

MINUTES	MEETING	TIME
<b>KĀPITI COAST DISTRICT COUNCIL</b>	<b>TUESDAY 11 AUGUST 2015</b>	<b>10.05 AM</b>

Minutes of an additional meeting of the Kapiti Coast District Council on Tuesday 6 August 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	J	Elliott	
Cr	K	Gurunathan	
Cr	P	Gaylor	
Cr	J	Holborow	
Cr	D	Scott	
Cr	G	Welsh	

#### ATTENDING

Mr	P	Edwards	(Chair, Paekākāriki 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)
Mr	K	Currie	(Group Manager, Regulatory Services)
Mr	D	Lew	(Manager, Research, Policy and Planning)
Mr	P	Thomas	(Consultant Planner)
Ms	E	Haxton	(Programme Advisor (Social))
Ms	T	Parata	(Manager, Programme Design and Delivery)
Ms	G	Wynne-Ewens	(Youth Council)
Ms	H	Charters	(Youth Council)
Ms	K	Wright	(Youth Council)
Ms	V	Starbuck-Maffey	(Democracy Services Manager - Minute-Taker)

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

KCDC 15/08/415

#### **APOLOGIES**

##### **MOVED (Mayor/Welsh)**

**That apologies are accepted from Cr Michael Scott, Cr Murray Bell, Waikanae Community Board Chair Eric Gregory, and Te Whakaminenga o Kāpiti representative Ann-Maree Ellison.**

##### **CARRIED**

It was noted that Cr Diane Ammundsen and Cr Mike Cardiff were on leave of absence.

#### **DECLARATIONS OF INTEREST**

There were none.

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**HEARING OF SUBMISSIONS TO THE REPRESENTATION REVIEW INITIAL PROPOSAL – where the submitter indicated they wish to speak**

1. Lynette Wharfe spoke in support of her submission which supported the Council's initial proposal to ensure that all of Huia Street became part of Waikanae Ward, as it was a shock to her as a new resident to realize she could only vote for an Ōtaki Ward Councillor. She also supported the Federated Farmers submission with respect to the concept of a Rural Board.

*James Cootes arrived at 10.09am.*

2. Kristy McGregor spoke as the Regional Policy Advisor of Federated Farmers of New Zealand in support of their submission, and submitted an apology from Max Lutz who couldn't attend. Farmers are a minority on the coast but contribute significantly to the economy and representation shouldn't focus on population numbers. Members have worked to ensure their voices are heard but it is difficult to compete with a large urban population. The Rural Issues Group (RIG) had gone some way to make sure their needs and issues are represented, but RIG is focused on the Proposed District Plan (PDP) process. Council should develop a formal Rural Board to ensure rural issues are heard. Community Boards are useful but they don't have a vote at the Council table. In response to questions and discussion additional points included:
  - it would have been useful to provide figures today quantifying the contribution of the rural sector
  - there have been Councillors in the past who lived in rural areas and/or who were farmers, but this was dependent on who chose to stand as a candidate at the local body elections
  - the submitter was not asking Council to establish a rural ward or rural community due to the geographic impossibility of separating out the rural population which is spread across the District; hence the request for a Rural Board
  - Several Councillors asked the submitter for followup contact
  - The nature of the Rural Board would be advisory, similar to the rural advisory group working with the Marlborough District Council
  - The submitter was asked to encourage members to stand as candidates in the next local body election.
3. Paraparaumu-Raumati Community Board member Kathy Spiers spoke on behalf of the Board to their submission, which asked Council to consider an additional elected member on the Board (and one less Councillor member), citing the Board's increased workload and the fact that the two Ward Councillors sometimes abstained from voting on issues before the Board in order to avoid a conflict when they were voting on the same issues at the Council table. One more elected member would make the Board a more effective advocate for the community.
4. Waikanae Community Board – the Chair Eric Gregory was unable to attend to speak to his submission due to illness.

KCDC 15/08/417

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

1. Christopher Ruthe spoke about the urban tree variation item with a focus on the inconsistencies and muddled thinking in the report and said that the recommended option (Option 7) went against government policy.
2. Salima Padamsey on behalf of Coastal Ratepayers United (CRU) spoke about the urban tree variation relating to trees on private property, and commented there had been no

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proper consultation and that tree lovers were being denigrated. CRU endorsed option 2 in the report.

3. Mike Alexander spoke about the report on the urban tree variation with a focus on Paekākāriki and Te Horo as non-reticulated areas, and expressing concern on the impact of any variation on bird flight paths.
4. Allan Smith spoke about the Federated Farmers submission on the representation review, supporting the proposed boundary change and the concept of a Rural Board.

*Cr Welsh left the meeting at 11.02am and returned at 11.04am.*

KCDC 15/08/418

#### **MEMBERS' BUSINESS**

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

*The meeting adjourned at 11.13am and reconvened at 11.30am.*

KCDC 15/08/419

#### **PROPOSED DISTRICT PLAN – POTENTIAL URBAN TREE VARIATION (SP-15-1666)**

The report was presented by officers Darryl Lew and Stephen McArthur, who were assisted by consultant planner Paul Thomas. The report sought a decision from Council about the policy direction regarding tree protection and depending on that decision a formal variation would be brought to Council on 27 August which would commence a formal consultation process. The evolution of the issue was explained ie that blanket tree rules had applied up to a recent government amendment to the Resource Management Act (RMA).

Mr Thomas explained the options in detail, including the point that if tree protection was desired Council would have to identify and describe the trees to be protected, including their location (on private property). If no decision was made there would be no protection for any trees in the District from 4 September 2015 onwards. He mentioned the recent distribution of 6,500 letters to potentially affected people seeking their views, and a lot of information had been received in their feedback (199 respondents). He advised Council to err on the side of caution in its decision-making today. Any variation would have immediate legal effect.

*Cr Elliott left the meeting at 11.39am and returned at 11.41am.*

Questions and discussion included the following points:

- Depending on the decision today a more comprehensive section 32 report would be provided to Council on 27 August.

*Cr Elliott left the meeting at 11.55am and returned at 12.01pm.*

- The scientific basis for biodiversity values was explained.
- Other councils were grappling with similar difficult issues.
- It would be crucial to ensure that any new rules were clearly communicated to residents.

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- The connection and interdependencies of this issue with the PDP were explained. Any variation would be harmonized with the PDP.
- There was concern expressed about the potential financial impact on residents who may have to pay for arborists and resource consents, for example in the scenario where a neighbour believed a tree's roots were damaging their property and wanted the tree removed. It would have been helpful to include such costs in the report. It was later established that an arborist typically may charge \$150 (plus GST) per hour.
- It was acknowledged that public benefit versus private cost was a balancing act. It was the intention to brief Councillors on possible features of a non-regulatory package at a later date.
- The word 'protected' carried a punitive implication: the moment there is a rule there is a discretionary compliance aspect.
- The tāngata whenua viewpoint appeared to be missing from the debate. It was accepted that the cultural component of the section 32 report was important and that input had been sought. Any new arrangements would be tested with iwi later this week.
- The Chief Executive clarified that if Councillors voted for option 2 a variation would not be prepared and the protection of trees would lapse from 4 September. Nowhere in the 6,500 letters that went out was it suggested that Council would not protect trees so that the community could well feel that the issue had been decided without proper consultation.

*Cr Welsh left the meeting at 12.48pm and returned at 12.50pm.*

- Options 6 and 7 were explained and compared.
- Some Councillors believed that option 2 was too liberal and didn't afford any protection of trees; options 6 or 7 or an amalgam of them, were preferred. There was concern that option 2 would result in a lack of a fair and clear process for the community. Council had consulted but not adequately and there should be more engagement with the rest of the community apart from the 200 people who had responded to the Council's recent letter. It would be undemocratic to have such a dramatic change of attitude without comprehensive consultation; what was needed was an option that provided some flexibility.
- Other Councillors believed that the community could be trusted to do the right thing around trees and that rules were not needed; so many community groups were looking after the environment. The many should not be over-regulated for the negative actions of the few. However it was the actions of the few that could have the greatest impact.
- Community Boards did have the opportunity to provide input when the issue was first discussed at the Regulatory Management Committee meeting on 11 June.
- It was clarified that Council had a role to protect indigenous biodiversity, but also that exotics were protected under the District Plan, through notable and heritage trees.

*The meeting adjourned at 1.22pm and reconvened at 2.05pm.*

*Agenda item 8 continued.*

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MOVED (Welsh/D Scott)

That Council allows the PDP urban environment tree protection rules to lapse without replacement and introduce additional non-regulatory measures to assist landowners to retain and manage significant indigenous trees on private land.

A division was requested:

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

Against the motion: Cr Gurunathan, Cr Holborow, Cr Gaylor, the Mayor

LOST

**MOVED (Gaylor/Gurunathan)**

**That Council request staff to prepare a Variation to the Proposed District Plan relating to trees on urban allotments as defined in the Resource Management Act that:**

**a. identifies and schedules trees on urban allotments that are within ecological sites in the Proposed District Plan;**

**b. amends the rules relating to protected trees in urban areas, including notable trees, to enable trimming of trees in accordance with New Zealand Arboricultural Association Best Practice Guideline on Amenity Tree Pruning Version 3 April 2011 to be undertaken as a permitted activity.**

**That a schedule of additional individual or groups of trees be compiled that the amended rules shall apply to. The schedule is to individually list and protect only the non-planted trees from the 2010 database that have biodiversity values of 9 and 10. These trees are to be limited to the species listed in Appendix 2 of report SP-15-1666.**

**That the proposal to incorporate New Zealand Arboricultural Association Best Practice Guideline on Amenity Tree Pruning version 3 April 2011 be publicly notified for comment in accordance with Clause 43 of Part 3 of the First Schedule to the Resource Management Act 1991.**

**That a package of non-regulatory measures be developed for Council's future approval in relation to protected urban trees. This shall include consideration of:**

**a. advice on best practice management of trees**

**b. discounted fees and charges; and**

**c. financial assistance with maintaining protected urban trees.**

A division was requested:

For the motion: Cr Gurunathan, Cr Gaylor, Cr Holborow, the Mayor

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

**CARRIED**

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An additional motion was moved:

**MOVED (Gurunathan/Gaylor)**

**That Council fully explore the adoption of the principle that the public good gained from protecting significant trees be fully supported through public funding and not fall on private landowners, and that an estimated cost be also explored.**

**A division was requested:**

**For the motion: the Mayor, Cr Gaylor, Cr Holborow, Cr Gurunathan**

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

**CARRIED**

- Darryl Lew explained the next steps; a press release being prepared and the media had recently been briefed. Council was statutorily required to write directly to owners and occupiers of the land the trees are on to let them know what is decided on 27 August and a formal RMA consultation process will start then.

KCDC 15/08/420

**PROVIDER FOR THE YOUTH DEVELOPMENT CENTRE (SP-15-1664)**

The report was presented by Council officers Stephen McArthur, Emma Haxton, and Tania Parata, and assisted by members of the Youth Council who were invited to the Council table. A powerpoint presentation was given. Zeal was the preferred provider for the youth development centre and their history, key points of their proposal, an evaluation and outcomes were described.

- Members of the Youth Council explained why they thought Zeal would be the best provider.
- It was clarified that Zeal could do fundraising and this would be negotiated through the contract development process.
- It was agreed that it was a challenge to measure how successfully the service was delivering, Zeal focused on non-numerical outcomes and advice was being provided by consultant Ross Tanner on the best approach to ensure viable key performance and reporting indicators were included in the contract.

**MOVED (Holborow /Gaylor)**

**That the Council select Zeal Education Trust as the provider of Kāpiti's Youth Development Centre and associated services.**

**That the Council delegate authority to the Chief Executive Officer to enter into a service contract with Zeal Education Trust.**

**CARRIED unanimously**

Councillors thanked the Youth Council and the Youth Advisory Group for their work on this project.

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KCDC 15/08/421

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

There were no additional speakers.

*The Council went into public excluded session at 3.02pm.*

KCDC 15/08/422

**RESOLUTION TO GO INTO PUBLIC EXCLUDED**

**MOVED (Mayor/Holborow)**

<b>PUBLIC EXCLUDED RESOLUTION</b>		
<p>That, pursuant to Section 48 of the Local Government Official Information and Meetings Act 1987, the public (with the exception of Community Board Chairs and members of the Youth Council) now be excluded from the meeting for the reasons given below, while the following matters are considered to stay:</p> <ul style="list-style-type: none"> <li>• Zeal Education Trust Proposal (SP-15-1669)</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>		
<p><b>Zeal Education Trust Proposal (SP-15-1669)</b></p>	<p>Section 7(2)(b)(ii) - would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</p> <p>Section 7(2)(j) - enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</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 3.04pm and was closed.*

Signed ..... / ..... / 2015  
 Mayor Ross Church, Chair