
MINUTES
of the
FULL COUNCIL MEETING
held
9.30am, Thursday, 19 October 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, A Turley, S Brown, D Ogilvie, T Tuffnell, P Hawkes, P Sangster

In Attendance: Chief Executive (L McKenzie), Executive Assistant (K Redgrove), Engineering Services Manager (R Kirby), Corporate Services Manager (M Drummond), Community Development Manager (S Edwards), Principal Legal Advisor (S Taylor)

Part Attendance: Utilities Manager (M Schruer), Community Relations Manager (C Choat), Online Communications Officer (B Catley), Customer Services Manager (S Westley), Policy Advisor (S Holman)

1 OPENING, WELCOME

2 APOLOGIES AND LEAVE OF ABSENCE

Nil.

3 PUBLIC FORUM

Cr Paul Sangster

Cr Sangster spoke to a letter tabled on 7 September 2017 from the Golden Bay Share Recreation Facility Incorporated (GBSRF). He referred to sections of the letter that suggested there has been an aggressive altercation between himself and Dean Lund. He refuted those allegations and summarised his version of events set out in a letter presented to Councillors. He sought an apology from Dean and members of the GBSRF.

Cr Sangster left the meeting at 9.35 am.

Mr Murray Dawson

Mr Dawson spoke in relation to the proposed Waimea Dam. He referred to a handout containing a number of graphs and suggested that the economic reports based on the data collated were fundamentally flawed.

Mr Maxwell Clark

Mr Clark questioned the legality of underwriting a loan for the proposed Waimea Dam. He referred to a handout that cited extracts of a GNS Science Consultancy Report from August 2017 and ss.62-64 of the Local Government Act 2002.

He suggested public consultation would be incomplete without a number of financial components being confirmed as part of the material to be considered. He believed the Council has been hiding the true costs of a financial overrun.

Mr Clark also questioned the wisdom of building a dam on two active fault lines.

Mr Ray Hellyer

Mr Hellyer referred to the financial operating surplus that was recently reported by Tasman District Council. He described the surplus as an 'appalling example of civic maladministration'. He said the Council has deferred some infrastructural maintenance in the Moutere Valley that he believed had contributed to the reported surpluses and provided the meeting with some examples. He was concerned that there were similar instances of little or no maintenance happening elsewhere in the District.

Mr Paul Crockford

Mr Crockford considered the information on the Golden Bay Grandstand being relayed to Councillors by staff was incomplete. He referred to the demolition contract costings which he believed could be reduced.

He acknowledged that Heritage New Zealand required the Grandstand to be demolished piece by piece. If the Golden Bay Grandstand Trust can take ownership of the Grandstand, the ratepayer will not be liable for that cost. He referred to the draft Deed of Agreement that had been provided to the Trust and considered no-one with any business acumen would agree to its terms, as drafted.

Dean Lund and Philip Woolf on behalf of the Golden Bay Shared Recreation Facility (GBSRF)

Mr Lund and Mr Woolf referred to a concept design for a Covered Seating Area at the Golden Bay Recreation Park which featured both in terms of longevity and low maintenance. A full copy of the designs and associated information was handed to Councillors. They indicated they would seek to work with Tasman District Council staff on the proposal and costings involved.

4 PRESENTATIONS (DEPUTATIONS)

Cr King left the meeting at 10.04 am

Community Water Solutions Advisory Group – Mr Morgan Williams

Mr Williams explained the purpose and membership of the Group, which collectively represents a significant body of relevant qualifications and experience. He emphasised the

members were independent of Tasman District Council and other parties involved in the Waimea Water Augmentation Project.

He reflected on the issues and decisions that lie ahead for Council and the community. He acknowledged that a safe and reliable supply of water is indisputably one of the crucial human needs and the provision of water also connects closely with reliable food production.

Mr Williams had reviewed the research that Tasman District Council had carried out to date on the Project and considered this was very thorough. He described the proposed scheme as complex, highly sophisticated and 'tracking well'.

Golden Bay Grand Stand Community Trust (Inc) - the Trust/GBGCT

Mr Duncan McKenzie and Mr Noel Baigent spoke on behalf of the Trust.

Mr Baigent spoke to a handout with an extract of the draft Deed of Agreement presented to the GBGCT. He did not believe the Deed matched the requirements of the resolution passed at Tasman District Council's meeting on 27 July 2017. They considered it goes beyond what any reasonable or rational business person would sign and outlined the reasons why that view was held by the Trust.

Cr King returned to the meeting at 10.23 am.

Mr McKenzie and Mr Baigent expressed surprise there was now a proposal for the GBSRF for a new covered seating area. They sought agreement from Council to revisit the benefits of retaining the Grandstand against the benefits of demolishing it.

In response to questions of clarification raised by Councillors, the Trust explained the current position with their fundraising efforts and that approximately ten members of the Trust met every week to discuss progress and future planning. They acknowledged relocation of the Grandstand was not an option for them.

The meeting heard that the contract for demolition was held with Gibbons. The Community Development Manager explained the contractual obligations. If Council removed themselves from that contract, a penalty/compensatory payment is likely to apply.

The Trust was confident that, other than reaching agreement on the provisions of the draft Deed, they were on track with the other aspects of the project. They mentioned that the inability of the Recreation Centre to be fully operational impacted on the level of community support the Trust were receiving for their proposal.

5 DECLARATIONS OF INTEREST

Cr Maling declared an interest in relation to the proposed Waimea Community Dam and the report entitled 'Tasman Regional Management Plan (TRMP) Change 60, Variation 1' Consequently, he confirmed he would not be taking part in the discussion or voting and will leave the Chamber for the confidential discussions on those items.

Cr Wensley declared an interest in relation to one particular aspect of the report to be heard in the confidential session. A member of her family had been in discussions with Council on one of the topics contained within the report and, although not a direct conflict, she preferred to exercise caution and will remove herself from the Chamber during discussions on that topic.

Cr Tuffnell declared a (perceived) conflict relating to his involvement with Network Tasman and will withdraw from discussions on that subject matter.

6 LATE ITEMS

Nil.

7 CONFIRMATION OF MINUTES

Nil. The Executive Assistant explained that the minutes from the meeting on 28 September 2017 were not on the Agenda for approval at today's meeting because it had not followed the usual six weekly cycle. Consequently, this shortened the time available for these minutes to be finalised and distributed.

The Mayor explained the meeting would consider the next report in a Confidential Session. He invited members of the public wishing to attend and hear Council's consideration of the Waimea Community Dam Statement of Proposal to provide their details so they could be contacted ahead of the meeting resuming in an open session.

8 REPORTS

Cr Maling left the meeting at 10.42 am.

9.2 Waimea Community Dam - Joint Venture Funding Proposal Update

Moved Cr Bryant/Cr King

CN17-10-1

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:

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.

The text of these resolutions is made available to the public who are present at the meeting and form part of the minutes of the meeting.

CARRIED

The meeting broke for lunch at 12.40 pm. Members of the public who had expressed a wish to be contacted were notified that the public session would resume at 1 pm.

The meeting resumed in public session at 1.05 pm. Cr Maling rejoined the meeting but stepped away from the table and did not take part in the discussions or voting on item 8.1.

8.1 Adoption of Consultation Document Containing the Proposal on Waimea Community Dam Governance and Funding Options

The Online Communications Officer spoke to a Change Sheet that was tabled. This set out proposed minor changes to the draft Waimea Community Dam Statement of Proposal (SOP).

Cr Tuffnell left the meeting at 1.20 pm.

Councillors considered the draft SOP page by page, allowing for edits, queries or comments to be raised.

A wider concern was raised on the timing of the consultation on Governance and Funding Options. The accuracy of communications in the media in recent times was also called into question. A specific reference was made to information published on behalf of the Waimea Irrigators Limited (WIL). The Mayor reassured Councillors that he had addressed this with WIL and discussed co-ordination of information released to the community to ensure it was accurate. The Chief Executive will investigate the alleged misuse of Council's logo by WIL and report back.

The Mayor and Deputy Mayor concurred that the release of the SOP for consultation should be seen as an opportunity for Council to put forward correct and comprehensive information to the community on the proposed project.

The Community Development Manager explained how the consultation on the SOP fitted around timeframes for ongoing consultation, submissions and deliberations which eventually would connect with inclusion in Council's next Long Term Plan.

The Chief Executive emphasised that Council would be inviting feedback from the community and must comply with their statutory obligation to ensure a tangible proposal was put forward for the purpose of the public consultation.

An amendment to point 7 was put to extend time for submissions to be received. This was not supported by the mover and seconder of the original motion. The Corporate Services Manager warned that any change in the proposed dates would compromise the ability to comply with timelines on future public consultation.

Moved Cr Canton/Cr Wensley

- “7. Agrees that the Consultation Document, Summary and Section 101(3) Analysis supporting information for the Waimea Community Dam Funding and Governance will be publicly notified on or before 21 October 2017 and that submissions will close on 15 December 2017.”

LOST.

**Moved Cr Bryant/Cr King
CN17-10-6**

Cr Greening called for a division.

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

That the Full Council

- 1. receives the Adoption of Consultation Document Containing the Proposal on Waimea Community Dam Governance and Funding Options report RCN17-10-02; and**
- 2. adopts the Tasman District Council’s Consultation Document (Statement of Proposal) contained in Attachment 1 of this report for the proposed Waimea Community Dam Funding and Governance, incorporating any amendments agreed at the meeting; and**
- 3. approves the Consultation Document as the basis for public consultation in accordance with Section 87 of the Local Government Act 2002; and**
- 4. adopts the Summary for the proposed Waimea Community Dam funding and governance arrangements contained in Attachment 2 to this report, incorporating any minor amendments agreed at the meeting, for release as the basis of a public consultation process; and**
- 5. adopts the Local Government Act 2002 Section 101(3) Analysis as supporting information for the Consultation Document (Statement of Proposal) contained in Attachment 3 to this report; and**
- 6. notes that the Summary will be distributed within the Tasman District as a special edition of Newsline; and**
- 7. agrees that the Consultation Document, Summary and Section 101(3) Analysis supporting information for the Waimea Community Dam Funding and Governance will be publicly notified on or before 21 October 2017 and that submissions will close on 26 November 2017; and**

- 8. agrees to the Mayor and the Chief Executive Officer, signing off any further minor editorial amendments prior to the Consultation Document and Summary being finalised for public consultation.**

CARRIED

The meeting resumed in open session at 3.15pm. Crs Bryant and Ogilvie were absent.

Acknowledging that the meeting was approaching the maximum duration of six hours, Councillors agreed to resolve that the meeting continue until such time as all of the business on the agenda had been dealt with.

**Moved Cr Maling/Cr Tuffnell
CN17-10-7**

That the meeting be extended until such time as all matters for consideration on the agenda have been dealt with.

CARRIED

8.2 Rates Remission Application - Land Subject To Council Initiated Zone Changes

The Revenue Accountant and Finance Manager spoke to this report, which was taken as read.

In response to a question, the Revenue Accountant advised the deadline for applications had passed and so staff were not expecting any more rates remissions this financial year.

**Moved Cr King/Cr McNamara
CN17-10-8**

That the Full Council

- 1. receives the Rates Remission Application - Land Subject To Council Initiated Zone Changes report RCN17-10-03; and**
- 2. approves the remission of rates for the 2017-2018 year, being \$679.42 for valuation # 1937027500, in accordance with Council's Policy on Remission of Rates for Land Subject to Council Initiated Zone Changes**

CARRIED

8.3 Grant of Easement To Network Tasman Limited at River View Campground

Having declared an interest in this item, Cr Tuffnell left the meeting at 3.17pm and did not take part in debate or decision making on this matter.

The Property Services Officer and the Corporate Services Manager were present to speak to this report and answer questions.

The Chief Executive undertook to discuss the undergrounding of services with Network Tasman.

Cr Bryant re-joined the meeting at 3.20pm.

**Moved Cr King/Cr Hawkes
CN17-10-9**

That the Full Council

- 1. receives the Grant of Easement To Network Tasman Limited at River View Campground report RCN17-10-04; and**
- 2. approves the granting of a perpetual easement in favour of Network Tasman Limited, covering the small land area between the proposed electricity infrastructure to be established on the legal road adjacent to the camp ground, and the existing power pole within the camp ground recreation reserve area; and**
- 3. authorises the Property Manager to sign any papers required to give effect to this resolution.**

CARRIED

Cr Tuffnell rejoined the meeting at 3.23pm.

8.4 Waimea Community Dam Project Report

Having declared an interest in this item, Cr Maling left the table and did not take part in debate or decision making on this matter.

The Chief Executive spoke to this report and answered questions. Councillors discussed the risk that a delay in WIL's capital raising would present for the procurement work streams especially.

Cr Hawkes left the meeting at 3.25pm.

Councillors asked for an update of progress with the acquisition of land and access. The Chief Executive advised Council now have the access needed for investigation work. He said that no physical work had been undertaken so far and would not commence until a tender had been awarded.

In discussing Waimea Irrigators Limited's (WIL) timeline to complete, The Chief Executive advised Councillors that WIL were hoping to get regulatory approval to release a product disclosure statement before Christmas 2017. He said that WIL were not anticipating receipt of any subscriptions before February 2018. In response to a question, the Chief Executive clarified that if WIL could stick to their current timeline, it was expected that their timing would align with Council's deliberations on submissions. Councillors noted the importance of reinforcing this timeline with WIL.

**Moved Cr Tuffnell/Cr McNamara
CN17-10-10**

That the Full Council

- 1. receives the Waimea Community Dam Project Report RCN17-10-05.**

CARRIED

Cr Maling rejoined the table at 3.29pm.

8.5 Chief Executive's Activity Report

The Chief Executive spoke to his report.

Cr Hawkes re-joined the meeting at 3.30pm.

Councillors noted as an attachment to this report the 6-monthly Health and Safety Indicators Monitoring report. They heard that the Health and Safety (H&S) reporting was out of sync with the financial reporting cycle and advised that the next H&S report would be a 3-month report to bring it back in line.

Councillors asked when it was likely to know whether Council's bid for Tourism Infrastructure Funding had been successful. The Chief Executive confirmed the timeframe for a decision was unknown at this stage, but the fact that Council had an interview would indicate they were through the first stage.

The mechanism for reporting notifiable events for Council staff and contractors was discussed. The Chief Executive clarified that notifiable events were reported on separately for Council staff and contractors. In response to a further question, he also said that the contractors were responsible for notifying of any events concerning their employees.

Councillors noted the hours reported as being worked by staff and commented in particular on the volume of overtime hours reported. They voiced their concerns about the related health and safety aspects of working such long hours. The Chief Executive clarified that the example quoted in the report was due to a specific set of circumstances, but did comment that it was not uncommon in this organisation or the Local Government sector. He advised Councillors that a bid for more resourcing would be coming through to Council at a future meeting.

The Chief Executive expanded upon the Capability and Capacity Review that would look at current capacity and sizing and also future demands of the organisation. He said that a report back was expected to come to Council early in 2018. He advised Councillors of the expectation that the person employed to undertake this work would also engage with Councillors on their expectations.

The Mayor undertook to report back to Council on the review of the Nelson Regional Sewerage Business Unit independent member and the remuneration of that role.

Moved Cr Hawkes/Cr Canton

CN17-10-11

That the Full Council

- 1. receives the Chief Executive's Activity Report report RCN17-10-06; and**
- 2. approves applications to the Tourism Infrastructure Fund totalling \$365,000 for tourism infrastructure projects and a feasibility study; and**
- 3. notes that if final project costs exceed the amount approved on 28 September 2017 by more than ten percent, a formal funding request will be made to Council; and**
- 4. notes the Council Action Sheet.**

CARRIED

8.6 Mayor's Activity Report to Full Council

The Mayor's Activity Report was taken as read. In response to a question, the Mayor gave a brief update of the topics covered at the Local Government New Zealand (LGNZ) Freedom Camping Workshop. He noted the request from Councillors to take back a discussion point about caravans, campervans and motorhomes being parked and left all day while the owners explored the surrounding area.

Councillors discussed the collective responsibility of all elected members to be conscious when expressing their personal opinions of doing so in a manner that did not advocate against a decision made by the Council.

In response to a question around the Tourism Infrastructure Fund, the Community Development Manager clarified that this fund could only be applied for towards construction costs and that this would not include any other associated costs such as resource or building consent costs.

**Moved Cr Sangster/Cr King
CN17-10-12**

That the Tasman District Council receives the Mayor's Activity Report to Full Council (RCN17-10-07).

CARRIED

8.7 Machinery Resolutions Report

This report was taken as read and there were no questions raised by Councillors.

**Moved Cr Sangster/Cr Turley
CN17-10-13**

That the Tasman District Council

1. **receives the Machinery Resolutions report RCN17-10-08 and that the execution of the following documents under the Seal of Council be confirmed:**
 - a) **Easement in Gross- H.C and J.E Edwards – Easement in Gross over Tasman District Council Sewer Main where there has never been an easement.**
 - b) **Deed of Lease- Lavery Enterprises Ltd – Agreement between Council (landlord) and the owners of the Jellyfish (Tenant) or compensation during the closure of the restaurant for construction.**
 - c) **Easement in Gross – Ross Holland, Christine Dollory, Robert Holland – RM 160381 - The existing water pipes and sewer pipes are being protected by an easement in gross as part of a subdivision.**
 - d) **Easement in Gross – Moylan – Water Pipes.**
 - e) **Plan Change Approval Certificate under RMA 1991 – Tasman District Council – Approval and commencement of Change 62 (Progressive Enterprises Ltd: Richmond North Commercial Zone) to the Tasman Resource Management Plan.**
 - f) **Easement in Gross – Mapua Limited – RM140641 – Sewer.**
 - g) **Easement in Gross – Tasman Ltd – RM 140125.**
 - h) **Covenant and Encumbrance - Steve and Maria - Covenant allowing penstock under legal road, encumbrance.**

- i) **Assignment of Plunket Lease – Plunket Local Branch to Plunket No.2 – Technical assignment only.**

CARRIED

9 CONFIDENTIAL SESSION

9.1 Procedural motion to exclude the public

**Moved Cr Bryant/Cr McNamara
CN17-10-14**

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:

9.3 Roading - Option for Land Purchase

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)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p> <p>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).</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>

9.4 Proposed TRMP Change 60 Variation 1

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	48(i)(d) - To deliberate in private in a procedure where a right of	s48(1)(a)

information for which good reason for withholding exists under section 7.	appeal lies to a Court against the final decision.	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.
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CARRIED

The meeting resumed in open session and ended at 4.12 pm.

Date Confirmed:

Chair:

Unconfirmed