

# MINUTES

**TITLE:** Tasman District Council  
**DATE:** Thursday 22 September 2005  
**TIME:** 9.30 am  
**VENUE:** Council Chambers, 189 Queen Street, Richmond

**PRESENT:** Mayor J C Hurley (Chair), Crs T B King (Deputy Mayor), S J Borlase, 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, P K O'Shea and E J Wilkins.

**IN ATTENDANCE:** Chief Executive (R G Dickinson), Environment and Planning Manager (D C Bush-King), Development Engineer (D Ley) and Administration Officer (B D Moore).

## APOLOGIES

**Moved Crs Wilkins/Borlase  
CN05/09/03**

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

## 1 PUBLIC FORUM

### **Brightwater Pedestrian Underpass**

Mrs S Andrews representing Katania Limited and Sheryl Andrews Trust spoke to the Council about the practical completion of the pedestrian underpass at State Highway 6 at Brightwater and sought that Council proceed with uplifting the deferment on adjacent land owned by the Trust and that this land be zoned residential.

On Tuesday 20 September 2005, a Code of Compliance Certificate had been issued for the pedestrian underpass.

Mr A J Ferguson of Opus International, agent for Transit NZ, referred to letters and copies of document tabled by Mrs Andrews at the public forum and that the construction of the underpass has been completed and the producers statement signed off. He referred to the need for some minor works to be completed.

## **2 CONFIRMATION OF MINUTES**

### **2.1 Tasman District Council - 11 August 2005**

**Moved Crs Norriss/Inglis  
CN05/09/04**

**THAT the minutes of a meeting of the Tasman District Council, held on Thursday 11 August 2005, be approved as a correct record.  
CARRIED**

### **2.2 Representation Review Subcommittee - 16 August 2005**

**Moved Crs Wilkins/Higgins  
CN05/09/05**

**THAT the minutes of a meeting of the Representation Review Subcommittee, held on Tuesday 16 August 2005, with the addition of a heading to Page 2, be approved as a correct record.  
CARRIED**

### **2.3 Representation Review Subcommittee - 30 August 2005**

**Moved Crs Higgins/Henry  
CN05/09/06**

**THAT the minutes of a meeting of the Representation Review Subcommittee, held on Tuesday 30 August 2005, be approved as a correct record.  
CARRIED**

## **3 PROHIBITION OF LIQUOR - GUY FAWKES GALA, WAKEFIELD**

The agenda contained a copy of the recommendation for the proposed prohibition of liquor during the Guy Fawkes Gala, Wakefield, commencing at 4.00 pm on Saturday 5 November 2005.

**Moved Crs Norriss/Inglis  
CN05/09/07**

**The Tasman District Council (herein after referred to as the Council) hereby gives notice pursuant to Section 7.1 of the Control of Liquor in Public Places Bylaw that it has resolved:**

**That between the hours of 4.00 pm on Saturday 5 November 2005 and 6.00 am Sunday 6 November 2005, during the annual Guy Fawkes Gala, the following specified public places will be subject to a prohibition of the consumption and possession of intoxicating liquor as described hereunder:**

**A DESCRIPTION OF THE SPECIFIED PUBLIC PLACES:**

- (i) The whole of the area known as the Wakefield Recreation Reserve.
- (ii) The whole of the area known as Faulkner Bush Reserve.
- (iii) The part of State Highway 6 adjoining the Wakefield Recreation Reserve and the Faulkner Bush Reserve.

**B ACTS PROHIBITED IN THE SPECIFIED PUBLIC PLACES:**

- (i) The consumption or possession or both of liquor in, or the bringing of liquor into the specified public places.

**C EXEMPTION**

The resolution does not prohibit:

The carriage of intoxicating liquor in vehicles passing through the part of State Highway 6 adjoining the Wakefield Recreation Reserve and the Faulkner Bush Reserve.

**D POWERS OF THE POLICE:**

A member of the police may, without warrant,—

- (a) For the purpose of ascertaining whether liquor is present, search
  - (i) A container (for example, a parcel, package, bag, or case) in the possession of a person who is in, or entering, a public place:
  - (ii) A vehicle that is in, or is entering, a public place:
- (b) Seize and remove liquor and its container if the liquor is in a public place in breach of a bylaw:
- (c) Arrest a person whom the member of the police finds committing an offence:
- (d) Arrest a person who has refused to comply with a request by a member of the police:
  - (i) to leave the public place; or
  - (ii) to surrender to a member of the police the liquor that, in breach of a bylaw, is in that person's possession.

## **E CONDITIONS RELATING TO POWER OF SEARCH**

- (i) Before exercising the power of search under section 169(2)(a) in relation to a container or a vehicle, a member of the police must:**
  - (a) Inform the person in possession of the container or the vehicle, as the case may be, that he or she has the opportunity of removing the container or the vehicle from the public place; and**
  - (b) Provide the person with a reasonable opportunity to remove the liquor or the vehicle, as the case may be, from the public place.**

## **F DEFINITION**

**In this notice “Intoxicating liquor” has the meaning given to it in the Sale of Liquor Act 1989.**

**CARRIED**

## **4 CHIEF EXECUTIVE’S REPORT**

### **4.1 Council Governance Committee Structure Option**

A Council Workshop is proposed to discuss alternative Council Committee governance options.

### **4.2 Road Funding Large Projects**

The Chief Executive reported about meetings held recently with Land Transport NZ officials, to promote the Ruby Bay Bypass project for an earlier start.

### **4.3 Local Government Funding Project**

The agenda contained a copy of the Executive Summary of the Local Authority Funding Project Report, to the Local Government Forum.

### **4.4 Golden Bay Integrated Health Committee**

Cr Borlase said that this investigation group wants all facets of the community involved.

**Moved Crs King/Henry  
CN05/09/08**

**THAT Cr S G Borlase be a Council representative on the Golden Bay Integrated Health Committee.**

**CARRIED**

**Moved Crs King/O'Shea  
CN05/09/09**

**THAT the Chief Executive's report of 15 September 2005 be received.  
CARRIED**

## **5 DEFERRED RESIDENTIAL ZONE, BRIGHTWATER**

The agenda contained a report of 13 September 2005 from Policy Planner R Biss concerning uplifting the deferred residential zoning on land at Water Tank Hill, Brightwater, following the completion of certain road safety works including the provision of a pedestrian underpass on State Highway 6.

Development Engineer D Ley reported that the traffic safety work, including the completion of the underpass, was complete, except for some minor associated matters.

**Moved Crs Norriss/Borlase  
CN05/09/10**

**THAT the Tasman District Council:**

- i) Resolves to uplift the Deferred Residential zoning on Lot 1 DP 9704, Lot 1 DP 304185 and Pt Section Waimea South District, subject to the availability at the time of consideration of this recommendation, of:
  - a) the Certificate of Compliance for the underpass under the Building Act; and**
  - b) advice from Transit NZ and the Council's Utilities Asset Manager expressing with the location and design of the underpass.****
- ii) Amends the Proposed Tasman Resource Management Plan accordingly.**
- iii) Notifies affected landowners of this action.**

**CARRIED**

## **6 MAYOR'S REPORT - 22 SEPTEMBER 2005**

### **6.1 Argentine Art Incursion**

Mayor Hurley said that the argentine ant is not listed in the Pest Management Strategy so this becomes a landowner responsibility. He said that a coordinated approach to this problem is necessary and there is a need to protect export produce industries.

Environment and Planning Manager D C Bush-King advised the Council that there is an argentine ant infestation problem in an area of Richmond, involving 30 properties. He undertook to discuss the situation with Nelson City Council and report back to the Resource Management Policy Committee meeting in October 2005 concerning the possibility of an amendment to the Pest Management Strategy.

**Moved Crs Kempthorne/O'Regan  
CN05/09/11**

**THAT staff be instructed to prepare a report to the Resource Management Policy Committee meeting of 12 October 2005, to include argentine ants in the Nelson Tasman Regional Pest Management Strategy.  
CARRIED**

## **6.2 Transit Corridor Study**

Council has received a Stage 2 Issues and Options and Alternatives Paper on this study.

## **6.3 Affordable Housing Reference Group**

A letter of 6 September 2005 from Motu Economic and Public Policy Research sought Council representatives to be members of an affordable housing reference group to address the problem in Tasman, Nelson and Marlborough.

Cr Borlase spoke about an affordable housing trust being set up in Golden Bay.

Cr King suggested that Council could rely on Cr Borlase to report back.

**Moved Crs King/Currie  
CN05/09/12**

**THAT the Mayor's report of 22 September 2005 be received.  
CARRIED**

## **7 REPRESENTATION REVIEW**

The agenda contained a report of 14 September 2005 from Administration Advisor S Hartley to provide an update and seeking Council's endorsement of the representation review process.

Moved Crs King/Henry

THAT Council reconfirms that it will carry out a full representation review prior to the 2007 election.

A closure motion was put.

**Moved Crs O'Shea/Kempthorne  
CN05/09/13**

**THAT the matter be put.  
CARRIED**

**Moved Crs King/Henry  
CN05/09/14**

**THAT Council reconfirms that it will carry out a full representation review prior to the 2007 election.  
CARRIED**

## **8 COUNCILLOR INFORMATION**

Councillor information included letters from Abel Tasman Education Trust and the Strengthening Families' Coordinator and a memorandum of 17 August 1982 regarding historical information on water usage by Waimea County.

## **9 MACHINERY RESOLUTIONS**

**Moved Crs King/O'Regan  
CN05/09/15**

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

### **EASEMENTS**

**R S & J R Hadley – RM020650 – easement for access strip for access to existing esplanade reserve abutting Motueka River.**

**Lifestyle Property Developments – RM030083- easement in gross to Council for the right to drain stormwater.**

**B W & L McCrorie – RM040533 – easement in gross to be granted to Council for the right to drain stormwater.**

**Silvan Hills Limited – RM030604 – easement in gross in favour of council for sewer and water, and easement in gross granted by Council in favour of Network Tasman for power over council reserve.**

### **COVENANT**

**O & P Mather – RM050401 – covenant to be registered against title stating that once dwelling is no longer required as workers or visitors accommodation, it shall be removed from site or rendered incapable of human habitation.**

**J W L & J E Young Family Trust – RM050417 – covenant registered against title that dwelling for dependent relative/family guests, and it is not to provide future basis for subdivision.**

**DEED OF SETTLEMENT**

**Between TDC and Hartley Contractors Ltd - TDC releases Hartley Contractors Limited and its surety from the contractor's bond.**

**DEED OF LEASE**

**TDC and skydive Abel Tasman Ltd – lease for 648m<sup>2</sup> land at Motueka Aerodrome.**

**CARRIED**

**9.1 Funding Requirements**

**9.1.1 Term Loan Funding for 2004/2005 Completed Projects**

Cr Henry sought that the name WestpacTrust be amended to Westpac in the wording of the recommendation.

**Moved Crs Henry/King  
CN05/09/16**

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

<b>i)</b>		<b>The Council shall borrow the sum of one million, four hundred and thirty six thousand, two hundred and thirty seven dollars (\$1,436,207) from (Bank).</b>
<b>ii)</b>		<b>The loan documentation shall comprise the following:</b>
	<b>a)</b>	<b>Existing deed of charge entered into between Tasman District Council, Bank of New Zealand, National Bank of New Zealand, Westpac and ASB Bank Ltd.</b>
	<b>b)</b>	<b>A letter of offer from Westpac.</b>
<b>iii)</b>		<b>The Mayor and the Chief Executive are authorised to sign the loan documentation on behalf of the Council.</b>
<b>iv)</b>		<b>The Chief Executive is authorised to sign a certificate, pursuant to s122ZG(3) of the Local Government Act 1974.</b>
<b>v)</b>		<b>The loan advance of dollars shall be used to finance the following projects identified in Council's Annual Plans: \$</b>



		<b>Crescent Street/Oxford Street Stormwater</b> <b>Hamama Water Supply Pipe Renewal</b> <b>Hamama Seal Extension</b> <b>Pohara Stage 3 Sewerage</b> <b>Marahau Foreshore</b> <b>Richmond Sewerage Infiltration</b>	<b>150,000</b> <b>139,225</b> <b>272,732</b> <b>226,000</b> <b>190,000</b> <b><u>458,250</u></b>  <b><u>1,436,207</u></b>
vi)		<b>The Council shall charge rates revenue as security for the loan and the performance of its obligations pursuant to the loan documentation.</b>	
vii)		<b>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.</b>	
viii)		<b>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.</b>	
ix)		<b>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.</b>	
x)		<b>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.</b>	

**CARRIED**

### **9.1.2 Use Of General Disaster Fund**

**Council approval was sought, following a successful flood damage claim to Land Transport New Zealand, producing \$171,500.00 that the remaining \$178,500.00 for flood damage costs be drawn from Council's General Disaster Fund.**

**Moved Crs Bryant/Norriss  
CN05/09/17**

**THAT the sum of \$178,500.00 be transferred from Council's General Disaster Fund to Council's operating account, being local share of flood damage costs reported to the Engineering Services Committee meeting on 14 April 2005.  
CARRIED**

## **10 MAYORS TASKFORCE FOR JOBS**

Mayor Paul Matheson of Nelson City Council, addressed the Council in his capacity as National Chairperson of the Mayors Taskforce for Jobs and Nelson/Tasman Connections Chairperson.

He was accompanied by Ms K Inwood, Coordinator of Nelson/Tasman Connections which is collaborative strategy structured to ensure the use of the Nelson/Tasman area are assisted in the transition from school to the training and employment sectors. This organisation refers youth to service providers and is part of the Mayors Taskforce for Jobs.

Copies of the 2004/2005 Annual Report for Connections for tabled for Councillors.

**Moved Crs Henry/Kempthorne  
CN05/09/18**

**THAT Tasman District Council authorises the payment of the annual subscription to the Mayors Taskforce for Jobs.  
CARRIED**

## **11 RESOLUTION TO EXCLUDE THE PUBLIC**

**Moved Crs Kempthorne/Norriss  
CN05/09/19**

**THAT the public be excluded from the following part of the proceedings of this meeting, namely:**

**Motueka Stormwater Improvements  
Combined Shareholders Group  
Tourism Nelson Tasman Ltd  
Port Nelson Trust  
Bishop Suter Art Gallery Trust**

**The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to the matters, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for passing this resolution are as follows:**

<b>Subject</b>	<b>Reason</b>	<b>Grounds</b>
Motueka Stormwater Improvements	Consideration of report	To enable the Committee to carry out discussions without prejudice or disadvantage
Combined Shareholders Group Meeting - 2 September 2005	Adoption of recommendations	To protect the privacy of a natural person
Tourism Nelson Tasman Ltd	Appointment of new director	To protect the privacy of a natural person
Port Nelson Trust	Resignation of director	To protect the privacy of a natural person
Suter Trust	Options	To enable the Committee to carry out discussions without prejudice or disadvantage

**CARRIED**

**Moved Crs Norriss/Wilkins  
CN05/09/29**

**THAT the open meeting be resumed and the resolutions carried while the public was excluded be confirmed in open meeting.**

**CARRIED**

#### **11.1 Motueka Stormwater Improvements**

**Moved Crs Kempthorne/Norriss  
CN05/09/30**

**THAT:**

- i) The Engineering Manager be given delegated authority to negotiate with the developer of the Te Maatu subdivision adjacent to Parker Street, Motueka, to install the larger pipe option along Fearon Street. The negotiation needs to be based upon the estimates given and the tender prices received.**
- ii) Council accepts the developer's offer to fund the value of Council's share of the project cost in excess of \$303,700 until July 2006.**
- iii) Council proceeds with its present LTCCP forecast for the Motueka – Northern Diversion and funds the outstanding sum of money only in the 2006/2007 LTCCP.**

**CARRIED**

**11.2 Nelson Regional Sewerage Business Unit - Bells Island Upgrade**

**Moved Crs King/Kempthorne  
CN05/09/31**

**THAT the Tasman District Council approves the funding of \$350,000.00 for the Nelson Regional Sewerage Business Unit to undertake the design for the upgrade of the Bells Island Treatment Plant, to accommodate user loads and flows until 2025.**

**CARRIED**

**11.3 Bishop Suter Art Gallery Trust Board Future Governance**

**Moved Crs Bryant/Norriss  
CN05/09/32**

**THAT the Tasman District Council recommends to the Bishop Suter Art Gallery Trust Board that it considers forming itself into an independent charitable trust.**

**CARRIED**

**11.4 Director - Tourism Nelson Tasman Limited**

**Moved Crs Henry/King  
CN05/09/33**

**That Tasman District Council confirms the nomination of Ms Donna Hiser as a Director for the Board of Tourism Nelson Tasman Ltd at the Annual General Meeting in October 2005.**

**CARRIED**

**11.5 Port Nelson Trust Limited Appointment**

**Moved Crs Henry/Higgins  
CN05/09/34**

**That Tasman District Council agrees to the resignation of Cr Elaine Henry from Port Nelson Trust and to the appointment of Mr Chris Williams as a Trustee in her place.**

**CARRIED**

**11.6 Kahurangi Waste Minimisation Services Limited**

**Moved Crs Norriss/Inglis  
CN05/09/35**

**THAT it be recommended to the Trustees of the Kahurangi Employment Trust that Nelson City Councillors Davey and Fryer and Tasman District Councillors Higgins and Kempthorne be appointed to the Board of the Kahurangi Waste Minimisation Services Limited for the purposes of winding up that Company;**

and that it be further recommended to the Trustees of the Kahurangi Employment Trust that Mr David Ward be appointed to audit the financial statements of the Kahurangi Waste Minimisation Services Limited for the year ending 30 June 2005.

**CARRIED**

**11.7 Tourism Nelson Tasman Limited Directors Fees 2005/2006**

**Moved Crs Henry/Kempthorne  
CN05/09/36**

**THAT the total directors fees for Tourism Nelson Tasman Limited be set at \$32,000.00 per annum for the 2005/2006 year.**

**CARRIED**

**11.8 Port Nelson Limited - Deferral of AGM until 28 October 2005**

**Moved Crs O'Shea/Henry  
CN05/09/37**

**THAT the Tasman District Council approves the Port Nelson Ltd Annual General Meeting being deferred to 28 October 2005.**

**CARRIED**

**11.9 Nelson Airport Limited - Deferral of AGM**

**Moved Crs O'Regan/Currie  
CN05/09/38**

**THAT the Tasman District Council approves that Nelson Airport Limited defers it 2005 Annual General Meeting two days past the statutory date.**

**CARRIED**

Mayor Hurley thanked members for their attendance and the meeting closed at 4.50 pm.

Date Confirmed:

Chair: