

MINUTES

TITLE: Tasman District Council
DATE: Wednesday 14 December 2005
TIME: 1.00 pm
VENUE: Council Chambers, 189 Queen Street, Richmond

PRESENT: Mayor J C Hurley (Chair), Crs T B King (Deputy Mayor), S G Bryant, 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 D Dickinson), Environment and Planning Manager (D C Bush-King), Engineering Services Manager (P W Thomson), Community Services Manager (L L Kennedy), Utilities Asset Manager (J Cuthbertson), Roading Asset Engineer (S Elkington), Property Manager (J K Frater), Golden Bay Community Board Chair (A J Bell), Environmental Health Officer (D R Lewis) and Administration Officer (B D Moore).

APOLOGIES

**Moved Crs King/Kempthorne
CN05/12/01**

**THAT apologies from Crs Borlase and Currie for absence be sustained.
CARRIED**

1. PUBLIC FORUM

Mr C Robinson asked where balance sheets for the ASB Bank Aquatic Centre costs could be obtained. He questioned who is policing the parking adjacent to Salisbury Road. He spoke about the lack of carparking spaces along Talbot Street in Richmond and sought a copy of the traffic count carried out in Talbot Street in recent weeks. Mr Robinson raised concerns about the sale of Webby Place, Richmond, for Richmond Mall carparking.

Ms S Worthington read a statement for the Motueka Community Pool Committee regarding the proposed Motueka Pool Complex. That Committee sought further details on the proposed pool costs and associated information and sought Council's endorsement for this project.

Mr P Lyons sought Council's approval to operate his coffee vending business at Pupu Springs carpark and outside Totaranui Camping Ground. He referred to letters of support and a petition of up to 800 signatures in support of his operation.

Kaiteriteri Recreation Reserve Board Chairman Mr P King addressed Council on the work which the Board proposed at the north end of Kaiteriteri Beach, involving fencing, footpath, kerb and channel, sealed roadway and proposed angle parking.

2. COMMUNITY BOARD CHAIR A J BELL, SPEAKING RIGHTS

**Moved Crs Norriss/O'Regan
CN05/12/02**

**THAT Community Board Chairman A J Bell be granted speaking rights at today's Council meeting.
CARRIED**

3. CONFIRMATION OF MINUTES – 3 NOVEMBER 2005

Cr Higgins sought that the Council minutes of 3 November 2005 be amended on Page 6 with the addition of explanatory words following resolution CN05/11/14, as follows:

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.

**Moved Crs Henry/Higgins
CN05/12/03**

**THAT the minutes of the Council meeting of 3 November 2005, as amended by the addition of the above wording, containing resolutions CN05/11/01 to CN05/11/18 be approved as a correct record
CARRIED**

4. TASMAN DISTRICT COUNCIL TRADE WASTE BYLAW 2005

Utilities Asset Manager J Cuthbertson explained the public advertisement and consultation process which had been carried out in order to review the existing Trade Waste Bylaw.

**Moved Crs Norriss/Bryant
CN05/12/04**

THAT the reviewed Tasman District Council Trade Waste Bylaw 2005, as amended and recommended by the Engineering Services Committee, be adopted by Council for implementation.

CARRIED

**5. CHANGES TO TASMAN DISTRICT COUNCIL'S CONSOLIDATED
BYLAW CHAPTER 4 – SPEED LIMIT BYLAW 2004**

The agenda contained copies of proposed changes to the Speed Limit Bylaw 2004 and the report detailed the official consultative process which had been carried out and reported on submissions received.

**Moved Crs Kempthorne/Norriss
CN05/12/05**

THAT Council adopts the attached changes to the Consolidated Bylaw Chapter 4 – Speed Limit Bylaw 2004.

CARRIED

Schedules follow.

Schedule Four Urban Traffic Areas – 50kp/h

The roads or areas described in this schedule or as shown on the map referenced in this schedule are declared to have a speed limit of 50 km/h.

Map Number	Speed Limit	Description	Date Speed Limit Comes into Force	Legal Instrument	Previous Legal Instrument
<i>Bylaw Amendments 14th December 2005</i>					
5/25	50km/h	Situated at Pohara: All the roads or area marked on the map entitled “Tasman District Council Speed Limit Bylaw 2004 at Pohara”, numbered 5/25 and identified in the legend as an urban traffic area having a speed limit of 50km/h, except for those roads or areas that are marked on the said map and identified in the legend as having a different speed limit, as referenced in the appropriate schedule of this bylaw.	Wednesday 14 th December 2005	Tasman District Council Consolidated Bylaw Chapter 4 – Speed Limit Bylaw 2004	
7/25	50km/h	Situated at Takaka: <ol style="list-style-type: none"> 1. Meihana Street - Extend the current Urban Traffic Area for Takaka Township in a northerly direction to encompass all of Meihana Street; 2. Motupipi Street - Extend the current Urban Traffic Area for Takaka Township in a easterly direction to encompass all of Meihana Street; 3. Sunbelt Crescent - Create an Urban Traffic Area for the full length of the street from near the intersection with Abel Tasman Drive to its terminus. 	Wednesday 14 th December 2005	Tasman District Council Consolidated Bylaw Chapter 4 – Speed Limit Bylaw 2004	
8/25	50km/h	Park Avenue Situated at South Takaka: Park Avenue shown on the map entitled “Tasman District	Wednesday 14 th December 2005	Tasman District Council Consolidated	

		Council Speed Limit Bylaw 2004 at South Takaka”, numbered 8/25 and identified in the legend as being an urban traffic area having a speed limit of 50km/h. All other roads or areas shown on the said map and identified in the legend have a different speed limit, as referenced in the appropriate schedule of this bylaw.		Bylaw Chapter 4 – Speed Limit Bylaw 2004	
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Schedule Six 70kp/h

The roads or areas described in this schedule or as shown on the map referenced in this schedule are declared to have a speed limit of 70 km/h.

Map Number	Speed Limit	Description	Date Speed Limit Comes into Force	Legal Instrument	Previous Legal Instrument
<i>Bylaw Amendments 14th December 2005</i>					
1/25	70km/h	Situated at Pakawau Put in place a 70kph Permanent Speed Limit to apply all year except during the existing Holiday Speed Limit period, from a point at 10.75 kilometres at the southern approach to Pakawau Township and extending in a northerly direction along Collingwood Puonga Main Road for a distance of 1.18kilometres, to a point at 11.93 kilometres just South of the Single Lane Bridge named “Culvert D”	Wednesday14 th December 2005	Tasman District Council Consolidated Bylaw Chapter 4 – Speed Limit Bylaw 2004	
4/25	70km/h	Situated at Ligar Bay: Put in place a 70kph Permanent Speed Limit to apply all year except during the intended Holiday Speed Limit period, from a point at 10.75kilometres at the southern entrance to Ligar Bay Township and extending in a northerly direction along Abel Tasman Drive for 830metres to a point at 11.58kilometres	Wednesday14 th December 2005	Tasman District Council Consolidated Bylaw Chapter 4 – Speed Limit Bylaw 2004	

<p>5/25</p> <p style="text-align: center;">Revoked</p>	<p>70kp/h</p>	<p>Situated at Pohara: All the roads marked on the map entitled “Tasman District Council Speed Limit Bylaw 2004 at Pohara”, numbered 5/25 and identified in the legend as having a speed limit of 70km/h, except for those roads or areas that are marked on the said map and identified in the legend as having a different speed limit, as referenced in the appropriate schedule of this bylaw.</p>	<p>Thursday 30th September 2004</p>	<p>Tasman District Council Consolidated Bylaw Chapter 4 – Speed Limit Bylaw 2004</p>	<p>Notice in New Zealand Gazette, 13/06/2002, No.62, page 1617.</p>
<p>7/25</p>	<p>70km/h</p>	<p>Situated at Takaka: Rototai Rd Put in place a 70kph Permanent Speed Limit, from the end of the existing 50kph speed limit near Boundary Road and extending in a northerly direction along Rototai Road for a length of 1170meters to a point at the end of the existing kerb and channel just North of Arapeta Place;</p> <p>Note: The following roads had a permanent 70kph Speed Limit which is now revoked and instead are included in the Takaka Township Urban Traffic Area:</p> <ul style="list-style-type: none"> • Meihana Street from a point 120metres measured in an easterly direction from the intersection of Rototai Road, to the intersection of Abel Tasman Drive and Motupipi Street; • Motupipi Street from a point 600metres measured in a northerly direction from the intersection of Willow Street, to the intersection of Abel Tasman Drive and Motupipi Street; 	<p>Wednesday 14th December 2005</p>	<p>Tasman District Council Consolidated Bylaw Chapter 4 – Speed Limit Bylaw 2004</p>	

Schedule Nine Holiday Speed Limits

The roads or areas described in this schedule or as shown on the map referenced in this schedule are declared to have a Holiday Speed Limit as specified in the schedule.

Map Number	Speed Limit	Description	Date Speed Limit Comes into Force	Legal Instrument	Previous Legal Instrument
<i>Bylaw Amendments 14th December 2005</i>					
4/25	50kp/h holiday speed limit	<p>Situated at Ligar Bay Township: The roads described in this entry of this schedule have a holiday speed limit of 50km/h beginning on 20 December each year and ending on 31 January the following year (both dates included)</p> <p>Abel Tasman Drive: from a point at 10.75kilometres at the southern entrance to Ligar Bay Township and extending in a northerly direction along Abel Tasman Drive for 830m to a point at 11.58kilometres.</p>	Wednesday 14 th December 2005	Tasman District Council Consolidated Bylaw Chapter 4 – Speed Limit Bylaw 2004	
22/25	50kp/h holiday speed limit	<p>Situated at Para Para Township: The roads described in this entry of this schedule have a holiday speed limit of 50km/h beginning on 20 December each year and ending on 31 January the following year (both dates included)</p> <p>All the roads marked on the map entitled “Tasman District Council Speed Limit Bylaw 2004 at Para Para”, numbered 22/25 and identified in the legend as having a holiday speed limit of 50km/h, except for those roads or areas that are marked on the said map and identified in the legend as having a different speed limit, as referenced in the appropriate schedule of this bylaw.</p>	Wednesday 14 th December 2005	Tasman District Council Consolidated Bylaw Chapter 4 – Speed Limit Bylaw 2004	

<p>5/25</p> <p style="text-align: center;">Revoked</p>	<p>50kp/h holiday speed limit</p>	<p>Situated at Pohara: The roads described in this entry of this schedule have a holiday speed limit of 50km/h beginning on 20 December each year and ending on 31 January the following year (both dates included), are:</p> <ol style="list-style-type: none"> 1. Abel Tasman Drive from a point just South of Selwyn Street and extending to a point just North of Pohara Valley Road; 2. Selwyn Street from Abel Tasman Drive to the road end; 3. Tennyson Street from Abel Tasman Drive to the street end; 4. Richmond Road from Abel Tasman Drive to Bay Vista Drive; 5. Bay Vista Drive from Richmond Road to the road end; 6. Haile Lane from Pohara Valley Road to lane end; 7. Pohara Valley Road from Abel Tasman Drive to a point 37metres past Faulkner Road; 8. Faulkner Road (Falconer Rd) from Pohara Valley Road extending for a distance of 70metres. 	<p>Thursday 30th September 2004</p>	<p>Tasman District Council Consolidated Bylaw Chapter 4 – Speed Limit Bylaw 2004</p>	<p>Notice in New Zealand Gazette, 13/06/2002, No.62, page 1617.</p>
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Mr Bell commented on the Golden Bay Community Board submission and said that it had taken five years for legislative changes to occur and said that the warrant system guidelines must be interpreted using appropriate commonsense logic in their application.

6. TRADING IN STREETS AND PUBLIC PLACES BYLAW – DISPENSATION REQUEST, MR P LYONS

Mr Lewis spoke to his report of 6 December 2005 contained within the agenda which advised that Mr P Lyons is the owner operator of a mobile coffee shop known as Coffee Pirate and he has lodged an application for dispensation under Section 13 of the Council's Trading in Streets and Public Places Bylaw.

Mr Lyons has requested Council to remove the siting restrictions under Chapter 6, to permit him to operate on the Te Waikoropupu Springs carpark and the Totaranui Road Reserve.

Mr Lewis said that the Department of Conservation is opposed to the application by Mr Lyons.

Cr Riley said he could not see why Council can't consider the use of the Totaranui Road Reserve by the applicant.

Cr O'Shea suggested the use of a review process and timeframe.

Mr Lewis expressed some concern about traffic safety if this vehicle is parked on the narrow Totaranui Road.

Mr Lyons advised that there is a grass area just outside the Department of Conservation gate at Totaranui.

Cr Norriss suggested the two year review period and supported the Totaranui Road Reserve proposal.

**Moved Crs Norriss/Inglis
CN05/12/06**

**THAT Mr P Lyons be granted a dispensation to operate his Coffee Pirate business at the Te Waikoropupu Springs carpark and the Totaranui Road Reserve providing a suitable safe location is available, for a two year period.
CARRIED**

7. REGIONAL ALCOHOL STRATEGY

Environmental Health Officer D R Lewis spoke to Council about the Regional Alcohol Strategy which is due to be released early 2007. He said that Councillors will be provided with the draft strategy and spoke about the potential for changes to licensing hours.

8. RURAL FIRE NETWORK PRESENTATION

Representatives from Rural Fire Network, Tom Broderick, Chris Milson, Robin Thomson and Doug Ashford spoke to Council about the work of Rural Fire Network on behalf of Council in regard to fire control in the open and the fire permit system.

Mr Milson spoke about the positive effects of the upgrading of the rural fire depots at Appleby and Ngatimoti and the programme to progressively replace fire appliances.

9. PROPOSED MOTUEKA SWIMMING POOL

Community Services Manager L Kennedy spoke to his report of 6 December 2005 contained within the agenda. The report said that the LHT Limited feasibility study and concept design attached to this agenda showed an anticipated estimate of up to \$5 million building costs based on that design for the aquatic centre.

Mr Kennedy's report suggested that the local contribution would be 20% of the total cost with the remainder funded through council sources and annual operating costs could be met by a special rate over the Motueka Pool rating area.

Cr Norriss asked if there was more than one concept plan and what other options had been considered.

Mr Kennedy referred to other options which had been considered and referred to the Pool School upgrade.

Cr Wilkins said that one option is wanted by the public otherwise the support of the Motueka Community Pool Society Committee may be lost.

Cr Inglis said that the ratepayers must be polled and questioned if the Motueka ratepayers think they can raise the necessary 20% contribution.

Cr O'Shea said that Council must go to the community with the true costs and the potential rise in the community rate would be district wide.

Mayor Hurley said he was concerned that the project may be lost to Motueka if it is not presented clearly to the Motueka community. He said that the project cost continues to grow and it is currently a very loose proposal. Mayor Hurley said the matter was required to be passed back to the Community Services Manager for a definite proposal.

**Moved Crs Norriss/Inglis
CN05/12/07**

THAT Council does favour having a poll regarding the Motueka proposed aquatic centre subject to staff coming back to Council with more definite project costs and alternative funding, either or both a facility rate and

**development impact levies. The properties to be polled are to be defined and consideration be given to the feasibility of the school pool upgrade.
CARRIED**

10. KAITERITERI FORESHORE ROAD RESERVE – PROPOSED DEVELOPMENT BY KAITERITERI RECREATION RESERVE BOARD

The Engineering Manager P Thomson spoke to his report of 8 December 2005 contained within the agenda which was accompanied by aerial photos of the north end of Kaiteriteri Beach, a letter of 16 November 2005 from Kaiteriteri Recreation Reserve Board together with a site plan.

The Board wishes to complete its foreshore redevelopment involving new beach perimeter fencing, footpath, kerb and channel, sealed roadway and sealed western side angle parking from the Boat Ramp northwards to the Lucas boundary. The last 28 metres of this fence, to the Lucas boundary, is on legal road and requires Council consent.

The Chief Executive said the public has the right to travel along a legal road, unimpeded, but questioned what would happen if the legal road was stopped. Staff would welcome time to investigate that proposed road stopping.

**Moved Crs Higgins/Wilkins
CN05/12/08**

THAT Council seeks further information on road stopping adjacent to the northern of Kaiteriteri Beach and that this be reported back to the next Council meeting, clarifying the legal access, with a response from the Kaiteriteri Recreation Reserve Board.

CARRIED

11. TRANSFER OF FOUR WHARVES IN GOLDEN BAY

Mr P F Sangster spoke to the Council about a proposal for a Charitable Trust to accept the ownership for the management and responsibility of wharves at Milnthorpe, Mangarakau, Waitapu and Collingwood. These wharves are all located adjacent to reclaimed land and Council had resolved in 2003 to no longer maintain or administer these four wharves.

The report in the agenda listed the proposed Trustee members and was accompanied by a copy of the draft trust document.

The Chief Executive said Council discovered these wharves belonged to the Department of Conservation and had the adjacent reclaimed land is unalienated crown land.

Cr Riley said the community is concerned about the lack of information on the proposed trust and is unsure what it is.

**Moved Crs Riley/Kempthorne
CN05/12/09**

**THAT Council receives the report on the Golden Bay Wharves provided by Mr P F Sangster and subject to receiving a satisfactory Trust Deed, supports in principle the proposal that a Charitable Trust accepts the ownership, management and responsibility of the Milnthorpe, Mangarakau, Waitapu and Collingwood wharves, subject to public access being maintained and that the process to democratically elect the Trustees be maintained.
CARRIED**

12. DOG CONTROL POLICY AND PRACTICES EP05/12/15

Mr J Bergman of Control Services (Nelson) Limited, animal control contractor, spoke to this report of 2 December 2005 contained within the agenda. The report is an annual requirement of the Dog Control Act 1996 and provided details of the Tasman District Council's policy and practices in relation to the control of dogs for the year 1 July 2004 to 30 June 2005.

**Moved Crs King/Kempthorne
CN05/12/10**

THAT:

- i) The report of 2 December 2005 on dog control policy and practices pursuant to Section 10A of the Dog Control Act 1996, be received and adopted by Council;**
- ii) public notification of the adopted report be given and a copy sent to the Secretary for Local Government and be made available on the Council's Website.**

CARRIED

13. COUNCILLOR INFORMATION

13.1 Regional Information Network Concept

The agenda contained a copy of a memorandum of 2 December 2005 signed by the Chief Executives of Tasman, Nelson and Marlborough Councils, advising that a working party has been set up to establish a regional information network.

**Moved Crs Norriss/Henry
CN05/12/11**

**THAT the Regional Information Network Memorandum be received.
CARRIED**

14. MACHINERY RESOLUTIONS

**Moved Crs Bryant/Kempthorne
CN05/12/12**

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

COVENANTS

I and C Rivenaes, RM030338, covenant to restrict the use of a second dwelling on property at Cliff Road, Kina.

T T & G G Turner, RM990287 – Section 220 covenant to stop separate lots being disposed of separately.

Ben Nevis Holdings Ltd – RM030144 – Section 220 covenants for special engineering conditions.

EASEMENTS

H M & B M Bradley – RM04313 – easement in favour of Council for right to drain sewer.

R G & J J Dickinson, easement in favour of Council, with regards to Redwoods Valley Water Supply.

J & L A Huisman – easement in favour of Council, with regard to Redwoods Valley Water Supply.

G & C Schrader – RM030682 – easement in gross in favour of Council for right to drain sewage.

EASEMENT SURRENDER

Everbright Realty (Nelson) Ltd – RM 000493 – surrender of easement for right of way access.

LICENCES & DEEDS

K L Holmes - Deed of Renewal and Variation of Lease.

H E B Undrill – Howard Valley Forest – Grazing Licence

M B & B I Hargreaves – Dead of Lease for the Pohara General Store – 5 year term.

ASSIGNMENT OF LEASES

Latham to O'Connor – sale of leasehold (Harbour lease) property – and subsequent re-assignment of TDC harbour lease.

Mapua Adventures lease now assigned to Hamis Gelato & Café Ltd

**V Perrett to S Lee Beadle – assignment of lease of garage
CARRIED**

15. RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs Bryant/Inglis
CN05/12/13**

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

Bishop Suter Art Gallery

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, 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
Suter Governance Structures	Free and frank discussion	To enable Council to carry out negotiation without prejudice or disadvantage

CARRIED

**Moved Crs Henry/Wilkins
CN05/12/15**

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

15.1 Bishop Suter Art Gallery Trust Board

The following matter had been discussed in Committee by Council and it was resolved:

**Moved Crs Bryant/O'Shea
CN05/12/14**

THAT Council agrees to fund the Bishop Suter Art Gallery Trust with an operational grant of \$60,000.00 per annum with inflation adjustments for the three year period 2007/2008 to 2009/2010.

CARRIED

Cr Kempthorne left the meeting at 5.15 pm.

16. REPORTS

16.1 Chief Executive's Report for November/December 2005

This report included a Port Nelson Limited report to Shareholders for the three months to 30 September 2005.

**Moved Crs Bryant/O'Regan
CN05/12/16**

**THAT the Chief Executive's report of 5 December 2005 be received.
CARRIED**

16.2 Mayor's Report

Mayor Hurley spoke to his report of 12 December 2005 and an attached report outlining Section 19 of the amended Local Electoral Act 2001 concerning the legal requirements for representation review process by regional councils.

In response to a question from Cr Higgins, the Chief Executive said that he would report on this matter but he understood that Section 19 does not apply to Tasman District Council.

**Moved Crs O'Shea/Mayor Hurley
CN015/12/17**

**THAT the Mayor's report of 12 December 2005 be received.
CARRIED**

Mayor Hurley thanked Councillors for their attendance and wished everyone well for the Christmas/New Year season and closed the meeting at 5.30 pm.

Date Confirmed:

Mayor:

