
MINUTES
of the
FULL COUNCIL MEETING
held
1.30 pm, Thursday, 13 December 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 McNamara, A Turley, S Brown, D Ogilvie, T Tuffnell, P Hawkes, P Sangster, Cr Wensley

In Attendance: Chief Executive (J Dowding), Executive Assistant (H Simpson)

Part Attendance: Contract Policy Advisor (S Holman), Strategic Policy Manager (S Flood), Finance Manager (M McGlinchey), Community Development Manager (S Edwards), Rivers and Coastal Engineer (G Griffiths), Transportation Manager (J McPherson), Urban Growth Co-ordinator (J Deans), Engineering Services Manager (R Kirby), Executive Assistant (S Hutchinson),

1 OPENING, WELCOME

2 APOLGIES AND LEAVE OF ABSENCE

Crs Sangster, Maling and Bryant were not present when the meeting convened at 1.30pm.

Cr Wensley was not in attendance.

3 PUBLIC FORUM

Albert Aubrey spoke about Councils use of the Uniform Annual General Charge in its rating of retirement villages. He also talked about the way in which Council applies water rating charges to retirement villages and urged them to consider an approach that was consistent with the rating of other properties.

Cr Maling and Bryant joined the meeting at 1.35pm.

Murray Dawson spoke about urban development capacity in relation to urban water supply. Mr Dawson said he felt that the urban water supply was sufficient and secure to meet urban development needs for up to 2000 houses, based on a per household estimate of 10,000l².

Maxwell Clark offered his opinion on the decision made by Council, to proceed with the Waimea Community Dam project, at the Full Council meeting on 30 November 2018.

Mr Clark said he felt that the risks to the community should the Dam breach in the event of an earthquake were significant.

4 DECLARATIONS OF INTEREST

Nil.

5 LATE ITEMS

Nil.

7 PRESENTATIONS

Nil

8 REPORTS

8.1 Adoption of Freedom Camping Bylaw Amendment

Contract Policy Advisor, Sarah Holman and Strategic Policy Manager, Sharon Flood were present to speak to the report and answer questions.

Ms Holman noted an amendment to the resolution, which suggested that the bylaw come into effect at the earlier date of 24 December 2018. She said that this change was owing to work to install the toilets being completed earlier than anticipated.

The Mayor thanked staff for their work on the Freedom Camping Bylaw.

Moved Cr Hawkes/Cr Tuffnell CN18-12-1

That the Full Council

- 1 receives the Adoption of Freedom Camping Bylaw Amendment report, RCN18-12-01; and**
- 2 notes the recommendation of the Hearing Panel relating to the submissions on the proposed Freedom Camping Bylaw Amendment, contained in the minutes of the Hearing Panel deliberations held on 27 November 2018; and**
- 3 adopts the amended Consolidated Bylaw – Chapter 11 – Tasman District Council Freedom Camping Bylaw to include Fittal Street, Richmond in Schedule 3 as contained in Attachment 1, pursuant to section 11 of the Freedom Camping Act 2011 and Sections 76 to 79 of the Local Government Act 2002; and**
- 4 agrees to the Mayor and Chief Executive Officer approving any minor editorial amendments to the Bylaw amendment; and**
- 5 agrees that the amended Bylaw will come into effect on 24 December 2018.**

CARRIED**8.2 Annual Plan 2019/2020 - Consultation and Engagement**

The report was taken as read. Strategic Policy Manager, Sharon Flood and Finance Manager, Matthew McGlinchey were present to take questions from Councillors.

Ms Flood said that the recommendation of staff was not to undertake a formal consultation process on the Annual Plan 2019/2020 as the proposed changes to the work programme, debt levels and rates for 2019/2020 were not considered to be material and were considered to be of low level significance. She said that staff recommended informal consultation be held with the community on these changes.

Ms Flood noted that Council would need to consult on the revised Schedule of Fees and Charges and that this would be brought back to Council at a future date. She said that it was anticipated the Schedule of Fees and Charges would go out for public consultation and submissions in March or April 2019.

In response to a question, Community Development Manager Susan Edwards advised that the higher level of significance in relation to an item was owing to this being a new activity not previously undertaken by Council, rather than as a result of the expected amount of expenditure. Ms Edwards advised Councillors that changes to the Local Government Act meant that the recommendation of the legislation was for Councils to consult on their Long Term Plans, where the matters for consideration and decision were most material and of the highest significance. She also said that Councillors should consider the cost and resource of consulting on the Annual Plan, including the significant cost and time of preparing a consultation document, measured against the significance of the matters for discussion and the value consultation would bring to the process.

Cr Sangster joined the meeting at 2.00pm.

Councillors discussed the level of significance of the proposed changes to the Annual Plan 2019/2020 and whether they felt a formal consultation process would offer value to the community. They discussed the feedback received from previous consultation to date, which was noted as giving a consistent indication of the wants of the community.

**Moved Cr Bryant/Cr King
CN18-12-2**

That the Full Council

- 1. receives the Annual Plan 2019/2020 - Consultation and Engagement report, RCN18-12-02; and**
- 2. agrees that the proposed changes to the work programme, debt levels and rates for 2019/2020, compared to those set out in year 2 of the Long Term Plan 2018-2028, are not significant or material; and**
- 3. agrees not to produce an Annual Plan Consultation Document for 2019/2020; and**
- 4. instructs staff to prepare a less formal communication process which does not involve calling for submissions from the community; and**

5. notes that a final Annual Plan and rates resolution will be brought to a Council meeting in May 2019 for consideration and adoption; and
6. notes that a report and Statement of Proposal will come to the Council in February 2019 outlining the proposed Schedule of Charges for 2019/2020; and
7. agrees to include a budget of \$100,000 in 2018/2019 for the design of the Mapua Water Trunk Main Renewal in the Water Supply activity; and
8. agrees to increase the Resource Recovery Centre Pavement Renewals budget in the Solid Waste activity by \$164,000 in 2018/2019.

Cr Greening called for a division.

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

With 10 FOR and 3 AGAINST the motion was CARRIED.

8.3 Request for Funding - Rivers Activity

Rivers and Coastal Engineer, Giles Griffiths and Transportation Manager, Jamie McPherson were present to speak to the report and take questions.

In response to a question, Finance Manager, Matthew McGlinchey advised that the proposed funding was a transfer of funds from one closed account to another. He said that the transfer would reduce the interest charges to the Rivers account, which was currently in deficit but that it would in turn reduce the interest revenue from the General Disaster Fund account.

When asked whether this could be considered as a loan rather than a transfer, Mr McGlinchey advised that this was not allowed for under Council's Policy and would require a change of Policy. He said that the Emergency Policy was being evoked in order to transfer these funds.

Councillors asked whether there was any plan to look to increase the General Disaster Fund going forward and were advised that there were not currently any plans, but that Council could consider this at a future time if it wished.

Mr McGlinchey said that the recommendation was to approved the transfer of up to \$2.23m.

**Moved Cr Ogilvie/Cr Bryant
CN18-12-3**

That the Full Council:

1. receives the Request for Funding - Rivers Activity report, RCN18-12-03; and
2. approves the transfer of \$2,233,000 from the General Disaster Fund into the Rivers Activity budget so that river maintenance and flood repairs can continue in a timely manner for 2018/19; and
3. notes that in order to maintain the current level of service the Rivers activity is likely to require higher ongoing funding as weather patterns are expected to continue to cause significant damage.

CARRIED

8.4 National Policy Statement Urban Development Capacity: Capacity Assessment for Tasman and Joint Nelson-Tasman Capacity Assessment

Urban Growth Co-ordinator, Jacqui Deans was present to speak to the report and answer questions from Councillors.

Cr Hawkes left the meeting at 2.26pm.

Cr King left the meeting at 2.27pm.

In response to a question, Environmental Policy Manager, Barry Johnson said that the future development strategy would provide a picture of growth across the whole District.

**Moved Cr Tuffnell/Cr Canton
CN18-12-4**

That the Full Council:

1. receives the National Policy Statement Urban Development Capacity: Capacity Assessment for Tasman and Joint Nelson-Tasman Capacity Assessment report, RCN18-12-04; and
2. approves the capacity assessments to be submitted to the Ministry of Housing and Urban Development to meet the requirements of the NPS-UDC; and
3. notes the recommendations in the capacity assessments.

CARRIED

8.5 Council Meetings Calendar for 2019

Executive Assistant, Sandie Hutchinson was present to take questions on this report.

Councillors discussed the time between the last meetings of 2018 and the first meetings of 2019. In response to a question, Councillors were advised that public holidays, school holiday periods and the 2019 Local Body Elections timetable had been considered in the scheduling of Council meetings and factored into the meetings calendar.

Council noted that it could call additional meetings if required, should business arise that requires consideration before the next scheduled meeting and that cannot be delayed.

Cr Hawkes re-joined the meeting at 2.36pm.

**Moved Cr Sangster/Cr Tuffnell
CN18-12-5**

That the Full Council:

- 1. receives the Council Meetings Calendar for 2019 report, RCN18-12-05; and**
- 2. notes the on-line Calendar of Council meetings provides up to date notification of Council meetings for 2019; and**
- 3. receives the Schedule of Meetings 2019 for information.**

CARRIED

8.6 September 2018 Quarterly Financial Update

Finance Manager, Matthew McGlinchey advised that this was the first of three reforecasts that would be undertaken by the Finance team for the 2019/2020 financial year.

In response to a question, Mr McGlinchey advised that the 2018/19 Annual plan did not budget for the Cyclone Gite/Fehi event. As such, he said that there will be additional expenditure and additional income that Council receives and pays.

**Moved Cr Brown/Cr Ogilvie
CN18-12-6**

That the Full Council receives the September 2018 Quarterly Financial Update report, RCN18-12-06.

CARRIED

8.7 Treasury Report

The report was taken as read. Responding to a question from Councillors, Finance Manager Matthew McGlinchey said that the cost to service debt was \$8.3m.

Carryovers for the 2019/2020 financial year were discussed. Responding to a question, Engineering Services Manager, Richard Kirby said that work had been undertaken across the organisation to reduce carryovers.

Cr King re-joined the meeting at 2.45pm.

**Moved Cr Maling/Cr Brown
CN18-12-7**

That the Full Council receives the Treasury Report, RCN18-12-07.

CARRIED

8.8 MAYOR'S ACTIVITY REPORT

This report was taken as read.

In response to a question, the Mayor advised that a contingency of Councillors and staff had travelled to Wellington on Wednesday 12th December 2018 for a reading of the Local Bill. He said that the Mayor, Deputy Mayor and Chief Executive were required to be present for the signing of documents. He also noted that a huge amount of unpaid time had been invested by the Leadership Team to bring the project to a stage where it could be put to Council for a decision and that the staff who had travelled for the reading held key advisory roles and were intricately involved in the project.

**Moved Cr Brown/Cr Sangster
CN18-12-8**

That the Tasman District Council receives the Mayor's Activity Report, RCN18-12-08.

CARRIED

8.9 Chief Executive's Update Report

This report was taken as read. In response to a question from Councillors, Chief Executive, Janine Dowding advised that the reason the application to the Provincial Growth Fund for Port Tarohe had not been brought back to Council was due to the time constraints. Council were given two days to complete and submit an application. The Mayor and Deputy Mayor were involved, as were the Port Tarohe Board. Ms Dowding commended Strategic Policy Manager, Sharon Flood for her work to pull together an application in such tight timeframes.

In response to a question, Community Development Manager, Susan Edwards advised that work to review the Revenue and Financing Policy would begin in the new year.

Councillors noted that Tasman District Council was one of four Councils who had been selected to participate in the next round of investigation by the Office of the Ombudsman. The Chief Executive said that in no way should this be interpreted as an investigation into any wrong doing. Councillors would be invited to provide their feedback by completing a survey provided to them from the Office of the Ombudsman.

**Moved Cr Canton/Cr Tuffnell
CN18-12-9**

That the Full Council

- 1. receives the Chief Executive's Update Report RCN18-12-09; and**
- 2. notes the Council Action Sheet.**

CARRIED

8.10 Machinery Resolutions Report

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

**Moved Cr Bryant/Cr Maling
CN18-12-10**

That the Tasman District Council

1. receives the Machinery Resolutions report, RCN18-12-10; and that the execution of the following documents under the Seal of Council be confirmed:

- Easement – Wahanga (2011) Ltd – Stage 4 Kuini Place Motueka – RM180749 – The surrender of right to drain water in A, Q + X are necessary because they are no longer required as the areas concerned will become Council Road.

“A” relates to DP 509737 over Lot 200 DP 509733

“Q” relates to DP 509737 over Lot 200 DP 509733

“X” relates to DP 481240 over Lot 5 DP 1506

- Deed of Assignment of Lease – Kete Tasman Ltd, tenant at unit 2, Shed 4 Mapua Wharf has sold business to Susan Jane White-Johnson. Original lease to be assigned to new tenant.
- Deed of Renewal of Lease – Z Energy Ltd – Renew the Lease of refuelling station at Motueka Aerodrome, Deed of Lease number 41111L14.
- Plan Change Approval Certificate under RMA 1991 – Approval and Commencement of Change 57 (Brightwater Strategic Review) and Change 66 (Richmond Housing Choice) to the Tasman Resource Management Plan.

Deed of Encumbrance – Korere Hops Trustee Ltd – Resource Consents RM161106VI has been approved, granting Korere Hops Trustee Ltd permission to extract and use water from the Motupipi river to irrigate their Hops crops at 65 Korere, Top house road. The deed of Encumbrance will allow this owner to install a water pipe and electrical lines under 65 Korere-Tophouse road to irrigate crops on the other side of the road. The deed is for 20 years and will expire in 2038.

Surrender of Lease and two Deeds of Lease – Skydive Able Tasman Ltd – Stuart Bean - Motueka Aerodrome – Office Landing site and Hangar leases’. New Leases redefining area and current rents replaces – 41111 L1, L1A, L1B, L12 – 16 Cottage Street, Motueka.

CARRIED

The meeting broke for afternoon tea at 3.00pm and reconvened at 3.10pm.

9 CONFIDENTIAL SESSION

9.1 Procedural motion to exclude the public

**Moved Cr Sangster/Cr Turley
CN18-12-11**

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 Purchase of Land at Takaka 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. | 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. |

9.3 Golden Bay Grandstand - Verbal 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)(g) - The withholding of the information is necessary to maintain legal professional privilege. | s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7. |

CARRIED

6 CONFIRMATION OF MINUTES

Moved Cr Sangster/Cr Canton
CN18-12-12

That the minutes of the Extraordinary Full Council meeting held on Thursday, 25 October 2018, be confirmed as a true and correct record of the meeting.

CARRIED

The Mayor thanked Councillors and staff for their work throughout the year and wished them a happy Christmas and new year.

The meeting concluded at 4.16pm.

Date Confirmed:

Chair:

Confirmed