

MINUTES

of the

FULL COUNCIL MEETING

held

9.30 am, Thursday, 22 June 2017

at

Tasman Council Chamber, 189 Queen Street, Richmond

Present: Deputy Mayor T King, S Bryant, P Canton, M Greening, K Maling, D

Wensley, D McNamara, A Turley, S Brown, D Ogilvie,

T Tuffnell, P Sangster, P Hawkes

In Attendance: Chief Executive (L McKenzie), Executive Assistant (H Simpson)

Part Attendance: Activity Planning Manager (D Fletcher), Principal Resource Consents Advisor

(M Croxford), Environment and Planning Manager (D Bush-King),

Environmental Policy Manager (B Johnson), Development Engineer (D Ley),

Senior Management Accountant (M McGlinchey), Corporate Services Manager (M Drummond), Community Partnerships Officer (L Evans),

Community Development Manager (S Edwards), Road Operations and Safety Co-ordinator (C Pawson), Technical Officer – Transportation (K Hobday)

1 OPENING, WELCOME

2 APOLOGIES AND LEAVE OF ABSENCE

Moved Cr Ogilvie/Cr Maling CN17-06-3

That apologies be accepted for absence for Mayor Richard Kempthorne.

CARRIED

3 PUBLIC FORUM

Philip Wilson spoke on behalf of Nelson Pine Industries (NPI). Philip spoke about the concerns NPI has around the development proposed by Richmond West Development Company Ltd and the mitigation agreed for Special Housing Areas. He said that no agreement had been reached for

the land looking to be developed by Arvida. Philip spoke with the aid of a PowerPoint presentation and also tabled a one page document for Councillors.

Wendy Darrington gave her thoughts on the proposed zone change of 2 Arbor-Lea Avenue to a Special Housing Area. She talked to a number of issues that she said she did not feel had been considered. Wendy tabled a copy of the notes from which she spoke.

Andrew Spittal spoke about the Richmond West Development proposed for 37 McShane Road, Richmond.

Toni Elliott and **Smokey Fry** spoke to Councillors about flooding at their property at 40 Staple Street, Motueka. They tabled a copy of their speech notes. The Chair asked for it to be recorded as an action item to look into this matter and respond by the end of the week. Smokey also asked for an explanation to be included in that response as to why the light down Staple Street had been removed.

Lynne Ensor spoke about flooding in Golden Bay catchments. She asked Councillors to look at addressing historic storm water problems before approving further development in the affected areas.

Murray Dawson spoke about the proposed Waimea Community Dam. He commented on the 2015 MWH report and shared his thoughts on mitigating stage 1 restrictions. He also talked about trialling bores as an alternative to the Dam.

Graham Vercoe spoke about Special Housing Areas. He talked about residential development in the Tasman District and about providing affordable homes. Graham said that he thought providing affordable land to developers was the best way to quickly ensure affordable housing could be provided.

Bill McDonald of Arvida spoke in response to the concerns expressed earlier in the Public Forum by Philip Wilson.

Maxwell Clark spoke in the public forum about perceived conflicts of interest Elected Members may have in matters due to be considered by the Council. Maxwell tabled a copy of the documents that he referred to while speaking.

Sharon Adlam spoke on behalf of Aica NZ Ltd about the proposed development at 37 McShane Road as a Special Housing Area. Sharon explained the potential hazards associated with the nature of Aica's business and talked about the potential impact of locating residential dwellings in such close proximity. She said that Aica had previously expressed their preference that any development of this land be industrial rather than residential.

4 DECLARATIONS OF INTEREST

Councillor McNamara expressed an interest in the Whitby Road Special Housing Areas application item.

Councillor Maling declared an interest in the items relating to the Waimea Community Dam.

5 LATE ITEMS

Moved Cr Bryant/Cr Sangster CN17-06-4

That the late item, Waimea Community Dam Report (RCN17-06-16) be considered at today's meeting. This report could not be prepared until after the Council meeting on

14 June 2017 after this agenda had closed. The item cannot wait until the next meeting as the matters are required to keep Councillors current.

CARRIED

6 CONFIRMATION OF MINUTES

Moved Cr Maling/Cr Sangster CN17-06-5

That the minutes of the Joint Shareholders Committee held on 11 April, 2011 be received.

CARRIED

Moved Cr King/Cr Bryant CN17-06-6

That the minutes of the Nelson Tasman Civil Defence Emergency Management Group meeting held on 11 April, 2017 be received.

CARRIED

Moved Cr Greening/Cr Hawkes CN17-06-7

That the minutes of the Full Council meeting held on Wednesday, 14 June 2017, be confirmed as a true and correct record of the meeting.

Cr Wensley moved an amendment to the minutes. She requested that her comments about the Waimea Community Dam item be included on page 4 of the minutes. She also requested that the foreshadowed motion she read out during the meeting be included in the minutes.

Moved Cr Wensley/Cr McNamara CN17-06-8

That the minutes as amended of the Full Council meeting held on Wednesday, 14 June 2017, be confirmed as a true and correct record of the meeting.

CARRIED

8 REPORTS

8.1 Richmond West Growth Infrastructure: Joint Funding Proposal

Activity Planning Manager, Dwayne Fletcher was present to speak to this report and take questions. Councillors discussed where this proposal fits in to the current Long Term Plan 2015-2015.

Councillors asked whether there was data available on the numbers of consented subdivisions and non-consented land zoned for residential development. Environment and Planning Manager, Dennis Bush-King advised that this data was available to Councillors and had been provided in the Growth Model workshops.

Moved Cr Bryant/Cr Sangster

CN17-06-9

That the Full Council

- 1. receives the Richmond West Growth Infrastructure: Joint Funding Proposal report RCN17-06-04; and
- 2. approves additional funding of \$600,000 in 2017/2018 to co-fund water infrastructure needed to enable the early development of land in Richmond West; and
- 3. agrees that the funding above does not require public consultation.

CARRIED

7 PRESENTATIONS

82 Richmond Road, Pohara

Camilla Owen and Graham Dick presented to Councillors on behalf of the applicant, Richmond Pohara Holdings Ltd. Camilla spoke with the aid of a PowerPoint presentation, of which she tabled a summary copy.

In response to a question about stormwater issues in Pohara, Camilla said that the measures developers were proposing to mitigate these issues would be tested and considered as part of the resource consent process.

In response to a question, Camilla said that Iwi would not ordinarily be consulted as part of a Special Housing Areas application. When asked about geotech assessment, Camilla advised that this was not part of the application process but that this would also be considered as part of the resource consent process.

265 Sandy Bay-Marahua Road, Marahua

Camilla Owen spoke briefly to this application on behalf of the applicants, Abel Tasman Estates Ltd. There were no questions from Councillors.

Whitby Road, Wakefield

Jane Bayley spoke to this application on behalf of the applicants, Dr Gaye Eden and Neil Brown. Jane tabled a copy of the PowerPoint presentation she spoke to during her presentation.

2 Arbor-Lea Avenue, Richmond

Jane Hilson spoke to this application on behalf of the applicants, Future Investments 3000 Ltd. Jane advised Councillors that the application process for this development was started under the Resource Management Act (RMA). When asked, Jane confirmed that the Special Housing Area application would be for the same number of dwellings as the RMA application, although she said that the design may vary.

Highland Drive, Richmond

In advance of speaking to the following applications, Mark Lile tabled copies of the PowerPoint slides he would use as an aid to his presentations.

He spoke to the Highland Drive application on behalf of the applicants, St Leger Group Ltd.

Angelus Avenue, Richmond

Mark Lile spoke to this application on behalf of applicants Ahimia Ltd. In response to a question, the applicant, Matt Griffin explained the design of the development, which he said was a denser proposal of housing with shared common areas.

323 Hill Street, Richmond

Mark Lile spoke to this application on behalf of applicants, Hill Street Properties Ltd.

45 Main Road, Hope

Mark Lile spoke to this application on behalf of applicants, M.E & K.M Sutton. Mr Lile advised that this application would not be pursued at this stage.

54 Appleby Highway, Richmond

Camilla Owen spoke to this application on behalf of applicants Appleby 54 Ltd, Appleby Field Ltd and J.E Malcolm, collectively known as the ApplebyField consortium.

Camilla identified service linkages between the proposed Appleby Highway development and the development proposed by Richmond West Development Company Ltd for 37 McShane Road.

37 McShane Road, Richmond

Mark Lile and Camilla Owen spoke to this application on behalf of applicants, Richmond West Development Company Ltd. Copies of the Economic Business Land Demand Forecasting report undertaken by Property Economics in October 2016 were tabled, along with copies of a letter dated 21 June, 2017 from Tin Line Property Group to Andrew Spittal.

Councillors asked what was covered and what part of the land was not covered by the mitigation agreement. A copy of the letter from Duncan Cotterill was tabled.

The meeting broke for lunch at 1.06pm and reconvened at 1.40pm. Cr Turley did not re-join the meeting.

8.2 Special Housing Areas

Principal Resource Consents Advisor, Michael Croxford and Environmental Policy Manager, Barry Johnson were present to speak to this report and take questions.

Councillors discussed the consultation provisions of the Special Housing Area (SHA) application process. In response to a question, Mr Croxford said that the lead policy does not anticipate consultation for land zoned rural residential.

Councillors asked about the lot size of the proposed development at 323 Hill Street. Mr Croxford said that lot size is something that would be considered under the Resource Management Act during the Resource Consent process.

Councillors asked what the consequences of not making a decision at today's meeting would be. Mr Croxford said that if a decision was delayed, those SHA applications would not be included in the current lot going to the Minister. He said that applications were sent to the Minister approximately every three months, which would mean that the next lot would not be sent until after the General Elections.

Moved Cr Maling/Cr Bryant CN17-06-10

1. That the Full Council receives the Special Housing Areas report RCN17-06-05.

CARRIED

Moved Cr Bryant/Cr Tuffnell CN17-06-11

2. That the Full Council approves to recommend to the Minister that 323 Hill Street, Richmond (T01-01), be established as a special housing area.

CARRIED

Moved Cr Ogilvie/Cr Hawkes CN17-06-12

3. That the Full Council approves to recommend to the Minister that 265 Sandy Bay-Marahau Road, Marahau (T01-04), be established as a special housing area.

CARRIED

Moved Cr Sangster/Cr Tuffnell CN17-06-13

4. That the Full Council approves to recommend to the Minister that the Angelus Avenue SHA (T01-07), be established as a special housing area.

CARRIED

Councillors discussed the Resource Consent process already underway for 2 Arbor-Lea Avenue. They discussed the appeals process for both types of application. Staff advised that a new consent application would need to be submitted under the Special Housing Area application. If the applicants were to progress down this route, they could request that their existing resource consent application be held for a period of up to 130 days.

Moved Cr Maling/Cr Wensley CN17-06-14

5. That the Full Council declines to recommend to the Minister that the 2 Arbor-Lea Avenue SHA (T01-08), be established as a special housing area.

By a show of hands the motion was:

CARRIED

Mr Croxford offered a point of clarification regarding the boundaries of the SHA and agreed with Mr Lile that it should include the parcel within 134 Champion Road. Councillors discussed the implications of the SHA application to a protected tree on this land.

Moved Cr Wensley/Cr Canton CN17-06-15

6. That the Full Council approves to recommend to the Minister that the Highland Drive SHA (T01-09) as amended, be established as a special housing area.

CARRIED

Having declared an interest, Cr McNamara stepped back from the table during discussion and voting on this item.

Moved Cr Bryant/Cr Hawkes CN17-06-16

7. That the Full Council approves to recommend to the Minister that the Whitby Road SHA (T01-10), be established as a special housing area.

CARRIED

Councillors discussed the amended proposal for the ApplebyField application to 250 residential dwellings. Staff advised that the decision taken earlier today with regard to a joint funding proposal for Richmond West growth infrastructure enables development infrastructure for this project.

Moved Cr Ogilvie/Cr Sangster CN17-06-17

8. That the Full Council approves to recommend to the Minister that the ApplebyField SHA (T01-03), be established as a special housing area for a minimum number of dwellings of 250 within the area applied for, subject to the developer(s) entering into a Funding Agreement with Council's Engineering Department for the additional infrastructure required to support the development of the SHA.

CARRIED

Councillors discussed current zoning of this land. The merits of residential development on the section and the potential for cross boundary activity were discussed. Staff said that a mixed business zone doesn't prevent industrial activities within it.

Cr Wensley foreshadowed a motion to approve to recommend.

Moved Cr McNamara/Cr Greening CN17-06-18

 That the Full Council declines to recommend to the Minister of Building and Construction that the Richmond West Development Company Limited SHA – 37 McShane Road (T01-02) is established.

The motion was lost.

The foreshadowed motion became the motion.

Moved Cr Wensley/Cr Sangster CN17-06-19

9. That the Full Council approves to recommend to the Minister of Building and Construction that the Richmond West Development Company Limited SHA – 37 McShane Road (T01-02) is established subject to the developer(s) entering into a Funding Agreement with Council's Engineering Department for the additional infrastructure required to support the development of the SHA.

CARRIED

Cr Ogilvie left the meeting at 3.00pm.

Councillors discussed the concerns raised by the community around stormwater issues in the Pohara catchment in relation to further development of this area.

Moved Cr Brown/Cr Greening CN17-06-20

10. That the Full Council declines to recommend to the Minister of Building and Construction that the Richmond Pohara Holdings Limited SHA – 82 Richmond Road, Pohara (T01-05) is established.

The motion was lost.

Moved Cr Sangster/Cr Canton CN17-06-21

10. That the Full Council approves to recommend to the Minister of Building and Construction that the Richmond Pohara Holdings Limited SHA - 82 Richmond Road, Pohara (T01-05) is established.

CARRIED

Cr Greening suggested that the Council revisit public consultation on the Special Housing Area applications. The Chair declined this on the basis that it would negate the previous resolutions passed and there were no new facts to be considered.

The meeting broke for afternoon tea and reconvened at 3.20pm.

Moved Cr Bryant/Cr Maling CN17-06-22

That the Full Council agree to extend the meeting.

CARRIED

8.6 Special Grants Fund Project Report

Community Partnerships Officer, Lani Evans was present to speak to this report. In response to a question Community Development Manager, Susan Edwards advised Councillors that the application for funding was for the 2018 event only. She said that staff had explained to the Kai Fest Trust that they could only apply for a Special Grant once and that applying for a Special Grant for 2018 would mean that they could not apply for a Community Grant in the same financial year.

Cr Ogilvie re-joined the meeting at 3.30pm.

Moved Cr Canton/Cr Hawkes CN17-06-23

That the Full Council:

- 1. receives the Special Grants Fund Project Report RCN17-06-09; and
- approves the allocation of \$20,000 to the Kai Fest Trust for the 2018 event, with \$15,000 coming from the remaining 2016/17 budget and \$5,000 coming from the 2017/18 budget.

CARRIED

8.7 Management of 2016/17 forecast operational surpluses and deficits

Corporate Services Manager, Mike Drummond spoke to this report. There were no questions from Councillors.

Moved Cr Ogilvie/Cr Sangster CN17-06-24

That the Full Council:

- 1. receives the Management of 2016/17 forecast operational surpluses and deficits report (RCN17-06-10); and
- 2. approves the use of the overhead activity surpluses to pay off the Building activity deficit; and
- 3. approves the transfer of \$1.0 million to the Roading Emergency Fund from the Subsidised Roading activity; and
- 4. approves that a balance of \$600k is left in the Subsidised Roading activity with the balance being used to retire internal loans from the activity; and
- 5. approves the transfer of \$109k to the Classified Rivers Emergency Fund, from the Rivers activity, to bring the balance to the agreed \$1.0 million plus inflation at the end of June 2017; and
- 6. approves that a balance of \$600k is left in the Stormwater activity with the balance being used to retire internal loans from the activity; and
- 7. approves the transfer of \$106k to the Stormwater Emergency Fund from the Stormwater activity; and
- 8. approves that a balance of \$600k is left in the Wastewater activity with the balance being used to retire internal loans from the activity; and
- 9. approves the transfer of \$75k to the Wastewater Emergency Fund from the Wastewater activity; and
- 10. approves that a balance of \$600k is left in the Urban Water Supply activity with the balance being used to retire internal loans from the activity; and
- 11. notes that sufficient funds are being left in surplus balances in the overheads area to fund the \$100k towards the Nelson Regional Development Agency (NRDA). The release of these funds will be the subject of a full report to Council; and
- 12. notes that sufficient funds are being left in surplus balances in the overheads area to fund a \$15k contribution to the Nelson Tasman Business Trust. The release of these funds will be the subject of a full report to Council; and
- 13. notes that the \$50k for the feasibility study for the Motueka Library development to be spent in the 2017/2018 year will come from the forecast surplus in the Community Development overhead account for the 2016/2017 financial year; and
- 14. approves that \$50k of the forecast 2016/2017 Community Development overhead area surplus be used to fund the museum additional budget requirements approved on 23 March 2017.

CARRIED

9 CONFIDENTIAL SESSION

9.1 Procedural motion to exclude the public

Moved Cr Bryant/Cr Maling CN17-06-25

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 Kaiteriteri Water Treatment Plant

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.

CARRIED

The meeting resumed in open session at 3.42pm.

8.3 Delegations for Waimea Dam - Land Acquisition

Having declared an interest, Cr Maling stepped back from the table for discussion and voting on this item. Chief Executive, Lindsay McKenzie was present to speak to this report and answer questions. Councillors noted that the purpose of this delegation is to pursue the acquisition of land.

Moved Cr Tuffnell/Cr Bryant CN17-06-26

That the Full Council

- 1. receives the Delegations for Waimea Dam Land Acquisition report RCN17-06-06; and
- authorises the Chief Executive, on behalf of the Council, to take all such steps as are reasonably necessary to proceed with the acquisition of land interests set out in Schedule 1 of the 2 March, 2017 Notice of Intention Report RCN17-03-08. This includes (but is not limited to) signing relevant applications and declarations in

relation to Proclamations, making representations at the Environment Court in relation to objections, and negotiating [and paying] compensation for the land interests.

Cr Wensley asked for her abstention from voting to be noted.

CARRIED

Cr Maling returned to the table.

8.4 Chief Executive's Activity Report

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

Moved Cr Hawkes/Cr McNamara CN17-06-27

That the Full Council

- 1. receives the Chief Executive's Activity Report RCN17-06-07; and
- 2. adds the following charges to the 2017/2018 Schedule of Charges under their respective sections:
 - (i) Water Supply Network Charges On demand (metered) water supply network: Special Water Reading Fee \$66.00 per reading
 - (ii) Right of Way Charges

Application right-of-way (S.348 Local Government Act) \$900.00 deposit

(iii) Property Information and Development Contributions

Development Contribution Administration Surcharge \$37.00

(iv) Environmental Health - Gambling Venues

Gambling Venue Consent – Deposit fee only \$331.00

CARRIED

Moved Cr Canton/Cr Tuffnell CN17-06-28

That the Full Council approves the s.17A Local Government Act 2002 assessment for the review of external legal services for Tasman District Council.

CARRIED

8.5 Proposed Speed Limit Change - Queen Street, Richmond and Sundial Square

Road Operations and Safety Co-ordinator, Chris Pawson and Technical Officer – Transportation, Krista Hobday were present to speak to this report, which was taken as read.

Moved Cr Bryant/Cr Tuffnell CN17-06-29

That the Full Council

1. receives the Proposed Speed Limit Change - Queen Street, Richmond and Sundial Square report RCN17-06-08; and

2. approves the following amendments to the Tasman District Council Speed Limits Bylaw 2016 – Schedule 1 and applying from 1 August 2017.

Street Name	Restriction	Description (Location)
Queen Street, Richmond	30km/hr	From its intersection with Gladstone Road to its intersection with Salisbury Road
Sundial Square	30km/hr	For its entire length

CARRIED

8.8 Corporate Services - Quarterly Report

Corporate Services Manager, Mike Drummond was present to speak to this report. Mr Drummond asked Councillors to note an amendment to the draft resolution, to include the write off of the Atamai Land Trust debt.

Councillors asked for a copy of the paper that Mr Drummond presented in Auckland (as referenced in his report) to be made electronically available to them following the meeting.

Mr Drummond gave a brief update on progress with work at the Jellyfish restaurant and Mapua Wharf.

Moved Cr Sangster/Cr Greening CN17-06-30

That the Full Council

- 1. receives the Corporate Services Quarterly Report RCN17-06-11; and
- 2. notes the documents that have been signed under delegation as set out in section 7.8; and
- notes the final liquidators report on the liquidation of the Atamai Land Trust, which
 advises no distribution will be made to unsecured creditors and approves the write
 off the Atamai Land Trust outstanding debt of \$163,340.10.

CARRIED

8.9 Council Benchmarking Initiatives

Corporate Services Manager, Mike Drummond spoke to this report.

Moved Cr Greening/Cr McNamara CN17-06-31

That the Full Council

- 1. receives the Council Benchmarking Initiatives report 17-06-12; and
- 2. notes the staff decision to commit resources and participate in the Society of Local Government Managers (SOLGM) Australasian Local Government Performance Excellence Programme; and

3. notes that this is a precursor to a future decision to participate in the LGNZ CouncilMARK offering in two to three years' time.

CARRIED



8.10 Mayor's Report to Full Council

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

Moved Cr Bryant/Cr Tuffnell CN17-06-32

That the Tasman District Council receives the Mayor's Report to Full Council RCN17-06-13.

CARRIED

8.11 Machinery Resolutions Report

This report was taken as read, with no questions from Councillors.

Moved Cr Sangster/Cr Bryant CN17-06-33

That the Tasman District Council

- receives the Machinery Resolutions report RCN17-06-14 and that the execution of the following documents under the Seal of Council be confirmed:
 - a) Easement in Gross Bayview Estate to convey and drain stormwater.
 - b) Easement in Gross CBH Limited to convey and drain water.

CARRIED

LATE ITEMS

A.1 Waimea Community Dam - Project Report

Chief Executive, Lindsay McKenzie spoke to this report. He asked Councillors to note the addition of section 6, Contractor Procurement, which had not previously been reported as part of the Waimea Community Dam – Project Report.

Councillors said they felt that that the option to 'do nothing' did not need to be included in reporting going forward, as it was generally agreed that a no water augmentation scenario was not an option.

Mr McKenzie drew Councillors attention to the commentary in his report, which noted that staff and advisers were continuing to progress the various project work streams on the basis the Council has committed to the Waimea Community Dam as the preferred water augmentation solution for the district.

Corporate Services Manager, Mike Drummond updated Councillors on progress with the Joint Venture Partners.

Mr McKenzie advised Councillors that if the property issues could not be resolved, a period of at least 12 months could be added to the approximate start date for construction.

In response to a question, Mr Drummond advised Councillors that the costs pre the 2014-2015 financial year totalled approximately \$6.5 million.

Councillors noted that the appointment of John Hutton and his role will be funded 50/50 by WIL and the Council.

Councillors asked about the effect of the General Election on the project. The Chief Executive said that it was uncertain what the situation post election with CIIL would be. He advised that this would not affect the existing land and access workstream because Council has previously agreed to obtain the land, regardless of whether or not the project was fundable in the short term. Councillors indicated that they understood that was the position.

Councillors discussed a recent article on urban water supply that had featured in the Waimea Weekly. Mr McKenzie told Councillors that he had been approached by Simon Bloomberg of the Waimea Weekly seeking information about the urban water supply. He said that a 30 minute appointment had been arranged for Mr Bloomberg with the Engineering Services Manager and Activity Planning Manager.

Moved Cr Canton/Cr McNamara CN17-06-34

That the Full Council receives the Waimea Community Dam - Project Report RCN17-06-16.

CARRIED

The meeting concluded at 4.26pm.	
Date Confirmed:	Chair: