



**Report and Minutes of a Meeting of the  
ASSETS & SERVICES COMMITTEE  
held in the Council Chambers and via Teams, 15 Seymour Street, Blenheim  
on TUESDAY, 20 AUGUST 2024 commencing at 9.00 am**

**Present**

Cirs B G Dawson (Chairperson), J C Rosene (Deputy), S R W Adams, J D N Croad, D A Dalliessi, M R K Flight, Mayor N P Taylor and Ms D McConnell (Iwi representative)

**Also Present**

Cirs S J Arbuckle, G A Hope, B J Minehan and T P Sowman

**Also Present via Teams**

Clr J A Arbuckle

**In Attendance**

Mr R Coningham (Manager – Assets & Services Department) and Ms N Chauval (Committee Secretary)

**Apologies**

Cirs Dawson/Dalliessi:

**That the apology from Cirs B A Faulls and R J Innes be noted.**

**Carried**

**A&S-0824-59 Declaration of Interests** -

No interests with items on the agenda were declared.

ATTENDANCE: David Craig, Management Accountant – Operations, was present for the following item.

**A&S-0824-60 Interim Financial Report for the year to 30 June  
2024 F275-001-02**

Mr Craig noted that the purpose of the report was to present the Interim Financial Report for the Assets and Services and Community Facilities (including Parking) Departments for the year to 30 June 2024.

Mr Craig noted that at the time of preparation of the report there was an actual operating deficit of \$400. The revenues and expenditures were around \$143.2M which is unfavourable to budget by \$23.9M. This was primarily due to the reduced volumes of emergency reinstatement works where there was combined budgets of \$54.2M and expenditure of around \$24M. It was reported that these unspent monies will be carried over to the next financial year.

Members were advised depreciation is unfavourable to budget by \$10.09M due to June 2023 asset revaluations being higher than expected and particularly for three waters assets.

It was noted that all major variances between year to date actual and budget were detailed in the agenda item.

Mr Craig advised that the major changes that are yet to occur is that we have got a revenue accrual to do for rivers flood damage insurance. It was noted Rivers are working with Council's insurers to determine the eligible costs for the past three financial years. It was noted that there will be some deductibles from that in terms of excesses and we have had advance payments through the lap scheme of \$900k year to date.

Members were advised that the second major process is the identification and transfer of the emergency reinstatement renewals from operating expenditure to capital expenditure, the indicative value is likely to be around the \$20M mark. It was noted that when this is taken out it will significantly move the deficit position much closer to the budgeted situation.

It was reported that capital expenditure, year to date was \$56.4M, with the \$20M renewal expenditure added it will be around \$76M which is approximately 77% of the annual plan budget of \$98.6M.

Capital expenditure by activities was noted.

It was reported that a lot of the capital expenditure and actual budget variations have been identified through the Long Term Plan processing being rebudgeted into later financial years. Other variations will be included in carry over requests which will be presented to the next Economic, Finance and Community Committee meeting.

**Cirs Croad/Rosene:**

**That the interim financial report for the period ended 30 June 2024 be received.**

**Carried**

ATTENDANCE: Kiri Whiteman, Council's Parks and Open Spaces Officer, and Simon Noble, Envisage NZ were present for the following item.

## **A&S-0824-61      Wither Hills Farm Park, Mountain Bike Park Audit**

**R510-009-W11-02**

Ms Whiteman presented the Wither Hills Farm Park, Mountain Bike Park Audit report which had been separately attached to the agenda for members' information.

Members were advised that Simon Noble had conducted an audit of track grades on the trail network within the Wither Hills Farm Park (WHFP), Mountain Bike Park. Mr Noble advised that he had used the New Zealand Cycle Trail guidelines for the audit noting they are a recognised guideline for tracks used across New Zealand.

It was reported that the alignment of the grading with a recognised guideline will bring Council's tracks in line with tracks in other regions and ensure the grade advertised for the tracks will be at the highest level (per difficulty), even in part, a rider will experience on a trail.

It was reported there has not been a formal external audit of the mountain bike tracks in recent history.

It was noted that a moratorium has been in place on new track development while the review of the Wither Hills Farm Park Management Plan has been underway. Existing tracks have been maintained to the level under which they were developed and audited inhouse by Council staff during this time.

Members were advised that the mountain bike trails are used by a range of users from early beginner riders to advanced or very experienced mountain bike riders.

Ms Whiteman reported that several grade changes across the network have been recommended and these were detailed in the report.

It was noted that signage will need to be reviewed with a possible budget of \$30k being required. There is budget within the Land Subdivision Account, and the increase in mountain-biking (and walking) meets the criteria for growth in users to access this funding.

Members were supportive of the signage review and the budget proposed, and suggested that 'up to' be added to point 6 of the recommendation to ensure that if less budget is required it will remain in the Land Subdivision Account.

It was queried whether there would be alignment between Council controlled mountain bike trails and private trails. It was noted that Council can only implement the grading on its own land and what happens on private land is outside of Council's control.

It was reported that feedback from the Mountain Bike Club had been sought on the audit. The feedback received from the group acknowledged and agreed with some aspects of the report and disagreed with others. It was proposed that staff follow up with the Mountain Bike Club regarding the key differences between their submission and the recommended options.

In response to a query on whether having stock/wildlife in the park would adjust the grading of trails. Mr Noble advised no they wouldn't affect the grading but stock may damage tracks particularly after weather events.

**The Mayor/Clr Croad  
That Council:**

1. **Note the NZ Cycle Trail guidelines to provide a consistency of approach in maintenance and development of mountain bike tracks.**
2. **Note the track assessor's audit findings including signage and printed medium.**
3. **Note the concerns raised by the Marlborough Mountain Bike Club with respect to the proposed NZ Cycle Trail Guidelines.**
4. **Request Parks and Open Spaces consult directly with the Marlborough Mountain Bike Club regarding the key differences between their submission and the recommended option.**
5. **Delegate final decision making to the Chief Executive, Manager Property and Community Facilities, and Chair of Assets & Services Committee following further consultation.**
6. **Note the requirement to fund up to \$30,000 from the Land Subdivision Account to fund revised signage and printed track information once the final decision has been made.**

**Carried**

**A&S-0824-62      D'Arcy Christopher Foundation – Appointment  
of New Trustee      E210-009-03**

Members noted that the purpose of the report was to seek Council acceptance of the appointment of a new Trustee as per the Trust Deed for the D'Arcy Civil Defence Foundation Trust.

Mr Coningham advised that the Chair for the Foundation has been for a number of years, Graeme Faulkner. Iain Holdaway and Gayle Chambers were appointed in 2019. Mr Faulkner has signalled an intention to retire as a Trustee in 2025. A search by the Trust over the past year has been carried out to find a suitable Trustee to replace Mr Faulkner.

Mr Faulkner has identified a Phillip Elworthy to replace him as a Trustee. Mr Elworthy is held in high regard in the community and is interested in becoming a Trustee of the D'Arcy Christopher Foundation.

**Cls Dawson/Rosene:  
That the appointment of incoming Trustee Phillip Elworthy be accepted by Council.**

**Carried**

ATTENDANCE: Amanda Smith, Principal Network Manager, Marlborough Roads, was present for the following item.

**A&S-0824-63      Unformed Legal Roads Management Policy  
R800-004-02**

Ms Smith noted that the purpose of the report was to formalise a previously unwritten policy on how Council addresses matters relating to unformed legal roads.

It was noted that requests from the public to carry out maintenance on a paper road that has been created to access the property have been received. Council's unwritten policy has been that where there is an unformed legal road Council does not carry out maintenance. As the policy is not documented and available to the public to view this has created ambiguity in terms of applying an unwritten policy in relation to unformed legal roads.

Members noted the Draft Unformed Legal Roads Policy which was attached the agenda for members information.

The following amendments were noted:

1. For consistency that under point 2. - bullet point 6 change 'expected' to 'obliged' and move bullet point 6 to under bullet point 4.
2. The following link <https://www.sheepmeasles.co.nz> and appropriate wording to be added to the second paragraph of 6.2.

Several minor spelling/grammar amendments were noted and it was agreed that these and any others, if minor, could be made outside of this meeting.

**The Mayor/Clr Adams:**

**That Council approve the Unformed Legal Road Policy, with the following amendments:**

- a) Add the following link <https://www.sheepmeasles.co.nz> to Ovis Management and include appropriate wording.
- b) Add the word '*obliged*' to bullet point 6 for consistency
- c) Move bullet point 6 to follow point 4.

**Carried**

Note: Members considered the Marlborough Roads section of the Information Package at this point in the meeting.

## **A&S-0824-64 Road Stopping/Land Exchange – 74 Daltons Road, Havelock R800-004-H18, U220273M**

Mr Coningham noted that the purpose of the report was to seek Council's authorisation of the procedures associated with a road stopping/land exchange under the Public Works Act involving land at 74 Daltons Road, Havelock.

It was reported that the applicants own land in Pelorus Valley and are seeking to stop a portion of unformed legal road as it runs through the middle of the property, and has a shed located within the legal road. The original proposal was to stop the legal road with access to Te Hoiere/Pelorus River remaining available from unformed legal road further downstream at Daltons Bridge.

The application was sent to Herenga ā Nuku Aotearoa and local iwi, Ngāti Kuia for consideration. Both parties did not support the application as originally proposed. Subsequent discussions with the applicant / Herenga ā Nuku Aotearoa / Ngāti Kuia and Marlborough Roads has resulted in all parties supporting the proposal of a road stopping land / exchange as identified in the attached aerial (attachment 1).

It was noted that the exchange is like for like with no obligations on Council to form or fence the replacement legal road and all costs involved with the road stopping/land exchange rest with the land owner.

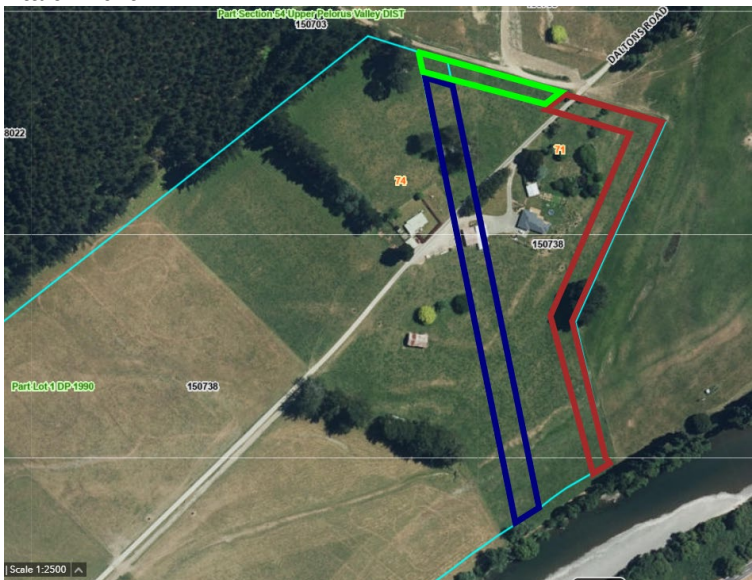
**The Mayor/Clr Adams:**

1. **That the Council approve:**
  - a) Pursuant to Sections 116, 117 and 120 of the Public Works Act 1981 the stopping of the area of unformed legal road shown edged in blue as "road to stop" on the attached plan (refer Attachment 1) and for this to be amalgamated with an adjoining title to Lot 1 DP 1990 BLK IX Wakamarina SD held by M P and R R Coleman-Cowie, Title Reference MB51/18.

- b) Pursuant to Section 114 of the Public Works Act 1981 the declaration as road the land shown edged in Green and Red as “road to vest” on the attached plan (refer Attachment 1) being Part Lot 1 DP 1990 BLK IX Wakamarina SD and the vesting of this in Council.
2. That there is no severance between the road to vest and the outer edges of the property boundary.
  3. That a legal agreement is entered into with Council and signed by the owners and registered on the title that extends to the area of stopped road requiring the use of that land to comply with the rules set out in the Rural Environment Zone of the Proposed Marlborough Environment Plan. The agreement to be in place while the land is un-zoned and such agreement shall be prepared by the Solicitor acting for Council with the costs involved to be the responsibility of the applicant.
  4. That the road exchange to be completed before the subdivision consent (U220273) is exercised and a variation of the consent be completed to ensure that the land is included into the land to be subdivided, and the new road excluded from proposed Lot 3.
  5. That such approval be on the basis that the applicant is responsible for all survey, legal, administrative and other costs, even if the process does not proceed for whatever reason.
  6. That the exchange is like for like (not less than a 20m width) with no obligations on Council to form or fence the replacement legal road.
  7. That the interests registered on the current title are extinguished from the portion to become road so that it vests free of any encumbrances.
  8. That any easements necessary for services or utilities impacting on the portion of road proposed to be stopped be created and registered in conjunction with any transfer of the land should that part of the exchange be completed, with all costs involved to be the responsibility of the applicant.
  9. That it be acknowledged that the exchange will involve no compensation by either Council or the applicant.

**Carried**

***Attachment 1***



**A&S-0824-65 Information Package**

**Cirs Dawson/Flight:**

**That the Assets and Services Information Package dated 20 August 2024 be received and noted.**

**Carried**

**A&S-0824-66      Decision to Conduct Business with the Public Excluded**

Cirs Dawson/Rosene:

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

- Trunk Services

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
Trunk Services	To enable the Council, as holder of the information, to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) provided for under Section 7(2)(i)	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under Section 7 of the Local Government Official Information and Meetings Act 1987.

**Carried**

The meeting closed at 10.07 am.

Record No. 24213222