

# MINUTES

**TITLE:** Tasman District Council  
**DATE:** Thursday 1 June 2006  
**TIME:** 9.30 am  
**VENUE:** Council Chamber, 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, N Riley, P K O'Shea and E J Wilkins.

**IN ATTENDANCE:** Chief Executive (R G Dickinson), Community Services Manager (L L Kennedy), Corporate Services Manager (D G Ward), Administration Advisor (S Hartley) and Administration Officer (B D Moore).

## 1. PUBLIC FORUM

Mr A Vaughan of Golden Bay spoke about Council's proposed representation review and the potential to affect the number of Councillors in Golden Bay.

Mrs J Vaughan said that Golden Bay needed two Councillors and a Community Board.

Mrs P Griffith of Collingwood spoke about the Heritage Trust Museum in Nelson and encouraged Council to provide sufficient future funding for this facility and other storage facilities such as at Isel Park.

Mrs S Worthington, Secretary of the Motueka Pool Committee, spoke about the proposed poll for the Motueka Pool and sought that this include tenants of properties. She spoke about the use of swimming pools by people with disabilities and said that some Motueka groups currently use the ASB Bank Aquatic Centre in Richmond.

Mr G Hope opposed the potential election of Councillors at large. He criticised the level of expenditure and Council indebtedness associated with the 10 year plan. He opposed legislation to require the microchipping of dogs.

A delegation from Nelson Federated Farmers was led by Mr E Newport and opposed the microchipping of dogs.

He noted the need for adequate and fair representation of people in the rural areas. Mr Newport suggested that Council should not get involved with projects in the Nelson City area. He said that the Uniform Annual General Charges be used to reflect the costs of services to people and not farms.

## **2. CONFIRMATION OF MINUTES**

**Moved Crs Inglis/Borlase  
CN06/06/01**

**THAT the minutes of a meeting of the Tasman District Council held on 20 April 2006, containing resolutions CN06/04/03 to CN06/4/18, be approved as a correct record.**

**CARRIED**

## **3. SPEAKING RIGHTS FOR GOLDEN BAY COMMUNITY BOARD CHAIRMAN, MR J BELL**

**Moved Crs Wilkins/Riley  
CN06/06/02**

**THAT speaking rights be granted to Golden Bay Community Board Chairman Mr J Bell for this meeting.**

**CARRIED**

## **4. REPRESENTATION REVIEW SUBCOMMITTEE RECOMMENDATIONS**

The agenda contained a report of 4 April 2006 from the Administration Advisor and the report provided background information on the public response to the Preliminary Consultation Exercise and the recommendations of the Representation Review Subcommittee meeting of 7 February 2006.

Mayor Hurley provided an outline of the effect of legislation and described how unitary authorities are treated in the same way as territorial local authorities and unlike regional councils. Mayor Hurley recommended that Council be elected at large, that is with no wards.

Cr Higgins described the work carried out by the Representation Review Subcommittee and said that five Wards with 12 Councillors is the closest that Council can get to the population rules under which is required to operate.

Cr Norriss favoured the retention of the status quo and spoke of the Council's regional responsibilities and the need to preserve representation of rural communities.

Cr Kempthorne supported Option 2 within the report for 5 Wards and 13 Councillors and the formation of community associations in Golden Bay and Motueka.

Cr O'Regan supported the status quo which he said provides better local representation.

Cr Henry expressed support for either 12 or 13 Councillors and either one or two from Golden Bay and without a Community Board in either Golden Bay or Motueka. She said alternatively that Golden Bay could have one Councillor and a Community Board.

She believed that Council represented people and not the land area and supported the retention of five Wards.

Cr Riley read parts of the last local government determination especially regarding rural representation and fair representation. He supported the status quo of 13 Councillors and 5 Wards, saying that Tasman District has both rural and urban communities. He reminded Council of the requirement to provide effective representation of communities of interest. The determination referred to the provision of enhanced representation on the basis of isolation, such as rural areas or by significant distance or travelling time.

The Chief Executive advised that the last local government determination was made under earlier rules, before the  $\pm 10\%$  population thresholds were required. He said that staff believe that the full status quo will be hard to justify, but a case for an isolated community can still be made.

Cr Borlase said that Golden Bay is isolated from the District by the Takaka Hill and in that situation, the isolated community exemptions can be justified.

Cr Wilkins supported retention of the status quo or alternatively the second option within the report with the addition of retention of both community boards.

Cr O'Shea said she would not vote for a reduction in representation and spoke of the need to retain community boards. She said that it was important to discuss the election of Council at large and referred to the possibility of a community board in each ward.

Cr Bryant opposed an election at large as rural representation would likely be lost. Council would need to decide on an option with at least one Councillor in the Lakes/Murchison Ward.

Golden Bay Community Board Chairman Mr J Bell supported the status quo. He said that the only two grounds to abolish a Community Board were where a community of interest no longer exists or it exists but no longer deserves community representation.

Cr Currie supported the abolition of the two community boards and noted that although the status quo was a difficult legal possibility, Council's vote for the status quo would require the Local Government Commission to make a ruling. He said that the rural areas are well represented by their Councillors and supported a Council comprising 13 Councillors and no community boards.

Cr Inglis said that Council should keep the rural representatives and the Golden Bay situation needs to be given consideration. He favoured the retention of 13 Councillors by the Ward system with the boundaries retained.

Cr King referred to the summary of submissions received saying that the definition of a community question was well supported and the population issue represented a 10 percent response. He felt that the election of representatives should be based on Wards and not at large. Cr King said that a newly appointed Local Government Commission exists and it should be provided with a well argued reasonable case for the status quo.

The Chief Executive noted the difficulty with the status quo proposal of providing some logical reasons for contravening the  $\pm 10\%$  population rule for the Richmond Ward.

**Moved Crs King/Norriss  
CN06/06/03**

**THAT the following be Council's initial proposal for representation arrangements for the next triennial election of the Tasman District Council, to be held on 13 October 2007:**

- a) **That in accordance with Section 19H of the Local Electoral Act 2001:**
  - i) **That members be elected by wards;**
  - ii) **That there be 13 members;**
  - iii) **That there be five wards as follows:**
    - **Motueka Ward**
    - **Golden Bay Ward**
    - **Moutere/Waimea Ward**
    - **Lakes/Murchison Ward**
    - **Richmond Ward;**
  - iv) **That the boundaries of these wards remain the same as the existing wards;**
  - v) **That the number of members to be elected per ward be as follows:**

- Motueka Ward, three members
- Golden Bay Ward, two members
- Moutere/Waimea Ward, three members
- Lakes/Murchison Ward, two members
- Richmond Ward, three members.

**b) That in accordance with Section 19J of the Local Electoral act 2001:**

- i) That the current two community boards, being Golden Bay Community Board and Motueka Community Board, be retained;**
- ii) That the current boundaries of the Motueka and Golden Bay Community Board remain the same;**
- iii) That the number of members of each Community Board be six;**
- iv) That the number of members to be elected to each Board be four and the number of members to be appointed to each Board be two;**
- v) That the members be appointed to each Board be elected members of their respective wards.**

**c) That public notice of this is given pursuant to the requirements of Section 19M of the Local Electoral Act 2001.**

Cr Norriss called for a division of voting.

Cr Higgins sought to amend the motion to abolish community boards and replace them with community associations, but this was not accepted by Mayor Hurley as he said the amendment is contrary to the motion to retain the status quo.

Cr Borlase	For
Cr Bryant	For
Cr Currie	Against
Cr Henry	Against
Cr Higgins	Against
Mayor Hurley	Against
Cr Inglis	For
Cr Kempthorne	Against
Cr King	For
Cr Norriss	For
Cr O'Regan	For
Cr O'Shea	For
Cr Riley	For
Cr Wilkins	For

**CARRIED**

**5. MICROCHIPPING DOGS – EP06/05/14**

The agenda contained a report dated 24 May 2006 from Cr Norriss as the Rural Services Portfolio holder. The report expressed concern about the cost and administrative effort for Council to administer the microchipping and database and cost and trouble for dog owners particularly in the rural community.

**Moved Crs Norriss/Inglis  
CN06/06/04**

**THAT the Tasman District Council expresses:**

- i) Its opposition to all members of Parliament, to the microchipping of rural or urban dogs first registered after 1 July 2006;**
- ii) Its concern to the Department of Internal Affairs and Local Government New Zealand about the cost of the national dog database and that the levy be set at \$0.00, with Central Government absorbing the cost.**

**CARRIED**

**6. LOCAL GOVERNMENT NEW ZEALAND ANNUAL GENERAL MEETING DELEGATES**

Council is required to advise Local Government New Zealand before 23 June 2006, the names of one presiding delegate to the Annual General Meeting of 19 July 2006 and one or more alternate delegates.

**Moved Crs O'Regan/O'Shea  
CN06/06/05**

**THAT Tasman District Council appoints Mayor John Hurley as presiding delegate and Cr T E Norriss as alternate delegate to the Local Government New Zealand Annual General Meeting on 19 July 2006.  
CARRIED**

## **7. MOTUEKA COMMUNITY SWIMMING POOL**

Mayor Hurley acknowledged the presence of Mrs S Worthington and Mrs B Wilson of the Motueka Pool Committee in the public gallery.

Mayor Hurley referred to the rating map which defined the area of rateable properties where the Poll would be conducted. The meeting briefly discussed the method of defining the voting ratepayer for each property and Mr Kennedy explained the requirement for the preparation of a voting roll to satisfy that requirement.

**Moved Crs Riley/Norriss  
CN06/06/06**

**THAT:**

- i) The voting paper contains one question only which will ask “Do you support the establishment of a community pool in Motueka which will require you to pay an annual operating rate of approximately \$23.00 on each rating assessment?”**
- ii) The period of 6 August 2006 to 30 August 2006 to be designated as the voting period.**
- iii) The area over which the poll will be conducted is that which has been designated as the blue shaded area on the map attached to the staff report dated 11 May 2006.**
- iv) The first named ratepayer on every property in the polling area be entitled to vote for each property owned, and that properties owned by companies, businesses etc be entitled to nominate a person not already on the roll for the poll, to vote on their behalf.**
- v) The poll be conducted in such a way that results specific to the Motueka Ward and to those parts of the Moutere/Waimea Ward can be separately reported.**
- vi) The poll be conducted using the “first past the post” system.**

- vii) That the poll be a postal vote.
- viii) **Of those who vote a majority in favour of the project over the entire polling area will represent a clear indication of the public's support of the project and that the outcome will be binding on Council and will acknowledge community facility rate criteria.**

**CARRIED**

## **8. MAYOR'S REPORT**

Mayor Hurley spoke about the Zone 5 and 6 Local Government New Zealand meeting held in Dunedin and issues discussed including dog microchipping and the Transit NZ construction programme and funding.

The Mayor sought attendance of a Council representative to the TRENZ 2006 Expo in Christchurch on 15 June 2006.

**Moved Crs Henry/Bryant  
CN06/06/07**

**THAT the Chief Executive nominates a senior staff member to attend TRENZ 2006 in Christchurch on 15 June 2006.**

**CARRIED**

The Mayor spoke about the official opening of the Grandstand and changing facilities in Motueka and the success of this completed project.

Mayor Hurley sought to form a working party to investigate the Richmond Library development proposal.

**Moved Mayor Hurley/Cr Norriss  
CN06/06/08**

**Mayor Hurley, Crs O'Shea, Currie, Henry and Kempthorne, the Chief Executive and Community Services Manager be appointed to a working party to fully investigate the Richmond Library development proposals.**

**CARRIED**

**Moved Mayor Hurley/Cr Norriss  
CN06/06/09**

**THAT the Mayor's report of 31 May 2006 be received.**

**CARRIED**



## **9. CHIEF EXECUTIVE'S REPORT FOR MAY/JUNE 2006**

### **9.1 Ruby Bay Bypass**

Land Transport funding was boosted by the Government's announcement on Thursday 19 May 2006 and the inclusion of Ruby Bay Bypass in the list of projects to be built in the next five years. The funding package will now be delivered through a five year, fixed appropriation.

### **9.2 Golden Bay Community Board By-Election**

The report advised that with the resignation of Mr Neil Hill from the Golden Bay Community Board, it is necessary to hold a by-election.

**Moved Crs Norriss/Borlase  
CN06/06/10**

**THAT pursuant to Section 79 of the Local Election Act 2002, the returned voting documents for the Golden Bay Community Board By-Election 2006, be processed during the voting period.  
CARRIED**

**Moved Crs Higgins/Bryant  
CN06/06/11**

**THAT the Chief Executive's report of 24 May 2006 be received.  
CARRIED**

## **10. ASB BANK AQUATIC CENTRE – PROJECT COMPLETION REVISED FUNDING**

The agenda contained a report of 22 May 2006 from the Community Services and Corporate Services Manager. Mr Kennedy advised that a breakdown of amounts of community funding can be provided. He referred to the contribution made by Nelson City Council.

**Moved Crs Kempthorne/Borlase  
CN06/06/12**

**THAT:**

- i) That the ASB Bank Aquatic Centre Construction Account be wound up and that the revised Richmond and Waimea/Moutere Reserve funding be Richmond 71.43% = approx \$1.1 million and Waimea/Moutere 28.57% = approx \$440,000.00;**

- ii) Any final costs relating to the Centre be funded from the Richmond Reserve Development Impact Levy Account.

**CARRIED**

**Moved Crs Henry/Kempthorne  
CN06/06/13**

**THAT Council expresses thanks to the Chief Executive, Mr Dickinson, and Corporate Services Manager, Mr D G Ward and Community Services Manager, Mr L L Kennedy for the work in relation to the completion of the ASB Bank Aquatic Centre construction project.**

**CARRIED**

## **11. MACHINERY RESOLUTIONS**

**Moved Crs Norriss/Borlase  
CN06/06/14**

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

### **AGREEMENT**

**TDC and Goldpine – for additional carparks in exchange for walkway.**

### **COVENANTS**

**G J and D M Brewer – RM060015 – covenant to prevent future subdivision of title.**

### **BYLAWS**

**Consolidated Bylaw Chapter 1 – Introductory**

## **DEED OF LEASE**

**TDC and M G Rea and others – lease of land for Jackett Island owners garages – Port Motueka**

## **DEED OF ASSIGNMENT OF LICENCE**

**From C W McIntyre to David Isbister – for former Collingwood Depot.**

## **EASEMENTS**

**G P Rowland – RM031093 – subdivision consent for easement in gross for right to drain sewer in favour of Tasman District Council.**

## **LICENCE TO OCCUPY**

**Mapua Boat Club Inc- occupation of Boat Clubrooms – Mapua Wharf**

**Colin and Vicki Truman – Road Reserve, Mapua Wharf – the Textile Shop  
CARRIED**

## **12. CONSIDERATION OF REASONS TO ACCOMPANY PUBLIC NOTICE FOR REVIEW OF REPRESENTATION ARRANGEMENTS**

A paper was tabled by staff providing the suggested wording of public notification of Council's proposal for the review of representation arrangements.

Council's suggestions, alterations and amendments were noted by staff.

## **13. RESOLUTION TO EXCLUDE THE PUBLIC**

**Moved Crs Higgins/Kempthorne  
CN06/06/15**

**THAT the public be excluded from the following part(s) of the proceedings of this meeting.**

**The general subject of the matter while the public is excluded, the reason for passing this resolution in relation to each 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:**

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for the passing of this resolution</b>
Roading Issue	Good reason to withhold exists under section 7	Section 48(1)(a)

**This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987, and the particular interests protected by Section 6 or 7 of the Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:**

**This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987, and the particular interests protected by Section 6 or 7 of the Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:**

<b>Reason to withhold information under Section 6 or 7</b>	
To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations	Section (7)(2)(i)

**CARRIED**

**Moved Crs Riley/Borlase  
CN06/06/17**

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

**CARRIED**

Mayor Hurley thanked members for their attendance and the meeting was closed at 3.00 pm.

Date Confirmed:

Mayor: