
MINUTES
of the
FULL COUNCIL MEETING
held
9.30am, Thursday, 9 May 2019
at
Tasman Council Chamber, 189 Queen Street, Richmond

Present: Mayor R Kempthorne, Councillors T King, S Bryant, M Greening, K Maling, D Wensley, D McNamara, A Turley, S Brown, D Ogilvie, T Tuffnell, P Hawkes, P Sangster

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

Part Attendance: Policy Advisor (A Gerraty), Reserves and Facilities Manager (R Hollier), RM Manager - Ngāti Tama ki Te Waipounamu Trust (Kura Stafford), Motueka Community Board Chair (Brent Maru), Activity Planning Manager (D Fletcher), Utilities Manager (M Schruer), Activity Planning Advisor (H Lane), Environment and Planning Manager (D Bush-King), Community Development Manager (S Edwards), Corporate Services Manager (M Drummond), Engineering Services Manager (R Kirby), Activity Planning Programme Leader (J Neame), Team Leader - Urban & Rural Development Policy (M Day)

1 OPENING, WELCOME

2 APOLOGIES AND LEAVE OF ABSENSE

**Moved Cr Maling/Cr McNamara
CN19-05-1**

That apologies for lateness from Cr Brown and for absence from Cr Canton be accepted.

CARRIED

3 PUBLIC FORUM

Maxwell Clark spoke to his concerns about the Waimea Dam. He said he felt that Council had not secured all of the land needed to build the Dam and that there remained issues to be resolved with access.

Mr Clark tabled a document that contained images from a Stuff article on asbestos that had been found in serpentine rock mined from a quarry in Brightwater. He said that Council should not be proposing to build a Dam near an asbestos site.

Maryann Mann asked Council to take action to bring a man hole on Doran Street level with the footpath. Mrs Mann said that she had fallen and sustained a serious injury to her shoulder as a result of the uneven surface. Mrs Mann said that she had reported the issue to Council before and had also met with Mayor Kempthorne. She tabled photographs of the manhole.

Mrs Mann also complained about barking from neighbouring dogs. She said the issue had been reported to staff and the dogs had been fitted with bark collars, but that it had taken years for this action to be taken.

Katerina Seligman spoke about local climate change solutions. She commended Council on the initiatives already underway, as had been reported in a recent issue of Newsline. She talked about carbon dioxide levels in the atmosphere and urged Council to be part of solutions that sought not only to reduce emissions, but also to remove carbon dioxide from the atmosphere.

Ms Seligman talked about the merits of bio char, both in terms of helping to reduce carbon and also the benefits it brought to soil when buried. Ms Seligman said that she would be happy to answer any questions, but acknowledged that she had used all of her allotted speaking time. The Mayor requested that Ms Seligman provide her email address to staff so that she would have the opportunity to share any further information with Councillors by email.

Cr Brown joined the meeting at 9.48am.

Alison Pickford questioned whether Council had a dedicated fund for climate change.

Liz Thomas and **Penny Griffith** presented a petition calling for a poll on the voting system used during Local Government elections in Tasman District. Ms Thomas said that the petition had been started some time ago, but that the initiators had waited to present the petition until a poll could be run alongside the 2019 Local Government elections, which would save significant cost to the ratepayers.

Ms Thomas said it was hoped ratepayers would be engaged in the poll and in the 2019 Local Government Elections. She acknowledged the cooperation of staff throughout the process.

The Mayor thanked Ms Thomas and Ms Griffith for working with staff and particularly for allowing the poll to be times to run alongside the elections process.

David Kemp thanked Councillors for their time and commitment during submissions hearings. He talked about Age friendly cities, noting the extent of the ageing demographic in Tasman District and acknowledged Cr Wensley's work with the community in this area.

He also urged the Council to have more input in to assisting with affordable housing for pensioners.

Finally, Mr Kemp talked about development work at Mapua Wharf and asked that with future developments, some accommodation be given to acknowledging and preserving local history at the development site.

Devin Gallagher commended staff for their diligence and their extensive efforts to work with the community to deliver on projects within tight budgetary constraints. Mr Gallagher said that he was here to speak to item 8.5 and particularly to the Aranui Road/Stafford Drive water main replacement and the Ruby Bay pump station upgrade. Mr Gallagher talked about the adverse effects delays to this work have had on his and neighbouring properties. He urged Council to fund the necessary infrastructure work in full, acknowledging the extent to which the community were prepared to work with the Council, and not to fund only in part.

Albert Aubrey spoke about the rating of retirement villages. Mr Aubrey referred to an action taken by staff at a previous Full Council meeting, which was to bring a report back to Council on this matter. The Chief Executive advised that this report would come to 31 May 2019 Full Council meeting.

Mr Aubrey asked whether there would be any public consultation on the Annual Plan 2019/2020 and was advised that public engagement had been underway for the last few months, with staff and Councillors having attended a number of public and community association meetings.

Valerie Touse spoke about the bus service between Nelson and Richmond and specifically the location of the Richmond bus stop for this service. She said the bus stop was located at the top of Queen Street and asked whether it could be moved, or another stop added at the bottom of Queen Street, to prevent people having to walk the length of Queen Street to use this service.

Cr Ogilvie spoke to the Motueka Ward Reserve Management Plan.

He said that he had made a submission to the plan and that he was also a member of the Keep Motueka Beautiful Committee, which he had been advised presented a potential conflict of interest with his consideration of this item in his role as a Councillor.

Cr Ogilvie questioned the exclusion of the Decks, Brooklyn, Fearons Bush, Sports Park and Thorps Bush reserves from the plan. He said that the reserves were outside of the Tasman Resource Management Plan (TRPM) zoning system and not protected as reserves. He called for a review of the none classified reserves to be conducted within the next three months and suggested that this be added as a point to the draft resolution on item 8.1.

7 PRESENTATIONS

Cynthia McConville presented to Council on behalf of Golden Bay Forest and Bird on the subject of bird resting sites and the adverse effects of increased activity at these sites as a result of freedom camping, increasing numbers of dogs and vehicles. Ms McConville said that Council had an obligation under the NZ Coastal Policy Statement 2010 to protect these birds and the habitats important to migratory species. She said that Forest and Bird were seeking the Council to create a bylaw that will impose restrictions on vehicle use on those beaches in Golden Bay that had ground nesting/shore bird sites. She said that Golden Bay also needed a permanent enforcement officer at these sites.

Ms McConville said that there were economic benefits to be gained from promoting Golden Bay as a leading shore bird site.

The meeting broke for morning teat at 10.25am and reconvened at 10.40am.

4 DECLARATIONS OF INTEREST

Cr Ogilvie declared an interest in item 8.1 Report to Adopt the Motueka Ward Reserve Management Plan.

5 LATE ITEMS

Moved Cr Turley/Cr Tuffnell CN19-05-2

That the late item, 8.14 Mayor's Activity Report, be considered at today's meeting. The report was late as notification from the Lotteries Commission for additional funding for affected ratepayers and residents of the Pidgeon Valley Fire event was not received until Saturday 4 May 2019. This was after the agenda was compiled, but the Mayor wished to report the decision to the 9 May 2019 Full Council meeting.

CARRIED

Moved Cr Turley/Cr Tuffnell CN19-05-3

That the supplementary information item 9.6, Supplementary Information to Waimea Community Dam - Ngati Koata Partnering Deed and M.A.K Stuart Agreement to Acquire Land, be considered at today's meeting.

CARRIED

8 REPORTS

8.1 Report to adopt the Motueka Ward Reserve Management Plan

Having declared an interest in this item, Cr Ogilvie left the meeting at 10.41am and did not participate in the debate or decision making.

Policy Advisor, Anna Gerraty and Reserves and Facilities Manager, Richard Hollier were present to speak to the report and take questions. Ms Gerraty acknowledged the presence of RM Manager - Ngāti Tama ki Te Waipounamu Trust, Kura Stafford and Motueka Community Board Chair, Brent Maru, who had formed part of the working group for the Plan.

Councillors agreed that the report be taken as read. The Mayor read a statement from Cr Canton thanking the panel for their engagement with the Reserve Management Plan process. Cr Canton had also commented that the Panel were confident of their recommendation to the Council and that he fully supported Council's adoption of the Plan.

Ms Gerraty responded to a question around Cr Ogilvie's comments during Public Forum advising that Brooklyn Recreation Reserve had already been classified as a reserve and that Fearons Bush has been classified as a recreation reserve. The remaining sites mention by Cr Ogilvie are not classified as reserve yet and Ms Gerraty said that the process for classification of these areas is different in that they had to be first declared as and then classified as a reserve. Once a decision had been reached by the Court, Ms Gerraty said that it was the intention that these areas be included in the next public consultation process for reserve classification. Councillors noted that whether these areas be classified as reserve would be dependent on the outcome of the Court case and of public consultation.

Council thanked Ms Gerraty for her work during this process.

Moved Cr Tuffnell/Cr Hawkes

CN19-05-4

That the Full Council

- 1. receives the Report to adopt the Motueka Ward Reserve Management Plan, RCN19-05-01; and**
- 2. notes the recommendations of the Hearing Panel relating to the Motueka Ward Reserve Management Plan and submissions on the Draft Plan, contained in the minutes of the deliberations meeting held on 8 April 2019; and**
- 3. agrees to amend the wording of the Plan as per the Hearing Panel recommendations contained in the minutes of the deliberations meeting held on 8 April 2019 (noting that these amendments have been incorporated into the version of the Plan attached under separate cover); and**
- 4. in accordance with Section 41 of the Reserves Act 1977 and delegated authority from the Minister of Conservation (dated 12 June 2013), resolves to adopt the Motueka Ward Reserve Management Plan; and**
- 5. authorises Councillors Canton and Tuffnell to approve any minor edits or changes to the Plan, prior to publication.**

CARRIED

Cr Ogilvie re-joined the meeting at 10.58am.

8.2 2019 Election Matters

Electoral Officer, Sandra Hartley was present to speak to the report. She acknowledged the advice previously circulated by email from the Chief Executive around election protocols for elected members. Ms Hartley requested that the report be taken as read and invited questions from Councillors.

Ms Hartley said that the decision around the order of candidate names was one for Council and that as such staff were not making a recommendation. Councillors proposed the motion be moved with names arranged in alphabetical order.

In response to a question, Ms Hartley advised that the petition received during Public Forum would go to Elections.com for validating. If the required number of signatures have been obtained it will form part of the electoral poll for the 2019 Local Government Elections.

Ms Hartley said that staff were actively looking at ways to increase ratepayer participation with elections. Councillors discussed whether space could be given in libraries for election and candidate information. The Chief Executive confirmed that this idea had been noted and that staff and the Leadership Team were actively looking for ways to increase voter engagement and participation. Ms Hartley said that this included a digital engagement programme compiled by Council's communication team, which included the Local Government New Zealand (LGNZ) literature. Staff were also looking at ways to encourage youth participation and other initiatives and Ms Hartley said that staff would keep elected members informed of the initiatives being employed to encourage voter participation.

Councillors discussed whether it would be fairer to order candidate names randomly and agreed that should the motion on the table not be carried, an amended motion would be put seeking to randomly order names.

**Moved Cr Bryant/Cr Sangster
CN19-05-5**

That the Full Council:

- 1. receives the 2019 Election Matters report, RCN19-05-02; and**
- 2. agrees that pursuant to Regulation 31 of the Local Electoral Regulations 2001, the names of candidates on the voting documents in the 2019 elections for Mayor, Councillors and Community Board members of the Tasman District Council are to be arranged in alphabetical order of surname; and**
- 3. notes the principles set out in the Controller and Auditor General’s “Good Practice for Managing Public Communications by Local Authorities” (see Attachment 2).**

The voting was tied with 6 FOR, 6 AGAINST and Cr Wensley abstained from voting. The Mayor used his casting vote and the motion was CARRIED.

8.3 Appointment of a Kaihautū

Chief Executive Janine Dowding requested that the report be taken as read and invited questions from Councillors.

It was asked whether the Chief Executive had engaged with Nelson City Council about sharing a resource for a Kaihautu role and for this type of support. Ms Dowding confirmed that she had engaged with Nelson City Council Chief Executive Pat Dougherty on this matter prior to submitting this proposal to Council. Nelson City Council had advised that they do not have the capacity for a shared resource, but that they would not be averse to revisiting this conversation in future should the situation change. An opinion was offered that rather than approve the role, the Chief Executive continue to consult with Nelson City Council on the possibility of a shared resource.

Councillors asked whether in light of Nelson City Council’s move to increase their resource in this area, the proposal would remain for one role or whether there was expected to be a contingency for further resource. Ms Dowding advised that the proposal was for one permanent resource, but that she could not predict the need for future resource as this would depend on future requirement and demand. She also said that the intention as to work with iwi around recruitment for the role.

Various Councillors noted their support for the role and commented that they were pleased to see Council taking steps towards effective co Governance with iwi.

Whether there were other council staff roles that could be relinquished to accommodate this addition role was asked. Ms Dowding explained that the position of a Kaihautu was vital as Council conduct business every day that involves iwi or iwi interests. She referred to previous advice offered to Council on how Tasman District Council fared in terms of resourcing when compared to other Councils. She said that the Council compared very favourably and did extremely well in terms of lean resourcing for the roles it needed to provide. Inability to respond

appropriately to demands was costly to Council in terms of staff time and led to an increased number of disputes.

Councillors noted that engaging and working with iwi was and would continue to be important.

Having an effective and constructive relationship with iwi was acknowledged as being crucial for Council and for the community and general support recognised that the proposed role would contribute and enable this.

Moved Mayor Kempthorne/Cr Hawkes

CN19-05-6

That the Full Council:

- 1. receives the Appointment of a Kaihautū Report, RCN19-05-03; and**
- 2. approves the appointment one permanent full time Kaihautū.**

CARRIED

8.4 Public Water Supplies Drought Response

Activity Planning Manager, Dwayne Fletcher, Utilities Manager, Mike Schruer and Activity Planning Advisor, Helen Lane were present to speak to the report and take questions from Councillors.

Staff took the opportunity to thank partnering agencies and affected parties for their efforts and cooperation during the drought.

Mr Fletcher suggested that the report be taken as read and took the opportunity to show Councillors a graph that illustrated the impact of different rationing rules on the Waimea consents.

In response to a question, Mr Fletcher advised that staff were looking to bring a proposed bylaw for public water supply to Council at the end of this month.

The issue of water tankers during times of drought was discussed.

The decision around triggers and the water planning framework that Council operate around was acknowledged as being determined by the Environmental Court. While the Council has a significant role in the management of water, it was noted that it does not necessarily make a call on the triggers outlined in the National Policy Statement. Requirements around the management of freshwater were largely set by Central Government.

In response to a question, Environment and Planning Manager, Dennis Bush-King said that Council only required permit holders to reduce their consumption by the required amount in times of drought. He said that this is what they were measured against and that this could be interpreted as a saving should Councillors wish, but that it was measured as a reduction. Mr Bush-King said that a report on rationing during the drought had been included in his Manager's Report to the recent Environment and Planning Committee meeting.

Enforcement and restriction delegations provided to the Engineering Services Manager during times of drought were discussed. Councillors noted that these delegations could be reviewed at any time.

Mr Bush-King advised that the permits on the Waimea water zone had expired and were currently being reviewed.

Moved Cr Maling/Cr Sangster

CN19-05-7

That the Full Council receives the Public Water Supplies Drought Response report, RCN19-05-04.

CARRIED

8.5 Engineering Services Capital Projects Funding

Engineering Services Manager, Richard Kirby and Activity Planning Programme Leader, Jenna Neame requested that the report be taken as read and invited questions from Councillors.

Mrs Neame spoke to the analysis recently undertaken of where breaks were occurring in water pipes in Mapua and Wakefield.

Mr Kirby spoke to planned work for the Stafford Drive water main replacement and the upgrade of the Ruby Bay pump station. Mr Kirby advised that staff felt it was reasonable for them to purchase the land required to complete the pump station upgrade work, but that there were other requirements of work to be completed before the land could be purchased. The cost of this work exceeded the Council approved budget.

Mr Kirby said that the recommendation of staff to defer some renewal work in Wakefield was to allow for more urgent work to be completed. He advised that Council could increase the budget allocation for Engineering Services capital projects to allow completion of all work, should they wish.

Mr Kirby responded to a question and explained that, owing to the nature of some of the projects and the consultation required – with iwi for example, some projects could not be completed within a 12 month timeframe. He said that were possible design, consenting and tender phase work was completed in time for inclusion in current budgets.

Mr Kirby advised that the proposed programme delays and subsequent budget requirements for this year were to allow Council to remain within its \$200m debt cap. Corporate Services Manager, Mike Drummond added that it was difficult to know how close Council would come to its debt cap and that staff could not offer Council the assurance that approving all of the project work for the Engineering Services work programme would keep them within that cap. He said that Council might need to consider what projects in other areas it would defer instead.

Mr Kirby said that there was a tender for completion of the Mapua work and that work to report back on budgetary impacts for competing the entire programme could be reported back to 31 May. This would result in a delay with the Mapua work.

The meeting broke for lunch at 12.19pm and was resumed at 12.49pm.

Councillor Tuffnell was not present when the meeting reconvened at 12.49pm.

Council discussed the capital funding of \$4.4million and the reduction being to the two Wakefield projects only. Staff advised that the work programme for Wakefield would be revisited in August/September 2019. Engineering Services Manager, Richard Kirby took an action to

report back to Council on the Wakefield work programme, advising that all deferred projects could be brought back to Council later in September. He said that the list was not an exhaustive list of projects, as there may be additional projects which could be considered in conjunction with those listed in the resolution.

Councillor Greening raised queries regarding the deferment of projects, questioning the subsidy from the New Zealand Transport Agency and whether this would offset any increased cost to Council of completed the work.

**Moved Cr Bryant/Cr Hawkes
CN19-05-8**

That the Full Council:

- 1. receives the Engineering Services Capital Projects Funding report, RCN19-05-05; and**
- 2. for the Mapua Water and Wastewater Improvements project:**
 - a) approves an increase of \$1,300,000 in 2019/20 for the Aranui Road/Stafford Drive Water Main Replacement budget to allow for completion of the full length of the water main as per the original scope; and**
 - b) agrees that the wastewater scope be reduced so that Ruby Bay pump station is not upgraded (except for odour control) and the pump station at 72 Stafford Drive be refurbished instead of being upgraded, and;**
- 3. approves an increase in the Motueka Water Treatment Plant budget of \$496,000 in 2019/20; and**
- 4. approves an increase in the Pohara Valley Pump Station Replacement budget of \$340,000 in 2019/20; and**
- 5. agrees to reduce the scope of the Takaka Resource Recovery Centre upgrades and reconsider the weighbridge and kiosk replacement in the Long Term Plan 2021-2031; and**
- 6. for the Brightwater Town Centre upgrade project:**
 - a) agrees to increase the scope of the project to cover the area between State Highway 6 and Lord Rutherford Road; and**
 - b) approves a budget increase of \$369,000 in 2019/20; and**
 - c) notes that the \$369,000 will come from a NZ Transport Agency subsidy; and**
- 7. approves an increase in the Richmond West Stormwater Improvements budget of \$1,300,000 in 2019/20; and**
- 8. approves a budget increase for the Richmond South Low Level Water Trunk main of \$195,000 in 2019/20; and**
- 9. agrees to delay the Wakefield Reticulation – Arrow Street Water Pipe Renewal project and reconsider project timing and funding as part of the Long Term Plan 2021-2031; and**
- 10. agrees to delay the Wakefield Reticulation – Whitby Road and Whitby Way Water Pipes project and reconsider project timing and funding as part of the Long Term Plan 2021-2031; and**

11. agrees to reduce the 2019/20 budget of \$453,000 to zero for the Richmond Deviation Stormwater Improvement project; and
12. approves advancement of design funding listed in the table below; and

Budget Name	Recommendation
Mapua Reticulation – Pomona Road Reservoir	Advance design funding of \$75,000 from 2020/21 to 2019/20.
Redwood Valley WTP & PS – Treatment Upgrades Golden Hills	Advance design funding of \$27,000 from 2020/21 to 2019/20.
Redwood Valley WTP & PS – O’Conner’s Creek Treatment Upgrade	Advance design funding of \$27,000 from 2020/21 to 2019/20.
Richmond South Low Level Main	Advance design funding of \$150,000 to 2019/20.
Richmond South Low Level Reservoir	Advance design funding of \$117,000 from 2020/21 to 2019/20.

13. acknowledges that the decisions in this report are inconsistent with the Long Term Plan 2018-2028 and proposed Annual Plan 2019-2020, but are not significant enough to justify amendment to those plans or further consultation; and
14. agrees to reconsider resolutions 9. and 10. at the time that Council considers carry-overs in the revised capital works programme for the 2020/21 year provided that sufficient funding is available within the \$200m net debt cap.

CARRIED

8.6 Temporary Road Closures - Nelson Car Club Rallies

The report was taken as read and there were no questions from Council.

**Moved Cr Bryant/Cr Hawkes
CN19-05-9**

That the Full Council:

1. receives the Temporary Road Closures - Nelson Car Club Rallies report, RCN19-05-06; and
2. approves the temporary closure of Riwaka-Sandy Bay Road from its intersection with State Highway (SH60) to just over the crest of Marahau Hill (RP 0.020 – RP 3.200) on Sunday 19 May 2019 from 8.00am to 5.00pm for the Nelson Car Club Sandy Bay Hill Climb shown in Attachment 1; and
3. approves the temporary closure of Dovedale Road from the Dove Creek Bridge to Pigeon Valley Road (RP 16.00 – RP 19.90) on Sunday 16 June 2019 from 8.00am to 5.00pm for the Nelson Car Club Dovedale Sprint shown in Attachment 2.

CARRIED

8.7 Traffic Control Bylaw - Proposed Parking Control Changes

The report was taken as read.

Council staff took an action to investigate wherever practicable whether the size of signs could be increased.

Moved Cr Wensley/Cr Hawkes CN19-05-10

That the Full Council:

- 1. receives the Traffic Control Bylaw - Proposed Parking Control Changes, RCN19-05-07; and**
- 2. approves the following changes described below to the Traffic Control Devices Register under the Traffic Control Bylaw 2016 with effect from 10 May 2019:**

CARRIED

8.8 Nelson Tasman Land Development Manual

Programme Delivery Manager, Dwayne Fletcher advised that Nelson City Council are including an additional resolution to seek the ability to approve minor technical wording amendments or corrections to errors. As a result, a further resolution was requested to be included in order to allow Tasman District Council the same abilities.

Moved Cr Bryant/Cr King CN19-05-11

That the Full Council:

- 1. receives the Nelson Tasman Land Development Manual report, RCN19-05-08; and**
- 2. adopts the Nelson Tasman Land Development Manual 2019 (Attachment 1) to replace the Council's Engineering Standards 2013, with effect from 1 July 2019, subject to Nelson City Council also adopting the manual; and**
- 3. adopts the Practice Notes on Coastal and Freshwater Inundation (Attachment 2), Bioretention (Attachment 3) and Wetlands (Attachment 4) with effect from 1 July 2019, subject to Nelson City Council also adopting the practice notes; and**
- 4. notes a Tasman Resource Management Plan change to align the Tasman Resource Management Plan (TRMP) with the new NTLDM and to incorporate the NTLDM by reference into the TRMP, will be proposed to the Environment and Planning Committee on 30 May 2019 date; and**
- 5. grants the Chair of the Engineering Services Committee and the Engineering Services Manager authority to approve minor technical wording amendments, or correction of errors to the Nelson Tasman Land Development Manual.**

CARRIED

8.9 Nelson Tasman Regional Landfill Business Unit - Business Plan 2019-2020

Discussion occurred in relation to the reasons for increased costs. Council was advised that the costs of climate change are including in the levies, which are calculated based on quantities.

Council staff were requested to follow up on the climate change implications contained within the Business Plan.

Moved Cr Maling/Cr King

CN19-05-12

That the Full Council:

- 1. receives the Nelson Tasman Regional Landfill Business Unit - Business Plan 2019-2020 report, RCN19-05-09; and**
- 2. approves the Nelson Tasman Regional Landfill Business Plan 2019-2020.**

CARRIED

Cr Wensley noted as not supporting resolution 8.9

8.10 Nelson Tasman Regional Landfill Business Unit Terms of Reference and Nelson Regional Sewerage Business Unit Memorandum of Understanding

Nelson City Council approved changes at its Council meeting held on 2 May 2019.

Council staff were requested to incorporate climate change. Any changes to the Terms of Reference are approved by Tasman District Council and Nelson City Council. In order for changes to be made to the existing Terms of Reference would require a lengthy process.

Council staff have been requested to provide a report setting out the process on how to incorporate climate change in the business plan. Council staff have been requested to advise Nelson City Council that Tasman District Council may wish to make changes to the Terms of Reference.

Moved Cr Maling/Cr McNamara

CN19-05-13

That the Full Council:

- 1. receives the Nelson Tasman Regional Landfill Business Unit Terms of Reference and Nelson Regional Sewerage Business Unit Memorandum of Understanding report, RCN19-05-10; and**
- 2. approves the revised Nelson Tasman Regional Landfill Business Unit Terms of Reference (Attachment 1); and**
- 3. approves the Nelson Regional Sewerage Business Unit Memorandum of Understanding (Attachment 2); and**
- 4. removes the requirement for a separate audit of the annual report and accounts, subject to similar approval by Nelson City Council.**

CARRIED

8.11 Corporate Services Quarterly Report to end of March 2019

The report was taken as read.

Council were advised that Council's Code of Conduct is reviewed at the beginning of each triennium.

In response to a question, Council heard that the Reserve Bank Rate change announced on 8 May 2019 will reduce Council's short term interest rate and reduce costs. Long term rates are less likely to be affected by the movement in the OCR announced 8 May 2019.

**Moved Cr Sangster/Cr Ogilvie
CN19-05-14**

That the Full Council

- 1. receives the Corporate Services Quarterly Report to end of March 2019 report RCN19-05-11; and**
- 2. notes the documents that have been signed under delegation as set out in section 8.2**

CARRIED

8.14 Mayor's Activity Report

Following discussion regarding campground regulations and additional legal restrictions, Council agreed it did not support the Thames Coromandel District Council Remit regarding remote campgrounds on private property.

Cr Hawkes left the meeting at 2:37pm.

The Greater Wellington Regional Council Remit has been confirmed as supported by other Councils and therefore no action is required by Council.

All remits will be circulated by the Mayor to Councillors following the Local Government New Zealand National Council meeting.

Council staff were requested to provide a report on the Beach Bylaw to Councillors.

The Mayor was requested to provide a letter of support for Hon Nick Smith in relation to Drug Testing by Police for drivers in New Zealand.

Cr Hawkes returned to the meeting at 02:46 pm.

**Moved Mayor Kempthorne/Cr Wensley
CN19-05-15**

That the Tasman District Council receives the Mayor's Activity Report RCN19-05-18.

CARRIED

8.12 Chief Executive's Report to Full Council

Referring to paragraph 7 of the Chief Executive's Report in relation to the Pakawau Sea Wall decision, Principal Planner, Alastair Jewell provided a verbal update in relation to the Environment Court decision by the Independent Commissioner, Sharon McGarry. He advised that the application for consent to construct a 345 metre rock revetment on esplanade reserve land and the coastal marine area in front of properties at Pakawau had been denied.

Cr Tuffnell re-joined the meeting at 1.48pm.

Should the Pakawau Community appeal to the Environment Court, as the timeline for the appeal is currently open, there will be costs involved. The lodgement fee is \$500 and it is anticipated that the legal costs would be significant.

Council agreed there would be further workshops on the subject of climate change and that this would be the appropriate forum for them to discuss their general concerns in relation to sea level rise.

Cr Bryant left the meeting at 2:12 pm

Engineering Services Manager, Richard Kirby advised that the contractor had undertaken testing of potential asbestos on the road to the Waimea Dam site prior to any staff being present. The contractor had advised Mr Kirby that the tests for the presence of asbestos had been negative.

Council staff were requested to arrange a joint workshop with Nelson City Council regarding the Future Development Strategy, prior to the Joint Committee meeting in July 2019.

Council staff were requested to action the concern raised during Public Forum by Mrs Mann regarding the manhole outside her property.

Cr Bryant re-joined to the meeting at 2:19 pm.

Councillors were reminded that a report will be provided at the Council meeting on Friday 31 May in relation to the rates review and the implications of rating changes.

Referring to paragraph 5.6 of the Chief Executive's Report in relation to the Delegations Register, Council requested further information to clarify the proposed amendments. The Chief Executive agreed to bring this back to the next regular cycle Full Council meeting.

Referring to paragraph 4.3 of the Chief Executive's Report in relation to Richmond Office Accommodation, staff advised that the final details of any potential lease agreement will be provided in a report to Council for a decision.

Referring to paragraph 7 of the Chief Executive's Report in relation to Managing People, the Chief Executive advised that an external health and safety audit may be commissioned. Council staff are awaiting estimated costs for this work.

**Moved Cr Wensley/Cr Hawkes
CN19-05-16**

That the Full Council

- 1. receives the Chief Executive's Report to Full Council, RCN19-05-12; and**
- 2. delegates the decision making powers for adoption of the Nelson Tasman Future Development Strategy to the Joint Committee of 26 July 2019; and**
- 3. notes the Council Action Sheet.**

CARRIED

8.13 Machinery Resolutions Report

The report was taken as read and there were no questions from Council.

**Moved Cr McNamara/Cr Maling
CN19-05-17**

That the Tasman District Council

- 1. receives the Machinery Resolutions report, RCN19-05-13 and that the execution of the following documents under the Seal of Council be confirmed:**
 - **Deed of Lease – Tapawera Toy Library Incorporated – New 5 year lease for Tapawera Toy Library Incorporated – in their building on Tapawera Memorial reserve. 1 December 2018 to 30 November 2023.**
 - **Authority instructions for LINZ that related to previously signed Covenant – Levy, Reece and Pivac – RM180757 – The Covenants were signed for Wayne Horner and returned 13/03/19 but needs Authority signed for LINZ to accept it. – Gibbs Valley Road.**
 - **Consent to accept land vested in Council – Appleby Field Ltd, Appleby 54 Ltd + J E Malcom – RM160673 – Council has granted consent under RM160673 for the subdivision land at Berryfield Drive, Lower Queen Street. The first stage incomplete and LINZ need confirmation, Council will accept the Road to Vest, Lot 100+ Reserve Lot 201**
 - **Easement in Gross – Appleby Field Ltd, Appleby 54 Ltd + J E Malcom – RM160673 – Council has granted consent under RM160673 to subdivide land at Berryfield Drive, Lower Queen Street. Easement in gross are required to drain wastewater and stormwater from Council Services.**
 - **Partial Surrender and Easement in Gross – Arizona Land Ltd – Hart Road – RM160629 + RM180524 – To remove part of an easement in gross as the area will now be vested in Council on Lot 166 DP 527234**
 - **Deed of Lease – John Osmer – New lease for 5 years with right of renewal for 5 years at Takaka Aerodrome, 290 Takaka Collingwood Highway. 100m² of land on which a portable aircraft hangar will be located and secured from May 1 2019. New Lease 11103L8.**
 - **Deed of Lease and Deed of surrender of Lease – The Smokehouse Ltd – Renewal of Lease for the Smokehouse at Mapua Wharf. Term of 5 years with 2 rights of renewal of 5 years each.**

CARRIED

9 CONFIDENTIAL SESSION

9.1 Procedural motion to exclude the public

Moved Cr Sangster/Cr Brown

CN19-05-18

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 Reappointment of Independent Member to Commercial Committee

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

9.3 Potential Councillor Remuneration Pool Following 2019 Local Government Elections

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

9.4 Waimea Community Dam - Ngati Koata Partnering Deed and M.A.K Stuart Agreement to Acquire Land

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. s7(2)(b)(ii) - The withholding of the information is necessary to	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.

	<p>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)(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>	
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9.5 Request to Stop Legal Road - Flaxmore Road, Moutere

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

9.6 Supplementary Information to Waimea Community Dam - Ngati Koata Partnering Deed and M.A.K Stuart Agreement to Acquire Land

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.</p> <p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</p> <p>s7(2)(i) - The withholding of the information is necessary to</p>	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.

	<p>enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	
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CARRIED

6 CONFIRMATION OF MINUTES

**Moved Mayor Kempthorne/Cr Hawkes
CN19-05-19**

That the minutes of the Full Council meeting held on Thursday, 28 March 2019, be confirmed as a true and correct record of the meeting.

CARRIED

**Moved Mayor Kempthorne/Cr Hawkes
CN19-05-20**

That the minutes of the Extraordinary Full Council meeting held on Thursday, 18 April 2019, be confirmed as a true and correct record of the meeting.

CARRIED

The meeting concluded at 4.07pm.

Date Confirmed:

Chair: