

# MINUTES

**TITLE:** Tasman District Council  
**DATE:** Thursday, 6 September 2012  
**TIME:** 10.15 am  
**VENUE:** Council Chamber, 189 Queen Street, Richmond  
**PRESENT:** Mayor R G Kempthorne (Chair), Crs M L Bouillir, S G Bryant, J L Edgar, B W Ensor, G A Glover, J L Inglis, T B King, Z S Mirfin, C M Maling, T E Norriss, P F Sangster, E J Wilkins

**IN ATTENDANCE:** Chief Executive (L McKenzie)  
David Ogilvie, Chairman, Motueka Community Board  
Strategic Development Officer (S Edwards)  
Finance Manager (R Holden)  
Strategic Projects Adviser (M Tregurtha)  
Administration Officer (G Woodgate)

## APOLOGIES

Moved Crs Bryant/Maling  
CN12-09-01

THAT apologies from Cr B F Dowler for absence be received.  
CARRIED

## 1 PUBLIC FORUM

### 1.1 Rosemary Purse

Cr Edgar read a letter on behalf of Mrs Rosemary Purse regarding water rate charges for low flow restricted water supply.

## 2 HEARING OF SUBMISSIONS

### Proposal for Rates Remission Policy for Land Affected by Natural Disasters

#### 2.1 Peter Woods

Mr Woods thanked Council for remitting his rubbish and recycling rates and requested Council to consider further reducing the rates on his five sections.

Mr Woods requested Council extend the rates remission policy to include residential land.

## 2.2 **Karen Brooks - Golden Bay Community Board**

Ms Brooks advised that the Golden Bay Community Board would like to see:-

- a) Payments for rates which have continued to be made to Council in respect of properties made uninhabitable by flood and debris flow be refunded to the date of the event
- b) The proposed Policy apply to bare sections
- c) The proposed Policy be applied on a case by case basis
- d) A system of peer review be implemented in case of disputes.

Ms Brooks added that such a policy would create much good will towards Council and recognise the pain and suffering of affected ratepayers.

## 2.3 **Nelson and Golden Bay Provinces of Federated Farmers of New Zealand**

Mr Gavin O'Donnell, Mr Graham Ball and Ms Sue Brown spoke to the submission. They advised:-

- Federated Farmers are not happy with the proposed Policy in general terms
- The proposed Policy will create financial hardship for Tasman District Council ratepayers
- Some wording in the proposed Policy was seen as confusing
- If the proposed Policy is adopted, then cases should be judged on moral and/or individual grounds rather than by events
- Federated Farmers felt that land use availability was more the issue rather than a rates remission
- The repair or replacement of Council's infrastructure should always take first priority following a natural disaster.

## 3 **LATE ITEMS – Golden Bay Medical Centre Community Trust Trustee Appointments and Long Term Plan 2012-22 Submissions and Council Decisions**

Moved Crs Bryant/Edgar  
CN12-09-02

**THAT the Tasman District Council**

1. **ACCEPTS** the late agenda item RCN12-09-11 Golden Bay Medical Centre Community Trustee Appointments, as discussions were not concluded when the agenda was issued, and the appointment process needs to be concluded during September; and
2. **ACCEPTS** the late agenda item RCN12-09-12 Submission on Nelson City Council Long Term Plan as the letter was received after the agenda was issued, and Council needs to be aware of the information contained in the letter.

## **CARRIED**

These Items were deferred to later in the meeting.

## **4 CONFIRMATION OF MINUTES**

### **4.1 Extraordinary Council – 19 July 2012**

**Moved Crs Norriss/Mirfin  
CN12-09-03**

**THAT the minutes of an Extraordinary Council meeting held on 19 July 2012 containing resolutions CN12-07-01 to CN12-07-03 be confirmed as a true and complete record.**

**CARRIED**

### **4.2 Full Council – 26 July 2012**

**Moved Crs Inglis/Mirfin  
CN12-09-04**

**THAT the minutes of the Full Council meeting held on 26 July 2012 containing resolutions CN12-07-06 to CN12-07-18 be confirmed as a true and complete record.**

**CARRIED**

### **4.3 Matters Arising – Action Items**

The Chief Executive was advised that the Engineering Services Committee meeting of 30 August 2012 did not contain a list of Action Items nor does its Agenda ever contain a monthly report from the Engineering Manager.

## **5 REPORTS**

### **5.1 Amendments to Delegations Authority (RCN12-09-02)**

Chief Executive, Lindsay McKenzie, spoke to the report included in the agenda which made changes, as required, to the Tasman District Council Delegations Register.

Councillors advised of the need to notify all management Committees of the new delegation to issue trespass notices once the resolution was carried.

The Chief Executive assured the meeting that he would always consult the Mayor before deciding to exercise a vote on behalf of Council or to refer it to Council for a decision.

**Moved Crs Glover/Norriss  
CN12-09-05**

**THAT the Tasman District Council:**

- 1. RECEIVES the Report RCN12-09-02 and;**
- 2. AMENDS the following clauses of the Delegations Register to read as below:**

**Section 6.6 Authorisation to Issue a Trespass Notice**

**The authority to issue a trespass notice Council's behalf is delegated to:  
Chief Executive**

**Section 6.7 Authorisation to Vote on behalf of Council**

**The authority to vote on behalf of Council, where a resolution of Council is not a prerequisite, is delegated to:  
Chief Executive**

**Section 7.1 Authorisation of Operating and Capital Expenditure within Approved Budgets**

**The designated position and the officer (as at the time of publication) identified in Table 2 are also authorised to enter into specified contracts for services commensurate with their authorised expenditure limits, provided that any contracts for Grade A and B 'Health and Safety Approved'\* contractors, and/or any contracts that contain professional indemnity insurance, termination with notice, and intellectual property clauses shall be signed by a Third Tier Manager or above, and except for contracts in excess of \$300,000 which must be approved by the tenders panel in accordance with Section 11.4.**

**\* - as prescribed in the Tasman District Council's Health and Safety Systems Manual and the Contractors Health and Safety Information Booklet.**

**CARRIED**

**5.2 Final Activity Management Plans 2012 - RCN12-09-05)**

Strategic Projects Adviser, Mark Tregurtha, spoke to the report contained in the agenda which covered the final Activity Management Plans (AMPs) for all of Council's activities. It sought adoption of the final AMPs as supporting documents of Council's Long term Plan 2012-2022.

**Moved Crs Norriss/Maling  
CN12-09-06**

**THAT the Tasman District Council:**

- 1. Receives the Final Activity Management Plans 2012 and;**

**2. Adopts the Activity Management Plans for the following activities subject to incorporating changes as discussed:**

<b>a) Community Facilities</b>	<b>b) Library Services</b>
<b>c) Parks and Reserves</b>	<b>d) Recreation and Cultural Services</b>
<b>e) Aerodromes</b>	<b>f) Port Tarakohe</b>
<b>g) Property</b>	<b>h) Solid waste</b>
<b>i) Water Supply</b>	<b>j) Wastewater</b>
<b>k) Coastal Structures</b>	<b>l) Rivers</b>
<b>m) Stormwater</b>	<b>n) Transportation</b>
<b>o) Environmental Management</b>	<b>p) Public Health and Safety</b>

**CARRIED**

Cr Edgar abstained from voting.

**5.3 Rates Remission Policy for Land Affected by Natural Disasters - RCN12-09-04**

Chief Executive, Lindsay McKenzie, spoke to the report contained in the agenda.

The purpose of the report was to enable Council to consider the submissions received on a Statement of Proposal for a Rates Remission Policy to provide relief to ratepayers whose properties have suffered damage from natural disaster to the extent that they are no habitable.

In a summary of the Submissions heard earlier, the Chief Executive noted the following points:-

- Federated Farmers felt the proposed Policy's scope was too narrow ie. should include land and the loss of production value
- Revaluations were not the complete answer
- Rates remissions are to be applied for on an individual case by case basis
- A decision is required on whether an 'event' is in or out of the proposed Policy
- The proposed Policy cannot be retrospective.

Councillors then discussed the following points:-

- What degree of disaster is to be covered?
- Should Council put aside a capped annual sum (say \$25,000) for a Rates Remission Policy?
- Why does the proposed Policy apply only to residential land?
- Should the proposed Policy include farms, businesses and/or land other than residential?
- The proposed Policy does not differentiate between ratepayers batches, rentals, second houses or a principal residence
- The term 'event' needs clarifying – is it any event that affects anyone?

The Chief Executive was then requested to have the above matters factored into a draft Rates Remission Policy for Land Affected by Natural Disasters for consideration at the next Council meeting.

**Moved Crs Bouillir/Sangster  
CN12-09-07**

**THAT the Tasman District Council receives this report RCN12-09-04; and**

**REQUESTS staff to bring a draft Rates Remission Policy for Land Affected by Natural Disasters back to the next Council meeting for Council consideration and approval.**

A Division was called.

<b>Councillors</b>	<b>For</b>	<b>Against</b>
Mayor R G Kempthorne	✓	
M L Bouillir	✓	
S G Bryant	✓	
B F Dowler	-	-
J L Edgar	✓	
B W Ensor	✓	
G A Glover		✓
J L Inglis	•	
T B King	•	
C M Maling	•	
Z S Mirfin	•	
T E Norriss	•	
P F Sangster	•	
E J Wilkins	•	
<b>Total</b>	<b>12</b>	<b>1</b>

The Resolution was therefore **CARRIED**.

12.28 – 1.04 pm: Lunch.

Motueka Community Board Chairman Mr David Ogilvie did not return.

**5.4 Referral from Committee – Change of Reserves Classifications - RCN12-09-03**

**Moved Crs Edgar/Bryant  
CN12-09-08**

**THAT Tasman District Council:**

- 1. RECEIVES the report RCN12-09-03; and**
- 2. AGREES to the proposed changes of classification of the portion of the Tapawera Recreation Reserve as shown in Appendix 1 of the report and the portion of the Brightwater Recreation Reserve as shown in Appendix 2 of the report from recreation reserve to local purpose (community buildings) reserve under Section 23 of the Reserves Act 1977; and**
- 3. REQUESTS that the Minister of Conservation approves the change of classification, as outlined in 2 above, under Section 24 of the Reserves Act 1977.**

**CARRIED**

**5.5 CEO Activity Report – RCN12-09-07**

Chief Executive, Lindsay McKenzie, spoke to the report contained in the agenda. The report highlighted his key activities since the 26 July 2012 Council meeting.

**Moved Crs Maling/Inglis  
CN12-09-09**

**THAT the Tasman District Council**

- 1. RECEIVES the Chief Executive's Activity Report RCN12-09-07; and**
- 2. ENDORSES the submission to the New Zealand Productivity Commission on Local Government Regulatory Performance in Attachment 1.**

**CARRIED**

**5.6 Communitrak Survey Results Report - RCN12-09-06**

Strategic Projects Adviser, Mark Tregurtha, spoke to the report contained in the agenda.

The purpose of the report was to advise Council that the Communitrak Residents Survey has been carried out, and for Council to receive the survey report prepared by the National Research Bureau (NRB).

Councillors discussed the following matters:-

- The need for the Survey to be undertaken annually

- The cost of the annual Survey.

Moved Crs Glover/Bouillir  
CN12-09-10

THAT the Communitrak Residents Survey be carried out biennially.  
LOST

**Moved Crs Ensor/Mirfin**  
**CN12-09-11**

**THAT the Tasman District Council:**

1. **RECEIVES** the report on the 2012 Communitrak Survey Results RCN12-09-06
2. **RECEIVES** the Communitrak Survey May/June 2012 Report prepared by the National Research Bureau;
3. **NOTES** that the Communications Subcommittee have discussed and considered the communication matters in the Communitrak Survey report at its meeting on 23 August 2012.

**CARRIED**

#### **5.7 Mayor's Report – RCN12-09-08**

The Mayor's Report included a commentary of the Mayor's activities for July/August 2012, for Councillors' information.

**Moved Crs Edgar/Maling**  
**CN12-09-12**

**THAT the Tasman District Council receives the Mayor's Report for July/August 2012 (RCN12-09-08).**  
**CARRIED**

#### **5.8 Machinery Resolutions (RCN12-09-09)**

Chief Executive, Lindsay McKenzie, spoke to the report contained in the agenda.

Councillors sought further explanation about the Deed of Variation with the Nelson Tasman Cycle Trails Trust. The report was left to lie on the table while that advice was obtained. The variation extended the agreement to the recently approved stages of the Trail.



**Moved Crs Norriss/King  
CN12-09-13**

**THAT the Tasman District Council receives the Machinery Resolutions report RCN12-09-09 and that the execution of the following documents under the Seal of Council be confirmed:**

**Deed of Variation**

Tasman District Council - Consultancy services agreement between Tasman District Council and Nelson Tasman Cycle Trails Trust

**Lease**

Golden Bay Air, 11103L6, new lease at Takaka Aerodrome for 15 year term. Golden Bay Air building own hanger and passenger terminal area

**Licence**

Golden Bay Pony Club & Riding for the Disabled, 11757L1, 5 year licence to occupy old Catchment Board depot area in Takaka for Pony Club and other associated activities

Tapawera Playcentre, 21944L3, Tapawera Playcentre, 5 year licence to occupy at Tapawera Memorial Recreation Reserve

**Plan Approval**

Tasman District Council - Plan change approval certificate under the Resource Management Act 1991

**Renewal Deed**

Renewal Deed, Birdhurst, 42501L1, Right of renewal, 3 year term for Birdhurst at Motueka Depot - ex-Catchment Board, 79 Lynhurst Drive, Motueka

**CARRIED**

**6 LATE ITEMS – Golden Bay Medical Centre Community Trust Trustee Appointments and Long Term Plan 2012-22 Submissions and Council Decisions**

**6.1 Golden Bay Medical Centre Community Trust Trustee Appointments  
RCN12-09-11**

Mayor Kempthorne spoke to the report contained in the agenda.

The purpose of the report was to consider and appoint a Council representative to join the remaining members of the Golden Bay Community Centre Trust to make up an appointment panel to fill two Trustee vacancies.

**Moved Crs Bouillir/Edgar  
CN12-09-14**

**THAT the Tasman District Council:**

- 1. APPOINTS Councillor Norriss as the Tasman District Council representative on the Trustee Appointment Panel for the selection process for current vacancies on the Golden Bay Medical Centre Community Trust; and**
- 2. REQUESTS staff to make an amendment to the Council's Committees and Appointments register to show that Councillor Norriss remains as Council's representative on the Trustee Appointment Panel on the Golden Bay Medical Centre Community Trust for the remainder of this Council triennium.**

**CARRIED**

## **6.2 Long Term Plan 2012-22 Submissions and Council Decisions**

Chief Executive, Lindsay McKenzie, spoke to the report contained in the agenda.

A letter dated 21 August 2012 from the Nelson City Council's Acting Chief Executive was tabled regarding Tasman District Council's submission to the Nelson City Council's draft Long Term Plan 2012-22.

**Moved Crs Edgar/Ensor  
CN12-09-15**

**THAT the Tasman District Council receives the response letter from Nelson City Council regarding Long Term Plan 2012-22 Submissions and Council Decisions.**

**CARRIED**

## **7 RESOLUTION TO EXCLUDE THE PUBLIC**

**Moved Crs Bryant/Mirfin  
CN12-09-16**

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

- 7.1 Riwaka-Kaiteriteri Road Realignment at Pukekoikoi (Turners Bluff) – Funding Proposal**
- 7.2 VPCL Negotiations (J Ironside in attendance)**
- 7.3 Industrial Water Users Charges – Update (J Ironside in attendance)**

**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</b>	<b>Reason for passing this</b>	<b>Ground(s) under Section</b>
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	<b>each matter to be considered</b>	<b>resolution in relation to each matter</b>	<b>48(1) for the passing of this resolution</b>
7.1	Riwaka-Kaiteriteri Road Realignment	Good reason to withhold exists under Section 7	Section 48(1)(a)(i)
7.2	VPCL Negotiations	Good reason to withhold exists under Section 7	Section 48(1)(a)(i)
7.3	Industrial Water Users Charges - Update	Good reason to withhold exists under Section 7	Section 48(1)(a)(i)

**This resolution is made in reliance on Section 48(1)(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or 7 of that 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>		
7.1	Enable a local authority holding the information to carry out, without prejudice or disadvantage, commercial activities	7(2)(h)
7.2	Enable a local authority holding the information to carry out, without prejudice or disadvantage, commercial activities	7(2)(h)
7.3	Enable a local authority holding the information to carry out, without prejudice or disadvantage, commercial activities	7(2)(h)

**CARRIED**

(Refer to Confidential Minutes, Resolution numbered **CN12-09-17**)

**Moved Crs Sangster Norriss  
CN12-09-18**

**THAT open meeting be resumed.  
CARRIED**

The meeting concluded at 3.26 pm.

Date Confirmed:

Chair: