

---

**MINUTES**  
of the  
**FULL COUNCIL MEETING**  
held  
**9.30 am, Thursday, 24 May 2018**  
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, A Turley, S Brown, D Ogilvie, T Tuffnell, P Hawkes, P Sangster

**In Attendance:** Chief Executive (L McKenzie), Executive Assistants (K Redgrove, S Hutchinson), Mike Drummond Corporate Services Manager (M Drummond), Community Development Manager (S Edwards), Engineering Services Manager (R Kirby), Environment and Planning Manager (D Bush-King), Community Relations Manager (C Choat), Senior Policy Advisor (A Bywater), Online Communications Officer (B Catley), Activity Planning Programme Leader (J Neame), Activity Planning Advisor – Transportation (D Bryant), Activity Planning Manager (D Fletcher), Strategic Policy Manager (S Flood), Utilities Manager (M Schruer), Policy Officer – Community Development (S Hartley), Senior Engineer – Utilities (J Cuthbertson), Senior Management Accountant (M McGlinchey), Technical Director, Waimea Water Project Office (A Nelson), Stakeholder and Risk Manager, Waimea Water Project Office (A Adams)

**1 OPENING, WELCOME**

**2 APOLOGIES AND LEAVE OF ABSENCE**

Nil.

**3 PUBLIC FORUM**

Ms C Watson – Golden Bay Grandstand

Ms Watson was speaking in support of the Golden Bay Grandstand remaining in situ. She read out her e-mail that she had prepared for the Golden Bay Community Board and Council.

Ms Watson made it clear that, as a resident of Golden Bay, she did not want money allocated to move the Grandstand, which is almost 120 years old, but instead used to renovate the structure where it stood.

---

Ms A Grant

Ms Grant referred to a petition signed by approximately 1000 people, in support of retaining the Golden Bay Grandstand. An electronic copy of the petition had been sent to Council ahead of the meeting. The Committee Advisor confirmed this had been received.

Ms Grant asked that the Grandstand remained in situ, without the add ons and within a smaller footprint. She did not believe parking at the Golden Bay Shared Recreation Facility (GBSRF) was a problem if the Grandstand was to remain where it was and that any consents required could be amended accordingly. She advised that, in order for Councillors to make a fiscally responsible decision, they must vote keep the Grandstand in its current position.

Mr D Lamb

Mr Lamb considered that the details contained in report 8.3 on the agenda 'Golden Bay Grandstand' contained 'misinformation'. He referred to the report 'Structural Assessment – Golden Bay Grandstand' by Peter Colin Smith, a structural engineer, that has been available to Council since the beginning of 2017. This, he said, gave a favourable assessment of the strength and integrity of the Grandstand in its current condition.

Mr D McKenzie – Golden Bay Agricultural and Pastoral (A&P) Association

Mr McKenzie confirmed the A&P Association was in support of the Grandstand being restored in situ. He said the add ons had not been put there to provide support but amenity only. He said they were attached by flashing in order to keep the weather out.

Mr A Blackie

Mr Blackie suggested the Grandstand was not as well used as has been indicated by others. He had doubts about the plans to 'spruce up' the Grandstand being robust enough to amount to a proper restoration project. He referred to Environment Court proceedings brought by the Golden Bay Grandstand Trust last year.

Mr Blackie wanted to see the matter resolved and asked that the vote today should be in support of either the top of the Grandstand to be removed or to be demolished. He anticipated it would cost a large amount to restore. There will be no ability for the structure to earn money in the future but instead it would remain a liability for future generations.

Ms S Chapman – Golden Bay Shared Recreation Facility Inc (GBSRF Inc)

The Mayor read a letter from Sara Chapman, Chairperson of the GBSRF Inc. The letter emphasised that, in constructing the GBSRF, it was always on the basis that the Grandstand would be demolished.

Mr M Dawson

Mr Dawson spoke about the proposed Waimea Community Dam. He said a statement in a previous Council meeting indicated that the land required for the project had been secured. It transpires that this is not now the case. He referred to his work on environmental flow and highlighted a number of parts of this which he believed showed a number of anomalies in the information that Council had been reliant upon in their decision-making.

Mr Dawson made reference to the cost of Simpson Grierson's work to prepare a local Bill. He asked that this work is put on hold until after the tender process has been completed.

He thought that there had not been proper disclosure of the risks there were on costs overruns for the project.

Mr M Clark

Mr Clark acknowledged the Chief Executive's impending retirement and wished him well. He referred to the proposal to have the outgoing Chief Executive (Lindsay McKenzie) provide mentoring to the new Chief Executive on the proposed Waimea Dam on a consultancy basis. Mr Clark believed this arrangement suggested the new Chief Executive (Janine Dowding) did not have the capability to take on the mantle of the project and he asked that Council demonstrate confidence in Ms Dowding.

Mr Clark referred to the difficulties around securing the Department of Conservation (DoC) land for the project and also mentioned a leaflet that had been circulated referencing the land belonging to JWJ Forestry in the Lee Valley. The information he had suggested their land had been 'stolen' by Tasman District Council and two new titles illegally registered at Land Information New Zealand (LINZ). In light of this, he asked that the Council's contract with the Property Group, who facilitated that transaction, be brought to an end.

Mr M Cameron and Mr M Saunders

Mr Cameron expressed how pleased the community were with the Saxton Velodrome and the enthusiasm that been shown by both local users and those from outside of the District.

He made reference to the budget and the provision that had been made for development. He questioned the need for certain landscaping and lighting projects which would save approximately \$120,000.

Mr Saunders spoke about the proposal for the Saxton link road. He did not believe there was a need for this and would become a ratrun for some of the voluminous amount of traffic that passes along Champion Road.

Ms C Hughson

Ms Hughson questioned why Mr Murray King had said the Council had a higher appetite for risk around the Waimea Community Dam project than the Waimea Irrigators Limited (WIL) were demonstrating. She believed the Council had ignored all previous concerns expressed about their failing to act in a financially prudent manner.

## **DEPUTATIONS (PRESENTATIONS)**

Mr R Manson and Noel Baigent – Golden Bay Grandstand Restoration Society (the Society)

Mr Manson tabled a summary of a proposal that he believed would remove the issue of the Golden Bay Grandstand from the Council Agenda for good. He believed the Grandstand needn't be shifted twice.

He understood that the idea of moving the Grandstand was originally mooted by Jane McDonand and Merv Solly when they met with the Chief Executive on site. Just one move, not two, was anticipated at that time. Following that, the solution evolved and an agreement was provided. It was made clear that if that Agreement was not signed, demolition would

proceed. He said the Society were uncomfortable at that time and maintain that the Grandstand and the GBSRF could remain side by side.

Mr Manson referred to the issue of car parking provisions at the GBSRF and believed this could be resolved in the future without moving the Grandstand. He outlined the Society's proposal and its merits and said that to agree to this would not be perceived as backing down by Council but rather a 'common sense' solution. Mr Manson said the Society is willing and able to assist Council in achieving that solution.

The Councillors had the opportunity to ask questions of clarification. Mr Manson confirmed the names of the current members of the GBGRS and that, although Mr Hewson was currently overseas, he was aware of the changes in direction to the proposals made by the Society and was supportive.

*The meeting broke for morning tea at 10.22 am and resumed at 10.40 am*

The Mayor acknowledged that this was the last meeting of Council that Lindsay McKenzie would be attending in his capacity as Chief Executive Officer. The presence of the new Chief Executive, Janine Dowding was noted as was the attendance by the Golden Bay Community Chair, Ms A Langford, noting that she was afforded speaking rights at today's meeting but not voting rights.

He also welcomed Sandie Hutchinson, the Mayor's new Executive Assistant.

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

Cr Wensley made reference to a perceived (not actual) conflict of interest in relation to the Waimea Community Dam Hydro-Electric proposal.

#### **5 LATE ITEMS**

Nil.

#### **6 CONFIRMATION OF MINUTES**

There was an amendment to the minutes of 5 April 2018 in part 8.12 'Waimea Community Dam' where 'shared' should read 'shareholding'.

**Moved Cr Brown/Cr Wensley  
CN18-05-01**

**That the minutes of the Full Council meeting held on Thursday April 5 2018 be confirmed, as amended, as a true and correct record of the meeting.**

#### **CARRIED**

There was an amendment to the minutes of the meeting that begun on Friday 4 May, noting that Cr Hawkes was not present but was in fact an apology. There was a query about the accuracy of the resolution relating to Champion Road on page 293 of the Agenda. This was clarified by the Activity Planning Manager and no amendment was required.

**Moved Cr Sangster/Cr Wensley**

**CN18-05-02**

**That the minutes of the Full Council meeting held on Friday 4, 7 and 10 May 2018 be confirmed, as amended, as a true and correct record of the meeting.**

**CARRIED**

Cr McNamara requested his vote against confirming the accuracy of the minutes be recorded.

## **7. DEPUTATIONS (PRESENTATIONS)**

Made in Public Forum – see above.

## **8 REPORTS**

### **8.1 Long Term Plan 2018-2028 (LTP) Council Directions**

The Strategic Policy Manager highlighted a number of points that she believed Council may wish to give particular consideration to.

The meeting discussed the removal of funding for the Saxton Field development and made reference to the request made in Public Forum that the lighting and some landscaping may not be necessary. The Community Development Manager confirmed that most of the projects had been moved out to the five year point. Following discussions with a number of interested groups, it would be prudent to keep the provisions in but re-evaluate them as part of the next LTP process.

There was a request that funding for the proposed Waimea Community Dam be removed in its entirety from the LTP and a motion was put.

Moved Cr Greening/Cr McNamara:

*'That all funding for the Waimea Community Dam is removed from the 2018-2028 Long Term Plan.'*

A discussion ensued on the consequences of removing this funding provision. The Chief Executive indicated that without any funding for this water augmentation project, under the Tasman Regional Management Plan, water consent holders would need to be notified of their allocation under a 'no dam' scenario which would lead to cuts in allowances for water use. This would be with immediate effect. He said that there would also not be any sense in continuing with the Early Contractor Involvement (ECI) process. The importance of water security to the whole LTP including the growth assumption was noted.

The Chief Executive went on to explain that there were many milestones that needed to be achieved. These cannot be sequenced and that is what presented risk. Staff have always been open about that risk existing. He said that the tender price is the critical step, not so much the acquisition of the land and confirmed that the tender price should be known by the end of July.

The meeting heard that a decision to progress the Local Bill option would result in a cost of approximately \$8,000 up until the tender price was known. There was no filing fee of \$2,000 for this process, as originally thought. The timeline for this was for it to be presented in August to Parliament, with a response within six months, although that could not be firmly predicted.

He warned against shutting the door on the project when Council were so close to knowing the tender price for the project. It would also have an impact on the Government funding that had been secured or signalled. There was no other proposal on water augmentation of the river put forward that has come close to achieving the same result as the proposed Waimea Community Dam does. He also anticipated that it would be problematic to change the language in the TRMP.

The Environment and Planning Manager confirmed that the TRMP has been based on a clear choice between an augmentation scheme to deliver water to the environment. If the community can't afford that, there will be a 'no dam' scenario.

In response to a question raised, he confirmed that currently there was no discrimination between an urban abstraction or a productive abstraction. All water users are currently treated the same and to change that, the TRMP would need to be amended. On a 'with dam' scenario that distinction will be made.

The motion was LOST.

Crs Turley, Greening and McNamara wished to have their support for the motion recorded.

The Chief Executive clarified that Nelson City Council anticipated there will be an agreement at some time in the future to take a shareholding and it is on that basis that they agreed to make a grant of \$5M. The proposal that Council's shareholding be 51% does not close off the possibility that this percentage could be revisited at some point in the future but there is a process to be followed in relation to that.

He said that at this stage, staff were seeking from the Council some guidance of what they consider the outcome is to be.

There was a recognition of the need to safeguard any change in shareholding or directors appointment so that Council does not lose control of the asset.

The Corporate Services Manager responded to a request for copies of the terms sheets of the intended joint venture partners. With the support of the Chief Executive, he confirmed that any release of the terms sheets would through an associated in committee staff report, subject to legal advice re their release and there being no breach of confidentiality.

The meeting heard that the terms sheets sit behind legal agreements that have yet to be finalised. The first draft is currently being reviewed and will be sent to the respective parties' legal advisors for consideration. The majority of Councillors indicated that they wished to see the terms sheets ahead of the agreement being finalised.

The meeting discussed the following wording:

*'In the event that Nelson City Council wishes to become a shareholder for their contribution, Council will consider transferring a proportion of its shareholding in the Dam company to them.'*

The Chief Executive advised that the wording was designed to ensure that the LTP

contemplated a share transfer and avoided the need for amendment of the LTP. He recommended that Council summarise what is intended in the LTP itself and repeat it in the Significance and Engagement Policy.

In response to a question, the Corporate Services Manager confirmed Joint Venture Working Party was formed by a Council resolution and so would need to be disbanded by a Council resolution.

Cr Greening indicated he would want to see a referendum on the support for the proposed Waimea Community Dam and put the following motion:

Moved Cr Greening/Cr McNamara

*'On receiving an accepted tender price for the Waimea Community Dam a binding referendum is conducted across the Tasman District seeking majority ratepayer approval to proceed or not with the funding of the construction of the Waimea Community Dam.'*

The Chief Executive indicated the cost of a separate referendum was approximately \$80,000.

Cr Greening called for a division:

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

EQUAL. The Mayor used his casting vote and voted against the motion. The motion was LOST.

A further motion was put.

Moved Cr McNamara/Cr Hawkes

*'On receiving an accepted tender price for the Waimea Community Dam a non-binding referendum is conducted across the Tasman District seeking majority ratepayer approval to proceed or not with the funding of the construction of the Waimea Community Dam.'*

Representations were made by Councillors in relation to the level of understanding the community had of the cost, benefits and implications of the proposed Waimea Community Dam. There was disappointment expressed that lengthy discussions continued on this matter.

The Chief Executive reminded Councillors will have to assess the results of any referendum because around 40% of the capital value sits within the area of benefit and that fairness and equity considerations would arise, i.e. indirect beneficiaries voting down a scheme mostly funded by direct beneficiaries.

Cr Greening called for a division:

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

**EQUAL.** The Mayor used his casting vote to vote against the motion.

LOST

The balance of the Long Term Plan report was discussed.

The majority at the table agreed the following amendments to the wording to be included in the 2018-2028 Long Term Plan:

“Council separately confirmed that a CCO would be formed to own and operate the Dam, subject to the project proceeding. “From day one, Council will own the majority of the company shares and appoint four of the seven directors on the Board.

~~As part of the funding proposal, Nelson City Council is expected to contribute \$5 million to the project. In the event that Nelson City Council wishes to become a shareholder for their contribution, Council may consider transferring a proportion of its shareholding in the Dam company to them. Council anticipates that this may take its majority company shareholding to below a controlling interest even though the shareholding is a Council strategic asset. However, the two Councils together will retain a controlling interest in the Dam and the governance of the Dam will continue to be through the CCO, as between both Councils they will own a controlling interest in the Dam company. If Nelson City Council becomes a Dam shareholder it may also become involved jointly, with Tasman District Council, in appointing one of the four Council directors on the Board.”~~

Cr Greening moved the following motion:

*‘That the current meaning and scope of the Significance and Engagement policy is not changed by any clarification edits made by the 2018 Long Term Plan and where there are any unintended changes in meaning or scope arising from the 2018 edits, the original wording before the 2018 Long Term Plan edits were made should be implied, so that there is no unintended change in meaning or scope.’*



This was not supported by a seconder.

Cr Wensley commented that there may be a perception that she has an interest in the hydro-generation potential for the dam, even though she does not. She therefore did not express a view during discussions of any aspect of the recommendations in relation to the hydro-electric options for the proposed Waimea Community Dam, during this part of the discussion.

**Moved Cr Bryant/Cr Tuffnell  
CN18-05-03**

**That the Full Council**

- 1. receives the Long Term Plan 2018-2028 (LTP) Council Directions report RCN18-05-01; and**
- 2. notes that Council has received, considered, and deliberated on all the written, verbal and late submissions to the LTP Consultation Document, concurrent information and supporting information; and**
- 3. notes that the decisions made at the LTP Council Deliberation meetings will be included into the final LTP 2018-2028, the Development and Financial Contributions Policy, the activity management plans, and the Schedule of Charges; and**
- 4. agrees that where Council has resolved to make changes to the LTP work projects timing, funding and wording, consequential changes will be made to other parts of the LTP document where necessary; and**
- 5. agrees to staff making appropriate changes to transform the LTP Consultation Document, supporting information and concurrent consultation documents (including editorial and formatting changes) into the final LTP 2018-2028 for adoption; and**
- 6. agrees not to make provision in the final LTP 2018-2028 for a number of proposals requested in submissions for the following reasons: their funding implications on rates and debt, the relative priority of those matters and activities in the context of Council's overall work programme, matters raised were out of scope for the LTP, Council is of a view that they are not in the interests of the Tasman community; and**
- 7. agrees to revoke the Policy on Early Payment of Rates in the Current Financial Year; and**
- 8. agrees to the wording for the following documents subject to final legal review and any concurrent amendments:**
  - a. Revenue and Financing Policy in section 5 of this report; and**
  - b. Funding Impact Statement in section 6 of this report; and**
  - c. LTP provision for the Waimea Community Dam in section 7 as amended in the meeting; and**
  - d. support for the Kohatu Motorsport Park in section 8 of this report; and**
  - e. Significant and Engagement Policy in section 9 of this report; and**
  - f. Development and Financial Contributions Policy in section 10 of this report; and**
  - g. Tasman Bay Heritage Trust in section 11 of this report; and**

- 9. notes that we will recommend the Schedule of Charges, the Development and Financial Contributions Policy, and the activity management plans for separate adoption to the final LTP at the 28 June 2018 Council meeting.**

**CARRIED**

Crs Greening and McNamara wished to have their vote against the motion recorded.

## **8.2 Regional Land Transport Plan - Deliberations Review**

Councillors queried how spending had become so imbalanced between the spending proposed in Marlborough against the allowances being made for investment on the Tasman transport system. The Engineering Services Manager explained that the misalignment had been caused by changes made by New Zealand Transport Agency (NZTA) in the draft Regional Land Transport Plan.

**Moved Bryant/Cr Ogilvie  
CN18-05-4**

**That the Full Council :**

- 1. receives the Final Regional Land Transport Plan – referral from Tasman Regional Transport Committee report RCN18-05-02; and**
- 2. approves the Final Regional Land Transport Plan 2015-2021 as attached to report RCN18-05-02; and**
- 3. approves the submission on the final Regional Land Transport Plan to the New Zealand Transport Agency by 30 June 2018.**

**CARRIED**

*The meeting broke for lunch at 12.56 pm and resumed at 1.30 pm.*

## **8.3 Golden Bay Grandstand**

The Environment and Planning Manager spoke to the report. It was noted the Society's preference was for the Grandstand to remain in situ and this was confirmed in their presentation to Council earlier in the meeting.

He referred to the previous decisions and to the Agreement that was made with the Society earlier in the year, the provisions of which have not been achieved.

For clarification, the Community Development Manager confirmed the original demolition price had included the removal of the Grandstand but that was before the heritage and archaeological provisions were known. She also confirmed there was significant public consultation on the proposals ahead of approval of the tender being accepted for the new recreation facility. The point was made that consultation was made on the basis that alternative seating to the existing Grandstand would be provided.

The Community Development Manager was not able to comment on this because it was before she was involved in the project. She was able to confirm that there was some limited viewing

available from the upper floor of the new facility across the playing fields.

The cost of restoration was put at approximately \$500,000. This had been confirmed by an expert witness in last year's Environment Court case and this was challenged by the Golden Bay Grandstand Trust (GBGT).

The question was asked whether the GBGRS had the funds to restore the Grandstand. This was not known. The meeting heard that if the building was to be demolished there would still be an opportunity for parts of the building, such as the roof, to be moved and stored somewhere off site subject to agreement with the demolition contractors who would become the legal owners of the materials.

A view was expressed that the Council had been very generous over the matter. Environment Court proceedings had been brought against Council and successfully defended. Subsequent to that, negotiations and extensions of time had been given to the Trust. It could not be ignored that the cost of the litigation and delay has had a financial impact on ratepayers.

To date there had been no feasible or tangible offer of funding and no requests through the recent LTP process. It was concerning that there was still nothing concrete from the Society now a change in what is proposed has been tabled.

The Golden Bay Community Board (GBCB) Chairperson spoke, describing the division in the community who now want to see a final decision being made on the fate of the Grandstand.

It was accepted by the meeting that a decision needed to be made, whether or not this makes Council unpopular with certain members of the community.

The logistics and likely cost of moving the Grandstand was discussed. It was acknowledged there was a compelling argument put forward by the Society in their earlier deputation to this meeting.

The Chief Executive reminded the meeting that he did not consider that a decision can be made without making any reference to the Agreement that the Council and the Society entered into in January of this year.

Some disappointment was expressed about the report which was described as containing 'misleading information'. The inconsistencies were highlighted and addressed, with reference to additional photographic material supplied by staff.

Reference was made to the obligation to ratepayers to act in a financially prudent manner. The cost of asbestos management and removal of the building was expensive. It was suggested that the drainage could be addressed in two parts rather than the removal of the building onto a temporary location and then being re-sited.

The recent resolution made by the Golden Bay Community Board was referenced, supporting the retention of the Grandstand. It was hoped that the community wellbeing aspects (currently proposed as Bill as aspects to be reinstated to the Local Government Act) were to be considered when making a decision on this issue.

On the mover's right of reply the meeting heard there had been a number of vocal presentations by members of the community. The ongoing inability of the GBSRF to fully function while the

Grandstand remains in situ was an important consideration.

**Moved Cr Brown/Cr Hawkes  
CN18-05-40**

**That the Full Council**

1. receives the Golden Bay Grandstand CRN18-05- report; and
2. confirms, as previously resolved at meetings on 9 June 2016, 15 December 2016, 16 November 2017, and 14 December 2017, the decision to remove the Golden Bay Grandstand including the associated structures and directs staff to proceed with the work as soon as practicable.

Cr Greening called for a division.

<b>Brown</b>	<b>For</b>
<b>Bryant</b>	<b>For</b>
<b>Canton</b>	<b>For</b>
<b>Greening</b>	<b>Against</b>
<b>Hawkes</b>	<b>For</b>
<b>Kempthorne</b>	<b>For</b>
<b>King</b>	<b>For</b>
<b>Maling</b>	<b>For</b>
<b>McNamara</b>	<b>Against</b>
<b>Ogilvie</b>	<b>Against</b>
<b>Sangster</b>	<b>Against</b>
<b>Tuffnell</b>	<b>For</b>
<b>Turley</b>	<b>Against</b>
<b>Wensley</b>	<b>Against</b>

**CARRIED**

The Environment and Planning Manager confirmed there were options that remained available to the Society regarding the salvaging of material.

**8.4 Waimea Dam Project Report**

The Chief Executive introduced Mr Alex Adams and explained his role at the Waimea Water Project Office. Mr Andy Nelson (Waimea Water Project Office) was also available to respond to questions. Council asked whether the Risk Register for the project was publicly available. Mr Adams confirmed that the document had not been finalised. The biggest risk, of which Councillors were already aware, was the contract price – that has yet to be confirmed.

A request was made for access to the existing Risk Register by Cr McNamara.

The Tasman Regional Management Plan (TRMP) changes were discussed. The Environment and Planning Manager advised the Environment and Planning Committee had discussed the matter and a report to Council would be available at the Council meeting of 14 June 2018.

Concerns were expressed that agreement had not yet been reached with WIL on the sunk costs and potential overspend. The Corporate Services Manager confirmed there is paperwork on this that is due to be sent to Waimea Irrigators Limited (WIL). He said the contract price, once known,

will specifically identify the extent to which those costs need to be addressed.

The Chief Executive clarified the process of approval of a local Bill is very different to the other processes that have been explored for the acquisition of the Department of Conservation (DoC) land. It is not as vulnerable as a private members' Bill but there is a need for a Member of Parliament to introduce it to the House. He also confirmed there is no filing fee of \$2,000 and so a correction to his report to this effect should be noted. He went on to explain the process in more detail, to assist Councillors' understanding.

The Chief Executive was not prepared to speculate on which Minister would be presenting the Bill.

**Moved Cr Tuffnell/Bryant  
CN18-05-6**

**That the Full Council**

- 1. receives the Waimea Dam Project Report RCN18-05-04; and**
- 2. approves the Chief Executive instructing Simpson Grierson to draft a Local Bill to enable the use of the 9.6ha of Mount Richmond Forest Park land for the Waimea Water Augmentation Scheme; and**
- 3. requests a report back on the proposed wording of the draft Local Bill and on the process and timetable for progressing it, for consideration at the Full Council meeting on 28 June 2018; and**
- 4. authorises any necessary engagement, ahead of the report back, with Iwi, the Clerk of the House, Parliamentary Counsel, local Members of Parliament and Ministers of the Crown, as well as the Department of Conservation, Land Information NZ and any other directly affected government departments so that Council is fully informed.**

**CARRIED**

Crs Turley and Wensley asked to have their vote against the motion recorded.

**8.5 Initial Proposal for Representation Review 2018**

The Policy Officer, Community Development responded to a question about running the Single Transferrable Vote poll. She confirmed she was seeking advice on that aspect because clarification was needed on whether this needed to be run as a separate process or alongside the 2019 local elections.

In response to a question, she reminded Councillors that the decision about Maori Wards had already been made by Council that this would not be considered in the 2019 elections but that discussions with iwi would be held to consider if a provision was required in the future.

**Moved Cr McNamara/Cr Sangster  
CN18-05-7**

**That the Full Council**

1. receives the Initial Proposal for Representation Review 2018 report RCN18-05-05; and
2. resolves under sections 19H and 19J of the Local Electoral Act 2001 (LEA) to adopt the following Initial Proposal for Tasman District Council for the triennial elections to be held on 12 October 2019 and any subsequent elections/polls held thereafter until altered by a subsequent decision:
  - I. The District be divided into five wards as per the appended maps, with Councillors being elected by wards;
  - II. The Council will comprise a Mayor, who is elected at large, and 13 councillors elected by ward as follows:
  - III. Richmond Ward – four councillors  
Motueka Ward – three councillors  
Moutere/Waimea Ward – three councillors  
Golden Bay Ward – two councillors  
Lakes/Murchison Ward – one councillor
  - IV. The population (using population estimates from Statistics NZ as at 30 June 2017, based on the 2013 census) that each member will represent is as follows:

Ward	Population	Number of Councillors	Population per Councillor	% deviation from District average population per Councillor
Golden Bay	5,320	2	2,660	-32.43*
Motueka	12,300	3	4,100	4.14
Moutere/Waimea	13,500	3	4,500	14.30*
Lakes/Murchison	3,660	1	3,660	-7.03
Richmond	16,400	4	4,100	4.14
	51,180	13	3,937	

*\*Non-compliance with S19V(2) Local Electoral Act 2001 (LEA) ( +/- 10% rule )*

- V. Agrees the Golden Bay Ward be treated as an isolated community and depart from complying with S19V(2) of the LEA for the following reasons:
  - the Local Government Commission (LGC) deemed the Golden Bay Ward to be an isolated community in both the 2006 and 2012 Representation Reviews;
  - the Golden Bay Ward is an isolated community requiring specific representation in order to provide effective representation;
  - it has a very clear geographic line that separates Golden Bay from the balance of the district;
  - weather patterns can vary considerably from the rest of the District with heavy rain causing flooding that can isolate Golden Bay;
  - recent storm events from Cyclone Gita have shown that access across the Takaka Hill can be cut off;

- contracts for roading, parks and reserves etc are all carried out from depots and staff based in Golden Bay;
- the Bay has a relatively small permanent population which swells considerably during the holiday season with people using the camping grounds and many of the baches that remain empty for most of the year;
- reducing the number of members will compromise the rural voice and increase the population per member to almost 5,000;
- there are four distinct settlements within the Golden Bay Ward, comprising of Collingwood, Pohara, Ligar Bay and Takaka, which make up the broader community of interest of Golden Bay;
- there are significant distance and travel times within the ward and to Council's Richmond office;
- elected members are the 'eyes and ears' of the community, and often the first point of contact for the wards ratepayers and residents.

**VI Agrees that the Moutere/Waimea Ward depart from S19V(2) of the LEA for reasons of:**

- Council considered three scenarios to ensure Moutere/Waimea Ward would comply with S19V(2), by adding a part of that ward into other wards. These included an extended Motueka Ward to include Motueka Valley, an extended Motueka Ward to include Tasman/Kina, and an extended Richmond Ward to include Waimea West.
- Councillors were not in favour of extending the Richmond Ward to include Waimea-West, because it would split communities of interest, but requested the two Motueka Ward scenarios to be taken to their respective community associations for feedback.
- Both the Motueka Valley Association and the Tasman Area Community Association members rejected the scenarios, as they did not feel that their community of interest was with the Motueka Ward.
- Of note the Richmond, Motueka and Moutere/Waimea Wards are all currently experiencing high growth in comparison with the Lakes/Murchison and Golden Bay Wards, which makes it difficult to accurately comply with the S19V of the LEA, as the latest statistics are unavailable for population and meshblocks.
- Council decided to stay with status quo for the Moutere/Waimea Ward noting that S19V(3)(ii) of the LEA could apply, whereas compliance with the +/- 10% rule would limit effective representation of communities of interest by dividing a community of interest between wards or subdivisions.
- Staying with the status quo for this Ward would only exceed the maximum allowed population formula by 170 per member, which is considered to be only a minor departure from S19V(2). In the 2012 review the LGC also accepted that splitting this ward would also split communities of interest. At that time the exceedance was 264 per member/population ratio.

**VII Generally Council agrees:**

- that the current representation arrangements appear to be generally well understood and accepted by residents of the District, which was reflected in the 2012 representation review where only eight submissions and one appeal were received;
- that the  $\pm 10\%$  formula for fair representation does not fit unitary authorities;
- there are five broad distinct communities of interest based on the current wards;
- the present system provides for fair and effective representation and is generally accepted throughout the District;
- retaining the current ward boundaries may not comply with the population requirements in Section 19V(2) of the LEA, but Council considers;
  - the current ward boundaries reflect the existing communities of interest;
  - the Golden Bay Ward has been, and still is, considered to be an isolated community/ward; and
  - the alternatives, for the Moutere/Waimea Ward, such as those considered by Council as part of this review, and the LGC in the former amalgamation proposal, (which put Tasman and Kina into the Motueka Ward), although they may meet the population requirements, will split existing communities of interest.

**VIII That there be two communities represented by two community boards as follows:**

<b>Golden Bay Community Board</b>	<b>Area covered by the present Golden Bay Ward boundaries.</b>
<b>Motueka Community Board</b>	<b>Area covered by the present Motueka Ward boundaries.</b>

The Golden Bay and Motueka Community Boards will each elect four members. They will not be subdivided for electoral purposes. They would each have their respective elected Ward members appointed to the Boards as follows:

<b>Golden Bay Community Board</b>	<b>Two elected Golden Bay Ward councillors.</b>
<b>Motueka Community Board</b>	<b>Three elected Motueka Ward councillors.</b>

The Boards would carry out their role as per S52 of the Local Government Act 2002 (LGA), along with the responsibilities and powers set out in Council's Delegation Register.



- 3 agrees that public notice be given of Council's Initial Representation Review proposal in Newline and subsequent Newline updates, inviting submissions from members of the public, for a period of one month from the date of the first publication; and**
- 4 appoints Full Council as the hearing panel to hear and consider submissions on Council's Initial Proposal on 18 and 19 July 2018, and to adopt a final proposal for public consultation.**

**CARRIED**

**8.6 Grant of Easement for right of way (bridge) over reserve held for stormwater purposes**

**Moved Cr Maling/Cr Tuffnell  
CN18-05-8**

**That the Full Council**

- 1. receives the Grant of Easement for right of way (bridge) over reserve held for stormwater purposes RCN18-05-06 report; and**
- 2. approves the granting of an easement linking Lot 2 and Lot 5 on the plan attached, providing for a Right of Way, and provision of other services, acting in its capacity as the administering body of the Drainage Reserve, pursuant to Section 48(1)(f) of the Reserves Act 1977.**
- 3. Consents to the granting of the easement, acting in its capacity as the Minister of Conservation's delegate, pursuant to an instrument of delegation dated 12 June 2013.**
- 4. Authorises the Engineering Manager to sign all papers required to give effect to this decision to grant the right of way (and other services) easement.**

**CARRIED**

**Moved Cr Maling/Cr King  
CN18-05-9**

**That Council continues with the meeting beyond the prescribed maximum duration of six hours, in accordance with Standing Order 4.2.**

**CARRIED**

**8.7 Chief Executive's Activity Report**

The Chief Executive spoke to his report and referred to the criticism in Public Forum regarding the acquisition of the JWJ Forestry Land. He cited the statutory authority for the subdivision of that land.

There was a discussion on the content of the submission to the Select Committee. Council staff confirmed that, by attending to speak to the submission, Council's representatives could turn the focus of their submission to core services and other matters of importance identified by

Councillors.

**Moved Cr Wensley/Cr Brown  
CN18-05-10**

**That the Full Council**

1. receives the Chief Executive's Activity Report RCN18-05-07; and
2. accepts the submission attached to this report number RCN18-05-08 for submission to the Government Administration Committee; and
3. agrees to present the submission at the Select Committee hearing; and
4. ratifies the Environment and Planning Committee's decision to replace item 326 on the Delegations Register with the following delegation

*In consultation with the Deputy Chair or Chair of the Environment and Planning Committee, the power to initiate prosecution proceedings for offences under any Act, Regulation or Bylaw which involves the Criminal Procedure Act 2011, and to issue injunctions to restrain continuing breaches of the Building Act (under section 381 of the Building Act 2004) or of the Local Government Act or of any Bylaw (under section 162 of the Local Government Act 2002). Any proceeding will be reported to the next available Committee meeting*

5. notes the Council Action Sheet.

**CARRIED**

*The meeting adjourned for afternoon tea at 3.23 pm and reconvened at 3.40pm. Crs Bryant, Hawkes and Sangster were absent.*

*Crs Bryant and Hawkes rejoined the meeting at 3.43 pm.*

**8.8 Mayor's Activity Report to Full Council**

The Mayor clarified the funding approved in a previous meeting will be shared with Cr Hawkes who had expressed a desire to attend with the Mayor. There was no further funding request to support the visit to Kiyosato.

The Mayor spoke to two Local Government New Zealand (LGNZ) remits circulated to Councillors, one in relation to waste water testing to identify drug use and the other in relation to employer enforcement officers (Police) being authorised to carry out road side drug testing of drivers. There was concern expressed at the former remit.

*Cr Maling left the meeting at 3.46 pm. Cr Sangster rejoined the meeting at 3.50 pm.*

*The meeting moved into committee at 3.52 pm.*

**MOVED Cr Ogilvie/Cr Tuffnell:**

**CN18-05-11**

**THAT the public be excluded from the following part(s) of the proceedings of this meeting, aside from Janine Dowding (newly appointed Chief Executive Officer for Tasman District Council).**

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:

### 8.8 Mayor's Activity Report to Full Council

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.

*The meeting resumed in open session at 4.01 pm.*

**Moved Cr Hawkes/Cr Canton  
CN18-05-13**

**That the Tasman District Council receives the Mayor's Activity Report to Full Council  
RCN18-05-08**

**CARRIED**

### 8.9 Corporate Services Quarterly Report to end of March 2018

The Corporate Services Manager confirmed the appointment of the Principal Legal Advisor would be made and following that, a decision about support for that role would be considered.

He envisaged some difficulty in quantifying savings that had been achieved by engaging an in-house Principal Legal Advisor but commented that the staff feedback on the value of having this resource was very positive. The Council formally recognised the scale and benefit of performance by Sarah Taylor, existing Principal Legal Advisor.

**Moved Cr Ogilvie/Cr Sangster  
CN18-05-14**

**That the Full Council**

- 1. receives the Corporate Services Quarterly Report to end of March 2018 RCN18-05-09 report; and**

2. notes the previous under recovery of charges at Port Tarakohe and the rationale as set out in section 9.7 of this report; and
3. notes the documents that have been signed under delegation as set out in section 8.2

**CARRIED**

#### **8.10 March 2018 Quarterly Financial Update**

The Senior Management Accountant spoke to his report and responded to questions of clarification raised by Councillors.

**Moved Cr Maling/Cr Hawkes**

**CN18-05-15**

**That the Full Council receives the March 2018 Quarterly Financial Update report RCN18-05-10.**

**CARRIED**

#### **8.11 Machinery Resolutions Report**

**Moved Cr Sangster/Cr Hawkes**

**CN18-05-16**

**That the Tasman District Council**

1. receives the Machinery Resolutions report RCN18-05-11 and that the execution of the following documents under the Seal of Council be confirmed:

**Deed of Covenant and Encumbrance Instrument – Fairhill Trust – Property project 624- Covenant and Encumbrance permitting private bore to occupy legal road (Unnamed road historically known as Fry Road, Motueka)**

**Easement - DM Tucker - RM170522 – To serve pedestrian and cycleway access.**

**Variation to existing deed- Arizona land Ltd to allow development of their site to allow council to lay a 375mm water main for further growth**

**Easement in Gross – Wahanga – RM160842 – For Sewerage and Water**

**Dead Of Lease – NZ Motor Caravan Association – Lease to NZCA of land at old wharf road, Motueka to establish a short term motor caravan Park for its members.**

**Dead of Covenant and Encumbrance – Mark Newcombe, Adele Newcombe and Whitby House Trustee – RM170665 - Covenant and Encumbrance to permit private bore on unformed legal road ( Newport road Tapawera) Encumbrance to be registered on Newcombes adjoining title**

**CARRIED**

*The Council moved into committee at 4.20 pm.*

## **9 CONFIDENTIAL SESSION**

## 9.1 Procedural motion to exclude the public

Moved Cr Ogilvie/Cr Brown  
CN18-05-17

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 Remuneration of Independent Members Appointed to Council Committees and Business Units

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.	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.</p> <p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</p>	<p>s48(1)(a)</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>

**CARRIED**

The meeting concluded at 4.44 pm.

Date Confirmed:

Chair: