

MINUTES	MEETING	TIME
<b>KĀPITI COAST DISTRICT COUNCIL</b>	<b>THURSDAY 27 AUGUST 2015</b>	<b>10.05 AM</b>

Minutes of a six-weekly meeting of the Kapiti Coast District Council on Thursday 27 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	D	Ammundsen	
Cr	M	Bell	
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)
Ms	A-M	Ellison	(Member, Te Whakaminenga o Kāpiti)
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)
Mr	K	Currie	(Group Manager, Regulatory Services)
Ms	J	McDougall	(Communications Manager)
Ms	V	Starbuck-Maffey	(Democracy Services Manager - Minute-Taker)

The Mayor welcomed everyone to the meeting, explained the process today and read the Council blessing.

KCDC 15/08/423

#### **APOLOGIES**

**MOVED (Mayor/M Scott)**

**That apologies are accepted from Cr Jackie Elliott for lateness.**

**CARRIED**

It was noted that Cr Mike Cardiff was on leave of absence.

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## DECLARATIONS OF INTEREST

In relation to agenda item 7 on the Code of Conduct Complaints, declarations of interest were made by Cr Welsh, Cr Holborow, Cr Ammundsen, Cr Bell, Cr Michael Scott, and the Mayor. All indicated they would refrain from voting where they were the subject of the complaint.

Cr David Scott indicated he would read out a statement on behalf of Kerry Bolton (during the report item).

KCDC 15/08/424

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

1. Jane Stevenson-Wright spoke about the Code of Conduct agenda item in support of Dr Bolton.
2. Max Trask spoke about the Code of Conduct item in support of Kerry Bolton saying there had been too many such complaints and, and he would like to see better handling of complaints in future.
3. Kathy Thomson read out a statement (circulated) about the Code of Conduct item in support of natural justice and this was not a fair and independent hearing as Dr Bolton the complainant could not be present (as he had been trespassed from the building). In response to a question Ms Thomson indicated she was not aware of any flyer being distributed around Paraparaumu signed by Dr Bolton and she had not helped to deliver it.
4. *Cr Elliott arrived at 10.25am.*

Cr David Scott indicated that because Dr Bolton could not take part today he would sit in the public gallery during the debate on his Code of Conduct complaints. It was established that the Chief Executive had emailed Councillors the evening before with the flyer attached, and that Dr Bolton had been responsible for its distribution.

5. Kathy Thomson (on behalf of Dr Kerry Bolton) read out a statement (circulated) about the Code of Conduct agenda item with reference to the CCTV footage of the foyer area on 26 February. The CCTV footage clip (20 secs) was shown on the Chambers screen. After an interjection by Mr Trask the Mayor gave him a warning. After a further interjection Mr Trask was asked to leave and was escorted from the Chambers by Main Security.
6. Salima Padamsey spoke on behalf of Coastal Ratepayers United (CRU) about the Urban Tree Variation item on the agenda (submission circulated). The report being relied on today was full of mistakes and there was no evidence to support the Council's decision. In reference to a remark on an audio recording of a previous meeting there was confusion as to whether the remark had been made by Cr Holborow or Cr Gaylor. Cr Holborow said she recollected making the remark about the size of CRU and was willing to retract the remark. She acknowledged that CRU represented a large organisation.
7. Dale Evans spoke to his submission (circulated) about the Code of Conduct complaints item, focussing on why there are so many complaints and saying Councillors had lost their focus.

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The Mayor suspended the meeting at 10.47am and Mr Evans was asked to leave because he went off-topic, and he wouldn't stop shouting and criticising the Chief Executive. He was escorted from Chambers by Main Security.

The Mayor made a statement about the standards of behaviour that were acceptable at meetings saying that the Chambers was a workplace for Councillors and staff and some of the behaviour in the public gallery recently had been unacceptable. He would no longer tolerate any abuse of Councillors or staff.

In response to a further interjection from Ms Jenny Cronin in the public gallery the Mayor again suspended the meeting at 10.51am and Ms Cronin was asked to leave the room and was escorted out by Main Security. The meeting resumed.

8. Andrea and David Hadfield spoke about the renaming of the Nikau Valley Reserve to the Barry Hadfield Reserve, thanking the Council for this commemoration, and supporting the Mayor's decision to set standards of behaviour at meetings. The Mayor said he would allow comments as well as questions about Barry Hadfield. Cr Ammundsen said she had the pleasure of working with Mr Hadfield and had enormous respect for him. Cr Gurunathan also honoured the memory of Mr Hadfield.
9. Cr Jackie Elliott read out a statement which provided a verbal update on the work of the Regional Waste Forum, which had been attended by 29 members. She described the constitution of the Forum and some of the topics discussed. Greater Wellington Regional Council (GWRC) were benchmarking corporate waste with a view to developing targets. The Forum would meet again in mid-November. It was agreed that if time allowed this topic would be revisited later in the meeting.
10. John Le Harivel spoke about the Code of Conduct complaint and the Urban Tree Variation, asking if the Standens would have been prosecuted under the new regime (he believed they would have been). He asked when the natives he had planted reached the specified dimensions in the variation who would do the monitoring and when would they become protected?

*Cr M Scott left the meeting at 11.05am.*

KCDC 15/08/425

### **MEMBERS' BUSINESS**

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

*The meeting adjourned at 11.09am and reconvened at 11.25am.*

*Cr M Scott returned to the meeting.*

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**CODE OF CONDUCT COMPLAINTS (CE-15-1667)**

The Mayor said the report would be taken as read and invited Cr David Scott to make the statement on behalf of Dr Bolton, and then John Vickerman (also on behalf of Dr Bolton) would read out a statement about each of the subjects of Dr Bolton's complaints.

Cr Gurunathan foreshadowed he would move a motion that the report be left to lie on the table.

Cr David Scott read out the statement by Dr Kerry Bolton which protested about his not being allowed to attend this meeting which was a denial of his rights under the New Zealand Bill of Rights. What was alleged to have happened did not happen.

Cr Gurunathan moved his motion which was seconded by Cr David Scott. He believed the current process was unproductive and natural justice would be served in waiting for the Ombudsman's decision about two earlier complaints as this would provide clarity.

Although it was acknowledged there was some merit in waiting for the Ombudsman, other Councillors believed the complaints should be dealt with today, given that the Ombudsman's Office tended to progress cases slowly. An undesirable precedent could be set if Council waited; Council should make its own decisions. If necessary the Ombudsman's decision could be implemented later. One of the substantive principles of natural justice was that complaints were dealt with in a timely way.

Cr Elliott foreshadowed another motion which would seek to hold a workshop to review the Code of Conduct:

*That Council vote to hold a workshop process chaired by an independent facilitator to rewrite the Code of Conduct policy and process and to facilitate discussion on the dissatisfaction in the governance delegations and to address current imbalances in the organization.*

It was agreed to revisit her motion once the motion under consideration had been dealt with.

MOVED (Gurunathan/D Scott)

As the Code of Conduct does not specify when Council is required to investigate a breach of the Code, that this report and investigation be left lying on the table until after the Office of the Ombudsman's investigation of the two complaints by Ms Salima Padamsey relating to the Council's Code of Conduct is concluded.

A division was requested:

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

Against the motion: Cr Bell, Cr M Scott, Cr Welsh, Cr Holborow, Cr Gaylor, Cr Ammundsen, the Mayor

LOST

Cr Gurunathan withdrew from debate during the rest of this item.

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Cr David Scott said he would not be involved in any debate concerning Dr Bolton's complaints about Councillors but would return to the table for the complaints lodged by Cr Elliott.

Cr Elliott read out her motion again. The Chief Executive explained that this was debated and voted on six weeks ago, and he explained the conditions under Standing Orders whereby a previous resolution could be revoked and Cr Elliott's proposed motion did not fulfill these requirements. It was pointed out that there were two parts to the motion, the second part concerned governance processes and delegations which had not been previously voted on, and it was suggested the motion be split in two. Accordingly Cr Elliott reworded her motion:

That Councillors vote to hold a workshop process with an independent facilitator to facilitate discussion and resolution of the dissatisfactions with the current imbalances in the governance delegations.

There was no seconder so the motion lapsed.

Cr David Scott left the Council table and sat in the public gallery.

The Mayor invited John Vickerman to the podium to read out the statements by Dr Bolton in relation to each Councillor.

#### Cr Michael Scott

John Vickerman read out Dr Bolton's statement pertaining to Cr Michael Scott. The Mayor allowed Cr Michael Scott to read out his prepared response (which had been circulated to all Councillors) which recommended that the matter be dismissed as the actions under consideration were under Standing Orders not the Code of Conduct:

- There is a statutory framework under which councils operate. This places specific statutory obligations on elected members and also provides for a secondary level of documents which enable councils to operate.
- At a secondary level there are documents such as Model Standing Orders for meetings which cover multiple levels of administration such as delegations as well as the mechanics of how meetings are run. This document is authorized and required by the primary statutory framework.
- There is also a tertiary level of document such as councils' Codes of Conduct. This document complements Council's Standing Orders but is not designed to override the Standing Orders, indeed it specifically states it must, especially in terms of the conduct of meetings, differ to Council's Standing Orders.
- The actions complained of in Dr Bolton's complaint occurred during a meeting in the Council Chambers where Standing Orders applied and where the Chair applied Standing Orders to the business of the meeting. The Chair had the ultimate authority under Standing Orders to deal with the conduct of the meeting and his decision was final.
- Thus, there is no scope for the Code of Conduct to be used to relitigate the decisions made by the Chair.

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**MOVED (Gaylor/Holborow)**

**That Council declines to uphold the complaint by Dr Kerry Bolton against Cr Michael Scott under the Council's Code of Conduct.**

**CARRIED**

Cr Michael Scott abstained from voting.  
Cr Elliott voted against the motion.

Cr Murray Bell

John Vickerman read out Dr Bolton's statement pertaining to Cr Bell and Cr Bell responded, recommending the complaint be dismissed.

Cr Elliott said the process was flawed and evidence incomplete, and referred to Local Government New Zealand's suggestion that complaints be heard by an independent panel comprising members of the public. There was also an allegation that Councillors had colluded about their reports, and the Mayor denied this.

**MOVED (M Scott/Ammundsen)**

**That Council declines to uphold the complaint by Dr Kerry Bolton against Cr Murray Bell under the Council's Code of Conduct.**

**CARRIED**

Cr Bell abstained from voting.  
Cr Elliott voted against the motion.

Cr Penny Gaylor

John Vickerman read out Dr Bolton's statement pertaining to Cr Gaylor and Cr Gaylor responded, supporting Cr Michael Scott's point about the precedence of Standing Orders over the Code of Conduct, and said she was clear about what she saw. Cr Gaylor said she would not be voting on this issue.

*Cr Welsh left the meeting at 12.28pm and returned at 12.29pm.*

Cr Elliott disputed that Councillors saw what actually happened. Cr Bell asked that it be recorded that Cr Elliott was wrong.

**MOVED (M Scott/Bell)**

**That Council declines to uphold the complaint by Dr Kerry Bolton against Cr Penny Gaylor under the Council's Code of Conduct.**

**CARRIED**

Cr Gaylor abstained from voting.  
Cr Elliott voted against the motion.

Cr Janet Holborow

John Vickerman read out the statement by Dr Bolton regarding Cr Janet Holborow who responded by saying she would not change her statement today as it had been truthful. The incident in

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question had occurred in Council Chambers where there was no CCTV coverage. This Council was a White Ribbon Council and she supported the Mayor setting standards of respect today.

**MOVED (Gaylor/Mayor)**

**That Council declines to uphold the complaint by Dr Kerry Bolton against Cr Janet Holborow under the Council's Code of Conduct.**

**CARRIED**

Cr Holborow abstained from the voting.

Cr Elliott voted against the motion.

Cr Diane Ammundsen

John Vickerman read out the statement by Dr Bolton regarding Cr Ammundsen, who explained the nature of her earlier statement which was not an affidavit. She believed the complaints were an attempt to bully elected members and recommended they be dismissed.

Cr Elliott moved a motion that this complaint be referred to an independent panel for investigation but the motion lapsed for want of a seconder. Cr Gaylor pointed out that Cr Elliott had submitted a statement in support of Dr Bolton so it was inappropriate for her to be moving such motions.

**MOVED (Bell/Holborow)**

**That Council declines to uphold the complaint by Dr Kerry Bolton against Cr Diane Ammundsen under the Council's Code of Conduct.**

**CARRIED**

Cr Ammundsen abstained from voting.

Cr Elliott voted against the motion.

Cr Gavin Welsh

John Vickerman read out the statement by Dr Bolton regarding Cr Welsh, who said he stood by his earlier statement regarding events.

**MOVED (Ammundsen/Mayor)**

**That Council declines to uphold the complaint by Dr Kerry Bolton against Cr Gavin Welsh under the Council's Code of Conduct.**

**CARRIED**

Cr Welsh abstained from voting.

Cr Elliott voted against the motion.

Mr Eric Gregory

John Vickerman read out the statement by Dr Bolton regarding Waikanae Community Board Chair Eric Gregory. Mr Gregory said he stood by his earlier statement and didn't appreciate being called a liar. Cr Michael Scott was doubtful that this complaint had any standing, as Mr Gregory was a Community Board Chair present at the Council table at the invitation of Council. Cr Holborow asked that it be noted that the language in Dr Bolton's statements and subsequent accusations of lying and collusion were an unacceptable way of communicating with this Council.

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**MOVED (Bell/Gaylor)**

**That Council declines to uphold the complaint by Dr Kerry Bolton against Mr Eric Gregory under the Council's Code of Conduct on the grounds that it had no standing.**

**CARRIED**

Cr Elliott voted against the motion.

The Mayor

As he was the subject of this next complaint the Mayor vacated the Chair and Cr Gaylor took over this role. John Vickerman read out a statement by Dr Bolton regarding the Mayor. The Mayor said none of the statement was true.

**MOVED (Ammundsen/Welsh)**

**That Council declines to uphold the complaint by Dr Kerry Bolton against the Mayor under the Council's Code of Conduct.**

**CARRIED**

The Mayor abstained from voting.  
Cr Elliott voted against the motion.

As the next complaint had been lodged by Cr Elliott against the Mayor Cr Gaylor continued in the role of Chair. Cr David Scott returned to the Council table to participate in the debate on these complaints.

Cr Bell pointed out that when conflicts of interest were declared at the beginning of the meeting Cr Elliott wasn't in the room and asked if she intended to participate in voting. If she did, it would not be fair for the Mayor to be excluded from voting. Cr Elliott confirmed her intention to vote. The Mayor was asked if he wished to reconsider his abstention and he reconfirmed he would not be voting.

Cr Elliott said her complaints related to breaches of simple manners and respect. The Mayor had not ensured respect and had failed to uphold Standing Orders principles, and she accused the Mayor and Councillors of intimidation, bullying and collusion. The Mayor responded by saying the conduct of meetings was managed under the provisions in Standing Orders relating to the Chair's powers, and it was inappropriate for this matter to be brought to the table as a Code of Conduct complaint.

**MOVED (Welsh/Ammundsen)**

**That Council declines to uphold the complaint by Cr Jackie Elliott brought against the Mayor under the Code of Conduct.**

**CARRIED**

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The Mayor abstained from voting.

As the next complaint was against Cr Gaylor, she vacated the role of Chair and the Mayor resumed as the Chair.

Cr Elliott made a statement explaining the basis of her complaint, including a breach of relationships with her colleague who had used a derogatory term in relation to her (as per an audio recording of the meeting), and also in regard to inappropriate conduct at meetings, and relationships with the community. Cr Gaylor responded saying that using points of order during a meeting was clearly covered by Standing Orders and the Chair makes the ruling which was final. She said it was not clear on the audio recording as to who had uttered the word 'stupid', and that the transcript provided as part of the complaint was prepared by Cr Elliott.

**MOVED (Ammundsen/Mayor)**

**That Council declines to uphold the complaint by Cr Jackie Elliott brought against Cr Penny Gaylor under the Code of Conduct.**

**CARRIED**

Cr Elliott and Cr D Scott voted against the motion.

The Mayor made a statement. This Council had been accused of all sorts of bad behaviour and he rejected this utterly. He was particularly angry about the term 'bullying' being used as this Council was a White Ribbon council.

*Cr Elliott left the Chambers at 1.25pm.*

The Mayor continued, saying the Council was doing a good job of working strongly and proactively with the majority of the community. Inevitably there would be a small number of people who were unhappy with decisions and called them undemocratic. The kind of behavior previously seen at meetings would no longer be tolerated. He rejected utterly all the accusations made today.

*The meeting adjourned at 1.30pm and reconvened at 2.05pm.*

*Mr Gregory had left the meeting.*

*Cr Elliott rejoined the meeting.*

KCDC 15/08/427

**URBAN TREE VARIATION (SP-15-1675)**

Consultant Planner Paul Thomas, Group Manager Strategy and Planning Stephen McArthur and Manager Research, Strategy and Planning Darryl Lew spoke to the report. Paul Thomas summarized key features, and acknowledged that iwi had been consulted and while further work was to be done on culturally significant trees in the future, Variation 1 was supported by iwi and no substantive amendments were proposed today.

The submission period would be extended from 20 to 40 days to give the community plenty of time to consider the issues. Darryl Lew explained the process going forward and how it would dovetail into the Proposal District Plan (PDP) process. He noted that from the day the Variation was notified it would have immediate legal effect.

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It was clarified that any Councillor voting today would not be conflicted in the event they were appointed as Hearing Commissioners for the PDP process.

Council could decide to amend the Variation today but significant changes could threaten the ability to meet the statutory due date of 4 September.

In response to a question it was clarified that if an unqualified arborist trimmed an urban native tree they could be vulnerable to prosecution, although prosecution was a tool of last recourse. Councillors were reminded of the Enforcement Policy adopted last year and its key features were explained by Acting Group Manager Community Services Sharon Foss.

Legal advice was sought on how to deal with ecological sites. These were largely retaining protection but there was some relaxation of rules around those sites in urban areas.

The consultation process was outlined.

It was noted that identification tags for trees had been suggested as part of a package of non-regulatory measures.

Resourcing further advice and even financial assistance for property owners was being considered.

The process for handling objections was discussed i.e. in the event someone found their property contained an ecological site. This scenario was unlikely as these sites had been identified in the PDP and affected landowners had been notified previously as part of the PDP process.

The cost of the consent fees was being further considered and would be brought back to Council for decision.

There was confusion about the number of trees under consideration and this was clarified.

There was some concern about the robustness of the section 32 report and it was suggested that the public/private benefit issue had not been covered sufficiently in the s32 assessment. The latter was acknowledged but not quantified in the s32 report. This was considered appropriate given the staged nature of the process.

*Cr Michael Scott left the meeting at 2.50pm and returned at 2.54pm.*

The Variation embraced the belief that people would look after their trees as long as it was done professionally and imposed a much lighter regulatory regime than previously in Kapiti.

A robust communications strategy would be implemented to make sure that the community fully understood all the rules and implications of the proposed new regime.

*Philip Edwards left the meeting at 3.15pm and returned at 3.18pm.*

Remission of fees was discussed. The charges could not be changed outright as they had already been adopted as part of the Long Term Plan but they could be remitted and a report could be brought back with information on the impact on revenue.

*Cr Welsh left the meeting at 3.17pm and returned at 3.20pm.*

*Cr Elliott left the meeting at 3.26pm and returned at 3.30pm.*

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There were concerns about imposing regulations over people's private property and the possible cost of monitoring identified trees, as well as the longer-term implications, and the impact on non-qualified arborists. However another issue was the need for a regime in place as not everyone would obey the rules and it was too big a risk to leave trees unprotected.

Ann-Maree Ellison said that iwi had had a very short period of time to engage and that trees were very important to them. Iwi would be consulting with kaumātua and governance groups and bringing back any concerns.

MOVED (Welsh/Elliott)

That Council approves Variation 1 including only trees with an ecovalue of 10 out of 10.

A division was requested.

For the motion: Cr Welsh, Cr Elliott

Against the motion: the Mayor, Cr Bell, Cr Michael Scott, Cr Gurunathan, Cr David Scott, Cr Holborow, Cr Gaylor, Cr Ammundsen

LOST

**MOVED (Bell/Ammundsen)**

**That the Council approve the public notification of Variation 1 to the Kapiti Proposed District Plan on Urban Trees as attached to SP-15-1675.**

**That the Council authorise the Mayor and Chief Executive to approve any minor amendments to Attachments 1-7 to SP-15-1675 prior to public notification.**

A division was requested:

For the motion: Cr Bell, Cr Michael Scott, Cr Holborow, Cr Gaylor, Cr Ammundsen, the Mayor

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

**CARRIED**

**MOVED (Gurunathan/M Scott)**

**That Council approves a remission of the current resource consent fee to zero for the trimming of protected trees.**

A division was requested:

For the motion: Cr Welsh, Cr Holborow, the Mayor, Cr Bell, Cr Michael Scott, Cr Gurunathan, Cr Elliott

Against the motion: Cr Gaylor, Cr Ammundsen, Cr David Scott

**CARRIED**

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**MOVED (Ammundsen/Bell)**

**That Council approves the suspension of Standing Order 3.3.7 to allow discussions to continue.**

**CARRIED**

*The meeting adjourned at 3.51pm and reconvened at 4.05pm.*

KCDC 15/08/428

**2015 REPRESENTATION REVIEW – CONSIDERATION OF SUBMISSIONS AND FINAL PROPOSAL (CORP-15-1671)**

Democracy Services Manager Vyvien Starbuck-Maffey spoke to this report, summarizing the process to date which involved preconsultation coordinated by a Council-convened Working Party, recommendations by the Working Party to Council, an initial proposal which invited submissions, and the hearing of submissions. Today's decision point was to consider those submissions and decide whether the initial proposal should be amended in the light of those submissions. Under the provisions of the Local Electoral Act (LEA) 2001, the initial proposal could only be amended in response to the issues raised in submissions.

In regards to the request for an additional elected member on the Paraparaumu-Raumati Community Board (PRCB) it was clarified that remuneration ought not be a driving factor in decision-making around representation needs for communities. However the provisions of Schedule 3 in the Local Government Act 2002 relating to reorganization referred to the need to assess the impact of administrative changes including resources and so it was considered appropriate to treat remuneration as an issue. The Remuneration Authority was the body responsible for assessing elected member remuneration, including that for community boards, and this was calculated largely based on population.

The difference between appeals and objections was clarified. The boundary adjustment affecting Reikorangi and Huia had been made as part of Council's initial proposal; the further adjustment sought by submitters, if approved, would form part of the final proposal and therefore be open for objections.

The rating impact on residents being moved into the Waikanae Ward area would be nil.

There was debate about the proposed additional elected member on the PRCB. Some Councillors thought that population should be a deciding factor in which case the additional member should be approved. Other Councillors wanted to retain the status quo of four elected members, with a view to not increasing the overall number of 27 elected members for the District. The Chair of the PRCB said that the LGC had appointed both Ward Councillors in 2009 but after six years of experiencing the effect of this decision, advocacy, which was a key role of the Board, had been diluted by Ward Councillors refraining from voting on certain issues. There were also multiple communities of interest being covered by the Board and a greater number and range of issues coming before the Board.

**MOVED (Bell/Welsh)**

**That the Council receives Submissions 1 to 10 to the Council's initial proposal for representation arrangements, as adopted on 18 June 2015 and notes that these**

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submissions are considered as part of the Council's deliberation and final proposal on representation arrangements for the 2016 local authority elections.

**CARRIED**

**MOVED (Bell/Welsh)**

**Communities of interest**

That after considering the submissions the Council confirms its initial proposal and identifies that the distinct geographic communities of interest for the Kapiti Coast District are as follows, and notes that these will form the basis for consequent decisions regarding fair and effective representation:

Community	Descriptor/Reasons
Ōtaki	Separate township/s with associated rural areas, a major river and its own water supply
Waikanae	Separate geographic community of interest, with major river
Paraparaumu	Paraparaumu is the largest central community and therefore warrants separate recognition
Raumati	Although closely linked geographically with Paraparaumu it identifies itself as a distinct community
Paekākāriki	Separate village with a strong community of interest with a natural boundary at Queen Elizabeth Park in the north, and its own water supply

**MOVED (Bell/D Scott)**

**Number of Councillors**

That after considering submissions Council confirms its initial proposal that for the 2016 local authority elections the Kapiti Coast District Council shall comprise a Mayor elected at large and ten Councillors, for the reasons that there has been no call for change, and that the number of members has been working well to provide representation for a District of this size.

**CARRIED**

**MOVED (Welsh/Gaylor)**

**Ward system and basis of election**

That after considering submissions Council confirms its initial proposal that for the 2016 local authority elections the Kapiti Coast District Council shall be divided into four wards to provide the various geographically distinct communities of interest with effective representation. The four wards will be:

**Ōtaki Ward**

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Waikanae Ward

Paraparaumu Ward

Paekākāriki-Raumati Ward

**CARRIED**

**MOVED (Welsh/Mayor)**

That after considering submissions Council confirms its initial proposal that for the 2016 local authority elections the Kapiti Coast District Council shall comprise a mixed system of representation and that the ten Councillors shall be elected as follows:

- 1 member from the Ōtaki Ward
- 1 member from the Waikanae Ward
- 2 members from the Paraparaumu Ward
- 1 member from the Paekākāriki-Raumati Ward (current boundary)
- 5 members elected Districtwide

**CARRIED**

Reasons for decision:

- There has been no signal from the community for arrangements to be changed;
- The current mixed system is familiar to the community;
- The balance of Districtwide and Ward Councillors provides multiple points of access for representation for communities;
- Having both Districtwide and Ward Councillors caters to the dual nature of the Kapiti Coast District. The inclusion of Districtwide Councillors reflects the fact that many council services are funded on a districtwide basis and that the District is developing, while the inclusion of Ward Councillors provides representation for geographically distinct communities of interest and manifests the value the community continues to put on local democracy.

**MOVED (M Scott/Bell)**

That Council considers, in the light of submissions, to amend its initial proposal in respect of a change to ward boundaries:

Pursuant to clause 19V(3)(a)(ii) of the Local Electoral Act 2001, and in order to avoid splitting communities of interest across ward boundaries, the Council agrees:

(a) that the boundaries of the Ōtaki Ward and the Waikanae Ward be changed, to match those of the Ōtaki and Waikanae Community Boards, which will involve the addition of the following meshblocks to the existing Waikanae Ward (and removal of same from the Ōtaki Ward): 1883500, 1883600, 1883701, 1883703, 1883807, 1883808, 1883901, 1883902, 1883903, 1883904, 1884801, 1998502, 1998600, 1998700; and

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**(b) that the additional meshblock 1998404 be removed from the current Paraparaumu Ward and Paraparaumu-Raumati Community Board areas and added to the Waikanae Ward and Waikanae Community Board areas.**

**CARRIED**

Reason for decision

Both these boundary adjustments are made in response to requests from the community and are made to avoid splitting a community of interest across ward boundaries, as enabled by clause 19V(3)(a)(ii).

MOVED (Gurunathan/Bell)

That, for the 2016 local authority elections the communities of the Kapiti Coast District will be represented by:

Ōtaki Community Board	4 elected members and 1 Ward Councillors
Waikanae Community Board	4 elected members and 1 Ward Councillors
Paraparaumu-Raumati Community Board	<u>5</u> elected members and 2 Ward Councillors
Paekākāriki Community Board	4 elected members and 1 Ward Councillors

A division was requested:

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

Against the motion: the Mayor, Cr Ammundsen, Cr Bell, Cr Gaylor, Cr M Scott, Cr Welsh, Cr Holborow

LOST

MOVED (Gaylor/Ammundsen)

That, for the 2016 local authority elections the communities of the Kapiti Coast District will be represented by:

<b>Ōtaki Community Board</b>	<b>4 elected members and 1 Ward Councillors</b>
<b>Waikanae Community Board</b>	<b><u>4</u> elected members and 1 Ward Councillors</b>
<b>Paraparaumu-Raumati Community Board</b>	<b>4 elected members and 2 Ward Councillors</b>
<b>Paekākāriki Community Board</b>	<b>4 elected members and 1 Ward Councillors</b>

**CARRIED**

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Reasons for the decision

In coming to its decision the Council expressed confidence that four elected members, together with the two Ward Councillors, on the Paraparaumu-Raumati Community Board are sufficient to deal with the workload of that Board.

**MOVED (Mayor/D Scott)**

**That the reasons for the amendment to the Council's initial proposal was pursuant to a new clause in the Local Electoral Act 2001 under 19V(3)(a)(ii) which would allow non-compliance with clause 19V(2) if compliance meant that communities would be divided across ward boundaries.**

**CARRIED**

**MOVED (Mayor/Welsh)**

**Pursuant to section 19N (2)(b) of the Local Electoral Act 2001, Council indicates that the submissions as listed at Appendix 3 of report Corp-15-1671 are accepted or rejected for the following reasons:**

SUB	NAME	Accepted/Rejected because...
1	Lynette Wharfe	Accepted - endorses the Council's initial proposal including the proposed boundary change
2	Federated Farmers of New Zealand	Rejected - the request for a Rural Advisory body is outside the scope of the Review
3	Waikanae Community Board	Accepted - s19V(3)(a)(ii) (not dividing a community of interest across ward boundaries)
4	Paraparaumu-Raumati Community Board	Rejected - four elected members and two Ward Councillors were deemed sufficient to carry out the Board's work
5	ART Forum	Accepted - endorsing the Council's initial proposal
6	Chrissie and John Greenhough	Accepted - s19V(3)(a)(ii) (not dividing a community of interest across ward boundaries)
7	Gwynn Compton	Accepted - supporting the Council's initial proposal
8	Kapiti Grey Power	Accepted - supporting the Council's initial proposal
9	Neil Woodbury	Accepted - supporting the Council's initial proposal
10	Murray Ballinger	Accepted - supporting the Council's initial proposal

**CARRIED**

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KCDC 15/08/429

**RENAMING OF COUNCIL RESERVE FROM NIKAU TO BARRY HADFIELD NIKAU (CS-15-1597)**

**MOVED (Ammundsen/Gaylor)**

**That Council approves changing the name of the land described in Lot 1 DP 32725 from Nikau Reserve to Barry Hadfield Nikau Reserve.**

**CARRIED**

KCDC 15/08/430

**JOINT COMMITTEE – WELLINGTON REGIONAL WASTE MANAGEMENT AND MINIMISATION PLAN (IS-15-1674)**

Group Manager Infrastructure Services Sean Mallon spoke to the report. It was clarified that Cr Gaylor had been appointed to the Joint Committee when it was first convened, but it had automatically been discharged at the end of the previous Triennium and so it was necessary to reconstitute the Joint Committee and appoint new members. It was clarified that the Joint Committee had not met in this Triennium but in the previous Triennium they had met to work on the Plan which, once finalized had been submitted to all Councils for their approval. Wellington City Council administers the Joint Committee and will continue to do so going forward. The Waste Management and Minimisation Plan would expire in 2017.

**MOVED (M Scott/Bell)**

**That the Council approves the appointment of the Joint Committee for the Wellington Region Waste Management and Minimisation Plan implementation.**

**That the Council approves the Terms of Reference of the Joint Committee as set out in Appendix one of report IS-15-1674.**

**CARRIED**

MOVED (M Scott/Gurunathan)

That the Council appoints Cr Elliott to the Joint Committee for the Wellington Region Waste Management and Minimisation Plan.

LOST

**MOVED (Ammundsen/Bell)**

**That Council appoints Cr Gaylor to the Joint Committee for the Wellington Region Waste Management and Minimisation Plan with Cr Holborow as the alternate.**

**CARRIED**

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Cr David Scott voted against the motion.

*Cr Elliott left the meeting at 4.56pm.*

KCDC 15/08/431

**REPORTS AND RECOMMENDATIONS FROM STANDING COMMITTEES AND COMMUNITY BOARDS (CORP-15-1656)**

Paekākāriki Community Board

**MOVED (Holborow/D Scott)**

**That Council notes the recommendation from the Paekākāriki Community Board that detailed design works proceed on the preferred preliminary concept (as at Appendix 1 of report IS-15-1634) for the replacement of the Paekākāriki Seawall.**

**CARRIED**

*James Cootes left the meeting at 5.04pm.*

**MOVED (Gurunathan/Bell)**

**That Council take formal steps to express its concern to the Minister of Conservation about the lack of best practice biosecurity management which includes a customized biosecurity hut for visitors to Kāpiti Island.**

**CARRIED**

**MOVED (Bell/Holborow)**

**That Council receives Report Corp-15-1656.**

**CARRIED**

After some discussion the meeting agreed to postpone consideration of some items to the next Council meeting.

**MOVED (Mayor/Bell)**

**That agenda items 10 'Resident Opinion Survey 2015 (SP-15-1665) and 14 (Minutes of 16 July and 6 August 2015) be left lying on the table until the next Council meeting.**

**CARRIED**

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KCDC 15/08/432

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

There were no other public speakers.

*The Council meeting closed at 5.09pm.*

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