

MINUTES	MEETING	TIME
KĀPITI COAST DISTRICT COUNCIL	THURSDAY 16 JULY, 2015	10.05 AM

Minutes of a meeting of the Kapiti Coast District Council on Thursday 16 July 2015, commencing at 10.05 am in Council Chambers, Ground Floor, Kapiti Coast District Council, 175 Rimu Road, Paraparaumu.

PRESENT

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

ATTENDING

Ms	A-M	Ellison	(Member, Te Whakaminenga o Kāpiti)
Mr	E	Gregory	(Chair, Waikanae Community Board)
Mr	P	Edwards	(Chair, Paekākāriki Community Board)
Ms	F	Vining	(Chair, Paraparaumu-Raumati Community Board)
Mr	J	Cootes	(Chair, Ōtaki Community Board)
Mr	P	Dougherty	(Chief Executive)
Ms	S	Foss	(Acting Group Manager, Community Services)
Mr	S	McArthur	(Group Manager, Strategy and Planning)
Mr	S	Mallon	(Group Manager, Infrastructure Services)
Mr	W	Maxwell	(Group Manager, Corporate Services)
Ms	J	McDougall	(Communications Manager)
Ms	C	Scollay	(Arts and Museums Development Officer)
Mr	S	Hester	(Acting Property Asset Manager)
Mr	T	Power	(Senior Legal Counsel)
Ms	V	Starbuck-Maffey	(Democracy Services Manager - Minute-Taker)

The Mayor welcomed everyone to the meeting and read the Council blessing.

KCDC 15/07/399

APOLOGIES

There were none.

It was noted that Cr Diane Ammundsen was on leave of absence.

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DECLARATIONS OF INTEREST

There were none.

KCDC 15/07/400

PRESENTATION: PETER BIGGS – WELLINGTON REGIONAL ECONOMIC DEVELOPMENT AGENCY (WREDA)

Peter Biggs, Chair of WREDA gave a powerpoint presentation 'The Wellington Region: the Place of the Possible' which provided an update on the work of the new agency. Key points are noted below:

Cr Michael Scott joined the meeting at 10.12am.

- The region was not realizing its potential – statistics on population growth, growth in GDP, business numbers and retail spending were lagging behind those for cities like Tauranga, Hamilton and Auckland;
- Overall job growth in the region has slowed – despite employment growth in the public service resuming. Business performance by sector is mixed. There are skill shortages in key sectors (ie IT).
- The region is not reaching its potential in terms of international visitors and it needs to attract more visitors from outside its traditional markets.
- The region is not getting its share of migrants or international students.
- On the other hand, the region's core strengths were detailed: for example, it was the fastest growing region in New Zealand for high-tech companies.
- The membership, structure, vision and objectives of WREDA were explained: By 2025 the Wellington region will be the most prosperous, liveable and vibrant region in Australasia. A business plan was being developed and the new Chief Executive Chris Whelan would join the agency in September.

Cr Michael Scott left the meeting at 10.35am and returned at 10.37am.

- Work was progressing on engaging with iwi in these endeavours.
- The events programme needed refreshing, with a focus on more joined-up events.

The meeting adjourned at 10.40am and resumed at 10.42am.

KCDC 15/07/401

PUBLIC SPEAKING TIME (FOR ITEMS RELATING TO THE AGENDA)

1. Dale Evans spoke to his submission (circulated) which posed a number of questions about the Public Arts Panel item, disagreeing with the recommendations.

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2. Cathy Thompson spoke about the Code of Conduct Complaint Process item, disappointed that the Council might not allow an independent person to judge the complaint.

3. Cr David Scott read out a statement on behalf of Kerry Bolton about the Code of Conduct Complaint Process item, saying that any Councillor with a conflict of interest in a complaint matter must be recused from any such process in order to preserve natural justice.

4. Ann Hunt spoke about the Code of Conduct Complaint Process item with reference to her own past experiences as a Horowhenua Councillor and saying there is a right of appeal to any complaint via the Ombudsman.

5. Cr Jackie Elliott read out a statement on behalf of Margaret Stevenson-Wright about the Code of Conduct Complaint Process item, with a focus on the rules of natural justice.

6. Cr Jackie Elliott read out a statement on behalf of John Vickerman about the Code of Conduct Complaint Process item, with a focus on the rules of natural justice and the need for further public consultation.

7. Jean Kahui spoke about the Code of Conduct Complaint Process item, and commented on the rules of natural justice.

8. Jenny Cronin spoke about the Code of Conduct Complaint Process item, disagreeing with the recommendations.

9. Regional Cr Nigel Wilson gave an update and answered questions on various aspects of recent work by the Greater Wellington Regional Council including:

- Recent changes in committee structures and memberships
- Flooding issues
- The provision of additional bus-shelters possibly through a targeted rate
- Increasing carparking at Waikanae Railway Station and north (Parata Street) including the need to engage with local iwi on this matter
- The problem of emergency access across the railway line at Waikanae
- An update on the cycleway, walkway, bridleway network and signage through Queen Elizabeth Park
- Planting efforts by volunteers at Queen Elizabeth Park
- Gravel extraction from the Waikanae River

KCDC 15/07/402

MEMBERS' BUSINESS

(a) Responses to Public Speaking Time

The Mayor confirmed that the issues raised by the speakers would be addressed during the relevant agenda items.

(b) Leave of Absence - none was requested.

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

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The meeting adjourned at 11.39am and resumed at 11.52am.

KCDC 15/07/403

CODE OF CONDUCT COMPLAINT – PROCESS (CE-15-1612)

Senior Legal Counsel Tim Power spoke to the report, explaining the rationale for bringing the matter before the Council meeting which was to provide certainty as to how complaints would be dealt with in future and to streamline the process. It was not the intention to change the Code of Conduct itself but the new process if adopted would sit underneath the Code as a guideline. A new Appendix 2 was tabled; the amendment was to provide a filter at the start of the process to address the issue of whether or not any complaint came under the Code. It was also noted that advice from Buddle Findlay on the issue of voting had been provided to Councillors. Discussion included the following points:

- Two complaints dealt with under the current Code had followed different processes which had given rise to complaints of inconsistency. The current Code is silent on the process to be followed. The process being proposed today would bring consistency to consideration of complaints.
- Some Councillors thought that a workshop should have been held to review the current Code.
- It was noted that the officer report was in alignment with the 2006 report on council codes of conduct by the Office of the Auditor-General, and with the principles of natural justice.
- Further explanation was given about the reason for bringing the report before Council; that an attempt was being made to avoid the situation where Council would spend thousands of dollars engaging an independent panel to investigate every complaint, when, in any case, it was Council who would still have to make the final decision.
- Clarification was provided that it was up to each Community Board as to whether they adopted the new process.
- The provisions of Standing Orders apply above those of the Code of Conduct with regards to behavior at meetings of Council, and Standing Orders leaves it up to each Councillor to decide whether or not they will vote on the matters before them.
- If the report was let lie on the table today or the proposed process not adopted the complaints currently on hand would have to be dealt with under the current Code.
- Some Councillors preferred the flexibility of approach offered by the current Code and did not see the need to adopt a separate process.
- It was noted that Local Government New Zealand (LGNZ) had provided a model code to councils originally, and were now just about to embark on a review of the policy. There was a suggestion that Council should wait until after the results of this

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review were released before taking action. LGNZ acknowledged there were flaws in the current model.

- It was clarified that once a council had adopted a Code, that document stood unless it was replaced or amended in which case a vote of not less than 75% of Councillors was required to effect change. However, it had been the practice to have every new council adopt the document at the beginning of each triennium in order to familiarize them with the document. It was suggested that the document be introduced to councillors later in the Triennium as by then councillors would be more aware of governance processes and issues.

MOVED (Welsh/Holborow)

That the Council notes report CE-15-1612 and requests a review of the Code of Conduct; until such point the current provisions remain, and that this Council holds a public excluded session to workshop/review the Code of Conduct.

The Mayor called for a show of hands, there were five votes for and five votes against. The Mayor exercised his casting vote.

LOST

MOVED (Elliott /D Scott)

That Council agrees that the report CE-15-1612 is let lie on the table.

A division was requested:

For the motion: Cr D Scott, Cr Elliott, Cr Welsh, Cr Gurunathan, Cr Holborow

Against the motion: the Mayor, Cr M Scott, Cr Gaylor, Cr Bell, Cr Cardiff

The Mayor exercised his casting vote.

LOST

MOVED (M Scott/Mayor)

That the Council note Report CE-15-1612.

CARRIED

MOVED (Mayor/M Scott)

That the Council adopt the process for dealing with Code of Conduct complaints as set out in the amended Appendix 2 to report CE-15-1612.

A division was requested:

For the motion: Cr Cardiff, Cr Gaylor, Cr M Scott, the Mayor

Against the motion: Cr Gurunathan, Cr Elliott, Cr D Scott, Cr Welsh, Cr Holborow

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Cr Bell abstained from voting.

LOST

MOVED (Welsh/Gurunathan)

That the Council note the legal advice from Buddle Findlay dated 15 July 2015 on the Code of Conduct process.

CARRIED

Cr D Scott voted against the motion.

*The meeting adjourned at 1.33pm and reconvened at 2.10pm
James Cootes left the meeting.*

KCDC 15/07/404

PUBLIC ART PANEL – COUNCIL REPRESENTATION (CORP-15-1627)

The Mayor presented the report, explaining that he had lost confidence in the leadership of the Arts Panel, due to its lack of progress overall (including with the replacement of the tui sculpture), and the fact that the budget had been carried over to the 2015/16 financial year. He had spoken to all members of the panel who were reluctant to continue meeting. The Mayor clarified that the proposal to change the appointment was his initiative and not one by the Panel, although he had the full support of the Panel. Given the importance of the Panel's work it was proposed to appoint the Deputy Mayor as the new Chair. Discussion featured the following points:

- It was stated that the tui had only just been sold so it was not fair to cite that as a factor.
- The Mayor did not appoint the Chair of the Panel, the Panel did, after the Environment and Community Development Committee appointed Cr Elliott as a member of the Panel. So it should be the Committee considering this matter, and there was no evidence that the Panel was unhappy with her performance.
- There was a forceful disagreement between two Councillors over the Mayor's remarks about the Panel's support for today's proposal, with one Councillor eventually withdrawing his comments.
- Another point was made that when Councillors are appointed to external bodies there is a requirement for them to regularly report back to Council on the operations of these bodies, and as most of them had been dilatory in this respect it was not fair to single out one Councillor for lack of performance.
- Cr Elliott read out a list of deliverables which she believed demonstrated her performance and capability to continue as Chair, and held staff accountable for the sluggish meeting timetable. She also pointed out that the budget was designed to be rolled over every year or two to enable substantial purchases to be made and to work

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within the project phasing of the Town Centres project. She asked that the report be withdrawn.

- With regard to the rejection of one of the Panel's recommendations it was suggested that it wasn't logical to blame the Chair when a Panel of experts brought a recommendation to a group of non-experts (ie Councillors) who rejected it.
- Remarks by Cr Elliott in her recent press release about the Panel's work and budget were quoted. It was pointed out that the budget figure cited was incorrect. The budget had been described in the press release as 'minuscule'. Cr Elliott had had the opportunity to put a case to Council for more public art funding during the round of Long Term Plan workshops and discussions and yet had been silent. When it came to voting for the Long Term Plan budget she voted against it. It was also difficult to have confidence in a Chair who didn't know the facts about her own group's budget.
- The Mayor exercised his right of reply, saying that the Chair had not complied with the Panel's Terms of Reference, and that public statements made by the Chair should have been put through the Council's Communications team first. Blaming staff was also not appropriate behavior for a leader. Some of the Panel members had commented that a fresh approach would be desirable.

There was considerable interjection and disruption from the public gallery throughout the discussion.

Cr Holborow left the meeting at 2.30pm.

MOVED (Mayor/M Scott)

That Council agrees to discharge Cr Jackie Elliott as a member of the Public Art Panel.

That Council agrees to appoint Cr Cardiff as a member of the Public Art Panel for the remainder of the 2013-2016 Triennium.

A division was requested:

For the motion: Cr Bell, Cr Cardiff, Cr Gaylor, Cr M Scott, the Mayor

Against the motion: Cr Gurunathan, Cr Elliott, Cr D Scott, Cr Welsh

CARRIED

Cr Holborow rejoined the meeting at 2.35pm.

Cr Elliott and Cr Gurunathan left the meeting at 2.35pm

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**MAHARA GALLERY REDEVELOPMENT PROJECT – STEERING GROUP
APPOINTMENT (CS-15-1636)**

Arts and Museums Development Officer Catherine Scollay, and Acting Group Manager Community Services Sharon Foss introduced the report. It was clarified that the makeup of the Steering Group had been agreed to by Council.

Cr Holborow was currently the Council representative on the Mahara Gallery Trust and it was clarified that she could also be appointed to the Steering Group if Councillors agreed; this could produce good synergies between the two groups and Cr Holborow had no objections. There was some consideration of appointing Cr Michael Scott as an alternate but he did not agree.

Cr D Scott left the meeting at 2.39pm.

MOVED (M Scott/Bell)

That Council appoints Cr Holborow as the Council representative on the Mahara Gallery Upgrade Project Steering Group.

CARRIED

KCDC 15/07/406

ASSIGNMENT OF LEASE - WATERFRONT CAFÉ AND BAR (CS-15-1611)

Acting Property Asset Manager Sean Hester spoke to the report, noting that the new lessees were experienced and had provided a comprehensive business plan. Discussion clarified the issue of earthquake strengthening clauses in the lease.

MOVED (Cardiff/Mayor)

That the Council approve the assignment of the lease for the premises of Waterfront Brasserie to The Beach Limited, subject to the directors providing a guarantee.

That the Council notes that all associated costs relating to the reassignment of the lease are the lessee's responsibility.

CARRIED

KCDC 15/07/407

**AMENDMENTS TO THE COUNCIL DELEGATIONS TO CHIEF EXECUTIVE AND STAFF
(SP-15-1616)**

Tim Power spoke to the report, noting the need to update the delegations register to reflect new job titles as a result of restructuring within various teams.

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Philip Edwards left the meeting at 2.50pm.

MOVED (Welsh/Bell)

That the Council adopts the amendments to the Resource Management Act 1991 Delegations, shown in Appendix A of report SP-15-1616 to include the new position titles of: Access and Transport Manager, Roding Network Planning Team Leader, Roding Network Performance Team Leader, Infrastructure Stakeholder Engagement Manager, Infrastructure Programme Delivery Manager, Transport Engineer, Construction Manager Town Centres, Programme Manager Biodiversity, Parks and Recreation Planner and Resource Consents Service Planner. The wording of the Policy Planner title to be updated to Policy Planner (Senior, Intermediate, Graduate), the wording of the Resource Consents Planner to be updated to Resource Consents Planner (Senior, Intermediate, Graduate) and section 343B to be added to the Team Leader Resource Consents delegations.

That the Council adopts the amendment to the Reserves Act 1977 delegations under the Council Delegations to the Chief Executive and Staff Delegations, shown in Appendix B of Report SP-15-1616 to provide the Parks and Recreation Manager with the delegation previously held by the Leisure and Open Space Asset Manager.

That the Council notes that once approved, these amendments will be included in the existing 26 February 2015 Resource Management Act 1991 Delegations and the 16 October 2014 Delegations Made by Council to Chief Executive and Staff.

CARRIED

KCDC 15/07/408

CONFIRMATION OF MINUTES

MOVED (Gaylor/Bell)

That the amended minutes of the Council meeting on 18-20 May 2015 be accepted as a true and accurate record of that meeting.

CARRIED

MOVED (Gaylor/Mayor)

That the minutes of the Council meeting on 4 June 2015 be accepted as a true and accurate record of that meeting.

CARRIED

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MOVED (Bell/Mayor)

That the minutes of the Council meeting on 11 June 2015 be accepted as a true and accurate record of that meeting.

CARRIED

MOVED (Bell/Holborow)

That the minutes of the Council meeting on 18 June 2015 be accepted as a true and accurate record of that meeting.

CARRIED

MOVED (Cardiff/M Scott)

That the minutes of the Council meeting on 25 June 2015 be accepted as a true and accurate record of that meeting.

CARRIED

KCDC 15/07/409

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

1. There were no additional speakers.

The Council went into public excluded session at 2.53pm

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KCDC 15/07/410

RESOLUTION TO GO INTO PUBLIC EXCLUDED

MOVED (M Scott/Welsh)

	<p>PUBLIC EXCLUDED RESOLUTION</p> <p>That, pursuant to Section 48 of the Local Government Official Information and Meetings Act 1987, the public (with the exclusion of Community Board Chairs) 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 – 25 June 2015 <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>	
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<p>Confirmation of Public Excluded Minutes: 25 June 2015</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>
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CARRIED

The meeting came out of public excluded session at 2.55pm and was closed.

Signed / / 2015
Mayor Ross Church, Chair