

MINUTES	MEETING	TIME
<b>KĀPITI COAST DISTRICT COUNCIL</b>	<b>THURSDAY 10 DECEMBER 2015</b>	<b>10.00 AM</b>

Minutes of a six-weekly meeting of the Kapiti Coast District Council on Thursday 10 December 2015, commencing at 10.00 am in Council Chambers, Ground Floor, Kapiti Coast District Council, 175 Rimu Road, Paraparaumu.

#### PRESENT

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

#### ATTENDING

Mr	P	Edwards	(Chair, Paekākāriki Community Board)
Mr	J	Cootes	(Chair, Ōtaki Community Board)
Ms	F	Vining	(Chair, Paraparaumu-Raumati Community Board)
Mr	E	Gregory	(Chair, Waikanae Community Board)
Mr	P	Dougherty	(Chief Executive)
Mr	S	McArthur	(Group Manager, Strategy and Planning)
Mr	S	Mallon	(Group Manager, Infrastructure Services)
Mr	W	Maxwell	(Group Manager, Corporate Services)
Mr	K	Currie	(Group Manager, Regulatory Services)
Ms	T	Evans	(Group Manager, Community Services)
Mr	K	Black	(Manager, Corporate Planning and Reporting)
Ms	S	Hinton	(Principal Policy Planner)
Mr	M	Cole	(Water and Wastewater Asset Manager)
Ms	S	Powell	(PDP Project Director)
Mr	A	Aburn	(PDP Hearings Panel Chair)
Ms	V	Starbuck-Maffey	(Democracy Services Manager - Minute-Taker)

The Mayor welcomed everyone to the meeting, including Alistair Aburn the Chair of the Proposed District Plan Hearings Panel, and extended his best wishes for the festive season. He read the Council blessing and called for apologies.

KCDC 15/12/446

#### **APOLOGIES AND DECLARATIONS**

##### **MOVED (Mayor/Ammundsen)**

**That an apology is accepted from Ann-Maree Ellison of Te Whakaminenga o Kāpiti.**

##### **CARRIED**

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## **DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA**

There were none.

KCDC 15/12/447

### **PUBLIC SPEAKING TIME (FOR ITEMS RELATING TO THE AGENDA)**

*Fiona Vining arrived at 10.04am.*

1. Julianne Alve / Sue Wall – spoke about agenda item 10 on the Harry Shaw Way Reserve Revocation.
2. Gordon McArthur – spoke about agenda item 10 on the Harry Shaw Way Reserve Revocation.
3. Stuart Thurston – spoke about agenda item 10 on the Harry Shaw Way Reserve Revocation.
4. Euan Hubbard – spoke about agenda item 10 on the Harry Shaw Way Reserve Revocation.

KCDC 15/12/448

### **MEMBERS' BUSINESS**

- (a) Responses to Public Speaking Time: The issues raised by speakers would be addressed during the agenda item.
- (b) Leave of Absence - none was requested.
- (c) Matters of an Urgent Nature – there were none.

KCDC 15/12/449

### **MAYOR'S REPORT**

The Mayor's report was circulated and he went through it briefly, noting highlights.

*Cr Elliott left the meeting at 10.31am and returned at 10.35am.*

- A question was asked about expectations of the region around the Wellington Airport extension. Both the Mayor and Chief Executive clarified that there was support in principle from Mayors in the region but any question of funding would be a decision for individual Councils and dependent on a robust business case being submitted and would not be further discussed until after the resource consent process had been completed.
- The issue of street-light posts preventing wheelchair access to roads was raised, specifically in relation to those located at the corner of Larch Grove and Brett Ambler Way, and down Ngahina Street. Undergrounding the cables would be costly and the Mayor would mention this issue in any future conversations with Electra.

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- The Mayor also confirmed he had met with Labour MP Chris Faafoi a number of times during the year.

KCDC 15/12/450

**KAPITI AIRPORT PRIVATE PLAN CHANGE REQUEST – AIRPORT ZONE PROHIBITED ACTIVITIES (SP-15-1766)**

This report was introduced by Stephen McArthur Group Manager Strategy and Planning, Sue Powell Project Manager and Sherilyn Hinton Principal Policy Planner. The applicant was within their rights under the Resource Management Act 1991 to lodge the plan change request which applied to the current operative District Plan. The request was also consistent with their submission on the Proposal District Plan (PDP).

Council must process this request. The three available options were discussed. The officer recommendation was to accept the request, acknowledging the proximity of this matter with the PDP processes unfolding next year. It would make good sense and be more cost-efficient to run those two processes as closely together as possible and consistency could be achieved if the same Hearing Commissioners were used.

Other salient points emerging during discussion included:

- Doubling the length of the submission period was considered but would take the process out of alignment with the PDP process when there was no strong rationale to do so.
- Having been a submitter to the PDP did not prevent the applicant from making this request for a plan change.

*Philip Edwards left the meeting at 10.50am and returned at 10.53am.*

- The two processes would be kept separate. There was no legal requirement to hear one before the other, but it was commonsense to hear the PDP chapter 6 matters first as the issues were more wide-ranging.
- There was a view expressed by a Councillor that the officer report should have included the option of appointing a separate panel. It was pointed out that having a separate panel ran the risk of different conclusions being reached and therefore increased the likelihood of Environment Court involvement at a later stage.
- Mr Aburn was invited to comment and he said it was appropriate that Council discuss this issue and come to a decision. He was confident that an effective process could be put in place. His view was that a single hearings panel to consider both matters was an appropriate way forward.

Cr Ammundsen and Cr Cardiff advised that they had a potential conflict of interest and would not vote on Recommendation 56 in the report.

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**MOVED (Welsh/M Scott)**

**That the Council, pursuant to clause 25(2)(b) of the First Schedule of the Resource Management Act 1991, accepts the proposed plan change request made by Kāpiti Coast Airport Holding Limited to change the activity status of retail and noise sensitive activities outside the Air Noise boundary within the Airport Zone, for the following reasons:**

- **There is sufficient information to proceed to publicly notify the plan change;**
- **The plan change addresses valid resource management issues;**
- **Public notification would provide an opportunity for interested persons to lodge submissions and become involved in the process;**
- **The merits of the plan change will be examined following submissions through the hearings process; and**
- **There is no reasonable ground on which to reject the request.**

**That the Council notes that acceptance of the plan change request and a decision to proceed to notification is procedural only and does not affect the Council's ability to consider the merits of the requested plan change at a later stage.**

**That the Council proceeds to prepare the plan change in consultation with Kāpiti Coast Airport Holding Limited and notifies the plan change under Clause 26 of the First Schedule of the Resource Management Act as soon as practicable in the New Year in line with the indicative timeframe in paragraph 35 of report SP-15-1766.**

**CARRIED**

**MOVED (Welsh/M Scott)**

**That the Council agrees to appoint the PDP Hearings Panel to hear the private plan change and any submissions, and to make decisions to recommend to Council.**

**CARRIED**

Cr Elliott voted against the motion.

Cr Ammundsen and Cr Cardiff abstained from voting.

KCDC 15/12/451

**PROPOSED DISTRICT PLAN (PDP) READINESS REPORT FOR HEARINGS (SP-15-1744)**

Project Manager Sue Powell and Group Manager Strategy and Planning Stephen McArthur spoke to this report and summarized the process to date. It was important that hearings start in April if the matter is to be completed before the next local body elections in October 2016. Report recommendations covered off the contingency if an extension was required for the period after the elections. There would be regular updates to Council as the hearings progress. If this extension exceeded the 23<sup>rd</sup> of December 2016 Council would be asked to make a further decision. Once the Hearings Panel had made its recommendations to Council they would no longer have a role in the process.

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Cr Ammundsen and Cr Cardiff advised that they had a conflict of interest and would not be voting on this issue.

**MOVED (Bell/Gaylor)**

**That the Council notes the commencement of Proposed District Plan hearings in April 2016 with a direction setting meeting of the Hearing Commissioners in February 2016.**

**That the Council agrees to extend the period of appointment of Councillors Diane Ammundsen and Mike Cardiff as hearings commissioners for the Proposed District Plan past the end of the current triennium on 8 October 2016 until 23 December 2016 to provide contingency should hearings and decisions extend beyond the end of the triennium.**

**CARRIED**

Cr Ammundsen and Cr Cardiff abstained from voting.  
Cr D Scott voted against the motion.

*The meeting adjourned at 11.25am and reconvened at 11.35am.*

The Mayor invited Mr Aburn to speak. He said the Panel recognized the significance of the task before them and were confident they would be making their recommendations to Council before October 2016.

KCDC 15/12/452

**HARRY SHAW WAY RESERVE REVOCATION (CS-15-1700)**

Tamsin Evans Group Manager Community Services and Sean Mallon Group Manager Infrastructure Services spoke to the report and explained the background. It was intended that the parcel of land remain as a local purpose road - reserve and the Cycleway Walkway Bridleway (CWB) plans be formalized. However the area would still be available in the future should there be a proposal for development which would be subject to the regulatory processes at that time, at which point issues like traffic congestion and road width would be examined.

The community group and Council staff were congratulated for the effective and professional way the issues were worked through.

**MOVED (Holborow/Gaylor)**

**That the Council:**

**Agrees to not revoke the reserve status of 27 Harry Shaw Way (WN54D/864) pursuant to the Reserves Act 1977 (as per report CS-15-1700).**

**Authorises the Chief Executive to undertake discussions with NZTA to ensure the formed Cycleway, Walkway and Bridleway to be constructed at 27 Harry Shaw Way is owned by the Council (as per report CS-15-1700).**

**CARRIED**

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**MOVED (Holborow/Elliott)**

**Notes that the land at 27 Harry Shaw Way (WN54D/864) may be assessed as one of the potential access points to the surplus land between Poplar Ave and 27 Harry Shaw Way if the land is developed in the future, and that such an assessment would be subject to regulatory processes at that time.**

**CARRIED**

Cr D Scott voted against the motion.

KCDC 15/12/453

**CHARGING REGIME ADVISORY GROUP (CRAG) – WATER TARIFF REVIEW (IS-15-1767)**

Sean Mallon Group Manager Infrastructure Services and Martyn Cole Water and Wastewater Asset Manager spoke to the report recapping the process to date. At the time CRAG reported back to Council, there was a commitment to reconvene the group in two years to review the effectiveness and impact of the volumetric charging regime. The previous members were still available including Don Hunn as Chair. Council was still working with iwi to finalise their nominee.

It was clarified that CRAG was convened not to set water supply prices, but to recommend to Council a formula for volumetric charging.

One Councillor asked whether she was able to vote today given that she had been opposed to water meters two years ago but was told it was her responsibility to determine.

It was suggested that Council vote for two replacement Councillors not just one, and with Cr Cardiff's agreement, the nomination of Councillors Welsh and Michael Scott proceeded.

Councillors agreed to three amendments to the proposed Terms of Reference at Appendix 1 of report IS-15-1767:

1. the dot point "be capable of annual adjustments to charging to address fluctuations in consumption" should have the word "annual" deleted;
2. the dot point "satisfy Council's annual cash-flow requirements" should read "satisfy Council's water supply cash-flow requirements";
3. the Membership list should include the Council of Older Persons as well.

There was discussion on whether a youth representative should be included.

Councillors discussed at length the process used to confirm the availability and appropriateness of the representatives. Officers had obtained email confirmation from each member confirming they were still available and still the right person to represent their organization. However, some Councillors felt that the organisations should have been contacted initially to give them the opportunity to meet and perhaps appoint a new representative. The Chief Executive explained the appointment process and the timing implications if Council were to go back to organisations in this way at this point.

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*Cr Elliott left the meeting at 12.29pm and returned at 12.38pm.*

**MOVED (Gaylor/Ammundsen)**

**That Council approves the reconvening of the Charging Regime Advisory Group (CRAG) to review the pricing and charging structure for water by Council.**

**CARRIED**

**MOVED (Gaylor/Ammundsen)**

**That Council approves the original membership as listed in the CRAG report (Appendix 2 and report IS-15-1767) excluding Cr Cardiff and Mr Tony Lester, noting the vacancy for two elected members.**

**A division was requested:**

**For the motion: Cr M Scott, Cr Holborow, Cr Welsh, Cr Gaylor, Cr Ammundsen, the Mayor, Cr Gurunathan, Cr Cardiff, Cr D Scott**

**Against the motion: Cr Bell, Cr Elliott**

**CARRIED**

**MOVED (Gaylor/Ammundsen)**

**That Council approves the Terms of Reference (TOR) (Appendix 1 of report IS-15-1767) as amended, in relation to the ongoing monitoring aspects for the review.**

**CARRIED**

Cr Elliott voted against the motion.

**MOVED (Cardiff/Gaylor)**

**That Council nominate Cr M Scott as a Councillor on the Charging Regime Advisory Group (CRAG).**

**CARRIED**

Cr M Scott abstained from voting.

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**MOVED (Cardiff/Gaylor)**

**That Council nominate Cr Welsh as a Councillor on the Charging Regime Advisory Group (CRAG).**

**CARRIED**

Cr Welsh abstained from voting.

**MOVED (Gaylor/Ammundsen)**

**That the Council notes that:**

- **Caleb Royal is confirmed as the representative for Ngā Hapū o Ōtaki;**
- **Te Āti Awa ki Whakarongotai, and Ngāti Toarangitira are in the process of confirming representatives to the CRAG.**

**CARRIED**

*The meeting adjourned at 12.50pm and reconvened at 1.30pm.*

KCDC 15/12/454

**FUTUREKAPITI : ADOPTION OF ACTIVITY MANAGEMENT PLANS 2015-35 (SP-15-1712)**

Corporate Planning and Reporting Manager Kevin Black and Group Manager Strategy and Planning Stephen McArthur spoke to the report. The plans underpin the Long Term Plan adopted by Council in June 2015.

**MOVED (M Scott/Welsh)**

**That the Council adopts the activity management plans for the period 2015 – 35 as included in the appendix to report SP-15-1712.**

**CARRIED**

KCDC 15/12/455

**LEASE RENEWAL (CS-15-1778)**

Group Manager Community Services Tamsin Evans spoke to the report which sought Council's approval to renew the lease of the airspace above the Wharemauku Stream to Coastland's Shoppingtown complex. Council was still in discussion with Coastlands about a longer term lease.

Councillors requested a definitive answer concerning the issue of developing a pathway system under the bridges and this was clarified. Council had a responsibility for flood management associated with the stream which would be compromised with a pathway. Coastlands had also had issues with vandalism and nuisance behavior in the area so they were opposed to increased accessibility. A summary of reasons would be provided to Councillors..

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**MOVED (M Scott/Welsh)**

**That the Council approves the Chief Executive to enter into a five year lease agreement with Coastlands Shoppingtown Limited for the airspace identified in Appendix 1 to report CS-15-1778 and authorises the Chief Executive to negotiate the specific terms, conditions and rental amount of the lease agreement.**

**That the Council reviews and renews the Stream Maintenance Agreement with Coastlands Shoppingtown Limited in consideration of and in association with the lease agreement for the airspace identified in Attachment 1 to report CS-15-1778.**

**That the Council notes officers will continue to investigate and will report back in 2016 on options for long term leasing of the airspace identified in Appendix 1 to report CS-15-1778 that provides Coastlands Shoppingtown Limited with greater certainty over their occupancy but which also considers the interests of the community.**

**CARRIED**

KCDC 15/12/456

**AMENDMENTS TO THE COUNCIL DELEGATIONS TO CHIEF EXECUTIVE AND STAFF (SP-15-1757)**

**MOVED (Welsh/Ammundsen)**

**That the Council adopts the amendments to the Resource Management Act 1991 Delegations, shown in Appendix A of Report SP-15-1757 to include the new position titles of: Parks and Recreation Manager and Open Space Manager.**

**That the Council adopts the amendment to the Council Delegations to the Chief Executive and Staff as shown in Appendix B of Report SP-15-1757 to include the Food Act 2014.**

**That the Council notes that once approved, these amendments will be included in the existing 16 July 2015 Resource Management Act 1991 Delegations and the 16 July 2015 Delegations Made by Council to Chief Executive and Staff.**

**CARRIED**

KCDC 15/12/457

**POLICY ON DECLARATION OF MEMBER INTERESTS (CORP-15-742)**

Democracy Services Manager Vyvien Starbuck-Maffey spoke to the report explaining that it was largely a means of making transparent an existing process of capturing Elected Members' declarations of interest.

It was noted that a number of councils published their registers online and Councillors were not opposed to this happening. If approved the new Policy would be circulated through Community Boards for their consideration and adoption.

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**MOVED (M Scott/Elliott)**

**That Council adopts the Policy on Declaration of Members' Interests (subject to any amendments) as at Appendix 1 to report Corp-15-1707.**

**CARRIED**

KCDC 15/12/458

**DRAFT CALENDAR OF MEETINGS 2016 (CORP-15-1742)**

The proposed calendar of meetings for 2016 was presented. In 2015 there had been a doubling up of Community Board meetings on a couple of occasions; however these were associated with the 2015 representation review statutory timeframes and in general this situation was avoided except where the Community Board themselves decided to reschedule.

**MOVED (Welsh/M Scott)**

**That the Council approves the draft meeting schedule for January 2016 – September 2016 as detailed in Appendix 1 of report Corp-15-1742 noting the following:**

- **the calendar of meetings is based on a six-weekly cycle;**
- **Council, Committee and Subcommittee meetings are generally scheduled on a Thursday and start at 10.00 am; and**
- **as a general rule, Community Board meetings will take place on Tuesday evenings, commencing at 7.00 pm for Ōtaki, Paekākāriki and Paraparaumu/Raumati Community Boards, and at 7.30 pm for Waikanae Community Board.**

**CARRIED**

KCDC 15/12/459

**REPORTS AND RECOMMENDATIONS FROM STANDING COMMITTEES AND COMMUNITY BOARDS (CORP-15-1768)**

**MOVED (M Scott/Ammundsen)**

**That Council approves the allocation of up to \$10,000 from the Waikanae Capital Improvement Fund to procure and install five specimen trees in the new Waikanae Station Park and Ride.**

**CARRIED**

Councillors would be provided with more information about the kind of tree being considered.

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**MOVED (Church/Welsh)**

**That Council receives Report Corp-15-1768 (Reports and Recommendations from Standing Committees and Community Boards).**

**CARRIED**

KCDC 15/12/460

**DRAFT MINUTES : WELLINGTON REGION WASTE MANAGEMENT AND MINIMISATION PLAN JOINT COMMITTEE – FOR INFORMATION**

The draft minutes were noted.

KCDC 15/12/461

**CONFIRMATION OF MINUTES**

There was one amendment at the top of page 8 of the minutes where the phrase “Cr Cardiff resumed as Chair.” should be inserted.

**MOVED (Bell/D Scott)**

**That the amended minutes of the Council meeting on 15 October 2015 be accepted as a true and accurate record of that meeting.**

**CARRIED**

KCDC 15/12/462

**PUBLIC SPEAKING TIME (COVERING OTHER ITEMS NOT ON THE AGENDA)**

There were no other public speakers.

*The Council went into public excluded session at 2.03 pm.*

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KCDC 15/12/463

**RESOLUTION TO GO INTO PUBLIC EXCLUDED**

**MOVED (Mayor/M Scott)**

<p><b>PUBLIC EXCLUDED RESOLUTION</b></p> <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"> <li>• <b>Confirmation of Public Excluded Minutes – 15 October 2015</b></li> </ul> <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>		
<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Grounds under Section 48(1) for the passing of this resolution</b>
<p><b>Confirmation of Public Excluded Minutes – 15 October 2015</b></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 came out of public excluded session at 2.05 pm and was closed.*

Signed ..... / ..... / 2015

Mayor Ross Church, Chair