

MINUTES

TITLE: Tasman District Council
DATE: Thursday 3 April 2008
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond.

PRESENT: Mayor R G Kempthorne (Chair), Crs T B King (Deputy Mayor), S J Borlase, 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), Environment and Planning Manager (D C Bush-King), Strategic Development Manager (S Edwards), Road Asset Engineering (S Elkington), Administration Advisor (S Hartley) and Administration Officer (B D Moore).

APOLOGIES

**Moved Crs Riley/Inglis
CN08/04/01**

**THAT apologies from Cr Higgins for lateness be sustained.
CARRIED**

1. LATE AGENDA ITEM – LOCAL GOVERNANCE STATEMENT

Mayor Kempthorne sought that Council consider the late agenda item as the Local Governance Statement must be adopted by Council within six months of the triennial elections and this legislative requirement would not be met if this matter was put on the agenda for the next full Council meeting of 15 May 2008.

**Moved Crs Norriss/Borlase
CN08/04/02**

**THAT the late agenda item of the Local Governance Statement be included in the Council meeting agenda of 3 April 2008.
CARRIED**

2. PUBLIC FORUM

Mr P Foster said he did not get answer to his letters tabled at the Council meeting of 6 March 2008. Mr Foster sought that Council change the format of its minutes for meetings.

Cr Higgins arrived at the meeting at this time.

3. CONFIRMATION OF MINUTES

3.1 Tasman District Council Meeting – 14 February 2008

Mayor Kempthorne referred to amendments required to include a comment from Mr D Eddy during the public forum at this meeting and an addition of Cr Edgar voting in favour for the resolution for targeted rates for Community Boards.

**Moved Mayor Kempthorne/Cr Edgar
CN08/04/03**

**THAT the minutes of the Tasman District Council meeting held on 14 February 2008, as amended, containing resolutions CN08/02/01 to CN08/02/03 be approved as a correct record.
CARRIED**

3.2.1 Tasman District Council Meeting – 6 March 2008

**Moved Crs Riley/Inglis
CN08/04/04**

**THAT the open meeting minutes of the Tasman District Council meeting held on 6 March 2008 containing resolutions CN08/03/01 to CN08/03/11 be approved as a correct record.
CARRIED**

3.2.2 Tasman District Council Meeting – 6 March 2008 Confidential Minutes

**Moved Crs Riley/Borlase
CN08/04/05**

**THAT the confidential minutes of a meeting of the Tasman District Council held on 6 March 2008, be approved as a correct record.
CARRIED**

4 THEATRE ROYAL RESTORATION PROJECT

The Community Grants and Facility Rate Subcommittee had recommended at its meeting held on 27 February 2008 that Tasman District Council makes a payment of \$195,000.00 for the Theatre Royal restoration.

**Moved Crs King/Norriss
CN08/04/06**

**THAT Tasman District Council approves payment of \$195,000.00 to the Nelson Historic Theatre Trust for Theatre Royal restoration.
CARRIED**

5 ADOPTION OF LOCAL GOVERNANCE STATEMENT

Administration Advisor S Hartley spoke to report C780 of 31 March 2008 seeking that Council consider and adopt its Local Governance Statement pursuant to Section 40 of the Local Government Act 2002.

She read an amendment to Page 8, item 12.2, to outline the responsibilities of the Environment and Planning Committee.

Cr Ensor referred to the Council Enterprise Subcommittee and suggested the substance of this Subcommittee warrants greater attention by more Councillors.

Mayor Kempthorne said that Council will review the make up of its Committees and Subcommittees after the first year of office by this Council.

Mr Wylie outlined the delegated authority of the Enterprise Subcommittee and spoke about how Standing Orders allows Councillors to attend meetings of Subcommittees.

Cr Edgar suggested amendments to the Equal Employment Opportunities Policy and changes to the triennial agreement clause.

Mr Wylie acknowledged that the words "or other personal circumstances" could be added to the Equal Employment Opportunities Policy clause.

**Moved Crs Bryant/Edgar
CN08/04/07**

**THAT Council adopts the 2008 Tasman District Council Local Governance Statement.
CARRIED**

6 TRAFFIC CONTROL BYLAW 2005 – PARKING RESTRICTION CHANGES

Road Asset Engineer S Elkington was present at the meeting to speak to his report B952 of 3 April 2008 contained within the agenda together with the attached schedule of parking restriction changes. He advised that the schedules were reported to the Council's Engineering Services Committee in November 2007 and consequently advertised in January 2008.

One submission was received by the due date of 4 February 2008 and amendment as listed in his report and these described existing parking changes that have been in place for some time.

Mr Elkington noted concerns expressed regarding parking restrictions in McIndoe Place and Petrie Carpark.

**Moved Crs Bryant/Norriss
CN08/04/08**

**THAT the Council adopts the Schedules of Parking Changes to its Consolidated Bylaw Chapter 7, Traffic Control Bylaw 2005, attached to report B952 of 3 April 2008.
CARRIED**

7 LGNZ ANNUAL GENERAL MEETING 2008 – APPOINTMENT OF DELEGATES

The Chief Executive sought that Council appoint its delegates to the LGNZ Annual General Meeting to be held in Rotorua in July.

**Moved Crs Wilkins/Inglis
CN08/04/09**

THAT the Tasman District Council:

- a) Appoints Mayor R G Kempthorne as presiding delegate to the LGNZ Annual General Meeting;**
- b) appoints Cr King and Chief Executive as the alternate delegates to the LGNZ Annual General Meeting;**
- c) the delegates be Mayor Kempthorne, Cr King, Cr Glover and the Chief Executive.**

CARRIED

8 MAYOR'S REPORT OF 1 APRIL 2008

Mayor Kempthorne said that the Nelson Tasman Economic Development Agency proposed to make a presentation to Council on 10 April 2008.

A meeting had been held with combined Iwi to progress the establishment of a Kaumatua for the Council.

Mayor Kempthorne said he was completely happy for Councillors asking specific questions on his mayoral meetings and activities.

9 MACHINERY RESOLUTIONS

Cr Norriss questioned the extent of the license to occupy land situated in the old Fire Station carpark at Takaka for the purposes of the Takaka Market.

Mr Wiley said that this license to occupy was for the terms December 2007 to May 2008 and would cease prior to the proposed carpark upgrade work.

**Moved Crs Bryant/Edgar
CN08/04/10**

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

EASEMENT

TDC/Network Tasman – easement for Network Tasman for right to convey electricity, telecommunications and computer media over CT395405, being Council’s Murchison Reserve.

Nalders Rockville (2001) Ltd – easement in favour of Council for right to convey water.

TDC/NZ Guardian Trust Co Ltd – easement in favour of NZ Guardian Trust Co Ltd for right of way over Council’s Tapu Bay Recreation Reserve.

Pohara Syndicate (RM050399) – easement in gross for Council for sewage and right to drain water.

St Leger Group (RM990481) – easement in gross to Council for right to drain water and sewer.

W W Partnership (RM020724) – easement in favour of Council for water pipe line.

Waimea Village 2005 Ltd – easement in gross for Council for right to drain sewer.

DEED

Carter Holt Harvey (RD 3672 L) – agreement re payment of Environment Court cost for road stopping application by Carter Holt Harvey.

DEEDS OF LICENCE

Shirley Ford – licence to occupy Council land situated in old fire station car park Takaka for Takaka Market.

C J Rouse & others – licence to occupy council car parks at Reilly Street, Takaka.

St Johns – lease to occupy council land and premises at Golden Bay Recreation Park.

DEEDS OF LEASE

DC and C J Rouse & Others – reciprocal lease of land at Commercial Street, Takaka.

COVENANT

L & D Ahearn (RM070835) – cancel covenant requiring granny flat to be removed.

A Ahnfeldt – (RM980728 - 010798 Building Note) – release covenant for temporary accommodation.

C & S Gibbons (RM050582V1) – cancel existing covenant requiring removal of original dwelling, replace with covenant stating two dwellings on property are not to be used as reason to subdivide.

**Tinline Properties Ltd (RM000335 & RM030740) – Richmond Mall car parking on properties without buildings to be held together with buildings.
CARRIED**

10 RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Cr Edgar/Wilkins
CN08/04/011**

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
Trust Deed	Good reason to withhold exists under section 7	Section 48(1)(a)
Company Formation	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	
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

11 RESUMPTION OF OPEN MEETING

**Moved Crs Borlase/Norriss
CN08/04/14**

THAT the open meeting be resumed and the business transcribed during the time the public was excluded regarding the company formation be confirmed in open meeting.

11.1 Port Golden Bay Limited

**Moved Crs Borlase/Riley
CN08/04/15**

THAT

- a) Council registers a shelf Company called Port Golden Bay Limited;**
- b) that the Company Port Golden Bay Limited be exempt from the special consultative procedures set out under the Local Government Act 2002 on the basis that it is a small organisation and is not a Council Controlled Trading Organisation and is not trading.**

CARRIED

12 CLARIFICATION OF MR P FOSTER'S LETTER

The Chief Executive said that in summary the letters submitted by Mr P Foster referred to Council minutes of 14 February 2008 which the Council has now adopted with some of the amendments sought by Mr Foster. The Chief Executive also said that Mr Foster considered Council minutes are not as full as he would like and he would like Council Standing Orders to be restructured, to allow more debate. Mr Foster had also requested that these matters be debated by the Council in public.

The Chief Executive noted that as the minutes of the Council meeting had now been adopted as a correct record of this meeting it was not appropriate to revisit them.

The Chief Executive said that the minutes generally provide a record of decisions made by Council and its Committees and the minutes should be read in conjunction with the agenda. He recommended that Council moved to not debate Mr Foster's letters.

Mayor Kempthorne said that it was appropriate that the Chief Executive respond to Mr P Foster and that Council not debate the issue.

He thanked members for their attendance and closed the meeting at 12.15 pm.

Date Confirmed:

Mayor: