



Minutes

of the

Thames-Coromandel District Council

Ordinary Meeting

Date 28 October 2015
Venue Council Chamber
515 Mackay Street
Thames

Present

GF Leach JP (Mayor)	HD Bartley	PA Brljevich
	DR Connors (9:05am)	LA Fox
	PL French	SA Goudie
	MK McLean JP	JT Wells

In Attendance

Name

Community Board and Committee Chairs

John Walker QSM, Bob Renton, Strat Peters (9.15am)

Staff

David Hammond, Angela Jane, Ariana Wickliffe, Steve Baker, Laurna White, Ben Day, Sam Napia, Sam Marshall, Bruce Hinson, Garry Towler, Paul Davies, Peter Wishart, Emma Wright, Scott Summerfield, Ross Ashby, Greg Hampton

Meeting Commenced 09:01

Adjournment	Start	Finish	Reason
His Worship			Morning tea
His Worship			Lunch

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1 Meeting conduct

1.1 Apologies

Apologies were received from Brent Page, Keith Johnston, and Councillor Connors (for lateness).

Resolved

That the Thames-Coromandel District Council receives the apologies received from Committee Chair Page, CB Chair Keith Johnstone and Councillor Connors for lateness for the 28 October 2015

Moved/seconded by: French/ Fox

1.2 Public forum

David Lamason - Item 4.2 Pauanui Campground development contributions payment plan request

Mr Lamason noted there were two issues to note to the Council for considering the payment plan request - the significance of the amount for the development contributions (approximately \$600,000) and that the applicant was also having to fund the installation of the infrastructure to connect to the wastewater system. Mr Lamason considered that the Council was treating the campground like a residential subdivision in its calculations of the development contributions with the added disadvantages of also treating it as a campground whereby it could not lease or sell sites. This seemed unfair to the applicant.

At the Judicial Committee meeting the Committee informed Mr Lamason that there was no real benefit to Council in the campground pumping during the off peak and having the holding tanks. Mr Lamason noted it was therefore probably not fair to make the applicant install the holding tanks. Mr Lamason noted that the resource consent conditions included an either/or consent condition and could not confirm if the holding tank was necessary. Mr Hinson clarified that a private system and pump station needed 12 hours of storage - to change to the public system would require 24 hours of storage.

Mr Lamason advised that applicant was 50:50 on continuing with developing the campground given the significance of the development contributions and the infrastructure to be installed.

Councillor Goudie asked if the applicant had calculated the costs if it was only a residential subdivision. Mr Lamason responded that he had calculated the different options - but there was a difference of opinion with Council officers on the amount of waste produced by a campsite and therefore what the development contribution should be based on.

The Mayor asked if the applicant and Mr Lamason had taken into account the recent drop in development contributions due to policy and legislative changes. Mr Lamason noted the differences from the original development contributions calculated.

The Mayor asked what would make the campground work. Mr Lamason responded that development contributions in the vicinity of \$400,000.

Resolved

That the Thames-Coromandel District Council receives David Lamason as a speaker in public forum.

Moved/seconded by: Fox/ Brljevich

1.3 Items not on the agenda

No further items were added to the agenda.

1.4 Conflict of interest

Councillor Brljevich declared a conflict with Item 7.8 Sugarloaf Title from the supplementary agenda and Councillor Fox declared a conflict with Item 2.3 Proposed District Plan - Natural Character Variation.

1.5 Minutes for confirmation

Resolved

That the Thames-Coromandel District Council confirms the minutes of the Thames-Coromandel District Council meeting held on 30 September 2015 and extraordinary meeting held on 7 October 2015 as a correct record of proceedings.

Moved/seconded by: Fox/ French

2 Governance, Planning and Strategy

2.1 Amendments to errors in the Cemeteries Bylaw

Council was asked to approve the amended Cemeteries Bylaw 2001 after a number of minor errors had been identified.

Councillor Connors asked if resourcing was adequate in the Strategic Planning team as errors had occurred before. The Governance Strategy Manager explained that the review of the Cemeteries Bylaw had not been undertaken by the team, rather by contractors. However the Strategic Planning team had increased its quality assurance work for bylaw reviews in light of the identified errors.

Deputy Mayor French asked if the rejected suggestions for changes would impede the operation of the bylaw. Mr Summerfield responded that it would not impede the bylaw.

The business conducted by the Policy Committee was raised. The Mayor and Councillor Goudie both noted there had not been enough work for the Policy Committee at the time it was disbanded. The Committee's scope of work could have been expanded with changes to the other Committee's terms of reference. This would be considered for the new term of Council when Committee terms of reference were renewed.

Resolved

That the Thames-Coromandel District Council:

1. Receives the 'Amendments to errors in the Cemeteries Bylaw 2015' report dated 16 October 2015.
2. Adopts the amended Cemeteries Bylaw 2015 (attached as Attachment A) with the

following amended text:

Clause 14.11 - "...all ashes caskets for this area must be no greater than 190mm long x 50mm high x 100mm wide."

Clause 15.1 - "The Funeral Director, or applicant responsible for funeral arrangements must ensure that the remains are in a suitable receptacle when presented for interment...".

Moved/seconded by: McLean/ Fox

2.2 Dog Control Policy and Bylaw Review Determinations

Strategic Planners Christine Tye and Scott Summerfield presented a revised determination of the Council's Dog Control Policy and Dog Control Bylaw, and sought the Council's endorsement of the draft Statement of Proposal for consultation.

Miss Tye explained the tabled amendment for adding an off leash area for Opoutere was to correct an accidental omission. The area was currently used in this manner and had the support of the Area Manager.

Councillor Goudie suggested that it was impractical for Burke Street in Thames to have an off-leash and on-leash area next door to each other with no fencing. The Thames Community Board had considered the proposed areas and was satisfied that owners would be able to identify the different uses through the signage that would be erected.

Councillor Connors asked if the Pauanui estuary reserve at Pleasant Point was included as an off leash area. Staff had been under the impression that it would be covered by the beach definition but confirmed that it was required to be listed in the bylaw.

Councillor Brljevich noted all year round restrictions for some areas when nesting time would seem sufficient. Miss Tye explained that the all year round restrictions were proposed on the recommendation from Department of Conservation staff.

Resolved

That the Thames-Coromandel District Council:

1. Receives the 'Dog Control Policy and Bylaw Review Determinations' report, dated 8 October 2015.
2. Determines that a dog control bylaw is still the most appropriate way to address problems associated with dogs in the district and to give effect to Council's policy on dogs.
3. Determines that the form of the bylaw is the most appropriate form of bylaw in light of the requirements of the Local Government Act 2002 and the Dog Control Act 1996 and that the proposed bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
4. Adopts the proposed Dog Control Policy and Dog Control Bylaw Statement of Proposal for public consultation, with the following changes:

Policy, table at clause 4.5.3 - include

- Opoutere between the car park and main access north as identified in the bylaw - off leash.
- Pauanui - Pleasant Point Reserve as identified in the bylaw - off leash.

Bylaw schedule 1 - include

- Opoutere - between the car park and main beach access north as indicated by signs (dogs are prohibited to the south) - off leash but under control at all dates and times.
 - Pauanui - Pleasant Point Reserve south of the bollards to Ajax Head as indicated by signs - off leash but under control at all dates and times.
5. Approves that the public consultation period begins on Friday 6 November 2015 and concludes at 4pm on Monday 7 December 2015.

Moved/seconded by: French/ Brljevich

2.3 Proposed District Plan - Natural Character Variation

Council was asked to adopt the Natural Character Variation for public notification.

Officers tabled the presentation handout. Mr Napia briefly recapped on the work to develop the variation including the council workshops that were held. Land had been identified, mapped and assessed as either outstanding natural character, high natural character or neither (due to its modification).

Councillor Goudie asked if the overlay information would be included on the property's LIM and made available to other agencies. It was confirmed that all the information would be public information once the variation was notified.

Councillor Goudie was concerned that from the external planning contractor were included and referenced against the NZCPS and RPS as the comments did not reflect these planning documents.

Councillor Goudie questioned why rural land had been included in the coastal areas. Ms Williamson clarified that modified natural character was only mentioned in the policy and not in the rules. The policy only suggested that enhancement of highly modified or degraded natural character be promoted, there were no requirements on landowners within the variation.

Councillor Brljevich suggested that the word 'perception' on page 99 (second box) be changed as the word suggested there was a reluctance by landowners; similarly for the wording 'perceived negative rights' on page 94. There was general agreement for the suggested wording change.

Councillor Bartley suggested adding the hectares affected to reflect the scale of the identification process.

Councillor Goudie noted there was no current problem and Council was putting this impost on property owners for no reason. The property owners already provided weed control, pest control and picked up other people's rubbish. She noted that she was not happy to support this kind of policy.

Strat Peters noted that contiguous rural properties with the coastal area were always caught by this planning regime which he didn't consider a problem and noted the staff had done a good job.

Councillor Wells noted that in the future someone could argue that the entire peninsula was considered coastal.

Councillor Fox abstained from voting and took no part in the discussion.

Resolved

That the Thames-Coromandel District Council:

1. Receives the 'Proposed District Plan - Variation 1 - Natural Character' report, dated 6 October 2015.
2. Adopts the Natural Character Variation 1 to the Proposed District Plan for public notification.

Moved/seconded by: Leach/ French

Councillor Goudie wished her vote against the motion to be noted in the minutes.

3 Community Governance

3.1 Thames Community Board recommendation - new lease - Thames Small Gauge Railway Society Inc.

Council was asked to approve a recommendation from the Thames Community Board for a new lease with the Thames Small Gauge Railway Society Incorporated.

Resolved

That the Thames-Coromandel District Council:

1. Receives the Thames Community Board recommendation-New Lease - Thames Small Gauge Railway Society Inc.', dated 12 October 2015.
2. Approves a new lease and licence between Thames- Coromandel District Council and the Thames Small Gauge Railway Society Incorporated over part of the land located at Victoria Park, Thames more particularly; the lease area is comprised in SA13B/144, SA46B/513 and SA45A/757 and part Council road. The licensed area is comprised in SA45A/757, SA46B/513 and part Council road.

Term: 20 years

Commencement: 13 October 2015

Final Expiry: 12 October 2035

Rental: \$350 + GST per annum

Rent Review: Every 3 years

3. Acknowledges that the lease and licence is in accordance with the Thames and Thames Coast Reserve Management Plan for specific reference to the Victoria Park Reserve Management and Concept Plans.
4. Declares all land comprised in SA13B/144, SA46B/513 and SA45A/757 as recreation reserve in accordance with the Reserves Act.
5. Instructs the Chief Executive to take all steps necessary to classify the land comprised in SA13B/144, SA46B/513 and SA45A/757 as recreation reserve in accordance with the Reserves Act 1977.

Moved/seconded by: French/ Connors

3.2 Thames Community Board recommendation - Youth PROJECT

Council was asked to approve a recommendation from the Thames Community Board for a budget in the 2016/2017 Annual Plan to progress the Council's Youth Strategy.

Mrs Jane, on behalf of the Thames Area Manager, advised that Council had received \$20,000 from the Ministry of Youth Development for 2015/16 that would enable models of

steering groups and youth councils to be investigated for the district.

Resolved

That the Thames-Coromandel District Council:

1. Receives the 'Thames Community Board recommendation - Youth projects' report, dated 20 October 2015.
2. Instructs staff to prepare a budget for progressing the Youth Strategy's recommended implementation for the 2016/2017 Annual Plan budget.
3. Instructs staff to investigate the establishment of a TCDC Youth Steering Group and youth councils utilising the Ministry of Youth Development's funding received for 2015/16.

Moved/seconded by: Connors/ French

3.3 Thames Community Board recommendation - Thames War Memorial Civic Centre/i-SITE Project

Council was asked to approve a recommendation from the Thames Community Board for extra capital expenditure for the Thames War Memorial Civic Centre and Thames i-SITE project.

Resolved

That the Thames-Coromandel District Council:

1. Receives the 'Thames Community Board recommendation - Thames War Memorial Civic Centre/i-SITE Project' report dated 10 September 2015.
1. Provides retrospective approval for the extra capital expenditure of \$40,366 excluding GST for the Thames War Memorial Civic Centre building alterations for the Thames i-SITE project to be funded from the Thames Local Consolidated Depreciation Reserves.

Moved/seconded by: Leach/ Connors

4 Finance

4.1 30 September 2015 - Financial results for the period

Council was provided with cumulative financial information for the year-to-date to enable it to monitor the financial performance of the organisation.

The Chief Financial Officer highlighted the reasons for being outside policy parameters within the Liability Management Policy. Progress in implementing the capital expenditure programme was discussed. The Chief Executive noted that improvements around resource consenting and its timing with capital expenditure were currently being implemented to help improve achievement of the capital expenditure programme.

Resolved

That the Thames-Coromandel District Council:

1. Receives the '30 September 2015 - Financial results for the period' report, dated 12 October 2015.

Moved/seconded by: Wells/ Fox

4.2 Payment plan request for development contributions for Pauanui campground

Council was asked to consider a payment plan request for development contributions payable on the proposed Pauanui campground at 879 Hikuai Settlement Road.

The Chief Financial Officer clarified that the campground had not been assessed as a residential subdivision. Guidelines specifically for campgrounds were established by the Council and have been imbedded in the policy. The Chief Financial Officer showed councillors the differences in the campground and residential subdivision assessments.

At the Judicial Committee meeting the applicant noted the cost of a bond was prohibitive. Westpac has advised the Chief Financial Officer that the cost of a bond is 2% of the borrowing per annum.

Councillors asked if the infrastructure to be installed by the applicant would service the orchard block. Mr Hinson responded that the location was not ideal to service the orchard block and there would be little capacity above the needs of the campground.

Councillor Brljevich noted that Council and ratepayers would be paying interest on the amount by providing a payment plan. The Chief Financial Officer noted that if no developer came along then the interest would still be paid by ratepayers, with the payment plan the debt was at least being paid off.

Resolved

That the Thames-Coromandel District Council:

1. Receives the 'Payment plan request for development contributions for Pauanui campground' report, dated 12 October 2015.
2. Enters into a private development agreement with Inspired Property Limited for a payment of development contributions only if a bank guarantee bond is offered and the total levy including GST is paid within five years.
3. Requires that, should a developer agreement be entered into, that the GST proportion of the contribution is paid up front so as not to financially disadvantage Council.

Moved/seconded by: Fox/ McLean

4.3 Adoption of audited 2014-2015 Annual Report

The Chief Executive gave a summary of the year reflected in the 2014-15 Annual Report. He highlighted how the year had been dominated by the development of the 2015 Long Term Plan and gave an explanation of the major reasons for the underspend in the capital expenditure programme.

David Walker, Council's Audit Director, was in attendance to offer Audit New Zealand's perspective on the Annual Report and its audit.

Councillor Fox noted his appreciation to the Council and Audit teams for their efforts.

The Chief Financial Officer tabled some minor changes to the final Annual Report. He also noted his appreciation to Donna Holland and her team and the organisation for their efforts

David Walker noted there were changes to the accounting standards for this Annual Report. The Council had far fewer audit changes when compared with the other eight councils that

he was involved in. Mr Walker acknowledged the improved efforts by Council in project management but noted as it would not be an overnight change some historic items would still feature in the audit management report. Looking forward, embedding the electronic purchase order system would provide more security and lessen the auditing work involved. Mr Walker strongly supported the efforts to improve the asset data as this would enable better decision making and ensure a better return on investment.

Councillor Goudie asked about the difference in planned to actual figures in the Community Development Funding Impact Statement on page 87. The Chief Financial Officer noted he would provide the cost of service statements to show where the variances were incurred.

Resolved

That the Thames-Coromandel District Council:

1. Receives the 'Request to Council to Adopt the Audited 2014-2015 Annual Report', dated 12 October 2015.
2. Adopts the audited 2014-2015 Annual Report.

Moved/seconded by: Fox/ Bartley

5 Chief Executive

5.1 September 2015 - Chief Executive report

The Chief Executive presented to Council an update of significant projects since the last Council meeting.

Deputy Mayor French noted that an update from Mr Barker of the Office of Treaty Settlements had been promised before Christmas. The Chief Executive noted he would follow up.

Mr Hinson advised councillors that the contract for Bluff Road would be awarded next week. Reclamation to the corner would not occur before Christmas but the road would be open for both vehicles and walking by then.

Resolved

That the Thames-Coromandel District Council receives the Chief Executive's report, dated 9 October 2015.

Moved/seconded by: Leach/ Connors

6 Members' reports

6.1 Members' reports

The Chairperson invited members to provide a brief verbal report on activities undertaken and meetings attended in the period since the last meeting.

Written reports and Minutes of meetings attended are presented below.

Deputy Mayor French advised that he would be visiting the Council's sister city in Japan in early November with Community Board member Yates.

He noted that access to the beach and erosion issues were raised at the recent Pauanui residents and ratepayers annual general meeting.

Paul Kelly showed councillors pictures of the rubbish left at the transfer station gates following the long weekend. The station was closed on Tuesdays with collection on Wednesday. Council promotes residents to take their rubbish to the transfer station but the hours don't suit. Mr Hinson noted he would follow up.

Councillor Bartley noted the good work in producing the Annual Report and suggested a better monitoring system be established for the capital expenditure programme.

Councillor Connors advised that she had been working on options for supporting the youth voice at Community Board meetings. A paper would be coming to councillors for discussion and feedback.

The Mayor recently met with Inspector Greg Nicholls and was impressed with his experience and commitment to the district.

Resolved

That the Thames-Coromandel District Council receives the members' reports.

Moved/seconded by: Wells/ McLean

7 Public Excluded

Resolved

That the public be excluded from the following parts of the proceeding of this meeting namely:

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 the resolution
Public excluded Thames Coromandel District Council minutes for confirmation	<p>7(2)(a) - Protect the privacy of natural persons, including that of deceased natural persons</p> <p>(7)(2)(g) – Maintain legal professional privilege.</p> <p>(7)(2)(i) – Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	(48)(1)(a) – That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
Thames Community Board recommendation - new lease	(7)(2)(c)(i) – Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar	(48)(1)(a)(i) – That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist. Where the local authority is named or specified in the First Schedule to

	information, or information from the same source, and it is in the public interest that such information should continue to be supplied.	this Act, under section 6 or section 7 (except section 7(2)(f)(i) of this Act.
Thames Community Board recommendation - Proposed surrender and new lease	(7)(2)(i) – Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	(48)(1)(a)(i) – That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist. Where the local authority is named or specified in the First Schedule to this Act, under section 6 or section 7 (except section 7(2)(f)(i) of this Act.
Thames Community Board recommendation - rent review	(7)(2)(i) – Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	(48)(1)(a)(i) – That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist. Where the local authority is named or specified in the First Schedule to this Act, under section 6 or section 7 (except section 7(2)(f)(i) of this Act.
Thames Community Board recommendation - deed of variation and rent review	(7)(2)(i) – Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	(48)(1)(a)(i) – That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist. Where the local authority is named or specified in the First Schedule to this Act, under section 6 or section 7 (except section 7(2)(f)(i) of this Act.
Settlement of leaky building claim	(7)(2)(g) – Maintain legal professional privilege.	(48)(1)(a) – That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
Coromandel Harbour Facilities Development - Partnership Proposal Document and MOU	(7)(2)(i) – Enable any local authority holding the information to carry on,	(48)(1)(a) – That the public conduct of the whole or the relevant part of the

	without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
Sugarloaf - Title	(7)(2)(i) – Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	(48)(1)(a) – That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

Moved/seconded by: Leach/McLean

Resolved

That the public be re-admitted to the meeting and resolutions taken with the public excluded be confirmed in the public session except for the following which are to remain in the public excluded minute book.

Item	Description
7.1	Public excluded minutes for confirmation
7.2	Thames Community Board recommendation - new lease
7.3	Thames Community Board recommendation - proposed surrender and new lease
7.4	Thames Community Board recommendation - rent review
7.5	Thames Community Board recommendation - deed of variation and rent review
7.6	Settlement of leaky building claim
7.8	Sugarloaf - Title

The partnership brochure document attached to Item 7.7 is to be released once the final proof has been completed.

Moved/seconded by: Connors/Wells

Meeting closed at 12:22pm

The foregoing minutes were certified as being a true and correct record of the meeting of the Thames-Coromandel District Council held on 28 October 2015.

Chairperson _____ **Date** _____