

MINUTES

TITLE: Extraordinary Full Council
DATE: Thursday 19 July 2012
TIME: 9.30 am
VENUE: Tasman Council Chamber, 189 Queen Street, Richmond

PRESENT: Crs T B King (Chair), S G Bryant, M L Bouillir, J L Edgar, B W Ensor, G A Glover, J L Inglis, , Z S Mirfin, C M Maling, T E Norriss, P F Sangster,

IN ATTENDANCE: Chief Executive (L McKenzie)
Strategic Development Manager (S Edwards)
Environment & Planning Manager (D Bush-King)
Strategic Projects Adviser (M Tregurtha)
Mr David Ogilvie (Motueka Community Board Chair)
Executive Officer Strategic Development (S Hartley)
Administration Officer (G Woodgate)

APOLOGIES

Moved Crs Glover/Maling
CN12-07-01

THAT apologies from Mayor Kempthorne, Cr B F Dowler and Cr E J Wilkins for absence be sustained.
CARRIED

1 PUBLIC FORUM

1.1 Mr Rob Ford

Mr Ford raised issues regarding Council's new Development Contributions Policy including a possible judicial review.

1.2 Ms Kathryn Marshall

Ms Marshall also spoke on the new Development Contributions Policy and Council's overall finances.

1.3 Mr Graham Vercoe, G J Gardiner Homes

Mr Vercoe also spoke on the new Development Contributions Policy.

1.4 Mr Glen Jarvey, G J Gardiner Homes

Mr Jarvey spoke on the new Development Contributions Policy and said that the new fees will mean that less building consents will be sought than Council predicted in its 20012-22 Ten Year Plan.

1.5 Mr Adam Hills, Jennian and Milestone Homes

Mr Hills spoke of the detrimental effects the removal of the 66% discount will have on their business, on builders and building companies. He then highlighted the difference between water, roading and transportation infrastructure development contributions.

1.6 Mr Ben Cooper, Ray White

Mr Cooper advised that he agreed that development contributions should be paid by those requiring new infrastructure but that the removal of the first dwelling discount was unjustified.

1.7 Mr Graham Dick, Developer

Mr Dick also spoke on the new Development Contributions Policy and expressed concern about what he called 'double dipping'.

1.8 Mr Maxwell Clark, Lower Queen Street Resident

Mr Maxwell, a lower Queen Street resident, spoke of his increased rates due to a recent re-zoning of his land from Rural 1 to Mixed Business. He said that the new rates were based on the potential use, not the actual use of this land.

1.9 Mr Dave Easton

Mr Easton gave Councillors an OHP presentation on Jackett Island that showed encroachment of the sea onto his property and he invited Councillors to visit his property.

2 HEARING OF SUBMISSIONS – REPRESENTATION REVIEW

2.1 Mr Nic Roland – Chair, Mapua & Districts Business Association

Mr Roland submitted on behalf of the Mapua & Districts Business Association and requested that the Moutere-Waimea Ward boundaries be adjusted to provide a Ruby Coast/Moutere Hills Ward, with two or three councillors and its own Community Board.

Mr Rowland commented that what the Association really wanted was for an official community group to be recognised. In response to a question he said that the submission had not gone out to the Association's 170 members for comment.

Mr Rowland said the Association had not consulted with other ratepayer groups within the proposed ward.

2.2 Mr Ron Oliver – Coastal Initiative Group(CIG)

Mr Oliver submitted on behalf of the Coastal Initiative Group (GIG) and also requested that the Moutere-Waimea Ward boundaries be adjusted to provide a Ruby Coast/Moutere Hills Ward, with two or three councillors and its own Community Board.

Mr Oliver made the following comments regarding the Coastal Initiative Group's submission:-

- There was strong evidence for a community of interest within the Ruby Coast, Moutere Hills and adjacent hinterland
- CIG want a Community of Interest group officially recognised by Council
- CIG no longer wanted a Community Board
- There was a need for greater efficiencies.

The Chair questioned the proposed new Ward boundaries and noted that exact boundaries were hard to define. Mr Oliver agreed that the boundary and figures required 'refinement'.

2.3 Ms Fay E Baker

Cr Bryant tabled and read a submission requesting a minor boundary alteration by Ms Fay Baker. The proposal was to change her property from within the Moutere/Waimea Ward to instead be included in the Lakes/Murchison Ward.

From 10.50 to 11.10 am, the Extraordinary Full Council meeting was adjourned to hear from those present who wished to speak at the Engineering Services Committee Public Forum.

11.10 – 11.15 am: Morning tea.

3 CONFIRMATION OF MINUTES

3.1 Full Council 21 June 2012

**Moved Crs Ensor/Sangster
CN12-07-02**

THAT the minutes of the Full Council meeting held on 21 June 2012 containing resolutions CN12-06-01 to CN12-06-13 be confirmed as a true and complete record.

CARRIED

4 REPORTS

4.1 Submission to the Local Government and Environment Select Committee on the Local Government Act 2002 Amendment Bill 2012 - RCN12-07-01

Susan Edwards, Strategic Development Manager, was in attendance to speak to the report which was contained in the agenda.

The purpose of the report was to seek approval of the submission to the Local Government and Environment Select Committee on the Local Government Act 2002 Amendment Bill 2012.

The Strategic Development Manager tabled suggested additions to the Submission from Mayor Kempthorne.

Councillors raised the following issues regarding the Submission:-

1. Under paragraphs 52 and 53, Cr Edgar requested the Submission include a comment on what the concerns/issues actually are and how the Bill does not meet them
2. Cr Maling wanted Council to focus on only one or two matters at its conclusion
3. Cr Norriss advised that he would like to see the Submission include the suggestion that the Local Government Commission be disestablished.

**Moved Crs Edgar/Maling
CN12-07-03**

THAT the Tasman District Council:

1. **RECEIVES** the report on the submission to the Local Government and Environment Select Committee on the Local Government Act 2002 Amendment Bill 2012 – RCN12-07-01; and
2. **APPROVES** the submission on the Local Government Act 2002 Amendment 2012, as attached in Appendix 1 subject to amendments discussed at the meeting; and
3. **REQUESTS** that staff send the submission to the Select Committee by the closing date of 26 July 2012; and
4. **AUTHORISES** the Mayor and Chief Executive to approve any minor amendments to the submission prior to it being finalised and sent to the Select Committee; and
5. **AUTHORISES** the Mayor or Deputy Mayor and relevant staff to present the submission to the Local Government and Environment Select Committee.

CARRIED

Cr Glover voted against the resolution.

4.2 Representation Review – Consideration of Submissions to Initial Proposal and Deliberation for Final Proposal - RCN12-07-02

Sandra Hartley, Executive Officer Strategic Development, was in attendance to speak to the report which was contained in the agenda.

The purpose of the report was to outline what had been achieved to date and what needed to be carried out to complete Council's representation review.

Councillors discussed each of the submissions made earlier in the day.

The Chief Executive noted a potential Right of Appeal with the Mapua & Districts Business Association and Coastal Initiative Group submissions and recommended responding to them by stating:-

1. That they had not established, within the guidelines for representative reviews, that their proposed Ruby Coast/Moutere Hills Ward contained a separate Community of Interest
2. That even if they had, there was no evidence that such a Community of Interest required separate representation from the current Moutere-Waimea Ward
3. That if the proposal had been accepted, it was noted that the proposed Ruby Coast/Moutere Hills Ward would not have met the + or – 10% rule (well over represented) and the residual Waimea Ward also would not have met the + or – 10% rule (well under represented).

**Moved Crs Glover/Norriss
CN12-07-04**

THAT the Tasman District Council:

1. **RECEIVES** the Representation Review Report RCN12-07-02; and
2. **NOTES** the submissions received and presented; and
3. **DECIDES** that the final representation proposal will be for Councillors to be elected from wards and to retain the existing:
 - **Five wards of Golden Bay, Lakes-Murchison, Motueka, Moutere-Waimea and Richmond; and**
 - **Ward boundaries, as set out in the map in Attachment One of the report; and**
 - **A Mayor and thirteen councillors with two councillors for Golden Bay, one councillor for Lakes-Murchison, three councillors for Motueka, three councillors for Moutere-Waimea and four councillors for Richmond; and**
 - **Motueka and Golden Bay Community Boards; and**
 - **Four elected Community Board members and the two Tasman District Council Ward councillors for the Golden Bay Community Board; and**
 - **Four elected Community Board members and the three Tasman District Council Ward councillors for the Motueka Community Board; and**
 - **Election process for the Chairs and Deputy Chairs of the Golden Bay and Motueka Community Boards with their election by the respective members of the boards; and**
 - **Boundaries for the Golden Bay and Motueka Community Boards, being the same as the Tasman Bay District Council wards of Golden Bay and Motueka respectively; and**
 - **Community Board election boundaries and not subdivide the Community Board areas for electoral purposes; and**

4. INSTRUCTS staff to advertise the final representation proposal and advise submitters that any appeals must be in accordance with the requirements of the Local Electoral Act 2001.

CARRIED

4.3 Development Contributions Policy - RCN12-07-03

Dennis Bush-King, Environment and Planning Manager and Mark Tregurtha, Strategic Projects Adviser, were in attendance to speak to the report which was contained in the agenda.

The purpose of the report was:-

- To seek Council approval to provide a four month phase-in period of the removal of the 66% discount for development contributions on the first dwelling on a section. This change was made as part of setting the Development Contributions Policy (DCP) in the Long Term Plan 2012-2022 (LTP); and
- To task staff to report back on key issues regarding the Development Contributions Policy raised at the meeting on 9 July 2012.

Councillors discussed the points raised in Public Forum earlier in the day.

After general discussion, it was agreed that staff would prepare a report for the 18 October 2012 Council meeting on the Development Contributions Policy that would include:-

1. The financial impacts on large property developments
2. The financial impacts on affected individuals sections
3. What properties the removal of the 66% discount applied to
4. The impact on Council finances – looking again at the model
5. The payments at different stages plus options
6. Top-ups
7. The overall process of collecting development contributions
8. Legal ramifications.

The Environment and Planning Manager agreed that Council fell short on communication over this matter. He added that the Policy was approved by Council, is currently in place and that Council needs a Statement of Proposal before going to a Special Consultative Procedure to change it. He stated that staff now sought a mandate from Council regarding the Development Contributions Policy and its implementation.

The Chief Executive advised that Council staff would undertake a risk assessment on:-

1. The lack of disclosure of the policy change in the Summary of Proposal
2. The practice of requiring top-ups.

Cr Bouillir requested Council release a media statement on the Development Contributions Policy.

Moved Crs Norriss/Glover
CN12-07-05

THAT the Tasman District Council:

- 1. RECEIVES report RCN12-07-03; and**
- 2. RECOGNISES the concerns raised regarding the lack of express disclosure of the removal of the 66% discount and allows a period until 1 November 2012 during which special assessments are made to offset the removal of the 66% discount for first dwellings from the 2012 Development Contributions Policy; and**
- 3. AGREES that property owners can select to pay either the charges from the 2011/2012 Development Contributions Policy, or pay the equivalent 2012/2013 Development Contributions until 30 October 2012; and**
- 4. AGREES that this approval be made under the section 6 of the Development Contributions Policy that provides that Council has the right to make special assessments and refund monies in circumstances it considers appropriate; and**
- 5. REQUESTS that staff assess the main areas of concern regarding the Development Contributions Policy raised at the meeting of 9 July 2012, most specifically the use of top-ups on prior payments, and report back to Council on its findings at Full Council meeting of 18 October 2012.**

CARRIED

The meeting concluded at 12.23 pm.

Date Confirmed:

Chair: