

MINUTES	MEETING	TIME
KĀPITI COAST DISTRICT COUNCIL	THURSDAY 27 NOVEMBER 2014	10.08 AM

Minutes of an additional meeting of the Kapiti Coast District Council on Thursday 27 November 2014, commencing at 10.08am in Council Chambers, Ground Floor, Kapiti Coast District Council, 175 Rimu Road, Paraparaumu.

PRESENT

Mayor	R	Church	Chair
Cr	M	Cardiff	
Cr	D	Ammundsen	
Cr	M	Bell	
Cr	J	Elliott	
Cr	K	Gurunathan	
Cr	P	Gaylor	
Cr	J	Holborow	
Cr	D	Scott	
Cr	G	Welsh	

ATTENDING

Mr	J	Best	(Deputy Chair, Paraparaumu/Raumati Community Board)
Mr	M	Scott	(Chair, Waikanae Community Board)
Mr	P	Edwards	(Member, Paekākāriki Community Board)
Ms	M	Hakaraia	(Te Whakaminenga o Kāpiti Member)
Mr	P	Dougherty	(Chief Executive)
Ms	T	Evans	(Group Manager, Community Services)
Mr	S	McArthur	(Group Manager, Strategy and Partnerships)
Mr	W	Maxwell	(Group Manager, Corporate Services)
Mr	S	Mallon	(Group Manager, Infrastructure Services)
Mr	T	Power	(Senior Legal Counsel)
Mr	D	Lew	(Environmental Planning Manager)
Ms	K	Dorofaeff	(Principal Policy Planner)
Ms	S	Hinton	(Principal Policy Planner)
Mr	P	Stroud	(Project Manager)
Ms	A	Kenna	(Acting Communications Manager)
Ms	V	Starbuck-Maffey	Democracy Services Manager (Minute-Taker)

The Chair read the Council blessing.

KCDC 14/11/179

APOLOGIES

MOVED (Mayor/Ammundsen)

That apologies be received from the Chair of the Paraparaumu-Raumati Community Board Fiona Vining, the Chair of Te Whakaminenga o Kāpiti Rupene Waaka, the Chair of the Ōtaki Community Board James Cootes, and from the Chair of the Waikanae Community Board Michael Scott for an early departure.

CARRIED

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DECLARATIONS OF INTEREST

There were no declarations of interest.

KCDC 14/11/180

PUBLIC SPEAKING TIME

Public Speaking Time

1. Peter Blackler spoke about the Menzshed (Waikanae) winning an award at the Wellington Airport Community Awards, and thanked the Council, the Waikanae Community Board and local businesses for their continuing support.

2. Murray Cooper spoke about four topics and his submission was circulated. He referred to the answers previously received from Council as an OIA response but sought further information. His topics were (1) Clean Tech Centre (2) Chief Executive Performance Review Committee membership (3) Advertisement for a Communications Manager (4) recommended removal of signs that say 'Our Water is Precious'.

3. Alan Smith spoke about item 16 on the agenda concerning the Council's submission to Greater Wellington Regional Council (GWRC) on their draft Natural Resources Plan for the Wellington Region; he largely supported the Council's submission.

4. Dale Evans spoke to his submission on a number of matters: (1) the number of legal opinions sought by Council on behalf of Cr Ammundsen since the beginning of the Triennium (2) the date, nature and cost of such opinions; and (3) the right to speak on any topic during Public Speaking Time. He sought answers through the OIA process.

5. Trevor Daniell spoke about item 11 on today's agenda the Draft Significance and Engagement Policy with reference to the table of thresholds on page 65 of the agenda and said that he would like to see Council have a figure for disposals.

6. Don Wallace spoke as a rural submitter to the Proposed District Plan (PDP) and said that a Rural Issues Group had now been established of which he was Chair. He was concerned about the Council submission to the GWRC's Draft Natural Resources Plan which sought to change forestry activity from permitted to controlled and this would have negative impacts on forestry owners. He asked Council to delete dot points 2, 3, and 4 in section 10 of the Council's submission. Mr Wallace's attention was drawn to the replacement page tabled today which amended section 10 in the light of the recent meeting with the Rural Issues Group.

7. Jan Richmond spoke in support of the Council's submission to the GWRC Draft Natural Resources Plan for the Wellington Region.

KCDC 14/11/181

CONFIRMATION OF MINUTES

MOVED (Bell/Mayor)

That the amendment to the minutes of 5 June 2014 be confirmed.

CARRIED

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KCDC 14/11/182

MEMBERS' BUSINESS

(a) Responses to Public Speaking Time:

1. Peter Blackler – the Mayor reiterated his congratulations.
2. Murray Cooper – answers would be provided in writing.
- 3, 6 and 7 - Allan Smith – points raised would be covered off during discussion of the agenda item, and as there were a number of public speakers interested in this item it was agreed to bring it forward in the agenda order.
4. Dale Evans – the Mayor clarified that he had not censored Mr Evans' submission in any way and Committee Chairs had the discretion to deal with Public Speaking Time submissions as they saw fit. .
5. Trevor Daniel's suggestion would be covered off as part of the discussion on that item.

(b) Leave of Absence – none was requested.

(c) Matters of an Urgent Nature – there were none.

KCDC 14/11/183

SUBMISSION ON DRAFT NATURAL RESOURCES PLAN (NRP) FOR THE WELLINGTON REGION (SP-14-1401)

Environmental Planning Manager Darryl Lew and Principal Policy Planner Sherilyn Hinton spoke to the report. Input to the submission had been obtained at a recent meeting with the Rural Issues Group (RIG) and so an amendment page replacing page 110 of today's agenda was tabled today. Discussion included the following points:

- The work being undertaken to align the Draft NRP and the PDP as much as possible was supported.
- The amendment of section 10 of the submission regarding forestry was discussed and agreed as an appropriate way of addressing concerns of the RIG.
- There was a previous proposal by Council to develop a whole-of-District approach to the management of forestry, including harvesting and some preliminary work was done around this but did not progress through to completion.
- It was suggested that the reference on page 107 relating to beach grooming (Rule CMR194) be amended to include all Kāpiti beaches.
- Page 110 – the section 7.1 about dewatering – this was in connection with GWRC setting a three month limit for dewatering activity but for many contracts this wasn't practical. Council wanted to make sure that time restrictions were not imposed but that the activity was managed through other conditions being put in place.
- It was suggested that a reference to rural drain maintenance be added.
- Discussions had been going on with GWRC regarding the options for the Paekākāriki sea wall and the resource consent which was a legal requirement.
- The provisions in the new plan once adopted would not be retrospective so would not apply to the resource consents already granted for the Expressway.
- It was suggested that the submission be amended on page 111 to request that the Whaitua process for Kāpiti be brought forward.

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MOVED (Bell/Gaylor)

That the Council endorses the draft submission as amended, attached as Attachment 1 of this report (SP-14-1401).

CARRIED

*The meeting adjourned at 11.35am and reconvened at 11.50am.
Cr Gavin Welsh left the meeting.*

KCDC 14/11/184

TOWN CENTRES AND CONNECTORS TRANSFORMATION PROJECT – RANKED OPTION REPORTS (IS-14-1349)

Project Manager Phil Stroud and Infrastructure Services Group Manager Sean Mallon spoke to this report. Discussion included the following points:

- The question was asked as to how the conflicting interests of commercial stakeholders would be reconciled during the process and this was an issue that Council was managing carefully.
- The amount and placement of car parking was becoming a critical issue and Council is working with GWRC on the car parking strategy review which was expected to be finished before the end of the year.
- The Chair of the Waikanae Community Board Michael Scott was invited to comment. Mr Scott was concerned about what had been put forward - although it was a good start - and the potential for letting pressure groups to lead the project. There were major landowners and car parking issues. He believed that structural changes needed to be made, like realigning Marae Lane and managing the gateway approach at the junction of SH1 and Te Moana Road.

MOVED (Mayor/Bell)

That the Council accepts the attached Ranked Options Report – Kāpiti Town Centres and Connectors Transformation Project (Appendix 4 to report IS-14-1349) and authorises the development of both the cost estimates and the implementation programme.

CARRIED

KCDC 14/11/1835

MAYOR'S REPORT

The Mayor provided a verbal update of his recent activities, noting:

- The Menzshed award
- At the recent 'New Zealander of the Year' Award event Waikanae resident Betty van Gaalen had been given a special medal
- LTP Reference Group process had gone very well
- White Ribbon event at Paraparaumu Beach
- Citizenship ceremony at Raukawa marae in Otaki

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- Youth Council had been very active in regards to the Youth Centre, 'Zeal' received an award
- RSA Art event
- Visit to electricity substation at Paraparaumu
- Waikanae Ward by-election in February 2015 – in the wake of Cr Lloyd's passing and until the new Waikanae Ward Councillor was sworn in, it was agreed that Cr Cardiff and Cr Holborow would attend any future meetings of the Accessibility Advisory Group and that the Mayor, Cr Gaylor and Cr Cardiff would assist with the Waikanae Community Board.

Michael Scott left the meeting at 12.05pm.

KCDC 14/11/186

RECOMMENDATION TO CONTINUE PROPOSED DISTRICT PLAN PROCESS (SP-14-1403)

Jonny Best left the meeting at 12.15pm.

Group Manager Strategy and Partnerships Stephen McArthur and Environmental Planning Manager Darryl Lew spoke to the report. They said that issues identified in independent review had been picked up, there was sufficient scope of submissions, there were no legal impediments and appropriate resourcing had been provided. This was the 'Go/No Go' decision point signaled previously to Council in July 2014. A separate paper about the appointment of hearing commissioners would be brought to the 11 December 2014 Council meeting. Discussion included the following points:

- Council was reminded that the July decision allowed staff to carry out further work to satisfy requirements and this work had now been completed.
- The draft proposal for the reorganization of the Wellington regional governance was expected to be released soon, but this process would likely take another year. In the meantime Council had to continue on with business as usual.
- Remaining risks (resourcing and legal) had been addressed and mitigation approaches developed. Legal risk could occur as a judicial review but there was no threat of this at the moment and everything would be done to have evidence-based robust decision-making.

MOVED (Bell/Holborow)

That the Council continues with the modified Proposed District Plan process as agreed by Council at its 24 July 2014 meeting.

CARRIED

Cr Elliott voted against the motion.

KCDC 14/11/187

PROPOSED DISTRICT PLAN EXTENSION TO TIMEFRAMES (SP-14-1325)

Principal Policy Planner Katherine Dorofaëff spoke to the report explaining that the Resource Management Act allowed councils to extend the timeframes for council decisions on the submissions to the PDP. Such an extension was being sought because this would lead to

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better outcomes for submitters and the plan. The extension includes a contingency period allowing additional time to allow for uncertainty around the timing of the hearings in relation to the local body elections in October 2016.

MOVED (Holborow/Bell)

That, in accordance with Section 37 of the Resource Management Act 1991, the Council agree to an extension of the timeframes for giving its decision on the provisions and the matters raised in submissions on the Proposed District Plan to 29 November 2017:

- a. **That this extension be communicated to requiring authorities, submitters and further submitters by letter; and**
- b. **That this extension be communicated by a press release and information on the Proposed District Plan website.**

CARRIED

*The meeting adjourned at 12.45pm and reconvened at 1.20pm
Cr Gavin Welsh rejoined the meeting.*

KCDC 14/11/188

SIGNIFICANCE AND ENGAGEMENT POLICY (SP-14-1399)

Group Manager Strategy and Partnerships Stephen McArthur spoke to the report, explaining that while legislation required Council to adopt the policy by 1 December 2014 the intention was to adopt it today as an interim policy and consult on it through the Long Term Plan process. The legislation enabled councils to adopt the policies without formal consultation.

MOVED (Ammundsen/Gaylor)

That Council:

- a. **adopts the Significance and Engagement interim policy in Appendix 1 of report SP-14-1399, and**
- b. **revokes its current Significance policy, and**
- c. **revokes its current Consultation policy, and**
- d. **agrees to consult on the Significance and Engagement policy as part of the 2015 Long Term Plan process.**

CARRIED

KCDC 14/11/189

DEVELOPMENT CONTRIBUTIONS POLICY (SP-14-1408)

Group Manager Corporate Services Wayne Maxwell spoke to the report. Council was required by central government legislation to adopt the policy. It was not a 'significant' decision because it was a statutory requirement. One of the implications would be that the cost to Council of projects like the Mahara Gallery, previously partly funded through development contributions, would increase, but these increases had already been factored into the draft LTP budgets.

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MOVED (Cardiff/Gurunathan)

That Council

- a) **adopts the Statement of Proposal - Development Contributions policy, Nov 2014 attached to SP-14-1408, to meet the requirements of clause 9, Schedule 1AA in the Local Government Act.**
- b) **notes that the revised definition of community infrastructure has been applied to the current policy, and**
- c) **notes the restrictions on Development Contribution funding for reserves, and**
- d) **notes that Council will need to adopt a fully revised policy proposal in February/March 2015 for consultation as part of the Long Term Plan.**

CARRIED

KCDC 14/11/190

AMENDMENTS TO THE GOVERNANCE STRUCTURE AND DELEGATIONS (16 OCTOBER 2014 VERSION) (Corp-14-1375)

Vyvien Starbuck-Maffey Democracy Services Manager spoke to this report explaining it sought to amend the current Governance Structure document to remove references to the Clean Technology Innovation Fund as this Fund had been discontinued. Reasons for the discontinuation of the Fund were clarified. The fund was put in place by the previous council when the Economic Development Strategy had clean technology as a major initiative and funding was put aside for applications and grants. The funding had been diverted to support the new innovation hub initiative.

MOVED (Holborow/ Bell)

That the Council approves the amendment to the Governance Structure and Delegations document (16 October 2014 version) and authorizes the Chief Executive to amend the Governance Statement accordingly.

CARRIED

KCDC 14/11/191

EXEMPTION TO THE DEFINITION OF COUNCIL CONTROLLED ORGANISATION (Corp-14-1406)

MOVED (Scott/Elliott)

That Council grants exemption to the Wellington Rural Fire Authority from the definition of *council-controlled organisation* under section 7(4) of the Local Government Act 2002.

CARRIED

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KCDC 14/11/192

WAIKANAE WARD BY-ELECTION – ORDER OF CANDIDATE NAMES ON THE VOTING DOCUMENTS (Corp-14-1406)

Vyvien Starbuck-Maffey Democracy Services Manager spoke to this report explaining that because of the timing of Cr Lloyd's passing a by-election had to be held, and a decision associated with this was deciding on the order of candidate names on voting papers. Discussion included the following points:

- Alphabetical order of surname had been used up to now and there was support for the status quo, however there was some support for a randomized order, noting that this was one of the recommendations of the Justice and Electoral Select Committee's Inquiry into the 2013 local body elections, and that it was fairer given that order of surname could be seen to confer advantage.
- Today's decision applied only to the by-election, not the local body elections.
- Only one nomination had been received to date with the implication that if only two or three names were on the voting paper the impact of order was perhaps negligible.
- Using random order in this by-election could be useful to gauge public opinion about the change but it was queried how this information could be gathered.
- It was up to candidates to convince the public to vote for them and that was more important than order of name.

MOVED (Gaylor/Mayor)

That Council resolves that the names of the candidates for the Waikanae Ward by-election on 17 February 2015 are to be arranged on the voting papers in alphabetical order of surname.

A division was requested:

For the motion: the Mayor, Cr Gaylor, Cr Ammundsen, Cr Bell, Cr Cardiff, Cr Holborow

Against the motion: Cr Elliott, Cr Guru, Cr Scott, Cr Welsh

CARRIED

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KCDC 14/11/193

RESOLUTION TO GO INTO PUBLIC EXCLUDED SESSION

MOVED (Gurunathan/Mayor)

	<p>That, pursuant to Section 48 of the Local Government Official Information and Meetings Act 1987, the public now be excluded from the meeting for the reasons given below, while the following matters are considered:</p> <ul style="list-style-type: none"> Confirmation of Public Excluded Minutes: 16 October 2014 <p>The general subject of each matter to be considered, while the public are 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:</p>	
<p>Confirmation of Public Excluded Minutes: 16 October 2014</p>	<p>Section 7(2)(a) – to protect the privacy of natural persons.</p> <p>Section 7(2)(f)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to members or officers or employees of any local authority ... in the course of their duty.</p>	<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.</p>

CARRIED

The meeting went into public excluded session at 1.12pm.

The meeting came out of public excluded session at 1.14pm and was closed.

Signed / / 2014

Mayor Ross Church, Chair