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**MINUTES**  
of the  
**FULL COUNCIL MEETING**  
held  
**9.30 am, Thursday, 23 March 2017**  
at  
**Tasman Council Chamber, 189 Queen Street, Richmond**

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

**In Attendance:** Chief Executive (L McKenzie), Corporate Services Manager (M Drummond), Community Development Manager (S Edwards), Environment and Planning Manager (D Bush-King), Strategic Policy Manager (S Flood), Activity Planning Manager (D Fletcher), Finance Manager (R Holden), Senior Management Accountant (M McGlinchey), Programme Delivery Manager (R McGuigan), Executive Assistant Engineering Services (R Scherer), Executive Assistant (K Redgrove)

**1 OPENING, WELCOME**

**2 APOLOGIES AND LEAVE OF ABSENCE**

**Moved Cr Maling/Cr Canton  
CN17-03-8**

**That apologies for lateness be accepted from Councillor Bryant.**

**CARRIED**

**3 PUBLIC FORUM**

Mr Malcolm Saunders

Mr Saunders spoke to the meeting and referred to the history of the formation of Tasman District Council and significant challenges since then. He congratulated Tasman District Council on their achievements to date.

Ms Penny Griffiths

Ms Griffiths, the Chairperson of the Golden Bay Museum Society, spoke to the meeting and referred to report to be considered today recommending the grant of significant funding to the

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Museum. She acknowledged the proposed funding would make a great difference to the Museum's operational expenditure and confirmed they would be very careful in applying these funds.

Ms Natasha Berkett, Waimea Irrigators Limited (WIL)

Ms Berkett provided the meeting with an update on the survey of landowners. She reported 270 out of 300 responses have indicated they would take shares in the proposed Waimea Dam project. She confirmed WIL's target of 3000 hectares had been reached.

Ms Berkett had concerns that there appeared to be confusion in the minds of water users how the change in the Tasman Resource Management Plan is likely to affect them and hoped this could be addressed by Council.

Mr Maxwell Clark

Mr Clark expressed his concerns that Council were having discussions and making decisions in secret meetings that excluded the public. He considered Council were acting inappropriately by not focussing on their obligations under the Local Government Act 2002. He reminded Council of their statutory duty to consult with the community.

Mr Clark referred to the survey conducted by WIL and believed there was an extreme risk in relying on the information presented because the expressions of interest shown by landowners did not represent legally binding contracts with them. He also referred to the risk involved in building a dam near to two significant fault lines.

Mr Murray Dawson

Mr Dawson wished to raise conflict of interests and referred to Councillor Maling's former directorship and shareholding in Waimea Irrigators Limited. He was concerned that Councillor Maling may have voted on decisions that related to the proposed Waimea Dam during in committee sessions of Council.

Mr Dawson made reference to the other water augmentation options that he considered could be more suitable and believed they should be revisited.

#### **4 DECLARATIONS OF INTEREST**

Councillor Maling confirmed that, before he was sworn in as a Councillor at the October 2016 elections, he had resigned as a director and shareholder of Waimea Irrigators Limited. Due to an administrative oversight, the on-line details had not been updated to reflect that. Councillor Maling emphasised he did not have a conflict of interest in relation to the Waimea Water Augmentation Project but in any event he did not vote on any decision concerning the Waimea Community Dam at the last meeting of Council.

## 5 LATE ITEMS

**Moved Cr Hawkes/Cr Tuffnell**

**That the late item, 9.3 'Council update on Waimea Community Dam Joint Venture Working Group negotiations' be accepted.**

## 6 CONFIRMATION OF MINUTES

**Moved Cr Maling/Cr Tuffnell**

**CN17-03-9**

**That the minutes of the Full Council meeting held on Thursday, 2 March 2017, be confirmed as a true and correct record of the meeting.**

**CARRIED**

## 7 PRESENTATIONS

Nil

## 8 REPORTS

### 8.1 Appointment of Advisers to the Tasman Regional Transport Committee

*Cr Bryant joined the meeting at 10 am.*

The Activity Planning Manager and the Executive Assistant Engineering Services spoke to the report.

Mr Kevin Thompson was put forward as a suitable substitute to be appointed in addition to those nominated. The meeting heard Mr Thompson had a solid engineering background and experience. The Activity Planning Manager explained that although there was no longer any statutory requirement to appoint to this Committee, an additional advisor with extensive knowledge would be useful. He indicated his preference was the resolution remained in the form presented. The option remained for additional advisors to be recommended if there was merit in appointing or replacing those already appointed.

It was agreed to revisit membership when the District Health Board advise who its nominee would be.

**Moved Cr Sangster/Cr Bryant**

**CN17-03-10**

**That the Full Council**

- 1. receives the Appointment of Advisers to the Tasman Regional Transport Committee report RCN17-03-11; and**
- 2. approves the appointment of Jim Harland, Regional Director, South Island as the New Zealand Transport Agency's nominated representative; and**

3. approves the appointment of Karen Lee, Bill Findlater, Donna Smith, Inspector Iain McKenzie and Frank Hippolite as non-voting advisory members of the Tasman Regional Transport Committee for the current triennium;
4. agrees to the payment of \$150 per meeting attendance for the non-voting advisory members of the Tasman Regional Transport Committee.

**CARRIED**

## **8.2 Revised Governance Statement 2017**

**Moved Cr Bryant/Cr Canton  
CN17-03-11**

**That the Full Council:**

1. receives the Revised Governance Statement 2017 RCN17-03-12; and
2. approves the March 2017 Local Governance Statement attached to this report RCN17-03-12; and
3. instructs staff to make the approved March 2017 Local Governance Statement publicly available in accordance with section 40(2) of the Local Government Act 2002 no later than 8 April 2017; and
4. confirms staff be granted the delegated authority to update and amend the Local Governance Statement in response changes to the organisation, legislative authority and obligations and/or resolutions of Council, as appropriate.

**CARRIED**

## **8.3 Chief Executive's Activity Report - March 2017**

**Moved Cr Canton/Cr Maling  
CN17-03-12**

**That the Full Council**

1. receives the Chief Executive's Activity Report - March 2017 report RCN17-03-13; and
2. approves the Chief Executive signing the Notice of Intention to Take under Section 23 of the Public Works Act in relation to land for road at York Place, Richmond in accordance with Part 4, section 147 of the Delegations Register - Statutory Delegations to Staff.

**CARRIED**

#### **8.4 Mapua Waterfront Survey Results**

The Strategic Policy Manager spoke to the report. She confirmed there had been a high response rate, with around 700 people having completed the survey. 63% of those who responded lived locally to Mapua.

#### **Moved Cr Turley/Cr Tuffnell**

**CN17-03-13**

**That the Full Council**

- 1. receives the Mapua Waterfront Survey Results report RCN17-03-14; and**
- 2. notes that the results will be made publicly through our media communication channels.**

**CARRIED**

#### **8.5 Referral Report on Saxton Field Capital Expenditure Programme 2016-17 - Request for Change**

The Community Development Manager spoke to the report and confirmed the subject matter had been considered by the Saxton Field Joint Committee. She explained it was proposed a link road from Champion Road to Saxton Drive was to be built but the budget had been compromised. This meant only part of the proposed link would be built, the balance would be proposed in the Council's Long Term Plan.

She acknowledged an expression of concern that, should the full link be completed, this may become a 'rat run' for traffic.

#### **Moved Cr Canton/Cr Wensley**

**CN17-03-14**

**That the Full Council**

- 1. receives the Referral Report on Capital Expenditure Programme 2016-17 – Request for Change RCN17-03-15; and**
- 2. notes that the amounts in 3 and 4 below have been included in the draft budgets for the Annual Plan 2017/2018; and**
- 3. approves, with respect to project 1044 Saxton Walkways/Cycleways, additional budget of \$19,494 in 2017/18 subject to Nelson City Council passing a similar resolution for its share of the project costs; and**
- 4. approves, with respect to project 2150 Saxton Field Champion Road Entrance, additional budget of \$34,780 in 2017/18 subject to Nelson City Council passing a similar resolution for its share of the costs.**

**CARRIED**

## **8.6 District Museum Funding**

Councillors indicated strong support for the work of the Museums. A change to the source of funds (from that recommended) was noted.

### **Moved Cr Ogilvie/Cr Sangster CN17-03-15**

#### **That the Full Council**

- 1. receives the District Museum Funding report RCN17-03-16; and**
- 2. approves allocation of an extra \$15,000 for Motueka Museum, \$15,000 for Golden Bay Museum and \$3,300 for Murchison Museums for the 2016/2017 financial year; and**
- 3. approves allocation of an extra \$15,000 for Motueka Museum, \$15,000 for Golden Bay Museum and \$3,300 for Murchison Museum for the 2017/2018 financial year; and**
- 4. approves funding for both years from the General Rates Growth Reserve fund of \$40,000, and the Community Development Overhead Reserve fund of \$26,600.**

#### **CARRIED**

*The meeting adjourned at 10.30 am and reconvened at 10.45 am.*

## **8.7 December 2016 Quarterly Financial Update - including End of Year Forecasts**

The Finance Manager spoke to the report, referred to a number of salient points and answered questions of clarification from Councillors.

The meeting heard that debt has reduced in part due to operating surpluses and lower interest rates against borrowing.

The Programme Delivery Manager confirmed his staff were dealing with 45 active capital works projects at present and that the timing of the projects could be challenging.

The Mayor acknowledged the work that had been carried out by staff in relation to debtors.

### **Moved Cr McNamara/Cr Tuffnell CN17-03-16**

- 1. That the Full Council receives the December 2016 Quarterly Financial Update - including End of Year Forecasts Report RCN17-03-17.**

#### **CARRIED**

## **8.8 Treasury Report**

Councillors congratulated staff on the improvement in how debt has tracked in the last few years.

### **Moved Cr Maling/Cr Greening CN17-03-17**

#### **That the Full Council**

- 1. receives the Treasury Report RCN17-03-18.**

**CARRIED**

## **8.9 Corporate Services - Quarterly Report**

The Corporate Services Manager spoke to the report. He updated the meeting on increased staff turnover at Council commenting this was still below the national average, significant staff input in the growth model and also mentioned responsibility for the aerodromes had been shifted across to the Property Team.

The Corporate Services Manager further reported on E-Road, a monitoring software system embedded into all Council vehicles, explaining this was not used as a punitive tool but rather to track staff locations, in terms of ensuring their safety. He advised commercial activities overall continue to operate well and Council Controlled Organisations (CCOs) have performed well. It was acknowledged how well the commercial areas were running, which was a credit to staff, in particular the Commercial Manager.

The Corporate Services Manager clarified and responded to a number of questions on the use of electric vehicles and fleet usage in the future.

The Chief Executive reported on a proposed amalgamation of the Property and Commercial Teams and that this was currently subject to a consultation process. He considered there had previously been a failure to recognise how critical the property work was to Council's business.

### **Moved Cr Maling/Cr Hawkes CN17-03-18**

#### **That the Full Council**

- 1. receives the Corporate Services - Quarterly Report RCN17-03-19; and**
- 2. notes the documents that have been signed under delegation for the period 31 October 2016 to 28 February 2017 as set out in section 7.8**

**CARRIED**

## **8.10 Mayor's Report**

**Moved Mayor Kempthorne/Cr Sangster  
CN17-03-19**

**That the Tasman District Council receives the Mayor's Report RCN17-03-20.**

**CARRIED**

## **8.11 Machinery Resolutions Report**

**Moved Cr McNamara/Cr Bryant  
CN17-03-20**

**That the Tasman District Council**

- 1. receives the Machinery Resolutions report RCN17-03-21 and that the execution of the following documents under the Seal of Council be confirmed:**
  - a) Deed of Renewal of Lease and Renewal of Licence for Armadillos, Richmond – Rent Review, Renewal of Lease and Renewal of Licence.**
  - b) Deed of Surrender of Lease for Overview Ltd - Andrew and Christina Brown have sold their hanger at Motueka Aerodrome to Argus Trust. A new Lease with Argus Trust has been signed and the Browns are surrendering their lease of the hanger.**
  - c) Easement in Gross for Mapua Coastal Village Ltd to Tasman District Council – right to drain water and sewer.**

**CARRIED**

## **8.12 Action Items - Previous Meetings**

**Moved Cr King/Cr Sangster  
CN17-03-21**

**That the Full Council**

- 1. receives the Action Items - Previous Meetings report RCN17-03-22.**

**CARRIED**



### **8.13 National Policy Statement on Urban Development Capacity**

The Co-ordinator Urban and Rural Development spoke to this report and responded to a number of points of clarification raised by Councillors. She confirmed the New Zealand Transport Agency are becoming actively involved in the Growth Management Programme.

**Moved Cr Maling/Cr Turley**

**CN17-03-22**

**That the Full Council**

- 1. receives the National Policy Statement on Urban Development Capacity (NPS-UDC) report RCN17-03-23; and**
- 2. notes that infrastructure projects needed to support residential and business growth in the Activity Management Plans, Long Term Plan and Infrastructure Strategy will be influenced by the capacity requirements undertaken under the NPS-UDC with Nelson City Council.**

**CARRIED**

### **8.14 Waimea Community Dam - Project Report**

Councillor Maling stepped back from the table. He did not take part in the discussion and did not vote on this resolution.

The Chief Executive explained the purpose of the report was to give a brief overview of workstreams. He confirmed private landowners have been advised of Council's decision to compulsorily acquire under the Public Works Act.

It was anticipated an update on negotiated proposed commercial terms will be presented to Council in around six to eight weeks for their consideration and that a consolidated report on the proposed Waimea Dam would not be ready until the middle of this year.

In terms of timing, Council may need to consider the likelihood that a single, rather than a split consultation process would need to be mandated. The Chief Executive reassured Councillors that the results of the WIL survey would be audited as part of the negotiations by the Joint Venture Working Group so that the appointed representatives can consider and report back on what risk attaches to the feedback from landowners.

The Environment and Planning Manager confirmed consent holders have been given a great deal of information around their water supply responsibilities now and into the future. He observed they seem to be struggling with the concept of affiliated and unaffiliated water supply and confirmed information will be disseminated to further clarify their position.

Council acknowledged the difficult decisions that lay ahead of them as the project gains momentum towards being ready for full public consultation. There was concern that the Councillors may have to face any decision they make could be unpopular with the community at large but would have to balance that against the broader, long term benefits to the District.

The Chief Executive appreciated the concern expressed that there is an incremental winding in of Councillors to a situation that they won't be able to extract themselves from. He reaffirmed staff were simply assembling pieces of the complex puzzle that was before them, so the information is ready to present as a whole in a way that can be fully understood by the community. There is no binding commitment until after the public consultation has taken place but there must be a proposal presented to them that Council would be prepared to adopt.

*Councillor Maling left the meeting at 12.30 pm.*

Councillors called for the inclusion of information setting out the alternatives to a dam in any forthcoming consultation process. The Chief Executive confirmed that would be the case, although he envisaged that information would serve to be a reminder of the implications of alternatives to the dam, as those have already been considered through public consultation in late 2014 and as part of the Long Term Plan 2015-2015.

**Moved Cr Brown/Cr King  
CN17-03-23**

**That the Full Council**

- 1. receives the Waimea Community Dam - Project Report report;**

**CARRIED**

*The meeting adjourned for lunch at 12.36 pm.*

## **9 CONFIDENTIAL SESSION**

### **9.1 Procedural motion to exclude the public**

**Moved Cr Hawkes/Cr Tuffnell  
CN17-03-24**

**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:**

#### **1. Offer Back of Land at Port Motueka**

<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interest(s) protected (where applicable)</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
<b>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.</b>	<b>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege.</b>	<b>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</b>

	s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	reason for withholding exists under section 7.
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## 2. Remuneration of Independent Member to Nelson Regional Sewerage Business Unit

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.

## 3. Council Update on Waimea Community Dam Joint Venture Working Party Negotiations

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)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	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.

**CARRIED**

The meeting concluded at 3.31 pm.

Date Confirmed:

Chair: