
MINUTES
of the
FULL COUNCIL MEETING
held
9.30, Thursday, 1 August 2019
at
Tasman Council Chamber, 189 Queen Street, Richmond

Present: Mayor R Kempthorne, Councillors T King, S Bryant, P Canton, 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: Acting Corporate Services Manager (M McGlinchey), Engineering Services Manager (R Kirby), Property Services Manager (M Johannsen), Senior Policy Analyst (A Bywater), Community Development Manager (S Edwards), Environment and Planning Manager (D Bush-King)
Graham Mitchell, Chief Executive – Crown Infrastructure Partners
Tanya Hansen, Stakeholder Manager – Crown Infrastructure Partners
Mike Scott, Chief Executive – Waimea Water Limited

1 OPENING, WELCOME

2 APOLOGIES AND LEAVE OF ABSENCE

Nil.

3 PUBLIC FORUM

Maxwell Clark spoke about the Lee Valley [Waimea] Dam. Mr Clark talked about irrigators shares in the Dam and asked what the benefits of the Dam were to ratepayers. He alleged that local irrigators were selling their land to overseas buyers.

Mr Clark questioned why Tonkin and Taylor were no longer involved in the Dam construction and asserted that this was because of the high risk he considered was associated with the project. Mr

Clark said that no bedrock had been found at the site and that there were significant geological risks with the project.

He also alleged that workers had reported not feeling safe while undertaking work at the site.

He asked who was going to be responsible for overspend.

Mr Clark also questioned councils commitment to forestry and the certainty of a return on this investment, offering an opinion that the timber market had crashed.

Richard Johns said that his son had recently taken a flight from Nelson to Auckland and had been sat near what he thought were two Tasman District Council employees. During the flight, Mr Johns said that his son alleged having overheard these staff discussing the reason for their trip, to gain approval for a project. He said they had discussed the validity of the project, offering personal opinions and looking at documents that were visible to him during the flight. One staff member was reported to have said that the project should be approved as they had spent a significant amount of time working on it, having rescheduled annual leave and so did not want that time to have been wasted. Mr Johns said that staff should make decisions based on the ratepayers best interest, not their own.

The Mayor asked Mr Johns, if he wished to make a formal complaint, to share the specific details with the Chief Executive who would investigate.

Murray Dawson spoke about what he said was the over allocation of consents in Waimea west. Mr Dawson asked the Chief Executive to seek a response to the question he had raised in his previous email from the departmental manager and to communicate this to him, copying in councillors.

Ray Hellyer said he was speaking on behalf of Brett Stevens. Mr Hellyer thanked Council for securing a meeting with the Mayor and Chief Executive, previous requests for which he alleged had gone unanswered. Mr Hellyer said that Mr Stevens had written to the Chief Executive five times and not received a formal response. He talked specifically about the 15 February 2019 letter, which he said was the most important letter and which remained unanswered.

Once Mr Hellyer had finished speaking the Mayor said that some of Mr Hellyer's statements were not factually correct and offered a point of clarification, explaining that he and Chief Executive had met with Mr Stevens and Mr Hellyer on two occasions, one meeting being with their legal representative that had lasted for over two hours. Mr Stevens had agreed to a meeting in place of a formal written response to his letters.

Jane Murray from the District Health Board spoke in support of the e-bikes initiative. She said that a recent Nelson Marlborough Health Active Transport survey had revealed that 36.9% of staff respondents had said that they would purchase an e-bike in the next 4-6 years.

David Ogilvie read a letter on behalf of the Marahau Sandy Bay Ratepayers and Residents' Association. The Association thanked Council for the opportunity to address it during public forum and noted their positive experience of engagement with council staff. A copy of the letter was tabled.

Anne Lane spoke about the Mapua underpass. She said that her 16 year old daughter was one of the school children who frequently used this route on her walk to catch the bus to school. Anne said that flooding at the underpass was a significant problem and caused health and safety concerns to the pedestrians who used the route, especially school children. She asked the Council to take action to prevent this flooding, which she said in some instances had been over a foot deep. She said that children were avoiding using the underpass when it flooded and were instead crossing the state highway (SH60), which was extremely unsafe. Anne said that a visit to the site would show the watermarks from previous instances of flooding and asked council to please take

action to ensure the safety of pedestrians. The Engineering Services Manager took an action to investigate the issue and advise Council.

4 DECLARATIONS OF INTEREST

Nil.

5 LATE ITEMS

Moved Cr Sangster/Cr Ogilvie CN19-08-1

That the late item, 9.3 Golden Bay Grandstand – Legally Privileged and Confidential, be considered at today's meeting. This report is late because a response to the Council's most recent offer of settlement was not received from the parties' lawyer until 24 July 2019. Negotiations were still underway at the time the agenda was prepared and distributed. Consideration of this matter cannot be delayed due to the court timetable.

CARRIED

8 REPORTS

8.1 Corporate Services Quarterly Report to end of June 2019

Acting Corporate Services Manager, Matthew McGlinchey was present to speak to the report and respond to questions from Council.

In response to a question about gravel extraction, Property Services Manager Mark Johannsen, said that there was a long standing arrangement to allow for this. In addition, Engineering Services Manager, Richard Kirby said that council do not own the required plant or equipment and so this service was contracted out. The contractor pays a royalty that is higher than the market rate, as set out in the council's schedule of fees and charges.

Council discussed the statement made during public forum around a reduced forestry harvesting rate in recent times. They were advised that council's production was high value timber and that staff understanding was that the market was affected by low quality timber. A report on commercial forestry activity will come to the Commercial Committee later this month and will then come to the Full Council.

Council asked and were advised that the current net debt figure as at 30 June 2019 was \$148million. Gross debt was \$166million. It was explained that this was the result of pre funding for debt that was due shortly.

In relation to information services, Council asked whether staff were working collaboratively to align services with Nelson City Council. The Chief Executive said that staff had explored this, but that the system used by Nelson was expensive. The solution staff were looking at meets the needs of the organisation and is considerably more affordable.

Council asked whether changes to interest rates would affect the Local Government Funding Agency and if so, what impact that would have for Council. Mr McGlinchey advised that Council is locked into its current rates to an extent and so would not see the immediate benefit of lower

interest rates. However, he noted that as those loans mature Council would be able to go out to the market and that the market prediction was that rates would continue to fall for the next 18 months.

Mr McGlinchey confirmed the capitalisation of the interest cost relating to the Waimea Dam item in table 12.2. Moving forward, he said there would be an interest cost in terms of debt associated with the project debt, but this will not be capitalised. He confirmed the costs detailed show how these are apportioned between Council and Waimea Water.

Mr McGlinchey confirmed that 'JV' referred to Waimea Water.

**Moved Cr McNamara/Cr Hawkes
CN19-08-2**

That the Full Council

1. **receives the Corporate Services Quarterly Report to end of June 2019 report RCN19-05-04; and**
2. **notes the documents that have been signed under delegation as set out in section 7.2.**

CARRIED

8.3 Marahau - Parking, Access to the Beach, Boat Ramp and Jetty

Senior Policy Analyst, Alan Bywater, was present to speak to the report and answer questions from council.

Mr Bywater noted that the concerns received relating to bridge parking from members of the community since publication of agenda had not been voiced during the public consultation. However, he identified that there was an opportunity for staff to continue working with the community through the Long Term Plan and Annual Plan processes.

Mr Bywater confirmed that the draft recommendations still stand as this decision does not represent a firm commitment by Council.

Council commended the quality of the report and thanked staff for their work.

**Moved Cr Ogilvie/Cr Tuffnell
CN19-08-3**

That the Full Council:

1. **receives:**
 - **the Marahau - Parking, Access to the Beach, Boat Ramp and Jetty Report RCN19-08-6; and**
 - **the Discussion and Assessment of Options Identified in the Marahau Feasibility Study (Attachment One); and**
 - **the Feasibility Study (Attachment Two); and**
2. **notes that the following projects will be given effect in 2019/2020 within existing delegations and from existing budgets:**
 - **create a parking signage board at the entrance to Marahau Village; and**

- install simple barriers to prevent egress by vehicles onto the footpath along the beachfront rock wall and outside the public toilets and rubbish/recycling facilities; and
 - work with commercial tourism operators to encourage their clients to use their car parking area; and
 - install 10 minute parking areas outside the public toilets and rubbish/recycling facilities; and
 - work with Department of Conservation and commercial tourism operators to minimise beach domination by operators at high tide and encourage set up only when conducting final beach briefing and launching; and
 - work with commercial tourism operators to create informally designated briefing zones on the beach – away from the entrance to the beach toward the furthest end of Otuwhero Spit; and
 - use painted lines and signs to formalise a pedestrians access crossing area at the top of the boat ramp and install signage to indicate to pedestrians that boats and vehicles have right of way; and
 - clearly delineate two lanes on the ramp to assist with the efficient use of the ramp by vehicles and trailers; and
 - retain and enhance boat trailer parking and loading zone signage at the ramp; and
3. notes that the following projects will be further considered as part of the Annual Plan 2020/2021 and the Long Term Plan 2021-2031 process:
- shift the open stormwater swale and reshape the berm along Sandy Bay road to enable more efficient use of the parking spaces in this area; and
 - define formal 90 degree parking spaces in the parking areas adjacent to the beachfront/rock wall; and
 - designate up to six parking spaces for larger vehicles/campervans close to the Marahau River Bridge; and
 - install two additional sets of pedestrian steps over the beachfront wall to enable greater access to the beach; and
4. notes that the following options identified in the Feasibility Study will not be further investigated or pursued:
- relocate the footpath along the beach front rock wall closer to the roadway meandering through existing open space and plantings.
 - expansion of the trailer parking, turning and loading area adjacent to the boat ramp.
 - reclaim land for mixed recreational use and parking on the estuary side at Otuwhero Spit.
5. notes that the options of introducing further time limited parking identified in the Feasibility Study will not be pursued at this time but could be considered further in the future if an obvious need for them becomes apparent; and
6. notes that the Traffic Control Bylaw will need to be amended to introduce the 10 minute parking limit in the parking areas outside the public toilets and

rubbish/recycling facilities (and any other time limited parking) in Marahau and that these amendments can be made by Council resolution.

CARRIED

The meeting broke for morning tea at 10.15am and reconvened at 10.30am.

7 PRESENTATIONS

7.1 RBI2/MBSF – Crown Infrastructure Partners (10.30am)

Graham Mitchell, Chief Executive and Tanya Hansen, Stakeholder Manager gave a presentation to Council on the Rural Broadband Initiative Phase 2/Mobile Blackspots Fund programme. They spoke to a series of PowerPoint slides and a copy of the presentation is attached to the minutes.

In response to a question on installations, Mr Mitchell said that the Rural Connectivity Group do consult with the local community around the location of towers. He said if any issues came to light that did not appear to have been answered, council should refer these to Tanya Hansen. Unresolved issues could be escalated to the Telecommunications Disputes Regime.

Mr Mitchell said that he would arrange for a link to the disputes resolution website to be sent through to council staff for inclusion on Council's website.

The Mayor thanked Mr Mitchell and Ms Hansen for their time and their presentation.

8.9 Machinery Resolutions Report

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

**Moved Cr Tuffnell/Cr Canton
CN19-08-4**

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) Easement in Gross – Tasman Holding Nelson Ltd – 19 + 21 Waimea Road West, Richmond – An Easement in Gross in favour of TDC is needed to convey water “A” + drain sewage “A + B” from Lot B which is a private right of way shown on LT plan 530694.**
- b) Deed of Lease – Fulton Hogan Limited – New Lease for Fulton Hogan crushing site on Waimea river berm. Five year term expires 31 July 2022. Annual rent \$40000 pa. Near Appleby Highway and O'Connor Road.**
- c) Deed of Lease – Golden Bay Flying Club Inc. – Lease Number 1103 L1 – New Lease for existing occupation, Lease expires 2012. Golden Bay Flying club have an aircraft hangar and clubroom at Takaka Aerodrome. Term 30 years \$78000 + GST pa.**
- d) Deed of Variation of Lease – Rabbit Island Limited – 6 Aranui Road, Mapua – Lease variations listed under 2. Variation. Please note this Deed Variation has**

been prepared in 2016. Signed by the Lessee however was not signed by the Council. A new Deed of Variation is now being prepared and needs to be signed first.

- e) Deed of renewal of rent – Z Energy – Lease of refuelling site at Motueka Aerodrome to Z Energy (Formally Greenstone) renewal for a further 10 years to 30-04-29
- f) Renewal and rent review of Lease – Spark NZ Lease number 2203L1 – Lease of cellular site to Spark NZ in Borlose Forest, Tapawera. Rent increase (CDI) + renewal for a further 6 years to 30-09-29.
- g) Deed of Assignment of Lease – BM & AA Holding Limited – Motueka Top 10 Holiday Park. New Lessees Ben and Ashlee Ilton who have been managing the park under the guidance of Jeanette and Steve Edwards with the intent for them to take over the Lease.
- h) Deed of Covenant – Peter and Bernadette Lawrey – BC 060221 BC060221A – Covenant to be registered on landowners title to allow timber vehicular access, ramp and concrete access pad, timber staircase, concrete staircase, concrete entrance path and sewer waste connection to be constructed on legal road. Honeymoon Bay, Kaiteriteri.
- i) Deed of Covenant – Peter and Bernadette Lawrey – BC180527 – Covenant to permit retaining wall to be built on legal road and to be registered on Record of Title to ensure landowner is responsible for ownership and maintenance. Honeymoon Bay, Kaiteriteri.
- j) Easement in Gross – 26 Hoddy Road – Andrew and Christine Clark and Jonathan Kay – RM 180592 – An Easement in Gross benefiting TDC is required to convey water shown as D,F, + G on Lot 1 DP 533944 (RT 879133).
- k) Tasman Regional Pest Management Plan 2019-2029.
- l) Deed of Lease – Tapawera Toy Library – 60 Main Road, Tapawera – Second original copy of the Toy Libraries 5 Year Lease – 1 December 2018 to 30 November 2023.
- m) Deed Leaser – Adventure Flights Golden Bay Limited – Mit Breveton – III03 L3 – New lease for Hangar at Takaka Aerodrome replaces old assigned Lease expiries 2018-12-30.
- n) Deed of Variation of Lease – Alberta’s Mapua Limited and Julie & Klaus Fetscher – Variation to Leased area with a wall being built between unit 6 and 7 in Shed 4 giving more useable space to unit 7 (Alberta’s) and giving the public access to the toilets from the Café – 6 Aranui Road, Mapua.
- o) Easement in Gross – Sewage Pumps – Richmond West Development Co – Berryfield Drive, Richmond – SH18003 – The Fields SHA – To provide Easement in Gross over each individual sewage connection within each Lot created.
- p) A + I to authorise an Easement in Gross for Council Services – St Leyer Group – RM170039 Highland Drive, Richmond – Consent was granted to allow 7 new residential lots in Highland Drive, Richmond. Parts of the wastewater and stormwater network will remain in Council ownership and therefore need to be covered by an easement in Gross for TDC.

- q) **Deed of Lease – Murchison Golf Club Incorporated – New 5 year Community Lease for the Golf Course at: 3316 Kawatiri – Murchison Highway, Murchison. The Golf Club have been leasing the same land (Riverview Recreation Reserve) for more than 10 years.**
- r) **Deed of Lease – NZ play centre Federation Inc T/A Takaka play centre - New 5 year Lease (Following on after previous expired Lease) for Takaka play centre located at Lake Crescent , Lake Killarney Reserve, Takaka.**
- s) **Deed of Lease – NZ play centre Federation Inc T/A Tapawera play centre – New 5 year Lease (Following on after previous expired Lease) for Tapawera play centre located at 60 Main Road Tapawera on Tapawera Memorial Recreation Reserve.**
- t) **Deed of Covenant – Coman Development Ltd – Covenant allowing Coman Development Ltd to have private sewer infrastructure in Legal road at 428 Lower Queen Street Richmond in accordance with RM180358 conditions.**
- u) **Renewal of Building Line Restrictions + Easement in Gross over areas vest in road. Creation of Easement in Gross over a new Lot for sewage and water – Coman Development Ltd – 428 Lower Queen Street – RM180358 – Removal of Easement in Gross area to vest in Council – Creation of Easement in Gross for sewage and water for new Lot. – Renewal of Building Line Restriction over Road to vest. – Discharge of Compotation Certificate.**
- v) **Deed of Covenant – James and Maureen Papps – Documents to register and Encumbrance on the title of James and Maureen Papps property title: 1419 Dovedale Road, Woodstock, Wakefield. The Papps have been using a section of adjacent Road Reserve Land to store equipment, tools, and a vehicle. They mow and keep the site tidy for us – hence this is agreeable.**

CARRIED

8.8 Mayor's Activity Report

The Mayor noted appreciation of Government's contribution of \$170,000 to the Mayor's Disaster Relief Fund following the Pigeon Valley Fires, that triggered the start of the fund. Contributions then followed from around the country, including local donations.

In response to a question from Council, the Mayor confirmed the need for applications to be treated in confidence and that details of individuals or individual amounts allocated would not be disclosed. He said that the fund and the allocations made would be the subject of an audit.

The Mayor talked about the recent recognition for Andy Joseph of his service to the community, particularly as Kamatua for Tasman District. He noted the recognition given to Tasman District Council by the Maori Bishop, commending them for leading the way. The Mayor noted his thanks to Harvey Ruru for his guidance and assistance in preparing for the farewell to Matua Joseph.

Council asked for its recognition to staff for their engagement during the drought earlier in the year to be recorded and in particular to Dwayne Fletcher and Helen Lane.

Council requested a copy of the Institute of Directors report discussing the role of leadership during fire and were advised that this had not been a report, but a verbatim speech and as such a copy could not be shared.

Council requested an answer to the question raised during public forum re Tonkin and Taylor and the Mayor agreed for staff to see whether Waimea Water Ltd Chief Executive Mike Scott was available to attend part of the meeting.

Council asked whether there was any action from the Local Government New Zealand conference regarding GPS and Three Waters. The Mayor advised that the transport issues the district was experiencing are similar to those being experienced by other rural councils and said that these were raised at the Rural and Provincial sector meeting. The announcement on 31 July 2019 was the Government's statement on Three Waters. Local Government is pleased with the outcome. The findings of the regulator are likely to mean council need to deal with a number of issues sooner, including UV treatment, chlorination and rural water schemes.

**Moved Cr Hawkes/Cr Maling
CN19-08-5**

That the Tasman District Council receives the Mayor's Activity Report .

CARRIED

8.2 Adoption and recognition of te reo within the Council logo

The Chief Executive introduced the report and drew Council's attention to the amended logo tabled by staff, explaining that the version included in the report had not reflected the changes requested by the leadership team.

The Mayor invited Acting Kaihautu Harvey Ruru to the staff table to comment on the report and respond to questions. Matua Ruru commended the logo and the Maori translation of the organisation's name. He said that the Tasman name is strong and that this was replicated in the Maori name. In response to a question, Matua Ruru confirmed that *Te tai* translates as coastal title and that *Te kaunihera* translates as council.

The Chief Executive acknowledged the importance of this progress in confirming a Maori name for the organisation.

Council thanked Matua Ruru for his time and assistance throughout this process.

**Moved Cr Brown/Cr Canton
CN19-08-6**

That the Full Council:

- 1. receives the Adoption and recognition of te reo within the Council logo report RCN19-08-5; and**
- 2. approves the introduction and use of the bilingual name Tasman District Council/Te Kaunihera o te tai o Aorere.**

CARRIED

8.4 Electric Bike Charging Network

Activity Planning Manager, Dwayne Fletcher and Transportation Manager, Jamie McPherson were present to speak to the report and take questions.

Council commented that this initiative was consistent with the direction it wanted to move in.

In response to a question, Mr Fletcher said that Mercury had offered to install solar cells on some of the charging stations but that did not preclude council from engaging other electrical companies regarding a contribution towards the set up costs. Responding to a follow up question, Mr McPherson said that staff had considered potential locations and that their final recommendation was based on the distance bikes could travel before requiring a recharge and was designed to ensure the most comfortable journey for users. If the initiative proved to be successful, additional stops could be added in future.

Council asked whether for the 2019/2020 financial year rather than having two Bikedocks in Richmond, one could be installed in Richmond and one in Motueka. Staff responded to a follow up question saying that they could engage with the community on the location of the Bikedocks in Richmond.

Mr Fletcher explained that while the total cost for the proposed Bikedocks was estimated at \$75,000, this was to be highly subsidised. The cost Council will fund is around \$2,500 capital contribution, making the net cost over five years around \$12,500. Mr Fletcher clarified that in terms of the service having no cost to ratepayers, it was meant that the first two hours use of the Bikedock facility would be free. Council discussed whether this investment could be better utilised on other works, to improve overall road conditions for example. Mr Fletcher said that the two hours free use was consistent with the temporary parking provided for cars.

Mr Fletcher said that the report had been brought to Council today to enable staff to action the programme in line with Nelson City Council's rollout of a similar initiative. A question was put as to whether the issue needed to be the subject of a Council workshop, but the majority of Council indicated that they were supportive of the proposal and did not feel further discussion during a workshop was necessary.

Council discussed the importance of working with partners on improving all transportation methods, which including supporting business opportunities that would prove to be beneficial to the community. They also reflected that initiatives such as e-bikes would help in dealing with the growing issue of traffic congestion in the Nelson Tasman region.

Council commended staff for their initiative in putting this report forward.

Moved Cr Wensley/Cr Ogilvie CN19-08-7

That the Full Council:

- 1. receives the Electric Bike Charging Network report; and**
- 2. authorises Engineering Services staff to work with Big Street Bikers to create a network of e-bike charging stations (Bikedocks) around Tasman; and**
- 3. agrees that advertising on the Bikedocks can be used to significantly reduce the overall cost of installation and maintenance; and**
- 4. agrees that the Bikedocks be placed at or near the following locations:**
 - Richmond**

- **Mapua**
 - **Tapawera**
 - **Motueka**
 - **Takaka; and**
5. **approves a budget of \$20,000 from the car parking fund for the 2019/20 financial year to enable one Bikedock to be installed in Mapua, one in Motueka and one in Richmond.**

CARRIED

The Mayor handed Chairmanship of the meeting to Cr King and left the meeting at 11.51am.

8.5 Urban Stormwater Strategy and Richmond Catchment Management Plan

Senior Activity Planning Advisor, Wouter Woortman and Activity Planning Manager, Dwayne Fletcher were present to speak to the report, which they asked be taken as read.

Council noted that the catchment Management Plan addressed a number of key issues of concern regarding flooding in Richmond. Mr Woortman said that did not mean that issues in other catchments would not be addressed and that these would be the focus of other plans. Mr Woortman said that the priority addressed in the plan was consideration of safety first, followed by damage to property and then nuisance.

Council acknowledged it would take time to address all flooding issues, but said that this was a step in the right direction to address issues as funds allowed.

Mr Woortman confirmed that the approach being taken in the Urban Stormwater Strategy aligned with what had been written in the Land Development Manual.

Moved Cr Greening/Cr Tuffnell CN19-08-8

That the Full Council:

1. **receives the Urban Stormwater Strategy and Richmond Catchment Management Plan report; and**
2. **adopts the Urban Stormwater Strategy – Final, 1 August 2019 as per attachment 1; and**
3. **adopts the Richmond Catchment Management Plan – Final, 1 August 2019 as a digital plan provided on the Council’s website (<https://www.tasman.govt.nz/my-council/projects/urban-stormwater-catchment-management/#e1669>); and**
4. **authorises the Engineering Services Manager to make minor editorial and technical changes to the Urban Stormwater Strategy and Richmond CMP.**

CARRIED

At 12.00pm the Deputy Mayor acknowledged that **Mike Scott**, Chief Executive of Waimea Water Ltd had joined the meeting to respond to questions raised regarding the Waimea Dam during

public forum. He invited Mr Scott and Engineering Services Manager, Richard Kirby to the staff table.

In response to the question around the reason for Tonkin and Taylor no longer being involved in the project, Mr Scott said that Dam Watch had been engaged to provide services particularly in relation to PS4. He explained that contractors had been invited to submit a bid for tender and that Dam Watch had submitted a more favourable bid. As such, Tonkin and Taylor were no longer involved in the project.

In response to the allegation of workers feeling unsafe, Mr Scott said that he was unsure the root of this allegation, but asserted that it was incorrect and misleading. He said that no worker had expressed feeling unsafe either to Waimea Water Ltd or to the contractors and that no injuries had been reported to date. Mr Scott said that there were frequent safety briefings and that independent safety experts provide a monthly audit and report of the site. He said that Waimea Water Ltd were pleased with the open and transparent safety culture they had.

In response to the risk of naturally occurring asbestos at the site, Mr Scott said that as a precaution training had been provided to staff. There was also a process in place to measure, monitor and record asbestos levels and none had so far been identified.

Around claims that no bedrock had been found despite significant excavations, Mr Scott said that excavation had not yet started down through the abutments. He said that they expect to find good quality rock that can be used to fill the dam. Mr Scott showed an example of Grade 1 rock that he had brought with him, which he said they had started to find in the cutting of the roads.

A question had been raised around the high number of fracture zones found that could lead to increased costs. Mr Scott advised that no other fracture zones had been found to those identified as geological features during the exploratory stage. He said that there would be a better understanding of the geological risks once they opened up the ground. He added that the project had made accommodation in the budget for this risk and that they were working through risk mitigation plans. The risks were no greater now than they had been at the outset of the project.

In response to a question, Mr Scott said that excavation was due to commence next month.

Council thanked Mr Scott for attending the meeting at short notice and for his explanation of the issues raised earlier in the meeting.

At the request of Council, Mr Scott confirmed that Waimea Water Ltd could include these questions and answers on their website.

Mr Scott left the meeting at 12.11pm.

8.6 Nelson Regional Sewerage Business Unit - Business Plan 2019-2020

Engineering Services Manager, Richard Kirby spoke to the report and invited questions from Council.

In response to a question, Mr Kirby advised that the budget for desludging was in relation to the ponds on Bell Island. Council noted the importance of progressing the resource consent, but acknowledged the challenges that would come with this.

Allowance for funding had been made in the current Long Term Plan (2018-2028) and would be sought in the next Long Term Plan, at which time council would have the opportunity to discuss the allocation.

Moved Cr Maling/Cr McNamara

CN19-08-9

That the Full Council:

- 1. receives the Nelson Regional Sewerage Business Unit - Business Plan 2019-2020 report; and**
- 2. approves the Nelson Regional Sewerage Business Plan 2019-2020.**

CARRIED

8.7 Chief Executive's Report to Full Council

The report was taken as read and the Chief Executive invited questions from Council.

Council asked a question relating to the design budget for the Motueka Library report and noted that this item would be discussed in more detail during the In Committee portion of the meeting and consideration of the Motueka Library Report.

Finance Manager, Matthew McGlinchey responded to a question around funding of the additional Legal Advisor role, explaining that this would come from surplus for this financial year and would be included in the annual plan for 2020/2021. He said that the role had been included in year 4 of Long Term Plan 2018-2028 and had been brought forward. The Chief Executive offered certainty to Council that this was the most cost effective solution and that they would see a reduction in cost for external legal advice. Responding to a follow up question, Mr McGlinchey said that surplus consideration would come to the 12 September 2019 meeting but that this position is effectively self-funding. The increase to salary costs would be covered by the saving on external consultancy spend and that the expectation as for this offset to be greater than the salary costs.

Council acknowledged it is more cost effective to have in house legal support. It was discussed whether staff could be more proactive in their engagement with the public so as to avoid matters needing to be escalated to a legal advisor. The Chief Executive agreed and said that the leadership team maintained good visibility over these types of discussion and of legal challenges, and continued to consistently look for opportunities.

The Mayor re-joined the meeting at 12.27pm, but did not resume the Chair at this time.

Council asked whether trespass notices were reported back to Council when issued. Community Development Manager, Susan Edwards said that she reported trespass notices that had been issued through her manager's report to the Community Development Committee. The Chief Executive added that a trespass order was issued as a last resort, when public and staff safety became a significant concern.

Council discussed the addition of an action item from 9 May 2019 meeting that had not been captured in the minutes. It was agreed for staff to take an action from this meeting to provide a response to the question of identifying affiliated shareholding and corresponding land holdings, to determine how many hectares were affiliated in order to identify how much land was could be subject to targeted rating.

Council noted the importance of health and safety and the Chief Executive advised that she had asked for a review of services across the organisation so that the organisation could be confident of being across all of the issues as it needed to be.

The number of new staff roles was discussed. Council acknowledged that it had approved these roles in the Long Term Plan 2018-2028, noting that the majority were self-funded through fees and charges in the applicable function areas. The Chief Executive added that all additional roles were warranted by growing workloads. She said that Tasman was a District and a Council that has very high expectations of service and these continue to grow. She also acknowledged that Councillors workload had grown, attributing this to being among other things the result of being a unitary authority and the unique challenges that brought.

In response to a question, Council were advised that developing a Climate Change Strategy would be the subject of public engagement and further workshops with Council.

**Moved Cr Bryant/Cr Maling
CN19-08-10**

That the Full Council:

1. receives the Chief Executive's Activity Report to Full Council; and
2. approves the Staff Delegations Register be updated with the following delegations:
 - (a) the addition of the following delegations relating to Council's Trespass Policy:

Council property	Section 3 trespass decision	Section 4 trespass decision
Libraries	Librarians Libraries Manager Any Tier 2 Manager Chief Executive Officer	Libraries Manager Any Tier 2 Manager Chief Executive Officer
Parks and reserves	Horticultural Officers Camp Wardens Reserves and Facilities Manager Any Tier 2 Manager Chief Executive Officer	Reserves and Facilities Manager Any Tier 2 Manager Chief Executive Officer
Council offices and service centres	Team Leader – Customer Services Customer Services Manager Any Tier 2 Manager Chief Executive Officer	Customer Services Manager Any Tier 2 Manager Chief Executive Officer

Any other area	Any Tier 2 Manager Chief Executive Officer	Any Tier 2 Manager Chief Executive Officer
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(b) the updating of Building Assurance Delegations to align with existing role titles, statutory references in the Building Act and the addition of delegations under the Local Government Act, as set out in the appendix provided with this report.

3. notes the Council Action Sheet.

CARRIED

6 CONFIRMATION OF MINUTES

**Moved Cr Hawkes/Cr Maling
CN19-08-11**

That the minutes of the Full Council meeting held on Thursday, 8 November 2018, be confirmed as a true and correct record of the meeting.

CARRIED

**Moved Cr Greening/Cr Turley
CN19-08-12**

That the minutes of the Full Council meeting held on Thursday, 9 May 2019, be confirmed as amended as a true and correct record of the meeting.

CARRIED

**Moved Cr Ogilvie/Mayor Kempthorne
CN19-08-13**

That the minutes of the Full Council meeting held on Thursday, 20 June 2019, be confirmed as a true and correct record of the meeting.

CARRIED

**Moved Cr Maling/Cr Brown
CN19-08-14**

That the minutes of the Extraordinary Full Council meeting held on Thursday, 4 July 2019, be confirmed as a true and correct record of the meeting.

CARRIED

The meeting broke for lunch at 12.40pm and reconvened at 1.13pm.

9 CONFIDENTIAL SESSION

Procedural motion to exclude the public

The Mayor asked for and received agreement from Council for external legal advisor, James Winchester from Simpson Grierson, to join the meeting by audio conference for discussion of item 9.1 Golden Bay Grandstand – Legally Privileged and Confidential.

**Moved Cr Bryant/Cr Tuffnell
CN19-08-15**

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:

9.1 Golden Bay Grandstand - Legally Privileged and Confidential

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.

9.2 Motueka Library matters

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. 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 Nelson Regional Sewerage Business Unit and Nelson Tasman Regional Landfill Business Unit - General Manager and Operational Services

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
<p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>	<p>s7(2)(b)(i) - The withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret.</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 enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</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>

CARRIED

The meeting resumed in open session at 4.15pm and was concluded.

Date Confirmed:

Chair: