
MINUTES
of the
FULL COUNCIL MEETING
held
9.30 am, Thursday, 11 May 2017
at
Tasman Council Chamber, 189 Queen Street, Richmond

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

In Attendance: Chief Executive (L McKenzie), Executive Assistants (H Simpson and K Redgrove)

Part Attendance: Utilities Manager (M Schruer), Technical Officer – Transportation (K Hobday), Transportation Manager (J McPherson), Executive Assistant – Engineering Services (R Scherer), Senior Property Officer (R Cant), Finance Manager (R Holden), Revenue Accountant (K Kivimaa-Schouten), Environment and Planning Manager (D Bush-King), Corporate Services Manager (M Drummond)

1 OPENING, WELCOME

2 APOLOGIES AND LEAVE OF ABSENCE

Moved Cr Maling/Cr Brown
CN17-05-1

That apologies be accepted for absence from Cr Tuffnell and for lateness from Crs King and Turley.

CARRIED

3 PUBLIC FORUM

Ray Hellyer spoke to the meeting about the condition of Driver's Road. Mr Hellyer said that Driver's Road was an unmaintained Council road and explained that there was a lip at the side

with a deep ditch, which made it difficult for residents to put their rubbish and recycling bins at the edge of the road. Mr Hellyer requested that some action be taken by Council to improve the condition of this road. The Chief Executive advised that Mr Hellyer's request had been noted and would be logged as a Service Request.

Maxwell Clark spoke about the Waimea Community Dam. Mr Clark suggested that Councillors should publicly declare any conflicts of interest they might have.

Murray Dawson tabled a report he had written regarding the Waimea Community Dam. He requested a meeting with Councillors to discuss his report.

4 DECLARATIONS OF INTEREST

Nil

5 LATE ITEMS

Nil

6 CONFIRMATION OF MINUTES

**Moved Cr McNamara/Cr Canton
CN17-05-2**

That the minutes of the Full Council meeting held on Thursday, 23 March 2017 and the minutes of the Full Council meeting held on Thursday, 13 April 2017, be confirmed as a true and correct record of the meeting.

CARRIED

The Mayor welcomed Utilities Manager, Mike Schruer to the table. Mr Schruer advised Councillors that the Mapua School had been closed this morning due to another sewage overflow. He said that the overflow was a result of the recent heavy rainfall, which exceeded the capacity of the current stormwater and wastewater systems. Mr Schruer also said that there appeared to be infiltration inflow issues in new developments in the Mapua area, which should not be occurring. Councillors noted that staff were on site to identify a solution.

Mr Schruer explained that staff would be bringing a report to the Engineering Services Committee on 29 June with options to address the water supply issues in Mapua.

Cr King joined the meeting at 9.49am.

Notice of Motion presented by Cr Ogilvie:

Cr Ogilvie presented a Notice of Motion relating to the stormwater project for Poole Street, Motueka. Cr Ogilvie said he felt that the project was of a higher significance than had previously been identified and as such, he requested that Council bring the completion date for the project forward.

Councillors discussed whether additional information was needed in the form of a report from staff and whether this report was a matter for the Full Council or the Engineering Services Committee to consider. In response to a question, the Chief Executive advised Councillors that there was no time limit before this matter could be raised again.

The process for dealing with stormwater issues across the District was discussed. Councillors generally agreed that staff should provide a report which looked not only at the funding available but included all of the issues in this location and took into account stormwater issues across the District and their order of priority.

Moved Cr Ogilvie / Canton

That the Full Council

- 1. approves the Engineering Services Department proceeding from May 2017, with the “Poole Street” stormwater project; and**
- 2. accepts that the project includes reviewing the existing design, seeking tenders and engaging the successful contractor to complete the project by 1 July, 2018; and**
- 3. agrees that funding for the project (approximately \$550,000) will be sourced from the current Engineering Services Capital Works budget in the Council’s Stormwater account. In April 2017 this stood at approximately \$4.5 million.**

Cr Ogilvie called for a division.

Brown	Against
Bryant	Against
Canton	For
Greening	For
Hawkes	For
Kempthorne	Against
King	Against
Maling	Against
McNamara	Against
Ogilvie	For
Sangster	Against
Wensley	For

With 5 FOR and 7 AGAINST the motion was **LOST**

Moved Mayor Kempthorne/Cr Bryant CN17-05-3

That the Full Council request a report from staff to the 29 June Engineering Services Committee on the feasibility of bringing the Poole Street project forward, taking into consideration the matters raised in the discussion of the Notice of Motion.

CARRIED

8 REPORTS

8.1 Variable school speed limits - changes to the Speed Limits Bylaw

This report was taken as read. Transportation Technical Officer, Krista Hobday and Transportation Manager, Jamie McPherson were present to answer questions. Councillors commended staff on their actions and noted the difference in traffic behaviour they had observed since the signs were installed.

**Moved Cr Sangster/Cr Hawkes
CN17-05-4**

That the Full Council

- 1. receives the Variable school speed limits - changes to the Speed Limits Bylaw report RCN17-05-01; and**
- 2. approves the following amendments to the Tasman District Council Speed Limits Bylaw 2016 – Schedule 1**
 - **Ranzau Road – 40km/hr variable speed limit from a point 620 metres north-west of its intersection with Main Road Hope (State Highway 6) for a distance of 240 metres from 8.25am to 9.05am and 2.55pm to 3.15pm during school terms.**
 - **Paton Road - 40km/hr variable speed limit from a point 1420 metres south-west from its intersection with Ranzau Road for a distance of 340 metres from 8.25am to 9.05am and 2.55pm to 3.15pm during school terms.**
 - **Aniseed Valley Road – 40km/hr variable speed limit from a point 680 metres south-east from its intersection with Main Road Hope (State Highway 6) for a distance of 270 metres from 8.25am to 9.05am and 2.55pm to 3.15pm during school terms.**
 - **Abel Tasman Drive - 40km/hr variable speed limit from a point 220 metres north-east of its intersection with Glenview Road for a distance of 370 metres from 8.25am to 9.00am and 2.50pm to 3.10pm during school terms.**
 - **Ellis Street - 40km/hr variable speed limit from its intersection with Lightband Road/Brightwater Deviation (State Highway 6) to a point 270 metres north-west of this intersection from 8.25am to 9.00am and 2.55pm to 3.15pm during school terms.**
 - **Whakarewa Street - 40km/hr variable speed limit from its intersection with Grey Street to a point 260 metres east of this intersection from 8.10am to 8.45am and 3.15pm to 3.35pm during school terms.**

CARRIED

8.2 Appointment of Adviser to the Tasman Regional Transport Committee

Executive Assistant, Engineering Services, Robyn Scherer was present to speak to this report. Mrs Scherer advised that a further report would come to the Full Council on 22 June 2017 recommending the appointment of a non-voting adviser to the Tasman Regional Transport Committee from the Nelson-Marlborough District Health Board.

**Moved Cr Sangster/Cr Brown
CN17-05-5**

That the Full Council

- 1. receives the Appointment of Adviser to the Tasman Regional Transport Committee report RCN17-05-02; and**
- 2. approves the appointment Dr Kevin Thompson as a non-voting advisory member of the Tasman Regional Transport Committee for the current triennium.**

CARRIED

8.3 Appointment of a hearing panel to consider an objection to a road stopping proposal from the Rainbow Community, Anatoki

Senior Property Officer, Robert Cant was present to speak to this report. In response to a question, Mr Cant said that this was a hearing under the Local Government Act and that Crs Brown and Bryant and Golden Bay Community Board Chair Abbie Langford were not required to have the same accreditation they might need were they to sit as part of a Hearings Panel under the Resource Management Act.

**Moved Cr McNamara/Cr Hawkes
CN17-05-6**

That the Full Council

- 1. receives the Appointment of a hearing panel to consider an objection to a road stopping proposal from the Rainbow Community, Anatoki report RCN17-05-03; and**
- 2. approves the appointment of Councillor Sue Brown, Golden Bay Community Board Chair Abbie Langford and Councillor Stuart Bryant (Chair) to hear objections to the application to stop the road.**

CARRIED

8.4 Remission Application- Policy on Remission of Excess Metered Water Rates

Finance Manager, Russell Holden, Revenue Accountant, Kelly Kivimaa-Schouten and Utilities Manager, Mike Schruer were present to speak to this report.

Councillors asked what steps had been taken to notify the commercial business of the suspected leak. Mr Schruer advised that Council does not have any obligation to notify customers of potential leaks and that customers are responsible for monitoring their own use. He said that customers are reminded of this with each bill they receive. However despite this, when staff became aware of a potential leak they phoned the business operators. Staff also left a message on the organisation's website.

The legislation allowing the Council to remit a rate was discussed. Councillors noted that as water costs are set as a rate, the Council could only remit the charge in accordance with a rates remissions policy.

**Moved Cr King/Cr Canton
CN17-05-7**

That the Full Council

- 1. receives the Remission Application- Policy on Remission of Excess Metered Water Rates report (RCN17-05-04); and**
- 2. notes that the application relates to a leak at a commercial business and the Council's Policy on Remission of Excess Metered Water Rates only applies to leaks in internal reticulations at residential dwellings; and**

- 3. declines to issue the applicant a Rates Remission because the Council is satisfied that the application does not meet the conditions and criteria in the Council's Policy on Remission of Excess Metered Water Rates.**

CARRIED

8.5 Small Scale Management Plan for Mediterranean Fanworm

Environment and Planning Manager, Dennis Bush-King spoke to this report. The Chief Executive suggested that the Councillors might like a more comprehensive report reviewing the scope of the general disaster fund.

**Moved Cr Hawkes/Cr Sangster
CN17-05-8**

That the the Full Council

- 1. receives the report RCN17-05-05; and**
- 2. agrees that the funding of the Council share of \$110,000 to respond to the Sabella spallanzani incursion in Port Tarakohe come from the Council General Disaster Fund.**

CARRIED

The meeting adjourned for morning tea at 10.45am and reconvened at 11am.

8.6 Pakawau Erosion Issues

Chief Executive, Lindsay McKenzie spoke to this report. Mr McKenzie acknowledged the untimely death of Warwick Heal and asked Councillors to note that this report was written while Mr Heal was alive.

Mr McKenzie advised Councillors in the event that the resource consent was not granted or that there were appeals, those costs would be sunk. In the event that the consent was granted, the Council could resolve to capitalise the costs. The speed of the consent process was also discussed.

The Council were supportive of the initiative and recognised the frustration around delays in bringing this recommendation to the table. In response to a question, the Chief Executive told Councillors he had received assurance from Mr Jarrett that the property owners support the project and understand the implications it could have on their rates.

There was clarification around the sequence of events that led to the recommended resolution and a discussion on future work that will be required. It was suggested there was a need to have a report on coastal site management to Council. It was confirmed this was to be covered in a workshop in the next month or two.

**Moved Cr Sangster/Cr Brown
CN17-05-9**

That the Full Council

- 1. receives the Pakawau Erosion Issues report RCN17-05-06; and**

2. agrees to assist the Pakawau Coastal Residents Association to build a rock wall partially on the esplanade reserve at Pakawau between about numbers 1122 and 1154 Collingwood Puponga Road by meeting the internal costs of processing a resource consent for the rock wall, up to the point any appeal to the Environment Court is lodged; and
3. agrees to meet the internal cost of obtaining any necessary approval for the proposed rock wall to occupy part of the esplanade reserve; and
4. (a) agrees to fund those internal costs as an unbudgeted item from general rates revenues; and
(b) agree that if the resource consent and reserve occupation approvals are granted for the wall, that the costs will be capitalised and paid via any targeted rate for the work.
5. agrees in principle, to manage the construction contract and establish a targeted rate over the direct beneficiaries to cover operating and capital costs, subject to all the direct beneficiaries agreeing and to the Council meeting its statutory obligations relating to decision making and rate making.

CARRIED

8.7 Mayor's Report to Full Council

The Mayor's Report was taken as read. The meeting considered the draft consultation document from the Remuneration Authority. The Mayor confirmed that since then, a revised version of this document had been received and would be circulated to Councillors for feedback. Councillors confirmed that they were happy for the Mayor to provide feedback on their behalf with the assistance of the Deputy Mayor and Crs Bryant and Wensley.

The Mayor invited interest from Councillors in attending the LGNZ Conference 2017 or the LGNZ Zone 5 and 6 meeting later this year.

**Moved Mayor Kempthorne/Cr King
CN17-05-10**

That the Tasman District Council receives the Mayor's Report to Full Council RCN17-05-07.

CARRIED

8.8 Chief Executive's Activity Report - Supplementary information

The Chief Executive reported on the current financial status and provided explanatory background to this. He focussed on the recent outcome to the Havelock North water issues.

He reassured Councillors that the Departmental Managers will be looking at the lessons that arise from that incident and ensuring that obligations are being met under the National Environment Standards for Urban Water Supplies.

The Chief Executive led the meeting through the Health and Safety Monitoring Report, indicating he was recommended that the frequency of this report be extended to six-monthly.

In response from Councillors, the Corporate Services Manager expanded on the financial information provided in the report.

The meeting noted the contents of the Action Sheet and confirmed the additions from the Full Council meeting of 13 April that related to the Nelson Tasman Joint Landfill Business Unit and Schedule of Charges for 2017/2018.

**Moved Cr Greening/Cr McNamara
CN17-05-11**

That the Full Council

- 1. receives the Chief Executive's Activity Report - Supplementary Information report RCN17-05-13; and**
- 2. requests that the Health and Safety Monitoring Report that is provided in part to enable councillors as 'officers' to meet their due diligence obligation be presented 6 monthly.**

CARRIED

8.9 WAIMEA COMMUNITY DAM - PROJECT REPORT

Chief Executive, Lindsay McKenzie confirmed an appointment had been made to the role of Interim Project Director for the Waimea Water Augmentation Project (WWAP). He also drew the Councillor's attention to the advice from the Council's lawyers which remains legally privileged. A summary of the letter was tabled confirming that no enforceable breach of the Local Authority Members Interests Act had occurred.

The Chief Executive confirmed that there was agreement for access to the site so that surveys of the private land could take place. He said the outcomes of negotiations with the landowners were considered satisfactory and there were no appeals to the Environment Court arising.

Discussions with Ngati Koata are continuing. Tasman Pine Forests hold a Crown Forestry Licence. A meeting recently took place with senior staff and the Managing Director of Tasman Pine Forests, with Ngati Koata participating. The Department of Conservation (DoC) are awaiting the outcome of a pending court case that is relevant to their position, before they provide advice to their Minister.

It was clarified that the Waimea Irrigators Limited (WIL) were funding their share of the work-streams on an 'as you go' basis. WIL have their own sources of funding and funding from Crown Irrigation Investment Limited (CIIL). Corporate Services Manager, Mike Drummond explained other work-streams involved in the project are being funded from money set aside in the Long Term Plan 2015/2025. These are debt-funded and will leave outstanding loans should the project not go ahead.

The Chief Executive advised the meeting that the alternative augmentation options will need to be revisited in the consultation, but the focus will be on the Council's preferred option which is the Waimea Community Dam. He confirmed there is a budget for the procurement work-stream. The way the costs are incurred increases considerably further along in the process. There are currently seven tier one companies/consortiums expressing an interest, but the procurement process has not progressed to a shortlisting of those interested parties.

Environment and Planning Manager, Dennis Bush-King confirmed there had been enquiries from new water users who do not currently have water permits. He also advised the Councillors that the design of the proposed dam had been independently peer reviewed twice to date.

Clarification was sought on the timing of the seismic assessment review and the Chief Executive advised that he will follow up on the progress of these investigations.

The meeting was reminded of their duty to continue to review their position regarding conflicts of interest in relation to every individual decision made on the Waimea Water Augmentation Project (WWAP), as with all other matters considered by Council.

The Chief Executive indicated staff were not actively working on alternative augmentation schemes, but on 31 May 2017 when the report on urban water demand is available the alternative options will be considered.

The Corporate Services Manager confirmed the audit of uptake of the WIL's shareholders was not at a stage when definitive numbers are available. These will be available at the time that a prospectus is sent out and responded to. There is recognised risk attached to this position. WIL have expressed some concern at the level of operating costs and this is the subject of ongoing discussions.

The Chief Executive undertook to email Councillors with an update on the seismic risk review the Council had requested.

**Moved Cr Hawkes/Cr Bryant
CN17-05-12**

That the Full Council receives the Waimea Community Dam - Project Report RCN17-05-09.

CARRIED

The meeting broke for lunch at 12.35pm and was reconvened at 1.05pm.

8.10 Commercial Property Portfolio Returns

Corporate Services Manager, Mike Drummond spoke to this report. There were no questions from Councillors.

**Moved Cr King/Cr McNamara
CN17-05-13**

That the Full Council

1. receives the Commercial Property Portfolio Returns report RCN17-05-10.

CARRIED

9 CONFIDENTIAL SESSION

9.1 Procedural motion to exclude the public

Moved Cr Hawkes/Cr Maling
CN17-05-14

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 Port Tarkohe - Capital Work

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)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.	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 Jellyfish Mapua (Shed One) Capital Repairs Update

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)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.	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 reconvened in open session and broke for afternoon tea at 1.50pm. The meeting was then reconvened at 2.12pm.

7 PRESENTATIONS

Mayor Kempthorne welcomed Neville Johnson, Warwick Walbran, Nik Zangouropoulos and Gail Jewell to the meeting and invited them to make their presentation on the MidWest Ferries Whanganui to Motueka Feasibility Study 2017. A copy of the group's report will be circulated to Councillors following the meeting.

On behalf of the project group, Mr Zangouropoulos proposed a joint working group between the Tasman District and Whanganui District Councils to progress this idea. In response to a question, Mr Zangouropoulos said that the group could not advise of a timeframe for the project until an impact assessment had been undertaken. He said this was expected to be completed in the next financial year.

Councillors discussed the employment opportunities this project might generate within the district and in particular in the Motueka ward. When asked about the perceived effects of weather on the proposed ferry service, Mr Walbran advised that the weather between Motueka and Whanganui was not as severe as the weather in Cook Strait. Councillors advised the group that they would like to see more information on the environmental impact of the proposal.

Councillors thanked the group for taking the time to attend the meeting and for the work they had put in to their presentation. When asked what the next steps were likely to be, Mayor Kempthorne advised the group to put their formal request for Council support in writing for the attention of the Chief Executive. He said that this would begin the process and next steps could be taken from there.

In general items of business, Councillors requested a report back from staff about options for remediating residential dwellings offering accommodation through sites such as Air bnb.

The meeting concluded at 2.45pm.

Date Confirmed:

Chair: