

MINUTES

TITLE: Tasman District Council
DATE: Thursday 26 January 2006
TIME: 9.35 am
VENUE: Meeting Room, Seifried Estate, Redwood Road, Appleby

PRESENT: Mayor J C Hurley (Chair), Crs T B King (Deputy Mayor), S J Borlase, S G Bryant, 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), Engineering Manager (P Thomson), Environmental Health Officer (D R Lewis), Manager Property (J K Frater) and Administration Officer (B D Moore).

APOLOGIES

Moved Crs Henry/O'Shea
CN06/01/01

THAT apologies from Mayor Hurley and Cr Higgins for lateness and Crs Currie and Riley and absence be sustained.
CARRIED

1. CONFIRMATION OF MINUTES

The Chief Executive sought an amendment to Page 15, item 16.2, second paragraph, so that it would read that he understood that part of Section 19 should not apply.

Moved Crs Henry/Inglis
CN06/01/02

THAT the minutes of a meeting of the Tasman District Council held on Wednesday 14 December 2005, containing resolutions CN05/12/01 to CN05/12/17, as amended to Item 16.2, be approved as a correct record.
CARRIED

2. JUBILEE PARK LIQUOR BAN – REPORT EP06/01/02

A report of 16 January 2006, contained within the agenda, from the Environmental Health Officer, sought that Council ratify the prohibition to consume liquor in Jubilee Park on 29 January 2006.

**Moved Crs Kempthorne/Borlase
CN06/01/03**

THAT pursuant to Section 7.1 of the Tasman District Council Consolidated Bylaw, Chapter 3 (Control of Liquor in Public Places) that Tasman District Council hereby resolves to ratify the prohibition to consume liquor on or to bring liquor into Jubilee Park and the Skateboard Park between the hours of 3.00 pm and 10.00 pm on Sunday 29 January 2006.

CARRIED

3. LOCAL AUTHORITY FUNDING PROJECT

The agenda contained a report of 16 January 2006 from the Chief Executive, outlining progress as at the end of Phase One for the Local Authority Funding Project.

Mayor Hurley arrived at 9.45 am during consideration of this item.

The Chief Executive spoke to his report and its attachment as contained within the agenda.

Cr Higgins arrived at the meeting at 10.00 am.

Cr Henry said that she understood that the Corporate Services Manager was to produce a report regarding the basis on which Council sets its rate and to include discussion on targeted rate and the uniform annual general charges. She sought the production of this report as soon as possible.

**Moved Crs Henry/Bryant
CN06/01/04**

THAT the Chief Executive's Local Authoring Funding Project report of 16 January 2006 be received.

CARRIED

4. TRANSPower PRESENTATION TO COUNCIL

Mr D Boyle, Grid Planning Manager of Transpower, made a presentation to Council on the identified emerging issues and needs in the South Island for electricity generation and transmission. Transpower has implemented a number of tactical upgrades to maximise the capacity of the existing grid.

Transpower is keen to conduct a thorough and open consultation based on a request for information or alternatives and the process will involve the receipt and consideration of submissions.

Mayor Hurley thanked Mr Boyle for the presentation and the provision of reassurance on progress being made to meet the requirements for electrical power.

5. NELSON/TASMAN REGIONAL ALCOHOL STRATEGY

Environmental Health Officer, D R Lewis, explained that the Tasman District Council Alcohol Policy was overdue for review and that a decision had been made to accept the invitation of Nelson City Council to collaborate in a Regional Alcohol Strategy.

Copies of the draft document of January 2006 were tabled at the meeting.

Mayor Hurley welcomed Mayor P Matheson of Nelson City Council and staff member K Marsdon to the meeting. A brief explanation of the contents of the draft document was provided.

**Moved Crs King/Borlase
CN06/01/05**

THAT Tasman District Council appoints Crs Currie, Higgins and Henry to form a joint committee with Nelson City Council representatives, pursuant to Clause 30 Section 7, Local Government Act, to hear submissions on the draft Nelson Tasman Regional Alcohol Strategy and report back recommended changes to each Council.

CARRIED

6. CHIEF EXECUTIVE'S REPORT – DECEMBER 2005/JANUARY 2006

The Chief Executive spoke to his report of 17 January 2006 contained within the agenda. He referred to situations that required attention during the Christmas/New Year period including a breakdown of one of the older sewer pumping stations associated with the Tapu Bay sewer pipeline.

Low rainfall had required the imposition of Stage 2 water rationing in the Waimea Basin.

7. MAYOR'S REPORT

Mayor Hurley provided a verbal report. He referred to three separate problems on three separate days relating to the Tapu sewer pipeline pump station.

The Mayor complimented the organisers of the Tour de Vineyard Cycle Race.

He expressed sympathy to Cr Richard Kempthorne regarding the recent passing of his father Michael Kempthorne.

Mayor Hurley said that his mayoral car had been sold and would not be replaced, but he would claim mileage allowance on the same basis as Councillors.

The Chief Executive confirmed that the change of practice would be cost neutral to Council.

Mayor Hurley spoke about the recent relocation of his office to within the new Council office building while the front office area is undergoing alterations and additions.

**Moved Crs Henry/Kempthorne
CN06/01/06**

**THAT Mayor Hurley's verbal report be received.
CARRIED**

8. SCHEDULE OF CHARGES

A staff report of 17 January 2006 contained within the agenda, recommended that Council approve a schedule of charges for the matters of lodgement fee for objections, existing use certificates and hourly chargeout rate for staff.

**Moved Crs King/O'Regan
CN06/01/07**

THAT the Tasman District Council approve the following Schedule of Charges:

- | | |
|--|---------------------------|
| i) Lodgement Fee for objections under Sections 357, 357A and 357B of the Resource Management Act 1991 | \$125.00 |
| ii) Existing Use Certificates under Section 139A of the Resource Management Act 1991 | \$300.00 |
| iii) Hourly charge-out rate for staff | \$80.00 (GST incl) |
- CARRIED**

9. MACHINERY RESOLUTIONS

**Moved Crs Norriss/Kempthorne
CN06/01/08**

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 four million, eight hundred and forty three thousand six hundred and eighteen dollars (\$4,843,618) from Bank.
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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:	
		Saxton Field Development	\$527,000
		All Weather Sealed Roads	225,000
		Carparks - Harkness	120,000
		Footpaths Rehabilitation	100,000
		Streetscaping Wakefield	100,000
		Stormwater Ruby/Mapua Bay	223,018
		Wensley Road Main	752,600
		Sewer Pump/Stations	165,000
		Sewer Motueka Treatment Upgrade	140,000
		Sewer Richmond Infiltration	247,000
		Sewer Kaiteriteri	600,000
		Sewer Murchison Ponds	300,000
		Rugby Park Capital	900,000
		Seal Extension Mangles Valley	294,000
		Dovedale Water Renewal	150,000
			\$4,399,618
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/Kempthorne
CN06/01/09**

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

BONDS

Release of Bond - L D Ehau – Otia Estate Subdivision – Bond No. 6004202.9 - for incomplete works.

BYLAWS

**Consolidated Bylaw Chapter 4 – Speed Limit Bylaw 2004 – Amendment
14/12/05**

Consolidated Bylaw Chapter 9 – Trade Waste Bylaw 2005

EASEMENTS

A J Badcock & L S Cummins – RM031002 – easement in gross to TDC for stormwater.

C R Boote – RM050205 – easement in gross in favour of TDC for right to drain sewage.

C Clenshaw – RM040140 - easement in gross in favour of Council for right to drain water and sewer.

General Distributors Ltd – RM990295 – easement in gross in favour of TDC for right to drain sewage.

D B Kerr – RM - easement in gross in favour of TDC for right to drain sewage.

Tata Heights Syndicate – RM030686 – easement in gross in favour of TDC for right to drain water and sewer.

TRANSFER INSTRUMENT

**Transfer instrument from TDC to the Crown, being 550m² Section 1 SO 344757
CARRIED**

10. COUNCILLOR INFORMATION

The agenda contained a letter of 6 January 2006 from Mr G Wilson, Manager, Electricity, Resources and Networks Branch, Ministry of Economic Development. The letter responded to a letter of 14 November 2005 from the Chief Executive, Mr Dickinson, regarding the price paid for electricity from small scale generation.

Cr O'Regan said the same question should be put to the Minister.

**Moved Crs O'Regan/Borlase
CN06/01/10**

**THAT the original request regarding the price paid for electricity from small scale generation, together with the reply of 6 January 2006 from the Ministry of Economic Development, be referred to the Minister of Economic Development.
CARRIED**

11. ADOPTION OF DRAFT POLICY/PROCEDURE FOR THE APPOINTMENT OF DIRECTORS/TRUSTEES

A copy of the draft document was contained within the agenda as had been recommended on 9 December 2005 by the Combined Shareholders Group for adoption.

**Moved Crs Kempthorne/Higgins
CN06/01/11**

**THAT the revised Policy/Procedure for Appointment of Directors/Trustees, dated November 2005, be adopted by Tasman District Council.
CARRIED**

It was agreed that the introductory paragraph would have the words added "In accordance with Council approved Statements of Corporate Intent".

12. PROPOSAL TO STOP PATTIE STREET, PORT MOTUEKA

Property Manager J K Frater spoke to his report of 18 January 2006, contained within the agenda. He referred to the letter of objection dated 25 November 2004 from Mr Peter Canton and referred Council to the only available two options which were to uphold the objection or refer it to the Environment Court.

Engineering Manager Mr P Thomson used an aerial photo to explain the extent of the proposed street stopping and he proposed formation of Massey Street to the North.

Mr Peter Canton then spoke to his objection and said that the proposed street stopping was not adequately publicly notified. He claimed that there were no real safety concerns to justify the proposed stopping. He said that he would withdraw his objection if a public meeting was held in Motueka and the reasons for the proposed stopping explained fully, to allay a lot of public fears.

The Chief Executive advised that Council is not able to change the legal process.

**Moved Crs Kempthorne/Borlase
CN06/01/12**

**THAT the objection dated 25 November 2004 from Peter Canton, to the proposal to stop Pattie Street, Port Motueka, be referred to the Environment Court for determination.
CARRIED**

13. RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs Bryant/King
CN06/01/13**

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

**Pinegrove Trust
Staffing Matter**

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
Pinegrove Trust	Confirmation of Directors	Privacy of Natural Person

Staffing Matter	Consideration of Options	Privacy of Natural Person
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CARRIED

14. RESUMPTION OF OPEN MEETING

**Moved Crs Kempthorne/Inglis
CN06/01/17**

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

CARRIED

**Moved Crs Borlase/Wilkins
CN06/01/18**

THAT the following resolutions made in Committee, be confirmed in open meeting.

CARRIED

14.1 Pinegrove Trust

Cr King declared and interest and elected not to vote.

**Moved Crs Bryant/Norris
CN06/01/15**

THAT Council:

- i) Receives and accepts the resignations from the Pinegrove Trust of Hugh Grey, Diane Higgins, Julia de Weck and Cheryl Hill and;**
- ii) appoints Hugh Grey, Diane Higgins, Julia de Weck and Cheryl Hill for a new term (of up to three years) commencing 1 January 2006, as Trustees of the Pinegrove Trust and;**
- iii) Tim King retains membership on the Pinegrove Trust as the Council appointee.**

CARRIED

14.2 Tasman District Council Chief Executive Officer Appointment

**Moved Crs Norriss/King
CN06/01/16**

**THAT pursuant to the Local Government Act Schedule 7, Section 34(4), Council reappoints Mr R G Dickinson as Chief Executive for a six month term from 1 July 2006 until 31 December 2006, and that the Chief Executive Officer Review Subcommittee be authorised to carry out the necessary performance review as per Local Government Act Schedule 7, Section 35.
CARRIED**

There being no further business the Mayor thanked members for their attendance and the meeting closed at 2.30 pm.

Date Confirmed:

Mayor: