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**MINUTES**  
of the  
**FULL COUNCIL MEETING**  
held  
**9.30am, Thursday, 3 December 2020**  
at  
**Tasman Council Chamber, 189 Queen Street, Richmond**

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**Present:** Mayor T King, Councillors S Bryant, C Butler, B Dowler, M Greening, C Hill, K Maling, C Mackenzie, D McNamara, D Ogilvie, T Tuffnell, A Turley, T Walker and D Wensley

**In Attendance:** Chief Executive (J Dowding), Executive Assistant to the Mayor (R Scherer), Community Development Manager (S Edwards), Corporate and Governance Services Manager (M Drummond), Director, Programme Management Office (R Kirby), Environment and Planning Manager (D Bush-King), Acting Engineering Services Manager (D Fletcher) and Chief Information Officer (S Manners)

**Part Attendance:** Regulatory Manager (A Humphries), Team Leader – Stormwater and Waste Management (D Stephenson), Property Services Manager (M Johannsen), Programme Leader – Property Transactions (R Cant), Finance Manager (M McGlinchey), Senior Management Accountant (J Douglas) Revenue Accountant (K Kivimaa-Schouten), Regulatory Support Officer (R Connochie), Senior Legal Advisor (L Townshend) and Motueka Community Board Member, (D Armstrong)

Chair, Waimea Water Ltd (D Wright) and Company Secretary, Waimea Water Ltd (R Timpany)

## **1 OPENING, WELCOME**

Mayor King welcomed everyone to the meeting and opened with a karakia. He noted that the public forum was fully booked but if time allowed within the 30 minute allotted time, he would invited others to speak.

## **2 APOLOGIES AND LEAVE OF ABSENCE**

**There were no apologies.**

### **3 PUBLIC FORUM**

**Ralph Bradley** spoke on behalf of the Top of the South Dark Sky Committee. He spoke about the community support for dark skies and the opportunity for everyone to see the stars. Mr Bradley thanked the Council for their support of the Wai-iti scenic reserve, the first dark sky park. He said that the committee is looking for larger areas of dark skies and the committee believes such areas would create new business, new tourism and new opportunities for the Tasman community. Mr Bradley referred to the Wairarapa District Council's new rules that foster dark skies and urged the Council to consider a similar plan change so that we can create a dark sky area of international significance. Mr Bradley tabled two documents "Light Pollution" and a copy of the Wairarapa District Council's Plan Change.

**Anne Thompson, Laurie Jarrett and Nigel Lloyd** provided a powerpoint presentation focused on the issue of coastal protection at Pakawau. **Anne** spoke about the rocks that had been removed from in front of her property at Pakawau. She said that the sand push up work completed by the Council does not last, the sand washes away and in an easterly wind the sand comes into and around her house. She noted that the residents are willing to pay for a solution and urged the Council to allow residents to re-rock the beach frontage at their own cost.

**Laurie Jarrett** spoke about the ongoing erosion issue at Pakawau. He noted that the Memorandum of Understanding (MoU) between the Council and the Pakawau Community Residents Association expires soon and asked the Council to renew it for another five years and assure the residents that it will honour the terms of agreement.

**Nigel** spoke about the compliance framework and suggested that the Council had made poor decisions about the coastal erosion at Pakawau. He noted that the community want to find solutions and challenged the Council to help get the required work completed. He said that the previous sand push ups had not been effective and urged the Council to help the residents so that they can look forward to a resilient future.

**Ron Eckman** (via Zoom) spoke about freedom camping – thanked the hearing panel for listening and showing respect for Manawhenua ki Mohua. Hope the Mayor and councillors adopt today's recommendations. Mr Eckman urged the Council to take a proactive approach in communicating the changes to the Freedom Camping Bylaw. He suggested that the Council needs to let campers know that Golden Bay has many spaces available at camping grounds, but extremely limited spaces for freedom campers. He suggested that proactive communication should reduce the need for enforcement.

**Bing Brabant** (via Zoom) spoke about freedom camping. He referred to the closed landfill at Rototai and suggested it was not a suitable place for camping.

The Chair noted that there was sufficient time within the public forum for extra speakers.

**Murray Dawson** spoke about information provided in a recent Newsline about the Waimea aquifers. Mr Dawson asserted that the information was wrong and asked that it be corrected. Mr Dawson also spoke about minimum river flows and algal blooms.

**Maxwell Clark** spoke about funding of the Waimea Dam cost overruns. He suggested that COVID-19 costs should not be included in the costs. Mr Clark said that irrigators should pay their fair share and suggested that any change to the funding model is not fair on ratepayers.

### **4 DECLARATIONS OF INTEREST**

Nil

## 5 LATE ITEMS

Nil

## 6 CONFIRMATION OF MINUTES

**Moved Cr Ogilvie/Cr Wensley**

**CN20-12-1**

**That the minutes of the Full Council meeting held on Thursday, 22 October 2020, be confirmed as a true and correct record of the meeting.**

**CARRIED**

**Moved Cr Tuffnell/Cr Wensley**

**CN20-12-2**

**That the minutes of the Full Council meeting held on Thursday, 26 November 2020, be confirmed as a true and correct record of the meeting.**

**CARRIED**

## 7 PRESENTATIONS

### **Quarterly Shareholder Update – Waimea Water Limited**

Chair of Waimea Water Limited, David Wright and Company Secretary, Richard Timpany spoke to a powerpoint presentation.

Councillors asked a number of questions for clarification regarding:

- Filling of the dam – Mr Timpany confirmed that the fill would be undertaken in a controlled manner and would include hold points to ensure the work meets safety requirements.
- The flood event which occurred on site on 5 November 2020 – Mr Timpany confirmed that four days' work had been lost. The event did not breach any of the project's resource consents.
- Costs for the mechanical and electrical aspects of the dam.
- The decision to retain the concrete face for the dam.
- Health and safety, including sick leave and stress leave.
- The geology of the site.
- Design changes – Mr Timpany confirmed that there was a slight increase in the percentage of reinforcing steel used.
- Forecast costs – Mr Wright confirmed that the company will provide an update on forecasted costs to the Council in February 2021.

The Mayor thanked Mr Wright and Mr Timpany for their presentation.

## 8 REPORTS

### **8.1 Arrivals and Departures Sculpture - Port Motueka**

Property Services Manager, Mark Johannsen spoke to the report contained in the agenda which was taken as read.

The Councillors agreed to amend the draft resolution to include funding of \$5000 per annum for maintenance of the sculpture to be sourced from the Motueka Community Board's budget.

#### **Moved Cr Ogilvie/Cr Wensley**

**CN20-12-3**

**That the Full Council:**

- 1. receives the Arrivals and Departures Sculpture - Port Motueka report, CN20-12-1; and**
- 2. accepts the gifting of the 'Arrivals and Departures' sculpture at Ward Street, Port Motueka.**
- 3. notes that the Motueka Community Board has agreed that funding of up to \$5,000 per annum for maintenance of the Arrivals and Departures Sculpture will come from the Motueka Community Board rate.**

**CARRIED**

### **8.2 Amendments to the Freedom Camping Bylaw**

Regulatory Manager, Adrian Humphries presented the report which was taken as read.

Mr Humphries congratulated the members of the Freedom Camping Bylaw hearing panel for their work in getting the bylaw amendments prepared for Council approval in a very short time.

Mr Humphries summarised the changes to the bylaw including:

- the removal of Waitapu Bridge from the Council's list of freedom camping sites – this site is now under Waka Kotahi management;
- reallocation of six non-self-contained parking sites at Decks Reserve for self-contained vehicles;
- the removal of Taupata Point as a freedom camping site;

Mr Humphries noted that the panel had decided not to recommend the former Rototai landfill as a freedom camping site and suggested that signage at Alexander Bluff Bridge could be improved to help direct traffic.

Several Councillors said that they were pleased to see that the amended bylaw now aligned with the Council's freedom camping strategy.

It was agreed that a good communications plan and improved signage, including advice about camping grounds would help to successfully implement the new bylaw in the District.

#### **Moved Cr Hill/Cr Turley**

**CN20-12-4**

**That the Full Council**

- 1. receives the Amendments to the Freedom Camping Bylaw report CN20-12-2 ; and**

2. **adopts the amendments to the Freedom Camping Bylaw 2017 which will be operative from 7 December 2020 as recommended by the hearing panel and as incorporated in Attachment 3 to Report CN20-12-2; and**
3. **authorises use of the Council Seal to authenticate the Freedom Camping Bylaw.**

**CARRIED**

*The meeting adjourned at 11:04 am and recommenced at 11:15 am.*

### **8.3 Submission on Government Proposal to Phase-out Selected Plastic Products**

Team Leader – Solid Waste and Stormwater, David Stephenson presented the report which was taken as read.

In moving the resolution, Deputy Mayor Bryant thanked Mr Stephenson for his work in preparing an excellent submission.

**Moved Deputy Mayor Bryant/Cr Dowler**

**CN20-12-5**

**That the Full Council:**

1. **receives the Submission on Government Proposal to Phase-out Selected Plastic Products report RCN20-12-3; and**
2. **approves the proposed submission on the Government's proposal to phase out selected plastic products, contained in Attachment 2 to Report RCN20-12-3 (dated 3 December 2020) to the Ministry for the Environment; and**
3. **authorises the Acting Engineering Services Manager to make minor editorial amendments to the submission prior to submitting it to the Ministry for the Environment.**

**CARRIED**

### **8.4 Sale and Acquisition Proposal (Sale of Reserve Land and the Purchase of Private Land In Exchange) - McPherson Street, Richmond**

Programme Leader – Property Transactions, Robert Cant presented the report which was taken as read.

**Moved Cr Ogilvie/Cr McNamara**

**CN20-12-6**

**That the Full Council:**

1. **receives the Sale and Acquisition Proposal (Sale of Reserve Land and the Purchase of Private Land In Exchange) - McPherson Street, Richmond report RCN20-12-4; and**
2. **agrees to commence a reserve revocation process, because the McPherson Street Local Purpose (Road) Reserve is not being used and is unlikely to be used, due to a better alternative being available should the exchange be successfully concluded; and**

3. **delegates authority to the Property Services Manager to sign any documents and take any action required to give effect to the intentions of an agreement between Solly's Freight Services Ltd (SFSL) and the Council, to conditionally sell the reserve land to SFSL, subject to a public notification and revocation process; and**
4. **authorises that, conditional upon the reserve revocation process concluding with the revocation of the reserve, the Property Services Manager acquire a 6m wide strip of land along the Northern and Western boundaries of Lot 4 DP 11092 shown in green on Attachment 1 to this report, under Section 17 of the Public Works Act 1981 in return for the sale of the revoked reserve to SFSL; and**
5. **appoints a hearing panel comprising Cr Ogilvie (Chair) together with Cr Maling and Cr Tuffnell to hear any submissions/objections, deliberate, and make a recommendation back to the Full Council; and**
6. **authorises the hearing panel Chair to appoint a substitute Councillor in the event that any panel members are unavailable.**

**CARRIED**

### **8.5 Revenue and Financing Policy Proposals for Funding the Water Supply Activity (Waimea Community Dam)**

Corporate and Governance Services Manager, Mr Drummond presented the report which was taken as read. He tabled a document which included amendments to pages 19 and 20 of the report contained in the agenda.

Mr Drummond emphasised that the decision being made today is about public consultation, not on how a rate might be implemented.

The Councillors discussed a number of items, including:

- The number of options that will be included in the consultation document – Mr Drummond said that the Council can determine how many options to include, it could be all of the options in the report or the Council may wish to omit some of them. He noted that typically, the Council's preferred option would be identified.
- Mr Drummond agreed that points 4 and 5 of the resolution could be amended to include the word "notes", rather than "confirms".
- Mr Drummond noted that the Product Disclosure Statement referred to by some Councillors is a Waimea Irrigators Ltd document, not the Councils.
- The option of a differential in terms of the Waimea Dam District-wide rate increase for the Murchison and Golden Bay Wards. Mr Drummond said that this would require a change to the Council's Revenue and Financing Policy.
- The difference between land value and capital value.
- Clarification regarding the area described as the zone of affiliation.
- Cost allocations and the impact on ratepayers.

Seconded by Cr Tuffnell, Cr Maling moved the resolution for Option 4 as the preferred option. After some discussion, the Mayor asked for a show of hands and the resolution was lost, 8-5.

Cr Hill, supported by Cr Bryant moved that Option 3, sub-option iii be confirmed as the Council's preferred option. With no casting vote available, the outcome was not declared and the meeting

adjourned so that staff could seek advice on the next steps.

*The meeting adjourned for lunch at 12:32 pm and reconvened at 1:05 pm*

The Mayor advised that the outcome of the vote for the preferred option was not declared and should it be lost again, he foreshadowed that he would move to vote on clauses 1 to 8 of the resolution.

After further discussion the vote was put again and the was lost.

The Mayor called for a vote on points 1 to 8 of the resolution which was carried.

**Moved Mayor King/Deputy Mayor Bryant  
CN20-12-7**

**That the Full Council:**

- 1. receives the Revenue and Financing Policy Proposals for Funding the Water Supply Activity (Waimea Community Dam) report, RCN20-12-5.**
- 2. notes that the indicative rating impacts in this report are early estimates only and are subject to change as proposals are refined and further work is carried out. Also that they are based on both the current property rating valuations (which are currently subject to the 3-yearly revaluation review and the future year's rates will be set based on updated property values) and the current project cost to complete the Dam of \$129.4 million; and**
- 3. notes the contractual allocation of Waimea Water Ltd operational costs are 49% to Waimea Water Ltd and 51% to the Council; and**
- 4. notes the current allocation of project capital costs for funding purposes as 49% Irrigator extractive use, 21% Urban Water supply extractive use and 30% Environmental and community benefits; and**
- 5. notes the allocation of Waimea Water Ltd operating costs for funding purposes as 49% Irrigator extractive use (WIL), 21% Urban Water supply extractive use and 30% environmental and community benefits; and**
- 6. confirms the existing funding policy for the Environmental and Community Benefits. These being funded across the District by way of a fixed charge per rating unit covering 70% of funding requirements and a charge on capital value for properties in the current 'Waimea Community Dam zone of Benefit Rating Area' covering 30% of the funding requirement; and**
- 7. confirms the existing funding policy for the Urban Water supply extractive use. That being a charge to the Urban Water Supply Account and Redwood Valley Rural Water Supply (recovered through inclusion in Development Contributions, water rates and fees and charges); and**
- 8. requests that staff when preparing the Consultation Document for the Councils Revenue and Financing Policy include in relation to the Water Supply Activity and Funding Impact Statement the following options for the Water Supply Activity Waimea Community Dam Council funded Irrigator extractive use capacity:**
  - a) Stepping any irrigator extractive use -targeted rate(s) in over a 5-year period by running an initial deficit in the activity to be recovered in later years.**
    - i) Option 1 (current policy) – A Targeted rate based on CV for all properties with an affiliated consent.**

**AND/ OR**

**ii) Option 2 – District-wide funding.**

**Sub-option i) Based on the Capital Value of a Property**

**OR**

**Sub-option ii) based on a fixed charge per rating unit**

**iii) Option 3 – A Targeted rate based on LV to properties who have the ability to benefit from irrigation (zone of affiliation)**

**Sub-option i) Only on Properties that benefit from an affiliated consent**

**OR**

**Sub-option ii) On all properties in the affiliation zone**

**OR**

**Sub-option iii) Differential targeted rate of 5:1 with the higher rate charges to properties supplied from an affiliated consent and the lower charge to properties in the affiliation zone who do not hold an affiliated consent**

**iv) Option 4 – Funding through a mix of Options 2 and 3**

**With general rates funding 40% and targeted rate on LV funding 60%**

**CARRIED**

Mr Drummond advised that he had taken advice and that under the Local Government Act, the Council is required to nominate its preferred option in the consultation document. He added that all of the options noted in the resolution will be included in the consultation document.

It was suggested that the Council should engage with central government as soon as possible and ask them for funding to complete the dam project.

Point 9 of the draft resolution was then approved by the Council.

**Moved Cr McNamara/Cr Wensley**

**CN20-12-8**

**That the Council confirms option 3, sub-option i as the preferred option in the consultation document for the Council funding, for its share of the Irrigator extractive use capacity.**

**CARRIED**

## **8.6 Treasury Report**

Finance Manager, Matt McGlinchey and Senior Management Accountant, Josh Douglas presented the report which was taken as read.

*Deputy Mayor Bryant left the meeting at 01:21 pm.*

**Moved Cr Mackenzie/Cr Maling**

**CN20-12-9**

**That the Full Council receives the Treasury Report RCN20-12-6.**



**CARRIED**

### **8.7 October 2020 Quarterly Financial Update**

Mr McGlinchey and Mr Douglas presented the report which was taken as read. Mr Douglas noted that a number of variances in the year to date actuals were attributed to timing.

**Moved Cr Dowler/Cr Ogilvie**

**CN20-12-10**

**That the Full Council receives the October 2020 Quarterly Financial Update report, RCN20-12-7.**

**CARRIED**

### **8.8 2021 Council Commitments Calendar and Supporting Information**

Executive Support Officer, Rhian Williams presented the report which was taken as read.

**Moved Cr McNamara/Cr Hill**

**CN20-12-11**

**That the Full Council receives the 2021 Council Commitments Calendar and Supporting Information report, RCN20-12-8.**

**CARRIED**

### **8.9 Machinery Resolutions Report**

Executive Support Officer, Rhian Williams presented the report which was taken as read.

**Moved Cr Mackenzie/Cr Turley**

**CN20-12-12**

**That the Tasman District Council:**

- 1. receives the Machinery Resolutions report, RCN20-12-9 and that the execution of the following documents under the Seal of Council be confirmed:**
  - a) Council Bylaw – Speed Limited Bylaw 2016**
  - b) Council Bylaw – Wastewater Bylaw 2015**
  - c) Council Bylaw – Dog Control Bylaw 2014**
  - d) Memorandum of Variation Lease – Tasman District Council and the Proprietor of Wakatū – 41780F1 (L348756.1) – Council Lease land in Motueka, namely Memorial Park. The five year rent review was negotiated and agreed at \$32,025.00.**
  - e) Deed of Encumbrance – Simon and Julie Wills – Deed to allow existing bach to remain of on legal road until 2040.**

**CARRIED**

### **8.10 Chief Executive's Update Report**

Chief Executive, Janine Dowding presented the report which was taken as read.

In response to a question, Ms Dowding said she would advise the Council of the cost of the Council's participation in the LGNZ "Ask your Team" survey.

#### **Moved Cr Hill/Cr Butler**

**CN20-12-13**

**That the Full Council:**

- 1. receives the Chief Executive's Update Report RCN20-12-10; and**
- 2. approves the chlorination of the Kaiteriteri/Riwaka water supply scheme from 15 December 2020 to 1 March 2021; and**
- 3. authorises additional expenditure of \$75,000 in the 2020/2021 financial year for pavement renewal at the Māriri Resource Recovery Centre, allocated to pavement renewals and funded by additional borrowing; and**
- 4. notes the Council Action Sheet.**

**CARRIED**

### **8.11 Mayor's Update Report**

Mayor Tim King presented the report which was taken as read. He noted that he had covered a range of issues with newly elected Nelson Member of Parliament, Rachel Boyack during their recent meeting.

*Deputy Mayor Bryant returned to the meeting at 01:35 pm.*

The Councillors discussed the proposal to build a new hospital in the region. It was agreed that the Council should hold formal discussions with the Ministry of Health regarding the location of the hospital.

The report from Outward Bound scholar, Hemi Wilson from Murchison Area School was commended.

The Mayor congratulated Councillors Maling and Wensley on their recent RMA Chair accreditation.

#### **Moved Cr McNamara/Cr Mackenzie**

**CN20-12-14**

**That the Full Council:**

- 1. receives the Mayor's Update Report RCN20-12-11; and**
- 2. agrees that the Mayor should commence formal discussions with the Ministry of Health regarding the process for the proposed site of the new Nelson Public Hospital.**

**CARRIED**

## **9 CONFIDENTIAL SESSION**

### 9.1 Procedural motion to exclude the public

Moved Cr Walker/Cr Hill

CN20-12-15

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 Aquatic Centre Management Contract

| 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)(g) - The withholding of the information is necessary to maintain legal professional privilege.<br><br>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)<br><br>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 Waimea Community Dam - Project 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)(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.<br><br>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)<br><br>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. |

### 9.4 Property Strategic Review

| 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 |
|---|---|--|
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| <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> | <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)(j) - The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage.</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> |
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**CARRIED**

The meeting concluded at 2:57 pm.

Date Confirmed: 25 February 2021

Chair: Tim King

Confirmed