

MINUTES

TITLE: Tasman District Council
DATE: Thursday 30 June 2005
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond.

PRESENT: Mayor J C Hurley (Chair), Crs T B King (Deputy Mayor), S G Bryant, R G Currie, E E Henry, M J Higgins, J L Inglis, R G Kempthorne, T E Norriss, E M O'Regan, N Riley, P K O'Shea and E J Wilkins.

IN ATTENDANCE: Chief Executive (R G Dickinson), Corporate Services Manager (D G Ward), Environment and Planning Manager (D C Bush-King), Engineering Services Manager (P W Thomson), Community Services Manager (L L Kennedy), Property Manager (J K Frater), Administration Advisor (S Hartley) and Administration Officer (B D Moore).

APOLOGIES

**Moved Crs King/O'Regan
CN05/06/34**

**THAT apologies from Cr Borlase for absence be sustained.
CARRIED**

1. PUBLIC FORUM

Mr C Robinson spoke about the funding in relation to naming rights of the Richmond Aquatic Centre. He said that the sale of Webby Place resulted in the loss of nine carparks but now there are two sections facing Talbot Street. He asked if Council is going to provide rubbish receptacles in Talbot Street and questioned what happened to the rubbish receptacles from outside Pak n Save Supermarket. He said that some two hour carparks should be provided on the north side of Talbot Street. He said that cars are still being displayed for sale, on Salisbury Road, Richmond and that three cars had recently been abandoned in Talbot Street.

Mr B Maru, Motueka Recreation Centre Manager, supported the siting of the Motueka Swimming Pool on the eastern side of the Recreation Centre and said that this was an opportunity to combine the pool, Motueka Recreation Centre and Theatre, and the adjacent Goodman Park. He said that Council should consider the potential savings in overhead costs.

Mrs M A Hayward spoke for the Motueka Community Pool Society Inc and said that the Pool siting at the Motueka Recreation Centre is the best option. She said that this will enhance the existing facility and is a good setting and environment. She said that during the fundraising process a great deal of public support had been expressed for the proposed pool.

Mr B Faulkner supported the siting of the proposed pool on the eastern side of the Motueka Recreation Centre. He said that there had been a good number of submissions to the annual plans during the last two years and that people of all ages would have a chance to use the pool. He urged Council to support that proposed siting.

2. CONFIRMATION OF MINUTES

2.1 Tasman District Council - 19 May 2005

The meeting was referred to an amendment to Item 3 on Page 2 to require the insertion of resolution CN05/05/22.

Moved Crs Henry/Bryant
CN05/05/22

THAT the revised level of remuneration, using Model G, is to be implemented from 1 July 2005.
CARRIED

Moved Crs Henry/Riley
CN05/06/35

THAT the minutes of a meeting of the Tasman District Council held on Thursday 19 May 2005, as amended, containing resolutions CN05/05/01 to CN05/05/22, be approved as a correct record.
CARRIED

2.2 Tasman District Council Special Meeting - Monday 13 June 2005

The Chief Executive referred to an amendment on Page 2 for Submitter number 5, Mr P Foster. The existing paragraph is to be deleted and substituted with the following. "Mr Foster asked that there be one month minimum between Hearings and adoptions of the Annual Plan, dates of Council's deliberation meetings be advertised - to comply with the Law and that a broad governance study be undertaken."

Page 3, Submitter number 14, D and A Gentleman. This paragraph was deleted and substituted with the following. "Mrs Gentleman said there was no need for a reticulated water scheme at Tata Beach and urged use of rainwater storage as adequate in quality and quantity."

**Moved Crs Bryant/Henry
CN05/06/36**

**THAT the minutes of a special meeting of the Tasman District Council held on Monday 13 June 2005, in Takaka, as amended, be approved as a correct record.
CARRIED**

2.3 Tasman District Council Special Meeting - Tuesday 14 June 2005

**Moved Crs O'Regan/Inglis
CN05/06/37**

**THAT the minutes of a special meeting of the Tasman District Council held on Tuesday 14 June 2005, be approved as a correct record.
CARRIED**

2.4 Tasman District Council Special Meeting - Wednesday 15 June 2005

**Moved Crs Riley/Inglis
CN05/06/38**

**THAT the minutes of a special meeting of the Tasman District Council held on Wednesday 15 June 2005, containing resolutions CN05/06/07 and CN05/06/08, be approved as a correct record.
CARRIED**

2.5 Tasman District Council Special Meeting - Friday 17 June 2005

**Moved Crs Henry/Kempthorne
CN05/06/39**

**THAT the minutes of a special meeting of the Tasman District Council held on Friday 17 June 2005 at Motueka, containing resolutions CN05/06/09 to CN05/06/11, be approved as a correct record.
CARRIED**

2.6 Tasman District Council Special Meeting - Friday 24 June 2005

Amendments required to the minutes were acknowledged and noted.

**Moved Crs Kempthorne/Henry
CN05/06/40**

**THAT the minutes of a special meeting of the Tasman District Council held on Friday 24 June 2005, as amended, containing resolutions CN05/06/12 to CN05/06/33, be approved as a correct record.
CARRIED**

3. SITING OF MOTUEKA POOL

Council considered staff reports of 31 May 2005 and 8 June 2005, contained within the agenda from the Community Services Manager.

Mayor Hurley and Councillor Norriss both questioned the potential for use of the land adjacent to Rugby Park owned by Wakatu Incorporation.

Further concern was expressed about the location of the sewer line in the vicinity of the proposed Pool site on the east side of the Motueka Recreation Centre and the possible relocation costs for the Woodlands Drain.

Mr Kennedy said that Strategic Leisure (NZ) Limited has discussed the costs of the sewer pipe with Montgomery Watson Harza. He said that both Wakatu Incorporation and the Ministry of Education have confirmed that the Motueka High School will renew the lease of Wakatu Incorporation owned land adjacent to Rugby Park. Mr Kennedy said that it was not necessary that the Pool project go on Rugby Park, in order to make the Sports Complex project proceed.

Mr Kennedy sought Council approval to proceed with full costings and concept plans for the Motueka Pool to be located on the eastern side of Motueka Recreation Centre and then the information would be referred to the public for consideration. Mr Kennedy estimated \$10,000.00 to \$15,000.00 would be required to produce concept plans and full costings.

Cr Wilkins asked that a timeframe be applied to that process.

**Moved Crs O'Shea/Norriss
CN05/06/41**

**THAT full costings for the Motueka Pool project on the eastern side of the Motueka Recreation Centre be brought to Council as soon as possible.
CARRIED**

4. STOCK CONTROL AND DROVING BYLAW 2005

The Chief Executive introduced the report of 28 June 2005 together with the reviewed and amended consolidated bylaw, Chapter 8, Stock Control and Droving Bylaw 2005.

Administration Advisor S Hartley spoke to this report and outlined the changes which had been made as a result of the hearing of submissions by an Engineering Subcommittee on 10 June 2005.

Cr Norriss reported on the submissions considered by the Subcommittee including that from Transit NZ and that the Federated Farmers' representatives have seen the redrafted Bylaw.

**Moved Crs Norriss/Inglis
CN05/06/42**

THAT the Tasman District Council:

- a Adopts the draft Stock Control and Droving Bylaw 2005, Chapter 8 Tasman District Council Consolidated Bylaws as amended;**
- b directs that the Stock Control and Droving Bylaw 2005 comes into force on 1 July 2005;**
- c directs that the Tasman District Council Stock Droving Bylaw Number 6 1994 and amendments be repealed.**

CARRIED

5. TRAFFIC CONTROL BYLAW 2005

Administration Advisor S Hartley spoke to her report of 22 June 2005 contained within the agenda. She reported that only one written submission had been received from Transit NZ. The Police had endorsed Transit's suggestions, and the amended Bylaw and submissions were considered by the Engineering Services Subcommittee on 10 June 2005.

A copy of the proposed Traffic Control Bylaw 2005 was contained within the agenda.

Cr King said that Clause 17.4 concerning the maximum period of parking of seven days needs clarification. It was suggested that Clause 17.4(b) have the words added "or doesn't have a current warrant of fitness/certificate of fitness".

Mr Bush-King said that alterations and amendments including the possible repeal of the Golden Bay County Council Parking Bylaw 1973 and weight restriction on bridges, would be referred back to Council with further amendments.

**Moved Crs Higgins/Riley
CN05/06/43**

THAT the Tasman District Council:

- a Adopts the draft Traffic Control Bylaw 2005, Chapter 7 Tasman District Council Consolidated Bylaws as amended;**
- b directs that the Traffic Control Bylaw 2005 come into force on 1 July 2005;**

- c** **directs that the Tasman District Council Traffic Control and Parking Enforcement Bylaw Number 4 (1991) and amendments be repealed.**
- CARRIED**

6. TRADING IN STREETS AND PUBLIC PLACES BYLAW

The agenda contained a copy of the reviewed and amended consolidated bylaw, Chapter 6, Trading in Streets and Public Places.

The Environment and Planning Manager, Mr Bush-King, spoke to the report of 14 June 2005, contained within the agenda from the Environmental Health Officer, Mr D R Lewis. Mr Bush-King referred the submission considered by the Environment and Planning Subcommittee on Wednesday 1 June 2005 and subsequent amendments made to the draft Bylaw. He advised that the Department of Conservation wants the access road into the Totaranui Camping Ground added to the siting restrictions contained in Clause 6.1.

**Moved Crs Kempthorne/O'Regan
CN05/06/44**

THAT the Tasman District Council:

- a Adopts the draft March 2005 Consolidated Bylaw Chapter 6 - Trading in Streets and Public Places as amended;**
- b adopts the commencement date of the Bylaw coming into the 30th day of June 2005;**
- c repeals the Tasman District Council Trading in Streets and Public Places Bylaw Number 1 (1994).**

CARRIED

7. RESOURCE MANAGEMENT ACT ACCREDITATION FOR COMMUNITY BOARD MEMBERS

The agenda contained a report of 9 May 2005 from the Chief Executive together with a further report of 23 June 2005, noting that Council had resolved on 19 May 2005 to let this matter lie on the table.

Mr Bush-King advised that the requirement for Resource Management Act Hearing accreditation is still in the Resource Management Act Amendment.

Cr O'Regan said that he had no objection to the proposed accreditation of Community Board members but noted that there are only two Community Boards within Tasman District.

He said that he would favour a Community Board nomination of one person for each Board, being subject to Council funding of registration costs.

Cr O'Regan said that any member of the public can undertake this training. He said that consistency of decisions would not be affected and that if Council's training budget allowed, it should let community associations also participate.

Cr Higgins said he did not favour funding the accreditation of community board members for Resource Management Act Hearings. He explained that it is important for Councillors to gain external hearing experience, as it enables them to better understand and develop Plan policy matters.

Cr Kempthorne supported community board members' accreditation but not through Council funding. It was important for Councillors to make up the Hearing panel.

Cr Wilkins suggested that community board councillors could pay for their own accreditation training costs and Council consider reimbursement.

Cr Henry suggested that the whole matter should be reviewed for the next term of Council.

Cr Riley noted that the community boards had not requested funding, but were just seeking Council's support. He called for voting by division.

**Moved Crs Higgins/Norriss
CN05/06/45**

THAT report EP05/05/13 of 9 May 2005 be received and that the request for Resource Management Act accreditation funding of community board members be declined.

Cr Bryant	For
Cr Currie	For
Cr Henry	For
Cr Higgins	For
Mayor Hurley	For
Cr Inglis	For
Cr Kempthorne	For
Cr King	For
Cr Norriss	For
Cr O'Regan	Against
Cr O'Shea	Against
Cr Riley	Against
Cr Wilkins	Against

CARRIED

8. MAYOR'S REPORT

8.1 Tapawera Fire Station Opening

Mayor Hurley reported on the recent opening of the new additions to the Tapawera Fire Station which will provide a much needed improvement to those facilities.

8.2 Fonterra Takaka Dairy Factory Fire

Mayor Hurley referred to the devastating fire which occurred at the Fonterra Takaka Dairy Factory on 21 June 2005. He acknowledged the effort that the combined emergency services put into this emergency and he extended congratulations from the Council to the Fire Service in Takaka.

8.3 Resource Management Planning Public Consultation

Mayor Hurley spoke about opposition expressed by residents and landowners at a recent public consultation meeting held in Richmond about Council's proposal for rezoning about 100 hectare around Lower Queen Street. Mayor Hurley recommended that all significant concept proposals for subdivision reclassification of land, be submitted to full Council to view and consider, prior to entering the process procedure.

Cr Kempthorne said it would be good to have a report on this issue from the Environment and Planning Manager.

8.4 Community Facilities Rate

Cr Norriss said that the Community Facilities Rate should be clearly defined and separated from Regional Facilities funding.

The Chief Executive referred to these two rates on Page 95 of the draft Annual Plan and advised that a staff report on the Community Facilities Rate would be provided to the next full Council meeting.

**Moved Mayor Hurley/Cr Kempthorne
CN05/06/46**

**THAT the Mayor's report for June 2005 be received.
CARRIED**

9. CHIEF EXECUTIVE'S REPORT OF 23 JUNE 2005

9.1 Appointment of Service Centres Manager

Mr Dickinson advised that Mr R (Bob) Askew, presently employed at the Motueka Service Centre, has been appointed Services Centres Manager.

9.2 Capital Development Fund

The Chief Executive advised of a recent capital contribution of \$50,000.00 to a new bridge across Reservoir Creek on Templemore Drive, Richmond. This expenditure was reported to Council pursuant to Council resolution CN96/06/13.

9.3 Peak Oil

The agenda contained a Christchurch Press article of 21 May 2005 on a project to create a bio-fuel using vast nets of quick-growing seaweed. The seaweeds Sargassum and Sostera Marina, when grown in vast floating, will absorb greenhouse gasses and convert them to oxygen. On harvest, the seaweed is blasted with super heated steam and releases hydrogen and carbon-monoxide gasses that can be used to produce a bio-fuel that discharges no extra carbon-dioxide when burnt.

Moved Crs Higgins/Bryant CN05/06/47

THAT a letter be sent to the Minister of Energy, to encourage the Government to pursue a policy of 10% supplementation of our fuel resources, by renewable resources.

CARRIED

Moved Crs Norriss/Currie CN05/06/48

THAT the Chief Executive's report of 23 June 2005 be received.

CARRIED

10. FUNDING AND LOAN REQUIREMENTS

10.1 Funding Requirements

The Corporate Services Manager's report of 20 June 2005 contained with the agenda sought Council confirmation of the short term fund rollover which occurred on 20 June 2005, for a 90 day period, at a rate of 7.25%.

**Moved Crs King/Kempthorne
CN05/06/49**

**THAT a loan of \$1,910,463.30 be raised for the purpose of repaying at maturity the Tasman District Council General Renewal Loan No. 43 2005 and that such loan be known as the Tasman District Council General Renewal Loan No. 44 2005
CARRIED**

10.2 Loan Requirements

**Moved Crs King/Kempthorne
CN05/06/50**

THAT the loans identified in the table to this resolution are to meet the cost of completed projects identified in the 2003/2004, or the 2004/2005 Annual Plans previously adopted by Council.

I		The Council shall borrow the sum of two million, three hundred and thirty four thousand, seven hundred and thirty two dollars (\$2,334,732) from (ASB Bank Ltd).	
ii		The loan documentation shall comprise the following:	
	A	Existing deed of charge entered into between Tasman District Council, Bank of New Zealand, National Bank of New Zealand, WestpacTrust and ASB Bank Ltd.	
	B	A letter of offer from WestpacTrust.	
iii		The Mayor and the Chief Executive are authorised to sign the loan documentation on behalf of the Council.	
iv		The Chief Executive is authorised to sign a certificate, pursuant to s122ZG(3) of the Local Government Act 1974.	
V		The loan advance of dollars shall be used to finance the following projects identified in Council's Annual Plans:	
			\$
		All weather pavement treatment	108,000
		Aorere Bridge - balance of loan	26,000
		Footpath Rehabilitation	75,000
		Low Traffic Seal Extension	272,732
		Stormwater Headingly Lane	207,000
		Port Tarakohe - Stage II	600,000
		Mapua Cleanup fund replacement	250,000
		Avery Land Development	113,000
		Saxton Field Development	489,000
		Beach Road Recycling Centre	194,000
			\$2,334,732

vi		The Council shall charge rates revenue as security for the loan and the performance of its obligations pursuant to the loan documentation.
vii		The Council acknowledges that by charging rates revenue, the Council is deemed to have made a special rate of such amount each year, on the rateable value of every rateable property in the district, as is sufficient to provide in that year for the payment of its commitments in respect of the loan or loan documentation during that year plus 10% thereof until the loan is repaid or the obligations incurred under the loan documentation are fully performed.
viii		The Council has considered the risks and benefits to the Council of the loan and loan documentation and of the security to be given in relation to the loan and loan documentation.
ix		The Council is satisfied that the general terms and conditions of the loan and loan documentation and of the security to be given in relation to the loan and loan documentation are in accordance with the borrowing management policy adopted by the Council and, in particular, the limits and guidelines set out in that borrowing management policy.
X		The Council delegates to the Chief Executive and the Corporate Services Manager the authority to further determine the precise terms and conditions of the loan, loan documentation and security, to be negotiated at the best current terms and conditions, such terms and conditions to be advised to the Council following the raising of the loan.

CARRIED

11. 2005/2006 ANNUAL PLAN AND FUNDING IMPACT STATEMENT

The Corporate Services Manager spoke to his report of 27 June 2005 and the attached copy of the 2005/2006 Funding Impact Statement which is to be incorporated into Council's Annual Plan for that financial year. The report incorporated the decisions made by Council resolutions at its special meeting held on Friday 24 June 2005.

**Moved Crs O'Regan/Kempthorne
CN05/06/51**

THAT Council:

- a Adopts the Funding Impact Statement dated 30 June 2005 for the 2005/2006 financial year;**

- b** adopts its 2005/2006 Annual Plan as amended by the Council resolutions of 24 June 2005.

CARRIED

12. TASMAN DISTRICT COUNCIL REPRESENTATION REVIEW

The agenda contained a report of 22 June 2005 from the Administration Advisor providing an update on legislative requirements and timetable for the forthcoming Council representation review. The agenda contained a timetable of the review process required to be carried out before 31 August 2006.

**Moved Crs O'Regan/Kempthorne
CN05/06/52**

THAT Council appoints:

- a** A representation review subcommittee, consisting of one member from each Ward, the Chief Executive and Administration Advisor, to consider preliminary proposals for the Tasman District Council representation review and that these proposals be brought back to a future Council meeting for discussion;
- b** Cr Henry from the Richmond Ward, Cr Higgins from the Motuere/Waimea Ward, Cr Bryant from the Lakes/Murchison Ward, Cr Wilkins from the Motueka Ward and Cr Riley from the Golden Bay Ward be part of the Subcommittee.

CARRIED

13. WATER AND SANITARY SERVICES ASSESSMENTS (WSSA)

The Engineering Manager introduced his report of 27 June 2005. Attached to the report was a summary of changes agreed to at the special Council meeting of Friday 24 June 2005. All changes are included in the WSSA Volume I document.

Council is required by the Local Government Act 1992, to adopt WSSA by 30 June 2005.

**Moved Crs Kempthorne/Bryant
CN05/06/53**

THAT the Water and Sanitary Services Assessments report of 27 June 2005 be received and the final revised Water and Sanitary Services Assessments be adopted by Council in accordance with Part 7 of the Local Government Act 2002.

CARRIED

14. MACHINERY RESOLUTIONS

**Moved Crs Kempthorne/Higgins
CN05/06/54**

THAT the execution of the following documents under the seal of Council be confirmed:

EASEMENTS

G L and A L Ashford – easement in gross in favour of council for right to drain sewage.

C A Arnold, N M Arnold and R A Stevenson – easement in gross in favour of council for right to drain water.

G W and B Y Grant – easement in gross in favour of council for right to drain sewage.

Champion Nelson Limited – Champion Road – easement in gross for right to drain water and sewage in favour of council.

G P Chisnell – right of way easement to formalise access to TDC pump station, at Bryant Road, Brightwater

G P Chisnell – easement in gross in favour of Tasman District Council for sewage

Network Tasman - grant of easement by Tasman District Council for the right to convey electricity, telecommunications and computer media.

Ngati Rarua-Atiawa Iwi Trust Board – easement in gross in favour of council for the right to drain water.

J R and D A Ryder – easement in gross in favour of Tasman District Council for sewer.

ENCUMBERANCE

J R and D A Ryder - cancellation of encumbrance with respect to Thorp Street sewer scheme.

COVENANT

L I Johnstone and C S Mackersey – covenant for visitor accommodation.

P Crouchley, G F Crouchley, S L Gallen and M J Taylor and M J Bell-Taylor – covenant amalgamating two titles.

CAVEAT

G F and A L Ashford – withdrawal of Caveat 320265.1

R W Patching – caveat for building for workers accommodation, and not for future subdivision.

ESPLANADE STRIP

M W Tolmie and A J Tolmie – creation of esplanade strip for public access and protection of conservation values.

DEED OF LICENCE

Golden Bay Pony Club & Golden Bay RDA –licence to occupy premises being Old Catchment Board Depot, Takaka/

Royal New Zealand Plunket Society Nelson/Marlborough Area Incorporated – licence to occupy part of Motueka Memorial Hall complex.

TRANSFER INSTRUMENT

T K Williams and Ngati Rarua-Atiawa Iwi Trust Board – transfer of stopped road.

FUNDING AND LOAN REQUIREMENTS

Attached report from the Corporate Services Manager for adoption.

CARRIED

15. PROPOSAL TO SELL LAND - CAMBRIDGE STREET, RICHMOND

Property Manager J K Frater spoke to his report of 13 June 2005 contained within the agenda to report on the hearing of submissions on the proposal to sell part of Papps Carpark in Richmond.

Mayor Hurley expressed disappointment with the recommendation from the Subcommittee of Richmond Ward Councillors which heard submissions to the proposal to sell part of Papps Carpark for the purpose of constructing a cinema complex.

Mayor Hurley said he would like to see negotiations continue one step further and saw this as a potential opportunity for more car parks in Richmond.

**Moved Crs Henry/Kempthorne
CN05/06/55**

THAT:

- I The Papps Carpark land being Part DP1558 and Part Lot 2 DP3732 be retained in Council ownership and used for carparking or future civic developments.**

- li That if there was a proposal to develop land adjoining Papps Carpark, that Council would support in principle such development by retaining the general open character of Papps Carpark with appropriate urban design features.**

CARRIED

Mayor Hurley advised that his vote against that resolution be noted.

16. NELSON AIRPORT LIMITED PRESENTATION

The Director of Nelson Airport Limited, Mr I Kearney, and Airport Manager Kaye McNabb, attended the meeting. Mr Kearney provided a presentation on the Airport Company and operation of the Airport. He said there was considerable progress on asset upgrading, equity and profitability.

Mr Kearney said that the Airport Company is providing satisfactory financial and regional development return.

The Mayor thanked members for their attendance and the meeting closed at 3.15 pm.

Date Confirmed:

Chair: