
MINUTES
of the
FULL COUNCIL MEETING
held
9.30 am, Thursday, 25 February 2021
at
Tasman Council Chamber, 189 Queen Street, Richmond

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 (via Zoom)

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

Part Attendance: Finance Manager (M McGlinchey), Revenue Accountant (K Kivimaa-Schouten), Property Services Manager (M Johannsen), Acting Strategy & Policy Manager (J Neame), Senior Policy Adviser (A Bywater), Policy Adviser, (A Gerraty), Kaihautū (T Carkeek), Resource Consents Manager (T Harris), Community Relations Manager (C Choat) and Policy Officer (S Hartley)

1 OPENING, WELCOME

Mayor King welcomed everyone and opened the meeting with a karakia.

2 APOLOGIES AND LEAVE OF ABSENCE

There were no apologies

3 PUBLIC FORUM

Bruce Gilkison and Stacey Fellows spoke on behalf of Businesses for Climate Action, Nelson-Tasman, a new group that was launched during the COVID-19 lockdown in 2020. Mr Gilkison noted that the group was a not-for-profit organisation aimed at building collaboration between businesses to help them respond to climate change, including how they can minimise emissions

and adapt to the risks of climate change. He noted that the group has strong support from Nelson City Council and the Nelson-Tasman Chamber of Commerce.

Mr Gilkison explained that the group will provide advice on measuring emissions so businesses can take steps to cut emissions from their operations. Stacey Fellows noted that she works for Fonterra in Brightwater and that she has become involved with the Business for Climate Action group so that she can expand the climate work that Fonterra is doing across the region.

Richard Johns spoke about the Tiny Homes expo at Motueka. He also spoke about legal costs, independent commissioners and the costs for both resource and building consent costs.

Nick Hughes spoke about vulnerable people who have been evicted from their homes.

James Meldrum spoke on behalf of In Flight Group which operates Skydive Nelson. He spoke about his company's opposition to the proposal for hangar houses to be accommodated on the Motueka Aerodrome. He noted the lack of operational area at the aerodrome and said that the addition of residential homes would provide added security concerns for aerodrome users. He also noted the aerodrome users concerns around health and safety and suggested that a mix of residential homes and commercial tourism would not work.

Noel Baigent spoke on behalf of the Golden Bay A&P Show and the Golden Bay Grandstand. Mr Baigent thanked those staff who were involved in getting the terms of reference and membership of the Golden Bay Recreation Park Committee finalised. He also thanked the Ward Councillors and the Mayor and other Councillors who took the time to attend the Golden Bay A&P Show in January. Mr Baigent noted that the show in January 2022 will celebrate the 125th Golden Bay A&P Show. He encouraged the Council to get the grandstand refurbishments bought forward so it can be showcased as part of those celebrations.

Maxwell Clark spoke about the Waimea Community Dam, cost overruns and targeted rates. He also spoke about a possibility of dam failure and inundation issues and suggested it was timely for the Council to look at nitrates and phosphates on the Waimea Plains.

4 DECLARATIONS OF INTEREST

Cr Dowler noted his interest in the confidential item regarding Hangar Houses at the Motueka Aerodrome and declared his impartiality in any decision to be made about the proposal.

5 LATE ITEMS

Moved Deputy Mayor Bryant/Cr Hill

CN21-02-5

That the late item, 8.7 – Waimea Community Dam Cost Overruns Funding for Inclusion in the Long Term Plan Consultation Document Report, be considered at today's meeting.

CARRIED

The Mayor noted the reasons that the report needed to be considered as a Late Item by the Council:

- 1.1.1 at the shareholders update on Monday 22 February 2021, the Council was advised about the revised estimated cost to complete the Waimea Community Dam; and
- 1.1.2 the revised estimates need to be incorporated into the draft Long Term Plan 2021-2031 (LTP) budgets and the Consultation Document prior to the Council undertaking consultation; and

1.1.3 the Council has a statutory obligation, under the Local Government Act 2002 (LGA), to adopt its final LTP by 30 June 2021 and that the Plan needs to be adopted prior to the Council striking its rates for the 2021/2022 financial year; and

1.1.4 the processes and timeframes required under the Local Government Act 2002 mean that the Council needs to make the decisions sought in this report for inclusion in the draft LTP budgets and Consultation Document quickly in order to meet the statutory timeframes for adopting the final Long Term Plan and in order to strike the rates for the 2021/2022 financial year.

6 CONFIRMATION OF MINUTES

Moved Cr Ogilvie/Cr Maling

CN21-02-6

That the minutes of the Full Council meeting held on Friday, 18 December 2020 be confirmed as a true and correct record of the meeting.

CARRIED

Moved Cr Tuffnell/Cr Butler

CN21-02-7

That the minutes of the Extraordinary Full Council meeting held on Thursday, 11 February 2021 be confirmed as a true and correct record of the meeting.

CARRIED

7 PRESENTATIONS

7.1 Te Matatini - Kapa Haka Events

Kaumātua Jane du Feu and Te Matatini Chair, Sonny Alesena provided a powerpoint presentation outlining the three kapa haka events that are to be held in the Nelson-Tasman region over the next five years. Mr Alesena emphasised the significant visitor numbers expected for each event and noted that accommodation will be an issue.

The Mayor invited Environment & Planning Manager, Dennis Bush-King to introduce Tania Harris, the Council's new Resource Consents Manager to the Council. Ms Harris noted her former role at Environment Canterbury and said she was looking forward to working on Tasman District projects.

The Mayor advised the Council of the order of today's meeting and noted that the Council would consider the confidential meeting at the conclusion of the Te Matatini presentation.

9.1 Procedural motion to exclude the public

Moved Cr Maling/Cr Butler

CN21-02-8

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 Waimea Water Limited 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.	<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>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>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>

9.3 Hangar Houses, Motueka Aerodrome

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)(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>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>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 Best Island - Access to Residential Properties

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)(c)(ii) - The withholding of the information is necessary to protect information which is</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>

	subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to damage the public interest.	
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CARRIED

9.5 Attendance of Waimea Water Ltd representatives to be present for the confidential item, Waimea Water Ltd Update

**Moved Cr Dowler/Cr Tuffnell
CN21-02-9**

That Mr David Wright, Chairman, Board Member Doug Hattersley, Board Member, Julian Raine, Board Member, Ken Smales and Chief Executive, Mr Mike Scott of Waimea Water Ltd be permitted to remain for item 6.1 – Waimea Community Dam - Project Update after the public has been excluded, because of their knowledge of the matter being discussed. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because of background information and advice which will be required by the Full Council when assessing options available to it and in explaining any decision to the community.

CARRIED

The open meeting adjourned at 10.10 am to consider the confidential agenda. The meeting resumed at 12.55 pm.

7.2 Waimea Community Dam Update

Waimea Water Ltd Chairman, David Wright and Chief Executive, Mike Scott provided a powerpoint presentation updating the Councillors on progress with the Waimea Community Dam project.

In response to a question regarding the merits of concrete-faced dams versus geosynthetic membrane-faced dams, Mr Scott said that both options were equally as good. He noted that while the geosynthetic membrane solution does offer savings, the impacts of COVID-19 meant that this option could not be considered for the Waimea Community Dam.

The meeting adjourned for lunch at 1.10 pm and resumed at 1.45 pm. Mayor King and Cr Hill left the meeting.

8 REPORTS

Deputy Mayor Bryant assumed the Chair.

Note the reports at this meeting were presented out of order from the posted agenda.

8.2 Amendments/Additional Charges for Draft Schedule of Fees & Charges 2021/2022

Policy Adviser, Sandra Hartley and Acting Strategy & Policy Manager, Jenna Neame presented the report which was taken as read. It was noted that the draft schedule of fees and charges 2021/2022 had previously been approved by the Council at the Strategy and Policy meeting on

17 December 2020.

In response to a question, Ms Hartley agreed that she would provide a range of percentage of increase in the amended/additional charges to the Council.

Moved Cr Maling/Cr Tuffnell

CN21-02-10

That the Full Council:

- 1. receives the Amendments/Additional Charges for Draft Schedule of Fees & Charges 2021/2022 report RCN21-02-5; and**
- 2. adopts the changes/additions as highlighted in the Draft Schedule (Attachment 1 to this report) for public consultation purposes; and**
- 3. agrees that the draft schedule of fees and charges 2021/2022 will be consulted on concurrently with the Long Term Plan 2021-2031 Consultation Document.**

CARRIED

8.5 Chief Executive's Activity Report to Full Council

Ms Dowding presented the Chief Executive's Activity report which was taken as read.

The Councillors discussed Council workshops, in particular the format and the option of a written summary of discussions and recommendations from each workshop. Ms Dowding said that advice received from the Ombudsman noted that the purpose of workshops is to enable detailed discussion in a free and frank environment and for the Councillors to provide staff with a steer on the direction they want taken on any specific issue. She said she was happy to consider enhancements to the process that would add clarity.

Cr Hill returned to the meeting at 1.55 pm.

Community Development Manager, Susan Edwards noted that the Council cannot make decisions at workshops; workshops are an opportunity for the Council to provide staff with guidance and direction. Where a workshop results in the need for a decision, staff will present a report to a Council meeting.

Responding to a question about the late discovery of lead in a rural water supply in Otago as a result of a Council staff member being on leave at the time the testing results were notified, Ms Dowding assured the Council that Tasman District Council staff have systems in place to ensure we would not have the same issue.

The existence of an emergency action plan for the Waimea Dam was discussed. Environment and Planning Manager, Dennis Bush-King suggested that any such plan would be related to the resource consent for the dam. He undertook to report back to the Council.

Moved Deputy Mayor Bryant/Cr Dowler

CN21-02-11

That the Full Council:

- 1. receives the Chief Executive's Activity Report to Full Council RCN21-02-8; and**
- 2. approves an amendment to Standing Orders, Section 27 Minutes as follows:**
“27.1 The local authority, its committees, subcommittees and any local and community boards must keep minutes of their proceedings. When confirmed by resolution at a

subsequent meeting, the minutes will be signed by the Chairperson and stored electronically. They will provide prima facie evidence of the proceedings they relate to”; and

3. notes the Council Action Sheet.

CARRIED

Mayor King returned to the meeting at 2.11 pm.

8.4 Mayor's Update

Mayor King presented his update report which was taken as read. He noted the resolution to amend the Delegations Register.

In response to a question, Mr Bush-King said the change to the Delegations Register was not a new delegation but merely a clarification of an existing delegation.

Mayor King acknowledged that the hail storm event on Boxing Day in the Motueka area had affected the whole community not just the horticultural industry.

Mr Drummond responded to a question about the recent renovations in the civic area at the Council's Richmond offices. He noted that while contractors were on site to carry out earthquake strengthening, the opportunity was taken to provide better functionality in the area including shifting the kitchen to make way for more space for the public in the Council Chamber.

Responding to a comment about the increased costs for the Waimea Community Dam, Ms Dowding confirmed that staff had used the best available expertise they could get to advise on the dam construction. She noted that building a dam is not a common type of project.

Mayor King acknowledged the frustration felt by some Councillors regarding the increased dam costs.

Moved Mayor King/Deputy Mayor Bryant

CN21-02-12

That the Full Council:

1. receives the Mayor's Update report RCN21-02-7; and
2. agrees to amend the Delegations Register as follows:
 - (i) The Chairperson of the Regulatory Committee or Strategy and Policy Committee, who may co-opt other members, can approve potential settlements by Consent Order relating to RMA proceedings.
 - (ii) The Environment and Planning Manager, or Environmental Policy Manager or Resource Consent Manager or Principal Planner – Resource Consents can, following consultation with the Chairperson of the Regulatory Committee or Strategy and Policy Committee depending on the subject matter, approve potential settlements by Consent Order relating to RMA proceedings provided the settlement is in general accord with a stated Council position or, where any deviation from such a position, is the result of consensus reached at Court assisted mediation.

CARRIED

8.3 Establishment of Golden Bay Recreation Park Management Committee Report

Ms Edwards spoke to the report contained in the agenda which was taken as read. She confirmed that the A&P Show committee had advised that they were happy with the terms of reference.

Responding to a question about the Mayor's appointment to the Golden Bay Recreation Park Management Committee, Ms Edwards said that the Mayor has specific legislative powers to nominate people for committees of the Council. It was also noted that the committee structure is consistent with the Reserves and Other Land Disposal Act which was followed during the development of the Terms of Reference.

Mayor King noted a request that the Golden Bay Community Board be asked to manage the nomination of the Mayor's user representative on the Golden Bay Recreation Park Management Committee.

Moved Cr Hill/Cr Butler

CN21-02-13

That the Full Council:

1. receives the Establishment of Golden Bay Recreation Park Management Committee Report RCN21-02-6; and
2. approves the Terms of Reference for the Golden Bay Recreation Park Management Committee dated 11 February 2021 and contained in Attachment 1 to this report; and
3. appoints the following people to the Golden Bay Recreation Park Committee for the period up until the triennial local government election in October 2022; and

Organisation represented	Name
Tasman District Council	Cr Chris Hill
Tasman District Council	Cr Celia Butler
A&P Association	Duncan McKenzie
User Representative	Wayne Packard
User representative	Anju Ejima
User representative	Lorna Pomeroy
User representative	Mayor to agree the person

4. agrees that the Mayor decide on the remaining User representative; and
5. agrees to amend the Golden Bay Community Board's Delegations to exclude the Golden Bay Recreation Park from its jurisdiction, as follows:

Add the following wording to the Community Board delegations in part 3.0 of the Delegations Register:

3.5 Exclusion to Golden Bay Community Board's Delegations

All matters relating to the Golden Bay Recreation Park are excluded from the Golden Bay Community Board’s delegations with respect to clauses 3.2 – 3.3 of this Delegations Register.

6. **agrees to amend the Golden Bay Community Board’s Terms of Reference to exclude the Golden Bay Recreation Park from its jurisdiction, as follows:**

Add the following wording to the Community Board Terms of Reference in:

5.0 Exclusion to Golden Bay Community Board’s Delegations

All matters relating to the Golden Bay Recreation Park are excluded from the Golden Bay Community Board’s delegations with respect to clauses 2.0 – 3.0 of this Terms of Reference.

CARRIED

8.7 Late Item - Waimea Community Dam Cost Overruns Funding for Inclusion in Long Term Plan Consultation Document Report

The Mayor advised the Council that the late item report replaces the report “Tasman's 10 year Plan 2021-2031 Consultation Document, Concurrent Consultations and Supporting Information” and its attachments contained in the original agenda.

Corporate and Governance Services Manager, Mike Drummond presented the report which was taken as read.

He advised the Council that staff believe they can make the necessary changes to the Consultation Document, gain approval for the document from Audit New Zealand and then present a report for approval by the Council within the next three weeks.

Mr Drummond advised that staff propose to secure a loan through the Local Government Funding Agency (LGFA) and to charge the loan costs directly to the Waimea Community Dam activity. Interest costs would be largely offset by a reduction in the budgeted Waimea Community Dam operating costs. Funding for the general rate portion of the irrigator capacity loan would result in an increase of around \$6 against a property value of \$680,000 each year.

In response to a question, Mr Drummond said that he was confident that the Council can secure the necessary loan as part of its regular borrowing programme from the LGFA at a good interest rate and term.

Responding to a question regarding the contribution to the Waimea Community Dam owing from Nelson City Council, Chief Executive, Janine Dowding confirmed that the \$5 million debt has not been paid but negotiations with Nelson City Council are close to a conclusion.

Responding to a question about central government funding support, Mayor King said that while local Members of Parliament are supportive of the dam project, there has been no indication of any central Government funding.

Cr Wensley left the meeting at 02:41 pm.

It was suggested that the changes to the draft Long Term Plan 2021-2031 (LTP) should now include a review of the Council’s accommodation. Mr Drummond said that staff are only making those changes that are necessary to get the LTP Consultation Document approved by Audit New Zealand for consultation with the public in a timely manner. He also noted that the Council’s auditors had not raised concerns about the accommodation review in their evaluation of the Consultation Document.

Mr Drummond noted that he had advised S&P about the increased costs of the dam and the additional loan funding required and he does not expect any impact on the Council's credit rating until the time when the LTP is approved. At that point S&P reviews the impact of the LTP as a whole on the Council's ability to meet its obligations.

Cr Wensley returned to the meeting at 03:03 pm.

Mayor King reiterated the pressing requirement for the Council to release the LTP Consultation Document for public consultation in a timely manner so that the LTP can be approved prior to 30 June 2021. He noted that while there is no simple answer as to why the costs of the dam have increased, the Council should remember that our District has made a significant investment in its infrastructure in recent years. He said that the Council also must recognise the recent steady growth in the region and while the extra dam costs will be challenging, the Council must move forward.

Cr Turley called for a division.

Bryant	For
Butler	For
Dowler	For
Greening	Against
Hill	For
King	For
Mackenzie	For
Maling	For
McNamara	Against
Ogilvie	For
Tuffnell	For
Turley	Against
Walker	Against
Wensley	For

CARRIED

Moved Deputy Mayor Bryant/Cr Mackenzie

CN21-02-14

That the Full Council receives:

- 1. the Late Item - Waimea Community Dam Cost Overruns Funding for Inclusion in Long Term Plan Consultation Document Report RCN21-02-13; and**
- 2. amends the rates limit for inclusion in the draft Long Term Plan budgets and Consultation Document, in Year 1 of the Plan, from 4.5% (plus growth) to 4.54% (plus growth) and in Year 2 of the Plan, from 4.5% (plus growth) to 4.57% (plus growth); and**
- 3. amends the net debt limit for inclusion the draft Long Term Plan budgets, Financial Strategy and Consultation Document, from \$260 million to \$282 million; and**
- 4. agrees that a revised Option D is the preferred option, for inclusion the draft Long Term Plan budgets and Consultation Document (Choice 2), for the allocation of additional irrigator capacity costs for the Waimea Dam. Where the revised Option D is a targeted rate on affiliated irrigators for the amount proposed in the current Option A in the draft Consultation Document (as previously agreed by the Council), and the irrigators portion of interest on the latest cost overrun of \$11 million is funded from the general rate; and**

5. agrees to approach Nelson City Council for an increase in its contribution to the Waimea Community Dam proportional to the increase in the Dam's estimated costs since their \$5 million grant was originally set; and
6. notes that the Mayor has approached the Government for additional funding to help cover the increased costs to complete the Dam; and
7. agrees to an interest only pass through loan for the \$22 million additional funding to cover the cost increases to complete the Dam project; and
8. acknowledges, under section 80 of the Local Government Act 2002, that the decision to:
 - a. recover interest only on the additional \$22 million debt associated with the increase in the cost to complete the Dam; and
 - b. charge interest on the debt at the cost rather than as an internal loan with funding across the Council's balance sheet as a wholewas not contemplated in Council's Treasury Risk Management Policy which assumes a portfolio approach to Council funding and, therefore, such an approach would be considered to be inconsistent with the Policy; and
9. notes that the Council has made the inconsistent decision in 8 above so that the Council can moderate the impact on ratepayers while it is investigating alternative arrangements; and
10. notes that the Council is not intending to amend the Treasury Risk Management Policy to provide for future transactions of the nature outlined in 8 above.

CARRIED

8.6 Machinery Resolutions Report

Cr Dowler declared an interest in the item regarding the Loan Agreement for Good Sports Motueka Incorporated and stepped back from the table.

Moved Deputy Mayor Bryant/Cr Maling

CN21-02-15

That the Tasman District Council:

1. receives the Machinery Resolutions report, and that the execution of the following documents under the Seal of Council be confirmed:
 - a) Loan Agreement – Good Sports Motueka Incorporated – i.e., temporary seating they purchased from the Council.
 - b) Deed of Assignment of Lease – White-Johnson to Rimu Grove Winery Limited – Unit 2, Shed 4 Mapua Warf was leased to Susan White-Johnson. Upon the closing of Susan's business Rimu Wine Bar agreed to take over the area at the same terms as the original lease. A rent reduction was applied to complete renovations to incorporate unit 2 into Rimu Grove's current tenancy unit 3-4.
 - c) Deed of Lease – The Scout Association of NZ Trading as Riwaka Scouts – New lease as recommended by the new Motueka Reserve Management Plan, same basic terms as previous scout leases, five year tenure to 31 May 2025,

standard community lease fee of \$200+GST per annum, no auto-renewal or right of renewal.

- d) Deed of Lease – Lowburn Estate Vineyards Limited – New lease to Lowburn Estate Vineyards Limited as Motueka Aerodrome, including 504m² site to construct a 260m² aircraft hangar. New lease commences 1 March 2021 with an expiry of 28 February 2070 being two terms of 20 years and one of nine years. Subject to a three year rent discount with a three yearly rent reviews.**
- e) Deed of Lease/Deed of Sub Lease – Motueka District Museum Trust – lease of Motueka Museum, extension of longstanding arrangement, including sublease for café.**
- f) Deed of Renewal (Right of Renewal) – Fire, Emergency New Zealand’s – Deed of renewal under rights of renewal for three Fire, Emergency buildings – St Arnaud, Ngatamoti and Motueka.**
- g) Plan Change Approval Certificate under RMA 1991 – Approval and commencement of Plan Change 70 (Network Tasman Site Expansion) to the Tasman Resource Management Plan as per Council resolution SAPCC20-12-06.**
- h) Deed of Lease – Motueka Pottery Workshop Incorporated – New lease as recommended by the new Motueka Reserve Management Plan, same basic terms as previous leases, five year tenure from 1 June May 2020 to 31 May 2025, no auto-renewal or right of renewal, No special conditions.**

CARRIED

Mayor King thanked the Council staff for their hard work to bring the late report to this meeting at such short notice. He also acknowledged the Councillors for their respectful role in debating the items on the agenda.

Cr Hill closed the meeting with a karakia.

The meeting concluded at 3.20 pm.

Date Confirmed:

Chair: