepared and the 2017 Bylaw be revoked. This will require public consultation.

RECOMMENDATION

That Council approve development of an overall cemeteries policy to guide management and operations of Marlborough District Council cemeteries with revocation of the Cemeteries Bylaw 2017 to follow.

Background/Context

- 6. Staff had identified that there are some omissions and errors in the current Bylaw as it relates to the installation of memorials (Section 10. Memorials). In particular, the provisions for the dimensions of headstones permitted in our cemeteries did not reflect the actual situation across all eight cemeteries. Development of new standards were proposed along with the ability for some flexibility to approve variations to the standards, but outside of the Bylaw.
- 7. An approach to the Council's legal team was made to establish what options were available to accommodate this and what consultation would be required. The advice received was that changes to the Bylaw would require public consultation, but not at the level of a special consultative procedure of the Local Government Act 2002 (LGA). Any future changes to the new standards would also require further consultation.
- 8. Discussion was then had on whether a complete review of the Bylaw should occur rather than just amending it as initially proposed, given there are also other issues in the Bylaw wording. A review of the Bylaw is due in 2027. Part of this discussion also considered the option of whether a bylaw was needed for cemetery operations and activities.

Assessment/Analysis

Burial and Cremation Act 1964

- 9. Section 16 of the Act says a local authority <u>may</u> make a bylaw for the range of purposes set out in clause 16(1) but there is no compulsion to do so. A bylaw must be made in the same manner in all respects as if they were bylaws made pursuant to the LGA.
- 10. Much of what is in the Bylaw is already covered by the Act and therefore a bylaw may be considered unnecessary. The only aspect not specifically covered in the Act relates to the conduct of persons however, there have not instances of conduct issues for which we have needed to undertake enforcement action. An amendment to the Council's Reserves and Other Public Places Bylaw 2017 could be made to deal with this issue if necessary.
- 11. The Burial and Cremation Act 1964 has been under review for some time. This Council lodged a submission on a consultation document as part of the review process in July 2020 but little progress has been made since then. An option included in the document was a requirement for councils to have to develop a cemetery policy in consultation with the community. If we do end up having to put a cemetery policy in place then the question needs to be asked, do we need a bylaw as well?

Other councils' management of cemeteries

- 12. A review of 22 other councils' websites was undertaken for information on how they manage cemeteries and particularly whether they are managed through a bylaw or other mechanism. In summary 12 of the 22 councils had a bylaw in place. Seven of these councils also had some form of supporting policy, guidelines, handbook or other manual for cemetery management. The remaining five councils with a bylaw had supporting information on their websites covering locations, forms and fees etc.
- 13. Of the 10 councils without a bylaw, five have no policy, handbook, rules or other mechanisms to guide cemetery management. The only cemetery information found on their website was related to locations, forms and fees etc but little else. The other five councils had a variety of practices and procedures manuals, rules and policy, all with similar information and written very much in a regulatory way.

Other matters

- 14. Cemetery master plans have been prepared for all 8 of Marlborough's open cemeteries. These guide development of the cemeteries and include information for future work streams and for which budget allocations need to be made. Developing an overall cemeteries policy provides the scope for bringing these master plans into a more strategic framework for overall cemetery management.
- 15. Staff maintain a cemeteries handbook that has a lot of useful information for families wanting to know the ins and outs of interments. It is an information document which can continue in its current form regardless of whether there is any change in approach to cemetery management.

Summary

16. The following options are proposed with brief consideration of the advantages and disadvantages for each. Option 4 is the preferred option.

	Options	Comments
1.	Leave things as they are i.e. the status quo	No work is required for now following this option but the Bylaw will have to be reviewed before 2027 so any issues will need to be addressed then.
		The downside is that headstone dimensions currently being used in the cemeteries do not comply with the bylaw and this will continue. There may be a legal risk with this approach.
		It is noted that the wording of a number of bylaw provisions requires Council permission. This wording taken literally means almost every action requires a decision of Council – a review of the Delegation Schedule needs to occur to ensure there are appropriate delegations in place for these actions.

	Options	Comments
2.	Amend the bylaw as proposed with headstone detail sitting outside the Bylaw	This requires Council approval of the details to be amended and public consultation but is the simplest of the options other than the status quo. It deals with the immediate issue of ensuring there is compliance with dimensions for headstones/memorials. It does not address other bylaw issues and the bylaw still needs reviewing before 2027.
3.	Develop a new bylaw setting up framework for management through a procedures/rules document	This requires Council approval to review the bylaw and development of a policy management document. The development of the new bylaw and the procedures/rules document follows and then a consultation process before final approval. This simplifies the bylaw to only those matters not covered by the Act leaving everything else to the procedures/rules document. This approach still has the regulatory powers of the Act and also requires consideration of the LGA requirements for developing bylaws. It deals with all bylaw issues in one go, rather than in a piecemeal way as per Option 2.
4.	Develop a cemetery policy (with rules) and revoke the current bylaw	This requires Council approval to revoke the bylaw and develop a policy/management document. Development of the new policy and procedures/rules document follows with a consultation process before final approval. This simplifies cemetery management through one document where all policy direction and rules can be included. It also provides a strategic overview drawing in the cemetery master plans. This approach still has the regulatory powers of the Act.

Next steps

17. Staff would commence development of an overall cemeteries management policy. This would be workshopped with funeral directors and then Councillors prior to feedback being sought from the wider public in accordance with the LGA. The public consultation would also advise that the Cemeteries Bylaw 2017 is to be revoked upon adoption of the new cemeteries management policy.

Author	Kiri Whiteman, Parks Officer, Parks and Open Spaces
Authoriser	Jane Tito, Manager, Parks and Open Spaces

7. Civil Defence Emergency Management Group (CDEM)

(The Chair)

1. The Minutes of the CDEM meeting held on 20 August 2024 are attached for ratification by the Committee.

RECOMMENDATION

That the Minutes of the CDEM meeting held on 20 August 2024 be ratified.

D050-001-C03



Report and Minutes of a Meeting of the CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP held in the Council Chambers, 15 Seymour Street, Blenheim on TUESDAY, 20 AUGUST 2024 commencing at 10.20 am

Present

Clrs B G Dawson, (in the Chair), J C Rosene, S R W Adams, J D N Croad, D A Dalliessi, M R L Flight, Mayor N P Taylor, Ms D McConnell (Iwi representative)

Also Present

Clrs S J Arbuckle, G A Hope and T P Sowman

In Attendance

Mr Richard Coningham (Manager – Assets & Services Department), Brian Paton (Emergency Services Manager) and Nicole Chauval (Committee Secretary)

Apologies Clrs Rosene/Dawson That the apology for absence from Clr R J Innes be noted.

Carried

1. Civil Defence Emergency Management Group (CDEM) E210-003-06

The minutes of the Civil Defence Emergency Management Group (CEG) meeting held on 16 April 2024 were presented for ratification by the Committee.

Cirs Dawson/Rosene:

That the minutes of the Civil Defence Emergency Management Group (CDEM) meeting held on 16 April 2024 be adopted as a true and correct record.

Carried

2. Marlborough Emergency Management Co-ordinating Executive Group (CEG) E210-003-06

The minutes of the Marlborough Emergency Management Co-ordinating Executive Group (CEG) meeting held on 20 March 2024 were presented for ratification by the Committee.

CIrs Dawson/Flight

That the minutes of the Marlborough Emergency Management Co-ordinating Executive Group (CEG) meeting held on 20 March 2024 be adopted as a true and correct record.

Carried

3. Group Office Report

Members received the Group Office Report which was attached to the agenda for members' information.

Brian Paton spoke on the Exercise Rū Whenua held in Wellington over three days. The Chair of this Committee, Clr Dawson, attended day two of the event.

Brian Paton noted the questions/challenges that the event raised and advised that more detail will be added and ones to work on over the next 12 months will be identified.

Emergency Management System Review

Members were advised that in response to the recent severe weather event in the North Island the Government is asking for the Department of Prime Minister and Cabinet (DPMC) to provide a response to the enquiry into that event. As part of that Group Managers have been significantly involved in some of the initial thinking about what that might be. DPMC invited eight Mayors to attend one of their first briefings after the initial feedback that they had received. It was noted that Mayor Taylor attended the event.

Mayor Taylor provided members with her thoughts on the meeting to those present.

Mr Paton noted that iwi Chairs have been invited to provide a submission.

National Catastrophic Planning

It was noted that NEMA have submitted the third draft of the Catastrophic Event Handbook for comment. This handbook will be the playbook by which the National Controller will manage catastrophic events and national declarations. The final version is due for completion end of December 2024.

Members were advised that given Marlborough Emergency Management's (MEM) limited planning resource regionalising the CatPlan work will take considerable time to put in place. Currently MEM has an intial action plan that covers workstream sections 3.1 Initial Controller Actions and 3.2 Command, Control, Coordination and Communication.

Controller Protection

Mr Paton advised that protecting Controllers from public prosecutions when they have been coordinating undeclared responses has been identified as an issue. Currently three Controllers are not employed by Council so are not covered by Council's public indemnity in the event of a case being brought against them. In response Marlborough will be setting up Council employment contracts for the two appointed Alternates and the Group Controller who are in this position. This will bring them under the Council's indemnity which will ensure they have the same protections as Council employees in the role.

Group Plan

The Group Plan has been circulated and feedback from Councillors is welcomed. An electronic form is being developed by the Council's Digitial Services team, this will provide the community with a standardised template to provide feedback on the Plan. Consultation is open for a month.

AF8 Programme

Members were advised that currently NEMA are co-funding the AF8 Programme to the value of \$200,000 pa but is only for the next two years. A paper is being developed to be presented to NEMA ELT that proposes a new Collective Impact Concept that is intended to ensure the long-term viability of various projects. The proposed new structure will include national funding streams and a governance structure across all of the hazard programmes. This will ensure that funding is sustainable, apportioned to priority work streams and duplication of effort is reduced.

Harbours Support

It was noted that post grounding of Aratere there has been a lot of media interest in what preparations had been done prior to the Aratere incident. Members were advised that MEM have worked closely with Council's Comms team, the Harbour Master and Policy to demonstrate that Council has plans and processes in place.

Members were advised that the Harbour Master has recently completed a report on the grounding and there are a number of recommendations that MEM will be able to assist in implementing.

Planned Exercises

A mass rescue table-top exercise will be held on 11 October. The exercise is to establish clearly who takes charge and what are their roles and timeframes in a similar incident.

It was reported that the Canterbury group are putting together an AF8 scenario on 7 November and is designed to challenge MEM comms, systems and sustained response capabilities.

Resilience Fund Application

Te Ātiawa's application to the NEMA administered Resilience Fund was successful and was the largest single allocation this year. The work will increase the resilience of all eight iwi across Te Tauihu.

Staff News

Members were advised that there have been two coronial inquiries for Whakaari / White Island for the severe weather event. They are working through that process until end of 2025. This has added pressure to an already stressed workforce which has resulted in four Groups Managers resigning over the last four months.

It was noted that Brian Paton has tendered his resignation effective end of 2024. Work is underway on a replacement.

Space Weather

NEMA are the lead agency for a Space Weather response. NEMA have convened a multi-organisation planning group at the national level to progress NZ's space weather response.

Cirs Dawson/Rosene That the report be received.

Carried

4. Annual Group Plan 2024-25

The Annual Group Plan 2024-25 was attached to the agenda for members' information.

Mr Paton advised that the Annual Plan is the first that will begin to deliver the outcomes expressed in the new 2025-30 Marlborough CDEM Group Plan. For the first time the work will look to deliver and be measured against the 18 objectives in the National Disaster Resilience Strategy which cover managing risk, effective response and recovery, and enabling empowering and supporting communities.

The Mayor raised whether in light of the Aratere grounding and the awareness that it has brought, particularly around maritime pollution, that maritime risk be elevated in the Group Plan given that the Plan was drafted prior to the grounding.

Mr Paton indicated his support and noted that it is not the final plan so there is an opportunity to amend.

Clr Dawson queried whether there was a will to delay the endorsing subject to the Group Plan being amended. It was agreed to endorse the Annual Plan with the comments noted.

Cirs Dawson/Rosene That the Annual Group Plan 2024-25 be endorsed.

Carried

ATTENDANCE: Clr Rosene withdrew from the meeting at 10.54 am at the beginning of the following item.

ATTENDANCE: The Mayor withdrew from the meeting at 10.55 am during this item.

ATTENDANCE: Ian Wilson, Senior Regional Emergency Management Advisor

5. National Emergency Management Update

Members were advised that a space weather webinar will be held on 18 September 2024, link has been sent and can be circulated.

Other componentry that came out of the Rū Whenua exercise was Groups wanted more regular exercises to be held. To accommodate NEMA have pulled back to re-establish the national exercise calendar. Groups have been requested to indicate when they intend to run their exercises and how that can fit into the national programme to try and ensure there is no overlap in exercises at Group and national level. The intention is to hold regular exercises whether tier 1 - 4. Tier 4 is every four years.

Currently 18 vacancies at NEMA of which eight will be filled as they are urgent. Looking at assurance models, OIAs and intelligence and reviewing functions. The other 10 positions will be left vacant until the Government inquiries have been completed.

Members were advised that Wendy Wright has been appointed to the role of National Controller and National Operations Manager. Magnus Latta has been appointed to the role of Regional Partnerships Manager and starts 26 August.

Clrs Croad/Adams That the information be received.

Carried

6. Information Package

Clr Dawson/Dalliessi That the Civil Defence Emergency Management Group Information Package dated 20 August 2024 be received and noted.

Carried

There being no further business the meeting closed at 11.13 am.

8. Information Package

RECOMMENDATION

That the Assets & Services Information Package dated 1 October 2024 be received and noted.