
MINUTES
of the
TASMAN DISTRICT COUNCIL MEETING
Kaunihera Katoa
held
9.30 am, Thursday, 15 February 2024
at
Tasman Council Chamber, 189 Queen Street, Richmond

Present: Mayor T King, Deputy Mayor S Bryant, Councillors C Butler (via Zoom), G Daikee, B Dowler, J Ellis, M Greening (via Zoom), M Kininmonth, C Mackenzie, B Maru, D Shallcrass and T Walker

In Attendance: Acting Chief Executive (L Rae), Executive Assistant and Advisor to the Mayor (R Scherer), Group Manager - Service and Strategy (J Ridd), Group Manager – Finance (M Drummond), Group Manager - Community Infrastructure (R Kirby), Group Manager - Environmental Assurance (K Drummond), Group Manager - Information, Science and Technology (S Manners), Team Leader - Democracy Services (E Stephenson), Team Leader – Natural Resources Policy, (D Worthy), Transportation Manager (J McPherson), Senior Transportation Engineer (M van Enter), Programme Leader – Property Transactions (R Cant) and Finance Manager (M McGlinchey)

Apologies: Councillors C Hill and K Maling

1 OPENING, WELCOME

Mayor King welcomed everyone to the meeting and offered the opening karakia.

2 APOLOGIES AND LEAVE OF ABSENCE

Moved Councillor Dowler/Councillor Mackenzie

CN24-02-3

That the apologies from Councillors C Hill and K Maling be accepted.

CARRIED

3 PUBLIC FORUM

3.1 Wakefield Community Council - End of Year Report

Chairperson, Julian Eggers and Treasurer, Tony Aldridge provided an update on the Wakefield Community Council's activities for 2023.

Councillor Kininmonth joined the meeting at 9.38 am.

3.2 Public access to meetings

Donald Horn spoke via Zoom and asked some questions regarding the Ombudsman's report "Open for Business". The Mayor noted that staff would provide a written response to Mr Horn's questions.

3.3 Code of conduct for elected members

Matthias Schaeffner spoke on behalf of Tasman Democracy about the recent code of conduct investigation carried out by the Council.

4 DECLARATIONS OF INTEREST

Councillor Mackenzie declared an interest in Item 7.3 Referral Report - Golden Bay Community Board - Golden Bay Kayaks - Request for a 20-year lease (Cornwall Place Park) and indicated that she would step away from the table when the item was discussed.

5 LATE ITEMS

Nil

6 CONFIRMATION OF MINUTES

Moved Councillor Mackenzie/Deputy Mayor Bryant

CN24-02-4

That the minutes of the Tasman District Council meeting held on Wednesday, 13 December 2023, be confirmed as a true and correct record of the meeting.

CARRIED

Moved Councillor Mackenzie/Councillor Kininmonth

CN24-02-5

That the minutes of the Extraordinary Tasman District Council meeting held on Wednesday, 24 January 2024, be confirmed as a true and correct record of the meeting.

CARRIED

Moved Councillor Dowler/Councillor Mackenzie

CN24-02-6

That the minutes of the Extraordinary Tasman District Council meeting held on Thursday, 1 February 2024, be confirmed as a true and correct record of the meeting.

CARRIED

Moved Councillor Kininmonth/Councillor Mackenzie

CN24-02-7

That the confidential minutes of the Tasman District Council meeting held on Wednesday, 13 December 2023, be confirmed as a true and correct record of the meeting.

CARRIED

Moved Councillor Dowler/Councillor Maru

CN24-02-8

That the confidential minutes of the Extraordinary Tasman District Council meeting held on Wednesday, 24 January 2024, be confirmed as a true and correct record of the meeting.

CARRIED

Moved Councillor Dowler/Councillor Kininmonth

CN24-02-9

That the confidential minutes of the Extraordinary Tasman District Council meeting held on Thursday, 1 February 2024, be confirmed as a true and correct record of the meeting.

CARRIED

7 REPORTS

7.1 Mayors for Peace Art Award

Mayor King presented an award to Gracie Quinney. Gracie, from Ranzau School, won third place in the 11–15-year-old age-group category at the 2023 Mayors for Peace Art Awards. Gracie's entry was one of 2,230 entries from 115 cities in 19 countries in her age-group category.

7.2 Retrospective Approval of Submissions

Team Leader – Natural Resources Policy, Diana Worthy presented the report, which was taken as read. Ms Worthy noted that the submissions had been presented to the previous Labour Government.

Moved Councillor Mackenzie/Councillor Maru

CN24-02-10

That the Tasman District Council

- 1. receives the Retrospective Approval of Submissions report, RCN24-02-5; and**
- 2. retrospectively approves the Council's submission to the Ministry for the Environment's consultation on a proposed National Policy Statement for Natural Hazards Decision-making (Attachment 1 to the agenda report); and**
- 3. retrospectively approves the Council's submission to the Ministry for the Environment and the Ministry for Primary Industries' consultation on potential amendments to the National Policy Statement for Highly Productive Land (Attachment 2 to the agenda report); and**
- 4. retrospectively approves the Council's submission to the Ministry for the Environment and Department of Conservation's consultation on exploring a biodiversity credit system for Aotearoa New Zealand (Attachment 3 to the agenda report); and**
- 5. retrospectively approves the Council's submission to the Environment Committee's Inquiry into Climate Adaptation (Attachment 4 to the agenda report); and**
- 6. retrospectively approves the Council's feedback on the Ministry for the Environment's Draft Transitional National Planning Framework (Attachment 5 to the agenda report).**

CARRIED

7.3 Referral Report - Golden Bay Community Board - Golden Bay Kayaks - Request for a 20-year lease (Cornwall Place Park)

Councillor Mackenzie had previously declared an interest in this item and took no part in discussion or voting.

Programme Leader – Property Transactions, Robert Cant presented the report, which was taken as read.

Moved Councillor Maru/Councillor Dowler

CN24-02-11

That the Tasman District Council

- 1. receives the Referral Report - Golden Bay Community Board - Golden Bay Kayaks - Request for a 20-year lease (Cornwall Place Park) report, RCN24-02-5; and**
- 2. approves public notification of Golden Bay Kayaks request for a 20-year lease term in accordance with Section 138 of the Local Government Act 2002; and**

3. agrees that the 20-year term be by way of a five-year lease with a further three rights of renewal; and
4. appoints the Golden Bay Community Board as the hearing panel to consider submissions to the public notification and to make a subsequent recommendation to the Council regarding the granting of the lease to Golden Bay Kayaks at Cornwall Park.

CARRIED

7.4 Temporary Road Closures

Transportation Manager, Jamie McPherson presented the report, which was taken as read.

Moved Deputy Mayor Bryant/Councillor Walker

CN24-02-12

That the Tasman District Council

1. receives the Temporary Road Closures report RCN24-02-7; and
2. approves the following Temporary Road Closures:
 - Aporo Road, Tasman between Dicker Road and Baldwin Road for the annual Muddy Buddy Fundraising event on Sunday 17 March 2024.
 - Riwaka-Sandy Bay Road from the intersection with the Tākaka Hill Highway for approximately 3 kilometres (RP 0.0 - RP 3.0) for the Nelson Car Club Sandy Bay Hill Climb on Sunday 7 April 2024.
 - Queen Street, Richmond from Sundial Square to McIndoe Place, Cambridge Street from Oxford Street to Queen Street, and Oxford Street from Wensley Road to Gladstone Road (SH6) for the annual ANZAC Day parade on Thursday 25 April 2024.
 - Pah Street, Motueka – from Talbot Street to Countdown Carpark exit for the annual ANZAC Day parade on Thursday 25 April 2024.
 - Aranui Road, Māpua – from Higgs Road to the tennis courts for the annual ANZAC Day parade on Thursday 25 April 2024.
 - Whitby Way, Wakefield – from Edward Street to Wakefield car park entrance for the annual ANZAC Day parade on Thursday 25 April 2024.
 - School Road, Riwaka – from the intersection SH60 to 12 School Road for the annual ANZAC Day parade on Thursday 25 April 2024.

CARRIED

7.5 Amendment to the Council's Traffic Control Devices Register and Traffic Control Bylaw 2016

Senior Transportation Engineer, Mike van Enter presented the report, which was taken as read.

Mr van Enter noted that some of the projects included in the report had not been implemented due to the funding being removed by central government. These would be reported to the Council

in a further amendment to the Council's Traffic Control Devices Register and Traffic Control Bylaw 2016 at a subsequent meeting.

Moved Deputy Mayor Bryant/Councillor Ellis

CN24-02-13

That the Tasman District Council

- 1. receives the Amendment to the Council's Traffic Control Devices Register and Traffic Control Bylaw 2016 report, RCN24-02-8; and**
- 2. approves amendments to regulations, controls, restrictions and prohibitions in the Traffic Control Devices Register of the Tasman District Traffic Control Bylaw 2016 (Chapter 7 of Tasman District's Consolidated Bylaw) pursuant to clause 7(3) of the Bylaw, as proposed by the Diagrammatic Descriptions and associated GIS co-ordinates in Attachment 1 to the agenda report, Development Traffic Control Devices table in Attachment 2 to the agenda report, with effect from 15 February 2024 or the date the traffic control device is installed, whichever is later; and**
- 3. notes that the Traffic Control Devices Register of the Traffic Control Bylaw 2016 will be updated accordingly.**

CARRIED

7.6 Proposal to Stop Unformed Legal Roads

Mr Cant presented the report, which was taken as read.

Deputy Mayor Bryant left the meeting at 10.18 am.

Moved Councillor Dowler/Councillor Shallcrass

CN24-02-14

That the Tasman District Council

- 1. receives the Proposal to Stop Unformed Legal Roads report RCN24-02-9; and**
- 2. approves the preparation of survey plans for the portion of road to be stopped adjacent to 469 Tasman View Road, Tasman, 837 sq m (approximately, subject to survey), being unformed legal road adjacent to Sec 2 SO 399229, Pt Lot 9 DP 756 (Record of Title 442909) as shown on the aerial map being Attachment 1 to the report, to be submitted to Land Information New Zealand for approval; and**
- 3. approves the preparation of survey plans for the portion of road to be stopped adjacent to 105 River Road, Appleby, 3971 sq m (approximately subject to survey), being unformed legal road adjacent to Section 1 SO 442090 and Pt Lot 7 DP 232 (Record of Title 653065) as shown on the aerial map being Attachment 2 to the report, to be submitted to Land Information New Zealand for approval; and**
- 4. subject to the approval of Land Information New Zealand to both or one of the survey plans, proceed with public notification of the proposed road stoppings (or stopping) in accordance with Schedule 10 of the Local Government Act 1974; and**
- 5. approves the appointment of a Hearings Panel to consider any objections received to the stopping of the unformed legal roads adjacent to 469 Tasman View Road, or 105 River Road, and to make recommendations to the Council on whether to uphold any**

- objections or refer the matter to the Environment Court in either or both cases, should objections be received; and
6. appoints the following Councillors to the Hearing Panel:
Councillor Dowler (Chair)
Councillor Kininmonth
Councillor Daikee; and
 7. agrees that the Chair shall have the power to appoint other Councillors in substitution should either Councillor appointed to the Hearing Panel be unavailable; and
 8. approves the stopping of the unformed legal road adjacent to 469 Tasman View Road, Tasman. 837 sq m (approx., subject to survey), being unformed legal road adjacent to Sec 2 SO 399229, Pt Lot 9 DP 756 (Record of Title 442909); and
 9. approves the stopping of the unformed legal road adjacent to 105 River Road, Appleby, 3971 sq m (approximately subject to survey), being unformed legal road adjacent to Section 1 SO 442090 and Pt Lot 7 DP 232 (Record of Title 653065) by public notice, subject to there being no objections received; and
 10. approves entering into a Sale and Purchase Agreement for the disposal of the land subject to the road stopping adjacent to 469 Tasman View Road, Tasman, 837 sq m (approximately subject to survey), being unformed legal road adjacent to Sec 2 SO 399229, Pt Lot 9 DP 756 (Record of Title 442909) with a requirement to amalgamate the stopped road with 442909 with the land price to be determined by valuation and subject to the purchaser(s) agreeing to meet all of the Council's costs for the road stopping and disposal process (including survey, legal, valuation and staff costs); and
 11. approves entering into a Sale and Purchase Agreement for the disposal of the land subject to the road stopping adjacent to 105 River Road, Appleby, 3971 sq m (approximately subject to survey), being unformed legal road adjacent to Section 1 SO 442090 and Pt Lot 7 DP 232 (Record of Title 653065) with a requirement to amalgamate the stopped road with 653065, with the land price to be determined by valuation and subject to the purchaser(s) agreeing to meet all of the Council's costs for the road stopping and disposal process (including survey, legal, valuation and staff costs); and
 12. delegates to the Chief Executive Officer the power to complete any processes and sign any documentation required to stop the unformed roads and to the disposal of the stopped road land, subject to there being no objections received.

CARRIED

7.7 Granting of Community Leases - Golden Bay

Mr Cant presented the report, which was taken as read.

Moved Councillor Butler/Councillor Maru

CN24-02-15

That the Tasman District Council

- 1. receives the Granting of Community Leases - Golden Bay report, RCN24-02-10; and**
- 2. approves the granting of a five-year lease under Section 61(2A) Reserves Act 1977 to Golden Kids Incorporated, over part of the Golden Bay Community Centre at 88 Commercial Street, Tākaka; and**
- 3. approves the granting of a five-year lease, under Section 61(2A) Reserves Act 1977 with one right of renewal, to Mohua Social Services Charitable Trust, over part of the Golden Bay Community Centre at 88 Commercial Street, Tākaka; and**
- 4. approves the granting of a five-year lease under Section 54(1)(b) Reserves Act 1977 to Pōhara Bowling Club Incorporated, over part of the Pōhara Recreation Reserve; and**
- 5. approves the granting of a five-year lease to Tākaka Drama Society Incorporated, under Section 54(1)(b) Reserves Act 1977 over part of the Golden Bay Recreation “Park”; and**
- 6. approves the granting of a five-year lease under Section 54(1)(b) Reserves Act 1977 to Order of St John South Island Regional Trust, over part of the Golden Bay Recreation “Park”; and**
- 7. approves the granting of a five-year lease under Section 54(1)(b) Reserves Act 1977 to Te Whanau Tupu Ngatahi o Aotearoa – Aotea (Tākaka Playcentre), over part of the Killarney Recreation Reserve – 5 Lake Terrace, Tākaka; and**
- 8. consents to the granting of the leases specified in clauses 4 – 7 of the resolution, acting as the Minister of Conservation, by virtue of a delegation from the Minister of Conservation dated 12 June 2013.**

CARRIED

7.8 Change of membership - Animal Control Subcommittee

Mayor King presented the report, which was taken as read.

Moved Councillor Dowler/Councillor Maru

CN24-02-16

That the Tasman District Council

- 1. receives the Change of membership - Animal Control Subcommittee report RCN24-02-11; and**
- 2. notes that Deputy Mayor Bryant is no longer appointed as a member of the Tasman District Council Animal Control Subcommittee; and**
- 3. appoints Councillor Kininmonth as a member of the Tasman District Council Animal Control Subcommittee, with effect from 15 February 2024.**

CARRIED

The meeting was adjourned at 10.25 am and reconvened at 10.41 am.

7.9 Treasury Quarterly Report

Finance Manager, Mike Drummond, presented the report which was taken as read. He noted that a report regarding the budget reforecast would be presented at the March Council meeting.

Moved Councillor Mackenzie/Councillor Maru

CN24-02-17

That the Tasman District Council receives the Treasury Quarterly Report, RCN24-02-12.

CARRIED

7.10 Half Year Financial report to 31 December 2023

Finance Manager, Matt McGlinchey and Mr Drummond presented the report, which was taken as read.

Deputy Mayor Bryant returned to the meeting at 10.57 am.

Moved Councillor Mackenzie/Deputy Mayor Bryant

CN24-02-18

That the Tasman District Council receives the Half Year Financial report to 31 December 2023, RCN24-02-12.

CARRIED

7.11 Machinery Resolutions Report

The report was taken as read.

Moved Councillor Mackenzie/Councillor Kininmonth

CN24-02-19

That the Tasman District Council

- 1. receives the Machinery Resolutions report, RCN24-02-13 and that the execution of the following documents under the Seal of the Council be confirmed:**

Grazing Lease to Bruce and Julie Taylor Waimea River Berm 53301L1 - This lease grants a term of five years for grazing on the Waimea River Berm land 53301L1. This lease is a standard document originally drafted by Fletcher Vautier and Moore.

Deed of Assignment of Lease – Tasman District Council has had a lease with a group of nine owners of nine private garage buildings located on Council land at 11 Massey Street, Motueka since about 1994. The Deed of Lease states that the Council agrees to the transfer of ownership of Garage #3 to the new owners of the “Associated Land” at #9 Jacket Island.

Grazing Lease to Edens Road Fruit Limited Waimea River Berm 53320L1 – This lease grants a term of three years for grazing on the Waimea River Berm land 53320L1. The lease is a standard document originally drafted by Fletcher Vautier and Moore.

Deed of Sublease – This Deed of Sublease is between Motueka Power Boat Club (MPBC) and Coastal Café. The Council as the Head Landlord must give its permission for the MPBC to sublease to another party on this land. This business has been established without the Council's consent for years and part of the negotiation process of their new commercial lease is that the coffee cart would be accounted for.

Golden Bay Community Arts Council Incorporated – This lease grants a term of one year for promoting art in Golden Bay. The lease is a standard document.

CARRIED

7.12 Chief Executive's Update

Acting Chief Executive Officer, Leonie Rae presented the report, which was taken as read.

Mayor King noted that any future decisions about a Māori Ward in Tasman would be driven by the incoming coalition government's decision on this issue.

It was agreed that the following documents would be attached to the minutes of this meeting:

- Group Manager – Community Infrastructure, Richard Kirby's email of 14 February 2024 to the Mayor and Councillors "Resilience Project – 189 Queen Street, Richmond"
- Ms Rae's email of 13 February 2024 to the Mayor and Councillors "CEO Report"

Action: Ms Rae to include a breakdown of LGOIMA requests by individual requestors and the topic of the LGOIMA request in future Chief Executive Updates.

Moved Councillor Maru/Councillor Mackenzie

CN24-02-20

That the Tasman District Council receives the Chief Executive's Update report, RCN24-02-14.

CARRIED

Attachment 1 Group Manager - Community Infrastructure-email regarding Resilience Project - 189 Queen Street, Richmond

Attachment 2 Acting Chief Executive's email of 13 February regarding CEO report

7.13 Mayor's Activity Update

Mayor King presented his report, which was taken as read.

Moved Councillor Mackenzie/Councillor Shallcrass

CN24-02-21

That the Tasman District Council receives the Mayor's Activity Update report, RCN24-02-15.

CARRIED

8 CONFIDENTIAL SESSION

8.1 Procedural motion to exclude the public**Moved Deputy Mayor Bryant/Councillor Dowler****CN24-02-22**

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:

8.2 Appointment of Iwi Representative to the Operations 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.

8.3 Nelson Regional Sewerage Business Unit - Appointment of Iwi Representative

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. In particular a candidate's merits/skills are being discussed	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**RESTATEMENTS**

It was resolved while the public was excluded:

8.2 Appointment of Iwi Representative to the Operations Committee**CN24-02-23****That the Tasman District Council**

- 4. agrees that the decision be made publicly available once the appointment process is concluded, but that the report remains confidential.**

8.3 Nelson Regional Sewerage Business Unit - Appointment of Iwi Representative

CN24-02-24

That the Tasman District Council

- 4. agrees that the report and decision only be made publicly available once the proposed representative has been advised of both councils' decisions; and**
- 5. agrees that the attachment remains confidential.**

Mayor King offered the closing karakia and the meeting concluded at 11.40 am.

Confirmed as a correct record of proceedings by resolution on 28 March 2024.

CN24-03-23

That the open and confidential minutes of the Tasman District Council meeting held on Thursday, 15 February 2024, be confirmed as a true and correct record of the meeting.

CARRIED