

MINUTES

TITLE: Council Meeting
DATE: Thursday 22 March 2007
TIME: 9.30 am
VENUE: Tasman Council Chambers, 189 Queen Street, Richmond
PRESENT: Mayor J C Hurley, Crs T B King, M J Higgins, T E Norriss, E M O'Regan, S G Bryant, N Riley, S J Borlase, E J Wilkins, J L Inglis, P K O'Shea, E E Henry, R G Currie, R G Kempthorne
IN ATTENDANCE: Acting Chief Executive (L L Kennedy), Corporate Services Manager (D G Ward), Minute Secretary (V M Gribble)

1 CONFIRMATION OF MINUTES

1.1 Ordinary Council – 8 February 2007

Cr O'Regan asked that resolutions passed in Committee be included in the open meeting minutes when it is resolved that they be adopted in open meeting.

**Moved Crs O'Regan/Currie
CN07/03/05**

**THAT the minutes of the Ordinary Council meeting held on 8 February 2007, containing resolutions CN07/02/01 to CN07/02/12 be confirmed as a true and correct record of the proceedings of that meeting, with the resolutions passed in Committee being noted in the open meeting minutes.
CARRIED**

2.2 Special Council – 22 February 2007

**Moved Crs Inglis/Norriss
CN07/03/06**

**THAT the minutes of the Special Council meeting held on 22 February 2007, containing resolutions CN07/02/13 to CN07/02/19 be confirmed as a true and correct record of the proceedings of that meeting.
CARRIED**

3 FUNDING OPTIONS FOR LAND ACQUISITION

The agenda contained a report from the Corporate Services Manager entitled "Funding Options for Land Acquisition".

Cr O'Regan considered that development contribution money is for projects listed in the LTCCP. He felt the appropriate way forward would be to request Engineering to

make a submission on the annual plan with relation to building this project into the HUD calculation.

Cr Norriss said at the time Council debated the purchase of the land, it was intended to recover the cost from development at Best Island.

**Moved Crs Kempthorne/Norriss
CN07/03/07**

THAT:

- a) the funding cost associated with the loan to acquire 2071 m² at Best Island which will vest as road be charged against the general rate in the 2007/2008 financial year.
- b) A mechanism for cost recovery be established and reported back to Council.
- c) Consideration be given for cost recovery of previous projects financed through the Council's Capital Development Fund.

CARRIED

**4 PROHIBITION OF LIQUOR WAKEFIELD VOLUNTEER FIRE
BRIGADE FIREWORKS GALA**

Mr Kennedy advised the proposed resolution is to ban liquor on the day of the Wakefield Volunteer Brigade Fireworks Gala on Saturday 28 April 2007.

**Moved Crs Bryant/Norriss
CN07/03/08**

THAT 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 2.00 pm on Saturday 28 April 2007 and 9.00 pm Saturday 28 April 2007, 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

- (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.

subject to clarification of the hours of closure being received.

CARRIED

5 MACHINERY RESOLUTIONS

**Moved Crs O'Regan/Riley
FN07/03/09**

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

COVENANTS

K and R Hall – R M 041278 – boundary adjustment for property in Dovedale Road – variation to consent condition and covenant requiring two parcels of land to be held together.

J W and J L Mason – RM010663 – to erect a second dwelling as dependent relatives dwelling on property at McBrydies Road, Motueka, covenant stipulating dwelling to be removed or rendered an accessory building when no longer required.

CARRIED

6 REPORTS

6.1 MAYOR HURLEY'S REPORT

Mayor Hurley spoke to his report which included an invitation to Council to send someone to the TRENZ function which is being held on Thursday 24 May 2007, in Rotorua. He advised that day is not suitable for Councillors, but suggested a staff member may be able to attend.

The President of Local Government New Zealand had reported that a recent poll revealed that the greatest degree of dissatisfaction within councils was about the representation review $\pm 10\%$.

Discussion was held on the Local Government subscription which is proposed to be increased by 5% to 6%.

**Moved Crs Bryant/Borlase
CN07/03/10**

**THAT the Mayor's report dated 20 March 2007 be received.
CARRIED**

6.2 ACTING CHIEF EXECUTIVE OFFICER'S REPORT FOR MARCH 2007

Mr Kennedy spoke to his report which was contained in the agenda. He noted he had spent considerable time dealing with Ombudsmen issues and other general ratepayer inquiries and concerns.

6.2.1 Port Nelson Ltd and Nelson Airport Ltd – Six Monthly Financial Reports

**Moved Crs Henry/Kempthorne
CN07/03/11**

THAT the Six Monthly Financial Reports for Port Nelson Ltd and Nelson Airport Ltd be received.

CARRIED

6.2.2 The Local Government Rates Inquiry

**Moved Crs O'Shea/King
CN07/03/12**

THAT the Council delegation and Chief Executive prepare a submission on behalf of the Council covering the questions raised in the Inquiry Team's background information.

CARRIED

Mayor Hurley thanked Mr Kennedy for his role as Acting Chief Executive and said his efforts have been appreciated.

**Moved Crs O'Shea/Kempthorne
CN07/03/13**

THAT the Acting Chief Executive's Report be received.

CARRIED

6.3 2007 TASMAN DISTRICT COUNCIL ELECTIONS

The report contained in the agenda sought Council approval for the voting documents in the 2007 Tasman District Council triennial general elections to be processed during the voting period and a decision as to the preferred option in regard to the order in which candidates names will appear on the voting documents in the 2007 Tasman District Council triennial general elections.

**Moved Crs King/Henry
CN07/03/14**

THAT:

- 1. pursuant to Section 79 of the Local Electoral Act 2001, the returned voting documents for the 2007 Tasman District Council triennial elections be processed during the voting period;**
- 2. pursuant to Section 31 of the Local Electoral Regulations 2001, the name of candidates in the 2007 elections for Mayor, Councillors and Community Board members of Tasman District Council are to be arranged in alphabetical order of surname.**

CARRIED

5 TASMAN RUGBY UNION

A deputation of Lee Germon, Todd Blackadder, Max Spence and Doug Sharland from Tasman Rugby Union were present to discuss facility requirements at Trafalgar Park and they suggested the Council contribute to the cost of temporary seating for the Park.

Mr Blackadder advised the Council of work the Rugby Union is doing with junior grade rugby players.

**Moved Mayor Hurley/Cr Henry
CN07/03/15**

THAT Crs Riley and Norriss together with one Tasman District Council staff member and one other person from outside, investigate and report back as soon as possible on what could be obtained in the way of temporary seating within the current budget.

CARRIED

Crs Higgins and Wilkins left the meeting at lunch time.

9 RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs Kempthorne/Borlase
CN07/03/16**

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:

Item	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
9.1	Tasman Bays Heritage Trust	Good reason to withhold exists under section 7	Section 48(1)(a)
9.2	Golden Bay Integrated Health Services Project	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:

Item	Reason to withhold information under Section 7	
9.1	To enable the Council to carry out, without prejudice or disadvantage, negotiations	Section 7(2)(i)
9.2	To enable the Council to carry out, without prejudice or disadvantage, negotiations	Section 7(2)(i)

CARRIED

**Moved Crs Kempthorne/Borlase
CN07/03/17**

THAT Mrs Jan Morgan be in attendance to answer questions.

CARRIED

(Refer to Confidential Minute Book, resolutions numbered CN07/03/18 and CN07/03/19).

**Moved Crs O'Regan/Borlase
CN07/03/20**

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

CARRIED

**Moved Crs O'Shea/Kempthorne
CN07/03/18**

THAT a working group made up of the two Golden Bay Councillors, Chair of Corporate Services, Chief Executive and Manager Property Services be asked to consider the Feasibility Study for the Golden Bay Integrated Health Services Project and report back their findings to the next Council meeting, including the impact of asset devolution to the proposed Trust.

CARRIED

**Moved Crs Henry/Riley
CN07/03/19**

THAT the Tasman Bays Heritage Trust Report to Shareholders be received.

CARRIED

The meeting concluded at 2.40 pm.

Chair:

Date: