
MINUTES
of the
FULL COUNCIL MEETING
held
9.30am, Thursday, 16 November 2017
at
Tasman Council Chamber, 189 Queen Street, Richmond

Present: Mayor R Kempthorne, Councillors T King, P Canton, M Greening, K Maling, D Wensley, D McNamara, A Turley, S Brown, D Ogilvie, T Tuffnell, P Hawkes, P Sangster

In Attendance: Chief Executive (L McKenzie), Executive Assistants (K Redgrove and H Simpson), Corporate Services Manager (M Drummond), Community Development Manager (S Edwards), Strategic Policy Manager (S Flood), Online Communications Officer (B Catley), Community Relations Manager (C Choat).

1 OPENING, WELCOME

2 APOLOGIES AND LEAVE OF ABSENCE

Moved Cr Tuffnell/Cr McNamara
CN17-11-1

That apologies be accepted from Cr S Bryant.

CARRIED

3 PUBLIC FORUM

Ms Glenda Robinson

Ms Robinson gave an account of past investigations on the feasibility of a dam being built. She said past conclusions were that it was not viable and would be vulnerable in an earthquake. She was aggrieved that, since then, millions of dollars of ratepayers' money has been spent on investigating viability of a dam and she questioned the legality of Council's decision-making that supported this spending.

Mr Murray Dawson

Mr Dawson referred to the reports relating to the proposed Waimea Community Dam. He was adamant the information contained in those reports was flawed. He believed the funding model was similarly flawed.

Mr Dawson considered confidence in Council is being eroded and criticised the submission forms that were being used for the current public consultation.

Mr Alan Blackie

Mr Blackie referred to the two decisions that were made to remove the Golden Bay Grandstand and the moratorium to allow alternative plans to be explored and presented. He urged the Councillors to vote for the removal of the Grandstand.

Mr Maxwell Clark

Mr Clark urged Councillors to listen to the community's view on the proposed Waimea Community Dam. He expressed concern that there were many aspects to the project that had not received consideration but were vital for its success should it proceed.

Mr Lew Solomon

Mr Solomon confirmed his interest in the engineering aspects of the proposed Waimea Community Dam. He believed some elements budgeted for the small dam alternative in the project were unnecessary. He referred to existing water capacity and believed that this was affected by leakage that should be remedied by Council. He confirmed he had provided his alternative calculations on the Engineering analysis to Council's Engineering Services Manager.

Mr Robert Chubb

Mr Chubb introduced himself as a ratepayer from Golden Bay and the President of the Takaka Rugby Club. He expressed disappointment at the claims being made via the media about the Golden Bay Grandstand and considered these represented the views of the vocal minority rather than the silent majority. He supported the removal of the Golden Bay Grandstand and explained the Rugby Club have decommissioned their building in good faith, anticipating the future use of the clubrooms at the Golden Bay Shared Recreation Facility (GBSRF).

Mr Brian Nesbitt

Mr Nesbitt introduced himself as a dairy farmer in Golden Bay and explained that generations of his family have resided in that area. He described an active interest in sporting activities and endorsed the Golden Bay Shared Recreation Facility (GBSRF) as an excellent asset for the community.

Mr Nesbitt said that the majority of people in Golden Bay wanted the Grandstand removed. He said there was an ongoing cost to maintain it and he and others would like that money spent in a better way in the community with a focus on its future needs.

Mr Noel Baigent

Mr Baigent confirmed he was not a member of the Golden Bay Grandstand Trust (the Trust) nor was he speaking on their behalf. He considered the Grandstand was a valuable and purposeful building that has historical significance. He believed that Councillors had been swayed by misinformation that had been presented by staff. He described the Grandstand

as having been perfectly functional before the stairs were removed, which was an act authorised by the Council.

Mr Baigent criticised the report from the Chief Executive and described its tone as 'arrogant'. He also mentioned the Golden Bay Agricultural and Pastoral Association was disappointed that there had been no thanks expressed by Council to date for the land that was gifted to allow the better positioning of the netball courts.

Mr Paul Crockford

Mr Crockford described the efforts of the Trust to help facilitate the GBSRF to fully open. He described inconsistent approaches by the Council to the issue and enforcement of consents.

Mr Crockford called for a variation of the GBSRF Consent to enable the public to use the facility while the Grandstand remains in situ. He requested a copy of the original demolition quote from Gibbons.

Cr Tim King on behalf of Mr Mike Kininmonth

Cr King read out an e-mail he had received from Mr Kininmonth that related to the Mapua Waterfront Plan.

He referred to the feedback on the recent survey on the proposals and the subsequent public submissions hearings. He called for further information to be provided to Councillors before they considered the recommendations made by staff.

Mr Kininmonth believed the survey form that was used by Council for the consultation was poorly designed. He suggested that proper legal processes on the consultation had potentially been beached and believed a decision to adopt the recommendations in the report would have a catastrophic effect on the community.

Mayor Kempthorne on behalf of Mr John Wardholmes

Mayor Kempthorne read out a letter received from John Wardholmes who represented the views of Manawhenua ki Mohua Iwi Komiti. This confirmed support for the GBSRF and called for Council to progress forward and enforce the conditions and requirements of the consents to gain full compliance for public use, to ensure the whole facility can be utilised as intended.

4 DEPUTATIONS

Golden Bay Shared Recreation Facility Group (Inc.) (the Group)

Ms Sarah Chapman and Mr Dean Lund spoke on behalf of the Group to a Powerpoint presentation. The presentation demonstrated the diverse use of the GBSRF and the fundraising that was supported by hundreds of people in the local community. Although the new building is not fully open, it is already thriving.

Mr Lund gave a broad summary of the groups, sporting and otherwise, that receive a benefit from use of the facilities. He described the feedback from users as very positive but there had been comments made that the car parking was 'diabolical and dangerous'.

The Group believed the Grandstand seating no longer provided an adequate viewpoint to the main areas of sporting activities. Ms Chapman referred to an alternative proposal for seating, details of which were tabled at the last meeting of Council.

She said that the Trust's conservation plan does not provide for a full restoration at a central location. Further, she did not see how the heritage of the Grandstand will ever be realised.

Ms Chapman concluded that if the Grandstand remains in situ then the amenity of the new Facility will continue to be severely diminished.

Golden Bay Grandstand Community Trust (Inc) (the Trust)

Mr Duncan McKenzie and Mr Ian Bowman presented on behalf of the Trust.

Mr Bowman summarised his qualifications and experience as an architect specialising in the classification and preservation of heritage buildings and the Trust had commissioned him to write a Heritage Plan for the Grandstand.

Mr Bowman believed the Grandstand had considerable heritage value. He explained that a building did not have to be listed by the Heritage Authority in order to score highly on heritage values. The Grandstand scored highly but its relocation would reduce those values.

He took strong exception to the inflated costs that had been quoted for the conservation of building. He told the meeting that engineering report he has seen confirms the Grandstand is not earthquake prone and does not need strengthening. Consequently, Mr Bowman considered the scale of the project to restore the building is small but would take time and money to achieve.

Mr Bowman recommended that the Grandstand be retained. He believed that the GBSRF and the Grandstand, sitting side by side, would complement each other. He reminded Council that they are required under the Resource Management Act to protect historical resources.

Mr McKenzie referred to a past petition and letters/e-mails of support for the retention of the Grandstand.

5. DECLARATIONS OF INTEREST

Cr Maling declared an interest in relation to the Chief Executive's updating report on the proposed Waimea Community Dam and confirmed he would step back from the table and not take part in the discussion or voting during discussions on that item.

Cr Greening, Cr Maling and Cr Sangster declared an interest in the report entitled 'Process for Council Appointed Director to Nelson Airport Limited Board' and agreed they would leave the Chamber for the confidential discussion in relation to that item.

6. LATE ITEMS

Nil.

7. CONFIRMATION OF MINUTES

**Moved Cr Ogilvie/Cr Sangster
CN17-11-2**

That the minutes of the Full Council meeting held on Thursday, 28 September 2017, be confirmed as a true and correct record of the meeting.

CARRIED

**Moved Cr Sangster/Cr Tuffnell
CN17-11-3**

That the minutes of the Full Council meeting held on Thursday, 19 October 2017, be confirmed as a true and correct record of the meeting.

CARRIED

The meeting adjourned for morning tea at 10.46 am and resumed at 11.02 am.

8 REPORTS

8.1 Waimea Community Dam Project Report

Cr Maling stepped away from the table and did not take part in any discussion, debate or voting on this item.

The Chief Executive spoke to his updating report. He explained the key matter needing consideration was a proposed agreement to set up a cost share arrangement (50/50) with Waimea Irrigators Limited (WIL) to continue with the establishment and funding of the Project Office until such time as the proposed Joint Venture was incorporated should the project go ahead. There was also a need to formalise the way in which the workstreams are managed, by constituting a Governance Board and appointing members to that Board.

There was concern expressed at the apparent slippage in the timeline for WIL's actions. The Chief Executive agreed that the timing and outcome of WIL's capital raising was extremely important, both commercially and politically, in the decision to move forward with the project. There must be alignment with WIL's commercial position and Council's decision-making by February 2018.

The Chief Executive confirmed Council will have the preferred candidate for a Project Director referred to them before the appointment is finalised. In addition, and in response to a question on the extent of authority given to the Project Office, he confirmed the decision on the tender process will come back to Council but all other steps leading to that have been delegated.

Councillors agreed a Delegations Register should be prepared to record delegations and budget limits granted to the Project Office. The Chief Executive confirmed the Project Office currently does not have any additional authority to that granted to himself or his staff. He explained that the Heads of Agreement document is designed to set the limits of the decision-making of the Project Governance Board and was considered as a first step through to working with the Project Director on the delegations for the Board for Council's approval.

In response to a request for additional information on the risk from seismic vertical motion, the

Chief Executive set out his understanding. He said he would prompt staff to advise Councillors.

The Corporate Services Manager confirmed that, to date, WIL had paid all invoices due for payment. He had no concerns about their ability to pay future invoices. The Chief Executive clarified that Crown Irrigation Investments Limited were meeting a considerable amount of WIL's current costs from their funds.

The Corporate Services Manager explained to the meeting how the current arrangement on financial management would transition to the Project Office and ultimately to a Joint Venture model.

**Moved Cr Tuffnell/Cr King
CN17-11-4**

That the Full Council

- 1. receives the Waimea Community Dam Project Report RCN17-11-01;**
- 2. authorises the Chief Executive to sign the Variation of Heads of Agreement that appears as an attachment to RCN17-11-01 ; and**
- 3. appoints the Chief Executive and Engineering Services Manager as members of the Project Governance Board.**
- 4. requests that the Chief Executive to report back to the Council meeting on 14 December 2017 with the Project Office Delegation Register, for approval.**

CARRIED

Cr Maling returned to the table.

8.2 Golden Bay Grandstand

The Chief Executive spoke to this report and summarised the reasoning supporting his recommendation.

The Chief Executive explained that a further quotation had been obtained to demolish the parts of the building in the manner that was proposed by the Trust. He believed the increase in the demolition costs was as a result of the change of scope for that work. He recalled too that the original quotation was obtained before the requirement was known that the demolition occur in the manner required by the Archaeological Authority.

Reference was made to how the parking issues adjacent to the GBSRF were still to be resolved. The meeting heard that the need to resolve the parking issues were more as a consequence of Council allowing time for the preparation and review the Trust's restoration proposal.

Cr Sangster referred to the original motion that was passed in July of this year and considered the resolution was constructed in a way that made it difficult for the Trust to comply.

The Chief Executive confirmed there was no issue with the fact the Trust has met its obligations to put forward a proposal before Council within the three months given. He reminded Councillors that they did not have to accept the staff assessment that the proposal does not meet the expectations of what Council should consider a satisfactory preservation and restoration programme.

Cr Sangster made reference to the original consultation process for supporting construction of the GBSRF and, although the proposals included demolition of the adjacent Grandstand, some in the community had not fully understood there would be a lack of provision for viewing of sports and other activities at a mezzanine level. He believed this may in part explain the change of view from the community on the removal of the Grandstand. He also did not accept that there was a lack of parking facilities available with the Grandstand in situ.

Councillors recognised that the decision before them was not an easy one because there will still be dissatisfaction whichever way the voting went. They did agree that the motion before them would provide certainty and a way forward for the community.

Cr Greening moved an amendment that would see the preceding recommendations 1-8 be conditional upon the Trust agreeing to meet the \$73,000 for demolition costs and the Council agreeing to refund those costs if the Trust's proposal for restoration was not accepted. This was considered to be a contradiction to the motion. The Mayor directed that if the current motion was lost then this would be considered as a foreshadowed motion.

Councillors acknowledged that the Trust had worked very hard to produce a proposal and raise funds to support their cause. Some Councillors supporting the motion indicated their regret but explained there must be certainty and a way forward for the community. The way in which the Grandstand is to be demolished meant there would still be the option for it to be rebuilt elsewhere.

**Moved Cr Canton/Cr Brown
CN17-11-5**

That the Full Council

- 1. receives the Golden Bay Grandstand report RCN17-11-02; and**
- 2. receives the Golden Bay Grandstand Community Trust's proposal to retain the Grandstand at the Golden Bay Recreation Park and thanks the Trust for the proposal; and**
- 3. advises the Trust that the proposal does not meet the Council's expectations of a satisfactory preservation and restoration programme; and**
- 4. confirms, as previously resolved by the Full Council on 9 June and 15 December 2016, the decision to remove the grandstand including the associated structures;**
- 5. notes that the removal of the structures will be in accordance with the conditions of the Heritage NZ Archaeological Authority dated 21 November 2016; and**
- 6. agrees that the grandstand roof and other grandstand materials may be made available to the Trust and failing the Trust, to the Golden Bay Shared Recreation Facility Inc, and failing them, to other interested parties, who may wish to salvage and reuse them, subject to the removal being practical, feasible and within the budget provided in resolution 8 below; and**
- 7. delegates to the Chief Executive the task of agreeing the terms upon which the grandstand roof and materials may be made available, such agreement to be concluded and reported to Council on 14 December 2017; and notes that such an agreement should favour reuse of the roof that is in keeping with the history of the building and should include costs, timeframes and storage requirements; and**

- 8. authorises staff to arrange and complete the work to remove the grandstand and to set aside the roof within a budget limit of \$100,000.**

CARRIED

Cr Greening wished his vote against the motion be recorded.

8.5 Report to Adopt the Mapua Waterfront Area Masterplan 2018-2038

The Strategic Policy Manager spoke to the report. She accepted there should be additional information included in the report to include the views of the Mapua Boat Club but explained that during the submission and deliberation process, additional time had been allocated to allow the Club to present their views.

The meeting noted that the most contentious issue was that of the boat ramp. The Strategic Policy Manager confirmed there had been strong feeling either in support or not in support of what had been proposed.

Councillors recognised the large body of work that had been carried out by Council staff on the project and acknowledged the involvement of the iwi representatives in that process.

**Moved Cr King/Cr Ogilvie
CN17-11-6**

That the Full Council

- 1. receives the Report to Adopt the Mapua Waterfront Area Masterplan 2018-2038 RCN17-11-05; and**
- 2. notes the recommendations of the Hearing Panel relating to the Mapua Waterfront Masterplan and submissions on the Options Document, contained in the minutes of the Hearing Panel deliberations held on 24 August 2017 and 4 October 2017; and**
- 3. adopts the Mapua Waterfront Area Masterplan, as contained in Attachment 1, pursuant to Section 76 and 79 of the Local Government Act 2002; and**
- 4. agrees to Cr King and the Chief Executive Officer approving any minor editorial amendments and the professionally designed version of the Mapua Waterfront Area Masterplan prior to publication.**

CARRIED

The meeting broke for lunch at 12.47 pm and resumed at 1.20pm. Cr King did not re-join the meeting at this time.

8.3 Access Restriction - Reilly Street, Takaka

The enforcement of the proposed restricted access was discussed and the extent to which it would act as a deterrent was noted.

The Road Maintenance Programme Leader confirmed that he would undertake further work to look at whether the Reilly Street gate could remain unlocked during certain hours to allow access.

Cr King re-joined the meeting at 1.29pm.

Moved Cr Brown/Cr Canton
CN17-11-7

That the Full Council

- 1. receives the Access Restriction - Reilly Street, Takaka report, RCN-17-11-03; and**
- 2. approves the vehicles restrictions described in Table 1 below; and**

Table 1: Vehicle Restriction Description	
a)	Restrict unauthorised motor vehicles from accessing the unsealed section of Reilly Street Takaka as per Attachment 1.

- 3. agrees that the new restriction will be added to the Traffic Control Devices Register and will be effective from 1 December 2017; and**
- 4. agrees to notify the public of the new movement restrictions in the Council's Newsline as well as on the website.**

Cr Sangster abstained from voting.

CARRIED

8.4 Tasman District Council representative on NRSBU Joint Committee

The Chief Executive spoke to the report. Crs Bryant and McNamara were both nominated. By a show of hands, Cr McNamara was appointed the Tasman District Council representative.

Moved Cr Wensley/Cr Greening
CN17-11-8

That the Full Council

- 1. receives the Tasman District Council representative on NRSBU Joint Committee report RCN17-11-04; and**
- 2. approves the appointment of Councillor McNamara as one of two Tasman District Council representatives on the Nelson Regional Sewerage Business Unit Joint Committee.**

CARRIED

8.6 Māori Representation

The Policy Officer and the Strategic Policy Manager were present to speak to this report.

Councillors acknowledged the feedback received from Ngati Rarua in response to a letter from Mayor Kempthorne and noted that Ngati Rarua were the only one of the nine iwi to respond.

Councillors asked that a letter be sent to all nine Iwi explaining that just one of the nine iwi had responded and explain the time constraints involved in the decision-making process meant there

would not be a Maori ward for the 2019 elections. Discussions with Iwi with a view to revisiting this for the 2022 elections were to be encouraged.

**Moved Cr Sangster/Cr Canton
CN17-11-9**

That the Full Council

- 1. receives the Māori Representation report RCN17-11-06; and**
- 2. resolves not to establish a Māori Ward for the 2019 triennial elections.**

CARRIED

**Moved Cr Wensley/Cr Brown
CN17-11-10**

That the Full Council undertakes a further round of discussion with iwi on whether to establish a Māori Ward for the 2022 and 2025 elections.

CARRIED

8.7 Council Risk Management Policy

**Moved Cr McNamara/Cr Ogilvie
CN17-11-11**

That the Full Council

- 1. receives the Council Risk Management Policy report RCN17-11-07; and**
- 2. adopts the Risk Management Policy contained in Attachment 1 of this report**

CARRIED

8.8 Mayor's and Chief Executive's Joint Activity Report

The Mayor and the Chief Executive spoke to this report.

The differences between the Australasian Government Performance Excellence Programme and the LGNZ CouncilMARK programme were discussed. Councillors considered the merits of undertaking the CouncilMARK programme as part of the LGNZ Excellence Programme.

Councillors heard the estimated cost to undertake this programme was \$30,000 to \$35,000.

The Mayor recommended Crs Tuffnell and Ogilvie be Council's representatives on the Nelson Provincial Museum Working Group and this was accepted

**Moved Cr Greening/Cr King
CN17-11-12**

That the Full Council

- 1. receives the Mayor's and Chief Executive's Joint Activity Report RCN17-11-08; and**
- 2. approves amendment of the Delegation Register to reflect the renaming of 'Coordinator' positions to 'Team Leader' in the Resource Consent Team; and**

3. notes the Council Action Sheet.**CARRIED**

Moved Mayor Kempthorne/Cr Wensley
CN17-11-13

4. agrees to take part on year 3 of LGNZ's CouncilMARK programme; and
By a show of hands, the motion was lost with 5 FOR and 7 AGAINST.

LOST

9 CONFIDENTIAL SESSION**9.1 Procedural motion to exclude the public**

Moved Cr Canton/Cr McNamara
CN17-11-14

That the public be excluded from the following part(s) of the proceedings of this meeting. 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 follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

9.2 Process for Council Appointed Director to Nelson Airport Limited Board

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

9.3 Chief Executive Officer Recruitment Process

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely	s7(2)(i) - The withholding of the information is necessary to	s48(1)(a)

<p>to result in the disclosure of information for which good reason for withholding exists under section 7.</p>	<p>enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>
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CARRIED

The meeting concluded at 3.17 pm.

Date Confirmed:

Chair:

Confirmed