

MINUTES

TITLE: Tasman District Council
DATE: Thursday 3 November 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, N Riley and E J Wilkins.

IN ATTENDANCE: Chief Executive (R G Dickinson), Environment and Planning Manager (D C Bush-King), Community Services Manager (L L Kennedy), Administration Advisor (S Hartley) and Administration Officer (B D Moore).

APOLOGIES

**Crs Kempthorne/Inglis
CN05/11/01**

**THAT apologies from Mayor Hurley for lateness be sustained.
CARRIED**

Deputy Mayor Cr T B King chaired the meeting in the absence of the Mayor.

1. PUBLIC FORUM

Mr A J Marshall claimed that Council had breached Section 345 of the Local Government Act 1974 by not appointing a valuer for the sale of Webby Place, Richmond.

Mr J B Anderson endorsed the remarks made by Mr Marshall and said that Council should not be buying land for carparking at \$346.00 per square metres and disposing of land to private interests for the same reasons at \$59 per square metres.

Mr C Robinson endorsed the remarks of Mr A J Marshall and Mr J B Anderson and said that unless an apology was received via the news media, this ratepayers group would take the complaint to the Serious Fraud Office.

Mr D Eade of Motueka said a petition had been compiled from 2 033 people to advocate for milk bottle reuse and a deposit. He spoke of the need for consumer container deposit legislation, to reduce litter and promote waste reduction. Mr Eade also expressed concern about the possible loss of the Motueka Community Board and encouraged Councillors to support the retention of the Motueka Community Board and make it more effective.

2. CONFIRMATION OF MINUTES

2.1 Special Council Meeting - 15 September 2005

**Moved Crs Norriss/Inglis
CN05/11/02**

**THAT the minutes of a special meeting of the Tasman District Council, held on 15 September 2005, containing resolutions CN05/09/01 to CN05/09/02, be approved as a correct record.
CARRIED**

2.2 Tasman District Council Meeting - 22 September 2005

**Moved Crs Henry/Riley
CN05/11/03**

**THAT the minutes of a meeting of the Tasman District Council, held on 22 September 2005, containing resolutions CN05/09/03 to CN05/09/38, be approved as a correct record.
CARRIED**

2.3 Representation Review Subcommittee Meeting - 26 September 2005

**Moved Crs Higgins/Wilkins
CN05/11/04**

**THAT the minutes of a meeting of the Tasman District Council, held on 26 September 2005, containing resolutions CN05/09/39 to CN05/09/43, be approved as a correct record
CARRIED**

2.4 Special Council Meeting - 13 October 2005

**Moved Crs O'Regan/Bryant
CN05/11/05**

**THAT the minutes be amended by the insertion of the following words "Cr O'Regan expressed concern at the notation in the Annual Report about sources as funds listed as general funds."
CARRIED**

**Moved Crs O'Regan/Riley
CN05/11/06**

**THAT the minutes of a special meeting of the Tasman District Council, held on 13 October 2005, as amended, containing resolutions CN05/10/01 to CN05/10/02, be approved as a correct record
CARRIED**

2.5 Representation Review Subcommittee - 25 October 2005

**Moved Crs Higgins/Wilkins
CN05/11/07**

**THAT the minutes of a meeting of the Representation Review Subcommittee, held on 25 October 2005, containing resolutions CN05/10/03 to CN05/10/13, be approved as a correct record.
CARRIED**

Mayor Hurley arrived at the meeting at 10.00 am and chaired the meeting from that time.

3. COMMUNITY BOARD MEMBER J BELL IN ATTENDANCE

**Moved Crs Borlase/Wilkins
CN05/11/08**

**THAT Golden Bay Community Board member J Bell be invited to join the Council meeting and be granted speaking rights.
CARRIED**

4. BYLAWS STATUS AND REVIEW

Administration Advisor S Hartley spoke to a report of 26 October 2005 contained within the agenda. This provided an update on the review process for Tasman District Council Bylaws and bylaws from the four councils prior to amalgamation.

The meeting was advised that a further staff report would be provided to consider additional subjects for potential inclusion in the consolidated bylaw.

Mr Bush-King said that under the Local Government Act 2002, bylaws that are not reviewed under Section 158, will cease to have effect after the expiry of the traditional period which is 1 July 2007. The report listed those bylaws which need not be reviewed and can therefore cease to have effect.

Cr Higgins asked staff to advise on a way forward in relation to a problem in the main street of Wakefield.

**Moved Crs King/Inglis
CN05/11/09**

**THAT the report Bylaws Status and Review of 26 October 2005, be received.
CARRIED**

**5. SUBMISSION ON NATIONAL ENVIRONMENTAL STANDARDS FOR
DRINKING WATER EP05/10/17**

Mr Bush-King tabled a sheet which listed the proposed subject matter of the Standard.

The Chief Executive advised that Regional Chief Executives will hold discussions with the Chief Executive of Ministry for the Environment, Mr B Carbon, and he commented that National Standards need to be measurable and precise.

Cr King said that the term "Community Drinking Water Supply" should refer to the number of households rather than to any supply to 25 persons.

Mr Bush-King advised that the proposed National Standard is designed to apply to regional councils.

Cr Kempthorne said that the submission should state clearly that this Council does not support the provision of a National Standard in this form.

**Moved Crs O'Regan/Riley
CN05/11/10**

**THAT the Tasman District Council agrees to the draft submission, including amendments discussed at this meeting, 3 November 2005, on the proposed National Standard for Human Drinking Water Sources.
CARRIED**

6. COMMITTEE STRUCTURE AND MEETING SCHEDULE

The agenda contained a report of 26 October 2005 from the Chief Executive together with an attached list of membership for Standing Committees, Subcommittees and a draft 2006 schedule of proposed meeting dates.

The Chief Executive said that it was unfortunate that not all Councillors had been able to attend the Workshop to discuss this matter.

Cr King encouraged the Council to trial the proposed committee structure and meeting schedule.

The Chief Executive said that the schedule only lists the regular rostered meetings for the year.

Cr O'Shea questioned the proposed change of meeting days to Tuesday instead Friday for the Heritage Subcommittee. She sought that a review date be established for the proposed committee structure and meeting schedule.

**Moved Crs King/Borlase
CN05/11/11**

**THAT the attached Committee Structure and 2006 Meeting Schedule be adopted with effect from 1 January 2006 and be reviewed after six months
CARRIED**

7. SIR PETER BLAKE AMBASSADORS

Students Sophie Turner of Tasman District and Brittany Packer of Nelson City, together with Mr D Schneider made a presentation to Council about their attendance at the 2005 Childrens World Summit for the Environment, as part of the United National Environment Programme.

8. CHIEF EXECUTIVE'S REPORT - 27 OCTOBER 2005

8.1 Energy Efficiency

A recommendation from the Golden Bay Community Board October meeting recommended that Council joins the Energy Efficiency and Conservation Authority and cooperate with other councils in encouraging Local Government New Zealand through Central Government to convince power companies to pay an increased amount for power generated by private power schemes.

**Moved Crs Higgins/O'Regan
CN05/11/12**

**THAT Tasman District Council recommends to the Minister of Energy that a mechanism be developed to compulsorily purchase electricity from small generators, at long run constant supply price (six cents per unit).
CARRIED**

**Moved Crs Kempthorne/Henry
CN05/11/13**

**THAT the Chief Executive's report be received.
CARRIED**

9. PRESENTATION BY HON D O'CONNOR MP

Honourable D O'Connor MP for West Coast/Tasman addressed the Council on the subjects of strong growth within the District, Motueka development, Maori reserve lands, Marahau development, Motueka Bypass, Ruby Bay Bypass, pipfruit industry, contract weed spraying and motorsport venues.

10. REPRESENTATION REVIEW SUBCOMMITTEE PRESENTATIONS

The Community Services Manager, L L Kennedy, spoke to a report of 27 October 2005 which had been compiled following the meeting held on 25 October 2005 by the Representation Review Subcommittee.

Mayor Hurley sought that the proposed options would be contained in an article within Newsline and seeking public response. Cr Henry advised that this article had prepared for today's deadline.

Council discussed the report and Cr Higgins advised on the extent of options considered by the Representation Review Subcommittee.

Community Board member J Bell spoke in support of retention of the Golden Bay Community Board and entered in an apology for non attendance from Community Board member C Satherley.

**Moved Crs King/Riley
CN05/11/14**

THAT the Tasman District Council carries out public consultation on the Representation Review proposal to:

- i) Retain five Wards, with the Wai-iti area being removed from the Moutere/Waimea Ward and included in the Lakes/Murchison Ward so that the Lakes/Murchison Ward is entitled to one Councillor;**
- ii) have 12 Councillors as follows:**
 - Lakes/Murchison - One Councillor**
 - Golden Bay - One Councillor**
 - Richmond - Four Councillors**
 - Moutere/Waimea - Three Councillors**
 - Motueka - Three Councillors;**
- iii) retain a Community Board in Golden Bay;**
- iv) encourage independent community associations in the other four Wards;**
- v) make a case for the Golden Bay Ward to have one Councillor, as it is outside the population plus ten percent or minus ten percent requirement.**

CARRIED

Council considers there to be several communities of interest in Golden Bay, however, notwithstanding this fact, if Council representation is to become one Council member only, additional assistance will be required. For this reason Council is proposing to retain a Golden Bay Community Board.

11. MACHINERY RESOLUTIONS

**Moved Crs Norriss/Bryant
CN05/11/15**

THAT the loans identified in the table to this resolution are to meet the costs of projects in the 2005/2006 Annual Plan previously adopted by Council.

I		The Council shall borrow the sum of one million, nine hundred and fifty thousand dollars from (\$1,950,000) 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:	
		Rugby Park Motueka	\$900,000
		Stormwater Richmond RNL’s	130,000
		Ngatimoti Fire Station	220,000
		Wai-iti Dam	700,000
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

**Moved Crs Norriss/Bryant
CN05/11/16**

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

EASEMENTS

P J & C R Monopoli – RM040259 - easement in gross to be granted to Council for the sewer and water.

K E White – RM040071 – easement in gross to be granted to Council for sewage.

LICENCES & DEEDS

Deed of Assignment of lease for shed on Mariri Foreshore – assigned from Cedric Hockey to Simon and Melissa Floyd.

Deed of Licence Lake Rotoiti Hall – between Tasman District Council, Minister of Education and Lake Rotoiti School Board of Trustees.

Licence to Occupy Road Reserve – Raj’s Café Outdoor dining area – Queen Street, Richmond.

Licence to Graze – Garry Basher – land at Howard Valley.

STATEMENT OF CORPORATE INTENT

Port Nelson Ltd – Statement of Corporate Intent 2005/2006

CARRIED

12. MAYOR'S REPORT

The Mayor's report of 28 October 2005 included the visit of His Royal Highness Prince Andrew, Duke of York and the Trafalgar 200 celebrations. Mayor Hurley referred to the opening of Tasman Bay Heritage Trust's new Museum at Town Acre 445, Trafalgar Street, Nelson.

He also provided details of his recent Local Government New Zealand visit to Chatham Islands.

**Moved Crs Bryant/Borlase
CN05/11/17**

**THAT the Mayor's report of 25 October 2005 be received.
CARRIED**

13. RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs Bryant/King
CN05/11/18**

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

Legal Matters

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:

Subject	Reason	Grounds
Legal Matters	Briefing from Council Solicitor	Maintain legal professional privilege

CARRIED

**Moved Crs O'Shea/Inglis
CN05/11/20**

**THAT the public meeting be resumed and the business transacted during the time the public was excluded by adopted.
CARRIED**

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

Date Confirmed:

Mayor:

