

MINUTES

TITLE: Tasman District Council
DATE: Thursday 6 March 2008
TIME: 1.00 pm
VENUE: Council Chamber, 189 Queen Street, Richmond.

PRESENT: Mayor R G Kempthorne (Chair), Crs T B King (Deputy Mayor), S G Bryant, R G Currie, B F Dowler, J L Edgar, B W Ensor, G A Glover, M J Higgins, J L Inglis, T E Norriss, N Riley and E J Wilkins.

IN ATTENDANCE: Chief Executive (P J Wylie), Corporate Services Manager (M W Staite), Community Services Manager (L L Kennedy), Manager Regulatory (J Hodson), Development Engineer (D Ley), Environment and Planning Manager (D C Bush-King), Engineering Manager (P W Thomson) and Administration Officer (B D Moore).

APOLOGIES

**Moved Crs Currie/Edgar
CN08/03/01**

**THAT apologies from Cr Borlase for absence be sustained.
CARRIED**

1. PUBLIC FORUM

Cr J Inglis presented a certificate of appreciation to the Council on behalf of Friends of Motueka Hospital Trust.

Mr P Foster tabled and read from two papers on the subject of council meeting procedures particularly the Council meeting of 14 February and spoke on the subject of the proposal for targeted rates for community boards. He asked that an attachment referred to on the Council's website be also included in the website information.

Motueka Community Board member Mr D Eddy said that his appearance at the 14 February 2008 Council meeting public forum was not noted in those minutes. He spoke opposing the target rate proposal for Community Boards.

Golden Bay Community Board Chairman Mr J Bell said that the subject of targeted rates for community boards should not be in the Annual Plan until the local government review is complete. He acknowledged the latest draft costings for

community boards and said that if this information was put before Councillors for the vote on 14 February 2008, the result may have been different.

Mrs J Vaughan asked for the Council to rescind the targeted rate decision of 14 February 2008 and that management of community boards and further delegation to them could provide a change for the better.

Mr A Vaughan spoke of his concern with the process regarding targeted rates for community boards and that Council had been presented with three different sets of figures and that these had been reduced by fifty percent. He questioned why the District and Regional Facilities Rate were quoted at different levels in the staff report of 28 February in today's agenda and were different from those stated in the draft Funding Impact Statement. Mr Staite explained that the difference was the GST figure.

The Chief Executive, Mr Wylie, responded to matters raised by speakers in the public forum and explained how the Council follows the required procedures of meetings and a format for minutes.

2. AGENDA ITEMS

Mayor Kempthorne referred to further items on the agenda being:

- 1) Prohibition of liquor;
- 2) Governance evaluation process;
- 3) Mapua stopbank rate.

3. PROPOSED CHANGES TO LTCCP DEFINITIONS REPORT EP8/03/02

Manager Regulatory J Hodson spoke to this report and explained recommendations for possible changes to definitions in the current Long Term Council Community Plan for the definition of dwelling and workers accommodation. A further amendment was proposed to the Development Contributions Policy Clause 1.4 for water supply in the Coastal Tasman area. The amendment addressed other issues in relation to carparking requirements associated with rural activity.

It was agreed by consensus that this proposed amendment not be implemented and that a Subcommittee which currently hears objections to development contributions, which are assessed by staff, can continue to address this issue for both rural activities and community based activities. The issue of a discounted development contribution for water, wastewater and stormwater relating to first dwellings within a subdivision is a matter that Mr Bush-King said can be reviewed as part of the LTCCP process.

Cr Norriss referred to reductions previously agreed to by Council in addition to discounts for prompt payments.

Ms Hodson referred in her report to a proposed amendment to delete the final paragraph of Clause 1.4 to avoid conflict with Case Law.

**Moved Crs King/Inglis
CN08/03/02**

THAT:

- i) Report EP08/03/02, Proposed Changes to LTCCP Definitions be received;**
- ii) Council amends the Development Contributions Policy in the Long Term Council Community Plan as recommended in paragraphs three, four, five and six of Report EP08/03/02.**

CARRIED

4. TARGETED RATES COMMUNITY BOARDS

The agenda contained a report of 25 February 2008 from the Community Services Manager and Corporate Services Manager.

At this meeting an additional report was tabled dated 5 March 2008 and titled Updated Targeted Rates Community Boards, from those managers.

Chief Executive Mr Wylie explained that the first figures were clearly indicative and the community boards costs have changed as a result of consultation and discussion right up today's meeting. He said that we all want fair and robust figures and that they will set the operating budgets. Mr Wylie said that the prime matter to be decided was whether the costs will be applied district wide or community wide and that will occur at a future meeting. He said that the last Council meeting was to put a proposal in a draft Annual Plan document and that it is necessary for the draft Annual Plan process to be followed correctly.

Mr Staite reported that update meetings had been held with the Motueka and Golden Bay Community Boards on 20 and 25 February 2008 respectively.

Cr Glover said she was sorry that the issue had come to be such a problem for everybody. She said that she would like the community board to be accountable and work with the Councillors in the Golden Bay area. She said that Golden Bay is very well dealt with financially for the Golden Bay work and well provided for.

Cr Norriss expressed concern and said he wondered if the proposal was enough. He said that Council will be working with the Boards on future delegations and didn't want to sell the Council and the Boards short.

Mayor Kempthorne said he assumed that the proposed costings will assist the Boards to work to a budget.

Mr Wylie said the Local Government Act requires councils to set limits by budgets and that Council can amend costs at a later date. He said that there had been quite a lot of change in the figures which was because the Boards say they don't want funding in certain areas.

Cr Riley congratulated staff for the updated figures and said that cost overruns don't just occur for community boards.

Cr Riley said the Annual Plan process will allow the public to provide input into the issue.

Cr Bryant said it was amazing how the figures have come down quite quickly. He said that it was disappointing that the local government reorganisation in 1989 provided only two community boards within the Tasman District. He said he had no community board in his Ward and expressed his support for the recommendation.

**Moved Crs Norriss/Currie
CN08/03/03**

THAT:

i) Council confirms the proposal to apply a targeted rate in each ward where there is a community board in order that the operating costs of each Community Board that are in excess of a reasonable estimate of the operating costs equivalent to community council's/associations, are recovered with the respective Community Board ward rating area;

ii) that the following indicative rates per property to fund the operations of the respective Community Boards be included for consultation in the draft 2008/2009 Annual Plan'

**Motueka Ward \$12.50
Golden Bay Ward \$19.23**

iii) that staff be directed to continue to discuss cost reduction initiatives with each community board, and that staff continue to take all steps necessary to establish robust cost estimates, in order that firm and final figures are provided to the Council no later than 30 April 2008.

CARRIED

5. FEES AND CHARGES SCHEDULE

Corporate Services Manager Mr Staite spoke to his report of 27 February 2008 contained within the agenda with the attached schedule of charges. The proposal was to adopt the Schedule of Fees and Charges for inclusion in the draft 2008/2009 Annual Plan with the addition of a loan charge of \$2.00 for CD/DVDs.

**Moved Crs Bryant/Edgar
CN08/03/04**

**THAT the Fees and Charges Schedule attached to the report of 27 February 2008, be included in the draft 2008/2009 Annual Plan.
CARRIED**

6. FACILITIES RATE AND ASB AQUATIC CENTRE OPERATIONS RATE

Community Services Manager Mr Kennedy said that the Grants and Community Facilities Rate Subcommittee had met together with staff and proposed increases to the Regional and District Facilities Rates and the ASB Aquatic Centre Operations Rate as outlined within this report of 28 February 2008.

Crs Higgins and Glover left the meeting at 2.45 pm.

**Moved Crs Edgar/Bryant
CN08/03/05**

**THAT the recommendations of the Grants and Community Facilities Rate Subcommittee, in regard to the Regional and District Facilities Rates and ASB Aquatic Centre Operations Rate, be included in the draft 2008/2009 Annual Plan.
CARRIED**

7. PROHIBITION OF LIQUOR – WAKEFIELD FIREWORKS GALA

A report of 4 March 2008 from Administration Advisor S Hartley sought Council consideration to pass a resolution for a liquor ban at the Wakefield Recreation Reserve and associated areas for the purposes of a fireworks gala on Saturday 12 April 2008.

**Moved Crs King/Edgar
CN08/03/06**

THAT the Council agrees to accept as a late agenda item and 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 2004 that it has resolved:

That between the hours of 4.00 pm and 11.00 pm on Saturday 12 April 2008, during the Wakefield Volunteer Brigade Fireworks Gala, 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

(a) Before exercising the power of search under section 169(2)(a) of the Local Government Act 2002 in relation to a container or a vehicle, a member of the police must:

- (i) 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
- (ii) 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

8. RESOLUTION TO EXCLUDE THE PUBLIC

Moved Crs Wilkins/Dowler
CN08/03/07

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:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Mapua Stopbank Rate (Old Mill Walkway)	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:

Reason to withhold information under Section 7	
Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	Section 7(2)(b)(ii)

CARRIED

9. RESUMPTION OF OPEN MEETING

**Moved Crs Ensor/Edgar
CN08/03/09**

THAT the open meeting be resumed and the business transcribed during the time the public was excluded be adopted and the following resolution be confirmed in open meeting:

THAT the capital budget for the Old Mill Walkway Coastal Project in the draft 2008/2009 Annual Plan, be increased from \$475,600 to \$1,500,000 and the Funding Impact Statement be amended accordingly, retaining the funding formula of the LTCCP.

CARRIED

10. DRAFT 2008/2009 ANNUAL PLAN

The agenda contained a report of 22 February 2008 from the Corporate Services Manager together with a copy of the draft Funding Impact Statement for 2008/2009. The report referred to a Council Workshop held in December 2007 to consider the proposed rates and these were noted in this report and the draft Funding Impact Statement.

The report sought that Council adopt the draft 2008/2009 Annual Plan for release to the public. Mr Staite referred to required amendments for the Golden Bay Community Board rate of \$19.23 and Motueka Community Board rate for \$12.50. The proposed Mapua Stopbank Rate was amended to \$63.26.

**Moved Crs King/Riley
CN08/03/10**

THAT the Council adopts the draft 2008/2009 Annual Plan, incorporating the amendments outlined and incorporating the draft Funding Impact Statement attached to the report of 22 February 2008.

CARRIED

The Chief Executive suggested that when Councillors refer to figures in the Annual Plan that they use the dollar figures rather than percentages.

11. GOVERNANCE EVALUATION PROCESS

Cr King tabled copies of a proposal from Governance in Practice Limited. The proposal was to evaluate and advise Tasman District Council on best practice evaluation processes for Councillors.

Cr Norriss expressed support for the proposal.

Cr King said that should the Council agree to participate in this proposal that he suspected there will be a lot of minor changes in Council that will be as a result of this survey.

**Moved Crs King/Bryant
CN08/03/11**

**THAT the Council accepts the proposal of 26 February 2008 from Governance in Practice Limited, to carry out the Council evaluation process.
CARRIED**

Mayor Kempthorne thanked members for their attendance and closed the meeting 4.00 pm.

Date Confirmed:

Mayor: