

MINUTES

TITLE: Tasman District Council
DATE: Thursday 20 April 2006
TIME: 9.30 am
VENUE: Lake Rotoiti Hall, Main Road, St Arnaud.

PRESENT: Mayor J C Hurley (Chair), Crs S J Borlase, S G Bryant, R G Currie, 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) and Administration Officer (B D Moore).

APOLOGIES

Moved Crs Norriss/Currie
CN06/04/03

THAT apologies from Crs King and Henry for absence, and Crs Borlase and Kempthorne for lateness be sustained.
CARRIED

1. PUBLIC FORUM

Mr Philip Borlase invited the Council to inspect the Lake Rotoiti Hall and said that it was nearing the point of receiving a Completion Certificate. He thanked Council for its support with the Hall and detailed the amount of public contributions.

Mr Ed Newport, President of Nelson Federated Farmers, spoke in opposition to the micro-chipping of dogs. He asked that Council continue to raise this matter with Local Government New Zealand. Mr Newport said that farmers appreciate the Council's input into Tb control measures.

Mr Colin Gibbs, President of Nelson/Marlborough Sheep Dog Trials Association, opposed the micro-chipping dogs and said that the proposal would not stop dog attacks on people.

Mayor Hurley said that he would report back to Federated Farmers following the Local Government New Zealand Zone meeting to be held in Dunedin during the next week.

2. CONFIRMATION OF MINUTES

2.1 Ordinary Council Meeting – Thursday 26 January 2006

**Moved Crs Wilkins/O'Regan
CN06/04/04**

THAT the minutes of the Ordinary Council meeting held on Thursday 26 January 2006, at Appleby, containing resolutions CN06/01/01 to CN06/01/16, be approved as a correct record.

CARRIED

2.2 Special Council Meeting – Thursday 23 February 2006

**Moved Crs Norriss/Riley
CN06/04/05**

THAT the minutes of a Special Council meeting held on Thursday 23 February 2006, at Upper Moutere, containing resolutions CN06/02/06 to CN06/02/18 be approved as a correct record.

CARRIED

2.3 Special Council Meeting – Tuesday 7 March 2006

**Moved Crs O'Shea/Inglis
CN06/04/06**

THAT the minutes of a Special Council meeting held on Tuesday 7 March 2006, at Upper Moutere, containing resolutions CN06/03/06 to CN06/03/10, be approved as a correct record.

CARRIED

2.4 Special Council Meeting – Wednesday 12 April 2006

**Moved Crs O'Regan/Norriss
CN06/04/07**

THAT the minutes of a Special Council meeting held on Wednesday 12 April 2006, at Richmond, containing resolutions CN06/04/01 to CN06/04/02, be approved as a correct record.

CARRIED

Cr O'Regan noted that Cr Kempthorne was an apology for this meeting.

3. REVIEW OF COMMUNITY BOARD DELEGATIONS

The Chief Executive referred to his report of 5 April 2006 contained within the agenda and tabled information from Golden Bay Community Board Chairman, Mr J Bell, who was unable to attend the meeting.

Cr O'Shea said as the only member of the Community Board Delegations Subcommittee present at today's meeting, that the Subcommittee wanted Council to restate its position and to achieve compliance with current legislation.

Cr Higgins questioned what the implications would be at just adhering to the Local Government Act and referred to the threat of rising bureaucratic costs and noted that there are sometimes multiple community associations.

Cr Wilkins provided examples of the Community Board's role in Motueka.

Cr Norriss acknowledged the concerns regarding costs of servicing expanding community boards, but said that the matters within Stage 1 of the recommendation are already happening.

Cr Currie said that status of community boards is clearly stated in Part 4, Section 52 of the Local Government Amendment Act 2002.

Cr O'Shea said that an agreement is required between community boards and Council in line with the Local Government Act.

**Moved Crs Norriss/O'Shea
CN06/04/08**

THAT Council adopts the following:

- i) That resolution CN00/03/11 be rescinded and replaced with the following role definition:**
- ii) Council notes the Community Board's legal role as prescribed in Part 4, Section 52 of the Local Government Act 2002.**
- iii) Further to this legal description, Council will expand the role of community boards in their wards as follows:**

Stage 1

Reporting on and prioritising activities in conjunction with budget and departmental managers, e.g. DIL's, footpaths and roading, river care groups, property sales and purchases; council cottages; to act as an advisory body for one off projects in the Ward.

Stage 2

Stage 1 plus a more formal consultation partnership (between Council and the Community Board). Council will ask the Community Board to consider and report on the proposed policy for Council cottages, reserves and halls, planning policy matters in their community or ward, ward rating proposals including the possibility of special ward rates and other matters as agreed from time to time.

- iv) **That such role definition will be reviewed/updated and confirmed after each triennial election.**

CARRIED

Cr Borlase arrived at the meeting at 10.15 am.

4. TASMAN DISTRICT COUNCIL CONSOLIDATED BYLAW CHAPTER 1 – INTRODUCTORY 2006

The Chief Executive referred to the staff report of 4 April 2006 contained within the agenda and advised that this introductory chapter was part of Richmond Borough Council's Bylaws and this updated version with minor amendments can be adopted by Council without needing the special consultative procedure.

The following additional amendments were noted:

Page 2, Section 4.4, is amended to read "licence should not be revoked or suspended";

Page 3, Section 6.2 (d) is to read "any authorised officer";

Page 6, Section 15 will read "into force of any of these bylaws, any person who wishes to install".

**Moved Crs O'Regan/Currie
CN06/04/09**

THAT Council adopts Chapter 1 Introductory of the Richmond Council Bylaws as amended and referred to as Chapter 1 – Introductory 2006, as part of the Tasman District Council Bylaw, as at 20 April 2006 and that this resolution be publicly notified.

CARRIED

5. PROPOSED MOTUEKA SWIMMING POOL

The Corporate Services Manager, Mr D G Ward, apologised for the absence of Community Services Manager Mr L L Kennedy and also the Motueka Pool Committee Chairman Mr B Faulkner.

A report was contained within the agenda and copies of the feasibility study dated 4 April 2006 had been provided to Councillors. The report recommended a Poll regarding the proposed Motueka Aquatic Centre be held and Mayor Hurley said that the Motueka Pool Committee wants involvement in developing the wording.

Mr Ward referred to a wide range of options and costs presented in the report and feasibility study and asked if Council was in a position to decide on preferred options. He provided a map containing 5 977 rateable properties within the proposed Poll area which links with the Richmond Pool designated rating contribution area, for the operating rate.

Cr Norriss said that the Poll should separate the properties in the Moutere/Waimea Ward from the remaining part of the polled area and information kept separately. He said that a rating poll should provide a breakdown of all the costs. He said that owners of multiple properties need a vote for each property.

Mr Ward said that there were 5 012 owners of 5 977 properties.

Cr Inglis agreed with the one vote per rateable property proposal and said that all costs payable should be stated.

Cr Bryant expressed agreement with the proposed poll but said that more information was needed on the operating rate and also information on the facilities rate.

Cr Inglis said that consideration should be given to heating the pool with a coal fired boiler to reduce costs.

Cr O'Shea said that she was concerned at the total costs and that Council needs to decide on an option with the total costs listed.

Cr Kempthorne arrived at the meeting at 11.20 am.

Cr O'Shea said that the facilities rate always included the proposed Motueka Pool and that a commitment needs to be made by Council regarding the use of the Motueka DILs for this project. She said that a clear steer is needed including where a proposed pool is to be located.

Mr Ward suggested staff agenda the matter for the next Corporate Services meeting with the suggested Pool questions.

Cr Wilkins sought clarification that Council resolved that the Motueka Pool would be located at the Motueka Recreation Centre.

Mayor Hurley said that the minutes need to be researched and consultation carried out with the Motueka Pool Committee and the Poll questions sorted out.

Cr Higgins said he was concerned about the uncertainty regarding the location. Council has spent quite a lot of money on this project already and he referred to other major projects and costs and debts which Council has incurred, and referred to the Museum, Motueka Rugby Park and proposed Murchison Sports Complex.

He said that maybe a Poll could indicate that the ratepayers may sink the project and the project could be left for three or four years.

Cr Inglis said that the Motueka Recreation Centre has a high tide problem and that the Pool would need to be located on an elevated site.

Mayor Hurley explained the history of the site selection.

**Moved Crs Norriss/Kempthorne
CN06/04/10**

**THAT the Motueka Aquatic Centre matter be allowed to lie on the table.
CARRIED**

6. RMA ACCREDITATION

The Chief Executive referred to the formal request from the Golden Bay Community Board that Council considers sponsoring Resource Management Act accreditation and training for interested Community Board members for the purpose of acting on Environment and Planning Hearing Panels.

The Mayor said that normal costs for initial accreditation training are about \$1,500 rather than \$195 as referred to in the report.

Cr Norriss suggested that Community Board members wanting to stand on Hearing Panels should get themselves elected to Council.

Cr Kempthorne referred to the consistency of decisions which can be achieved with Councillors acting on Hearing Committees.

**Moved Crs O'Regan/Bryant
CN06/04/11**

**THAT the status quo regarding Resource Management Act Hearings
accreditation be adhered to.
CARRIED**

7. MAYOR'S REPORT OF 19 APRIL 2006

Mayor Hurley tabled and spoke to his report. He said he had received a delegation from Richmond business people concerning recent vandalism and disorderly public behaviour, including alcohol consumption. He said that Council has to take a very proactive stance.

Mayor Hurley recommended that the Chief Executive review the proposed recycling rate and he was concerned that Council is heading towards a second year deficit in this area. He said he wants to see the recycling account going into surplus and Council needs to determine the correct level of that rate.

**Moved Crs Kempthorne/Borlase
CN06/04/12**

**THAT the Mayor's report of 19 April 2006 be received.
CARRIED**

8. GOLDEN BAY HOUSING TRUST PROPOSAL

The agenda contained a report of 11 April 2006 from the Chief Executive together with the policy on significance extracted from the Long Term Council Community Plan.

The matter had been considered by the Community Services Committee meeting on 22 March 2006 when the Community Services Manager's report of 10 March 2006 was discussed.

The situation had been referred to the Chief Executive to provide a report to Council on implications of using Council equity to assist the financing of outside organisations. Mr Dickinson said the proposal being considered is for Council to sell the four Golden Bay pensioner housing cottages and retain a management contract.

Council Solicitor, Mr W Heal, was present to speak to his letter of 7 April 2006 which was also contained within the agenda. He referred to the Trust Deed and the potential for Council to appoint Trustees.

Cr Currie said that Council should not give away Council housing which has been built with low interest government money for pensioner housing.

The interest of Cr Borlase as a Trustee was noted together with his intention not to vote on the subject. Cr Borlase explained the background to this proposal for ongoing affordable housing.

Moved Crs O'Shea/Kempthorne

- i) That the Chief Executive, Council's Solicitor and Cr form a Working Party to negotiate with Housing New Zealand and the Golden Bay Housing Trust a suitable Trust Deed and Memorandum of Understanding which protects Council's interests, but enables Central Government housing finance to be obtained for affordable housing in Golden Bay.
- ii) That this Working Party report back to Council if it believes a suitable arrangement can be achieved

A division was called for and Cr Borlase abstained from voting.

Cr Bryant	Against
Cr Currie	Against
Cr Higgins	For
Mayor Hurley	Against
Cr Inglis	Against

Cr Kempthorne	For
Cr Norriss	Against
Cr O'Regan	Against
Cr O'Shea	For
Cr Riley	For
Cr Wilkins	Against

LOST

The Chief Executive noted that the draft LTCCP/Annual Plan contains some wording referring to the subject which had been inserted prior to Council's decision today.

9. CHIEF EXECUTIVE'S REPORT OF 13 APRIL 2006

9.1 Office Accommodation

The Chief Executive reported that the office refurbishment project is now in the last stages of construction and completion is expected by late May 2006.

9.2 Review of Nelson-Tasman Regional Development Strategy 2002 Document

The Chief Executive's report advised that the Nelson Economic Development Strategy is due for review after four years and Nelson City Council has agreed to fund \$10,000.00 and Tasman District Council has been asked to find a similar amount. The report said that the amount could be accommodated within this Council's existing \$40,000.00 economic development budget.

Cr Norriss requested a list of the EDA's achievements over the last three years.

Moved Crs Kempthorne/Norriss CN06/04/13

**THAT the Tasman District Council provides \$10,000.00 for the 2006 review of the Regional Economic Development Strategy document.
CARRIED**

9.3 Invitation to Nelson Marlborough Area Health Board Chief Executive

Mr Dickinson suggested that an invitation be made to Mr John Peters, Chief Executive, of Nelson Marlborough Area Health Board, to visit Council.

Moved Crs Bryant/Mayor Hurley CN06/04/14

**THAT the Chief Executive's report of 13 April 2006 be received.
CARRIED**

10. MACHINERY RESOLUTIONS

**Moved Crs Norriss/Kempthorne
CN06/04/15**

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

BONDS

Silverhair Trust – RM040140 – bond to secure completion of works for subdivision.

CANCELLATION OF CONSENT NOTICE

M G & A A Turnball – RM010654 - Landsdowne Street, Pohara

COVENANTS

D A & N J Christie – RM050564 – – covenant requiring two titles to be held together.

P & C Pretty – RM0507099 –covenant against title for workers accommodation

M G Strange – RM050612 –covenant requiring two titles to be held together in common ownership.

Untamed Wilderness – RM050308 – covenant that two new dwellings shall not provide a future basis for subdivision of the title.

DEED OF ASSIGNMENT OF LICENCE

Golden Bay Emergency Communications Services Charitable Trust

EASEMENTS

Hardwood Homes Pty Ltd – RM960592 –easement in gross in favour of TDC for right to drain water.

A & J Johnston – RM000412 – easement in gross in favour of TDC for right to drain sewage.

Lifestyle Property Developments – RM030083 – easement in gross in favour of council for sewer and water.

K J & P York – RM031002 – easement in gross in favour of council for right to drain sewer.

A D McKay & S V Wisnewski – RM 040864 – easement in gross to TDC for right to drain sewage and water.

D G & B M Thorneycroft – RM030842 – easement in gross to TDC for right to drain sewage.

T & R Robinson – RM040012 – easement in gross in favour of TDC for right to drain water and sewer.

ESPLANADE STRIP

**Jolynda Farms Ltd -RM050552 – esplanade strip to council – State Highway 65, Maruia.
CARRIED**

11. NETWORK TASMAN TRUSTEE ELIGIBILITY

The Chief Executive spoke to a staff report of 18 April and an attached newspaper article of 15 April 2006 to show that the Network Tasman Trust proposes to amend the Trust Deed to exclude elected members or employees of a local authority from holding office as a Trustee.

Cr Higgins said there was no reason for this exclusion.

**Moved Crs Bryant/Wilkins
CN06/04/16**

**THAT the Chief Executive be authorised to make a submission to Network Tasman Trust, opposing this amendment to its Trust Deed, as the beneficiaries are adequately defined as those connected to the grid.
CARRIED**

12. RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs Norriss/Riley
CN06/04/17**

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

Port Nelson Limited

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
Port Nelson Limited	Director Appointment	To protect the privacy of a natural persons

CARRIED

The Mayor thanked members for their attendance and the meeting closed at 3.30 pm.

Date Confirmed:

Mayor: