



Minutes

of the

Thames-Coromandel District Council

Ordinary Meeting

Date 9 April 2014
Venue Council Chamber
515 Mackay Street
Thames

Present

GF Leach JP (Mayor)

HD Bartley
DR Connors
PL French
MK McLean JP

PA Brljevich
LA Fox
SA Goudie
JT Wells

In Attendance

Name

Community Board Chairs

Paul Kelly JP (Mercury Bay Community Board)
Bob Renton (Tairua-Pauanui Community Board)
Keith Johnston (Whangamata Community Board)

Staff

David Hammond (Chief Executive)
Ariana Wickliffe (Senior Committee Advisor)
Katina Conomos (Strategic Planning Manager)
Lurna White (Communications Manager)
Ben Day (Deputy Chief Executive)
Marion Smith (Community Environment
Group Manager)

Item(s)

All Items
All Items
All Items
All Items
All Items
All Items

Greg Hampton (Area Manager - Thames and Coromandel)	5.4
Francois Pienaar (Project Contractor)	5.4
Steve Baker (Chief Financial Officer)	6.1, 6.2
Matt Busch (Roading Manager)	10.1
Sam Napia (Group Manager Governance, Planning, Strategy)	10.2

Meeting Commenced 09:03

Adjournments and Absences

Adjournment	Start	Finish	Reason
His Worship	10:35	10:54	Morning Tea
His Worship	13:06	13:39	Lunch

Absences	Start	Finish	Item
Councillor Brljevich	09:10	10:14	10.2
Councillor Wells	09:49	09:52	10.2
Councillor Goudie	09:53	09:55	10.2
Councillor French	11:43	11:53	2.3
Councillor McLean	11:52	11:54	2.3
Councillor Goudie	12:02	12:07	5.4
Councillor Wells	12:07	12:10	5.4
Councillor Connors	12:10	12:13	5.4
Councillor Fox	12:58	13:00	5.4
Councillor Goudie	15:03	15:08	6.1
Councillor Wells	15:08	15:10	6.1

Table of Contents

Item Business	Page No.
1 Meeting Conduct	4
1.1 Apologies	4
1.2 Public Forum	4
1.3 Items not on the Agenda	4
1.4 Conflict of Interest	5
1.5 12 March 2014 Council Minutes and 20 December 2013 and 26 February 2014 Council Workshop Notes for Confirmation	5
2 Planning and Strategic Relationships	5
2.1 Fluoridation - Judicial Review Update	5
2.2 2015 Long Term Plan	6
2.3 Freedom Camping Bylaw	6
3 Community Governance	7
4 Regulatory	7
4.1 District Licensing Committee - Updated Terms of Reference Report	7
5 Infrastructure	7
5.1 Lease - Right of Renewal - Whangamata Scout Group	7
5.2 Lease - Right of Renewal - The Supported Life Style Hauraki Trust	8
5.3 Proposed Electricity Easement - Bowen Place - Thames	8
5.4 Coromandel Harbour Facilities Project - Next Steps	9
5.5 New Lease - Tairua Community Hall Society Inc.	10
6 Finance	10
6.1 28 February 2014 - Financial Results for Eight Month Period	10
6.2 Review of policy on collection of overdue debts (excluding water and rates)	11
7 Support Activities	11
7.1 February 2014 - Council Action Schedule	11
8 Chief Executive	11
8.1 February and March 2014 - Chief Executive Report	11
9 Members' Reports	12
9.1 Members' Reports	12
10 Public Excluded	12
10.1 Extension of Roding Professional Services and Operations and Maintenance Contracts-CONFIDENTIAL	13
10.2 LATE ITEM - PUBLIC EXCLUDED - Hauraki Treaty Settlement Redress Proposals - CONFIDENTIAL	13

1 Meeting Conduct

1.1 Apologies

Resolved

That the Thames-Coromandel District Council:

1. Receives the apology for Community Board Chair Peters and Walker.

Moved/Seconded By: Leach/Brljevich

1.2 Public Forum

A period of up to 30 minutes is set aside for the public to raise matters falling within the terms of reference of the meeting. Each speaker may speak for three minutes but time extensions may be allowed on a vote of not less than 75% of members present at the meeting. Questions from members for information or clarification may be permitted by the Chairperson (Standing Orders Appendix F).

Resolved

That the Thames-Coromandel District Council:

1. Receives no speakers in public forum.

Moved/Seconded By: Brljevich/Fox

1.3 Items not on the Agenda

Resolved

That:

1. The following matter(s) requiring urgent attention be added to the agenda.

Item	Description
10.2	LATE ITEM - PUBLIC EXCLUDED - Hauraki Treaty Settlement Redress Proposals

Reason Not on the Agenda

This item was originally on the 9th April 2014 Council order paper but was moved to that of the 21st May 2014 due to the non-availability of the Chief Crown Negotiator; the negotiator being required in Wellington to meet with the Minister for Treaty of Waitangi Negotiations. This timing of this meeting is now changed thus allowing the Negotiator to attend the 9th April Council meeting.

Reason Cannot be Delayed

The Crown is looking to initial the Hauraki deeds of settlement in early June 2014. Before this can happen administrative loose ends need to be attended to including the cultural redress matters set before Council in the order paper. The Crown (Office of Treaty Settlements) would thus prefer Council to address the Crown reserve matters in April rather than May.

Moved/Seconded By: French/Fox

1.4 Conflict of Interest

The Chairperson invited notice from members of:

1. Any interests that may create a conflict with their role as an elected member relating to the minutes item(s) for the meeting; and
2. Any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968.

The following interests were declared:

Councillor Brljevich declared a conflict of interest to the Late Item – Hauraki Treaty Settlement Redress in which he is involved in litigation against the Crown on settlement issues.

Moved/Seconded By: French/Fox

1.5 12 March 2014 Council Minutes and 20 December 2013 and 26 February 2014 Council Workshop Notes for Confirmation

Minutes of the Thames-Coromandel District Council meeting were presented for confirmation.

Key Discussion Points

- It was noted that Councillor Brljevich be abstained for only the inclusion of matters for assessment of restricted discretionary activities relating to esplanade reserve and public access point that was made in Item 2.2 Council Submission on the Proposed District Plan.

Resolved

That the Thames-Coromandel District Council:

1. Confirms the Minutes with the following amendments:
Thames-Coromandel District Council Minutes - 12 March 2014.
2. Receives the following Notes:
Thames-Coromandel District Council Workshop Notes - 20 December 2013.
3. Receives the following Notes:
Thames-Coromandel District Council Workshop Notes - 26 February 2014.

Moved/Seconded By: Fox/Brljevich

2 Planning and Strategic Relationships

2.1 Fluoridation - Judicial Review Update

Staff provided Council with an update regarding the outcomes of the New Health New Zealand Inc v South Taranaki District Council Judicial Review regarding fluoridation of water supplies.

Resolved

That the Thames-Coromandel District Council:

1. Receives the report.
2. Confirms that, as previously committed, it will consider the matter of fluoridation of the Thames Water supply as part of the 2015 Long Term Plan.

Moved/Seconded By: Fox/McLean

2.2 2015 Long Term Plan

Staff provided Council with an update regarding the 2015 Long Term Plan project and advised the Council of upcoming project milestones.

Key Discussion Points

- Staff provided a timeline to the Long Term Plan process. Originally there was to be a two day workshop, but staff advised only one day is required: Tuesday 15 April.
- Further information around growth assumptions and growth capacity will be addressed at workshop.

Resolved

That the Thames-Coromandel District Council:

1. Receives the report.

Moved/Seconded By: French/Leach

2.3 Freedom Camping Bylaw

Staff provided a report for Council to:

- endorse a policy position regarding freedom camping;
- confirm that having a freedom camping bylaw is essential as a tool to constructively manage the effects of freedom camping; and
- approve the timeframes for development of a freedom camping bylaw.

Key Discussion Points

- Staff expanded that the Freedom Camping Bylaw is one method to managing freedom campers. Acts such as the Reserves Act and Litter Act are other pieces of legislation that can be used to manage the negative effects of Freedom Campers.
- Council raised concerns to the Act and believe that it does not reflect or meet local needs. The Thames-Coromandel area is sensitive due to the environment and it was highlighted that the legislation does not protect the environment well enough.
- Council would like to have more detail added to *Attachment B Freedom Camping Initial Policy Position*.
 - The inclusion of another bullet point addressing how Council will approach irresponsible behaviour.
 - The importance of recognising sacred/tapu areas of significance.
 - An additional overarching statement of protecting the environment and community.

Resolved

That the Thames-Coromandel District Council:

1. Receives the report.
2. Confirms its intention to prepare a freedom camping bylaw, including appropriate restrictions and prohibitions on the basis of compliance with the Act.
3. Agrees in principle that use of other tools to manage the effects of freedom camping will be actively considered as part of the 2015 Long Term Plan, within the Community Health and Safety (Regulatory) activity, to be approved by the Council.
4. Agrees with the freedom camping policy outlined in Attachment B, as the basis on which to prepare a bylaw and direct staff to prepare a bylaw that recognises the requirements of the Freedom Camping Act 2011 and the policy statement.
5. Requests that staff work with Community Boards to identify areas that need to be managed in relation to the negative effects of freedom camping.
6. Further, requests staff work with Community Boards to identify areas where freedom camping should be encouraged.
7. Requests that staff bring back a draft bylaw for consideration by the Council at its meeting on 21 May 2014.

Moved/Seconded By: Goudie/Connors

3 Community Governance

No Items Received

4 Regulatory

4.1 District Licensing Committee - Updated Terms of Reference Report

Staff provided Council the updated terms of reference for the District Licensing Committee made due to changes in title and responsibility.

Resolved

That the Thames-Coromandel District Council:

1. Receives the report.
2. Approves the updated District Licensing Committee Terms of Reference.

Moved/Seconded By: Goudie/McLean

5 Infrastructure

5.1 Lease - Right of Renewal - Whangamata Scout Group

Council considered the approval in retrospect for a right of renewal of the lease between the Thames-Coromandel District Council (the Council) and the Scout Association of New Zealand (SANZ) for part of the land comprised in Lot 118 DP36497 located at 309 Lincoln

Road, Whangamata for a further term of ten (10) years at the community rental of \$350.00 plus g.s.t per annum plus outgoings plus g.s.t, commencing 1 July 2013.

Resolved

That the Thames-Coromandel District Council:

1. Receives the report.
2. Approves a right of renewal to the Scout Association of New Zealand, providing a legal right of exclusive possession of the premises located on part of the land comprised in Lot 118 DP36497 located at 309 Lincoln Road.
 - Term:** 10 years
 - Commencement:** 01 July 2013
 - Final Expiry:** 30 June 2023
 - Rental:** \$350 + g.s.t per annum plus outgoings plus g.s.t
 - Rent Review:** Every three years
3. The annual rent payable from each rent review date shall be determined in accordance with any prevailing Council policy relating to leases of Council Owned and Administered Land and Buildings, current at the date of each rent review.

Moved/Seconded By: Fox/Bartley

5.2 Lease - Right of Renewal - The Supported Life Style Hauraki Trust

Council considered approval in retrospect to a right of renewal of lease between the Thames-Coromandel District Council (the Council) and The Supported Life Style Hauraki Trust (the Trust) for the recreation reserve located at 712A Mackay Street, Thames for a further term of five (5) years at the community rental of \$350.00 plus G.S.T per annum plus outgoings plus G.S.T, commencing 20 December 2012.

Resolved

That the Thames-Coromandel District Council:

1. Receives the report.
2. Approves a right of renewal to The Supported Life Style Hauraki Trust, providing a legal right of exclusive possession of the premises located at 712A Mackay Street, Thames
 - Term:** 5 years
 - Commencement:** 20 December 2012
 - Final Expiry:** 19 December 2017
 - Rental:** \$350 + g.s.t plus outgoings plus g.s.t
 - Rent Review:** Not Applicable

Moved/Seconded By: Fox/Goudie

5.3 Proposed Electricity Easement - Bowen Place - Thames

Council considered the approval of the reticulation and easement in gross to Powerco over the recreation reserves comprised in SA61C/593, SA51A/726 and SA61C/618 located between The Booms Avenue and Bowen Place to provide an electricity supply to Lot 2 DPS80944.

Resolved

That the Thames-Coromandel District Council:

1. Receives the report.
2. Approves the reticulation and easement in gross to Powerco over the Recreation Reserves comprised in SA61C/593, SA51A/726 and SA61C/618 located between The Booms Avenue and Bowen Place to provide electricity supply to Lot 2 DPS80944, subject to the following conditions;
 - a) cables are thrust underground to a minimum depth of one (1) metre,
 - b) cable locations are marked,
 - c) no damage occurs to existing Council infrastructure or plantings,
 - d) if damage does occur, the Contractor to re-instate at their cost, with prior approval to the site confirmed by Council's Parks Contract Manager.
3. All costs associated with installation and easement legalisation will be met by Powerco.

Moved/Seconded By: Goudie/Connors

5.4 Coromandel Harbour Facilities Project - Next Steps

Staff presented a report to inform the Council of the recommendations of the Economic Development Committee in relation to Coromandel Harbour Facilities Project and the next steps for the project.

The report presents a roadmap forward to address issues such as sediment testing and proposes a long-term staged approach for the development of improved facilities for all commercial and recreational harbour activities.

Key Discussion Points

- Staff tabled Attachment F - Coromandel Harbour Facilities Next Step Powerpoint handouts and Attachment G - Various Options for Coromandel Harbour.
- Staff provided a quick summary of the options that have been investigated including those that have been reassessed.
- Council would like to move forward with the options but noted there was a perception in the community that members supported the \$28 million option when this may not be the case.
- Staff discussed this is still in the project initiation stage and robust business case needs to be developed to show the rationale behind the project.
- Concerns were raised around the cost already involved in the business case. At this stage Milestone 2 has seen a total cost of \$236,500 with an extra cost involved for Milestone 3. Staff assured Council that the total investigation costs are a reasonable percentage of overall project costs.

Resolved

That the Thames-Coromandel District Council:

1. Receives the report.
2. Approves the completion of Project Milestone 3: Business Case to include an assessment of the various activity options at both Furey's Creek and Sugarloaf Wharf sites.
3. Approves the further expenditure of \$110,000 for the completion of Milestone 3: Business Case from the Economic Development Activity through a three year loan.
4. Endorse staff recommendation to liaise with Iwi to progress resolving land ownership issues in relation to reclamation areas Sugarloaf Wharf, Furey's creek and Coromandel Wharf.

Moved/Seconded By: French/Connors

5.5 New Lease - Tairua Community Hall Society Inc.

Council considered the approval of a new lease between the Thames-Coromandel District Council and the Tairua Community Hall Society Inc. for the buildings (the premises) located at 210 Main Road, Tairua.

Resolved

That the Thames-Coromandel District Council:

1. Receives the report.
2. Approves a new lease between the Thames-Coromandel District Council and the Tairua Community Hall Society Inc. to provide a legal right of exclusive possession of the premises located at 210 Main Road, Tairua - CRF SA62D/858 Section 1 Survey Office Plan 60244.

Term:	4 years
Commencement:	01 June 2014
Right of Renewal:	Three (3) of two (2) years
Renewal Dates:	01 June 2018, 01 June 2020 and 01 June 2022
Final Expiry:	31 May 2024
Rental:	\$350 + g.s.t plus outgoings + g.s.t
Rent Review:	On renewal dates

Moved/Seconded By: Goudie/Fox

6 Finance

6.1 28 February 2014 - Financial Results for Eight Month Period

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

Key Discussion Points

- Staff presented a power point - "Power NZ Shares a little history" tabled as Attachment C.
- Council discussed that the terminology of "internal debt" is misunderstood as a negative connotation and suggested staff consider use of different terminology going forward, such as internal reserves.

Resolved

That the Thames Coromandel District Council:

1. Receives the report.

Moved/Seconded By: Fox/Goudie

6.2 Review of policy on collection of overdue debts (excluding water and rates)

Staff advised Council that the Policy on Collection of Overdue Debts (Excluding Rates and Water) has been reviewed. It is recommended that the policy be retained largely as is, but in an updated format to facilitate better document control.

Resolved

That the Thames-Coromandel District Council:

1. Receives the report.
2. Adopt the new Policy on Collection of Overdue Debts (Excluding Rates and Water), and rescind the previous version dated 21 May 2008.

Moved/Seconded By: Goudie/McLean

7 Support Activities

7.1 February 2014 - Council Action Schedule

Staff provided an update on the Council Action Schedule

Key Discussion Points

- Councillor Brljevich requested that the document be reviewed as several actions are no longer relevant.

Resolved

That the Thames-Coromandel District Council:

1. Receives the report.

Moved/Seconded By: Leach/Fox

8 Chief Executive

8.1 February and March 2014 - Chief Executive Report

The purpose of this report is to present an update of significant projects from the Chief Executive's perspective since the last Council meeting.

Key Discussion Points

- Councillor Wells sought clarification as to whether the District Plan Hearings Commissioners will be provided with both the submissions and summarised points.
- Members requested if Hauraki Rail Trail Charitable Trust could make the economic assessment of the trail available.
- The Chief Executive informed Council about the Whitianga i-SITE with The Mercury Bay Business Association ceasing operation a year earlier than was expected.

Resolved

That the Thames-Coromandel District Council:

1. Receives the report.

Moved/Seconded By: Leach/Fox

9 Members' Reports

9.1 Members' Reports

The Chairperson invites 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.

Key Discussion Points

- Councillor Fox expressed issues of the acoustics of the Chambers when in a hearing last Friday would like this to be investigated in the future.
- Deputy Mayor French tabled *Attachment A - Members Report*. Also discussed the community transport project co-ordination of work on the Coromandel. Councillor French sent the report to the elected members. The feedback suggested that the individual communities continue to manage their individual needs.
- Councillor Connors has attended several meetings and more recently involved with "It's not ok" meeting.
- Councillor Wells highlighted the success of the Beach Hop - requested a letter of gratitude be sent to the organiser.
- Chair Board Kelly has been in discussion with Department of Conservation (DOC) and forming a good working relationship with them.
- Councillor Bartley congratulated organisers for the anniversary of the Beach Hop. Would like post beach hop clean-up helpers of the town to also be acknowledged.
- Councillor Goudie also congratulated the organisers of the Beach Hop.
- Chair Board Johnston found the meeting with the Board Chairs, Mayor and Chief Executive very productive and beneficial
- Mayor Leach also met with DOC and signalled to members a positive working relationship with the organisation. Indicated to members that the Property Council are progressing their reorganisation proposal.

Recommendations

That the Thames-Coromandel District Council:

1. Receives the Members' Reports.

Moved/Seconded By: Fox/Brljevich

10 Public Excluded

Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987.

Recommendations

That the public:

1. Be excluded from the following parts of the proceedings of this meeting namely:

- Item Business**
- 10.1 Extension of Roothing Professional Services and Operations and Maintenance Contracts**
- 10.2 LATE ITEM - Hauraki Treaty Settlement Redress Proposals**

The general subject of each matter to be considered 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 the passing of this resolution are as follows:

<i>General Subject of Each Matter to be Considered</i>	<i>Reason for Passing this Resolution</i>	<i>Ground(s) Under Section 48(1) for the Passing of the Resolution</i>
Confirmation of Roothing Contract Services Procurement	(7)(2)(h) – Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	(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.
Hauraki Treaty Settlement Redress Proposals	(7)(2)(c)(ii) - 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 otherwise to damage the public interest.	(48)(1) – Subject to subsection (3) of this section, a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

Moved/Seconded By: Wells/Bartley

10.1 Extension of Roothing Professional Services and Operations and Maintenance Contracts-CONFIDENTIAL

An item was considered that is to remain in the Public Excluded Minute Book.

10.2 LATE ITEM - PUBLIC EXCLUDED - Hauraki Treaty Settlement Redress Proposals -CONFIDENTIAL

An item was considered that is to remain in the Public Excluded Minute Book.

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 items which are to remain in the Public Excluded Minute Book.

Item	Description
10.1	Extension of Roading Professional Services and Operations and Maintenance Contracts - CONFIDENTIAL
10.2	LATE ITEM - PUBLIC EXCLUDED - Hauraki Treaty Settlement Redress Proposals - CONFIDENTIAL

Moved/Seconded By: Fox/French

Meeting Closed at 15:35

The foregoing Minutes were certified as being a true and correct record of the meeting of the Thames-Coromandel District Council held on 9 April 2014.

Chairperson _____ **Date** _____