

# MINUTES

**TITLE:** Tasman District Council  
**DATE:** Thursday 3 May 2007  
**TIME:** 9.30 am  
**VENUE:** Council Chamber, 189 Queen Street, Richmond.

**PRESENT:** Mayor J C Hurley (Chair), Crs T B King (Deputy Mayor), 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 (P Wylie), Community Services Manager (L L Kennedy), Acting Corporate Services Manager (M W Staite), Property Manager (J K Frater) and Administration Officer (B D Moore).

## APOLOGIES

Moved Crs O'Riley/Kempthorne  
CN07/05/01

That apologies from Cr Borlase for absence be sustained.  
CARRIED

## 1. PUBLIC FORUM

Mr M Lyle, Resource Management Consultant, said he also spoke on behalf of Mr C Edmonds and indicated support for the proposal in today's agenda to allow the Chief Executive, subject to some criteria, to be authorised to vary the Long Term Council Community Plan Work Programme on a case by case basis.

## 2. CONFIRMATION OF MINUTES

### 2.1 Extraordinary Meeting of Tasman District Council – 15 March 2007

Moved Crs Henry/Inglis  
CN07/05/02

**THAT the minutes of the extraordinary meeting of Tasman District Council held on 15 March 2007, containing resolutions CN07/03/01 to CN07/03/03, be approved as a correct record.**  
CARRIED

## **2.2 Council Meeting – 22 March 2007**

**Moved Crs Inglis/Henry  
CN07/05/03**

**THAT the minutes of the Council meeting of 22 March 2007, containing resolutions CN07/03/05 to CN07/03/20, be approved as a correct record.  
CARRIED**

## **3. VARIATION TO COUNCIL'S LONG TERM COUNCIL COMMUNITY PLAN – ENGINEERING WORKS' BUDGET**

Acting Corporate Services Manager M W Staite spoke to this report of 13 April 2007 contained within the agenda.

Mr Staite explained the purpose of the proposal was to assist land developers and allow Council to have some leeway to assist the community in its endeavours and report back to Council when this is done.

Cr Kempthorne said that the policy needs to allow for a significant cost benefit to Council and an analysis is required. The third paragraph of the proposed criteria was amended to read "Any likelihood of the significance policy being breached would mean that this policy would not apply."

**Moved Crs Norriss/Currie  
CN07/05/04**

**THAT the Chief Executive, subject to amended policy within the report of 13 April 2007 titled "Variations to Council's Long Term Council Community Plan Engineering Works' Budget", be authorised to vary the LTCCP Work Programme on a case by case basis.  
CARRIED**

## **4. CHIEF EXECUTIVE'S REPORT – 26 APRIL 2007**

Chief Executive Mr P Wylie advised the Council that Murray Staite had been appointed to the position of Corporate Services Manager to replace David Ward who would leave the Council on 22 June 2007 to take up the role of Chief Executive of the Horowhenua Council.

David Ward had been employed by the Tasman District Council for 16 years.

Cr Higgins raised the matter of the Nelson Regional Sewerage Authority proposed dividend payment and expressed some concern at the fairness of the levy paid by contributing industry.

**Moved Crs King/Bryant  
CN07/05/05**

**THAT Council requests the Chief Executive to report back on the Regional Sewerage Business Unit Plan and the payment of the dividend.  
CARRIED**

The Council welcomed Chief Executive Mr P Wylie to his first full Council meeting.

**Moved Crs Norriss/King  
CN07/05/06**

**THAT the Chief Executive's report of 26 April 2007 be received.  
CARRIED**

## **5. MUSEUM EXHIBITION – LEONARDO da VINCI MACHINES**

Ms S Chapman of Tasman Bays Heritage Trust made a presentation to Council on the proposed exhibition of models for the Leonardo da Vinci Exhibition during the period November 2007 to February 2008. Sponsorship was being sought from throughout the community and also \$15,000.00 each from Nelson City and Tasman District Councils.

This matter would also be presented to Council as an Annual Plan submission.

## **6. TASMAN BAYS HERITAGE TRUST – REQUEST FOR FUNDS**

Community Services Manager Mr Kennedy spoke to this report of 24 April 2007 contained within the agenda. The agenda contained a letter of 26 February 2007 from the Trust's Chief Executive together with a list of financial costs which have been above and beyond the 2006/2007 budget.

The Nelson City Council and Tasman District Council's Combined Shareholders Group has recommended that the two councils agree to the request to pay \$53,125.00 each.

Cr O'Shea responded to questions about this situation and advised that she would not vote on this recommendation.

**Moved Crs Henry/Riley  
CN07/05/07**

**THAT the Tasman District Council approves the request for the additional \$53,125.00 for the Tasman Bays Heritage Trust to be funded during the 2006/2007 financial year.  
CARRIED**

## **7. TRAFALGAR PARK DEVELOPMENT AND PORTABLE SEATING**

Community Services Manager Mr Kennedy introduced this report of 26 April 2007 which included a recommendation from the Working Group that had been formed to investigate and report back on the temporary seating, following the Council resolution of 22 March 2007.

Mr Kennedy said that the cost of the portable seating would be funded from the Regional Facilities Rate and that should be included in the recommendation. Mr Kennedy spoke of the potential for hireage of the seating to other areas.

**Moved Crs Riley/Bryant  
CN07/05/08**

**THAT the Tasman District Council agrees to purchase 3 000 portable seats for use at Trafalgar Park and other venues at a total cost of between \$456,000.00 and \$500,000.00 plus GST and that Crs Riley and Norriss along with the appropriate staff;**

- a) Have power to accept the final quotation;**
- b) continue to investigate the best means of managing the hire, useage and storage of the seats;**
- c) the costs are to be funded from the Regional Facilities Rate.**

**CARRIED**

## **8. TRAFALGAR CENTRE DEVELOPMENT – SPLIT FUNDING**

The agenda contained a report of 26 April 2007 from the Community Services Manager providing the recommendation of the Grants and Community Facilities Rates Subcommittee on the split funding between Nelson City and Tasman District Councils, for the proposed Trafalgar Centre new development work.

Cr King said it is unlikely that Council will see another venue of this type and size in the District.

Cr O'Shea spoke in support of the proposal especially as a regional facility catering for large events.

**Moved Crs O'Shea/Henry  
CN07/05/09**

**THAT up to \$530,000.00 be included in the draft 2008/2009 Annual Plan, towards the capital improvements proposed by Nelson City Council, to the Trafalgar Centre and that this be subject to the Nelson City Council completing the work by December 2010.**

**CARRIED**

## **9. MACHINERY RESOLUTIONS**

**Moved Crs Bryant/Kempthorne  
CN07/05/10**

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

### **COVENANTS**

**G S and B N Thorne – RM040885 - to erect a second dwelling as on Rural 1 land at Neudorf Road, Neudorf, with covenant stipulating once new dwelling completed, existing one bedroom unit to be converted to an office.**

**M K Linzel, G W Allan and B A Monopoli – RM0607 – consent to erect third dwelling on property at Jeffries Road, Brightwater, with covenant stipulating once new dwelling completed, the existing dwelling will be converted to a sleep out, home occupation and garage, and shall not provide a future basis for subdivision of the land.**

**C & L Andrews – RM062000 – consent for boundary relocation at Mt Heslington Road, Brightwater, with covenant that hold the two allotments together in one title and which are unable to be disposed of, leased or transferred separately without the consent of Council.**

**C & J Langford – RM060725 – consent for two lot subdivision at Moulder Road, Kotinga, with covenant that holds allotments together in one title and which are unable to be leased, transferred or disposed of separately without the consent of Council.**

### **EASEMENT**

**H Hodgson & Co Ltd – easement over VRN 1915048400, Fairfax Street, Murchison, toilets/hall reserve, for works access to Fairfax Street carpark.**

## **CAVEAT**

**Tasman District Council consents to a mortgage to Westpac NZ in respect of Leasehold C/T NL13A/112 at 79 Pool Street, Motueka in respect of Caveat 310974.1  
CARRIED**

## **10. PROHIBITION OF LIQUOR IN PUBLIC PLACES**

**Moved Crs Higgins/Currie  
CN07/05/10**

**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:**

- 1. That between the hours of 2.00 pm on Saturday 5 May 2007 and 9.00 pm Saturday 5 May 2007, or if postponed between the hours of 2.00 pm on Saturday 12 May 2007 and 9.00 pm Saturday 12 May 2007, during the Wakefield Volunteer Brigade Fireworks Gala,**

**And**

- 2. That between the hours of 3.00pm on Friday 25 May 2007 and 10.00pm Friday 25 May 2007, during the Youth Concert:**

**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:**

- A1 (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.**
- A2 (i) The whole of the area known as Decks Reserve, Motueka.**

### **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:

**C1** 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.

**C2** The carriage of intoxicating liquor in vehicles passing Decks Resrve.

**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**

**11. NINE MONTHLY ACCOUNTS TO 31 MARCH 2007**

Mr Staite said that the working capital has improved over the last year. He said that job costing work is underway and there would be additional cost involved in the Council obtaining building certification.

Cr Henry requested a copy of the closed accounts.

Cr O’Regan said there would be a saving with the Murchison landfill resource consent renewal costs.

**Moved Crs Bryant/Inglis  
CN07/05/11**

**THAT the nine monthly accounts to 31 March 2007 be received.**

**CARRIED**

**12. ACCOUNTS FOR PAYMENT – FEBRUARY 2007 AND MARCH 2007**

The agenda contained a schedule of expenditure for the months of February and March 2007.

Mr Staite that although these normally go to the Corporate Services’ meeting the timing of meeting dates it was more opportune to refer this to the full Council meeting.

**Moved Crs O’Regan/Riley  
CN07/05/12**

**THAT the accounts for payment for February and March 2007 be approved.**

**CARRIED**

**13. MAYOR’S REPORT – 3 MAY 2007**

Mayor Hurley tabled copies of his report. He said that he attended a recent meeting on drinking water issues with Council engineering staff and this issue would be reported to a future Engineering Services Committee meeting.



The Mayor reported on a meeting regarding aquaculture and the delays which legislative matters are continuing to have on this industry. He referred to the aquaculture industry as the greatest regional opportunity that is within the District.

The Mayor spoke of his attendance at the Murchison Hospital official opening when the Honourable Annette King was present.

Mayor Hurley sought Council's endorsement of his recommendation that Cr Kempthorne attend the Local Government New Zealand Conference.

**Moved Crs O'Regan/Norriss  
CN07/05/13**

**THAT Cr R G Kempthorne attend the Local Government New Zealand Conference in Dunedin from 16 to 18 July 2007.  
CARRIED**

Mayor Hurley said that Council's accreditation with the Department of Building and Housing will require an application before the end of September 2007 followed by ongoing work up to 2010.

The Mayor asked Mr Kennedy to comment on the Local Government Commission representative review situation.

Mr Kennedy said that Council is waiting for final maps to come through to show the ward boundaries. He said the determination could only be challenged on a point of Law.

Mr Wylie confirmed that there is no right of appeal but only High Court action could be taken.

**Moved Crs Henry/Riley  
CN07/05/14**

**THAT the Mayor's report of 3 May 2007 be received.  
CARRIED**

#### **14. LOCAL GOVERNMENT NEW ZEALAND ZONE 5 AND 6 MEETING**

Mr Wylie reported that the recent Zone 5 and 6 meeting discussed reports on the New Zealand electricity production and consumption issues. He said that the cost of electricity production in New Zealand is too high and makes it difficult for our industry to compete with Australia where electricity costs are less.

New Zealand will begin to have problems with insufficient power production between the years 2009 and 2011. Electricity production from coal fired power stations will conflict with the Kyoto agreement. If additional hydro electricity power stations are unable to be constructed consideration of nuclear power stations may be required.

**15. RESOLUTION TO EXCLUDE THE PUBLIC**

**Moved Crs Bryant/Henry  
CN07/05/15**

**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>
Golden Bay Integrated Health Services Project	Good reason to withhold exists under section 7	Section 48(1)(a)
Review of Directors / Trustees Fees	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:**

<b>Reason to withhold information under Section 7</b>	
To enable the Council to carry out, without prejudice or disadvantage, negotiations	Section 7(2)(i)
To enable the Council to carry out, without prejudice or disadvantage, negotiations	Section 7(2)(i)

**CARRIED**

**16. RESOLUTION TO RESUME THE OPENING MEETING**

**Moved Crs Riley/Kempthorne  
CN07/05/17**

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

**CARRIED**

**17. NELSON AIRPORT LIMITED PRESENTATION**

Representatives of Nelson Airport Limited attended the meeting to provide Council with a presentation on the activities of that Company. The Chairman of Nelson Airport Limited Directors Mr Ian Kearney was accompanied by Airport Manager Ms Kaye McNabb.

Mr Kearney's presentation outlined aspects of some of the planning achievements, asset upgrades and dividends paid and proposed. He outlined the financial situation and spoke about passenger capacity growth.

Mr Kearney there appeared to be a national trend that passenger numbers over the last six months were below those in 2004. He outlined major strategic decisions including of those not to seek jet capacity and the Airport being market driven.

Mr Kearney outlined the current issues facing the Airport Company including the requirements for future capital needs and the financial planning proposal. He spoke of uncertain markets within the Region. In conclusion, Mr Kearney said that future gains were less likely. He said there will be a need to plan carefully for future capital needs. Stakeholder conflicts would be managed in the best interests of the Company and the region. He said that the Company is not forecasting demand in capital and has to retain funds for future development.

The Nelson Airport Limited is a sound investment for Council providing a satisfactory financial and regional development return.

There being no further business Mayor Hurley thanked Councillors for their attendance and the meeting closed at 4.20 pm.

Date Confirmed:

Mayor: