

# MINUTES

**TITLE:** Special Council  
**DATE:** Thursday 14 September 2006  
**TIME:** 9.30 am  
**VENUE:** Tasman Council Chambers, 189 Queen Street, Richmond  
**PRESENT:** Mayor J C Hurley, Crs 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, E J Wilkins  
**IN ATTENDANCE:** Chief Executive (R G Dickinson), Community Services Manager (L L Kennedy), Administration Advisor (S E Hartley), Minute Secretary (V M Gribble)

## APOLOGIES

Moved Crs Kempthorne/Inglis  
CN06/09/01

**THAT apologies for absence from Crs T B King and P K O'Shea be sustained.  
CARRIED**

Mayor Hurley welcomed J Bell, Chair of Golden Bay Community Board and L Gamby, Golden Bay Community Board Member.

## 1 CONFIRMATION OF MINUTES

### 1.1 Special Council Meeting – 31 July 2006

Moved Crs Henry/O'Regan  
CN06/09/02

**THAT the minutes of the Special Council meeting held on 31 July 2006, containing resolutions numbered CN06/07/16 and CN06/07/17 be confirmed as a true and complete record of the proceedings of that meeting.  
CARRIED**

### 1.2 Tasman District Council – 24 August 2006

Moved Crs Henry/O'Regan  
CN06/09/03

**THAT the minutes of the Council meeting held on 24 August 2006, containing resolutions numbered CN06/08/09 to CN06/08/20 be confirmed as a true and complete record of the proceedings of that meeting.  
CARRIED**

### **1.3 Special Council Meeting – 30 August 2006**

**Moved Crs Riley/Inglis  
CN06/09/04**

**THAT the minutes of the Special Council meeting held on 30 August 2006, containing resolutions numbered CN06/08/21 to CN06/08/26 be confirmed as a true and complete record of the proceedings of that meeting.**

**CARRIED**

### **2 LOCAL GOVERNMENT – ZONE 5**

Mayor Hurley tabled and spoke to a report on the Local Government – Zone 5 meeting, covering housing and rating issues. He also spoke about a meeting held with Hon Jim Anderton concerning aquaculture.

Mayor Hurley said the issue of a contaminated site at Redwoods Valley was discussed at a previous meeting. He tabled an indepth report and proposed to bring back a report to Council on the matter.

**Moved Crs Henry/Currie  
CN06/09/05**

**THAT the Mayor's report be received.**

**CARRIED**

### **3 CITIZENSHIP CEREMONY**

A Citizenship Ceremony was held for the following people:

Mr Peter Albrecht	Mrs Phuong Thi Minh Do
Mrs Susanne Albrecht	Mr Derek Howard Griffiths
Mr Marcos Patricio Biscaysaqu	Mrs Mary Philomena Griffiths
Mrs Maria Jimena Neiff	Ms Paula Michele Lemon
Mr Lars Oliver Dam	Mr Timothy Charles Self
Ms Esther Rosa Schou	Mr Mohamud Virani
Miss Lisbet Rosa Dam	Mrs Laura Totis
Mr Marcus Oliver Schou	

A group of children from Tasman School entertained with the National Anthem and another song.

Following the ceremony the candidates and school children joined the Committee for morning tea.

### **4 MOTUEKA SWIMMING POOL**

Mayor Hurley welcomed Mr Hickling from the Motueka Pool Committee.

Community Services Manager, Mr Kennedy, was present for discussion on this item.

The report contained in the agenda advised the Council of the result of the Motueka Community Pool poll held on Wednesday 30 August 2006.

Cr Wilkins advised that the Pool Committee has not met since the poll result. They would like the final decision to be deferred until they have done some more research on a way forward.

Cr Henry noted that the Council had resolved that the results would be binding on Council. The only way to deal with looking further would be to rescind item viii) of the resolution passed on 1 June 2006.

Cr Norriss did not support going back on the 1 June 2006 resolution.

Cr Kempthorne said the resolution is clear and the appropriate course of action is for Council not to proceed with the swimming pool at this stage.

Cr Inglis said the pool project will come back, even if it isn't proceeded with at the moment.

Cr O'Regan said the Motueka community would have to raise \$900,000 as its 20% contribution to the project. He believed it should be brought back to Council in two or three years time.

Mayor Hurley said the recommendation in no means rules out something else being brought to Council.

Mr Dickinson advised Council had passed a resolution saying the result would be binding. That is the official policy on the matter and the poll was conducted on that basis. The matter could be left on the table unresolved but someone would need to go through the process of revocation of the resolution.

The Motueka Pool Committee expressed appreciation to Mr Kennedy for his work on the project.

**Moved Crs Kempthorne/Borlase  
CN06/09/06**

**THAT as the majority who voted did not support the proposal, the Motueka Community Pool Committee be advised that Council will not be giving approval for this project to proceed to the next stage.  
CARRIED**

## **5 PORT TARA KOHE**

Mr Dickinson said a letter had been received from the Golden Bay Community Board dated 29 August 2006, and this was contained in the agenda for Council information.

Cr O'Regan said that the Navigation Bylaw provides for fees and charges to be negotiated.

Cr Kempthorne was aware that a lot of work has been done on Port Taranaki matters. He commended the Golden Bay Community Board on wanting to move forward in a positive way to put the Port in a sound position.

Mayor Hurley said the letter will be forwarded to the Council Enterprise Subcommittee.

Cr Borlase said publishing of the fees in the Bylaw is commercially sensitive and asked if other ports publish their fees and costs and whether it is a legal requirement.

Mr Dickinson said Port Nelson is a legal entity in a different position. This matter will be discussed at the Enterprise Subcommittee on 20 September 2006. Charges can be prescribed via the LTCCP process, which is reviewed annually, or they can be prescribed in the Harbour Safety Bylaw or in both.

Cr Riley considered the governance structure suggested in the letter is very productive and should be considered.

**Moved Crs Kempthorne/Norriss  
CN06/09/07**

**THAT the letter from the Golden Bay Community Board dated 29 August 2006 be received.  
CARRIED**

## **6 REPRESENTATION REVIEW**

Administration Advisor, Sandra Hartley, was in attendance for discussion on this matter.

Mr Dickinson spoke to the report contained in the agenda. The resolutions passed on 10 August 2006 and 24 August 2006 represent Council's view on its representation review. Staff compiled a list of reasons from the previous meetings and these were included in the public notice. Section 19K(2) requires an explanation of the reasons. The explanation of the reasons was shown as a note to the resolution. (See Minutes of 24 August 2006 Council meeting). The Local Government Commission's advice was to include the note in the minutes, but also ratify the reasons as proposed in this recommendation at today's meeting. Commission staff noted Council had given these reasons on the day it first published the public notice and the public have had the full month to make submissions and didn't believe Council needed to further extend the submission time.

Cr O'Regan commented on the reasons given and considered all the reasons given for Golden Bay Ward to be treated as an isolated community also relate to Lakes/Murchison Ward.

Mr Dickinson said if these reasons are now changed, Council will have to advertise again and run another 30 day statutory period.

Cr Henry asked if we readvertised and allowed another 30 days submission period, would the submissions received under the old reasons still be able to be used for the new reasons, or would they have to resubmit.

Mr Dickinson said technically it would make them invalid.

Cr Henry considered it was too onerous on the community to ask them to start their submissions all over again.

Cr Higgins said the recommendation as it is written correctly records the reasoning given in the debates Council held. Both recommendations are correctly recorded. He accepts some reasons carry more weight than others.

Cr Norriss said Council's unitary authority status should have been noted and hoped that submitters will note that point.

Cr Bryant said submitters will put up more reasons and the Commission will take them all into consideration and make a determination. It would be best to let these reasons go forward and promote that people should continue to submit.

Mr Dickinson explained that the Local Government Commission will set down a date for their hearing and Council will be one party making a submission and it can come up with more reasons if it wants to.

**Moved Crs Higgins/O'Regan  
CN06/09/08**

**THAT the reasons for the decision of resolution CN06/08/03 for Council representation arrangements for the 2007 local body elections are:**

**Council endeavoured to comply as closely as possible to Section 19V(2) of the Local Electoral Act, and gave the following reasons for departure in certain wards.**

**Golden Bay Ward to be treated as an isolated community for the following reasons:**

- **It is an isolated community requiring specific representation in order to provide effective representation;**
- **Has a very clear geographic line that separates the Bay from the balance of the district;**
- **Weather patters can vary considerably from the rest of the district with heavy rain causing flooding and slips that can isolate the Bay;**
- **Council contracts for roading, parks and reserves etc are all carried out from depots based in the Bay;**
- **The Bay has a relatively small permanent population which swells considerably during the holiday season with people using the camping grounds and many of the baches that remain empty for most of the year;**
- **Reduced number of members will compromise the rural voice;**

- There are four distinct communities of interest within the Golden Bay Ward;
- There are significant distance and travel times;
- Elected members are the eyes and ears of the community, Lakes/Murchison Ward to be treated as an isolated community for the following reasons:
- Very large geographic area separated from other Wards by hills
- Council roading contracts for this Ward are carried out from depots based in the Ward;
- Elected members are the eyes and ears of the community, and often the first point of contact for the wards ratepayers and residents;
- There are significant distance and travel times.

**Moutere/Waimea Ward departs from Section 19V(2) of the Local Electoral Act 2001 for reasons of:**

- Exceeding the population formula by 103 is considered to be only a minor departure from this section;
- By including the 103 into another ward would not change the representation for those wards.

**CARRIED**

Cr Borlase had concerns with the reasons in recommendation two.

Mayor Hurley said it is dealing with statutorily elected members.

Cr Borlase said delegations can't be given to community associations or councils. They can only be given to community boards.

Mayor Hurley said all of the information from the Representation Subcommittee will be part of the case presented to the Local Government Commission. They can trace everything that has been done from day one and questions will be asked of us. There will be comments from the media and all minutes will go to the Local Government Commission.

**Moved Crs Higgins/Bryant  
CN06/09/09**

**THAT the reasons for the decision of resolution CN06/08/13 for the dis-establishment of community boards are as follows:**

- The Motueka and Golden Bay Wards would be over-represented compared to the other three wards if Community Boards were retained.
- The other three Wards showed little interest in having Community Boards in their wards
- A special case has already been made for an isolated community for Golden Bay, and Council had resolved that two Councillors be elected from that ward.

- Motueka Ward is in close proximity to the Richmond Ward where the Council's headquarters is situated. This enables the Motueka Ward's resident and ratepayers to be provided with effective and efficient local government responsibilities
- The Community Boards role is similar to that of community councils, associations and ratepayer/resident associations, which are already established throughout the district. These groups are financially supported by Council, provide a forum for communities to air their concerns, and are attended regularly by the ward councillors.

**CARRIED**

## **9 PROHIBITION OF LIQUOR**

Cr Higgins said the annual Wakefield fireworks display has been brought forward this year to Labour Weekend. He said a controlled display will be held, with no bonfire. The endeavour of the Fire Brigade is to bring it back to a family event.

Cr Norriss said the cost of compliance is killing some of these community events.

**Moved Crs Higgins/Currie  
CN06/09/10**

**THAT the Tasman District Council (herein after referred to as the Council) hereby gives notice pursuant to Section 7.1 of the Control of Liquor in Public Places Bylaw that it has resolved:**

**That between the hours of 4.00 pm on Saturday 21 October 2006 and 6.00 am Sunday 22 October 2006, during the annual Wakefield Volunteer Brigade Fireworks Display, the following specified public places will be subject to a prohibition of the consumption and possession of intoxicating liquor as described hereunder:**

### **A DESCRIPTION OF THE SPECIFIED PUBLIC PLACES:**

- (i) The whole of the area known as the Wakefield Recreation Reserve.
- (ii) The whole of the area known as Faulkner Bush Reserve.
- (iii) The part of State Highway 6 adjoining the Wakefield Recreation Reserve and the Faulkner Bush Reserve.

### **B ACTS PROHIBITED IN THE SPECIFIED PUBLIC PLACES:**

- (i) The consumption or possession or both of liquor in, or the bringing of liquor into the specified public places.

### **C EXEMPTION**

**The resolution does not prohibit:**

The carriage of intoxicating liquor in vehicles passing through the part of State Highway 6 adjoining the Wakefield Recreation Reserve and the Faulkner Bush Reserve.

**D POWERS OF THE POLICE:**

A member of the police may, without warrant,—

- (a) For the purpose of ascertaining whether liquor is present, search
  - (i) A container (for example, a parcel, package, bag, or case) in the possession of a person who is in, or entering, a public place:
  - (ii) A vehicle that is in, or is entering, a public place:
- (b) Seize and remove liquor and its container if the liquor is in a public place in breach of a bylaw:
- (c) Arrest a person whom the member of the police finds committing an offence:
- (d) Arrest a person who has refused to comply with a request by a member of the police:
  - (i) to leave the public place; or
  - (ii) to surrender to a member of the police the liquor that, in breach of a bylaw, is in that person's possession.

**E CONDITIONS RELATING TO POWER OF SEARCH**

- (i) Before exercising the power of search under section 169(2)(a) in relation to a container or a vehicle, a member of the police must:
  - (a) Inform the person in possession of the container or the vehicle, as the case may be, that he or she has the opportunity of removing the container or the vehicle from the public place; and
  - (b) Provide the person with a reasonable opportunity to remove the liquor or the vehicle, as the case may be, from the public place.

**F DEFINITION**

In this notice “Intoxicating liquor” has the meaning given to it in the Sale of Liquor Act 1989.

**CARRIED**



**10 RESOLUTION TO EXCLUDE THE PUBLIC**

**Moved Crs Bryant/Riley  
CN06/09/11**

**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>Item</b>	<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>
<b>10.1</b>	<b>Port Nelson Limited – Confirmation of Director</b>	<b>Good reason to withhold exists under section 7</b>	<b>Section 48(1)(a)</b>
<b>10.2</b>	<b>Nelson Airport – Confirmation of Director</b>	<b>Good reason to withhold exists under section 7</b>	<b>Section 48(1)(a)</b>

**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>Item</b>	<b>Reason to withhold information under Section 7</b>	
<b>10.1</b>	<b>Protect the privacy of natural persons</b>	<b>Section 7(2)(a)</b>
<b>10.2</b>	<b>Protect the privacy of natural persons</b>	<b>Section 7(2)(a)</b>

**CARRIED**

(Refer to Confidential Minute Book, resolutions numbered CN06/09/12 to CN06/09/15).

**Moved Crs Bryant/Riley  
CN06/09/16**

**THAT open meeting be resumed and the business transacted while the public was excluded be adopted in open meeting.**

**CARRIED**

<b>10.1</b>	<b>Port Nelson Limited – Confirmation of Director</b>
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**Moved Crs Henry/Riley  
CN06/09/12**

**THAT upon the resignation of Mr Murray Sturgeon from the Board of Port Nelson Ltd, that Ms Bronwyn Monopoli be appointed to the Board of Port Nelson Ltd for a period of three years ending in October 2009.  
CARRIED**

**Moved Mayor Hurley/Cr Henry  
CN06/09/13**

**THAT a letter of appreciation be sent to Mr Murray Sturgeon on his retirement from the Board of Port Nelson.  
CARRIED**

**Moved Crs Kempthorne/Norriss  
CN06/09/14**

**THAT Mr A O Patterson and Mr P V Lough be reappointed to the Board of Port Nelson Ltd for a period of three years ending in October 2009.  
CARRIED**

<b>10.2</b>	<b>Nelson Airport – Confirmation of Director</b>
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**Moved Crs Higgins/Kempthorne  
CN06/09/15**

**THAT Ms J Fanselow be reappointed to the Board of Nelson Airport Ltd for a period of three years ending in October 2009.  
CARRIED**

The meeting concluded at 12.35 pm.

Chair:

Date: