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**MARLBOROUGH
DISTRICT COUNCIL**

24 October 2024

Record No: 24251757
File Ref: D050-001-02
Ask For: Mike Porter

Notice of Council Meeting – Thursday, 31 October 2024

Notice of the Council Meeting to be held in the Council Chambers, 15 Seymour Street, Blenheim on Thursday, 31 October 2024 to commence at 9.00 am.

BUSINESS

As per Order Paper attached.

JOHN BOSWELL
CHIEF EXECUTIVE



**Order Paper for the
COUNCIL MEETING
to be held in the Council Chambers, 15 Seymour Street, Blenheim
on THURSDAY, 31 OCTOBER 2024 commencing at 9.00 am**

Open Meeting

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This version contains the separately circulated item 9 (Local Water Done Well), circulated on 25 October 2024 at 4.54 pm

Marlborough District Council

**Order Paper for the
COUNCIL MEETING**
to be held in the Council Chambers, 15 Seymour Street, Blenheim
on THURSDAY, 31 OCTOBER 2024 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 19 September 2024
(Minute Nos. Cncl-0924-106 to Cncl-0924-117)

**Minutes of a Meeting of the
Marlborough District Council
held in the Council Chambers and via Teams, 15 Seymour Street, Blenheim
on THURSDAY 19 SEPTEMBER 2024 commencing at 9.00 am**

Present

The Mayor N P Taylor (in the Chair), Cllrs S R W Adams, S J Arbuckle, B G Dawson (from 9.06 am), B A Faulls, M R K Flight, G A Hope, B J Minehan and T P Sowman.

Present via Teams

Cllrs J A Arbuckle (to 9.29 am), A R Burgess, J D N Croad and D A Dalliessi.

In Attendance

Messrs J R Boswell (Chief Executive), A J Lyall (Property & Community Facilities Manager) and M J Porter (Democratic Services Manager).

Karakia

The meeting opened with a karakia from Mayor Taylor.

Apologies

Cllrs Flight/Adams:

That the apology for absence from Cllr R J Innes be received and sustained.

Carried

Cllrs Hope/Faulls:

That the late apology for absence from Cllr J C Rosene (received by staff at 9.04 am) be received and sustained.

Carried

Cncl-0924-106 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 No. Cncl-0724-48;
- The interest as declared under Minute No. Cncl-0924-104 (Minute No. Cncl-0924-105);
- The interest as declared under Minute No. EFC-0724-32 (Minute No. EFC-0724-e-3); and
- The interest as declared under Minute No. EFC-0924-89 (Minute Nos. EFC-0924-91 & EFC-0924-93).

Cncl-0924-107 Confirmation of Minutes -

The Mayor/Cllr Croad:

That the Minutes of the Council Meeting held on 31 July 2024 (Minute Nos. Cncl-0724-48 to Cncl-0724-58) be taken as read and confirmed.

Carried

Cncl-0924-108 Confirmation of Minutes -

The Mayor/Clr Sowman:

That the Minutes of the Emergency Council Meeting held on 2 September 2024 (Minute Nos. Cncl-0924-86 to Cncl-0924-88) be taken as read and confirmed.

Carried

Cncl-0924-109 Confirmation of Minutes -

The Mayor/Clr Minehan:

That the Minutes of the Extraordinary Council Meeting held on 3 September 2024 (Minute Nos. Cncl-0924-104 to Cncl-0924-105) be taken as read and confirmed.

Carried

Committee Reports

Cncl-0924-110 Economic, Finance & Community Committee -

Cirs Croad/Fauls:

That the Committee report contained within Minute Nos. EFC-0724-32 to EFC-0724-44 be received and the recommendations adopted.

Carried

Cncl-0924-111 Assets & Services Committee -

Members discussed the need for consistent standards for mountain bike trails across New Zealand and that signage should not be changed until such time as this happened. Members noted that the recommendations under Minute No. A&S-0824-61 (Wither Hills Farm Park, Mountain Bike Park Audit) cover this.

Cirs Dawson/S Arbuckle:

That the Committee report contained within Minute Nos. A&S-0824-59 to A&S-0824-66 be received and the recommendations adopted.

Carried

Cncl-0924-112 Environment & Planning Committee -

Cirs Hope/Fauls:

That the Committee report contained within Minute Nos. E&P-0824-67 to E&P-0824-85 be received and the recommendations adopted.

Carried

Cncl-0924-113 Economic, Finance & Community Committee -

Cirs Croad/Adams:

That the Committee report contained within Minute Nos. EFC-0924-89 to EFC-0924-103 be received and the recommendations adopted.

Carried

Cncl-0924-114 Special Hearing Committee to Hear Submissions on the 2024-34 Long Term Plan Consultation Document -

The Mayor/Clr Sowman:

That the Special Hearing Committee to Hear Submissions on the 2024-34 Long Term Plan Consultation Document report contained within Minute No. LTP-0624-410 be received and the recommendations adopted.

Carried

Cncl-0924-115 Amendment to Standing Orders – Members Joining Remotely Counting as Quorum

D050-003-07

Members noted that the purpose of the report was to update Standing Orders to continue to have Members joining a meeting remotely to be counted as part of quorum.

Staff reported that to retain the ability for Members joining a meeting remotely to be counted as part of quorum, Government have introduced the Local Government Electoral Legislation Act 2023.

Members discussed whether Standing Orders should include as a best practice a note that screen videos be left on during a meeting, rather than screen savers (or blank). It was noted that bandwidth limitations in some remote areas meant that this was not always possible.

Members also noted that the preferred option was for members to attend meetings in person.

Clrs Hope/Dawson:

1. That Council agrees to amend the Marlborough District Council Standing Orders sections 11 and 13 to allow for Members joining a meeting remotely to be counted as part of quorum of that meeting.
2. That Council adopts the updated Marlborough District Council Standing Orders effective from 1 October 2024.

Carried (All members present at the meeting voted for the motion)

ATTENDANCE: Clr Dalliesi's Teams connection was lost just before the vote on the above motion.

Cncl-0924-116 2025 Council Meeting Schedule

D050-001-01

Attached to the Agenda for consideration was the draft schedule of meetings for 2025. Some minor amendments were made at the meeting. The schedule will also be updated as sub-committees/working groups etc are loaded. Meeting invitations will be sent out as appropriate.

The Mayor/Clr Croad:

That the meeting schedule for 2025 be approved.

Carried

Cncl-0924-117 Decision to Conduct Business with the Public Excluded -

The Mayor/Clr Dawson:

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

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

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 9.41 am.

Confirmed this 31st day of October 2024

N P TAYLOR
MAYOR

Record No. 24222730

5. Committee Reports

5.1 Assets & Services Committee

Assets & Services Committee Meeting held on 1 October 2024
(Minute Nos. A&S-1024-118 to A&S-1024-124)



**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 1 OCTOBER 2024 commencing at 9.00 am**

Present

Cirs B G Dawson (in the Chair), J C Rosene (Deputy), S R W Adams, J D N Croad, D A Dalliessi, M R K Flight, Ms D McConnell (Iwi Representative)

Present via Teams

Mayor N P Taylor and Clr A R Burgess (from 9.10 am)

Also Present

Cirs J A Arbuckle, B A Faulls, G A Hope, R J Innes, B J Minehan and T P Sowman

In Attendance

Mr S Rooney (Operations & Maintenance Engineer), Mr J Lyall (Manager – Property and Community Facilities) and Ms N Chauval (Committee Secretary).

Apologies

That the apology for non-attendance from Clr S J Arbuckle be noted.

A&S-1024-118 Declaration of Interests -

No interests with items on the agenda were declared.

ATTENDANCE: Clr Burgess joined the meeting during the following item via Teams at 9.10 am.

ATTENDANCE: Steve Murrin, Marlborough Roads Manager, was present for the following two items.

A&S-1024-119 Low Cost Low Risk – Roading Programme

R800-008-06

Mr Murrin advised members that the National Land Transport Programme (NLTP) funding decisions have been released by NZTA and Marlborough was unsuccessful in obtaining any subsidy on its Low Cost Low Risk (LCLR) programme.

It was reported that Marlborough Roads, on behalf of Council, had submitted a bid through the National Land Transport Programme (NLTP) process for \$10,113,000 for the LCLR Programme. The bid included \$1.95m for London Quay Redevelopment which is a Parks and Open Spaces project and \$2.08m for the Marlborough Sounds Future Access Study (MSFAS) Roading Improvements. Mr Murrin noted that these projects were not included in the projects listed in the agenda item as they do not form part of the Roads and Streets budgets.

Mr Murrin advised that Council has allocated funding for the 24/25 LCLR programme at \$3.375m. Of this, Council's contribution of 49% is \$1.654m and has been budgeted in the LTP.

Members were advised that there is still an opportunity to apply for Resilience Funding for the improvements required under the MSFAS and there may also be an opportunity to apply for Resilience Funding for the Elmslie Bay Jetty. It was noted that the Elmslie Bay Jetty has been categorised as a critical project as it is at

the end of its life. It was noted that at this stage there is no indication of what Financial Assistance Rate (FAR) this funding would be at, and whether Council's application is likely to be successful.

During discussion members noted their concern and disappointment at the funding decision and raised whether it is in the ratepayers' best interests for Council to simply fund the projects if funding is not available.

It was noted that Marlborough Roads had only received the information on Monday (30 September) so some of the projects listed do require a revisit and then brought back through to the Committee.

At the conclusion of the discussion members proposed amending the recommendation provided in the agenda and the Chair moved and Cllr Rosene seconded the following motion.

1. That Marlborough Roads applies for Resilience Funding for the replacement of the Elmslie Bay Jetty. If this is not successful the replacement will be funded as an unsubsidised project.
2. 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.

Members discussed the motion and indicated they were not satisfied that it fully reflected the discussion and the following amended motion was proposed and put.

Cllrs Croad/Adams:

1. **That Marlborough Roads proceeds with replacement of the Elmslie Bay Jetty subject to receiving Resilience Funding.**
2. **That as budget allows and subject to confirmation of pricing and additional information being gathered and reported back to the Committee, the following projects not funded by NZTA are to proceed (in the order recommended):**
 - (a) **Important Projects - Urban Whale Trail Connection, Speed Management Around Schools; then**
 - (b) **Not Critical Projects (in the following order) 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.**

Carried

A&S-1024-120 NZTA Funding of LTP Rooding Budget

R800-006-002-02

Mr Murrin advised the Committee that the National Land Transport Plan (NLTP) Funding Decisions have been released with NZTA approving funding for \$65M. Council had submitted a funding request for \$76M which was revised to \$71M over three years for its operations, renewals and bridge renewal programme.

To highlight the report a powerpoint presentation was shown (presentation filed in CM Record No. 24235287) and the presentation was circulated to members at the meeting.

Members were advised that it is proposed that the programme is cut to fit the budget but there are implications in doing so. Information on what Council needs to be prepared for was noted, included in that was that no funding has been allocated for bridge renewals.

Mr Murrin advised that the High Street Bridge (\$14m) has been earmarked for replacement and a report has been received from WSP on what they consider needs to be done, a report on that will be provided to the Committee.

Mr Murrin informed members on what Council has budgeted for in the LTP against the funding received and provided a revised budget to align with Funding. Also noted was the percentage reduction for each and what that would look like over the three years. It was noted that the implications of underspending over a period of time would mean a drop in levels of service and the asset would deteriorate as renewals and maintenance work are not being done to keep it to the level of service that Council is currently providing.

It was noted that Walking and Cycling are the areas that have taken the biggest hit in the funding outcomes and if Council was to stick with the approved funding it would mean a 32% reduction in funding for cyclepaths and a 50% reduction in funding for footpaths with no footpath renewals in 24/25.

Members were advised that there is an anomaly in how Council fund Work Category 151 (Network and Asset Management) noting that 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.

It was noted that the shortfall in approval which was identified in the agenda item 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 and this amount is available for unsubsidised activities.

Cllrs Croad/Rosene:

That Council:

- 1. Adjusts the Council Rooding 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.**

Carried

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

ATTENDANCE: Grahame Smail, Council's Parks and Open Spaces Officer was present for the following item and Linda Craighead, Council's Park & Open Spaces Planner, was present for the following two items.

A&S-1024-121 Request to Establish Commercial Mobile Sauna Operation on Shelly Beach R510-009-S03-01

Ms Craighead noted that the purpose of the report was for the Committee to consider a request to establish a mobile commercial sauna operation on Shelly Beach. The request and the location map were included in the agenda item for members' information.

It was noted that the applicant had been operating from both Picton Foreshore and Shelly Beach without permission. The Picton Foreshore and Shelly Beach have a focus on recreational activity and was advised that they could not continue to operate unless they received formal permission from Council.

It was noted that two carparks would be required for the enterprise, one for the sauna unit and one for the towing vehicle. The proposed hours of operation would be Sunday – Thursday, 4pm – 8pm, year-round. Outside of the operating hours, the mobile sauna would be removed from site.

Members were advised that the land is Recreation Reserve and is subject to the provisions of the Victoria Domain Resource Management Plan (the Plan) which was adopted by Council in 2021. Council staff undertook a detailed assessment of the proposal against the provisions of the Plan with the determination that the proposal was not consistent with the Plan. The staff assessment was included in the agenda item for members' information.

Ms Craighead reported that the applicant had been asked to consider whether there was commercially zoned land where the activity would be more appropriate. The applicant advised that there was no other commercial site considered to be satisfactory given the proposed site's access to the existing swimming area and proximity to Picton's town centre, and for cruise ship visitors to easily access.

It was noted that if the request is approved a resource consent would need to be applied for as the area is in an Open Space One Zone and commercial activities in that Zone are not a permitted activity. If successful the applicant would need to enter into a license to occupy for the activity. Council's Regulatory Section would determine whether the application is publicly notified.

Members were advised that Council's Parks & Spaces Officer, Grahame Smal has spoken with the Queen Charlotte Yacht Club who have a lease over the area and Te Ātiawa, both had the view on maintaining the direction of the Reserve Plan policy, which is one of recreationing, picnicking and the non-commercial nature of the reserve. That view was also identified in the submissions received for the Victoria Domain Management Plan consultation.

Members discussed the request and put a number of queries forward which were answered.

Members indicated they did not wish to stifle new business ventures or ideas but were of the agreement that the proposal did not fit with the policy framework of the Plan which is that Shelly Beach is for informal water based-recreational use and picnicking.

The discussion concluded with the following motion being put.

Cirs Croad/Rosene:

- 1. That the request to establish a mobile sauna operation on Shelly Beach Reserve be declined.**
- 2. That Parks & Open Spaces staff work with the operator to investigate other locations for operating the mobile sauna.**

Carried

A&S-1024-122 Cemetery Management

R520-001-000-00

Ms Craighead noted that the purpose of the report was to seek approval for the development of an overall cemetery policy and revocation of the Council's Cemeteries Bylaw 2017.

Members were advised that Council 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.

It was noted that as part of the discussion on options it was raised 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).

It was also noted that a review of the Act has proposed a requirement for councils to develop a cemetery policy in consultation with the community. If this is required then consideration needs to be given to whether a bylaw is needed as well.

Ms Craighead noted that a review of 22 other councils' websites was undertaken to determine whether they are managed through a bylaw or other mechanism. The result of that review was there are 10 of the 22 councils who 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.

Members discussed the four options noted in the agenda and the comments provided for each. In considering the four options for future management members agreed that development of an overall cemeteries management policy be undertaken and the 2017 Bylaw be revoked noting that this will require public consultation.

It was reported that Council staff would commence development of an overall cemeteries management policy and this would be workshopped with funeral directors and 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.

Cirs Croad/Dawson:

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.

Carried

**A&S-1024-123 Civil Defence Emergency Management Group
(CDEM)**

D050-001-C03

The Minutes of the Civil Defence Emergency Management Group (CDEM) meeting held on 20 August 2024 were attached for ratification by the Committee.

Cirs Dawson/Rosene:

That the Minutes of the Civil Defence Emergency Management Group meeting held on 16 April 2024 be ratified.

Carried

A&S-1024-124 Information Package

-

Cirs Croad/Dalliessi:

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

Carried

The meeting closed at 10.34 am.

Record No. 24244846

5. Committee Reports

5.2 Environment & Planning Committee

Environment & Planning Committee Meeting held on 3 October 2024
(Minute Nos. E&P-1024-125 to E&P-1024-134)



**Minutes of a Meeting of the
ENVIRONMENT & PLANNING COMMITTEE**
held in the Council Chambers and via Teams, 15 Seymour Street, Blenheim
on THURSDAY, 3 OCTOBER 2024 commencing at 9.00 am

Present

Clrs G A Hope (in the Chair), B A Faulls (Deputy), S J Arbuckle, A R Burgess, R J Innes, B J Minehan, T P Sowman (from 9.32 am), Mayor N P Taylor and Mr R Smith (Iwi representative)

Also Present

Clrs S R W Adams, J D N Croad and D A Dalliessi

Also Present via Teams

Clrs J A Arbuckle (from 10.23 am)

In Attendance

Ms G Ferguson (Consents and Compliance Group Manager) and Ms N Chauval (Committee Secretary)

Apologies

Clr Hope/The Mayor:

That the apology for absence from Mr S Harvey (Rural Representative) and from Clr T P Sowman for lateness be received and sustained and the apology for lateness from Clr J A Arbuckle be noted.

Carried

E&P-1024-125 Declaration of Interests -

Clr J Arbuckle declared an interest in Item 10: Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Act 2024.

ATTENDANCE: Clr Sowman joined the meeting at 9.32 am during the following item.

ATTENDANCE: Mr Dhyanom Gala, Council's Building Control Group Manager, was present for the following item.

**E&P-1024-126 Adapting and Growing Uptake of Remote/Virtual
Building Inspections** **R450-001-038-01**

Dhyanom Gala noted that the purpose of the report was to update the Committee on the growing uptake of remote/virtual Building Inspections in the building industry and inform members on how the Building Control Group has adapted remote inspections into its workflow. To highlight the report a powerpoint presentation was shown (presentation filed in CM Record No. 24238840).

Members were advised that the New Zealand Government has announced plans to make remote inspections the default approach for Building Consent Authorities (BCA) with further details to be announced later in the year. The initiative is expected to streamline the building consent process, reduce costs, and improve efficiency but does present several challenges.

It was explained that remote inspections are building inspection activities conducted remotely using digital tools and technologies so instead of visiting the site in-person inspectors may, at their discretion, use live video

streaming or review photographic evidence to assess the building work from the office, with the builder following their instructions on-site.

The Building Control Group currently undertakes 4500-5000 building inspections and the evidence-based type of remote inspection tool provides a good option for both lower risk inspection types and inspections with builders that have consistently demonstrated compliant work.

Dhynamon Gala advised that the Building Control Group commenced using BRANZ Artisan in August 2021. The software allows tradespeople to photograph key compliance elements of a building project against predefined checklists using their smartphones for remote verification by the BCA. Inspectors can view the images in real time, assess and approve the work, or make recommendations without leaving their desks.

The Artisan process flow was included in the agenda for members' information.

Members were advised that since starting the pilot programme the Building Control Group has undertaken approximately 1085 inspections remotely using Artisan technology (up until 13th September 2024). Over this period MDC has saved over 32,400 kms in travel to building sites and over 1,030 (129 full working days) hours from inspection and travel times for building inspectors. The use of remote inspection technology has helped reduce the inspection times by an average of 1 hour per inspection for council over this period.

It was noted that in addition, Artisan provides a sense of security in terms of compliance, as there's a good record of what's been done, and the council is comfortable that the work meets the building code requirements. It can also provide business continuity in times of pandemic type situations or natural disasters where site access has been impacted due to road closures. There are also a number of challenges associated with the shift to remote inspections that have significant impacts on BCAs these were discussed and further detailed in the agenda item.

Dhynamon Gala reported that Council will provide feedback by 29 November 2024 on the government's discussion paper. The team will also monitor and assess the effectiveness of current remote inspections setting and adjust as needed to adapt to new challenges and regulatory changes.

Members expressed their appreciation to the BCA team for taking on this technology.

Cirs Hope/S Arbuckle:
That the information be received.

Carried

ATTENDANCE: Ms Claire Frooms, Council's Team Leader Compliance Monitoring Programme Coordinator, was present for the following item.

E&P-1024-127 Compliance Monitoring Summary 2023-24

E360-006-02

Claire Frooms noted that the purpose of the report was to provide Council with an overview of the activity undertaken by Council's Compliance Monitoring Team during the 2023-24 monitoring period. To highlight the report a powerpoint presentation was shown (presentation filed in CM Record No. 24238852).

Members were advised that the Compliance Monitoring team operate under a strategic monitoring programme to prioritise resources. Activities for proactive monitoring are prioritised and ranked based on risk of harm to the environment; state of environment trends; previous compliance issues; lwi interest; and public interest.

It was reported that the Compliance Monitoring Team monitored 3,329 separate resource consents or permitted activities, in the 2023-2024 year. This included 4,558 individual monitoring events. Compliance levels overall for each instance of monitoring during the monitoring period were: 69% compliant, 11% technically non-compliant, 12% non-compliant and no significant non-compliance. 8% of monitoring was unable to determine a compliance rating, for example further information had to be requested.

As a result of monitoring activities, a range of enforcement tools are used to address non-compliance in accordance with Council's Enforcement Policy. During the 2023-24 monitoring period 1 formal warning,

10 infringements and 9 abatement notices were issued as part of strategic monitoring programmes. Other actions taken included letters of direction and letters of education.

Members were advised that full reports on each of the main priority programmes will be brought to the Committee throughout the year by portfolio officers. These reports will provide further detailed information on the respective areas.

It was noted this overarching monitoring report will be provided annually with comparison information from the previous year included.

It was requested that information on consents that have been through the Environment Court also be included in the report and it was suggested that as part of the priority monitoring programmes that information be included on how many are Environment Court granted consents versus the Marlborough District Council resource consent decisions.

Members queried whether there were areas that were trending in the priority programmes that might need to be given a higher priority. Ms Frooms noted that there has been significant emphasis on water takes which has been elevated. The whole programme will be reviewed this financial year to make sure we align with those current requirements and a paper will be brought back to the Committee.

In response to a query on how iwi is informed for non-compliance issues within a river that iwi have statutory acknowledgement of. Ms Ferguson advised that there is an informal process in place but the team are currently working with Council's Kaihautū - Manager Māori Partnerships on a more formal notification process.

Cirs Minehan/Burgess:
That the information be received.

Carried

ATTENDANCE: Mr Peter Davidson, Council's Environmental Scientist Groundwater Quantity and Quality and Andy White, Council's Rivers & Drainage Group Manager and Scott Wilson, Lincoln Agritech (via Teams) were present for the following item.

E&P-1024-128 Gravel Bed Rivers (GBR) National Project Wairau River Case Study Final Report E345-007-001

Members received the Wairau River Study: Subsurface Processes in Braided Rivers MBIE Programme report which was attached to the agenda item for members' information

The main findings of the report, were:

- a) Braided rivers should be considered as a "river system", comprising their river channels, gravel beds and the water stored within those gravel beds.
- b) Braided rivers have their own distinct aquifer (braidplain aquifer) formed by movement of bed sediments during flooding, and which temporarily store water which is exchanged with river channels.
- c) Braided river systems can be hydraulically perched above the regional groundwater table or hydraulically connected as is the case for the Wairau River system.
- d) Recharge to the Wairau Aquifer from the Wairau River system is dynamic and depends on channel-aquifer head differences. The Wairau River provides recharge at an average rate of 6.65 m³/s to the Wairau Aquifer (range 4 to 26 m³/s).
- e) The most permeable gravel layer beneath the Wairau River and forming the Wairau Aquifer on the river berms is very thin (<8 metres) and sensitive to changes in levels in either water body.

- f) Braiding distributes water more evenly across the braidplain aquifer and promotes higher groundwater levels. Channelisation increases water level fluctuations and scoring compounds it, allowing groundwater levels to fall to very low levels during low flow periods.
- g) Wairau River flood protection works have reduced the degree of braiding since 1960 leading inadvertently to lower channel levels relative to the Wairau Aquifer and reduced exchange with groundwater, all other factors being equal.
- h) Continued lowering of the Wairau Riverbed would reduce security of supply for irrigators and cause further spring recession. Bed raising would increase cost of gravel, increase security of supply for irrigators and reduce spring recession.
- i) Widening of the Wairau Riverbed would potentially provide a one-off gravel source, decrease the depth of scouring, and promote braiding.

Members were advised that the document has been identified by the Assets & Services team as a valuable piece of work for the upcoming review of the Lower Wairau River Scheme and sustainability of MEP Gravel Extraction Policy. Mr White discussed how that may look for the industry and Council in the future.

The report and the associated presentation to the September MDC workshop, will be publicly available via the Council website.

Cirs S Arbuckle/Faulls:
That the report be received.

Carried

ATTENDANCE: Clr J Arbuckle joined the meeting at 10.23 am (via Teams) during the following item.

ATTENDANCE: Ms Jenny Buck, Council's Catchment Care Advisor, was present for the following item.

E&P-1024-129 Hill Country Erosion Programme E355-019-004

Jenny Buck noted that the purpose of the report was to provide an update on the Hill Country Erosion Programme for the last 12 months. To highlight the report a powerpoint presentation was shown (presentation filed in CM Record No. 24238851).

It was reported that the Hill Country Erosion Fund (HCEF) is jointly funded by MPI and MDC and provides funding support, in four-year blocks, to regional erosion-control projects that are beyond the capacity of councils to address on their own.

Ms Buck advised that the focus of the HCE Programme is to give landowners the support, advice and incentives they need to retain productive soils and thereby reduce sediment loss to waterways.

It was noted that the loss of productive land through erosion has a significant impact on the environment and the economy. Erosion and its effects in hill country areas alone are estimated to cost New Zealand's economy between \$100-\$150 million a year. Reducing erosion in the upper areas of a catchment costs less than the cost of flooding and of flood control structures in the lower areas.

Members were advised that in the 2023-2024 financial year, nearly 3000 Poplar and Willow poles were supplied to landowners, 20,000 native seedlings went into 134ha of retired land and another 19ha went into exotic species woodlots. Much of this work was undertaken in South Marlborough's dry east-coast hill country.

It was reported that dryland species of Eucalyptus trees have been used successfully on particularly challenging dry environments with a northerly aspect where poles and/or natives struggle to establish. There are provisions in the HCE programme for the establishment of coppicing woodlot forestry species, which can provide alternatives to pine forestry and reduce harvest-related erosion risks.

Cirs Burgess/Minehan:
That the information be received.

Carried

ATTENDANCE: Ms Justine Johnson, Council's Grovetown Lagoon Coordinator, was present for the following item.

E&P-1024-131 Te Whānau Hou Grovetown Lagoon

C230-001-G01-02

Justine Johnson noted that the purpose of the report was to provide an update on Te Whānau Hou Grovetown Lagoon Incorporation restoration work at the Grovetown Lagoon. To highlight the report a powerpoint presentation was shown (presentation filed in CM Record No. 24238847).

Ms Johnson advised that Grovetown Lagoon is an oxbow, or horseshoe shaped lake, four kilometres northeast of Blenheim, beside the Wairau River and due to historic land practises, long-term neglect of the riparian margins along with silt and effluent discharges the Lagoon was seriously degraded. As a result the Te Whānau Hou Grovetown Lagoon (the Society) was established in the late 90s and is now a long running community habitat restoration programme. The project is a partnership between, Ngāti Rārua, Ngāti Toa Rangatira, Rangitāne, DOC, Council, and the community.

Members were provided with information on the work that has been carried out, noting that grant funding has been provided for many projects, including building infrastructure (bridges, boardwalks and culverts) and completing the loop track around the outside of the Lagoon. A carpark and toilet were installed in early 2021, funded from the Long-Term Plan 2018. Council installed a track counter at the Lagoon in 2022 and since its installation there have been 11,697 visitors with 178 on a peak day.

Members were advised that the foundation members of the Society, in conjunction with Council, are writing a new management plan under the Reserves Act 1977.

It was noted that the purpose of drafting a new management plan for the Grovetown Lagoon is to protect the area for the future. The area has many different land ownerships and the Plan will draw all the pieces together and manage it as a whole unit.

It was noted there has been an extra piece of legislation come into effect being the Incorporated Societies Act 2022 and the Society will need to reregister under that Act and update the Society's constitution which is currently being worked on.

The latest project to be undertaken is a new seated shade area where school, community groups and individuals can come and sit to hear from members of the Society about the lagoon or just sit and appreciate the surrounds. Funding has been received from Council and the Society will look to raise the balance of the funds for this project.

Cirs Burgess/S Arbuckle:
That the information be received.

Carried

ATTENDANCE: Mr Liam Falconer, Council's Biosecurity Manager, was present for the following item.

E&P-1024-132 Biosecurity Operational Plan Report 2023/24

E315-002-005-10, E315-002-005-11

Liam Falconer noted that the purpose of the report was to seek approval of the Biosecurity Operational Plan Report for 2023/2024 and the amendments contained within that report. A link to the report was included in the agenda item for member's information. To highlight the report a powerpoint presentation was shown (presentation filed in CM Record No. 24238843).

It was noted that a review of the Biosecurity Operational Plan 2018-2028 was carried out by staff on 29 July 2024 with an outcome of proposed amendments to sections relating to Mediterranean fanworm and

Wilding Conifer Management. The details of those amendments were explained by Liam Falconer and are contained within Part Four of the Biosecurity Operational Plan Report 2023/24.

Members were advised that it has been a successful year for the Biosecurity Section with 96% of the operational delivery targets achieved and 4% almost achieved.

In terms of the progress of the pest programmes, many continue to be on track. Of particular importance, there continues to be no establishment for the majority of the pests under Exclusion Programmes within the Regional Pest Management Plan. The exception being the Mediterranean fanworm incursion in Waikawa.

It was noted that for those programmes not on track, this often reflects the biological challenges and realities of managing invasive species and even those at low incidence.

Members were advised that Council had been involved with the Marine Biosecurity Toolbox, representing the Top of the South councils run by Cawthron. This programme has concluded but it has just recently been announced that there's a new \$10M programme looking at control techniques and eradication feasibility of emerging pests. Council will be representing the Top of the South which will provide an opportunity to feed into what is practical and achievable and working together to make it work.

It was reported that the Jobs for Nature programme has now been completed with some significant gains being made investigating the distribution of and undertaking some initial control work on Wilding Kiwifruit, Pink ragwort, Mexican feather grass, and Bomarea. Many of these are worth considering as long-term management programmes supported through the Regional Pest Management Plan.

Members were advised that the future challenges are that we are on the limit of delivering the RPMP programmes with the current funding/ staffing levels as more and more sites are found every year. The team are looking for efficiencies and partnerships to continue to deliver the programmes effectively but are getting close to the point of having to review what the team can actually achieve.

Mr Falconer noted that the big challenge is the National Wilding conifer programme as it is significantly underfunded going into this year having dropped down to \$1.3M from \$2.54M in 2023.

Members thanked the Biosecurity team, the Restoration Trust and the South Marlborough Landscape Restoration Trust for the work they have done and are doing and acknowledged the negative impact on the environment that will occur due to the withdrawal of significant funding from Central Government.

In response to a query on a possible emerging pest, *Caulerpa seaweed*, Mr Falconer advised that the Team is keeping an eye on what is happening and have signed up with the MPI National advertising campaign to get consistent messaging out to prevent spread.

Cirs Faulls/Minehan:

- 1. That the report be received.**
- 2. That the annual report on the Biosecurity Operational Plan for the 2023/2024 financial year be approved by the Council in accordance with section 100B(2) of the Biosecurity Act 1993.**
- 3. That the amendments proposed within Part Four of the 2022/2023 Biosecurity Operational Plan Report, as a result of the annual review of the Operational Plan, be approved by the Council in accordance with section 100B(1)(b) and (c) of the Biosecurity Act 1993.**

Carried

ATTENDANCE: Cllr J Arbuckle declared an interest in the following item and did not take part in discussion nor vote on the issue.

ATTENDANCE: Mr Pere Hawes, Council's Manager Environmental Policy, was present for the following item.

E&P-1024-133 Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Act 2024

L150-019-R01

Mr Hawes noted that purpose of the report was to inform the Committee of the enactment of the Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Act (the Act) and to recommend that Variation 1 is retained in order to complete the content of the PMEPP.

It was noted that previous reports to the Committee have highlighted the introduction of legislation to Parliament proposed to extend the duration of existing coastal permits for marine farms. Following consideration of submissions by the Primary Production Select Committee and the Committee's reporting to Parliament, the Bill received its second and third readings and was enacted on 27 August 2024. A link to the Select Committee's Report was included in the agenda item for members' information.

Mr Hawes advised that in making a submission to the Primary Production Select Committee the Council highlighted the option of withdrawing Variation 1. On reflection, the benefits of retaining Variation 1 are considered to outweigh the risks associated with withdrawal. The risks of withdrawing the Variation were detailed in the agenda item.

Members were advised there remains a strong argument to continue encouraging marine farmers to move to more appropriate and sustainable locations in the Marlborough Sounds and the variation provisions clearly identify those locations.

The Mayor/Clr Faults:

1. **That the report be received.**
2. **That the Council does not withdraw Variation 1 to the PMEP.**

Carried

E&P-1024-134 Information Package -

Clrs Hope/Faults:

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

Carried

Following the receipt of the Information Package the Chair took the opportunity to advise members that Mr Ruihana Smith has tendered his resignation from this Committee to take up the position of Kaitohutohu, Hononga Ā-Iwi | Advisor, Iwi Relationships here at Council. Members thanked Mr Smith for his work and contribution to the Environment & Planning Committee and congratulated him on his appointment.

The meeting closed at 11.57 am.

Record No: 24244840

5. Committee Reports

5.3 Economic, Finance & Community Committee

Economic, Finance & Community Committee Meeting held on 15 October 2024
(Minute Nos. EFC-1024-141 to EFC-1024-153)



**Report and Minutes of a Meeting of the
ECONOMIC, FINANCE & COMMUNITY COMMITTEE
held in the Council Chambers, 15 Seymour Street, Blenheim
on TUESDAY 15 OCTOBER 2024 commencing at 9.00 am**

Present

Cllrs J D N Croad (in the Chair), S R W Adams (Deputy), S J Arbuckle, B G Dawson, B A Faulks, R J Innes, B J Minehan, J C Rosene and Mayor Nadine Taylor

Present via Teams

Cllrs J A Arbuckle, A R Burgess, D A Dalliessi (from 9.17am) and G A Hope

In Attendance

Messrs G K Blake (Chief Financial Officer), D G Heiford (Manager, Economic, Community & Support Services), and Ms N Chauval (Committee Secretary)

Apologies

Cllr Croad/The Mayor:

That the apology for absence from Cllrs T P Sowman, M R K Flight and Ms R Niven (Iwi representative) be received and sustained.

Carried

EFC-1024-141 Declaration of Interests -

Cllr Croad declared an interest in Public Excluded Item 3: Premises Maintenance and Public Excluded Item 4: Marlborough Airport.

The Mayor declared an interest in Public Excluded Item 4: Marlborough Airport.

NB: The order of the agenda was altered at this point and the following Public Excluded Items 1,2,3 and 4 were heard ahead of Item 3 in open meeting.

EFC-1024-142 Decision to Conduct Business with the Public Excluded -

Cllrs Croad/Faulks:

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

- Marlborough Events Centre
- Trade Show
- Premises Maintenance
- Marlborough Airport

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
<p>Marlborough Events Centre</p> <p>Trade Show</p> <p>Premises Maintenance</p> <p>Marlborough Airport</p>	<p>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).</p>	<p>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.</p>

Carried

Cllrs Dawson/S Arbuckle:
That the meeting now resume in open session.

Carried

ATTENDANCE: John Boswell, Council's CE and Geoff Blake, Council's Chief Financial Officer were present for the following item.

EFC-1024-143 Annual Plan Timeline and Consultation Review
F230-A25-04

Council's CE, John Boswell advised that a review has been initiated to consider streamlining the Annual Plans, Long Term Plans and budget processes for future years, including the development of the 2027-37 Long Term Plan. The aim of the proposal is to provide opportunities to focus on Council outcomes, enhance organisational effectiveness, and produce efficiencies. To support the proposal a powerpoint presentation was shown (presentation filed in CM Record No. 24245446).

The following three options were presented to members and discussed:

- i) Option One (Recommended Option) – A staged approach to the Annual Plan and budget timeline to include pre-engagement with the community for the 2025-26 Annual Plan;
- ii) Option Two – Revised timeline without pre-engagement with the community for 2025-26 Annual Plan
- iii) Option Three – Status Quo

It was reported that all options presented meet the requirements of Council under the Local Government Act.

Members were advised that the current timeline and process has limitations by way of reducing the time available and potential to undertake value added activities that would assist Council to be more effective, identify and deliver efficiencies. The recommended option would free up time between January to May 2025 in the first year of the planning cycle and this would provide the time to enable Council staff to identify efficiencies and potentially minimise the proposed rate increases that are reflected in the current Long-Term Plan.

As part of the discussion it was noted that the community, if they wish, can provide their feedback on the engagement process. The benefit of engaging early is that it will provide more opportunities to identify the outcomes the community would like considered.

Members were supportive of the changes, noting that incorporating community input early and the manner in which Council engage is critical. It was proposed that a working group be established to support that. The Chair to discuss the working group proposal with Council's Chief Financial Officer and Chief Executive.

Members acknowledged that it will be a new way of looking at processes but were of the opinion that Council should always be looking at continuous improvement of practices to get improved efficiencies and therefore better outcomes for the ratepayer.

It was noted that Council staff will develop a draft communications plan to address the change in process and build public awareness. The draft communications plan and further detail on the pre-engagement concept to be presented to Council on 31 October. Members were assured that an online medium for public feedback can be developed and available by mid-November.

The following amendment to point 2 was noted - 'pre-engagement' amended to 'engagement'.

Cirs Dalliessi/Innes
That the Committee:

1. Adopts Option 1 – Three Year Staged Approach Community Engagement Throughout

2025-26 Annual Plan

- **Community engagement/feedback via electronic/written means November 2024 – January 2025**
- **Levels of Service & Fees Papers 20 February 2025**
- **Full assessment public feedback. Formal public consultation only if significant or material changes to the adopted LTP be identified February – March 2025.**
- **Council Budget Meeting April 2025**
- **Annual Plan 2025/2026 Adoption June 2025**

2026-27 Annual Plan: Similar to previous year

2027-37 Long Term Plan: Revert to traditional, but earlier, full consultation process.

2. Acknowledges a phased planning approach and continuous improvement over the following two years building on the concept of earlier engagement with the community.

Carried

ATTENDANCE: Mr Glyn Walters, Council's Communications Manager, (present in Chambers) and Dr Virgil Troy and Shane Palmer SIL Research (via Teams) were present for the following item.

EFC-1024-144 Resident Satisfaction Survey 2024 C315-20-148

A summary of the results of the 2024 Resident Satisfaction Survey were presented to members. The full survey was available on Council's website for members' information.

To highlight the report the key results of the survey 'Satisfaction at a Glance' was shown on screen.

In summary it was noted that resident satisfaction is comparatively high, increasing to 68% from 66% in 2023. Council's overall rating is ahead of the New Zealand council benchmark of 54%. Thirty two out of 47 (70%) services rated by residents achieved satisfaction of 60% or above, with nine services achieving 80% satisfaction or higher, indicating generally positive sentiment across most areas.

The top five performing services remained consistent, with minor changes in rank compared to 2023: public sports grounds (90% satisfaction; 2nd in 2023), libraries (89%; 4th in 2023), swimming pools (89%; 7th in 2023), cemeteries (88%; 1st in 2023), and parks & reserves (86%; 6th in 2023).

The lowest ranked services were unsealed roads (43%), RMA policy development (44%), environmental monitoring (48%), RMA monitoring compliance (48%), and sealed roads (49%).

Regarding Environmental Monitoring and its low ranking it was noted that what the environmental team covers may not be well known. It was queried whether there would be an opportunity to better clarify in the question what the team does, given it covers a large range of activities. Members were advised that it is a longitudinal study and there is limited opportunity to change questions.

It was noted that funding has been received from MfE and this will be used for regular communications that will highlight what environmental monitoring covers.

In response to a query on whether the comments could be viewed for areas that there had been a reduction in satisfaction and also for those that had increased satisfaction. Dr Troy advised that he report back to Glynn Walters to share the information.

**The Mayor/Clr Croad:
That the information be received.**

Carried

ATTENDANCE: Clr Hope withdrew from the meeting at 10.24 am at the conclusion of the above item.

ATTENDANCE: Ms Tracey Green, interim General Manager Destination Marlborough, was present for the following item.

EFC-1024-145 Destination Marlborough 2024/25 Business Plan L150-023-007-03

Before presenting the Plan Ms Green took the opportunity to acknowledge the Council for its continued support of Destination Marlborough (DM) and to key Council staff for their support during the review.

Ms Green presented the 2024/25 Destination Marlborough Business Plan for approval. The Plan was attached to the agenda item for members' information. To highlight the report a powerpoint presentation was shown (presentation filed in CM Record No. 24245445).

Members were advised that the business plan will be reviewed in line with the Destination Marlborough review and consultation process outcomes to transition to any new structure and strategy decided by the Council. DM is focused on business as usual within existing budgets for 2024/25 whilst the internal review is conducted. The DM business plan is aligned with the budget approved by the commissioners.

Members were advised that it has been a challenging time with increased costs, lack of sponsorship which has resulted in some events being cancelled or postponed. On the positive side the 2025 season is looking good to the point DM are investigating ways to extend out the 2025 season and focusing on 2026.

Ms Green advised that due to budget constraints and running iSites operation with minimum staff, the decision has been made to close the Havelock iSite. This is disappointing given iSites play a critical role in Marlborough as they are the driving force in moving people throughout the region.

Clr Dalliessi proposed that the recommendation be deferred to allow the review on the structure to be completed and suggested that the Plan be split into two parts, one being marketing and then delivery which needs to continue.

Members were advised that if the marketing plan was delayed the risk to Marlborough would be that it would lose visibility and if that happens it would be extremely difficult to get that back.

It was noted that the ILM and engagement processes are being implemented in the next month and DM are in the middle of a season so need to get through, as a minimum, to Easter 2025. During that time DM are very conscious and cognizant of getting feedback from industry and stakeholders before making any changes that the ILM process is leading towards.

Members expressed their appreciation of the work that Ms Green has undertaken since taking up the position.

**The Mayor/Clr Innes:
That Council approves the 2024/25 Business Plan to be delivered by Destination Marlborough to promote the region to both Domestic & International Visitors.**

Carried

Note: Clr Dalliessi voted against the motion.

ATTENDANCE: Clr Burgess withdrew from the meeting at 10.57 am at the conclusion of the above item.

ATTENDANCE: The meeting adjourned at 11.00 am and resumed at 11.10 am.

ATTENDANCE: Nicola Neilson, Council's Arts, Culture and Heritage Manager, and Liz Ward, Council's Manager Heritage Marlborough, were present for the following two items.

EFC-1024-146 Edwin Fox Strategic Plan A200-000-01, A200-002-05

Ms Neilson noted that the purpose of the report was to provide the Committee with the Edwin Fox Strategic Plan 2024-2027 and to request an increase to the museum entry fee. To highlight the report a powerpoint presentation was shown (presentation filed in CM Record No. 24245444).

It was noted that with the Council taking on the responsibility of overseeing the Edwin Fox and its historical collection, the museum's priorities need be assessed. Staff have created a three-year strategic plan to tackle immediate challenges, with the aim of developing a ten-year plan once a clearer understanding of the issues, budget implications and the necessary direction have been identified.

Members were advised that the Edwin Fox had been a dual experience exhibition with the exhibition gallery and the ship experience. As part of the iRex resource consent monitoring, structural issues were identified and visitor access to the ship has temporarily been restricted to protect both visitors and ship.

Ms Neilson noted that the goal is to safely reopen the ship for visitors and the 3-year Strategic Plan provides a pathway to achieve that.

It was reported that Council is legally required to preserve the ship and having an historic asset does come with challenges. It was noted that there is no financial support from Heritage New Zealand but support 'in-kind' is provided.

It was raised whether an approach to Australia would be appropriate given the connection between Australia and the ship. It was reported that an approach to Fremantle Maritime Museum in WA is being considered as they have a connection to the Edwin Fox. The Mayor indicated that she was happy to support Council officers as they develop those relationships.

Members sought clarification on a number of points and noted that the fee increase only applies to the adult price, entry fee for children will remain at \$5.

At the conclusion of the presentation and discussion the Mayor moved the motion noting the following amendments, and on seconding Clr Adams noted that it would come into effect following the Council meeting on 31 October 2024.

- Recommendation 1 – Remove the word 'received' and replace with 'approved'
- Recommendation 2 - Delete the words 'the increase' 'per person' 'immediate' and add 'reinstating' 'for adults' and 'from 31 October 2024'.

The Mayor/Clr Adams:

1. **That the Edwin Fox Maritime Museum Strategic Plan 2024 – 2027 be approved.**
2. **That Council approves reinstating the entry fee to \$15 for adults with effect from 31 October 2024.**

Carried

EFC-1024-147 Marlborough District Council Heritage Collection Policy I100-001-004-03

It was noted that the Council became the owners of the Marlborough Heritage Trust collection through the sale and transfer of assets from the Trust to the Council in August 2023. This includes the Edwin Fox collection and a small collection from when the Trust ran the Marlborough Museum.

Members were advised that the policy lays out what the Council collection is, how and what might be added to it, and how the collection is to be managed.

Ms Ward advised that with a Collections Policy it will assist in applying for funding as it shows there are good policies and practices in place.

It was noted that the Policy will support individual museums to grow their own collections and enable opportunities to work together to build a heritage collection that Marlborough can be proud of.

In considering the policy, which was attached to the agenda item for members' information, it was suggested that the word Pākehā be amended. It was agreed to word it in a different way to reflect the meaning that is trying to be conveyed.

Ms Ward provided an explanation to a query on the Council not actively collecting Taonga Māori.

There was general discussion on who the Community representative would be on the Collections Committee and whether that should be increased to two, thereby bringing the total number of members to seven. It was noted that the current membership is six which can be problematic when voting. It was noted that the focus of the group would be accepting items into a collection or de-accessioning items and it would be expected that the group would be wanting to be working to consensus.

At the conclusion of the discussion Cllr Adams put forward a motion to increase the Community Membership from one to two.

It was clarified that the motion was to be treated separately rather than making an amendment to the motion before the Committee.

The following motion was put.

Cllrs Adams/Dalliessi

That community representation on the Collections Committee be increased from one to two.

Note: The Mayor abstained.

The motion was lost and the original motion was then put to the meeting.

The Mayor/Cllr Rosene:

That the Marlborough District Council Heritage Collection Policy be approved.

Carried

Note: Cllr Dalliessi abstained.

EFC-1024-148 Community Events Fund

E100-002-012-01

The Minutes of the Community Events Fund Sub-Committee meeting held on 3 September 2024 were attached for ratification by the Committee.

The number of applications to the fund and whether the criteria was appropriate was raised. The Chair noted that the Community Events Fund Committee could review that and bring back to the Committee for consideration.

Cllrs Croad/Rosene:

That the Minutes of the Community Events Fund Decision-Making Panel meeting held on 3 September 2024 be ratified.

Carried

EFC-1024-149 Sister City Sub-Committee

D050-001-S02

The Minutes of the Sister City Sub-Committee meeting held on 10 April 2024 were attached for ratification by the Committee.

The Chair to follow-up in regard to minutes being presented in a timely manner for ratification.

Clr J Arbuckle requested that updates be circulated on the upcoming Tendo and Otari exchanges, and the Mayoral delegation visit to Ningxia, Japan.

Clr Rosene/The Mayor:

That the Minutes of the Sister City Sub-Committee meeting held on 10 April 2024 be ratified.

Carried

EFC-1024-150 Audit & Risk Sub-Committee

D050-001-A05

The Minutes of the Audit & Risk Sub-Committee meeting held on 30 August 2024 were attached for ratification by the Committee.

Clrs Croad/Dawson:

That the Minutes of the Audit & Risk Sub-committee meeting held on 30 August 2024 be ratified.

Carried

ATTENDANCE:

**EFC-1024-151 Treasury Management Report
30 September 2024**

F290-006-23

Mr Geoff Blake, Council's Chief Financial Officer, presented the Treasury Management Report for the period ending 30 September 2024 to members.

An updated Quarterly Treasury Management Report was circulated to members at the meeting. Mr Blake identified the updates and the impact they have.

It was noted that the Cash, Investments and Borrowings Report was included in the report and the following additional information was provided for clarity - Details of the market interest rate movements; A summary of the investments Council hold, and that these continue to comply with the Investment Policy section of the Treasury Management Policy; and a summary of the Council borrowings as at 30 September 2024. A number of graphs were provided in the report to show the policy boundaries.

Mr Blake provided a response to a query on the Reserve Bank announcements around the OCR and possible reduction in that to 2025 and what that would mean for future predictions and how Council should be hedging things.

Clrs Croad/Minehan:

That the information be received.

Carried

EFC-1024-152 Debtors Overdue Reports as at 31 August 2024

F220-002-020-24

Mr Blake presented the overdue debtor position as at 31 August 2024. It was noted that the annual resource consent administration fees were charged in July 2024 totalling approx. \$1.4M. The balance owing as at 30 September 2024 is \$178,974 (88% have been paid).

The 90 Days balance includes invoices for Building Consents and Development Contributions for projects that haven't started as yet.

Members passed on their thanks and appreciation to the team for their work in getting the debts cleared.

The Property Leases and Licences Debtors Report as at 31 August 2024 were attached the agenda item for Councillors' information. Current and Total balances fluctuate monthly depending on individual leases and invoicing periods.

Cirs Croad/Adams:
That the report be received.

Carried

EFC-1024-153 Rates Report as at 30 September 2024 F270-36-24

Mr Blake noted that the purpose of the report was to advise members of the rates position as at 30 September 2024.

The total value invoiced for the full year was \$111,084,012 including GST with remissions of \$753,788. The quarterly instalment due is \$27,756,415. This is for a total of 27,309 properties. Fifty percent of these pay by direct debit, with over half of these setup for the instalment date.

There was \$1.9m of arrears as at 1 July 2024, with subsequent receipts this has reduced to \$1.2m as at end of September. This compares with \$0.9m in arrears at the same time last year, noting an inevitable difference this year because of our instalment timing.

There are currently 12 properties with postponed rates. The total value postponed including the 2024/25 rates is \$163,665. During this quarter, one new application is pending application.

Cirs Croad/Rosene:
That the information be received.

Carried

The meeting closed at 12.20 pm.

Record No: 24247788

Annexure

Public Forum

1. **Robert Terry** – Topics: 1. Free Public Defenders Service in Marlborough, Nelson, West Coast regions half the area of the mainland. 2. Cook Strait ferries update.
2. **Paul Davidson (Marlborough Historical Society)** – Topic: Agenda Item 7 – MDC Heritage Collection Policy. Mr Davidson provided his notes and these were circulated to Councillors.

5. Committee Reports

5.4 Grants Sub-Committee

Grants Sub-Committee Meeting held on 8 October 2024
(Minute Nos. Grnt-1024-135 to Grnt-1024-140)

Members were advised that at any time when an application is being discussed and a Committee member has declared an interest in, they must leave the room.

Clr S Arbuckle/Ms D Healy:
That the information be received.

Carried

Grnt-1024-137 Approval of revised Terms of Reference (ToR) for the Grants Sub-Committee L150-003-10

Members noted that the purpose of the report was to approve the revised Terms of Reference for the Grants Sub-Committee, once approved they will be published on Council's website.

Members were advised that the Terms of Reference set out the purpose, scope and authority of each committee and comply with and are reflective of good governance.

Council's Legal Services have reviewed the sub-committee ToRs and those revised and updated ToRs were attached to the agenda item for members' information.

Members had no additional amendments to the Terms of Reference.

Mr G Haymes/Ms K Hartshorne:
That the Committee approve the attached Terms of Reference (refer Attachment 1) to accurately reflect the purpose, scope and authority of the Committee.

Carried

Grnt-1024-138 Clarification of Grant Criteria D050-001-G02

Ms Griffiths advised that the purpose of the report was to provide members with an opportunity to consider the Grants Criteria and information provided to applicants to ensure that it is clear and fit for purpose. The current Community Grants Information Sheet 24-25 was attached to the agenda item for members information.

Members noted that for this funding round there was a significant increase in the number of applications and discussed whether the volume of applications was appropriate for a single annual grant round or possible improvements to the process for applicants and the overall process.

As part of the discussion it was noted that having the applications for review well in advance of the meeting date is invaluable and members would like that timeframe to continue.

Members noted that applications have been received for environmental projects and suggested that Jodie Griffiths/Natalie Lawler discuss the criteria with Environmental Science & Monitoring to ensure it is fit for purpose.

Members proposed the following changes to the Community Grants criteria:

Under 'What Can't be Funded' the following amendments were proposed ...

- Delete ... School based curriculum programmes, and other central government services and add ... *Any Government related activities / services or costs connected with infrastructure.*
- Amend ... Conventions, conferences, reunions and tournaments to *Conventions, conferences, reunions, anniversaries / commemorations and tournaments.*
- Add ... *The Grants Committee has discretion to decline a grant application which is of a similar nature to previous funding requests or these requests may be deemed a lower priority. Applicants are encouraged to seek advice from the Community Partnerships team if they have any queries.*

Clr S Arbuckle/Ms J Buckman:

That the following amendments to the Community Grants criteria be approved effective from the next funding round:

- 1. Under the heading ‘What Can’t be Funded’:**
 - (a) Amend ... “Conventions, conferences, reunions and tournaments” to ... “Conventions, conferences, reunions, anniversaries / commemorations and tournaments”**
 - (b) Delete ... “School based curriculum programmes, and other central government services” and add ... “Any Government related activities / services or costs connected with infrastructure.”**
 - (c) Add ... *The Grants Committee has the discretion to decline an application which is of a similar nature to previous funding requests or these requests may be deemed a lower priority. Applicants are encouraged to seek advice from the Community Partnerships team if they have any queries.***

Carried

ATTENDANCE: Clr Burgess joined the meeting at 10.15 am during the following item.

Grnt-1024-139 Council Community Grants Allocation

C150-001-000-01

It was noted that Council provides \$280,000 per annum for grants to be allocated under specific criteria and eligibility conditions to community organisations providing Arts & Culture; Community Welfare/Social Services; Heritage and Sport and Recreation.

Members noted that 115 applications were received with 112 applications considered to be eligible for funds, two applications were referred to other sources of funding within Council and 1 application was considered to be ineligible. Total funds requested were \$660,086.

ATTENDANCE: The meeting adjourned at 10.45 am and resumed at 11.00 am.

ATTENDANCE: The meeting adjourned at 12.50 pm and resumed at 1.30 pm.

The Committee made the following recommendations:

Organisation	Project Description	Grant
Hospice Marlborough	Air mattresses for the Inpatient Unit	\$7,000.00
Tempo	Venue hire for a series of concerts	\$1,660.00
Rai Valley Agricultural & Pastoral Association	Fixed cost overheads	\$2,740.00
Marlborough Riding for The Disabled	Paddock Shelter for horses	\$3,080.00
Marlborough Four Paws Charitable Trust	Animal Shelter and Rescue Centre Lease	\$3,350.00
Inner Wheel Club of Marlborough	The Making of Heart Pillows	\$1,000.00
The National Foundation for the Deaf & Hard of Hearing Manatapu Incorporated	Hearing Screening & Education Programme	\$4,000.00
CCS Disability Action Nelson Marlborough Incorporated	Operating costs including wages salaries	\$2,600.00
Youthline Central South Island	Building a Marlborough community of care	\$2,000.00

Organisation	Project Description	Grant
Picton Little Theatre Inc	Operating expenses	\$4,000.00
Crossroads Marlborough Charitable Trust	OPEX and Replacement of PC system	\$5,000.00
Fare-well Services Trust	Volunteer Expenses/costs for facility	\$5,000.00
Havelock Community Library	To pay a levy to the school	\$1,900.00
Good Bitches Trust	Programme costs	\$3,500.00
Karearea Falcon Conservation Trust	Setting up our educational space	\$5,500.00
Blenheim Musical Theatre Incorporated	Hire of the ASB Theatre in May 2025	\$6,000.00
School Start First Impressions Marlborough	Operating Expenses	\$3,800.00
Cancer Society of New Zealand Marlborough Centre Incorporated	Grant for rent & volunteer expenses	\$4,600.00
Open Home Foundation	Operating Costs - Social Worker Salary	\$4,000.00
Awatere Rugby Football Club Inc.	Defibrillator for Clubrooms	\$2,000.00
Mistletoe Bay Trust Inc	For remote control of effluent system	\$4,000.00
St John Marlborough	Health Shuttle Running Costs 2024/25 (Graeme Haymes declared a conflict of interest and withdrew from the meeting for this application)	\$4,900.00
Te Ataarangi ki Te Tauihu o Te Waka-a-Maui	Operational Costs	\$3,100.00
Rai Valley Community Library Incorporated	Replacement Heat Pump	\$3,000.00
St Christophers Church Parish	Eldercare Programmes and operating costs	\$3,000.00
Envirohub Marlborough Charitable Trust	ZW Trailer Operating & Equipment Costs	\$4,000.00
Connect Marlborough Trust	Operational Costs and program costs	\$4,500.00
Marlborough District Brass Band Inc	Purchase of an electronic keyboard	\$820.00
Manu Ora Limited	Operational Expenses - Rent	\$3,125.00
The Craft Club	Permanent premises to run The Craft Club	\$2,000.00
Wairau Anglican Church	Social Isolation for elders	\$800.00
Pelorus Netball Club	Operational Costs	\$700.00
Blenheim Croquet Club Incorporated	Maintenance of lawns	\$3,000.00
Marlborough Water Polo	Water Polo Equipment	\$2,170.00
The Brain Injury Association (Nelson) Inc.	Brain injury support & education.	\$2,000.00
Marlborough Art Society Incorporated	Expenses, Workshop & Art Market	\$3,500.00
Creative Kids Trust	Wages & Project costs	\$4,500.00
Churchward Park Scout Group	To support ongoing Scouting activities Condition: Tagged to Marlborough activities.	\$3,700.00

Organisation	Project Description	Grant
Renwick Cricket Club	To help purchase match balls	\$2,500.00
Marlborough Readers and Writers Charitable Trust	Funding for an event administrator	\$5,000.00
Bread of Life Trust	Van rental for transporting children.	\$3,000.00
The Salvation Army New Zealand Trust	Community Support Note: Members approved a request from The Salvation Army NZ Trust for an extension of their Creative Communities Scheme 2023 grant as a result of unforeseen delays to allow completion of cabinet painting.	\$4,800.00
Marlborough Multiple Sclerosis Society & Parkinson's Group	Wages	\$4,000.00
Rai Valley Area School	Onsite Youth counsellor provision Condition: Include information in the Accountability Report of the number of students accessing the service for the last 12 months.	\$4,500.00
Picton Rowing Club Incorporated	Insurance Costs	\$3,000.00
Marlborough Tennis Association Inc	Annual cost of hiring facilities	\$4,000.00
Moutere Rugby Football Club Inc	Operating Costs of a Public Nature	\$3,500.00
Picton School Te Kura o Waitohi	The Picton School Te Kura o Waitohi Pool	\$5,500.00
Blenheim Choral Society Inc	Annual fees for the Musical Director	\$3,000.00
Age Concern Marlborough Incorporated	Assistance towards overhead expenses	\$3,000.00
Havelock Vision 2020 Charitable Trust	CLO/Admin & Projects Costs	\$1,000.00
Renwick Playcentre	Wages	\$3,500.00
Marlborough Dragon Boat Club	Cox Box Mini in boat Comms system	\$1,300.00
Picton Football Club Incorporated	Coaches Gear	\$3,500.00
Box on Boxing	Box for a Better Future Condition: Tagged to concession cards, balance for other costs.	\$3,200.00
Marlborough Pig Hunting Club Inc	To purchase a PLB	\$400.00
Marlborough Vintage & Farm Machinery Society Inc	Small Operating Grant - \$5000.00	\$2,760.00
Marlborough Netball Centre Incorporated	Equipment	\$3,000.00
Rangers Association Football Club	Club Operating Costs for 2025 season	\$3,000.00
The Marlborough Touch Association Inc.	100 Hours worth of Administration	\$2,000.00
Renwick Rugby Club Incorporated	The purchase of new rugby balls	\$2,500.00
Blenheim Swimming Club Incorporated	To meet coaching costs.	\$3,000.00
Marlborough Repertory Society	Operational Costs	\$5,000.00

Organisation	Project Description	Grant
Maternal Mental Wellbeing Marlborough	Contribution towards operational costs	\$3,500.00
Blenheim Bowling Club (Inc)	Install Autex Cube panels on the ceiling	\$5,000.00
Endeavour Park Pavilion Society	Pavilion Coordinator	\$3,000.00
Picton Community Early Learning Centre	Equipment for Working Bee	\$1,200.00
He Matapuna Ora Trust (Family Start)	Operating costs for our Blenheim Office	\$3,000.00
The Girl Guides Association New Zealand Incorporated	Guiding In Marlborough Condition: Tagged to Marlborough activities.	\$3,500.00
Dillons Point Community Playgroup	Sandpit cover and padlocks	\$1,000.00
The Blenheim Branch of the Marlborough Pony Club	Cross Country Jumps	\$4,000.00
Dressage Marlborough	Funding for a new scoring laptop	\$1,000.00
Blenheim Rowing Club Inc.	Insurance for Rowing boats and equipment	\$2,500.00
Blenheim & Districts Highland Pipe Band (Inc)	Protective cases for drums	\$3,000.00
Selmes Garden Charitable Trust	Equipment for new natives project	\$3,500.00
Marlborough Boys College Rowing Club	Foster a participation project	\$3,000.00
Marlborough Model Railway Club Inc	Liability Insurance, maintenance	\$1,730.00
People First New Zealand Inc. - Nga Tangata Tuatahi	Operational Expenses	\$1,500.00
Epilepsy Association of New Zealand	Salary for Tasman/Marlborough educator	\$1,500.00
Barnardos New Zealand	Barnardos Active Dads Condition: Tagged to Marlborough activities	\$3,000.00
Te Pataka o Wairau Inc	Expenses for Te Pataka o Wairau	\$3,500.00
Te Ātiawa Manawhenua Ki Te Tau Ihu Trust	Digitisation of Te Ātiawa Cultural Heritage Note: Recommend applying to Heritage Marlborough	\$4,240.00
Community Capacity Accounting	Governance & financial workshops Condition: Tagged to workshops held in Blenheim.	\$2,500.00
Picton Historical Society Incorporated	New display cases	\$600.00
Marlborough Snooker & Billiards Incorporated	Contribution towards operating costs	\$2,000.00
Rainbow Sports Club Incorporated	Ski rental subsidy for Marlborough kids	\$4,000.00
Avon Waihopai Residents Association Incorporated -	Retaining wall construction (playground)	\$3,000.00
Marlborough Search & Rescue inc.	Trailer Modification & Sign writing	\$4,000.00
Marlborough Returned Services Association	Heat Pumps & Operational costs Condition: Tagged to operational costs.	\$4,000.00

Organisation	Project Description	Grant
Brooklyn Croquet Club Inc	Lawn & Ground maintenance	\$3,000.00
Christchurch Methodist Mission - Housing First Blenheim	Providing support to the homeless	\$4,500.00

SCHEDULE 'A' - Applications referred to other sources of funding

Flaxbourne A&P	Community Events Fund
Renwick Sports Centre	Marlborough District Council Asset Project (not approved)

SCHEDULE 'B' – Declined Applications due to insufficient funds and/or reasons noted

Rarangi Golf Club Incorporated	Glass Crusher and Sieve Machine Note: Jodie Griffiths to meet/visit with the Club to discuss options.
Blenheim Probus Club	Assistance with 50th Anniversary Celebration
Marlborough Community Club inc	Resurface Dance Floor
Presbyterian Support Upper South Island	Family Works Marlborough Mentoring
Pluto Projects Charitable Trust	More FlagTrax banners for Pride Month
Diabetes New Zealand	Live Brave Mana Ora
Fairhall Omaka Hall	Hall requires painting and some repairs
Blenheim Club Incorporated	Painting building (part)
Supporting Families Marlborough	Phone upgrade
Papatuanuku Independency Trust	Steam Train Excursion
Flaxbourne Agricultural & Pastoral Association	St John and Traffic Management
Plunket Marlborough	Plunket Marlborough Community Services
Riverlands Friends of the School	Heating for the Ōpaoa Room
The Curtain Bank (Nelson, Tasman, Marlborough)	To fund Marlborough operations and curtains
Picton Golf Club Incorporated	Fertilizer
Marlborough Golf Club	Grass seed, fertilizer and sprays
Nopera Bay Golf Club Inc	Course maintenance and activities
Blenheim Radio Control Car Club	Lights for the race track.
Renwick Sports Centre Incorporated	Resurfacing cricket wicket
	Reasons as noted:
Renwick Tennis Club Inc	Outdoor Pickle Ball Court Note: Requires Council approval for use of land.
Volunteer Marlborough Charitable Trust	Capability building workshops Note: Requested information not received.

It was noted that the 2023 Community Grant fund has unspent funds of \$5775.00 that have been carried over to 2024. Members agreed that this be made available to cover the shortfall of the approved Community Grant applications.

Ms K Hartshorne/Clr S Arbuckle:

That Council approve the use of unspent Community Grant Funds to cover the shortfall of \$5,775.00.

Carried

Ms J Buckman/Clr S Arbuckle:

- 1. That Council approve the above listed grants to community organisations totalling \$285,775.00.**
- 2. That Council note that the St John Marlborough grant is made up of \$4,900 from 2024 funding and \$1,100 from St John Marlborough’s 2023 unspent funding.**
- 3. That Council approve the request from Salvation Army NZ Trust for an extension of their 2023 Communities Grant to enable the completion of their cabinet painting project.**
- 4. That it be noted that the applications listed in ‘Schedule A’ have been referred to other funding streams.**
- 5. That it be noted that the applications listed in ‘Schedule B’ have been declined due to insufficient funds and for reasons noted.**

Carried

Grnt-1024-140 Audit Visits

D050-001-G02

Members agreed to the following audit visits:

- Crossroads Marlborough Charitable TrustClrs Sowman and S Arbuckle
- Havelock Vision 2020 Charitable TrustKaren Hartshorne
- People First New Zealand Inc. - Nga Tangata TuatahiClr Sowman and Jane Buckman
- Community Capacity AccountingDenise Healy and Karen Hartshorne

The meeting closed at 1.36 pm.

Record No: 24238323

Attachment 1

Grants Sub-Committee

Chair	Thelma Sowman
Membership	Sally Arbuckle Allanah Burgess Karen Hartshorne (Sports Trust appointee) Denyse Healy (Arts Sector appointee) Graeme Haymes, Sally Wadworth, and Jane Buckman (Community Representative)
Quorum	The quorum as per clause 11.2 of the Standing Orders 2022 for a meeting of the Committee is: (a) half of the members present, where the number of members (including vacancies) is even; and (b) a majority of the members present, where the number of members (including vacancies) is odd. Present at the meeting to constitute quorum means the member is either to be physically present in the room or attending the meeting via audio/visual link
Meeting Cycle	3 per year
Reports to	Economic, Finance and Community Committee

Responsibilities

This Sub-Committee carries out Council's partnership with Creative New Zealand and Sport NZ (Sport and Recreation New Zealand) to ensure local arts funding and rural travel funding are available to the Marlborough area. The Sub-Committee has delegated authority for the allocation of funds under both schemes. In addition, the Sub-Committee has delegated authority for consideration of Marlborough District Council Community Grants with recommendations being made to Council for consideration.

Powers

The Sub-Committee will have delegated authority to carry out activities within its terms of reference and the activity areas listed above (excluding all powers reserved to the Council by law, or by resolution of the Council).

1. The Sub-Committee has delegated authority for the allocation of funds under both schemes. In addition the Sub-Committee has delegated authority for consideration of Marlborough District Council Community Grants, with recommendations being made to Council for consideration.
2. **Associated decision:** If a matter relates primarily to the responsibilities of the Grants Sub-Committee, but aspects require additional decisions by the Economic Finance and Community Committee, then the Grants Sub-Committee has the powers to make associated decisions on behalf of the Economic Finance and Community Committee. For the avoidance of doubt, this means that matters do not need to be taken to more than one of these committees for decisions.
3. **Referral of decisions:** The Sub-Committee may, from time to time, refer matters which it would ordinarily consider, to another Committee, if it considers the matter/project would be better dealt with by that other Committee.
4. **Referral for urgency:** The Sub-Committee Chair is authorised to refer urgent matters to the Council for decision, where this Committee would ordinarily have considered the matter. The Chairperson must make this referral in writing stating reasons for the referral.

Delegation Limitations

The Grants Sub-Committee may not delegate any of its responsibilities, duties or powers under the Local Government Act 2002, and its powers exclude powers that cannot be delegated to committees.

Procedure

The Chairperson will report back to the Economic, Finance and Community Committee with recommendations of the Grants Sub-Committee at the next Committee meeting following each sub-committee meeting.

6. Notification of Draft Management Plan for Waikawa Bay Foreshore Reserve

(also see Attachment 6.1 and Attachment 6.2)

(Clr Dawson) (Report prepared by L Craighead)

R510-014-021-04

Purpose of report

1. To seek approval to notify a draft reserve management plan for the Waikawa Bay Foreshore Reserve in accordance with the provisions of the Reserves Act 1977 and to establish a Hearing Panel.

RECOMMENDATION

1. That Council approve the draft management plan for the Waikawa Bay Foreshore Reserve (Attachment 6.1) for the purposes of public submission as required by Section 41(6)(a) of the Reserves Act 1977.
2. That a Hearing Panel consisting of Councillors Dawson and Adams and up to two independent commissioners (with expertise in tikanga Māori and the Reserves Act), be established to hear submissions and recommend to Council decisions on those submissions.

Context

2. The Council commenced preparation of a reserve management plan for the Waikawa Bay Foreshore Reserve in 2020. The public were invited to provide written suggestions/feedback to the Council about the review at this time. Feedback from this process and subsequent consultation with Te Ātiawa Ki Te Tau Ihu Trust and the Waikawa Ratepayers and Residents Association and others has assisted in preparing the draft reserve management plan.
3. Te Ātiawa has also undertaken a cultural health indicator assessment of the Reserve and a report on this will be available as part of the notification process.

Draft documents

4. From the consultation undertaken, a draft management plan has been prepared and it is this document that is to be the subject of public submissions. The draft management plan was the subject of a Councillor workshop in October. Some minor changes have resulted from this process.
5. A background document has been prepared and this provides more information about the review process. The document does not form part of the reserve management plan and therefore it has not been included in the recommendation above. It will be available on the Council website once the draft reserve management plan is notified.

Submission and hearing

6. It is proposed that the submission period will commence on 7 November. The Reserves Act requires that the submission period is a minimum of two months and this will see the submission period closing on 17 January 2025.
7. A Hearing Panel will need to be established for the purposes of hearing and making recommendations to the Council on submissions and Councillors Dawson and Adams are recommended as members of the Panel. It is also recommended that up to two other independent commissioners be appointed with expertise in tikanga Māori and the Reserves Act if possible. The Chair of the Panel is proposed to be one of the appointed independent commissioners.

Next steps

8. Notification of the draft management plan will occur on Thursday 7 November 2024.

Attachments

Attachment 6.1 – Draft Waikawa Bay Foreshore Reserve Management Plan

Page 45

Attachment 6.2 – Draft Waikawa Bay Foreshore Reserve Management Plan Background Information

Page 73

Author	Linda Craighead, Planner, Parks and Open Spaces
Authoriser	Jane Tito, Manager, Parks and Open Spaces

 **MARLBOROUGH
DISTRICT COUNCIL**

Draft Waikawa Bay Foreshore Reserve Management Plan



Draft

Draft Waikawa Bay Foreshore Reserve Management Plan

For notification – 31 October 2024

Published by:

Parks and Open Spaces - Property and Community Facilities Department
Marlborough District Council
Cnr Seymour and High Streets
PO Box 443
Blenheim 7240

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Draft

Part A – Introduction

The Waikawa Bay Foreshore Reserve is a small popular recreation reserve located on the eastern side of Waikawa Bay between Port Underwood Road/Waikawa Road and the sea. The Reserve is used as a base for picnicking, swimming, launching small craft and trailered boats and providing access to moored boats within Waikawa Bay.

The Reserve is of great significance for Te Ātiawa Ki Te Tau Ihu having been prominent residents of Waikawa Bay since the early 1800s and more so after 1850. The Reserve is also very important to residents and visitors who enjoy its many attributes.

A management plan for the Waikawa Bay Foreshore Reserve (Reserve) has been prepared by the Marlborough District Council (the Council) under the Reserves Act 1977. This is the first formal management plan for the Reserve. The area to be managed is shown in Figure 1 and includes areas that are identified as legal road.

The Draft Waikawa Bay Foreshore Reserve Management Plan (Draft Plan) includes an overview of the key values of the Reserve and issues identified through consultation. An overall vision, along with objectives and policies, provide direction for the future protection, development and management of the Reserve.

The Draft Plan provides a clear framework for day-to-day management and decision making for the next 10 years. In addition, actions required to assist in achieving the overall vision are set out with programming and budgeting requirements to be established through the Council's Long-Term Plan and Annual Plan processes.

A more detailed account of the key values and issues and responses to these, the legislative background and history of the Reserve is provided in a separate document¹. The document does not form part of the Draft Plan but is intended to provide more detail should readers seek further information about the review process.



Figure 1: Management Plan area

¹ Marlborough District Council, October 2024. Waikawa Bay Foreshore Reserve Management Plan – Background Information.

Legislation

Te Tiriti o Waitangi

Te Tiriti o Waitangi (the Treaty of Waitangi) is the basis for the rights and responsibilities of the Crown and Māori. The Council has a duty similar to the Crown's to interpret, administer and give effect to the principles of the Treaty of Waitangi under the Reserves Act 1977.

Reserves Act 1977

Under the Reserves Act 1977 all administering bodies (in this case the Marlborough District Council), are required to prepare and develop management plans for reserves under their control. The purpose of a reserve management plan is to *"... provide for and ensure the use, enjoyment, maintenance, protection, and preservation, as the case may require, and to the extent that the administering body's resources permit, the development, as appropriate, of the reserve for the purposes of which it is classified"*².

There is a range of purposes for which reserves are gazetted including scenic, recreation, scientific, local purpose, historic, nature and government purpose. Most of the land covered by the Draft Plan is gazetted as recreation reserve. Because of this there is a significant focus in the Plan on providing an overall vision and management framework for recreation purposes.

The Reserves Act states recreation reserves are to be held *"for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, ..."*³.

Importantly, the Reserves Act also provides for other features associated with a reserve to be managed and protected to the extent compatible with the principal or primary purpose of the reserve, including historic features⁴.

² Reserves Act 1977, section 4(3)

³ Reserves Act 1977, section 17(1)

Other legislation and plans

In addition to the provisions of the Reserves Act, the Council has a range of other legal obligations to consider in managing the Reserve. These include but are not limited to the Resource Management Act 1991, Local Government Act 2002 and the Heritage New Zealand Pouhere Taonga Act 2014. There are also other plans, strategies and bylaws that have relevance for the Reserve. A brief overview of the relevant legislation, statutory requirements, strategies and plans can be found in Appendix 3.

Process for developing the reserve management plan

The Draft Plan has been developed taking into account the views of:

- users of the Reserve
- those with long term associations with the Reserve
- the Council's own day to day management of the Reserve over the past several decades

Initially the public were invited to provide written suggestions/feedback to the Council about the development of a reserve management plan for the Reserve in May/June 2020 – a requirement to do so under the Reserves Act. A brochure was prepared that provided information about the Reserve, why we have reserve management plans and why it was important for people to become involved in helping prepare a plan. People were asked how they used the area, what they liked or disliked about the Reserve, the values they appreciated about the Reserve and how they would like to see it managed for the future.

At the close of the feedback period 54 individuals/groups had provided written suggestions to the Council. Feedback arising from early consultation and meetings and through responses received on the brochure, including issues of concern, values of significance and what

⁴ Reserves Act 1977, section 17(2)(b)

the future of the Reserve should be, have all been considered in preparing the Draft Plan.

A summary document of the feedback received was prepared and forwarded to those who had provided feedback. This summary document is included within the background document as is the

Council's response to a number of the suggestions made in the feedback.

Further consultation also occurred with Te Ātiawa and the Waikawa Ratepayers and Residents Association (WRAA).

Draft

Part B – About the Reserve

Legal descriptions and location

There are several areas of land and different land statuses that apply to the land that is commonly known or referred to as the Waikawa Bay Foreshore Reserve. These include the following and are shown in Figure 2:

- Legal road
- Section 3 SO 426964 – Recreation Reserve
- Section 1 SO 4561 – Recreation Reserve

It is important to note the area of land occupied by the Arapawa Māori Rowing Club building at the southern end of the Reserve, is the Te Ātiawa Arapaoa Waka Recreation Reserve and is not subject to the provisions of the Draft Waikawa Bay Foreshore Reserve Management Plan. This is because the land is vested in named Trustees for Te Ātiawa o Te Waka-a-Māui Trust (Te Ātiawa) by Section 110 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 and is therefore not under ownership, management or control of the Council.



Figure 2: Legal descriptions

Legal road

A good proportion of the carpark on the upper level of the Reserve is legal road. This area has historically been managed as part of the overall Reserve despite its status as legal road. The legal road extends southwards behind the Arapawa Māori Rowing Club building. This area of legal road extending west along Waikawa Road is also being managed as part of the Waikawa Bay Foreshore Reserve as if it were reserve land.

Section 1 SO 4561 – Recreation Reserve

Section 1 SO 4561 is held by the Council in fee simple. This area of land being some 2428m² was gazetted as Recreation Reserve in 2001 (NZG 2001 p677). The land was the result of a reclamation undertaken to accommodate road spoil from works being undertaken by the then Marlborough County Council in the late 1950s.

Section 3 SO 426964 – Recreation Reserve

Section 3 SO 426964 was classified as a Recreation Reserve by Gazette Notice 107627 (NZ Gazette 1982 page 661), and vested in the former Marlborough County Council, in trust, by all Gazette notice 90101 (NZ Gazette 1978 page 262). While this part of the Reserve is Crown owned land, the Council is the administering body for it.

Significance for Te Ātiawa

(Information from feedback from Te Ātiawa o Te Waka-a-Maui and the Arapawa Māori Rowing Club)

Te Ātiawa have been prominent residents of Waikawa since the early 1800s and more so after 1850. Waikawa Foreshore not only holds huge significance to the current descendants as a precious taonga of the iwi ancestral forebears, but it was where many gatherings of the iwi took place and is remembered with great fondness by old and young alike through the oral and written word.

When the Arapawa Māori Rowing Club entity and its building was re-located to 'the bay at the pa' the

⁵ Ngāti Apa, Ngāti Kōheta, Ngāti Kuis, Ngāti Rārua, Ngāti Toa, Ngāti Tama, Rangitāne and Te Ātiawa

building created its own history and prevalence to the iwi.

The building and what it signifies means many things to the iwi and residents. It was, and still is, a place of fellowship, kinsmanship, learning, worship, entertainment, a civic reception venue, a ball room and sports centre of many variations. A venue for happy and sad events, christenings, birthdays, weddings, and funerals.

Statutory acknowledgements

Marlborough's iwi have all signed Deeds of Settlement with the Crown to address breaches of Te Tiriti o Waitangi. Part of this includes statutory acknowledgements that recognise the particular cultural, spiritual, historical and traditional association of an iwi with an identified site/area.

There are no identified statutory acknowledgements over the Reserve although eight iwi⁵ have registered a statutory acknowledgement over the coastal waters immediately adjacent to the Reserve⁶. While a reserve management plan itself cannot manage coastal waters, it can manage activities and uses on land that may have an impact on coastal waters.

Iwi management plan

Te Ātiawa has an Iwi Environmental Management Plan (IEMP) that sets out how the iwi intends to respond to rohe management and kaitiakitanga responsibilities or challenges. It also describes how, as kaitiaki, Te Ātiawa will engage with its own people and those people and organisations who engage with the resources of its rohe. The IEMP states that "Te Ātiawa as tangata whenua hold (and has traditionally held) mana whenua mana moana over the lands and waters of the Marlborough Sounds, particularly Tōtaranui (Queen Charlotte Sound), and Kura Te Au (Tory Channel) and environs". The Council has considered the IEMP of Te Ātiawa in preparing the Waikawa Bay Foreshore Reserve Management Plan and will take into account the IEMP in the management of the Reserve.

⁶ See <https://www.marlborough.govt.nz/your-council/tangeta-whenua/statutory-acknowledgements> for information on statutory acknowledgements.

Kia Kotahi Te Taihū – Together Te Taihū

In December 2023 Te Taihū Iwi and councils signed a partnership agreement to enhance the wellbeing of Te Taihū now and into the future. The partners under the agreement are driven by shared aspirations to realise the full potential of Te Taihū o Te Waka-a-Māui, to protect and enhance the taonga of Te Taihū and to give effect to the principles and practices of Te Tiriti o Waitangi.

The objectives, policies and actions within the Draft Plan will help give effect to the principles and vision of the Together Te Taihū agreement.

Cultural health indicator assessment

A cultural health indicator assessment⁷ of the Waikawa Bay Foreshore Reserve was undertaken by Te Ātiawa (June 2022). The assessment describes Māori cultural interests in the Waikawa Bay Foreshore Reserve and describes the long history of Māori occupation and customary practice along this section of the Tōtaranui (Queen Charlotte Sound) coastline.

Overall the assessment considered the mauri of the Reserve was 'good' but that heavy modification of the site affects natural balance and connections from the mountains to the sea – ki uta ki tai. The assessment identified a number of recommendations to help strengthen and restore natural balance and connections and therefore the mauri of the Reserve. The recommendations are set out in Appendix 3 and where appropriate have been included within Part E – Actions.

Te Ātiawa future aspirations

Te Ātiawa have future development aspirations that could involve an exchange of the Te Ātiawa Arapaoa Waka Recreation Reserve with other land on Waikawa Bay Foreshore Reserve.

Te Ātiawa had originally proposed an exchange of the Te Ātiawa Arapaoa Waka Recreation Reserve with an area of land immediately alongside on the Waikawa Bay Foreshore Reserve. This would have

resulted in a larger area of land being available for Te Ātiawa to realise their development aspirations.

The ability for reserve land to be exchanged is governed by the provisions of the Reserves Act 1977 and in particular Section 15 of the Act. Because the land proposed to be exchanged was originally Crown derived reserve being formerly reclaimed land (Section 3 SO 426964), the Department of Conservation will ultimately approve and gazette the change if successful. However, the Council is involved in the process as it is the administering authority for the Reserve.

At the time of notification of the Draft Plan, Te Ātiawa had not further developed their proposals for a land exchange. Dependent on what development is ultimately proposed, there could be implications for the existing Reserve and its facilities and uses. This may in time require a change to the Waikawa Bay Foreshore Reserve Management Plan.

Features of the Reserve

The Reserve is very popular for both locals and visitors. Many people make use of the grassed area immediately behind the beach, which contains barbeques, shelters and picnic tables. A children's playground is located near the northern end of the Reserve while public toilets are located near the middle of the Reserve. Seats, some with commemorative plaques, are located at a number of locations on the Reserve as well as along the narrow strip of foreshore adjacent to Waikawa Road, southwest of the Reserve.

A public launching ramp and related retaining walls, jetties, pontoon and small breakwater dominate the northern end of the Reserve while another jetty is located near the midpoint of the Reserve. Parking for cars and trailers occurs near the launching ramp, behind the grassed area and at the southern end of the Reserve adjacent to the Arapawa Māori Rowing Club building. There are three vehicular entry and exit points off Waikawa Road to the Reserve.

⁷ See <https://www.marlborough.govt.nz/recreation/perks-and-open-spaces/perks-and-open-spaces-plans-and-reports/waikawa-bay-foreshore-reserve-management-plan>

[reports/waikawa-bay-foreshore-reserve-management-plan](https://www.marlborough.govt.nz/recreation/perks-and-open-spaces/perks-and-open-spaces-plans-and-reports/waikawa-bay-foreshore-reserve-management-plan)

Physical access to the Arapawa Māori Rowing Club building, which sits partly on its own title and partly within the coastal marine area, is across the main part of the Reserve or by sea. This is because practical access to the title cannot be achieved from Waikawa Road given the physical constraints that exist.

Beyond the Arapawa Māori Rowing Club building there is a narrow strip of land between Waikawa Road and the sea. This is connected to the main part of the Waikawa Bay Foreshore Reserve by a path leading behind the Rowing Club building. There are access steps down to the beach area in a couple of locations along this part of Waikawa Road and a number of dinghies are informally stored here above the high tide mark.

On the main part of the Reserve there are large Phoenix palms and native tree species (pōhutukawa and pittosporum) with the remainder of the area in grass. At the northern end of the Reserve immediately below the Port Underwood Road there is a mix of mostly native species including cabbage tree, pittosporum, pōhutukawa, akeake and five finger. At the southern end of the Reserve there is a mix of native and exotic species.

A variety of signs are located on the Reserve with a number concentrated around the launching ramp. Some of these signs provide important information to boaties venturing into the Marlborough Sounds e.g. information from Transpower about the Cook Strait Cable Protection Zone and from the Department of Conservation setting out rules about boating near marine mammals and the Long Island - Kokomohua Marine Reserve.

While not managed as part of day-to-day Reserve operations or activity, there are several important Council infrastructure services occurring on or underneath the Reserve. These include pipes for the discharge of stormwater and a consented discharge for untreated human sewage during periods of heavy rainfall when the sewerage reticulation network is overloaded by stormwater inflow and infiltration. A sewerage pumping station is also enabled on the Reserve by way of designation in the Marlborough Environment Plan.

There are boatsheds located below the Port Underwood Road to the north of the Reserve. Although most of the boatsheds are located within the coastal marine area a few are located wholly or partly on the Reserve. Foot access to these boatsheds is achieved through the Reserve.

Part C – Key Values and Issues

People value the Reserve in a number of ways including the ability to swim and picnic, launch boats or enjoy the open space nature of the Reserve. The values set out below are not all those that people consider important but are those commented on by a number of people through consultation and feedback. They are the values upon which the subsequent objectives and policies have been based.

Common themes amongst aspects most enjoyed or valued about the Reserve include:

- personal, whānau and cultural importance
- not currently overcrowded, too developed or commercialised
- peacefulness
- swimming and picnicking
- relative open space nature
- well maintained facilities
- diversity of people using the area
- ease of access to the boat ramp and facilities
- connections with the marine environment.

Issues were identified through feedback from users of the Reserve and from the Council's own knowledge through its day-to-day management of the area over several decades. In some cases, the same activity may be the subject of opposition for some while others may support its presence on the Reserve, for example commercial activity. However, quite a few of those providing feedback did not identify major areas of concern.

Most issues were related to parking and use of the launching ramp. These included:

- launching boats and parking are becoming more important than family and children's enjoyment
- turning an area of carpark into grass made the parking situation worse
- vehicle and boat trailer parking on streets sometimes blocks access for residents

- vehicles are parked on the Reserve for weeks at a time over Christmas restricting day use
- vehicles restrict access to the doors of the Rowing Club building and to dinghies at the northern end of the Reserve
- workers are parking vehicles all day in the carpark reducing parking for day users
- there should be no further boat and vehicle related development on the Reserve.

Other issues included:

- management responsibilities for the Reserve
- maintenance of garden areas at the southern end of the Reserve
- barbeques potentially attracting large noisy crowds
- commercial buildings/operations on the Reserve
- lack of storage space for dinghies and other small craft
- lack of enforcement of dogs, parking and freedom camping.

During development of the Draft Plan feedback was also received about the Arapawa Māori Rowing Club building and also on future development aspirations of Te Ātiawa on the Waikawa Bay Foreshore Reserve. This included a proposed land exchange from Te Ātiawa of the Waka Recreation Reserve with other land on the Reserve. The feedback received was varied ranging from those seeking restoration and retention of the Rowing Club building on its current site, those supporting a shift of the building to another location on the Reserve (i.e. the site of the proposed land exchange) and those seeking removal of the building entirely.

A land exchange may impact use of the Reserve resulting in a net loss of land area as well as affecting existing parking activity. Depending on the nature of any new building to be developed,

there could be other implications for ongoing management of the Reserve and its facilities. Therefore, the Draft Plan does not provide support for the land exchange.

The Draft Plan does include a range of objectives and policies that recognise and provide for the

special relationship that Te Ātiawa has with this area of Waikawa Bay. That relationship will continue to be recognised going forward regardless of whether or not an exchange of land on the Reserve occurs.

Draft

Part D – Strategic Direction

The vision for Waikawa Bay Foreshore Reserve Management Plan is as follows:

“Waikawa Bay Foreshore Reserve is a place for all to share and enjoy, a place connected to the sea, where open space values are protected and the mauri is healthy.”

The vision is a long-term view of community aspirations for the Reserve. The strategic direction is to be achieved through implementing objectives and policies to guide the overall management of the Reserve. The direction also includes a list of actions established to support implementation – see Part E of the Plan.

Objectives and Policies

1. Ngā Pātuitanga / Partnerships

Objective

- 1.1 The Council, Te Ātiawa and the community partnering in the management of the Reserve.

Policies

- 1.2 Actively support initiatives to maintain, protect and enhance values of the Reserve that are feasible and consistent with the Plan’s vision, objectives and policies.
- 1.3 Engage with Te Ātiawa and the wider community before making decisions that will affect the values of the Reserve or the use, enjoyment or management of the Reserve.
- 1.4 Encourage and work with Te Ātiawa, the community and other volunteer groups who wish to work with the Council to:
- (a) develop and maintain appropriate recreation resources and opportunities
 - (b) enhance biodiversity health and resilience
 - (c) improve the mauri of the Reserve.

2. Kaitiakitanga / Guardianship

Objective

- 2.1 As ahi kā roa Te Ātiawa exercises kaitiakitanga in the management of the

Reserve, providing for hauora (long term wellbeing).

Policies

- 2.2 Enhance the mauri of the Reserve.
- 2.3 The Council, Te Ātiawa and the community will hui regularly to consider progress being made towards achieving the Plan’s vision, including through the Actions set out in Part E of the Plan.
- 2.4 Use consistent and accurate messaging around the cultural and historical significance of the Reserve to Te Ātiawa.
- 2.5 Use te reo Māori in conjunction with English on signage and mapping.
- 2.6 Enable customary harvest on the Reserve in accordance with tikanga.

3. Open Space

Objective

- 3.1 Open space values of the Reserve are protected and maintained.

Policies

- 3.2 There must be no loss of green open space on the Reserve from that existing at notification of the Draft Plan.

- 3.3 Where practicable the area of green open space existing as at notification of the Draft Plan will be increased.
- 3.4 There must be no increase in the area provided for car or boat trailer parking from that existing as at notification of the Draft Plan.
- 3.5 The addition of buildings to the Reserve is to be actively discouraged.

4. Te Mahi ā-Rēhia / Recreation

Objectives

- 4.1 A variety of recreational opportunities across the Reserve are available for all users.
- 4.2 Free and open access to the Reserve is provided.
- 4.3 Improved connections between the Reserve and the sea and other nearby reserves.

Policies

General

- 4.4 Ensure public access to the Reserve is maintained except where:
 - (a) maintenance activities may require closure for health and safety reasons
 - (b) an event or activity requires access to be restricted
 - (c) other bylaws or legislation enable access to be restricted.
- 4.5 Provide and maintain facilities to enhance public use and enjoyment of the Reserve, including:
 - (a) a small playground consistent with the style of those on neighbourhood parks
 - (b) toilets, shelters, picnic tables and barbeque
 - (c) boat launching facilities.

- 4.6 Improve accessibility so that people can move about easily and safely and enjoy all parts of the Reserve.
- 4.7 Provide a dedicated access point between the Reserve and the beach for the launching of small recreational craft (e.g. kayaks, waka ama and dinghies).
- 4.8 Prohibit vehicles on the grassed open space areas or beach unless for:
 - (a) maintenance activities
 - (b) environmental enhancement or protection works
 - (c) beach replenishment
 - (d) activities or events authorised by the Council.

Walking and cycling

- 4.9 Improve the connection between the Reserve and the Picton/Waitohi to Waikawa Track for walking and cycling with on road or shared path opportunities and improved signage and pathway indicators.
- 4.10 Where opportunities arise in the longer term and practical access can be achieved consider whether a pathway for walking and cycling around the foreshore between the Reserve and Waikawa Marina can be provided.

Launching ramp

- 4.11 No additional boat related facilities are to be constructed that will result in increased number of trailered boats being launched through the existing lawfully established launching ramp as at 31 October 2024.
- 4.12 Any money received from the launching of boats through the Reserve must be used in the following order of priority:
 - (a) for maintenance of the launching ramp (and related coastal structures)
 - (b) for maintenance and protection of the Reserve

- (c) improvements to existing assets on the Reserve
- (d) new assets on the Reserve.

- 4.13 After considering the priorities in 4.12, if there are funds remaining then these may be used for maintenance, enhancement or protection of other Council administered reserves in the Waikawa Bay area.
- 4.14 Where donations are proposed to be used for new assets, the need for this must first be assessed against the policies of this Plan.

5. Te Taiao / The Natural World

Objectives

- 5.1 Indigenous biodiversity on the Reserve is improved in area, extent and state.
- 5.2 Enhanced mauri of the Reserve through improved indigenous biodiversity.

Policies

- 5.3 Prepare a planting plan to enhance indigenous biodiversity that will identify planting opportunities, removal of exotic species where practicable and address pest species.
- 5.4 Use of endemic native species in replanting efforts to enhance indigenous biodiversity will be used where practicable.
- 5.5 Use of local genetic stock in the re-establishment or restoration of indigenous vegetation and habitats will be used where practicable.
- 5.6 Consider the use of soft erosion measures involving indigenous species along the foreshore, particularly when the existing hard protection walls require replacement.

6. Ngā Taonga Tuku Iho / Cultural Heritage

Objectives

- 6.1 Visitors are informed of and appreciate the cultural heritage values of the Reserve.
- 6.2 Sites of significance to Te Ātiawa are protected and managed in accordance with tikanga Māori.

Policies

- 6.3 Protect and manage cultural heritage values and features of significance in accordance with Te Ātiawa tikanga to ensure their long-term protection.
- 6.4 Provide opportunities to share information about cultural heritage values with all.
- 6.5 Te Ātiawa will lead and co-develop the interpretation of all Māori cultural heritage values through carvings, signposts and information panels.
- 6.6 Seek advice from Te Ātiawa to ensure
- (a) public facilities and infrastructure are located in culturally appropriate locations
 - (b) land disturbance activities do not impact on cultural heritage values.
- 6.8 Support the development and implementation of an across Council Accidental Discovery Protocol for Māori cultural sites and archaeological sites as set out in method of implementation 10.M.5 of the Marlborough Environment Plan.

7. Reserve Management

7.1 Management and maintenance

Objective

- 7.1.1 The Reserve is managed and maintained to provide a diverse range of recreational opportunities for all users while ensuring natural, cultural and historical values are protected.

Policies

- 7.1.2 Maintain the Reserve to levels of service funded through the Council's Long-Term Plan.
- 7.1.3 Maintain the Reserve in accordance with open space maintenance contracts and best practice methods.
- 7.1.4 Monitor built and constructed structures and facilities owned by the Council to ensure they remain fit for purpose.
- 7.1.5 Liaise with neighbouring landowners on matters of mutual interest or benefit including public access, pest issues and maintenance of ecological and amenity values.
- 7.1.6 Consider the impact on the recreation purpose of the Reserve and on the cultural heritage and ecological values of the Reserve before deciding whether to give approval as an affected party, where resource consent is required for a use of land or coastal marine area adjoining the Reserve, and the Council is identified as a potentially affected party.
- 7.1.7 Incorporate areas of legal road that form part of the management area of the Reserve and amalgamate this with the Reserve.

7.2 User/visitor facilities

Objective

- 7.2.1 Appropriately located facilities and infrastructure for users of the Reserve.

Policies

- 7.2.2 Ensure facilities and infrastructure:
 - (a) comply with appropriate legislation
 - (b) are cost effective
 - (c) are adequate for their intended purpose and use
 - (d) support use for all users.

- 7.2.3 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 Reserve.

- 7.2.4 Only provide for new facilities and infrastructure where there is an identified need that supports public use and enjoyment of the Reserve. In all other circumstances new facilities and infrastructure should be avoided on the Reserve.

- 7.2.5 Maintain foreshore protection works where erosion is evident and if left unchecked will have an adverse impact on public use and enjoyment of the Reserve.

- 7.2.6 Protection works will consider visual amenity and ease of pedestrian access to the beach, the implications from sea level rise and the impacts on cultural heritage values and coastal ecological values.

- 7.2.7 Consider alternative erosion protection means to hard protection works having regard to Policies 7.2.5 and 7.2.6.

- 7.2.8 Ensure the parking of vehicles and/or boat trailers does not:

- (a) affect pedestrian safety
- (b) impede access to activities on the Reserve
- (c) impede access to the Arapawa Māori Rowing Club building.

- 7.2.9 Ensure parking for vehicles and boat trailers on the Reserve is efficiently set out given the limited extent of available land on the Reserve.

7.3 Signage

Objective

- 7.3.1 Clear signage is established and maintained throughout the Reserve.

Policies

7.3.2 Ensure the design of signs is in accordance with the Council's branding guidelines and 'Picton – Marlborough Sounds Sign Guidelines'.

7.3.4 Collaborate with Te Ātiawa to develop and provide informative signage about cultural heritage values of the Reserve and with the community on signage for use of the Reserve.

7.3.5 Locate signs to avoid visual clutter and assist users to easily access relevant information.

7.3.6 Signs must not be erected on the Reserve without the prior approval of the Council.

7.4 Use of Reserve

Objective

7.4.1 Activities do not adversely affect recreational use and enjoyment of the Reserve as a priority, and then on open space values and cultural heritage values.

Policies

7.4.2 Dogs are only permitted on the Reserve in accordance with the Council's Dog Control Bylaw 2021 to ensure the experience of those undertaking activities or enjoying the Reserve is unaffected.

7.4.3 The use of drones from or over the Reserve is to be in accordance with the Council's policy 'Remotely Piloted Aircraft Systems (RPAS commonly known as Drones) use from or over Council Controlled Land'.

7.4.4 In considering whether to allow activities or uses, network utilities or other similar infrastructure, the following must be considered:

- (a) Whether the proposed use is consistent with the primary recreation purpose of the Reserve

- (b) Does the proposed use impact on the use or enjoyment of the Reserve 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 Reserve 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

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

7.4.5 Where infrastructure is proposed the additional matters to be considered are:

- (a) The location of utility structures (pipes, cables, lines or similar) shall be placed underground

- (b) The location of the infrastructure will not result in any lost opportunities in terms of the future development of the Reserve.

7.4.6 In addition to the matters in Policy 7.4.5, consideration is to be given to the extent to which the proposal is consistent with the policies in 2. Kaitiakitanga, 3. Open Space, 4. Te Mahi ā-Rēhia / Recreation, 5. Te Taiao / The Natural World and 6. Ngā Taonga Tuku Iho / Cultural Heritage.

7.4.7 The Reserve may be booked for activities where:

- (a) these meet the permitted activity standards of the Open Space 1 Zone for the Marlborough Environment Plan (where relevant)
- (b) other statutory requirements are met (e.g. Building Act)
- (c) event organisers agree to comply with conditions imposed for use of the Reserve.

7.4.8 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
- (b) the Assets and Services Committee of the Council where the proposal is inconsistent with the Plan⁸.

7.4.9 Promote the Council's 'Smoke Free' Policy on reserve land.

7.5 Occupation agreements

Objective

7.5.1 Granting of occupation agreements (leases, licences or concessions) for individuals, groups, uses or facilities where the reasons for occupation are directly related to the vision for the Reserve.

Policy

7.5.2 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 Reserve.

7.5.3 Provide for a lease for management of the launching ramp and related coastal structures to subject to:

- (a) Compliance with the conditions of the resource consents authorising the launching ramp and coastal structures
- (b) Compliance with the Plan policies for management of the launching ramp and coastal structures being 4.12 -14 and Action 18
- (c) The duration for the lease being 5 years from initial granting with a review of the effectiveness of the management to take place prior to deciding if an extension to the lease would be granted.

7.5.4 Provide for a licence to occupy for the storage of waka ama and related boating equipment subject to:

- (a) Any necessary consents being obtained and ongoing compliance with conditions of consents granted authorising buildings/structures
- (b) The location and visual appearance of buildings/structures being approved by the Manager, Parks and Open Spaces
- (c) The duration for the licence being 2 years from initial granting with a review of the impact of any building/structure on other Reserve uses/users to take place prior to deciding if an extension to the licence would be granted.

7.5.5 Provide for a single concession for a mobile ice cream/coffee cart subject to:

- (a) Any necessary consents being obtained and ongoing compliance with conditions of consents
- (b) The location of the mobile cart being approved by the Manager, Parks and Open Spaces
- (c) The duration for the concession being 2 years from initial granting with a

⁸ Note that permission for the activity/use may also be required under other statutes e.g. the Resource

Management Act or the Fire and Emergency New Zealand Act 2017.

review of the impact of the mobile ice cream/coffee cart on other Reserve uses/users to take place prior to deciding if an extension to the concession would be granted.

7.6 Prohibited activities

7.6.1 The following activities are prohibited on the Reserve:

Camping unless the Council has approved an event for which camping is a necessary part of the event and the event organisers agree to comply with conditions imposed for use of the Reserve or where through the Freedom Camping Act 2011 there is a bylaw in place that enables freedom camping

Cutting or removing vegetation unless authorised by the Council

Construction of tracks unless authorised by the Council

Dumping of litter, rubbish or other unwanted goods

Fires, fireworks or fireworks display unless authorised by the Council

Firewood collection

Hunting or trapping unless authorised by the Council

Increase in area of boat launching ramp

Practicing or playing golf

Scattering of ashes

Use of firearms unless authorised by the Council

Vehicles on grassed areas unless for maintenance purposes or otherwise authorised by the Council

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Part E: Actions

These actions have been assigned timing and should be budgeted for as required through the Long Term Plan/Annual Plan process.

No.	Action	Link to Objective	Year/s	Responsibility
1	Kaitiakitanga Assist in the development of cultural indicators for monitoring the Reserve	2.1	Medium to long term	Council in conjunction with Iwi/Māori
2	Cultural Health indicator Assessment Review cultural health of Reserve 4 years from adoption of the Plan or earlier if significant changes to the Reserve occur	2.1 5.2	Medium term	Te Ātiawa
3	Accessibility Audit the Reserve for accessibility	4.1 4.3	Short term	Council
4	Accessibility Inclusion of accessible play equipment	4.1	Medium term	Council
5	Accessibility Investigate improving access to beach and sea for small craft (kayaks, dinghies) and wheelchairs	4.3	Short term	Council
6	Accessibility Implement improved access outcomes to beach and sea	4.3	Short to medium term	Council
7	Improve connections Improve signage and pathway indicators to connect Reserve to Marina to Marina Track	4.3	Medium term	Council and Marlborough Roads
8	Planting plan Prepare planting plan	5.1 5.2	Short to medium term	Council and Te Ātiawa
9	Foreshore erosion Review approaches to foreshore erosion measures	5.1 5.2	Long term	Council
10	Cultural Heritage Assist in the development of an Accidental Discovery Protocol to be used across Council	6.2	Short to medium term	Council in conjunction with Iwi/Māori
11	Management Implement process to include legal road as part of the Reserve	7.1.1	Medium term	Council and Marlborough Roads

12	Parking Works to ensure parked vehicles and trailers do not affect access to: <ul style="list-style-type: none">• Arapawa Māori Rowing Club building• Stored dinghies at northern end of Reserve	7.2.1	Short term	Council
13	Parking Undertake review of parking layout	7.2.1	Short to medium term	Council
14	Signage Review and standardise signage	7.3.1	Medium term	Council, Te Ātiawa and WRRRA
Ongoing				
15	Kaitiakitanga and Partnerships Partner with Te Ātiawa and wider community on future plans for development within the Reserve	1.1 2.1	Ongoing	Council
16	Partnerships Support those assisting in maintaining and enhancing values of the Reserve	1.1	Ongoing	Council
17	Kaitiakitanga Hui six monthly with Te Ātiawa and WRRRA	2.1	Ongoing	Council, Te Ātiawa and WRRRA
18	Launching ramp Determine how money received from Reserve use is to be used	1.1 4.12(b) to (d) 4.13	Ongoing	Council, Te Ātiawa and WRRRA
19	Maintenance Maintenance of Reserve assets	7.1.1	Ongoing	Council
20	Reserve Use Monitor assets to ensure they are safe and well maintained	7.1.1	Ongoing	Council
21	Review and Monitoring Review the Plan's actions	2.1	6 monthly	Council in conjunction with Te Ātiawa and WRRRA

Appendices

Appendix 1 – Glossary

Appendix 2 – Overview of legislation, plans and strategies

Appendix 3 – Cultural health indicator assessment recommendations

Draft

Appendix 1 – Glossary

Ahi kā roa	long-term residency; it includes those circumstances where a person's ancestors have kept the "smoke-rising" and the "hearth warm"
Hepū	sub-tribe
Hauora	long term wellbeing
Hui	gathering
Iwi	tribe/people
Kei	food
Kaitiaki	guardian
Kaitiakitanga	the exercise of guardianship by mana whenua of an area and resources in accordance with tikanga Māori (customs and rules)
Karakia	incantations
Kaumātua	a term used to describe a person who maintains an active leadership role. A kaumātua has social seniority, life experience and wisdom.
Ki uta ki tai	from the mountains to the sea
Mana moana	authority over the sea and lakes - although this is a modern term, the concept of authority over lakes and parts of the sea (mana o te moana) is traditional. According to Māori custom, land rights extended as well to adjacent sea or lakes with fixed boundaries for inshore and deep-sea fishing and the gathering of seafood.
Manuhiri	visitor, guest/s
Manu whenua	territorial rights, power from the land - power associated with possession and occupation of tribal land. A tribe's history and legends are based in the lands they have occupied over generations and the land provides the sustenance for the people and to provide hospitality for guests.
Marae	place of gathering for hui, karakia, tangi and wānanga
Mauri	is the life force that comes from wairua - the spirit, or source of existence and all life
MEP	Marlborough Environment Plan
MSRMP	Marlborough Sounds Resource Management Plan
Rohe	territory / area
Rereanga	weaving
Rongoā	to treat, apply medicines
Rūnanga	assemblies called to discuss issues of concern to iwi or the community
Tangata whenua	people of the land
Teonga	gift/treasure (physical, metaphysical and spiritual)
Te Taiao	the natural world
Te Tiriti o Waitangi	The Treaty of Waitangi
Te Tau Ihu	The Top of the South Island (geographical location)

Tikanga	custom, tradition, method or habit
Tino rangatiratanga	self-determination, sovereignty, autonomy, self-government, domination, rule, control, power
Victoria Domain Reserves	includes that area of land covered by the Victoria Domain Reserves Management Plan
Wāhi Tapu	sanctified sites or places
Wairua	spirit
Wānanga	to meet and discuss
Whakataukī	proverb or saying
Whānau	refers to the extended family, although it can also mean, "to give birth". The whānau was the basic social unit of Māori society; it usually included grandparents or great-grandparents and their direct descendants.
Whenua	land

Draft

Appendix 2 – Overview of legislation, plans and strategies

The Council is guided by legislation and statutory requirements for the provision of reserves and open space. There are also other strategies and plans that have relevance to the management and use of the Waikawa Bay Foreshore Reserve. A brief overview of those with specific relevance is provided here while a more detailed account can be found in the background paper.

Te Tiriti o Waitangi

Te Tiriti o Waitangi (the Treaty of Waitangi) is the basis for the rights and responsibilities of the Crown and Māori. The Council has a duty similar to the Crown's to interpret and administer the principles of the Treaty of Waitangi under the Reserves Act 1977.

Local Government Act 2002

The Local Government Act 2002 (LGA) is a far-reaching statute that has as its essential purpose to *provide for democratic and effective local government that recognises the diversity of New Zealand communities*. This includes through promoting the social, economic, environmental, and cultural well-being of communities in the present and for the future.

The LGA also contains obligations to Māori, including the consideration of options in decision making and to facilitate Māori participation in decision-making processes.

Resource Management Act (RMA) 1991

The purpose of the RMA is to promote the sustainable management of natural and physical resources across the district. This includes the natural and physical resources of the areas covered by the Victoria Domain Reserves.

Marlborough Environment Plan (MEP)

The MEP is also an RMA plan and has been prepared as a result of a review of all of the Council's RMA policies and plans. In time it will replace the MSRMP. The zoning for the Reserve and the associated parking is Open Space 1. This zoning applies to smaller areas of open space that provide for the amenity of residential areas. These areas provide for amenity because of their open character, the local recreation and community activities they accommodate and often include children's play areas.

Heritage New Zealand Pouhere Taonga Act 2014

The purpose of the Act is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand. Heritage New Zealand is the lead agency managing heritage resources on a national basis. Any modification or destruction of a known or unknown archaeological site requires an authority from Heritage New Zealand.

Long Term Plan (LTP)

The Long-Term Plan documents all the Council's activities and services it is intending to provide over the coming 10 years. This includes the provision and maintenance of open space and recreational areas and facilities. The LTP is therefore significant in assisting to achieve the outcomes of the Waikawa Bay Foreshore Reserve Management Plan.

Marlborough Walking and Cycling Strategy 2019-29

The strategy provides a framework to increase walking and cycling participation and safety in Marlborough. One of the main focuses of the strategy is recreation and increasing tourism potential. This strategy contains network and action plans that identify existing and proposed tracks, facilities and projects to develop and expand walking and cycling

networks. There are links with the Waitohi/Picton town centre and the Waikawa Bay Foreshore Reserve set out in the strategy.

Bylaws

Bylaws with particular relevance for the Reserve include those for dog control, freedom camping and activities on reserves and public places.

Draft

Appendix 3 – Cultural health indicator assessment recommendations

The following recommendations (Ngā Tūtohunga) to improve the mauri of the Waikawa Bay Foreshore Reserve are set out in the Cultural Health Indicator (CHI) Report for Waikawa Foreshore Reserve, Waikawa Bay, Tōtaranui prepared by Te Ātiawa Manawhenua Ki Te Tau Ihu Trust - Kaitiaki o Te Taiao.

1. If / when the seawall needs repairs, look at long-term softer approaches to foreshore erosion measures such as native planting along the coastal margin. This should also be viewed in the context of softening hard edges and enhancing the ki uta ki tai connection with the eco-corridor to inland native bush.
2. Work with Te Ātiawa to identify appropriate species of plants, including for the purposes of raranga and rongoā Māori.
3. Work with Te Ātiawa to identify appropriate interpretation panels to highlight the significance of the area to the people of Te Ātiawa.
 - All signage should be bi-cultural, including educational signage about local native bird and marine species, to educate the public on cultural ancestry lines - ngā tamariki o Tāne me Tangaroa - seasonal timeframes e.g., nesting, migratory periods etc.
4. Ensure that restoration planting along the coastal margins supports habitat for shorebirds and marine species through the selection of appropriate species and their placement.
5. Provide and maintain shorebird roosting sites where practicable.
6. Identify appropriate places to support local environmental groups with traps for stoats and rats to help reduce pests.
7. Engage Te Ātiawa to carry out iwi monitoring of works within the original cultural layer.
8. Engage Te Ātiawa to carry out CHI monitoring every two years or coinciding with significant changes.
9. Responding responsibly to proposals for change and their related implications for Te Taiao, it is important to seek that resulting change(s) delivers: Net Enduring Restorative Outcomes – (elevating / strengthening mauri).

Attachment 6.2

**Waikawa Bay
Foreshore Reserve
Management Plan**

Background Information



Waikawa Bay Foreshore Reserve Management Plan – Background Information

31 October 2024

Published by:

Parks and Open Spaces | Ngā Papa O Wairau (Property and Community Facilities Department)
Marlborough District Council
Cnr Seymour and High Streets
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1. Introduction

The Waikawa Bay Foreshore Reserve (Reserve) is a small popular recreation reserve located on the eastern side of Waikawa Bay between the Port Underwood Road and Waikawa Road and the sea. The Reserve is used as a base for picnicking, swimming, launching small craft and trailered boats and providing access to boats moored in Waikawa Bay. The Reserve is of great significance for Te Ātiawa Ki Te Tau Ihu having been prominent residents of Waikawa Bay since the early 1800s and more so after 1850. The Reserve is also very important to residents and visitors who enjoy its many attributes.

There has not previously been a reserve management plan in place for the Reserve, however a draft management plan has now been prepared by the Marlborough District Council for this area under the Reserves Act 1977. While not forming a statutory part of the reserve management plan, the Waikawa Bay Foreshore Reserve Management Plan – Background Information can be used to assist in providing a greater understanding of the management approaches that have been included in the Draft Waikawa Bay Foreshore Reserve Management Plan. Information is included on the following:

- legislative background
- use and history of the Waikawa Bay Foreshore Reserve
- a summary of feedback and suggestions from early feedback
- consultation undertaken in developing the Draft Waikawa Bay Foreshore Reserve Management Plan
- a land exchange proposed by Te Ātiawa o Te Waka-a-Māui
- legal status of land and use of the launching ramp

Terms and abbreviations

The following terms and abbreviations have been used in this document.

Council – Marlborough District Council

Reserve – the Waikawa Bay Foreshore Reserve being Section 3 SO 426964, Section 1 SO 4561 and that area of legal road over which the upper car park sits

Draft Plan – the Draft Waikawa Bay Foreshore Reserve Management Plan notified on 7 November 2024

Report – the Waikawa Bay Foreshore Reserve Management Plan – Background Information

Te Ātiawa – Te Ātiawa Ki Te Tau Ihu Trust

WRRRA – Waikawa Ratepayers and Residents Association

Legal descriptions and location

There are several parcels of land and different land statuses that apply to the land that is commonly known or referred to as the Waikawa Bay Foreshore Reserve. Not all of these parcels of land are reserve land and not all are under the management and control of the Council. These include the following and are shown in Figure 1:

- Te Ātiawa Arapaoa Waka Recreation Reserve
- Legal road
- Section 3 SO 426964 – Recreation Reserve
- Section 1 SO 4561 – Recreation Reserve



Figure 1 – Legal descriptions

Te Ātiawa Arapaoa Waka Recreation Reserve

Land was vested in named Trustees for Te Ātiawa o Te Waka-a-Māui Trust by Section 110 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 at the southern end of the Reserve. This is land currently occupied by the Arapawa Māori Rowing Club building in part (the remainder of the building extends into the coastal marine area). The land was vested in the Trustees as a recreation reserve subject to Section 17 of the Reserves Act 1977 and named the Te Ātiawa Arapaoa Waka Recreation Reserve (held in CRT 666776).

It is important to note the area of land that is the Te Ātiawa Arapaoa Waka Recreation Reserve is not subject to the provisions of the Draft Plan as the land is not under ownership, management or control of the Council. However, some discussion of the Waka Recreation Reserve is included in this Report. This is because Te Ātiawa have proposed an exchange of the Waka Recreation Reserve with another area of land on the Waikawa Bay Foreshore Reserve to accommodate future development aspirations of Te Ātiawa. This was commented on during the early feedback received in development of the Draft Plan. Discussion of the land exchange proposal can be found in Section 6 of this Report.

Legal road

A good proportion of the carpark on the upper level of the Reserve is legal road. This area has historically been managed as part of the overall Reserve despite its status as legal road. The legal road extends southwards behind the Arapawa Māori Rowing Club building.

Section 1 SO 4561 – Recreation Reserve

Section 1 SO 4561 is held by the Council in fee simple. This area of land being some 2428m², was gazetted as Recreation Reserve in 2001 (NZG 2001 p677). The land was the result of a reclamation undertaken to accommodate road spoil from works being undertaken by the former Marlborough County Council in the late 1950s.

Section 3 SO 426964 – Recreation Reserve

Section 3 SO 426964 is Crown owned land and was classified as a Recreation Reserve by Gazette Notice 107627 (NZ Gazette 1982 page 661). The Reserve was vested in the former Marlborough County Council, in trust, by Gazette Notice 90101 (NZ Gazette 1978 page 262) meaning the current Council has responsibility for its control and management.

2. Legislative Background

The Council is guided by a range of legislative and statutory requirements for the provision of reserves and open space, including the need for the development of reserve management plans.

Reserves Act 1977

Under the Reserves Act 1977 all administering bodies (in this case the Council), are required to prepare and develop management plans for reserves under their control. The purpose of a reserve management plan is to *"... provide for and ensure the use, enjoyment, maintenance, protection, and preservation, as the case may require, and, to the extent that the administering body's resources permit, the development, as appropriate, of the reserve for the purposes of which it is classified"*¹.

There are a range of purposes for which reserves are gazetted including scenic, recreation, scientific, local purpose, historic, nature and government purpose. The two areas of reserve land to be managed through the Draft Plan are both gazetted as recreation reserves. Consequently, there is a significant focus on providing a vision and management framework for this purpose in the Draft Plan.

The Reserves Act states recreation reserves are to be held *"for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside"*².

Importantly the Reserves Act also provides that where there are other features associated with a reserve then these are also to be managed and protected to the extent compatible with the principal or primary purpose of the reserve. For the Waikawa Bay Foreshore Reserve, there are no known historic features but there are significant cultural values associated with both the Reserve and the surrounding area for Te Ātiawa. This has, in part, been reflected in the vesting of land occupied by the Arapawa Māori Rowing Club building in Trustees for Te Ātiawa o Te Waka-a-Māui Trust through settlement claims.

Māori legislative context

Te Tiriti o Waitangi (the Treaty of Waitangi)

Te Tiriti o Waitangi (the Treaty of Waitangi) is the basis for the rights and responsibilities of the Crown and Māori. The Council has a duty similar to the Crown's to interpret and administer the principles of the Treaty of Waitangi under the Reserves Act 1977³.

Te Tiriti o Waitangi contains the following articles:

- The first article refers to Iwi having tinorangatiranga over their rohe.
- The second article refers to Iwi having full exclusive and undisturbed possession of their lands and estates, forests, fisheries and other taonga.
- The third article refers to protection of Iwi and the partnership of both Pākehā and Māori.

¹ Reserves Act 1977, section 41(3)

² Reserves Act 1977, section 17(1)

³ Section 4 of the Conservation Act requires that the Act should be interpreted and administered so as to give effect to the principles of the Treaty of Waitangi. The Courts have determined that this obligation should also apply to the acts listed in the First Schedule to the Conservation Act 1987, which includes the Reserves Act 1977.

There have been various principles and interpretations of Te Tiriti but the articles of Te Tiriti lay the foundation for the partnership. There are six principles that have emerged through the Courts and Waitangi Tribunal processes and these are:

- the obligation to act reasonably and in good faith
- rangatiratanga
- a duty to consult
- active protection
- partnership
- mutual benefit

The list is not definitive and the specific principles may not always be directly applicable to the range of circumstances that might arise under the Waikawa Bay Foreshore Reserve Management Plan. Therefore, the relationship between the Council and Te Ātiawa in particular is important in ongoing management of the Reserve.

Statutory acknowledgements

Marlborough's Iwi have all signed Deeds of Settlement with the Crown to address breaches of Te Tiriti o Waitangi. For Te Ātiawa historic claims were settled through the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014. Through the legislation and Deeds of Settlement statutory acknowledgements have been included as a form of cultural redress. The statutory acknowledgements recognise particular cultural, spiritual, historical and traditional associations of an Iwi with an identified site/area and enhance the ability of Iwi to take part in Resource Management Act processes.

While these statutory acknowledgements are not legislatively required to be considered in developing reserve management plans, the Council has considered whether there are areas with statutory acknowledgements that coincide with the Waikawa Bay Foreshore Reserve or are adjacent to it.

There are no identified statutory acknowledgements over the Reserve itself, however eight Iwi⁴ have registered a statutory acknowledgement over the coastal waters immediately adjacent to the Reserve⁵. While a reserve management plan itself cannot manage coastal waters, it can manage activities and uses on land that may have an impact on coastal waters.

Iwi management plan

An Iwi management plan is a term commonly applied to a resource management plan prepared by an Iwi authority, rūnanga or hapū. These plans are generally prepared as an expression of rangatiratanga to help Iwi and hapū exercise their kaitiaki roles and responsibilities.

Te Ātiawa has an Iwi Environmental Management Plan (IEMP) that sets out how the Iwi intends to respond to rohe management and kaitiakitanga responsibilities or challenges. It also describes how, as kaitiaki, Te Ātiawa will engage with its own people and those people and organisations who engage with the resources of its rohe. The IEMP states that "Te Ātiawa as tangata whenua hold (and has traditionally held) mana whenua mana moana over the lands and waters of the Marlborough Sounds, particularly Tōtaranui (Queen Charlotte Sound), and Kura Te Au (Tory Channel) and environs". The Council has taken into account the IEMP of Te Ātiawa in preparing the Draft Plan.

⁴ Ngāti Ape, Ngāti Kōata, Ngāti Kūia, Ngāti Rārua, Ngāti Toa, Ngāti Tama, Rangitāne and Te Ātiawa

⁵ See <https://www.marlborough.govt.nz/your-council/tenapa-wheua/statutory-acknowledgements> for information on statutory acknowledgements and the significance of Waikawa Bay for Te Ātiawa.

Resource Management Act 1991

The purpose of the Resource Management Act 1991 (RMA) is to promote the sustainable management of natural and physical resources. This means:

... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.⁶*

The Council must have regard to a number of principles set out in Sections 6, 7 and 8 of the RMA and prepare a range of plans and policies to assist in achieving this purpose. Plans and policies that cover the area of the Waikawa Bay Foreshore Reserve are the Marlborough Regional Policy Statement, the Marlborough Sounds Resource Management Plan (MSRMP) and the proposed Marlborough Environment Plan (MEP).

The MSRMP was first notified in 1995 and was made fully operative in 2003 although many aspects of it were in operation prior to this time. Under the MSRMP, the Reserve has a District Recreation zoning although the area of legal road is unzoned.

The proposed Marlborough Environment Plan (MEP) was publicly notified in 2016 and was the culmination of a review of the MSRMP and other resource management plans and policies for Marlborough. As at the time of notification of the Draft Waikawa Bay Foreshore Reserve Management Plan, the MEP is not operative although many of its provisions had effectively reached an operative status, including the zone provision for the Reserve and the related zone rules. The MSRMP therefore has little relevance for the Reserve.

Under the MEP, the name of zones that apply to reserve land has changed from the MSRMP as follows:

- Open Space 1 – previously Local Recreation
- Open Space 2 – previously District Recreation
- Open Space 3 – previously Conservation

There is a difference in the zoning approach of the MEP for the Waikawa Bay Foreshore Reserve as follows:

- those parts of the Reserve that were previously zoned as District Recreation are now zoned as Open Space 1
- the carpark area of the Reserve that was previously unzoned is now zoned as Open Space 1
- the inclusion of a Waka Mooring Management Area immediately adjacent to part of the Reserve

The Open Space 1 Zone generally applies to smaller areas of open space that provide for the amenity of residential areas. These areas provide for amenity because of their open character and the local recreation and community activities they accommodate. Children's play areas are also often found in the Open Space 1 Zone.

The MEP contains a range of rules applying to activities, some of which are permitted while others require resource consent. There are two designations identified on the Reserve and these are for a sewage pumping station.

⁶ Section 5 RMA



Figure 2: Marlborough Sounds Resource Management Plan

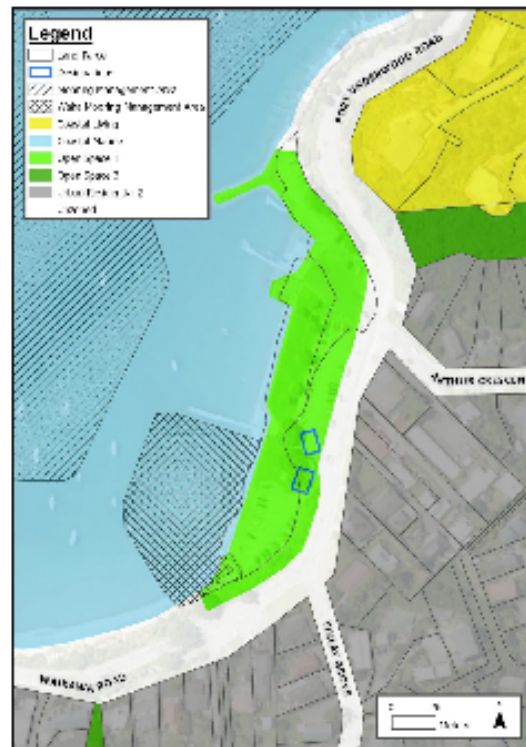


Figure 3: Marlborough Environment Plan

Local Government Act 2002

The Local Government Act 2002 (LGA) has as its essential purpose to *provide for democratic and effective local government that recognises the diversity of New Zealand communities*⁷. This includes through promoting the social, economic, environmental, and cultural well-being of communities in the present and for the future.

The LGA provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them. To balance this, the legislation promotes local accountability, with local authorities accountable to their communities for decisions taken. The Act also includes provisions for local government to consult with Māori and involve them in decision-making processes.

Long Term Plan

Under the LGA, the Council is required to prepare a Long-Term Plan (LTP) that sets out the Council's strategic directions and programmes over a 10-year period. The LTP describes what the Council plans to do and how the Council's activities will contribute to a range of community outcomes. The LTP sets out how much the Council intends to spend on its activities and services and how this will be funded. This includes funding for looking after and future management of reserves such as the Waikawa Bay Foreshore Reserve.

Other legislation/strategies/bylaws

Other legislation, strategies and bylaws enable the Council to manage activities on reserve land; either land that it owns or that it has management responsibilities for. For example the Freedom Camping Act 2011

⁷ Section 3 of the LGA

enables the Council to control freedom camping in public places, including on the Reserve, through bylaws. Other bylaws with relevance for the Reserve include those controlling dogs, nuisance, activities such as commercial activity, events and vehicles use as well as the behaviour of people.

The Marlborough Walking and Cycling Strategy 2019-29 provides a framework to increase walking and cycling participation and safety in Marlborough. One of the main focuses of the strategy is recreation and increasing tourism potential. This strategy contains network and action plans that identify existing and proposed tracks, facilities and projects to develop and expand walking and cycling networks.

3. About the Reserve

This section of the Report provides the following information about the Reserve:

- significance for Te Ātiawa
- current features and use
- maintenance activities
- Waikawa Ratepayers and Residents Association

Significance for Te Ātiawa

(The following information is taken from the feedback of Te Ātiawa o Te Waka-a-Maui and the Arapawa Māori Rowing Club provided in the initial submissions⁸ in developing the Draft Plan and in later consultation with Te Ātiawa. The feedback records the significance of Waikawa Bay and the Rowing Club building for the iwi.)

- The town of Picton is on the site of the Te Āti Awa settlement of Waitohi, which was established by Te Āti Awa tupuna from Taranaki in 1828. Chief Ropoama Te One and his wife, Neta Toea, were among the first of Te Āti Awa from Taranaki to settle at Waitohi (Picton).
- On May 4, 1850 Chief Ropoama Te One signed the deed of purchase of 38 hectares of land to the Crown, at the site where the Picton police station sits today. After the sale the Māori people resident in Waitohi moved to Waikawa, and it was soon after this that typhoid broke out amongst them.
- Māori oral history tells that Ropoama found a spring of fresh water and encouraged his people to use it. So ending the spread of disease. There is no actual date recorded for this particular epidemic, as there were few written records on the Māori population at the time and the Marlborough newspapers did not start publication until the 1860s.
- Ropoama himself died in 1868, so the typhoid outbreak was before this time. However, an event does not have to be written down to have occurred, and it remained strong in the memories of Kaumātua and was passed down to their children and grandchildren. Some of the descendants of the original residents still live in Waikawa today.
- Waikawa Bay foreshore is hugely significant to Te Ātiawa Iwi as is the Arapawa Māori Rowing Club - which was formed in 1922 and was and is the only Māori Rowing Club in existence.
- The first clubroom was situated behind the Picton Post Office. Four (4) years later in 1923 the Arapawa Māori Rowing Club moved to Waikawa. Arapawa Māori Rowing Club went into recess during World War Two (1939-1945). In 1946 the Arapawa Māori Rowing Club commenced into full swing with competitions, family and community hui.
- Families got together and raised funds and were able to obtain an ex-Army Building from Delta Camp. This building was erected in its current location on the beach in Waikawa Bay: a legacy of our people for generations to come.
- The Arapawa Māori Rowing Club was utilised by the families for hosting manuhiri, kapa haka, meetings, funerals, socials, church, birthday milestones. The Arapawa Māori Rowing Club building was placed there by the families who ran raffles and other fundraising events to sustain it. It was the marae for the iwi, and as such an intrinsic part of the Iwi lives for generations.

⁸ An overview of the feedback received can be found in Section 4 of this Report while a full copy of all feedback received can be found on the Council's website at <http://www.marlborough.govt.nz/recreation/parks-and-open-spaces/parks-and-open-spaces-plans-and-reports/waikawa-bay-foreshore-reserve-management-plan>.

- In 2003 a part of Te Ātiawa's Treaty of Waitangi Claim Hearing with the Waitangi Tribunal was held at the clubhouse – this was an opportunity sought to protect the significance of the site, the clubhouse and all it signifies, in order to maintain the legacy left to Te Ātiawa by those who had passed on.

The Arapawa Māori Rowing Club building and what it signifies means many things to Te Ātiawa and residents. The feedback identifies that *"it was, and still is, a place of fellowship, kinsmanship, learning, worship, entertainment, a civic reception venue, a ball room and sports centre of many variations. A venue for happy and sad events, christenings, birthdays, weddings and funerals."*

The importance of the Rowing Club building to Te Ātiawa whānau was also reinforced through individual feedback received on the use of and things most enjoyed about the Reserve during the early consultation.

The feedback provided by Te Ātiawa and the Arapawa Māori Rowing Club included results from a questionnaire sent to its members⁹. 143 members of Te Ātiawa responded to the questionnaire. The feedback includes both the overall percentage response to questions and the individual comments made by survey respondents.

Te Ātiawa and the Arapawa Māori Rowing Club are adamant that the Rowing Club must continue to exist in a physical form at the current location, although there is a difference in views as to whether this should be on the current site extending over water or relocated to solid land. A land exchange proposal has been put to the Council by Te Ātiawa whereby the Arapaoa Waka Recreation Reserve on which the Rowing Club building sits is exchanged with an adjacent area of the Waikawa Bay Foreshore Reserve to site a new building. The new building would not only be the home for the Rowing Club but potentially could have a café and offices for Te Ātiawa. This land exchange is discussed further in Section 6 of this Report.

Kia Kotahi Te Tauihu – Together Te Tauihu

In December 2023 Te Tauihu Iwi and councils signed a partnership agreement to enhance the wellbeing of Te Tauihu now and into the future. The partners under the agreement are driven by shared aspirations to realise the full potential of Te Tauihu o Te Waka-ā-Māui, to protect and enhance the taonga of Te Tauihu and to give effect to the principles and practices of Te Tiriti o Waitangi.

This agreement recognises the important and unique roles that both Iwi and Councils play in the cultural, social, environmental and economic wellbeing of Te Tauihu. It seeks to weave these aspirations together more closely, *'to strengthen our position as Te Tauihu and deliver to our shared aspirations more effectively'*. A set of partnership principles, vision and protocols and practices – tikanga – guide the basis for how the partners will work together to achieve better outcomes for the whole community.

The objectives, policies and actions within the Draft Plan will help give effect to the principles and vision of the Together Te Tauihu agreement.

Cultural health indicator assessment

A cultural health indicator assessment of the Waikawa Bay Foreshore Reserve has been prepared by Te Ātiawa. A cultural health indicator is a tool used by Iwi to make an onsite assessment of cultural health within a catchment or within specific freshwater, coastal and marine environments. Cultural health indicator monitoring identifies opportunities for preservation, restoration of te taiao (natural world) and cultural knowledge and practices.

⁹ The survey carried out by Te Ātiawa included the same questions used by the WRRRA in a survey of its members to help inform the WRRRA feedback on development of the Draft Plan. The survey questions are included in the feedback of Te Ātiawa.

The report prepared from the assessment is available on the Council's website at <https://www.marlborough.govt.nz/recreation/parks-and-open-spaces/parks-and-open-spaces-plans-and-reports/waikawa-bay-foreshore-reserve-management-plan>. Māori cultural interests in Waikawa Bay Foreshore Reserve are described in the report noting there has been a long history of Māori occupation and customary practice along this section of the Tōtaranui (Queen Charlotte Sound) coastline.

Overall, two of the three kaitiaki undertaking the assessment felt the mauri of the Reserve was 'good'. However, it was identified that heavy modification of the site affects natural balance and connections from the mountains to the sea – ki uta ki tai. The report sets out a number of recommendations that will help strengthen and restore natural balance and connections and therefore the mauri of the Reserve. The recommendations from the report are set out below and, where appropriate, have been considered in preparing the Draft Plan as well as in some cases being included within Part E - Actions¹⁰ section of the Draft Plan.

1. *If / when the seawall needs repairs, look at long-term softer approaches to foreshore erosion measures such as native planting along the coastal margin. This should also be viewed in the context of softening hard edges and enhancing the ki uta ki tai connection with the eco-corridor to inland native bush.*
2. *Work with Te Ātiawa to identify appropriate species of plants, including for the purposes of raranga and rongoā Māori.*
3. *Work with Te Ātiawa to identify appropriate interpretation panels to highlight the significance of the area to the people of Te Ātiawa.*
 - *All signage should be bi-cultural, including educational signage about local native bird and marine species, to educate the public on cultural ancestry lines - ngā tamaniki o Tāne me Tangaroa - seasonal timeframes e.g., nesting, migratory periods etc.*
4. *Ensure that restoration planting along the coastal margins supports habitat for shorebirds and marine species through the selection of appropriate species and their placement.*
5. *Provide and maintain shorebird roosting sites where practicable.*
6. *Identify appropriate places to support local environmental groups with traps for stoats and rats to help reduce pests.*
7. *Engage Te Ātiawa to carry out iwi monitoring of works within the original cultural layer.*
8. *Engage Te Ātiawa to carry out CHI monitoring every two years or coinciding with significant changes.*
9. *Responding responsibly to proposals for change and their related implications for Te Taiao, it is important to seek that resulting change(s) delivers: Net Enduring Restorative Outcomes – (elevating / strengthening mauri).*

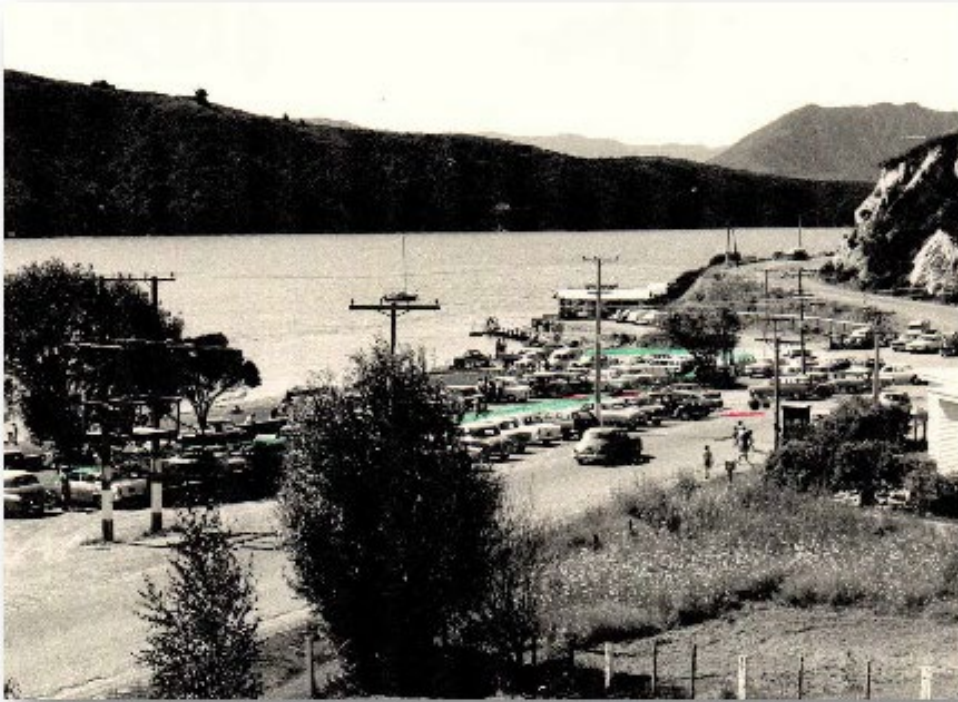
Features of the Reserve

The Waikawa Bay Foreshore Reserve is very popular for both locals and visitors and has been so for a number of years. The following photos of the Reserve are taken around 1967¹¹ and show very active use of the area back then.

¹⁰ Key actions are included in the Draft Plan to assist in achieving the overall vision for the Reserve. These actions are assigned priorities in works and programming with budgeting to be provided through Long Term Plan/Annual Plan processes as necessary.

¹¹ Source – former Marlborough Harbour Board files





Today many people make use of the grassed area immediately behind the beach, which contains barbeques, shelters and picnic tables. A children's playground sits adjacent to the launching ramp accessed at the northern end of the Reserve while public toilets are located near the middle of the Reserve. Seats, some with commemorative plaques, are located at a number of locations on the Reserve as well as along the narrow strip of foreshore adjacent to Waikawa Road, southwest of the Reserve.

Parking for cars and boat trailers occurs near the launching ramp and at the southern end of the Reserve adjacent to the Arapawa Māori Rowing Club building. Parking for cars occurs in the formed car park immediately behind the grassed area. There are three vehicular entry and exit points to different parts of the Reserve off Port Underwood Road/Waikawa Road.

The Arapawa Māori Rowing Club building, which sits partly on its own title and partly within the coastal marine area, has for many years been used by Te Ātiawa iwi for family events, for marae purposes, for hui and tangi, as a base for rowing and other sports and for storage of boating equipment. Physical access to the building is across the main part of the Reserve or by sea as practical access to the title cannot be achieved from Waikawa Road given the physical constraints that exist.

Beyond the Arapawa Māori Rowing Club building there is a narrow strip of land between Waikawa Road and the sea. This is connected to the main part of the Waikawa Bay Foreshore Reserve by a path leading behind the Rowing Club building. There are access steps down to the beach area in a couple of locations along this part of Waikawa Road and a number of dinghies are informally stored here above the high tide mark.

The launching ramp and related retaining walls, jetties, pontoon and small breakwater are owned by the Council. These structures are consented under the provisions of the Resource Management Act. The jetty located near the midpoint of the Reserve is managed by Marlborough Roads as part of the Council's roading network linking outer areas of the Sounds. Despite this separate management, the jetty forms a fundamental component of the Reserve's infrastructure and use.

In addition to providing for casual berthage for recreational use, this jetty also provides access to those undertaking work in outer Tōtaranui (Queen Charlotte Sound) including for salmon farming or forestry activity. Some Sounds' residents also use the jetty as a landing point for visiting Waitohi (Picton) rather than landing at Waitohi (Picton) itself.

Currently the Reserve is used by some Waikawa Bay mooring owners for the informal storage of dinghies. The use is described as informal as no permissions or licences to occupy the Reserve under the provisions of the Reserves Act have been given. Dinghies are stored in the northern part of the Reserve immediately below the Port Underwood Road, in the grassed area on the lower terrace of the Reserve and along the beach frontage below Waikawa Road. Waka ama are also stored in the beach frontage area below Waikawa Road.



On the main part of the Reserve there are four large Phoenix palms and native tree species (pōhutukawa and pittosporum) with the remainder of the area in grass. At the northern end of the Reserve immediately below the Port Underwood Road there is a mix of mostly native species including cabbage tree, pittosporum, pōhutukawa, akeake and five finger. At the southern end of the Reserve there is a mix of native and exotic species with one large oak tree.

A variety of signs are located on the Reserve with a number concentrated around the launching ramp. Some of these signs are not Council signs but provide important information to boaties venturing into the Marlborough Sounds e.g. information from Transpower about the Cook Strait Cable Protection Zone and from the Department of Conservation setting out rules about boating near marine mammals and the Long Island - Kokomohua Marine Reserve.



No formal concessions exist for activities to take place from or on the Reserve. Periodically the Reserve is used as a stepping off or landing point for kayak touring.

While not managed as part of day-to-day Reserve operations or activity, there are several important Council infrastructure services occurring on or underneath the Reserve. These include pipes for the discharge of stormwater and a consented discharge¹² for untreated human sewage during periods of heavy rainfall when the sewerage reticulation network is overloaded by stormwater inflow and infiltration. The outfall is located offshore from the lower car park.

A sewerage pumping station is also enabled on the Reserve by way of designation in the Marlborough Environment Plan¹³. The pumping station has been upgraded as part of an overall upgrade of the Waitohi (Picton) sewerage upgrade project. This has seen the installation of underground storage for emergency overflow sewage being established in the carpark.

There are boatsheds located below the Port Underwood Road to the north of the Reserve. Although most of the boatsheds are located within the coastal marine area a few are located wholly or partly on the Reserve. Foot access to these boatsheds is achieved through the Reserve.

Maintenance activities

Day to day care of the Reserve is managed through a rates funded open space maintenance contract within which grass mowing, gardens, tree and shrub maintenance, rubbish removal, furniture and structures maintenance and playground maintenance occurs. The contract establishes the levels of service required for each of these maintenance activities and is undertaken by an external provider.

¹² U130728

¹³ Designation B71

The public toilets are maintained through a separate contract, which also establishes levels of service. At times these levels of service are set higher to reflect an increase in visitor numbers such as is experienced during the summer holidays.

Aside from the jetty, which is maintained by Marlborough Roads, all the remaining structures located in the coastal marine area are maintained by the Parks and Open Spaces team of Council. This includes ensuring appropriate resource consents are in place as well as undertaking annual maintenance, so the structures remain in a safe condition for users.

Maintenance of the hard surfacing including the launching ramp and all the parking areas is also the responsibility of the Parks and Open Spaces team.

Waikawa Ratepayers and Residents Association

The Waikawa Ratepayers and Residents Association (WRRRA) is a community organisation that seeks to promote and improve ratepayer and residents' interests in the Waikawa area¹⁴. This includes the area from Joseph Sullivan Drive running alongside the western side of Endeavour Park to the Snout and to Karaka Point. Over time the WRRRA have sought to enhance the amenities of the Reserve and have a particular interest in the management of the launching ramp.

The WRRRA took over the former foreshore licence/resource consents for the launching ramp and associated structures from the Waikawa Boating Club who moved their operations to Waikawa Marina when the marina was first established. Subsequently the resource consents were transferred from the WRRRA to the Council in 2003 because of public liability concerns.

In preparing feedback for development of the Draft Plan the WRRRA asked association members, ramp subscription users and other interested local residents to provide feedback on their wishes for the Reserve. A questionnaire was prepared by the WRRRA and this received 123 responses, which were then incorporated into the submitted feedback. The WRRRA stated the responses reflected the majority views held by members of the Waikawa Bay community.

In the feedback, the WRRRA identified a list of its achievements in enhancing the Reserve in conjunction with the former Marlborough County and Picton Borough Councils and the current Council. The achievements highlighted include, amongst other things:

- planting of the phoenix palms
- the initial children's playground
- building the initial launching ramp and adjoining area, 80 metre concrete seawall, a new jetty and floating pontoon on south side of ramp
- extensions to the launching ramp
- repairing and extending the Waikawa Jetty
- building the old (now replaced) barbeque and shelter and purchase and installation of new barbeques
- monetary contribution to sealing of the boat trailer carpark and towards an upgrade of the grassed area and paving
- lobbying for better footpaths around the foreshore area, for a new toilet block and for resealing and parking lines in the boat trailer area

¹⁴ The WRRRA was first registered as an incorporated society in 1976 and was later dissolved in 1993. The WRRRA then became re-registered in 2008 when the dissolution was revoked.

- installation of an AED (automated external defibrillator)

The WRRRA vision for the Reserve and other foreshore areas in Waikawa Bay as expressed in the feedback is its *"preservation and protection as a recreational and marine facility for the benefit of local residents, visitors and the public at large"*. The feedback set out a range of matters for the continued management of the Reserve that is consistent with the vision and aspirations of the WRRRA. This included the preparation of a master plan to outline long term development of public facilities and amenities and landscaping of the Reserve.

Some of these matters may be appropriate for inclusion in a reserve management plan. Some of the suggestions made were similar to those of individuals submitting and are considered further in Section 5 of this Report. Feedback submitted on the Arapawa Māori Rowing Club building and a proposed land exchange by Te Ātiawa is commented on in Section 6 of this Report.

4. Consultation in developing the Draft Plan

The initial impetus to commence preparing a reserve management plan for the Waikawa Bay Foreshore Reserve came through decisions on submissions to the 2018 – 2028 Long Term Plan. At the time the WRRRA had requested some works to be undertaken on the Reserve and Councillors considered this should be directed through a management plan.

Early consultation was had with both Te Ātiawa and the WRRRA prior to the first formal public consultation occurring in April 2020. Since then, there has been ongoing discussions with both Te Ātiawa and the WRRRA. Early versions of the Draft Plan were shared and discussed with both Te Ātiawa and the WRRRA providing feedback and commentary on the proposed policy framework.

In more recent times discussions have focussed on the cultural significance of the Reserve for Te Ātiawa and their desire for a partnership with the Council in future management. For the WRRRA the focus has been particularly on management of the launching ramp.

Feedback/suggestions from first round of submissions

The Reserves Act requires two rounds of feedback or submissions when preparing a reserve management plan. In the first round, persons and organisations are invited to provide written suggestions on development of a proposed plan¹⁶. To facilitate this feedback a brochure was prepared setting out the Council's intention to prepare a reserve management plan and this was made available on the Council's website and at the Council's offices. The feedback period ran from 30 April to 12 June 2020 with 54 responses received.

A summary of the suggestions and feedback on the development of a reserve management plan for the Waikawa Bay Foreshore Reserve was prepared and provided to submitters and made available on the Council's website.

With one exception no comment was provided by staff in the summary on the suggestions received through feedback. The summary noted that the suggestions would be the subject of consideration by staff going forward as the reserve management plan is developed through its various stages. Comment was provided on feedback received on a land swap proposal concerning the Arapawa Māori Rowing Club building. Clarification of the process around the proposal was provided in the summary document and this is discussed further in Section 6 of this Report.

The summary that follows is as it appeared in the summary document with feedback being grouped in response to questions asked through the initial submission period as follows:

- How often you (or your family) use the reserve?
- How do you use the reserve? (e.g. picnicking, launching boat etc)
- What are the things that you enjoy most about the reserve?
- Do you have any significant concerns about how the reserve is currently looked after?
- Do have any suggestions about what, and how, the reserve could be improved?



¹⁶ Section 41(5) of the Reserves Act

Frequency of use of the reserve

The responses to this question ranged from daily year round to weekly and monthly. A number commented that frequency of use increased during summer months. Feedback also highlighted how many families who had enjoyed use of the reserve over the years were now enjoying it with their grandchildren.

Activities and use of the reserve

Swimming, picnicking and launching boats, kayaks, waka and paddle boards were amongst the most common activities occurring at the reserve. Use of the jetty to provide access to boats, for fishing, watching stingrays and for diving from were also popular water-related pursuits.

Relaxing, resting and meeting friends were frequently mentioned while some commented on their use of facilities such as the car park, bbqs, playground and public toilets.

Several respondents described their use of the Arapawa Māori Rowing Club building over many years for family events, for marae purposes, for hui and tangi, as a base for rowing and other sports and for storage of boating equipment. Sharing history and reminiscing with whānau about the area and the rowing club were also noted.

Things most enjoyed about the reserve

Common themes amongst aspects most enjoyed about the reserve include:

- personal, whānau and cultural importance and connections
- use of the boatshed for communal and customary occasions
- reserve not currently overcrowded or too developed or commercialised
- facilities well maintained
- great to see the diversity of people using the area and to see and hear family use of the reserve
- ease of access to the boat ramp and facilities
- sharing historical connections with stories told to tamariki and mokopuna

Other responses highlighted the importance of connections with the marine environment, peacefulness, dogs able to be off leash on the beach, sand on the shoreline and the relative open space nature of the reserve.



Significant concerns about how the reserve is currently looked after

Quite a few of the responses did not highlight any major areas of concern with the reserve and how it has been maintained. However, a number of comments highlighted issues with parking and use of the boat ramp. These concerns included:

- launching boats and parking are becoming more important than family and children's enjoyment
- it would be a poor use of resources to increase parking just to improve boat ramp access
- turning an area of carpark into grass made the parking situation worse
- vehicle parking on streets near the reserve sometimes blocks access for residents
- vehicles are parked for weeks at a time over Christmas restricting day use
- vehicles park for days at a time up to the doors of the Rowing Club building restricting access
- access to dinghies is sometimes restricted by vehicles parking close to them
- workers are parking vehicles all day in the carpark reducing the ability for day users to park
- there should be no further boat and vehicle related development on the reserve.



- lack of storage space for dinghies and other small craft
- lack of enforcement of dogs, parking and freedom camping.

Importance of green space



Management responsibilities for the reserve were also a concern. Some considered the Council should consult with locals and the Waikawa Ratepayers and Residents Association on any modifications to the reserve. Further that the reserve management plan should include an acknowledgement of the Association's right to take part in management of the area. Another view expressed was that Te Ātiawa is the Treaty partner alongside the Crown and that the iwi has greater rights in terms of management than the ratepayers group. Others said management of the reserve should be an inclusive process where no single entity has undue influence.

The importance of retaining green space and increasing this where practical was highlighted by several. It was noted the reserve is a small space and there aren't many areas of this type nearby. This means even a small loss of land or green space would have a disproportionate effect on community enjoyment.

A goal was proposed for the reserve to make as much green space available as possible, which could be achieved by removing long term parking, parking overnight and returning the lower car park to a park and beach area.

New buildings were said to result in a need for more parking and it was proposed that any new buildings should have a small footprint. Commercial activity was opposed by some although others thought a coffee cart or food trucks would be appropriate and in keeping with activity on the reserve.



Arapawa Māori Rowing Club building

A few maintenance issues were highlighted including in the area at the southern end of the reserve and around the rowing club building. Other matters of concern noted by respondents included:

Suggestions regarding the future of the building included those who wished to see it redeveloped or reinstated on the same site (with the assistance of the Council) while others wanted it shifted to another site. One such site mentioned was reserve land at Waikawa Marina. Removing the building from its current site was suggested as offering the opportunity to open up the beach area between the main part of the reserve and the area south of the building.

- bbqs potentially attracting large noisy crowds
- there should be no commercial buildings/operations off or on the reserve

There was support for the building to remain as a community facility but not for commercial activity.

Launching ramp



A suggestion was made to shift the launching ramp to where the Waikawa Marina extension is underway. Reasons for this included that marina facilities were purpose built and included provision for car parking. If the launching ramp was moved parking issues on the reserve and surrounding streets would be alleviated. Improving safety, particularly for children playing on the playground adjacent to the launching ramp, was also said to be a benefit from moving the launching ramp. There would also be more area available for swimming, small water craft and waka ama.

Linking Waikawa Bay foreshore reserve with Waikawa Marina and other reserves



Including land beyond the rowing club building to the corner of Waikawa Road within the reserve management plan was proposed. Others took this further suggesting establishment of a cycleway/walkway around the foreshore between the reserve and Waikawa Marina. An extension of this was to

include an existing piece of reserve land just to the north of the Waikawa Marina apartments.

Another area suggested for a walkway from the reserve, was from behind the boatsheds at the northern end of the reserve around the foreshore to Karaka Point. This would enable people to enjoy those areas of Waikawa that are currently inaccessible to most.

Feedback also identified that an existing reserve in Amelia Crescent could be managed as an adjunct to the Waikawa Bay foreshore reserve. It was identified that people currently walk up Amelia Crescent for the view and that the reserve could be more actively managed with the foreshore reserve. Another reserve in Arthur Crescent was suggested as a possible location for more off road parking.

Provision for small craft and improving access

Several comments were made on a need to provide for launching of small craft such as dinghies, small yachts, kayaks etc. Currently launching of these craft takes place over the vertical seawall and this is seen as difficult. What was proposed was the installation of a wooden ramp to assist in launching small craft. A suggestion was also made about providing for better storage options for dinghies or other small craft.

Improving access from the grassed area to the beach was proposed as were improvements to accessibility generally within the reserve.

Other suggestions made

A range of other suggestions made concerning both the use of the reserve and improvements to the reserve were as follows:

- bringing the history of the Arapawa Māori Rowing Club back to life
- updating the children's playground to include shade, a fence to stop children running near the launching ramp and carpark, accessible playground equipment and reconsidering use of the soft fall matting as this gets very hot

- encouraging boats to tie up to one side of the jetty to enable use of the other side for children to jump off
- banning dogs
- more rubbish bins and a doggy doo bag dispenser
- planting to screen the reserve from the car park and planting of citrus trees for foraging
- sealing the lower car park along with marked parking
- bussing salmon workers to the reserve rather than allowing them to park there for days
- introducing restrictions on parking for short term recreational use
- lowering height of picnic tables and providing more tables including on the breakwater.



Te Ātiawa land swap proposal

To clarify the process around a proposed land swap on the Waikawa Bay Foreshore Reserve, the Council and the Department of Conservation were approached by Te Ātiawa to consider a swap of land on which the Arapawa Māori Rowing Club building sits, for reserve land immediately alongside the building. The land on which the Rowing Club building sits was vested in named Trustees for Te Ātiawa o Te Waka-a-Māui Trust by Section 110 of the *Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014*. The land was vested in the Trustees as a recreation reserve subject to Section 17 of the Reserves Act 1977 and named the Te Ātiawa Arapawa Waka Recreation Reserve.

The process for a land swap of reserve land is guided by Section 15 of the Reserves Act. Under this section, the proposal for Waikawa Bay firstly saw the Department of Conservation approving the land swap in principle. Then the Council initially considered the proposal in April 2020. The Council made a decision to review the matter sometime in the future when the reserve management plan process was completed.

The feedback on the proposal received through the reserve management process can help inform the process. However, if the land swap proposal moves to the next step this has to be the subject of a separate notification, objection and hearing process under Section 15 of the Reserves Act.

5. Consideration of feedback/suggestions

This section of the Report provides an assessment or a response to some of the feedback/suggestions received during the first round of submissions. There is a focus on those matters that attracted comment from several submitters or where there is a need to clarify legal matters or land ownership.

Protection of open space values

A number of those providing feedback commented on the importance of maintaining open space and particularly green space. Responses noted the Reserve is a small space and there are few areas of this type nearby and which are relatively accessible for people. Further, that even a small loss of green space would have a disproportionate effect on community enjoyment.

A goal was proposed for the Reserve to make as much green space available as possible, including through removing parking and returning the lower carpark to a park and beach area. It was also proposed that any new buildings, if built, should only have a small footprint.

Policy guidance for open space in the New Zealand Coastal Policy Statement recognises that *"Public open space values in and near the coastal marine area are highly valued by New Zealanders. Public open space values can be a major contributor to people's experience of the coast. The sense of public open space is not confined to pristine areas, and can be experienced in a range of settings¹⁶".* This is particularly relevant for the Reserve, which is enjoyed by many people but is also located in a highly modified environment.

There are extensive built facilities and infrastructure already occupying the Reserve including the launching ramp and jetties, shelters, toilets, barbeques, services infrastructure and extensive areas of car parking. Apart from services infrastructure, the provision of other facilities does enhance use of the Reserve and provide access to Tōtaranui. On the other hand these same facilities can detract from the enjoyment of the wider Reserve itself. The area of car parking for example is much more extensive than the grassed area of the Reserve, although within the last couple of years some additional green space was reclaimed from the lower-level car park.

The Reserve is not large, and it is important the provision of built infrastructure (including car parking) is balanced with the desirability of retaining open space, particularly green open space. An overall vision for the Reserve identifies, in part, that open space values are to be protected. Policy is also included in the Draft Plan directing there should be no further loss of green space from that which currently exists and any further buildings or infrastructure are to be avoided.

Use of Council reserve land at Waikawa Marina

An area of Council reserve land at Waikawa Marina was identified as providing opportunity for several purposes:

- as a possible site to relocate the Arapawa Māori Rowing Club building to
- for the future development aspirations of Te Ātiawa
- as providing a point from which a walkway/cycleway would extend around the foreshore to the Waikawa Bay Foreshore Reserve

The following aerial photos show:

- the location of the reserve land at Waikawa Marina in relation to the Waikawa Bay Foreshore Reserve

¹⁶ New Zealand Coastal Policy Statement Guidance Note – Policy 18: Public Open Space. Department of Conservation. May 2013.

- a close up of the reserve land at Waikawa Marina



Figure 4: Reserve land at Waikawa Marina in relation to the Waikawa Bay Foreshore Reserve



Figure 5: Reserve land at Waikawa Marina

Current use of reserve land at Waikawa Marina

The reserve land at Waikawa Marina is a Local Purpose (Recreation) Reserve being Lots 2 and 3 DP 7721 and Part Lot 3 DP6862 being Local Purpose (Esplanade) Reserve. The area of reserve land on the west side of

Waikawa Stream is currently leased by Port Marlborough New Zealand Limited (PMNZ) who operate Waikawa Marina. The reserve is used for the purposes of boat trailer parking activities associated with the marina – see photo below. The lease as it currently stands does not expire until 2031.

Special conditions of the lease require public access to be provided and maintained from Beach Road through the reserve area and to Waikawa Stream. This was achieved through the creation of a 3-metre wide right of way over PMNZ land to connect with the southern boundary of the reserve along which there is pedestrian access to Waikawa Bay Stream.



trailer parking

Boat

Pedestrian access to Waikawa Stream

Pedestrian access from Beach Road over right of way

Leasing a local purpose reserve is regulated under section 61 of the Reserves Act 1977. An important aspect of leasing is that the use of the reserve has to be for the purpose specified in its classification, this being recreation for the reserves in question. The lease must also include a condition that the land shall be leased solely for the purposes specified in the lease. In this case, the lease specifies the purposes as being for activities that are permitted under the Marina Zone of the Marlborough Sounds Resource Management Plan, provided the activities do not conflict with the overall intention of the activity for a walkway and landscaping.

Given the lease does not expire until 2031, the reserve is currently not available for other uses or users. This means the proposed suggestion to use this land for either a relocation of the Arapawa Māori Rowing Club building or the future development aspirations of Te Ātiawa is presently not achievable. However, the WRRRA have asked the Council to be consulted on the future use of the reserve when the lease is due for expiry.

In discussions with Te Ātiawa on the suggestion to relocate the Arapawa Māori Rowing Club building to the recreation reserve or to use reserve for the future development aspirations of Te Ātiawa, they have very firmly advised that the eastern side of Waikawa Bay (i.e. the Waka Recreation Reserve or somewhere else on the Waikawa Bay Foreshore Reserve) is where their future is.

Walking/cycling link

An idea for a walkway/cycleway link between the Waitohi/Picton to Waikawa Track and the Waikawa Bay Foreshore Reserve was first mooted by the WRRRA through the Council's 2020 Annual Plan submission process. This submission was also supported by Picton Smart & Connected Bike Walk Group. Figure 6 shows an indicative route.



Figure 6: Indicative cycleway/walkway route around Waikawa Bay foreshore

This was then followed up through feedback provided to the Council by the WRRRA through the first submission phase of developing the reserve management plan. The WRRRA feedback noted the following:

"The MDC already controls much of the land necessary for such as [sic] link, being the existing local purpose reserve located to the east of the Waikawa Marina parking area and extending east along the foreshore beyond the Waikawa Stream mouth, and the Waikawa Rd Esplanade Strip which extends westwards of the foreshore reserve.

Further land linking these two areas includes Open Space 3 zoned foreshore to the west of the esplanade strip, and other private land. Links over or past this land could potentially be established through land purchase or negotiation and/or use of the foreshore area. It is noted that a footbridge would also be necessary over the Waikawa Stream.

The land subject to the walking / cycle link proposal is not presently included in the Waikawa Bay Recreation Reserve, however the WRRRA considers that a policy should be included in the Reserve Management Plan to actively pursue the walkway proposal, and for the MDC to make provision for this in its annual plan process."

The Council considered this suggestion and in 2020 undertook an initial high level desk top assessment of whether such a link could be established. Issues assessed included land ownership, property rights, physical access, existing structures and the preliminary views of Te Ātiawa and WRRRA. An overview of the outcomes of the assessment follows while more detail can be found in Appendix 1 of this Report.

One of the most substantial issues with the development of a pathway along the foreshore concerns property rights. Currently there are two areas of esplanade reserve around the foreshore between Waikawa Stream and Waikawa Road (near Jorgensens Corner) over which the public have a right of access. However, several private properties in this area enjoy riparian rights to the foreshore meaning there is no right of public access. Unless the properties are subdivided, which would enable an esplanade reserve to be taken, or other access arrangements can be negotiated, there is currently no ability on land to develop a pathway to link the two areas.

There is also an area of Māori freehold land extending along part of the foreshore. This land was partitioned to provide access to several parcels of land in 1918 and was referred to as Waikawa Village No. 9 Roadline. There were 14 owners of the land. The Māori Land Court directed in 2011 that a record of title be issued in the names of the 14 owners and that rights of way be memorialised for a number of adjacent properties. There is no right of public access over this parcel of land.

There are also physical constraints to gaining access along the foreshore. There are several existing slipways and a jetty around or over which access would need to be provided. In addition, there is a dwelling/boatshed located on Waikawa Road near Jorgensens Corner. This structure occupies both road reserve and coastal marine area.

The location of the Arapawa Māori Rowing Club building and the title on which it sits also presents both property right and physical constraint issues.

A pathway could be created within the coastal marine area and this has been suggested by the WRRRA. However, this would require a range of resource consents with cultural, ecological, climate change, amenity and landscape issues to consider. This would add substantially to engineering and construction costs in addition to the costs of constructing a bridge over Waikawa Stream. There is also no guarantee of resource consents being granted.

In summary, it is considered there are presently too many hurdles to overcome for this proposal to succeed in the medium to long term. However, further consideration could be given to improving a path for shared use for cyclists and pedestrians between the Reserve and the Waitohi/Picton to Waikawa Track along existing roads and pathways. The route would follow Waikawa Road from the Reserve to Nautique Place, through the accessway and bridge over Waikawa Stream onto Beach Road and then onto Marina Drive to connect with the Waitohi/Picton to Waikawa Track. Signage to clearly identify the route to make the connection between the Reserve and the Track would be important.

As indicated above a more detailed assessment of the development of a pathway as proposed by the WRRRA can be found in Appendix 1 to this Report.

Walkway from Waikawa Bay Foreshore Reserve to Karaka Point

A suggestion was made to establish a walkway around the foreshore from the boatsheds at the northern end of the Waikawa Bay Foreshore Reserve to Karaka Point.

Unfortunately, this stretch of coastline has very little in the way of public land that is readily available to establish a walkway. The Karaka Point Recreation Reserve administered by the Department of Conservation and the Waikawa Bay Foreshore Reserve are the two most significant areas of reserve land along this coastline. There are only two other areas of public land and these are small areas of esplanade reserve – see Figure 7.

On closer inspection there are also boatsheds, dwellings, jetties and slipways present along the foreshore that would also make public access very difficult if not impossible to achieve. This is because some structures straddle the mean high-water mark. Figure 8 shows the location of foreshore structures along this stretch of coastline.



Figure 7: Public land along east side of Waikawa Bay coastline



Figure 8: Foreshore structures along east coastline of Waikawa Bay

In addition, on coastline extending from Waikawa Bay to Wharetukura Bay the legal road runs immediately alongside the coast. There are a number of dwellings and other structures located on the legal road between the formed Port Underwood Road and the foreshore, see Figure 9 as an example. This is a situation that has existed for many years with substantial homes having been built on this land. There are agreements in place between the Council and owners of the dwellings/structures to enable continued occupancy of the legal road.



Figure 9: Legal road between Waikawa Bay and Wharetukura Bay

For those dwellings and structures not on legal road and where there is individual title, most have riparian rights. Therefore, unless there is subdivision of properties or other access agreements can be negotiated, there is no right of public access. The opportunity for subdivision is somewhat limited as the size of most properties is already quite small and the area is also steep. This means the opportunity to obtain esplanade reserve along the foreshore is all but non-existent.

Extending area to be managed under the reserve management plan

A suggestion was made to extend the area to be covered by a reserve management plan to include land and beach beyond the Arapawa Māori Rowing Club to Waikawa Road near Jorgensens Corner. The land status along this area is legal road with coastal marine area beyond. There is no Council held esplanade reserve or Crown owned Sounds Foreshore Reserve along this stretch of coastline.



Figure 10: Suggested additional area to include in the Draft Plan

The formed road (Waikawa Road) is located some 3 metres above sea level along this section of coastline. A footpath extends along the seaward side of Waikawa Road. Below the road a narrow beach is backed by mostly ornamental type plants towards the western end (e.g. agapanthus, succulents) while towards the eastern end of the beach there are some native plants including flaxes and pittosporums. Informal storage of dinghies for vessels moored in Waikawa Bay occurs along the beach area and waka ama are also stored here.



Waikawa Road looking towards Waikawa Bay Foreshore Reserve

There are three sets of steps providing access to the beach: one near Jorgensens Corner and two others between the corner and the rowing club building. There is some erosion of the bank near Jorgensens Corner caused by wave action and this has seen the steps being undermined making access to the beach difficult to achieve. If the steps are to remain some remedial work to improve access to the beach will be necessary. There are also three seats located along this strip of land.

Marlborough Roads who are responsible for maintaining all local roads throughout the District, do not actively undertake maintenance along here other than to ensure the road itself is fit for purpose.

The WRRRA consider this area could be developed with an offroad pathway supported by a retaining wall along part of this stretch of coastline but also note that the sandy beach area is important to retain. Part of the area has recently been approved for the storage of waka ama craft on a simple rack structure. This is for a trial period to determine if the location is suitable for the storage activity and whether there is any impact on other use of the area.

The area is currently included within the same open space maintenance contract as for Waikawa Bay Foreshore Reserve. Given this it makes sense to include this area as part of the reserve management plan even though it is not reserve land under the Reserves Act. Marlborough Roads are not opposed to this area being managed in this way.



Use of existing reserves in Arthur Place and Amelia Crescent

Feedback identified that an area of reserve land in Amelia Crescent could be managed as an adjunct to the Waikawa Bay Foreshore Reserve – see Figures 11a and b. The feedback acknowledged the Amelia Crescent reserve was not part of the foreshore, however it was stated that people currently walk up Amelia Crescent for the view and that the reserve could be more actively managed in conjunction with the foreshore reserve. The intention was to create a pleasant and attractive area for all to enjoy with enhancement of the reserve.

The feedback, from a landowner in the vicinity of the reserve, noted that over a number of years they had cleared gorse, weeds and blackberry from this area. They had also planted many native podocarps to try and assist in the natural regeneration process including totara, rimu, kahaikatea and kauri, which are at various stages of maturity.

On investigating this area of reserve it was found that it is a Local Purpose Reserve (Scenic) legally described as Lot 24 DP 11535 and vested in the Crown. While there are reserves vested in the Crown that are managed by the Council, this is not one of them. It therefore comes under the control and management of the Department of Conservation and not the Council.

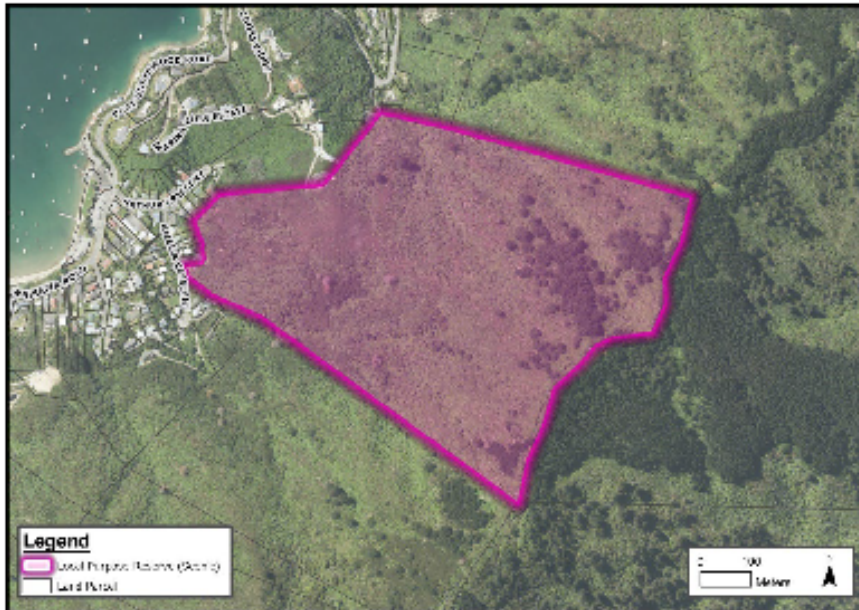


Figure 11a: Department of Conservation managed scenic reserve



Figure 11b: Department of Conservation managed scenic reserve

Another reserve located in Arthur Crescent was suggested as a possible location for more off-road parking. This Local Purpose (Recreation) Reserve described as Part Lot 10 DP 7376 is owned by the Council. It is very steep and would need substantial earthworks to enable a car park to be established. There would also be a loss of regenerating vegetation to create an area for parking. For these reasons, the reserve is not considered an appropriate location for car parking.



Figure 12: Council reserve – Arthur Crescent

Provision for small craft and improving access

Some comments were made about accessibility of the Waikawa Bay Foreshore Reserve for users. These included the following:

- there is a lack of provision for launching of small craft such as dinghies, small yachts, kayaks etc
- access from the grassed area to the beach needs improvement
- accessibility generally within the Reserve needs improving
- storage options for dinghies or other small craft should be provided

Improving accessibility

Currently launching of small craft such as dinghies, small yachts and kayaks mostly takes place over the vertical seawall and this is seen as difficult. What was proposed through the feedback was the installation of a wooden ramp to assist in launching activities with a suggested location being near the steps to the south of the main jetty. Improved access from the grassed area to the beach was also proposed to accommodate those who are less able. Feedback commented that there are three sets of steps for able bodied people but there is no wheelchair access making the beach fully inaccessible to some people.

Both suggestions would help significantly to make the beach area and sea more accessible for a range of users and will be investigated further. Provision for improved access to the beach has been included as an action¹⁷ within the Draft Plan.

Comments were also made about the Reserve generally in terms of accessibility. Improvements to mobility parking and access between the carpark and the grassed area were highlighted as needing attention. Improvements to the children’s playground to provide accessible play equipment was also suggested.

¹⁷Part E – Actions.

It is appropriate that the Waikawa Bay Foreshore Reserve be assessed to consider opportunities where accessibility can be improved and actions around this have been included in the Draft Plan.



Launching kayaks over the seawall

Storage of small craft

The suggestion that there should be provision for more formal storage of small craft on the Reserve is a challenging one to accommodate. Several people commented that they would be prepared to pay to be able to have a more secure option for storing dinghies to service boats on moorings in Waikawa Bay. Another request was to put back a dinghy rail that had been removed when an area was grassed on the lower car park.

Currently dinghies are stored in the northern part of the Reserve immediately below the Port Underwood Road, in the grassed area on the lower terrace of the Reserve and along the beach frontage below Waikawa Road. In the area below the Port Underwood Road there was a concern raised that vehicles are parking too close to the dinghies making it difficult to retrieve them for use.

There has also been a request to accommodate the storage of waka ama boats and related equipment on the Reserve. An area to the south of the Arapawa Māori Rowing Club building and below Waikawa Road is to be used for storage of the boats. The request to locate a storage container for waka ama boating related equipment on the Reserve is being considered favourably by the Council given its community rather than individual focus.

To enable a storage container on the Reserve, the Council must either publicly notify such a proposal or make provision for it within a reserve management plan. Although a specific location has not been confirmed, policy has been included in the Draft Plan supporting the issue of a licence for storage of waka ama and related boating equipment (subject to conditions including the need to obtain any relevant consents). There is no guarantee as to the outcome of this proposal as all policy is subject to the submission, hearing and decision-making processes of the Reserves Act.

A considerable amount of built infrastructure and hard surfacing already exists on the Reserve including the carparks, launching facilities, jetties, breakwater, barbeques, shelters, public toilets and sewerage pumping station. Allowing further structures, such as dinghy racks, will have a cumulative impact on the open space character of the Reserve or even result in a loss of green space, depending on its location.

Some feedback stated that as the Council authorises swing moorings in Waikawa Bay and charges annual fees, then as part of that process provision should be made for the storage of dinghies on the Reserve. However, the process under which swing moorings are authorised in the coastal marine area is under the MEP, a process separate to the requirements of the Reserves Act. Any fees that are charged under the MEP are solely related to the swing mooring and its management and nothing else. There is no obligation for the Council to provide formal storage for dinghies on public land. Vessel owners can store dinghies either on private land or at a commercial storage facility. The occupation of areas of the Reserve by dinghies has effectively become a permanent occupation and this type of use would normally require a lease or licence under the Reserves Act.

There is a balance to achieve in enabling and providing for recreational activities to take place and taking up space with buildings or structures to help facilitate that activity. The Waikawa Bay Foreshore Reserve is not a large area and it is considered any development of buildings for dinghies or other small boat storage may potentially limit general recreational use of the Reserve and affect open space values.

Commercial activity

There are currently no commercial activities occurring on the Reserve although from time to time the Council has received requests to site an ice cream cart or coffee cart on the Reserve.

The feedback received concerning commercial activities or buildings drew comment from both supporting and opposing positions.

For those supporting commercial activity, it was mostly in the form of enabling mobile coffee carts or ice cream carts with a small footprint. This type of low-key activity was said to support recreational use of the Reserve. Several suggested provision should be made for food trucks year-round and mini food markets.

Te Ātiawa identified in its submission that redevelopment proposals for the rowing club building have considered inclusion of a café for local and visitors to capitalise on the stunning site. Their submission also identified that a second level to a new building could include offices for Te Ātiawa.

Reasons for those opposing commercial activities on the Reserve included:

- there are few readily accessible areas to the waterfront in the Sounds and this is a unique and attractive piece of land
- commercial activities would take away space for recreational activities including parking for those activities
- such activity would be inconsistent with the recreation purpose of the Reserve
- it is nice to go to a Reserve where children are not exposed to food or commercial activity
- the Reserve should be kept free for passive recreation
- specific opposition to the redevelopment proposals of Te Ātiawa

The Reserve is zoned as Open Space 1 in the MEP. Within this zoning there is no provision for commercial activity as a permitted activity. This means a resource consent is required regardless of the scale of the commercial activity. Passive recreation is the dominant land use activity provided for within the zone rules.

The MEP identifies that this zone generally applies to smaller areas of open space that provide for the amenity of residential areas. While the Reserve attracts visitors from beyond the immediate Waikawa Bay area, it importantly provides significant amenity value for the surrounding residential area.

Under section 17(1) of the Reserves Act in describing the purpose of recreation reserves, there is an emphasis on retaining open spaces and on outdoor recreational activities. Therefore, any commercial activities occupying the Reserve would need to meet this purpose, particularly as the land area of the Reserve is not large. Finding a suitable and safe location on the Reserve for a commercial activity is also challenging.

If there is a proposal for a commercial activity that is consistent with the Reserve's recreational purpose, then this can be considered by the Council against the policy framework set out under 7.4 of the Draft Plan. The Council has also decided to make provision for one concession for a mobile ice cream/coffee cart on the Reserve (subject to conditions including the need to obtain any relevant consents).

The Council's reserve management plan for the Reserve cannot have control over the redevelopment proposals and potential commercial activity envisaged by Te Ātiawa. This is regardless of whether or not there is a changed site for the rowing club building. As the activity would occur on Te Ātiawa Arapaoa Waka Recreation Reserve land, this is beyond the management control of the Council's reserve management plan. However, the Open Space 1 provisions of the MEP would still be applicable.

The WRRRA have identified that they wish the launching ramp to be recognised as a commercial activity. However, it is considered there is no justification for doing so; there is no lawful ability to charge for use of the launching ramp facilities given the conditions of the resource consent. As only donations can be collected (i.e. someone cannot be compelled to pay for use of the facility) this use does not constitute a commercial activity. More information about the use of the launching ramp can be found in Section 7 of this Report.

Parking concerns

A range of parking concerns were highlighted through the feedback. Many of these concerns were related to use of the launching ramp and the associated requirement for boat trailer parking. The more popular the Reserve has become as a boat launching location, the greater the need has become for parking. This is particularly evident over the Christmas/New Year period and during other holiday periods.

An extensive area of the Reserve is taken up with both car and boat trailer parking. When these become full, car and boat trailer parking takes place on the surrounding streets. This creates a nuisance for residents who lose parking in front of their property for periods of time. In addition, there are instances of people illegally parking, including on footpaths and across driveways.

Marlborough Roads who are responsible for managing parking on roads have commented that parking around the Waikawa Bay Foreshore Reserve has been an issue for residents for many years. They respond to complaints and increase monitoring in this area over the Christmas holiday period. Where vehicles are illegally parked, as shown in the adjacent photo, then action can be taken. However, if vehicles are legally parked on road there is no ability for enforcement action to be taken.

An option to limit or prevent parking on surrounding streets is to introduce a bylaw under the provisions of the



Land Transport Act 1998 with the Local Government Act 2002 also applicable. However, this would not in itself remove the parking concerns as they are just likely to be relocated to another area within Waikawa or beyond.

Those providing feedback wanted to ensure that there was no further development on the Reserve related to boating that would result in additional parking being required. Some went as far as to say the launching ramp should be removed and placed in the Waikawa Marina extension currently being constructed¹⁸. In their view this would alleviate parking issues and provide an improved and safer area for the public to enjoy.

It is important that the launching of boats does not become recognised as more important than other recreational activities on and adjacent to the Reserve. Those other uses where people appreciate picnicking on the grass, meeting up with friends and family, swimming, using the barbeques or where children enjoy the playground, are just as important. This is particularly so for local residents for whom the Reserve is their neighbourhood park but who may not take part in boating activities.

Removing the launching ramp in its current form or reducing its size to achieve a more balanced use of this small coastal Reserve is something that could be considered. Given its coastal location it is appropriate there is some ability for launching of boats, particularly small craft such as dinghies, kayaks or paddleboards. However, the size and extent of launching facilities needed is a matter that warrants further consideration, particularly given there is an existing boat launching ramp at the nearby Waikawa Marina.

The concerns around parking have no easy fix, particularly for boat trailers. Short of removing the launching ramp so that only small craft such as dinghies, kayaks or similar can be launched or reducing its extent significantly to reduce capacity, the only option is to consider an alternative location to provide for parking. This could be in conjunction with the development of a bylaw to prevent boat trailer parking on surrounding streets. The Council will continue to investigate options around resolving or reducing the concerns associated with parking including reviewing the existing parking layout.

Policy has been included in the Draft Plan that effectively prohibits any further expansion of facilities associated with the launching ramp or new facilities where this is likely to result in the need for additional car and boat trailer parking.

Management responsibilities for the Reserve

As set out in Section 4 of this Report some of those providing feedback raised concerns about management responsibilities for the Reserve. The points made were that:

- the Council should consult with locals and the WRRRA on any modifications to the Reserve
- the reserve management plan should include an acknowledgement of the WRRRA's right to take part in management of the area
- Te Ātiawa is the Treaty partner alongside the Crown and therefore the iwi has greater rights in terms of management than the WRRRA
- management of the Reserve should be an inclusive process where no single entity has undue influence

The Council is the administering body for the Reserve and therefore has the overall management responsibility for the land¹⁹. The Council also has legislative responsibilities under the Resource Management Act for the foreshore structures (i.e. launching ramp, jetty, retaining walls and breakwater) that are part of the Reserve's infrastructure.

¹⁸ Waikawa Marina is a commercial facility on the western side of Waikawa Bay where there is already a public launching ramp with related purpose designed facilities. The marina extension referred to in the feedback has now been completed.

¹⁹ The Council is not the administering body for the Te Ātiawa Arapaoa Waka Recreation Reserve on which the Arapaoa Māori Rowing Club building sits.

In its feedback, the WRRRA sought recognition within the reserve management plan of its long-standing association in the development and management of the Reserve and associated facilities. They also sought for that association and management to continue.

In 2018 the WRRRA had presented to Council a Memorandum of Understanding (MOU) setting out a formal arrangement for the WRRRA's management of the launching ramp facility. Through the MOU the WRRRA wanted to be responsible for the operation of the launching ramp area including the setting and collection of fees, ensuring compliance with rules for use of the boat ramp, using funds collected in accordance with objectives of the WRRRA and consulting with the Council in relation to the management of the boat ramp area and adjoining recreational area.

The Council's responsibilities as set out in the MOU were to grant the WRRRA a licence to operate the boat ramp, maintain the resource consents and ensure the coastal structures remain in good order, consult with the WRRRA on the boat ramp area and adjoining recreational area, ensure the adjoining recreation area is maintained in a good operational order and indemnify the WRRRA against any claims made by any person.

At the time the MOU was first proposed the Council chose not to enter into the agreement for a variety of reasons. However, the WRRRA sought through its feedback that the MOU be included in the reserve management plan.

In the Council's view there is no need for a document such as the proposed MOU to be included in the Draft Plan. The management sought by the WRRRA through the MOU does not fall within the normal type of agreement entered into by the Council. It is further complicated by the fact it seeks responsibility for setting and collecting fees however no fixed charges are able to be levied on users of the launching ramp under the current resource consent – a donation can be made for use but no fixed fees can apply. More on this particular issue and how funds collected may be spent are discussed in Section 7 of this Report.

In consultation with Te Ātiawa, the view of the Iwi is that managing the Reserve should be a partnership between the Council and Te Ātiawa and not a partnership with other organisations or groups. Te Ātiawa consider that its partnership with the Council would then work with the community to achieve the outcomes set out in the Draft Plan. Te Ātiawa do not see an explicit partnership role for the WRRRA in managing the Reserve and consider the WRRRA has been given a higher status than Te Ātiawa as a Treaty partner.

The Council often works with ratepayer and residents' associations or other local groups to help deliver on some aspects of managing a reserve or community facility. This can be an historical situation that has evolved over time and may have some form of contract or lease in place for the delivery of certain services, including maintenance responsibilities. Sometimes particular interest groups who have a passion for say improving biodiversity or enhancing cycling opportunities such as Picton Dawn Chorus and Picton Trails Group efforts on Victoria Domain will work with the Council but without a formal arrangement in place. All of these arrangements whether formal or not are considered to be partnerships by the Council and this is the type of relationship the Council considers appropriate for those with interests in the Waikawa Bay Foreshore Reserve and across all aspects of the Reserve.

The importance of partnerships can be recognised within reserve management plans and this approach was adopted through development of the Victoria Domain Reserves Management Plan. Part D of the Draft Waikawa Bay Foreshore Reserve Management Plan includes policies on the importance of partnerships for the future management of the Reserve. Part E of the Draft Plan, which sets out actions to assist in achieving the overall vision for the Reserve, includes the setting of responsibilities for delivering on the actions. This includes Te Ātiawa and the Council for some matters and Te Ātiawa, the WRRRA and the Council for others, reflecting an appropriate partnership approach in managing the Reserve.

Other suggestions/comments

Dogs

Feedback concerning dogs was received from those who wanted dogs prohibited on the Reserve, those who wanted dogs allowed and those seeking the provision of dog litter bags and bins.

The Council controls dogs through its Dog Control Policy 2021 and separate Dog Control Bylaw 2021. The bylaw sets out where dogs are allowed off leash, where they are allowed on leash and where they are prohibited. Through the bylaw the following restrictions apply to the Waikawa Bay Foreshore Reserve:

- Dogs are prohibited on the grass area, playground and beach
- Dogs on leash are allowed on the balance of the reserve (i.e. the carpark areas) to enable access to jetties.

These restrictions can be viewed on the Smart Maps layer for Dog Exercise Areas on the Council's website at www.marlborough.govt.nz. The restrictions are the same restrictions that existed prior to the adoption of the bylaw in 2021.

In terms of the request for dog litter bags and bins to be provided on the Reserve it is not considered this is an appropriate location for this to occur. The reason for this is that the Reserve is not an area where dogs are permitted (except in very limited circumstances) and so there is no reason for bags or bins to be provided.

Children's play area

Improvements to the children's play area were requested including the provision of shade, a fence to stop children running near the launching ramp and carpark and reconsidering use of the soft fall matting as this gets very hot.

Shade sails have been installed over an area of the playground using donations received from use of the launching ramp. This will help with reducing heat on the soft fall matting. The use of matting is generally preferred over other soft fall material such as bark as it is cleaner, easier to contain and requires less maintenance.



Installing a fence between the pathway and playground is achievable although staff have not been made aware of there being issues with children running near the launching ramp and car park. The height of the small concrete fence has been increased somewhat with the placement of seating along the top of the fence. This matter will continue to be monitored to determine if a fence is necessary.

Removing the launching ramp

As discussed in the 'Parking concerns' section a suggestion was made to remove the launching ramp, which would address parking issues on the Reserve. An added benefit identified was the improved safety of young children in the area and a larger area being available for swimming, small watercraft and waka ama.

However, other responses described the importance of the launching ramp facility for locals and visitors providing access to the Sounds. The feedback considered there should be no development that impedes current levels of parking and that the lower car park should be sealed and line marked to support the launching ramp.

The launching ramp facility does dominate activities on the Reserve to a significant extent including the related need for boat trailer parking, which also spills over onto the surrounding streets during busy holiday times. This was commented on by a number of respondents including those who supported the launching ramp facility. The small size of the Reserve does not enable further land to be made available for parking. Additionally parking requirements need to be balanced against other responses that sought more 'green space' to be made available on the Reserve.

The launching ramp has grown in size over a number of years however, because of the limited size of the Reserve, there has not been the ability to provide more parking to accommodate the growth in size and related increase in use.

An option could be to reduce the size of the launching ramp so that it provides just for small craft such as kayaks, paddle boards, dinghies etc. This would enable more green space to be provided and free up parking areas occupied by boat trailers and reduce the impact of parking on surrounding streets. This could also potentially offer up other opportunities for relocation of the Arapawa Māori Rowing Club building to the northern end of the Reserve. A flow on outcome from this would be the opening up of the southern area to provide a better link with the beach frontage immediately below Waikawa Road.

While there would be a loss of a specific entry for trailered boats into the Sounds from the Reserve if this option was pursued, there are other opportunities for launching boats through existing facilities at Waikawa Marina and Picton Marina. It is acknowledged there would be opposition to such an approach from those who use the facility and particularly the WRRRA.

6. Arapawa Māori Rowing Club building and land exchange

This part of the Report describes feedback received during the first round of submissions on the Arapawa Māori Rowing Club building and a land exchange proposed by Te Ātiawa.

Background

As explained in the Introduction to this Report, land was vested in Trustees for Te Ātiawa o Te Waka-a-Māui Trust through Te Tiriti settlement processes. This land, occupied by the Arapawa Māori Rowing Club building, was vested as a recreation reserve subject to Section 17 of the Reserves Act 1977, and named the Te Ātiawa Arapaoa Waka Recreation Reserve. Figure 13 below shows the location of the current Waka Recreation Reserve title boundaries. Part of the Rowing Club building extends into the coastal marine area but no title exists for that area of the building.



Figure 13: Te Ātiawa Arapaoa Waka Recreation Reserve

It is important to acknowledge that any reserve management plan prepared for the Waikawa Bay Foreshore Reserve cannot manage activities on the Te Ātiawa Arapaoa Waka Recreation Reserve. That is the responsibility of the Trustees for Te Ātiawa o Te Waka-a-Māui Trust. However, in the feedback received during the early stages of preparing the Draft Plan there was a lot of comment on the land exchange proposal as well as on the future of the Rowing Club building.

Over the years, the Waikawa Bay Foreshore Reserve area has been a very special point of focus for Te Ātiawa whānau and hapū. As a consequence there is a desire to redevelop the site of the Rowing Club building, but the actual land title of the Waka Recreation Reserve is limited in area (some 228m²). Te Ātiawa do not wish to encroach onto the seabed with their redevelopment proposals and therefore had originally offered an exchange of the title granted through the Deed of Settlement for an area immediately alongside the Rowing Club building, an area of some 390m². The area is shown as Sec 1 in the survey plan prepared by Te Ātiawa (see Figure 14).

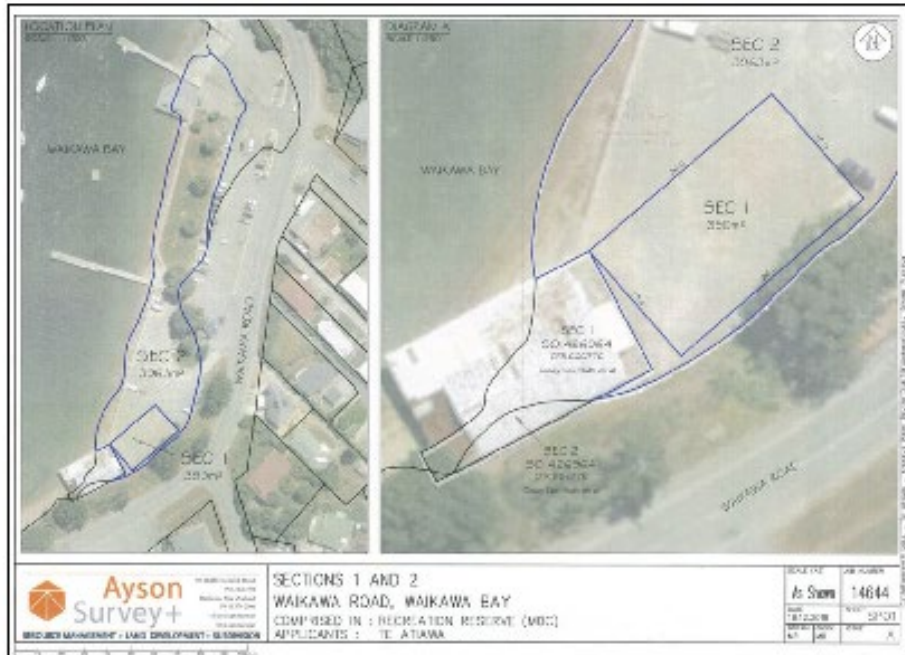


Figure 14: Survey plan showing location of land to be exchanged

The proposed location is to the left of the Rowing Club building as indicated by the red arrow in the image below. This area is currently used for parking.



The ability for reserve land to be exchanged is governed by the provisions of the Reserves Act 1977 and in particular Section 15 of the Act. Because the land proposed to be exchanged was originally Crown derived reserve being formerly reclaimed land (Section 3 SO 426964), the Department of Conservation will ultimately approve and gazette the change if successful. However, the Council is involved in the process as it is the administering authority for the Reserve.

In November 2019 the Department of Conservation provided approval in principle to the land exchange subject to completion of the Reserves Act processes. When the Council initially looked at the proposal in April 2020 it decided the matter should lie on the table and be revisited some time in the future once community consultation on the reserve management plan for Waikawa Bay Foreshore Reserve was completed.

If the land exchange proposal with Te Ātiawa proceeds then this will be subject to a notification and submission process separate to the preparation of the Draft Plan.

Additionally, any development of land that is exchanged will be subject to further processes under other statutes (as well as the Reserves Act processes). This includes the need for resource consent under the MEP and the need for building consents under the Building Act.

Feedback received on Rowing Club building and land exchange

In the brochure prepared to initiate feedback on the preparation of a reserve management plan for Waikawa Bay Foreshore Reserve, the significance of the foreshore area for Te Ātiawa was described. This included a statement that the Iwi has had aspirations for a number of years to develop an area of the reserve for its own purposes.

Notwithstanding that no specific information about the land exchange proposal was included in the flyer, feedback was still received on the proposal. The summary document prepared on feedback (as set out in Section 4 of this Report) did not include the comments made about the proposal but noted that feedback had been received and could help inform the land exchange proposal going forward. Feedback was received from individuals, the WRRRA who had sought comment from its members through a questionnaire on the proposal and from Te Ātiawa who had circulated to its own members the same questionnaire used by the WRRRA.

The feedback was varied ranging from those seeking restoration and retention of the Rowing Club building on its current site, those supporting a shift of the building to another location on the Reserve (i.e. the site of the proposed land exchange) and those seeking removal of the building entirely. Some sought assistance from the Council to fund the building's repair and maintenance while others were opposed to such assistance being provided. Because the building is not on land managed or owned by the Council, the Council does not have responsibility for its upkeep or ongoing maintenance. Therefore the Draft Plan does not include provision for the maintenance of the rowing club building, but policy around maintenance of structures the Council is responsible for on the Reserve, is included.

Since the feedback was received further discussions have taken place with Te Ātiawa about the proposed land exchange and the responses received on this. As indicated earlier in this Report, Te Ātiawa very clearly see redevelopment of the rowing club building and the future aspirations of the Iwi being located on the Waka Recreation Reserve or some other location on the Waikawa Bay Foreshore Reserve.

An exchange of land such as was proposed in Figure 14 will have implications for the Reserve. At the very least there is a net loss of 162m² – this will be inconsistent with part of the overall vision included in the Draft Plan whereby open space values are to be protected. The land that would be lost from the Reserve is used for parking – this is not a use that can be readily provided elsewhere on the Reserve. The land the Council would receive in the proposed exchange would not practicably be able to be used for parking given its location and shape. This is particularly so if Te Ātiawa were to develop the full extent of the exchanged land for a building.

If as envisaged by Te Ātiawa a new building were to provide office space and commercial activity (i.e. a café) then this will likely place greater demand on parking on the Council administered Reserve. Parking has been identified by a number of people as one of the most significant issues for the Reserve, especially in connection with the launching ramp. It is important any land exchange does not exacerbate this issue.

The Draft Plan includes a range of objectives and policies that recognise and provide for the special relationship that Te Ātiawa has with this area of Waikawa Bay. That relationship will continue to be recognised going forward regardless of whether the land exchange proposal proceeds or not. At the time of notifying the Draft Plan, Te Ātiawa have not further developed their aspirations for a land swap. Because there could be implications for ongoing management of the existing Reserve and its facilities and uses, the Draft Plan, whilst acknowledging the future development aspirations of Te Ātiawa, does not provide support for a land exchange.

7. Other matters

There are several other matters that have become apparent through the development of the Draft Plan. These have been discussed below to both clarify the legal situation and provide a way forward to resolve the matters.

Launching ramp use

In preparing the Draft Plan an assessment of existing consents, activities and operations at the Reserve was undertaken. This included consideration of the launching ramp and related retaining walls, pontoon and small breakwater, which are all owned by the Council. The assessment included whether there were any related Reserves Act 1977 matters (or other legislative requirements) that needed to be considered.

The launching ramp at the Reserve is a publicly available facility. The launching ramp and other structures have been approved over time through foreshore licences under the provisions of the former Harbours Act 1951 and then through resource consents under the Resource Management Act 1991. Through the current resource consents the Council is responsible for maintenance of the structures and this is funded through rates.

As described earlier in this Report the WRRRA took over the former foreshore licence/resource consents for the launching ramp and associated structures from the Waikawa Boating Club. The Club had moved their operations to Waikawa Marina when the marina was first established. Subsequently the resource consents were transferred from the WRRRA to the Council in 2003 as a result of public liability concerns.

The WRRRA have operated a payment system for use of the ramp for some time. The amount is currently set at \$10 and an annual ramp membership of \$100 has also been available. Signage at the launching ramp directs users to pay for launching boats with an honesty box alongside. Money is collected by the WRRRA and held by them. The collected funds are then distributed by the WRRRA for various projects in the wider Waikawa area.



Two issues have arisen through considering the provisions of the Reserves Act and the resource consent conditions and these are:

- whether 'fees' can be charged for use of the launching ramp

- how the money collected is held and subsequently spent

Currently there can be no required charge or set fee for use of the ramp as one of the conditions of the resource consent²⁰ prohibits this. The condition states “*The consent holder must allow any person to pass across and lawfully use the foreshore structures without charge*”. Therefore, any money received for use of the launching ramp can only be by voluntary donation.

This is not something specific to the Waikawa Bay launching ramp as most resource consents for public non-commercial launching ramps around the Marlborough Sounds are subject to the same condition. One consent does allow for the charging of a fee with proceeds only to be used for maintenance of the facility.

The Reserves Act sets out requirements relating to money that is received in relation to activities or structures on reserves. The Act requires that any funds collected are to be held by the administering authority (this being the Council) and for funds to be spent on reserves under the control of the Council – sections 78 and 80 respectively. The effect of this is that there needs to be a change in the way donations currently collected from use of the launching ramp are held and subsequently spent.

The following provides some background context for matters considered in looking to future management of the launching ramp.

Amending the resource consent

A review of the condition of resource consent requiring free access to the launching ramp was considered. This would then potentially allow a fee to be set and charged for use of the launching ramp. However, there are several issues with this as follows:

- It does not change the position of the Reserves Act requirement in that the money received from use of the Reserve needs to be held by the Council.
- There is no guarantee that a review of the consent condition would be successful in terms of the current policy of the MEP.
- A further resource consent will likely be required as allowing a fee to be charged makes the activity a commercial one. This is not a permitted activity at this location but the WRRRA in their earlier feedback had requested that the launching ramp be identified as a commercial activity.
- The implications of such a change for other non-commercial launching ramps around the Marlborough Sounds. Most resource consents for public non-commercial launching ramps around the Marlborough Sounds are subject to the same condition as for the Waikawa Bay facility.

For these reasons this is a pathway the Council has chosen not to pursue.

Reserves Act

Section 78(1)(a) of the Reserves Act requires that all money received in any dealing with a recreation reserve is to be held by the administering body and applied for the purposes of the Act. If the Council considers there should continue to be provision made for collecting money for use of the ramp, then steps need to be undertaken to redirect the money currently being collected and held by the WRRRA, to a Council bank account.

A system that allows launching ramp users to either donate through a meter (akin to a parking meter) or online through an app can be established along with the ability to donate at Council offices or through the Council’s website. These are all tools used by other councils where money is received from users of launching ramps.

²⁰ U180333 – Condition 5

Reserves Act lease

The Council is able to enter into a lease for management of the launching ramp. The option of the lease is consistent with other reserve areas where community organisations help the Council manage and maintain reserves and facilities. A lease arrangement would set out specific conditions related to the launching ramp use and ongoing maintenance and involve a payment to undertake these activities.

To enable a lease on a recreation reserve, the Council must either publicly notify such a proposal or make provision for it within a reserve management plan. The Council has included policy in the Draft Plan supporting the issue of a lease for management of the launching ramp subject to conditions. These include compliance with resource consent conditions, compliance with Plan policies for management of the launching ramp and a specified duration to enable a review of the effectiveness of the lease. There is no guarantee as to the outcome of this proposal as all policy is subject to the submission, hearing and decision-making processes of the Reserves Act.

A lease does not change the situation regarding the Reserves Act requirements for holding any money received for use of the Reserve or how the money is to be spent.

Draft Plan

To ensure there is clarity about how money received from the launching ramp may be spent, policy has been included in the Draft Plan. This includes policy directing that money is firstly to be reinvested in the form of maintenance and management of the existing launching ramp facility (and related coastal structures) and then on maintaining or protecting the Reserve.

In addition the draft policy framework provides for money received to be spent on:

- Improvements to existing assets
- New assets but only where this has first been assessed against the policies of the plan
- Reserves within the Waikawa Bay area.

Policy is also included stating that where money collected is for improvements to existing assets or new assets on the Reserve then such proposals are to be assessed against the policies of the Plan. Finally policy is included requiring that any money collected is to be reinvested in Council administered reserves in the Waikawa Bay area,

Of note, the Reserves Act does enable money received from use of a reserve to be spent on other land that is not reserve land. However, this is a matter that needs to be determined by the Minister of Conservation, not the Council. Additionally, there are certain requirements that must be met including that the landowner must allow the land to be managed as if it were a reserve or to agree in a scheme for the "preservation of restoration of the character or amenity of the district or an environment"²¹.

The Draft Plan includes actions that provide for both Te Ātiawa and the WRRRA to be involved in determining how any money received is to be spent beyond the maintenance of the launching ramp and related coastal structures.

Status of land

There are three areas of land with different legal status that make up the area covered by the Draft Plan. These are as follows:

- Legal road

²¹ Section 85 Reserves Act 1977

- Section 3 SO 426964 – Recreation Reserve
- Section 1 SO 4561 – Recreation Reserve

Part of the car park is legal road while part of Section 1 SO 4561 extends over the formed road near the intersection of Port Underwood Road and Arthur Crescent.

Discussions on whether there should be any change to this situation have been had with Marlborough Roads. They are supportive of the area of Reserve reflecting actual use. The process for stopping the legal road and amalgamating it with one of the titles of the Reserve is under the Local Government Act. Proposals to declare land to be reserve (i.e. the land that is currently legal road) or uplift reserve status (i.e. the part of reserve that extends over the Port Underwood Road) are dealt with under the Reserves Act.

This matter has been included as an action for further investigation and implementation in the Draft Plan. It does not affect the Te Ātiawa Arapaoa Waka Recreation Reserve as it currently is.

Appendices

Appendix 1 – Proposed pathway between Waikawa Marina and Waikawa Bay Foreshore Reserve

Appendix 2 – Glossary

Appendix 3 – Bibliography

Appendix 1 – Proposed pathway between Waikawa Marina and Waikawa Bay Foreshore Reserve

A high-level investigation was undertaken in 2020 to identify considerations and challenges associated with developing a pathway between the Waikawa Marina and the Waikawa Bay Foreshore Reserve. An indicative route is shown below and this involves:

- The start of the route from a small area of reserve land located at the northern end of the apartment block situated near the entrance to Waikawa Marina.
- Construction of a new bridge across Waikawa Stream.
- The path following the coastline from the Waikawa Stream where it eventually links into an existing track at the rear of the Arapawa Māori Rowing Club building (note that an alternative route across the estuary, shown as a dashed line below, was also considered).

Depending on the actual route followed there would likely be a need for structures to be located within the coastal marine area.





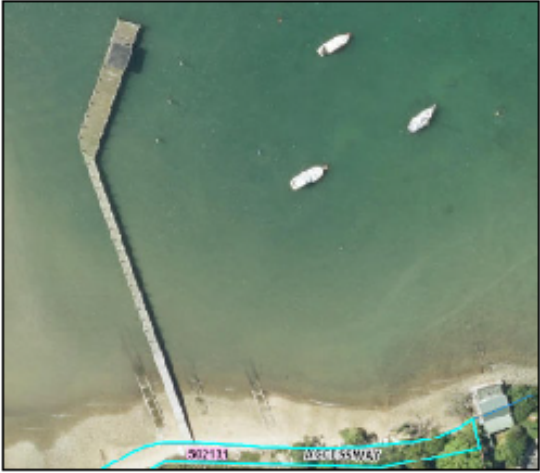

Very limited consultation was undertaken as part of the initial investigations in 2020.

Further consideration of the issues initially identified has been undertaken to round out the challenges presented by the pathway proposal. The outcomes of this additional assessment as well as the results of further consultation with Te Ātiawa and the WRRRA are included in the Discussion column below.

Potential Issues Associated with Developing a Pathway

Land Status and Property Rights

Issue Type	Issues Identified	Discussion
Property Rights	<p>No right of public access across Property Numbers 501972 and 527723 and Land Number 827204</p> 	<p>These properties enjoy riparian rights, which immediately limits public access around the coast to below mean high water mark. Any pathway would need to avoid being located on these properties and would need to be built within the coastal marine area.</p> <p>If these properties were to be subdivided at some later time the Council has the ability to require an esplanade reserve to be set aside as part of that process. That would offer an opportunity to establish a pathway.</p> <p>The only other possibility to gain access is by property owners agreeing to the pathway with some form of easement over the properties or by acquiring the properties outright. Both require the willingness of the landowners to do so. To date individual landowner consultation has not occurred.</p>
Māori Roadway	<p>No public access across Māori Roadway</p> 	<p>Indicated on the plan of the proposed pathway is a section of Accessway, which has also been referred to as Māori Roadway.</p> <p>This land was partitioned to provide access to several parcels of land in 1918 and was referred to as Waikawa Village No. 9 Roadline. There were 14 owners of the land. The Māori Land Court directed in 2011 that a record of title be issued in the names of the 14 owners and that rights of way be memorialized for a number of adjacent properties.</p> <p>This is not public land and therefore not immediately available for a pathway. Some of the adjacent land, which was the site of the former Jorgenson's booyard, has recently been subdivided for residential purposes.</p>

<p>Existing Slipways and Jetty</p>	<p>Several slipways, a jetty and a stormwater outlet intersect with the proposed route of the track</p> 	<p>Access for existing slipways, a jetty and a stormwater outlet would need to be maintained. The jetty and 3 adjoining slipways are consented under U130780, which expires on 1 December 2032.</p> <p>The discharge of stormwater from the stormwater outlet is authorized under U180367.</p>
<p>Physical Access</p>	<p>Access issues near Jorgensens Corner.</p> 	<p>There is a dwelling/boathshed sited across the mean high water springs mark at the area near Jorgensens Corner. As shown in the related image, this building sits partly within the coastal marine area as well as occupying legal road. Occupation of legal road is to be formalised with the Council by way of a Licence to Occupy while resource consent is required for the structures associated with this building within the coastal marine area.</p> <p>The current structure appears to block the proposed pathway; access around the structure is limited and would either require:</p> <ul style="list-style-type: none"> • construction of the pathway within the coastal marine area in front of the dwelling, which may interfere with the slipway; or • alternatively, the pathway could be routed behind the building (route indicated in red) but this may require easement over Māori Roadway and potentially affect the Licence to Occupy.

		No discussions have taken place with the owner of this dwelling/boathshed about the pathway proposal.
Arapawa Māori Rowing Club building	<p>The rowing club building sits partly in the coastal marine area and partly on land. That part on land is on a separate title to the rest of the Waikawa Bay Foreshore Reserve and is vested in Trustees for Te Ātiawa o Te Waka-a-Māui Trust.</p> 	<p>There is limited access around the front of the building given how it extends into the coastal marine area. There is an existing pathway at the rear of the building that connects with the Waikawa Bay Foreshore Reserve.</p> <p>There is a proposal by Te Ātiawa for a land exchange with other land on the Waikawa Bay Foreshore Reserve. Further comment on this is provided in Section 6 of this Report.</p>

Discussions with Te Ātiawa and WRRRA

Who	Issues Identified	Discussion
Te Ātiawa	Te Ātiawa have expressed significant concern over the proposal.	<p>In initial discussions with Te Ātiawa about the proposal they were unresponsive and cited a number of concerns including:</p> <ul style="list-style-type: none"> • physical and environmental impact • lack of meaningful consultation • reluctance to allow access over Māori Roadway • ecological concerns regarding Waikawa Stream and Estuary

		<p>On further discussions with Te Ātiawa they have reiterated these concerns and further highlighted the following:</p> <ul style="list-style-type: none"> • potential disturbance of sites of significance to Te Ātiawa • potential disturbance to ecological restoration plantings done by the Council, in partnership with Te Ātiawa, along coastline adjacent to the mouth of Waikawa Stream <p>Te Ātiawa also commented that as it stands, the public has significant foot access around the bay and can access Waikawa Marina on foot via Nautique Place.</p>
WRRRA	None	<p>WRRRA are supportive of the proposal, however acknowledged there may be some challenges to overcome. These challenges included private property rights and access across the Māori roadway.</p> <p>The WRRRA consider that a short-term action could be included in the Draft Plan that advocates for a shared path around existing roads and accessways but that despite the challenges with establishing a pathway around the foreshore this should be included as a long term action to achieve in the Draft Plan.</p>

Legislative

Issue Type	Issues Identified	Discussion
<p>Resource Management Act (RMA)</p> <p>Marlborough Environment Plan (MEP)</p> <p>New Zealand Coastal Policy Statement (NZCPS)</p>	<p>Resource consent requirements</p> <p>Statutory acknowledgements - A statutory acknowledgement is legal recognition of the particular cultural, spiritual, historical and traditional association of an iwi with an identified statutory area.</p>	<p>A mix of zones apply to the pathway route. There are also overlays that identify the area as a threatened environment, an ecologically significant marine site, a high amenity landscape and a flood hazard area.</p> <p>Resource consent would be required for the pathway (or aspects of it) under the MEP. This includes for the bridge required across Waikawa Stream, where the pathway extends into the coastal marine area and land disturbance in close proximity to the coastal marine area.</p>

		<p>Assessment under the policy provisions of the NZCPS and the MEP will be required in conjunction with consultation with Te Ātiawa and landowners. Consideration of matters of national importance, other matters and Te Tiriti o Waitangi under Parts 5-8 of the RMA is also required.</p> <p>See also issues identified under 'Environmental' below.</p> <p>Statutory acknowledgements enhance the ability of iwi to participate in RMA processes. Eight iwi²² have registered a statutory acknowledgement over the coastal waters immediately adjacent to the Waikawa Bay foreshore. Te Ātiawa also has a statutory acknowledgement over land adjacent to Waikawa Stream.</p>
Reserves Act	There is an existing lease in place with Port Marlborough New Zealand Limited for use of the reserve land at Waikawa Marina where the pathway would connect to.	<p>The lease enables Port Marlborough to use the reserve for the purposes of boat trailer parking activities associated with the marina. The lease does not expire until 2031.</p> <p>However, public access through the reserve from Beach Road to Waikawa Stream is provided for in the lease. Care would be needed to ensure the lease arrangements remain in place as well as the protection of public access.</p>

Environmental

Issue Type	Issues Identified	Discussion
General	There are a range of environmental issues that need consideration. Not all are canvassed here but an overview of several significant matters follows:	
Cultural	Impact on cultural sites of significance and areas of statutory acknowledgement	These have been previously identified earlier in this table.
Ecological	Ecologically significant marine site and threatened environment	The Waikawa Bay estuary has been identified in the MEP as both an ecologically significant site as well as being included in the threatened environment overlay. This would need consideration in

²² Ngāti Apa, Ngāti Kōata, Ngāti Kuia, Ngāti Rārua, Ngāti Toa, Ngāti Tama, Rangitāne and Te Ātiawa

		<p>designing the pathway route as well as the method of constructing the pathway.</p> <p>The estuary is of significance for the local community and Te Ātiawa who raised concerns about the ecology of the area in the initial discussions about the pathway.</p>
Climate Change	<p>Sea level rise</p> <p>Potential for increased erosion</p> <p>Potential damage to coastal and foreshore structures from increased intensity of storms</p>	<p>The proximity of the proposed pathway to mean high water mark introduces several issues. Sea level rise is expected in the coming decades, along with intensification of storms, susceptibility to prevailing northerly winds and high/king tides. Substantial and costly construction will be required to ensure the pathway is not susceptible to erosion and damage that may arise from climate change issues.</p> <p>There could be significant and ongoing maintenance costs of the pathway that may not be sustainable.</p>
Contamination	<p>The foreshore area adjacent to the jetty and 3 slipways was previously used for booyard operations and likely has contaminated marine sediments</p>	<p>This area including the adjacent land behind was used for a boat building business that resulted in significant levels of contamination, particularly with heavy metals. Construction of a pathway will likely result in the remobilisation of contaminated marine sediments. This aspect will need specialised assessment to determine the extent of contamination and how this can be addressed in construction of a pathway. Note that the booyard activity has ceased and the adjacent land has been subdivided for residential purposes.</p>
Waikawa Stream	<p>Dredging of Waikawa Stream required periodically</p>	<p>Maintaining access to the lower Waikawa Stream is important for flood management purposes. Access to the stream across the recreation reserve in the Marina is necessary for periodic dredging. Additionally the bridge design will need to be such that regular dredging of the stream is not impeded.</p>
Coastal processes	<p>Sediment from stream causing aggradation in Waikawa Bay</p> <p>Bay will become shallower and coastline will change</p> <p>Storms</p>	<p>Natural changes to the coastline and bay may impact on any proposed path.</p>

		Consideration will also need to be given to the effect a path/boardwalk/bridge may have in accelerating or altering these natural processes.
Construction methodology	Construction of a bridge and pathway in the Bay	Design of a bridge and pathway structure to meet the engineering challenges associated with the location is complex. The construction phase itself would also require careful management in this sensitive coastal environment.

Appendix 2 – Glossary

Hepū	sub-tribe
Hui	gathering
Iwi	tribe/people
Kei	food
Kaitiaki	guardian
Kaitiakitanga	the exercise of guardianship by mana whenua of an area and resources in accordance with tikanga Māori (customs and rules)
Karakia	incantations
Kaumātua	a term used to describe a person who maintains an active leadership role. A kaumātua has social seniority, life experience and wisdom.
Ki uta ki tai	from the mountains to the sea
Mana moana	authority over the sea and lakes - although this is a modern term, the concept of authority over lakes and parts of the sea (mana o te moana) is traditional. According to Māori custom, land rights extended as well to adjacent sea or lakes with fixed boundaries for inshore and deep-sea fishing and the gathering of seafood.
Manuhiri	visitor, guest/s
Mana whenua	territorial rights, power from the land - power associated with possession and occupation of tribal land. A tribe's history and legends are based in the lands they have occupied over generations and the land provides the sustenance for the people and to provide hospitality for guests.
Marae	place of gathering for hui, karakia, tangi and wānanga
Mauri	is the life force that comes from wairua - the spirit, or source of existence and all life
MEP	Marlborough Environment Plan
MSRMP	Marlborough Sounds Resource Management Plan
Rohe	territory / area
Reranga	weaving
Rongoā	to treat, apply medicines
Rūnanga	assemblies called to discuss issues of concern to iwi or the community
Tangata whenua	people of the land
Teonga	gift/treasure (physical, metaphysical and spiritual)
Te Taiao	the natural world
Te Tiriti o Waitangi	The Treaty of Waitangi
Te Tau Ihu	The Top of the South Island (geographical location)
Tikanga	custom, tradition, method or habit
Tino rangatiratanga	self-determination, sovereignty, autonomy, self-government, domination, rule, control, power
Victoria Domain Reserves	includes that area of land covered by the Victoria Domain Reserves Management Plan

Wāhi Tapu	sacred sites or places
Wairua	spirit
Wānanga	to meet and discuss
Whakataukī	proverb or saying
Whāneua	refers to the extended family, although it can also mean, "to give birth". The whāneua was the basic social unit of Māori society; it usually included grandparents or great-grandparents and their direct descendants.
Whenua	land
WRRRA	Waikawa Ratepayers and Residents Association

Appendix 3 – Bibliography

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Local Government Act 2002

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Marlborough District Council. 2019. Marlborough Walking and Cycling Strategy 2019-2029.

Reserves Act 1977

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Te Ātiawa o Te Waka-a-Māui. 2014. Iwi Environmental Management Plan.

Te Ātiawa Manawhenua Ki Te Tau Ihu Trust. 2021. Cultural Health Indicator (CHI) Report for Waikawa Foreshore Reserve, Waikawa Bay, Tōtaranui.

7. Amendments to Responsible Camping Control Bylaw 2022

(also see Attachment 7.1)

(Clr Dawson) (Report prepared by Linda Craighead)

R510-036-03

Purpose of Report

1. To approve amendments to the Marlborough District Council Responsible Camping Control Bylaw 2022 providing clarification of the length of stay at the Council's responsible camping areas.
2. To approve amendments to the Marlborough District Council Responsible Camping Control Bylaw 2022 arising from changes to the Freedom Camping Act 2011.

Executive Summary

3. An issue of interpretation of the Council's Responsible Camping Control Bylaw 2022 ("Bylaw") has recently arisen with the use of the Wairau Diversion site. The Bylaw provides that a maximum period anyone can camp at Wairau Diversion is "*two consecutive nights in any four-week period*". The same maximum period applies to seven other of the Council's 11 responsible camping sites.
4. Staff have been dealing with campers who read the maximum period restriction to mean that if a camper has stayed two consecutive nights, they can leave for a day or more to then be able to return to stay again for another night in the same four-week period (and can repeat that pattern throughout the four-week period.) The maximum period restriction has been included in the Bylaw since 2012 to only allow campers to stay two nights in total in any four-week period, consecutively or not. Staff have also consistently applied the maximum stay restriction in that way ever since.
5. A change to the Bylaw is proposed to clarify the maximum stay restriction. The change is considered minor as it only clarifies the original intention of the Bylaw and eliminates any ambiguity in the wording. The Freedom Camping Act 2011 and the Local Government Act 2002 allow such minor changes to be made by Council resolution publicly notified.
6. Additionally, several other amendments are proposed to the Bylaw in order to reflect the legislative changes made to the Freedom Camping Act 2011 in relation to a definition of self-containment and offences and penalties. These may also be made by Council resolution publicly notified.
7. Advice has been sought on these matters from the Council's legal team. A copy of the Bylaw with the recommended changes and amendments is **attached** to this report (as Attachment 7.1).

RECOMMENDATIONS

That Council amend the Marlborough District Council Responsible Camping Control Bylaw 2022 as follows and as set out in Attachment 7.1:

1. Delete the definition of 'Certified self-contained' and replace with reference to the definition from the Freedom Camping Act 2011 as follows:
Self-contained has the meaning given in section 4 of the Freedom Camping Act 2011.
2. In clause 8 Offences and Penalties, amend the penalties and references to the Freedom Camping Act as follows:
In accordance with section 20 of the Freedom Camping Act 2011, every person who responsible camps in a local authority area in breach of any prohibition or restriction in this bylaw commits an infringement offence and is liable to a fee of \$400~~\$200~~ (or other amount as prescribed by regulations made under that Act).
Sections 20, 20C, 20F and 20G of the Freedom Camping Act 2011 provides for other offences in relation to responsible camping.

3. Include a new definition for the maximum period a responsible camper is allowed to stay at the following Council freedom camping sites:

Maximum period of stay means, in regard to Wairau Diversion, Taylor Dam Upper Level, Renwick Domain Car Park, Wynen Street Car park, Lake Elterwater, Blairich Reserve, Opouri Road (adjacent to Carluke Domain) and Wash Bridge Recreation Reserve, two nights in any four week period, irrespective whether the nights are consecutive or not.

and add the same wording to the description of the respective responsible camping sites in Schedule 1.

Context

Clarification of the maximum number of nights allowed for freedom camping

8. The Council's Responsible Camping Control Bylaw 2022 was adopted by the Council in March 2023 and came into effect on 1 May 2023. The Bylaw provides for 11 sites around Marlborough to be used for responsible camping (freedom camping) subject to restrictions on use, including on the duration of stay.
9. An issue of interpretation of the Bylaw has arisen with recent use of the Wairau Diversion site. The restriction on duration as set out in the Bylaw is as follows:
- "The maximum period anyone can camp in this area is two consecutive nights in any four-week period."*
10. This is the same wording that also applies to seven other camping sites provided for in the Bylaw.
11. The issue revolves around the word 'consecutive' and the interpretation being applied by campers using the Diversion site is that if a camper stays two consecutive nights, and then stays away for a night, they are able to come back for another night and so on.
12. This was never the intention of the Bylaw and certainly hasn't been the interpretation applied by Rangers or the contractor undertaking patrols since the inception of the first freedom camping bylaw in 2012. The same wording has also been consistently applied since 2012 with the word 'consecutive' appearing in the three earlier iterations of the Bylaw (2012, 2016 amendments and 2020).
13. The rule has always been enforced on the basis of a maximum of two nights (whether consecutive or not) per four-week period.
14. For clarity, staff recommend changing the Bylaw by removing the word 'consecutive' and to also include a definition identifying that the maximum number of nights that anyone can stay at the Wairau Diversion, Taylor Dam Upper Level, Renwick Domain Car Park, Wynen Street Car park, Lake Elterwater, Blairich Reserve, Opouri Road (adjacent to Carluke Domain) and Wash Bridge Recreation Reserve camping areas is two nights in any four week period, whether the nights are consecutive or not.

Aligning the Bylaw with the Freedom Camping Act

15. Changes were made to the Freedom Camping Act through the Self-Contained Motor Vehicles Legislation Act 2023. This included amongst other things the following changes:
- requiring vehicle-based freedom campers to use a certified self-contained vehicle when they stay on council land, unless a council designates the site as suitable for non-self-contained vehicles
 - establishing a regulated system for the certification and registration of self-contained vehicles
 - requiring vehicles to have a fixed toilet to be certified as self-contained
 - strengthen the infringement system for freedom camping.
16. Where there is an inconsistency between the new legislation and what may be in a Council bylaw then the legislation prevails and Council are required to amend or revoke their bylaws. There are two

particular changes required to this Council’s Bylaw and they are in respect of the definition of self-contained and how the various sections of the Act regarding offences and penalties are referenced.

17. As a consequence several changes are recommended for change.

Amendment to a bylaw

18. A minor change can be made to a bylaw under the Freedom Camping Act 2011 by resolution publicly notified provided that the change does not affect:
- *an existing right, interest, title, immunity, or duty of any person to whom the bylaw applies; or*
 - *an existing status or capacity of any person to whom the bylaw applies.* [Section 11B(4)]
19. Section 156(2) Local Government Act 2002 also allows the Council to resolve to correct errors or omissions in bylaws without any need for consultation, provided the proposed changes do not affect any existing right or interest of any person to whom the bylaw applies.
20. It is considered that neither s156(2) nor section 11B(4) applies because the Bylaw has since its first iteration in 2012, been consistently interpreted and administered by Council staff that the maximum period is 2 nights in any four-week period, whether consecutive or not. Campers never had any ‘right’ to stay longer nor can they claim that they are relying on previous Council practice, i.e. that Council is acting inconsistently and in breach of its own rules. That means that, provided the Council agrees that the added definition and clarification are minor changes, no public consultation is required.
21. Regarding the other changes to be made to the Bylaw as a consequence of changes to the Freedom Camping Act 2011, Schedule 1AA Clause 10 provides for these changes by resolution publicly notified by the Council, without having to be satisfied of the matters in section 11(2) or use the special consultative procedures.
22. Legal advice from the Council’s legal team has been sought on the recommended changes to the Bylaw. In both cases the changes can be made through a resolution of the Council publicly notified.

Next steps

23. If the Council confirms the recommendation, then public notice of the changes will be arranged.

Attachment

Attachment 7.1 – Amended Marlborough District Council Responsible Camping Control Bylaw 2022

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Author	Linda Craighead, Planner – Parks and Open Spaces
Authoriser	Jane Tito, Manager – Parks and Open Spaces

Marlborough District Council Responsible Camping Control Bylaw 2022

Pursuant to section 11 of the Freedom Camping Act 2011, the Marlborough District Council makes the following bylaw.

Bylaw

1. Title

This bylaw is the Marlborough District Council Responsible Camping Control Bylaw 2022.

2. Commencement

This bylaw comes into force on 1 May 2023.

3. Interpretation

In this bylaw, unless the context requires another meaning –

Council means the Marlborough District Council.

Responsible camp and **responsible camping** have the same meaning given to freedom camp and freedom camping respectively in section 5 of the Freedom Camping Act 2011.

Enforcement officer has the meaning given in section 4 of the Freedom Camping Act 2011.

Local authority area has the meaning given in section 6 of the Freedom Camping Act 2011 and also means within the Marlborough District.

Maximum period of stay means, in regard to ~~anyone can camp at the~~ Wairau Diversion, Taylor Dam Upper Level, Renwick Domain Car Park, Wynen Street Car park, Lake Elterwater, Blairich Reserve, Opouri Road (adjacent to Carluke Domain) and Wash Bridge Recreation Reserve, ~~camping areas means~~ two nights in any four week period, irrespective whether the nights are consecutive or not.

Self-contained has the meaning given in section 4 of the Freedom Camping Act 2011.

~~Certified self-contained vehicle means a vehicle designed and built for the purpose of camping which is practically configured to meet the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days, without requiring any external services or discharging any waste, and:~~

- ~~• Complies with NZS 5485:2001 Self-containment of motor caravans and caravans;~~
- ~~• Displays a current self-containment warrant issued in accordance with NZS 5485:2001 Self-containment of motor caravans and caravans and any subsequent amendments in the inside left of the front window, or the inside left of the windshield, with the warrant details facing outwards; and~~
- ~~• The toilet facility must be readily useable within the vehicle including sufficient head and elbow room at all times, even with the bed made up.~~

4. Purpose

The purpose of this bylaw is to regulate responsible camping in local authority areas so as to:

- (a) protect the area;
- (b) protect the health and safety of people who may visit the area; and/or
- (c) protect access to the area.

5. Restricted Areas

- 5.1 No person may responsible camp in areas identified in Schedule 1 unless they comply with the restrictions imposed on use of that area as set out Schedule 1.
- 5.2 Restricted Areas will be regularly monitored and, where required, access will be restricted or prohibited on a site-by-site basis for the following reasons:
- (a) there is a high risk of fire or imminent flood in the area;
 - (b) there is a potential health and safety risk at the sites, including due to overcrowding;
 - (c) the area is being used for an event approved by the Council;
 - (d) there is a need to better protect public access; or
 - (e) maintenance including improvements to allow recovery of the site.
- 5.3 The prohibition must be removed when the circumstances described in clause 5.2 no longer apply. While an area is prohibited under clause 5.2, no person may responsible camp in the area.

6. Prohibited Areas

- 6.1 No person may responsible camp in any local authority area identified in Schedule 2.
- 6.2 No person may responsible camp in an area identified in Schedule 1 where the person does not comply with the restrictions imposed on use of that area in that Schedule.

7. Council consent to responsible camp

- 7.1 A person or group may responsible camp in a Prohibited Area if they have obtained the prior written consent of the Chief Executive Officer of the Council.
- 7.2 A person or group may responsible camp in a Restricted Area otherwise than in accordance with the restrictions on responsible camping in that area if they have obtained the prior written consent of the Chief Executive Officer of the Council.
- 7.3 Consent is at the absolute discretion of the Chief Executive Officer and may be granted with or without conditions. Consent must be sought at least 20 working days in advance of the proposed date for freedom camping. All costs incurred by Council in determining the application for consent must be met by the applicant and must be paid before the determination will be released.
- 7.4 In relation to consent given in accordance with clauses 7.1 or 7.2:
- (a) any conditions attaching to the consent must be complied with;
 - (b) fires are not permitted on site; and
 - (c) on departure the site must be left in a clean and tidy condition with all rubbish and waste removed.
- 7.5 Consent given in accordance with clause 7.1 or 7.2 may be revoked by the Council if an Enforcement Officer believes, on reasonable grounds, that the person(s) to whom consent has been granted has:

- (a) acted in a manner likely to offend or annoy other people using the site;
- (b) damaged or is likely to cause damage to the site; and/or
- (c) breached any of the conditions of consent including the limitations in clause 7.4.

7.6 Revocation of consent occurs at the time the Enforcement Officer directs the person(s) to leave the site.

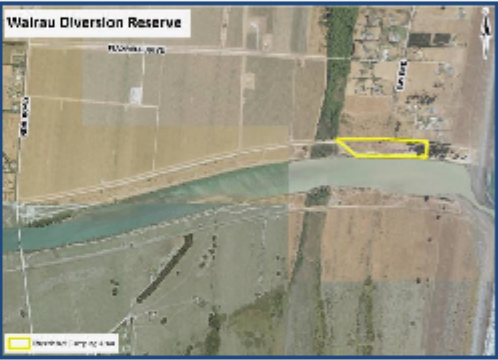
8 Offences and Penalties

In accordance with section 20 of the Freedom Camping Act 2011, every person who responsible camps in a local authority area in breach of any prohibition or restriction in this bylaw commits an infringement offence and is liable to a fee of ~~\$200~~ **\$400** (or other amount as prescribed by regulations made under that Act).

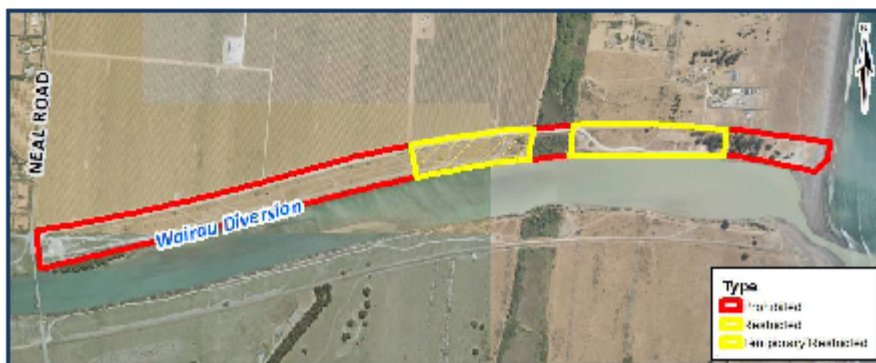
Sections 20, 20C, 20F and 20G of the Freedom Camping Act 2011 provides for other offences in relation to responsible camping.

Schedule 1 – Restricted areas for responsible camping


No person may camp in any local authority area identified as a Restricted Area unless they comply with the restrictions imposed on use at that particular site.

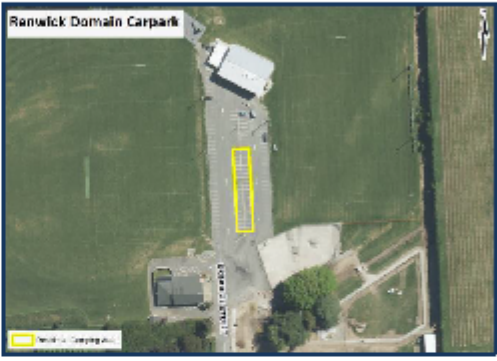
WAIRAU DIVERSION RESTRICTED AREA	
Description	
<p>The Wairau Diversion responsible camping area is located on the northern side of the lower reach of the Diversion. It is accessed from the intersection of Thomas Road and Neal Road. The Wairau Diversion Reserve Restricted Area extends from the eastern boundary of the prohibited area at the Hinepango Wetland in an easterly direction to the Wairau Diversion day use area (which is a prohibited area for responsible camping).</p> <p>The Wairau Diversion Reserve Restricted Area has a fence on its eastern boundary between the day use and the camping area. There is clear signage into the area directing campers to the area allocated for camping.</p>	
Restrictions	Camping Area
<p>No person may camp except in the area shown and camping must be in a certified self-contained vehicle.</p> <p>The maximum period anyone can camp in this area is two consecutive nights in any four-week period.</p> <p>The maximum period of stay anyone can camp in this area is two nights in any four-week period, irrespective whether the nights are consecutive or not.</p> <p>Vehicle numbers are limited to 75 vehicles.</p>	


A temporary area for camping has been set aside at the Wairau Diversion until such time as repairs are made to reinstate that part of the current Restricted Area damaged in the 2021 flood event. The temporary area is shown in the map below and will revert to a prohibited area once the damage has been repaired.




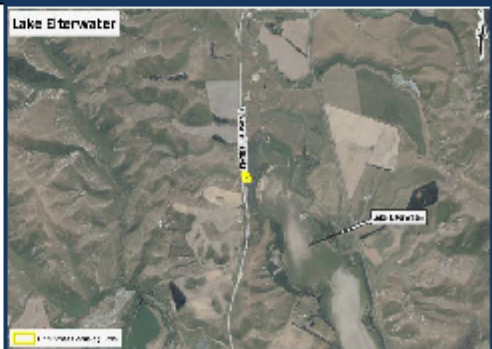
TAYLOR DAM RESERVE UPPER LEVEL RESTRICTED AREA	
Description The Taylor Dam Reserve Upper Level is located off Taylor Pass Road approximately 7 kms south of Blenheim. The responsible camping area at the Taylor Dam Reserve is in the Upper Level of the Reserve – see map below. There is clear signage into the area directing campers to the area allocated for camping.	
Restrictions No person may camp except in the area shown and camping must be in a certified self-contained vehicle. The maximum period anyone can camp in this area is two consecutive nights in any four-week period. The maximum period of stay anyone can camp in this area is two nights in any four-week period, irrespective whether the nights are consecutive or not. Vehicle numbers are limited to 10 vehicles.	Camping Area 


RENWICK DOG PARK RESTRICTED AREA	
Description The Renwick Dog Park Restricted Area is located at the intersection of State Highway 6 and Foxes Island Road. The responsible camping area is in the south west corner of the site.	
Restrictions No person may camp except in the area shown and camping must be in a certified self-contained vehicle. The maximum period anyone can camp in this area is one night in any four-week period. Vehicle numbers are limited to 5 vehicles.	Camping Area 


RENWICK DOMAIN CAR PARK RESTRICTED AREA	
<p>Description</p> <p>The Renwick Domain Carpark is located in Uxbridge Street, Renwick. The responsible camping area at the Renwick Domain Carpark is located in an area allocated within the centre car parking area, near the Renwick Domain Skate Park.</p> <p>There is clear signage into the area directing campers to the area allocated for camping.</p>	
<p>Restrictions</p> <p>No person may camp except in the area shown and camping must be in a certified self-contained vehicle.</p> <p>The maximum period anyone can camp in this area is two consecutive nights in any four-week period.</p> <p>The maximum period of stay anyone can camp in this area is two nights in any four-week period, irrespective whether the nights are consecutive or not.</p> <p>The maximum number of spaces available for camping is 20.</p> <p>There is to be no washing hung outside of the vehicle and there is to be no cooking outside of the vehicle.</p> <p>Responsible camping is limited to between the hours 6.00 pm - 9.00 am.</p>	<p>Camping Area</p>  <p>Renwick Domain Carpark</p>


WYNEN STREET CAR PARK RESTRICTED AREA	
<p>Description</p> <p>The responsible camping area at the Wynen Street carpark is centrally located in Blenheim (between Symons Street to the east and Market Street to the west).</p>	
<p>Restrictions</p> <p>No person may camp except in the area shown and camping must be in a certified self-contained vehicle.</p> <p>The maximum period anyone can camp in this area is two consecutive nights in any four-week period.</p> <p>The maximum period of stay anyone can camp in this area is two nights in any four-week period, irrespective whether the nights are consecutive or not.</p> <p>There is to be no washing hung outside of the vehicle and there is to be no cooking outside of the vehicle.</p> <p>Responsible camping is limited to between the hours 6.00 pm - 9.00 am.</p>	<p>Camping Area</p>  <p>Wynen Street Carpark</p>


LANSDOWNE PARK CAR PARK RESTRICTED AREA	
<p>Description</p> <p>Lansdowne Park is located on the north east side of Blenheim. The responsible camping area at the Park is in the south west corner of the main carpark.</p>	
<p>Restrictions</p> <p>No person may camp except in the area shown and camping must be in a certified self-contained vehicle.</p> <p>The maximum period anyone can camp in this area is one night (Monday to Thursday inclusive) in any four-week period.</p> <p>The maximum number of spaces available for camping is 4.</p>	<p>Camping Area</p> 

LAKE ELTERWATER RESTRICTED AREA	
<p>Description</p> <p>Lake Elterwater Road Reserve is an area of legal road located approximately three kilometres north of Ward Township, adjacent to and to the east of State Highway 1.</p>	
<p>Restrictions</p> <p>No person may camp except in the area shown and camping must be in a certified self-contained vehicle.</p> <p>The maximum period anyone can camp in this area is two consecutive nights in any four-week period.</p> <p>The maximum period of stay anyone can camp in this area is two nights in any four-week period, irrespective whether the nights are consecutive or not.</p>	<p>Camping Area</p> 

BLAIRICH RESERVE RESTRICTED AREA	
Description Blairich Reserve is located approximately 12 kilometres north and west of Seddon, adjacent to the Awatere Valley Road.	
Restrictions No person may camp except in the area shown and camping must be in a certified self-contained vehicle. Camping in a tent is allowed at the Reserve for cyclists using the Awatere Valley Road. The maximum period anyone can freedom camp in this area is two consecutive nights in any four-week period. The maximum period of stay anyone can camp in this area is two nights in any four-week period, irrespective whether the nights are consecutive or not.	Camping Area 





OPOURI ROAD (ADJACENT TO CARLUKE DOMAIN) RESTRICTED AREA	
Description Opouri Road is located to the northeast of the Rai Valley Township, off Ronga Road. The area for camping is adjacent to the Carluke Domain.	
Restrictions No person may camp except in the area shown and camping must be in a certified self-contained vehicle. The maximum period anyone can camp in this area is two consecutive nights in any four-week period. The maximum period of stay anyone can camp in this area is two nights in any four-week period, irrespective whether the nights are consecutive or not. Vehicle numbers are limited to 8. The camping area will be closed for camping when significant events are carried out on Carluke Domain. No water from the community hall supply is to be used for topping off water tanks in camping vehicles.	Camping Area 




ALFRED STREAM RESERVE RESTRICTED AREA	
<p>Description</p> <p>The Alfred Stream Reserve restricted area is a small rural reserve located near the south western entrance to the Rai Valley Township. It is a Local Purpose (Picnic Area) Reserve described as Lot 1 DP 366864.</p>	
<p>Restrictions</p> <p>No person may camp except in the area shown and camping must be in a certified self-contained vehicle.</p> <p>The maximum period anyone can camp in this area is one night in any four-week period.</p> <p>Vehicle numbers are limited to 5</p>	<p>Camping Area</p> 





WASH BRIDGE RECREATION RESERVE RESTRICTED AREA	
<p>Description</p> <p>The Wash Bridge Recreation Reserve is located adjacent to State Highway 63 in the westernmost part of the Marlborough District. The camping area is located on the upper terrace.</p>	
<p>Restrictions</p> <p>No person may camp except in the area shown and camping must be in a certified self-contained vehicle.</p> <p>The maximum period anyone can freedom camp in this area is two consecutive nights in any four-week period.</p> <p>The maximum period of stay anyone can camp in this area is two nights in any four-week period, irrespective whether the nights are consecutive or not.</p>	<p>Camping Area</p> 


Schedule 2 – Areas prohibited for freedom camping

No person may responsibly camp in the following areas that have been identified as a Prohibited Area. This Schedule includes descriptions and maps indicating where camping is prohibited; if there is any conflict between the description and the map, the description of the Prohibited Areas will prevail.



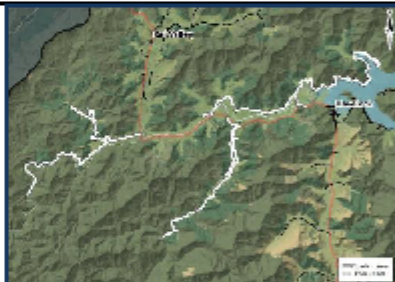

MARLBOROUGH SOUNDS	
Description	Location
<p><i>D'Urville Island/Rangitoto ki te Tonga Prohibited Area</i> D'Urville Island/Rangitoto ki te Tonga is located in the north western part of the Marlborough Sounds. The prohibited area includes both the formed road and legal road on Main Road D'Urville Island, Greville Harbour Road, Kupe Road, Woodmans Road, Port Hardy Road, Waitai Road, Patuki Road and Waiau Bay Road. Also included is the parking area adjacent to the Kapowai Wharf and the Local Purpose Reserve (Lot 5 DP 19808) extending along the foreshore adjacent to the Kapowai Wharf.</p>	
<p><i>French Pass Township Prohibited Area</i> The French Pass Township Area is located in Elmslie Bay off the Croisilles French Pass Road in the outer Pelorus Sound. The prohibited area includes both the formed road and legal road on the Croisilles French Pass Road, including parking areas adjacent to the launching ramp and wharf, to the community hall on Local Purpose Reserve (Pt Sec 3 DP 3973 Blk V French Pass Survey District) and the foreshore.</p>	
<p><i>French Pass Roads Prohibited Area</i> The French Pass Roads prohibited area encompasses the Croisilles French Pass Road, Te Towaka-Port Ligar Road, Waitata Road, Bulwer Road (and the roads of the Bulwer township), Te Towaka Road, Cissy Bay Road and Township, Cissy Bay Recreation Reserve (Lot 21 D P 6623), Bill Bryants Road, Elaine Bay Road and Township, Tennyson Inlet Road, Duncan Bay Road and Township (and the foreshore area adjacent to the launching ramp and jetty), Archers Road, Penzance Bay Township (including Kamahi Road through to World's End) and Croisilles Road. The French Pass Roads Area includes the formed road and legal road.</p>	
<p><i>Okiwi Bay Township Prohibited Area</i> Okiwi Bay is located in the western part of the Marlborough Sounds accessed from State Highway 6 near Rai Valley. The Okiwi Bay Township prohibited area includes the following roads (both the formed road and legal road): Croisilles, Wharf Road, Hope Drive, Soucis Lane, Renata Road, The Esplanade, The Parade, Karepa Crescent, Harbour View Road, Okiwi Crescent, Old Mill Road, Orchard Lane, Field Terrace, Ruataniwha Place and Croisilles French Pass Road. The prohibited area also includes areas of Council owned land and Council owned or administered reserve.</p> <ul style="list-style-type: none"> • Lot 6 DP 4439 Blk X Whangamoia Survey District – Local Purpose (Utility) Reserve (known as Tunnicliffe Reserve) • Lot 1 DP 5012 Blk X Whangamoia Survey District – Recreation Reserve • Lot 2DP 499708 • Sec 1 SO 398478 	



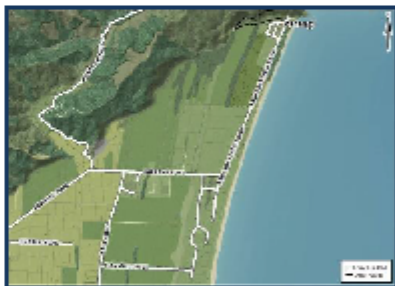
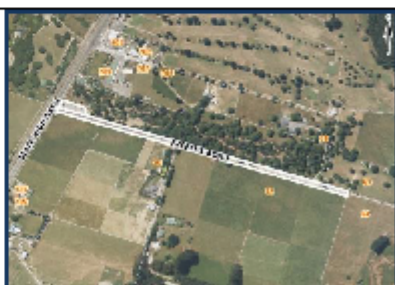
MARLBOROUGH SOUNDS	
Description	Location
<p><i>Havelock Urban Prohibited Area</i></p> <p>The Havelock Urban prohibited area encompasses the roads (both formed and legal road) in the area south of Mahakipawa Road across the estuary to the port/marina through to Cook Street then to the intersection with State Highway 6, then following the bush line back to Mahakipawa Road and State Highway 6. The prohibited area also includes areas of Council owned land and Council owned or administered reserve including Section 1 SO 5886 and Section 233 SO 4502 Town of Havelock Section 33 and Part Section 34 Town of Havelock – being land comprising Havelock War Memorial Park, commonly referred to as Havelock Domain.</p>	
<p><i>Queen Charlotte Drive Prohibited Area</i></p> <p>Queen Charlotte Drive prohibited area includes all areas of the legal road between State Highway 6 at Havelock to the Picton Urban Prohibited Area including all formed road, road reserve, road verges and the Queen Charlotte Drive Lookout. It also includes Moenui Road, Pukenui Road, Belvue Bay Road, Te Puia Heights, Cullensville Road, Phillips Road, Manuka Drive and Brough Place. The prohibited area also includes:</p> <ul style="list-style-type: none"> • Sec 3 of 15 Blk X Linkwater Survey District (Linkwater Hall) • Esplanade reserves adjacent to Manuka Drive • SO 5582 Reclamation Blk IX Linkwater Survey District • Parking area adjacent to Grove Wharf 	
<p><i>Kenepuru Sound Roads Prohibited Area</i></p> <p>This Kenepuru Sound Roads prohibited area covers all roads servicing Kenepuru Sound north from Queen Charlotte Drive at Linkwater and includes all formed road, road reserve, road verges and accessways. These roads are:</p> <p>Kenepuru Road, Moetapu Bay Road, Mahau Road, Broughton Bay Road, Te Mahia Road, Tara Bay Road, Lawrence Road, Torea Road, Onahau Road, Sandy Bay Road, St Omer Road, Crail Bay Road, Elie Bay Road, Hopai Road, Manaroa Road, Clova Bay Road, Totaranui Road, Titirangi Road, Williams Road, Akerbloms Road, Anakoha Road, Masons Road, Kinders Road.</p> <p>Also included in the prohibited area are:</p> <ul style="list-style-type: none"> • Accessways to the foreshore from Kenepuru Road at Moetapu Bay and north of Ohingaroa Bay • Reclamation Block IV Linkwater Survey District – Reserve for Parking Purposes (Te Mahia road end) • Lot 4 DP 8235 Blk VI Gore Survey District – Local Purpose Esplanade Reserve, Kenepuru Head • Sec 31 Blk I Gore Survey District – Local Purpose Reserve (site for a Public Hall, Waitaria Bay) • Lot 2 DP 7098 BLK II Orieri Survey District – Esplanade Reserve • Lot 12 DP 2899 Elie Bay 	



MARLBOROUGH SOUNDS	
Description	Location
<p>Double Bay Reserve Prohibited Area</p> <p>Double Bay is a small coastal reserve, being Lot 4 DP5720 Local Purpose (Recreation), accessed via a driveway from Moetapu Bay Road, off Kenepuru Road. All parts of the Reserve including the entrance road form part of the prohibited area.</p>	
<p>Ohingaroa Bay Reserve Prohibited Area</p> <p>Ohingaroa Bay Reserve is a coastal reserve located between the coastal marine area (sea) and Kenepuru Road approximately 7 kilometres from Linkwater. The prohibited area comprises two parcels of land being Lot 16 DP 7670 and Lot 4 DP 8447 Blk VI Linkwater Survey District, Local Purpose (Esplanade) Reserve.</p>	
<p>Anakiwa Road, Reserves and Village Green Prohibited Area</p> <p>The Anakiwa Roads, Reserves and Village Green prohibited area includes all formed road, road reserve and road verges from the turn off at Queen Charlotte Drive through to the Anakiwa Road end. It also includes Tirimoana Terrace, Ōkiwa Place, Oliver Place, Thompson Place and Lady Cobham Drive, the foreshore areas adjacent to Tirimoana Terrace and the Cobham Outward Bound School, and the reserves collectively known as Tirimoana Reserve (off Tirimoana Terrace and Thompson Place) as follows:</p> <ul style="list-style-type: none"> • Lot 13 DP 3180 – Recreation Reserve • Lot 14 DP 3180 – Local Purpose (Esplanade) Reserve • Lot 51 DP 5718 – Local Purpose (Esplanade) Reserve • Lot 52 and 53 DP 5718 – Local Purpose (Public Utility) Reserve • Lot 54 DP 5718 – Local Purpose Reserve 	
<p>Picton Urban Prohibited Area</p> <p>The Picton Urban prohibited area encompasses the Elevation, Wairau Road, Essons Valley, following the bush line through to and including Boons Valley Road, Waikawa Bay and Victoria Domain through to Shelly Beach, Picton Foreshore through to the Picton Cemetery at Gravesend Place and back to Wairau Road. The prohibited area includes the roads (both formed and legal road), Council owned land and Council owned or administered reserve.</p>	





MARLBOROUGH SOUNDS	
Description	Location
<p><i>Port Underwood Prohibited Area</i></p> <p>The Port Underwood prohibited area includes the Port Underwood Road that runs from Waikawa Bay to Rarangi along the western side of the Port and Tumbledown Bay Road which runs around the head of Port Underwood and down its eastern shore. The prohibited area includes both the formed road and legal road and the following reserves:</p> <ul style="list-style-type: none"> • Lot 3 DP 2557 Local Purpose (Esplanade) Reserve – Opihi Bay • Lot 4 DP 5440 Local Purpose (Esplanade) Reserve – Whangataura Bay • Lots 5 and 6 DP 9787 Local Purpose Reserve – Hakahaka Bay • Section 27 Block XII Arapawa Survey District, Local Purpose Reserve – Oyster Bay • Lot 11 DP 496158, Te Tio Terrace • Lot 3 DP 3466 Vested as Esplanade Reserve and Lot 2 Local Purpose (Esplanade) Reserve – Ocean Bay 	 <p>The map shows the Marlborough Sounds region with a white outline highlighting the Port Underwood area. A legend in the bottom right corner identifies the white outline as the 'Prohibited Area'.</p>





NORTH MARLBOROUGH	
Description	Location
<p>Brown River Prohibited Area</p> <p>The Brown River prohibited area sits adjacent to the Rai River and is located close to the French Pass Road turn-off from State Highway 8, just north of the Rai Valley Township.</p>	
<p>Rai Valley Prohibited Area</p> <p>The Rai Valley prohibited area includes Rai Valley Township, (including Bryants Road and Robertson Mill Place), Ronga Road, Opouri Road, Tunakino Valley Road, Staghorn Road, Kaiuma Road, Tennyson Inlet Road, Tunapai Road, Carluke Road, Rimu Gully Road, Bulford Road, Hills Road and Heberds Road. The prohibited area also includes Lot 20 DP 403493 Rai Stream Recreation Reserve. (Note an area of Opouri Road adjacent to the Carluke Domain has been included as a restricted camping area.)</p>	
<p>Te Hoiere/Pelorus Valley Prohibited Area</p> <p>Te Hoiere/Pelorus Valley prohibited area includes Maungatapu Road, Tinline Road, Mount Richmond Road, Reserve Road, Te Hora Pa Road, Tapps Road, Wakamarina Road, Healys Road, Greig Lane, Rush Lane, Taylors Road, Daltons Road, Kaiuma Bay Road, Te Hoiere Road, Kuia Drive, Orapito Road, Tai Close and Toki Place. The prohibited area includes both the formed road and legal road.</p>	
<p>Kaituna Valley and Northbank Valleys Prohibited Area</p> <p>The Kaituna Valley and Northbank Valleys prohibited area includes the following roads off State Highway 8: Readers Road, Douslins Gully Road, Prices Road, Twidles Road, Long Valley Road, Norths Road, Kenningtons Road, Mt Riley Road, Camerons Road, Leslies Road, Lamberts Road and Mahers Road. It also includes the Onamalutu Valley Roads, Bartletts Creek Road, Fabians Valley Road, Pine Valley Road, Cat Creek Road, Te Rou Road, Top Valley Road, Northbank Road and Goulter Road.</p>	



NORTH MARLBOROUGH	
Description	Location
<p>Brown River Prohibited Area</p> <p>The Brown River prohibited area sits adjacent to the Rai River and is located close to the French Pass Road turn-off from State Highway 8, just north of the Rai Valley Township.</p>	
<p>Rai Valley Prohibited Area</p> <p>The Rai Valley prohibited area includes Rai Valley Township, (including Bryants Road and Robertson Mill Place), Ronga Road, Opouri Road, Tunakino Valley Road, Staghorn Road, Kaiuma Road, Tennyson Inlet Road, Tunapai Road, Carluke Road, Rimu Gully Road, Bulford Road, Hills Road and Heberds Road. The prohibited area also includes Lot 20 DP 403493 Rai Stream Recreation Reserve. (Note an area of Opouri Road adjacent to the Carluke Domain has been included as a restricted camping area.)</p>	
<p>Te Hoiere/Pelorus Valley Prohibited Area</p> <p>Te Hoiere/Pelorus Valley prohibited area includes Maungatapu Road, Tinline Road, Mount Richmond Road, Reserve Road, Te Hora Pa Road, Tapps Road, Wakamarina Road, Healys Road, Greig Lane, Rush Lane, Taylors Road, Daltons Road, Kaiuma Bay Road, Te Hoiere Road, Kuia Drive, Orapito Road, Tai Close and Toki Place. The prohibited area includes both the formed road and legal road.</p>	
<p>Kaituna Valley and Northbank Valleys Prohibited Area</p> <p>The Kaituna Valley and Northbank Valleys prohibited area includes the following roads off State Highway 8: Readers Road, Douslins Gully Road, Prices Road, Twidles Road, Long Valley Road, Norths Road, Kenningtons Road, Mt Riley Road, Camerons Road, Leslies Road, Lamberts Road and Mahers Road. It also includes the Onamalutu Valley Roads, Bartletts Creek Road, Fabians Valley Road, Pine Valley Road, Cat Creek Road, Te Rou Road, Top Valley Road, Northbank Road and Goulter Road.</p>	


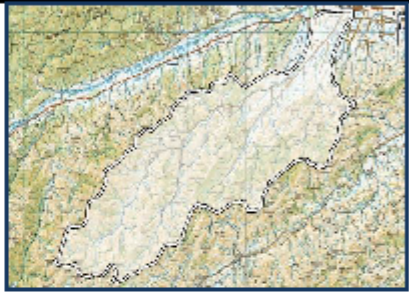

NORTH MARLBOROUGH	
Description	Location
<p><i>Koromiko, Para and Tua Marina Prohibited Area</i> The Koromiko, Para and Tua Marina prohibited area includes Lindens Road, Factory Road, Hawker Lane, Sirocco Lane, Station Road, Speeds Road, Speeds Road South, Para Road, Kaituna-Tua Marina Road, Gibsons Road, Waikakaho Road, Tua Marina Township (including Parkes Road, Bush Road, Wakefield Street, England Street, Pioneer Place, Cotterill Street, Campbell Road), Hunter Road, Blind Creek Road, Pembers Road, Tarrants Road, Thomas Road, Neal Road, Flaxmill Drive, Pukaka Road, Rarangi Road, Rarangi Beach Road, Rarangi settlements (including Isobel Place, Beatrice Street, Hinepango Drive, Bay End, Pipitea Drive, Ocean View Crescent, Edgewater Place, Woolleys Crossing, Shoreline Place, Karaka Street, Miro Street, Ngaio Street, Titoki Street)</p> <p>Other land included in this prohibited area is Part Section 119, Village of Tua Marina, Local Purpose Reserve (site for a public hall).</p>	  
<p><i>Koromiko Recreation (Collins Memorial Reserve) and Freeths Road Prohibited Area</i> The Freeths Road and the Koromiko Recreation (Collins Memorial) Reserve prohibited area (being Section 1 of Section 32 Waitohi Registration District) is located adjacent to State Highway 1 at Koromiko, south of Picton.</p>	





NORTH MARLBOROUGH	
Description	Location
<p>Rarangi Blue Gum/Millennium Rock Road Reserve Prohibited Area</p> <p>The Rarangi Blue Gum/Millennium Rock Road Reserve prohibited area is located at the intersection of Rarangi Road and Rarangi Beach Road and adjoins the Department of Conservation Rarangi Recreation Reserve.</p>	
<p>Wairau Diversion Prohibited Area</p> <p>The Wairau Diversion prohibited area is located on the northern side of the lower reach of the Diversion. It is accessed from the intersection of Thomas Road and Neal Road. The Wairau Diversion prohibited area extends from the coast to the eastern boundary of the responsible camping area and from the western boundary of the responsible camping area to Thomas Road and Neal Road.</p>	



WAIRAU PLAINS	
Description	Location
<p>Renwick Urban Prohibited Area</p> <p>The Renwick Urban prohibited area encompasses the area from the intersection of High Street and Old Renwick Road along State Highway 6 through to the north side of State Highway 63 where it intercepts with Anglesea Street to Boyce Street including River Terrace and Terrace Road, from the Terrace Road/Gee Street intersection to Blicks Road, then into Alma Street North to Oudenarde Street across to and including the length of Pak Lims Road and back to the intersection of Old Renwick Road. The prohibited area includes the roads (both formed and legal road) and Council controlled reserve land but excludes an area of Renwick Domain which has been included as a restricted camping area.</p>	
<p>Blenheim Urban Prohibited Area</p> <p>The Blenheim Urban prohibited area encompasses the Southern Wither Hills Farm Park boundary, to the south side of the Co-op Drain to the intersection of Redwood Pass Road and SH 1, from the Riverlands oxidation ponds to the stopbank on the north side of the Ōpaoa (Opawa) River to the bridge at Hammerichs Road, Hammerichs Road to State Highway 6 and east to St Leonards Road, Bells Road to Old Renwick Road, to Aerodrome Road, the area from Middle Renwick Road, Rose Street and Banksia Place to the Westwood shopping complex, New Renwick Road to Aerodrome Road, Green Lane and Rosina Corlett Lane and along the Taylor River through to the Taylor Dam Reserve.</p> <p>The prohibited area includes the roads (both formed and legal road), Council owned land and Council owned or administered reserve, including sports parks, gardens, neighbourhood parks and river reserve. It does not include a part of Wynen Street car park or a part of the Lansdowne Park car park which have been included as restricted camping areas.</p>	
<p>Taylor Dam Reserve Area – lower level Prohibited Area</p> <p>The Taylor Dam Reserve on Taylor Pass Road is located to the south west of Blenheim. The prohibited area includes Sections 9 and 45, Block III, Taylor Pass Survey District – Recreation Reserve being the lower level of the Reserve.</p>	
<p>Wairau Plains Area - east of State Highway 1 Prohibited Area</p> <p>The Wairau Plains Area – east of State Highway 1 prohibited area encompasses the roads (both formed and legal), settlements and Council owned or administered land and reserves south of the Wairau River commencing at the State Highway 1 bridge over the Wairau River, then east along the south side of the River and the Wairau Diversion to the coast, then south along the coast to the mouth of the Wairau River and then west to the boundary of the Blenheim Urban Area where it intersects with State Highway 1 north of Blenheim and then north to State Highway 1 bridge.</p>	

WAIRAU PLAINS	
Description	Location
<p>Ferry Bridge Picnic Area Prohibited Area The Ferry Bridge prohibited area is located on the east side of the Wairau River extending from the Ferry Bridge to the south east along Wairau Bar Road. The land is legal road.</p>	
<p>Grovetown Lagoon Prohibited Area Grovetown Lagoon is an area of restored wetland located east of Grovetown Township along Steam Wharf Road. The prohibited area comprises legal road.</p>	
<p>River Reserve on Steam Wharf Road Prohibited Area The River Reserve on Steam Wharf Road prohibited area (being Lot 3 DP 321467, Local Purposes Reserve (Flood Protection)) is located adjacent to the Wairau Rowing Club premises alongside the Wairau River near Grovetown.</p>	
<p>River Reserve on Jones Road Prohibited Area The River Reserve on Jones Road prohibited area is located adjacent to the Blenheim Rowing Club premises on Jones Road near Grovetown.</p>	

WAIRAU PLAINS	
Description	Location
<p><i>Wairau Plains Area - west of State Highway 1 Prohibited Area</i></p> <p>The Wairau Plains Area – west of State Highway 1 prohibited area encompasses the roads (both formed and legal), settlements and Council owned or administered land and reserves commencing on the south side of the State Highway 1 bridge over the Wairau River, then west along the south side of the River to the confluence with the Waihopai River, along the true right bank of the Waihopai River to State Highway 63, along State Highway 63 to Hawkesbury Road, then south to Dog Point Road, east along New Renwick Road to Bells Road, then following the boundary of the Blenheim Urban Area until it intersects with State Highway 1 north of Blenheim and then north to the State Highway 1 bridge over the Wairau River.</p> <p>The prohibited area excludes an area at the Renwick Dog Park at the State Highway 63/Foxes Island Road intersection which has been included as a restricted camping area.</p>	
<p><i>Upper Spring Creek Reserve Prohibited Area</i></p> <p>The Upper Spring Creek Reserve (Lot 3 DP 11737) prohibited area is located on Rapaura Road approximately 400 metres west from the intersection with State Highway 1, at Spring Creek.</p>	

SOUTHERN, WAIHOPAI AND WAIRAU VALLEYS	
Description	Location
<p><i>Southern Valleys Prohibited Area</i></p> <p>The Southern Valleys prohibited area encompasses the area extending south from the Blenheim Urban Area to the Redwood Pass and Taylor Pass, then west to include the area south of New Renwick Road and Dog Point Road (extending as far as the true right bank of the Omaka River) to include the Benmorven, Brancott and Omaka Valleys. The prohibited area includes roads (both formed and legal), settlements and Council owned or administered land and reserves.</p>	
<p><i>Waihopai Valleys Prohibited Area</i></p> <p>The Waihopai Valley prohibited area extends from west of the true left right bank of the Waihopai River at State Highway 63, along State Highway 63 to Hawkesbury Road, south on Hawkesbury Road to the Omaka River, upstream of the Omaka River and includes the entire Waihopai, Avon and Tynesfield Valleys. The prohibited area includes roads (both formed and legal) and Council owned or administered land and reserves.</p>	
<p><i>Wairau Valley Prohibited Area</i></p> <p>The Wairau Valley prohibited area extends west from the Waihopai River and south of the Wairau River to the Wash Bridge and then west on the north side of the Wash Bridge to the district boundary. The prohibited area includes roads (both formed and legal) extending from State Highway 63, the Wairau Valley Township and Council owned or administered land and reserves.</p> <p>The prohibited area does not include a part of the Wash Bridge Recreation Reserve, which has been included as a restricted camping area.</p>	

SOUTH MARLBOROUGH	
Description	Location
<p><i>Seddon Urban Prohibited Area</i> The Seddon Urban prohibited area encompasses Wakefield Street across State Highway 1 to the intersection of Marama Road and Foster Street then into Foster Street, including Seddon Domain, connecting into Beaumont Street, encompassing Nursery Lane and Nursery Road back to Beaumont Street and across the railway line to Mills Street to the intersection with Fearon Street and along Fearon Street and Marldene Avenue to the intersection with Wakefield Street and Seaview Road.</p>	
<p><i>Awatere Valley Prohibited Area</i> The Awatere Valley prohibited area encompasses the area extending east and west from State Highway 1 north of Kaparu Road and Grassmere Road to south of Redwood Pass and Taylor Pass. The prohibited area includes both formed road and legal road but does not include the Seddon Urban Prohibited Area. The prohibited area does not include a part of the Blairich Recreation Reserve, which has been included as a restricted camping area.</p>	
<p><i>Marfells Beach Road Prohibited Area</i> Marfells Beach Road prohibited area includes the formed road and legal road leading to the camping ground at Marfells Beach, but does not include the camping ground as this is under the control of the Department of Conservation.</p>	
<p><i>Ward Domain Prohibited Area</i> Ward Domain (Sec 10 Blk VI Town Ward - Flaxbourne Recreation Reserve) prohibited area is located off State Highway 1 at the northern end of the Ward Township.</p>	

Description	Location
<p>Ward Roads Prohibited Area</p> <p>The Ward Roads prohibited area includes all roads, both formed and legal (and subsidiary roads), from and including Kaparu Road and Grassmere Road south to the Marlborough District Council boundary. It also includes all roads in the Ward Township but does not include the area of New Zealand Transport Agency controlled road reserve adjacent to Lake Elterwater or an area of Marfell's Beach Road.</p>	
<p>Lake Grassmere to Waima River Coast Prohibited Area</p> <p>The Lake Grassmere to Waima River Coastal prohibited area extends east from Marfell's Beach to Cape Campbell and south to the Waima (Ure) River. It includes legal road and the Ward Beach area.</p>	

8. New Annual Plan Process

(Report prepared by Geoff Blake)

F230-A25-04

Purpose of report

1. To confirm the proposal for engaging on and preparing Council's Annual Plan for 2025-26.

Executive Summary

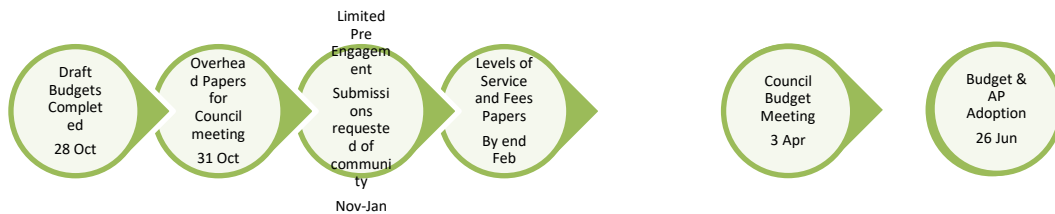
2. With the introduction of a new timeline for preparation of the 2025-26 Annual Plan it is proposed that Council offers a mechanism for the public to provide their feedback into the process.
3. It is proposed to utilise the Dialogue online platform, which is part of Citizen Space, using the Community Outcomes that our Long Term Plan is prepared on as the basis for this engagement.
4. Council will be asking the community for feedback and ideas on these outcomes and for their thoughts on where our focus should be for the coming Annual Plan 2025-26 year.
5. This is a simple and efficient process to capture feedback, assess what is important and then present it to Councillors in a way that avoids duplication of effort.

RECOMMENDATIONS

1. That Council endorse the communications plan as outlined.
2. That Council adopt the concept for community engagement and authorise staff to finalise the development of the process.

Background/Context

6. At the Economic Finance and Community Committee of 15 October 2024 it was agreed that a revised timeline for the preparation of the 2025-26 Annual Plan as depicted below would be introduced.



7. It was further identified in that paper that a communications plan and further detail on the engagement concept would be presented to Council on 31 October 2024.

Assessment/Analysis

8. The objective in introducing this revised process is to allow the time for option identification and analysis in order to deliver efficiencies.
9. Communications Plan
 - 9.1 Council will make use of its print and online communications channels to encourage the community to participate in the engagement process.
 - 9.2 We will promote the opportunity in Council's news pages in the Weekend Express, Marlborough Weekly and Blenheim Sun from mid November to mid January.

- 9.3 Council will also use its Facebook and Instagram pages, Antenno and e-newsletter Marlborough Matters to direct residents to our Have Your Say page on the website and then to the Dialogue platform.
 - 9.4 Please note the Mayor has written to everyone who submitted to this year's Long Term Plan advising them of the proposed new process.
 - 9.5 Regular media releases will be published including reminders to residents to contribute before the closing date. The first media release was published on 23 October (see Attachment 1).
 - 9.6 Customer Services and Libraries staff will be advised of the engagement process and how the Dialogue platform works, and they can be made available to assist residents who need help.
10. Concept for community engagement
 - 10.1 Engagement, proposed over the period 18 November 2024 to 20 January 2025, will primarily be online using part of the Citizen Space platform called Dialogue, which allows for individual feedback and ideas, comments and for voting.
 - 10.2 Council will ask submitters to present and describe an 'idea' that represents the feedback they want to provide to us.
 - 10.3 Feedback will be requested on the basis of the Community Outcomes and Activities provided for in our Long Term Plan.
 - 10.4 A run-through of the Dialogue engagement platform will be provided to Councillors.
 11. Feedback evaluation process
 - 11.1 All 'ideas' will be moderated, during business hours, and categorised into topics, before being released for public visibility.
 - 11.2 Commenting on ideas will not be enabled but voting will be switched on. This will provide an additional level of public engagement and will indicate the level of interest in the idea.
 - 11.3 Councillors and staff will be able to view feedback in real time on the Dialogue platform, once items have been published.
 - 11.4 Once the engagement period is finished an Excel report will be run that will identify ideas by topic. This report will be circulated to managers for comment and analysis.
 - 11.5 A workshop where the analysis is presented to Council for guidance/direction on ideas to be further developed.
 - 11.6 Based on feedback and subsequent assessment, managers will determine if a Level of Service paper is warranted for the suggestion for the budget meeting which will now be in April 2025.

Advantages

12. Public feedback is captured centrally and efficiently.
13. Further engagement in the form of voting on ideas/topics may add depth to the proposals.
14. The process is simple and requires little duplication of effort internally.

Disadvantages

15. Residents, Councillors and staff will need to adapt to a new method of engagement that is different to the traditional, formal consultation process.

Next steps

16. Further communications in line with this plan is released.
17. The Dialogue platform development continues including further testing, including of the back end analysis and moderation.
18. Engagement will go live on 18 November.

19. Finalise the process for the development of the Annual Plan for 2025-26.

Author	Geoff Blake, Chief Financial Officer
Authoriser	John Boswell, Chief Executive

9. Local Water Done Well

(Mayor) (Report prepared by Geoff Blake and Richard Coningham)

D050-007-001-01

Purpose of Report

1. To update the Council on progress with the Government's water reforms entitled Local Water Done Well (LWDW); and
2. To obtain Council's approval on how Council staff approach implementing the LWDW reforms in the development of its Water Services Delivery Plan (WSDP); and
3. To approve working with neighbouring Councils on both the technical aspects and service delivery options with the aim of providing the necessary supporting information to facilitate further decision making by each council on respective involvement in the composition of a water organisation or separate water entities.

Executive Summary

4. With the passing of the Local Government (Water Services Preliminary Arrangement) Act 2024, Council is now required to develop a Water Services Delivery Plan within the next 12 months. Part of this process will involve discussions and collaborating with our neighbouring Councils to evaluate options for Water Services Delivery moving forward for the region.
-

RECOMMENDATIONS

1. **That Council receives the Local Water Done Well Update report; and**
 2. **That Council notes that the Local Government (Water Services Preliminary Arrangements) Act 2024 was enacted on Monday 2 September 2024 and that the Council's Water Services Delivery Plan must be approved by 2 September 2025 (12 months after enactment); and**
 3. **That Council approves collaborating with neighbouring councils on both the technical aspects, and service delivery options to enable each neighbouring council to make their own decision on whether to combine resources into a single water organisation or to form their own individual water organisation in accordance with the Local Water Done Well legislative requirements; and**
 4. **That Council notes that the Council has funding of \$535k from unspent Three Waters Reform Transition Funding of \$295k plus \$240k reallocated from the Better Off Funding; and**
 5. **That Council notes that the Assets and Services Committee will be updated on progress with the implementation of the Local Waters Done Well programme at each Committee meeting until September 2025.**
-

Background/Context

5. The Government's water reform Local Water Done Well (LWDW) is being implemented in three stages, each with its own piece of legislation.
 - 5.1 Local Government (Water Services Repeal Act 2024) – this was enacted earlier in 2024 and essentially repealed most of the key principles of the previous water services legislation otherwise known as "Affordable Waters".
 - 5.2 Local Government (Water Services Preliminary Arrangements) Act 2024 – this legislation establishes the Local Water Done Well framework and preliminary arrangements for the new water services system. This was enacted on 2 September 2024.
 - 5.3 The Government will introduce a third Local Water Done Well Bill (Local Water Services Bill) in December 2024 that will establish the enduring settings for the new waters services system.
 6. The current Local Government (Water Services Preliminary Arrangements) Act 2024 includes requirements for councils to develop Water Services Delivery Plans (within 12 months of enactment).
-

7. These plans are a way for councils to demonstrate their commitment to deliver water services in a way that:
 - 7.1 Ensures councils meet regulatory quality standards for water services.
 - 7.2 Are financially sustainable for the council:
 - i) The revenue must be sufficient to ensure the council's long-term investment in delivery water services; and
 - ii) The council is financially able to meet all regulatory standards and requirement for the Council's delivery of those water services.
 - 7.3 Ensures the council will meet all drinking water quality standards.
 - 7.4 Supports the council's housing growth and urban development.
 - 7.5 Plans are required for all Three Waters networks, Water, Wastewater and Stormwater.
 - 7.6 Must demonstrate how revenues from, and delivery of, water services will be separated from council's other functions and activities ("ring-fenced").
8. The Local Water Done Well Bill (Local Water Services Bill) to be introduced in December 2024 is likely to include for the delivery model chosen:
 - 8.1 Will be subject to economic, environmental and water and waste water quality regulation.
 - 8.2 Will be subject to a new planning and accountability framework for water services, including the need to produce stand-alone financial statements for water supply, wastewater and stormwater.
 - 8.3 Must be financially sustainable.
 - 8.4 Must act consistently with statutory objectives.
 - 8.5 Will be subject to restrictions against privatisation.
9. The Department of Internal Affairs (DIA) has issued several factsheets describing what is intended to be in this Local Government Water Services Bill which are available on the DIA website. Examples of these factsheets include:

WATER SERVICE DELIVERY MODELS: GUIDANCE FOR LOCAL AUTHORITIES

1. This guidance document focuses on the service delivery models and arrangements that will be available to the Council to deliver its water services. It provides further detail on proposals to expand the range of service delivery models available to the Council, including by providing for new, financially separate water organisations that the Council (and a consumer trust) can own.
2. In this guidance, the term '**water services provider**' means all forms of local government provider, and includes councils that continue with direct (in-house) delivery as well as new water organisations. The term '**water organisation**' refers only to separate organisations that a council may establish to provide water services and does not include councils with direct (in-house) delivery.
3. This guidance has five sections;
 - Section 1: Minimum requirements of all water services providers and requirements for specific delivery models.
 - Section 2: Service delivery models available to councils.
 - Section 3: Governance and accountability arrangements.
 - Section 4: Financing and credit rating implications.
 - Section 5: Other powers and authorities available to water organisations.

FACTSHEET - FINANCING FOR COUNCILS AND WATER ORGANISATIONS

1. The Local Government Funding Agency Limited (LGFA) will support leverage for water organisations up to a level equivalent to 500% of operating revenues subject to water organisations meeting prudent credit criteria. The LGFA will treat borrowing by water organisations as separate from borrowing by a parent council or councils.

2. The Bill(s) clearly promote that councils should consider the benefits of some form of joint arrangement but stress that this is a decision for each council to make.
3. Staff have established a project board to oversee this strategic project.
4. Staff have access to the information gathered during the previous Three Waters reform Transition Programme.

FACTSHEET - PLANNING AND ACCOUNTABILITY FOR LOCAL GOVERNMENT WATER SERVICES

1. This factsheet provides an overview of the new planning and accountability framework for water services and what this means for a council. The new planning framework will help to improve transparency and accountability and support an enhanced focus on water services.
2. The new planning and reporting approach includes three core documents:
 - A statement of expectations, for service delivery arrangements that include separate water organisations (prepared by shareholders).
 - A water services strategy (prepared by water service providers).
 - A water services annual report (prepared by water service providers).
3. Together, these documents form the framework within which each water service provider's strategic and investment priorities, and performance settings, will be developed, explained and reported.

FACTSHEET - FUTURE ARRANGEMENTS FOR STORMWATER

1. This factsheet provides an overview of future arrangements for urban stormwater, and mechanisms to improve the management of overland flow paths and watercourse in urban areas.
2. Councils will retain legal responsibility and control of these services but will have flexibility to choose the arrangements that best suit their circumstances".
3. Councils will be able to:
 - Continue to deliver stormwater services;
 - Contract a new water organisation to deliver aspects of those stormwater services delivery; or
 - Transfer aspects of stormwater service delivery (this might include stormwater network assets) to a water organisation.
4. If councils choose to transfer some or all aspects of the delivery of stormwater services, they will still be responsible for determining the levels of service and performance targets for the delivery of stormwater management services (subject to regulatory requirements and community preferences). They will also be able to continue to recover costs of providing stormwater services that they continue to deliver from ratepayers.
5. The Government is also proposing changes to improve the management of overland flow paths and urban watercourses. The key changes are:
 - Specifying territorial authority and private landowner statutory roles and responsibilities in relation to the management of overland flow paths and urban watercourses.
 - Enabling new planning and regulatory tools – through stormwater network risk management plans and stormwater rules.
 - Enabling territorial authority, regional council, transport corridor managers to agree 'service agreements' to support the integrated management of stormwater networks.

FACTSHEET - ECONOMIC REGULATION AND CONSUMER PROTECTION

1. This factsheet provides an overview of the new economic regulation and consumer protection regime for water services providers under Local Water Done Well. It covers the new tools available to the Commerce Commission for carrying out this new regulatory role.
2. The regime will give New Zealanders peace of mind that revenue collected by local government

water services providers through rates or water charges is being spent on the level of water infrastructure needed.

3. The Commerce Commission will have a range of regulatory tools, including mandatory information disclosure, to promote efficient practices and protections for consumers.

FACTSHEET - DRINKING WATER QUALITY REGULATION

1. This factsheet provides an overview of proposed changes to the drinking water quality regulatory framework. These changes affect drinking water suppliers – regulated by Taumata Arowai under the Water Services Act 2021. This fact sheet also covers changes affecting very small drinking water suppliers, other drinking water suppliers and mixed-use rural water schemes. It also covers changes affecting the approach to applying Te Mana o te Wai.
2. The Government is proposing to reduce the regulatory burden on small suppliers, by excluding ‘shared domestic supplies’ serving 25 consumers or fewer from regulation. This means these suppliers would no longer be required to register with Taumata Arowai or to meet other requirements in the Water Services Act 2021, such as preparing a drinking water safety plan.
3. This proposal focuses on lower risk supplies, including those that supply neighbouring domestic properties (such as where a farm supplies drinking water to a small number of nearby properties). Higher risk community supplies (such as community halls and marae) would not be covered by this exclusion.
4. This approach will help ensure that regulation is proportionate to the risk profile, capacity and complexity of the supply, but does not leave consumers without protection. Taumata Arowai will still have an educational role to support smaller suppliers to deliver safe drinking water.

FACTSHEET - STANDARDS TO HELP REDUCE WATER INFRASTRUCTURE COSTS

1. This factsheet provides an overview of the proposals relating to wastewater environmental performance standards and national engineering design standards.
2. Taumata Arowai is currently developing national wastewater environmental performance standards as part of its responsibilities under the Waters Services Act 2021.
3. These standards will be made for activities associated with wastewater networks, like discharges to land, air or water, biosolids and any other byproducts from wastewater, energy use, and/or waste that is introduced by a third party into a wastewater network (for example, trade waste).
4. The Government is proposing to introduce a mandatory set of national engineering design standards for water services network infrastructure. This would support the Government’s aim to increase standardisation to lower the costs of providing infrastructure.

Assessment/Analysis

10. The Local Water Done Well reforms apply to Marlborough District Council like every other council in the country that manages three waters.
11. The Council has a choice as to whether it goes it alone in implementing the statutory requirements of Local Water Done Well or whether it has preliminary discussions with neighbouring councils who are will to explore the options of a combined water organisation, whatever form that may eventually take.
12. Last year (2023) senior staff from Marlborough District Council, Nelson City Council and Tasman District Council met on several occasions to develop a structure for the then Water Entity G proposal under the previous government’s affordable waters reform. This work ceased when the coalition government was formed in November 2023.
13. Mayor Taylor has had discussions with the Mayors of Nelson, and Tasman. Tasman are open to considering options for working together, even if only to compare the choice of continuing separately or for other options. Tasman have also had discussions with Buller District Council about the potential of working together in the delivery of water services. These conversations have been about where any process might start with no obligation or commitment to any outcome.

14. Within this context, staff are seeking approval from the Council to initiate discussions and collaborate with staff from our neighbouring councils to gather the necessary information to allow each council to determine the viability of forming a combined water organisation or to go alone and establish their own water organisation.
15. It is proposed that these discussions will comprise two parallel tranches of work; firstly, each council develop their own WSDP utilising a pre-agreed template and secondly, develop an understanding of the requirements of a combined WSDP and its associated costs and benefits. These WSDPs should give each council the opportunity to make an informed decision on whether to be part of a combined water organisation or form their own.
16. The working together has benefits with the sharing of knowledge and understanding as the WSDPs are developed. Working together on WSDP format, content and the statutory requirements will also allow staff to gain a sense of the key asset management issues which each council faces.
17. It is intended that each council be kept informed on progress with this initiative at regular intervals. As we move through this collaborative phase it may become necessary that a forum of governance representatives be appointed by the councils to advise and provide feedback. This could comprise a forum of the Mayors from each council involved.
18. The following page outlines the range of service delivery options that the Council can choose from. These models have recently been released by the Department of Internal Affairs (DIA).
19. The preferred delivery model(s) will require specific discussions and decisions by each of the collaborating councils. Leading up to those decisions there will need to be ongoing collaboration at a governance level. This will require progress on the individual WSDPs and a combined WSDP to the point where sufficient information is included to facilitate the necessary decision making around the most appropriate model(s).
20. That decision making will also require each council to undertake the necessary community consultation. Therefore, it is important that the presentation of information within the draft WSDPs to each council is aligned and timely.

Councils can choose from a range of service delivery models

The choices available to councils include:

- whether to deliver water services in-house or establish a water organisation
- whether to deliver services on a stand-alone basis or establish a joint arrangement with other councils
- how to structure ownership and governance arrangements for any water organisation, and
- how to set up water organisations to facilitate access to long-term borrowing for water infrastructure

Councils that already deliver water services via a council-controlled organisation or council-controlled trading organisation will be able to continue to use these arrangements. However, the council-controlled organisation or council-controlled trading organisation will be subject to all of the new statutory requirements that will apply to water organisations and changes are likely to be required to meet these requirements. Councils will be able to design their own alternative delivery arrangements, as long as these arrangements meet the requirements for water service providers.

This guidance provides further detail on the following illustrative examples outlined below. Other delivery models are permissible provided they meet certain minimum requirements or if a council obtains an exemption.

Illustrative examples of service delivery models



21. The Council has not formally progressed with LWDW until the relevant legislation was in place. The Council wanted certainty around what needed to be done before investing in implementing the LWDW legislative requirements.
22. Now that the legislation has been enacted, the content of this report will give the public and the community an understanding of what the Council needs to do and also give some context around likely decisions that the Council will be making during 2025.
23. It is proposed that a Communication and Engagement Plan be developed covering both internal and external communications as we progress the implementation of LWDW.
24. It is recommended that the Assets and Services Committee be updated at each meeting on progress with LWDW.
25. We have two government funds to respond to LWDW requirements.
26. The first is unspent funding of **\$295k** from the final payment to the Council as part of the Three Waters Reform Transition funding.
27. The second is a reallocation of our remaining Better-Off funding comprising **\$240k**. In February 2024 DIA instructed the Council to reallocate any Better Off Funding from non-water related projects to either water related projects or to fund LWDW implementation. Consequently, we confirmed that we had \$240k of non-water related projects that had not been committed to that date.
28. The Council has a total of **\$535k** funding available to implement its statutory responsibilities under LWDW. Staff believe that this is sufficient funding at this stage. However, as the programme progresses staff will constantly review the funding to ensure it remains sufficient. In the unlikely event that additional funding is required, staff will report back to the Council with supporting details and recommendations.
29. The two options that the Council has at this stage, is whether it goes alone and develops its own WSDP or whether it also collaborates with the neighbouring councils who are willing to collaborate and collate the necessary information to enable each council to decide whether to form a combined water organisation or not:

Option		Advantage	Disadvantage
1.	The Council goes alone and develops its own WSDP with the intent of forming its own water organisation.	No need to invest in collaborating with other councils.	The Council will not know whether a combined water organisation will provide wider benefits to the wider region
Option		Advantage	Disadvantage
2.	The Council collaborates with neighbouring councils and develops its own WSDP as well as a combined WSDP to enable each council to determine the benefits or otherwise of forming a joint water organisation.	The Council will have the necessary information to make a decision on whether a combined water organisation will provide wider benefits to the wider region	There are no specific disadvantages other than the increased cost and time to collaborate with other councils.

Next steps

- 30. If approved by Council, initiate discussions with our neighbouring councils:
 - 30.1 It is recommended an initial forum of Mayors, CE's and senior staff is held.
- 31. Develop and execute a programme to procure the external specialist support needed.
- 32. Scope and brief external specialists to work with Council staff in developing its WSDP.
- 33. Formalise our project planning including identification and engagement of key partners.
- 34. Develop and implement an engagement and communication plan.
- 35. Report back to the Assets & Services Committee at each meeting on progress with LWDW.

Author	Geoff Blake, CFO, Richard Coningham, Manager Assets and Services
Authoriser	John Boswell, CEO

Summary of decision-making considerations			
Fit with purpose of local government			
The proposal enables democratic local decision-making and action by, and on behalf of communities and relates to providing a public service and it is considered good-quality and cost effective.			
Fit with Council policies and strategies			
	<i>Contributes</i>	<i>Detracts</i>	<i>Not applicable</i>
LTP / Annual Plan	✓		
Financial Strategy	✓		
Infrastructure Strategy	✓		
Social well-being	✓		
Economic development	✓		
Environment & RMA Plans	✓		
Arts & Culture			✓
3 Waters	✓		
Land transport			✓
Parks and reserves			✓
This proposal contributes to the categories identified above by providing a clear plan moving forward for Three Waters which touches most parts of society			
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			
As explained in the paper above the project has had budget reallocated to it from previous Better Off Funding and Water Transition Funding.			
Significance			
3. The decisions in this report are not considered very significant. This is because it is more focused around the process of developing WSDPs and the opportunity to collaborate with neighbouring councils.			
4. The outcome of the WSDP process and the consequential decisions of the Council will be very significant. This is because of the direct impact on how the Council delivers its 3-waters functions which are listed as strategic Council assets.			
Engagement			
Now that legislation has been passed a communication and engagement plan will be developed as part of the project.			
5. One of the early project inputs will be identifying iwi representatives that can provide the necessary input into the development of the WSDPs and eventually the governance aspects of the water organisation as and when that is being considered.			
Risks: Legal / Health & Safety etc			
The Council will continue to seek advice and reviews of the Water Services legislation. We intend to achieve this by:			
<ul style="list-style-type: none"> • Including our internal legal resources in our LWDW project team; • Engaging external specialist resources to assist in fulfilling the LWDW requirements; • Seeking independent legal advice as and when required. 			
Climate Change Implications			
There are no known climate change implications to this decision.			

10. Valedictory

1. Cllr Arbuckle has indicated he will be resigning after the meeting today. Appropriate recognition of Cllr Arbuckle's service will be made.

11. 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)

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.