

MINUTES	MEETING	TIME
KĀPITI COAST DISTRICT COUNCIL	THURSDAY 23 JANUARY 2014	10.05 AM

Minutes of a six-weekly meeting of the Kapiti Coast District Council on Thursday 23 January 2014, commencing at 10.05am 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	M	Cardiff	
Cr	J	Elliott	
Cr	P	Gaylor	
Cr	K	Gurunathan	
Cr	T	Lloyd	
Cr	D	Scott	
Cr	G	Welsh	

ATTENDING

Ms	F	Vining	(Chair, Paraparaumu-Raumati Community Board)
Mr	J	Cootes	(Chair, Ōtaki Community Board)
Mr	M	Scott	(Chair, Waikanae Community Board from 10.09am)
Mr	J	McDonald	(Chair, Paekākāriki Community Board)
Mr	P	Dougherty	(Chief Executive)
Ms	P	Richardson	(Acting Group Manager, Strategy and Partnerships)
Ms	T	Evans	(Group Manager, Community Services)
Mr	S	Mallon	(Group Manager, Infrastructure Services)
Mr	W	Maxwell	(Group Manager, Corporate Services)
Ms	A	Law	(District Aquatic Facilities Manager)
Mr	M	Cole	(Water and Wastewater Asset Manager)
Ms	A	Kenna	(Media Relations Manager)
Cr	N	Wilson	(Greater Wellington Regional Council)
Ms	V	Starbuck-Maffey	(Democratic Services Team Leader)

The Mayor welcomed everyone to the meeting and read the Council blessing. The Mayor welcomed Regional Councillor Nigel Wilson to the Council table.

KCDC 14/01/041

APOLOGIES

It was noted that Cr Holborow was on leave of absence.

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KCDC 14/01/042

COUNCILLOR NIGEL WILSON, GREATER WELLINGTON REGIONAL COUNCIL

Cr Wilson said he looked forward to a positive relationship with the new Council and provided an update on the following:

- The committee structure of the new Regional Council, including his own portfolios;
- The construction of a new toilet block at Queen Elizabeth (QE) Park was underway and should be completed in June;
- The Regional Council had applied for a resource consent of 35 years for continuing gravel extraction from the Waikanae River. Pending the outcome of the application the current consents would be maintained;
- Transport issues would continue to be a focus in this Triennium and included:
 - the electrification of rail through to Ōtaki which was a priority. Council support for this was requested;
 - the development of a railway station at Raumati;
 - the planned construction of a roundabout near the entrance of QE Park (as part of the Transmission Gully Project). This would have a significant impact on Kāpiti.

In response to a question Cr Wilson indicated that the Regional Council did not want a railway station at Raumati, but its policy decision was to review the issue of a station after the transport issues at Waikanae had been addressed. Council would be invited to participate in further discussions around transport issues.

KCDC 14/01/043

PUBLIC SPEAKING TIME

1. Betty van Gaalen spoke to a submission (circulated) on behalf of Grey Power about the issue of fluoridation, supporting the proposal to consult the community on this issue. She also noted improvements to the user-friendliness of the Council website.
2. Robert Taylor spoke in support of fluoridation because he believed it was effective and safe at the doses recommended in combating dental decay, and he supported a referendum on the matter.
3. Ron Cook spoke about traffic problems in Realm Drive Paraparaumu (submission circulated) asking Council to install speed humps to discourage speeding vehicles which were using the road as a bypass with increasing frequency. The number of trucks using the road was also impacting the road surface.
4. Salima Padamsey spoke against the Mayor's suggestion that Public Speaking Time be streamlined and asked Council to consider a transparent mechanism (such as clinics) which would ensure that members of the community were treated as real stakeholders. Her submission was circulated.
5. Michelle Laurenson spoke as a member of the Ramp Equal Access Coalition Team (REACT) about the Coastlands Aquatic Centre ramp issue. While REACT applauded the installation of the ramp REACT remained critical of Council's actions throughout the process.
6. Erica Cooney spoke to a submission (copies circulated) on behalf of REACT about the Coastlands Aquatic Centre ramp, saying that the ramp should be in place all the time, unless the facility had been privately booked.

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7. John Le Harivel spoke to a submission about proposed changes to Public Speaking Time, suggesting several mechanisms through which the community could have its say, including regular Councillor clinics, revamping the Council website with a more effective search engine, establishing a minimum response time for queries, and using social media. Cr Lloyd said he had held a clinic for many years in Waikanae at his own expense and this had been effective.
8. Mike Alexander spoke about the issue of invoicing for work done by contractors and although he had received a previous response from Council in November 2013 he was not satisfied with the explanation offered. Cr Cardiff said he would discuss this issue with the Mayor and Chief Executive and guaranteed a response.
9. Arlene Geraghty of Paraparaumu spoke to her submission (copy circulated) about a building consent issue.
10. Dale Evans spoke about several matters (submission circulated) including the unsatisfactory OIA response he had received recently about his previous behaviour during Public Speaking Time. He did not support any restriction of Public Speaking Time. He also asked questions about the future of the kiosk at Paraparaumu Beach and the monitoring of earthquake damage at the Links Apartments. Lastly he queried the item on today's agenda regarding the sale of surplus land, and the policy around an outgoing Council's legal ability to continue making decisions right up to the end of a Triennium.
11. Mary Byrne spoke on behalf of the Fluoride Action Network about the fluoridation issue and was pleased the issue was going to be reviewed (submission circulated). She urged Council to undertake public consultation via a tribunal process as she believed this was a fairer and more comprehensive mechanism for hearing both sides of the argument. Cr Welsh proposed that the Annual Plan process be followed but that a whole day be set aside for this issue to hear all views.
12. Mark Atkin spoke about fluoridation and supported a tribunal process being best practice in New Zealand for dealing with this issue.
13. Doug Scrimgeour spoke in appreciation of the recent upgrades to the facilities in Haruatai Park in Ōtaki, including the sportsfield, the swimming pool and other recreation features.

KCDC 14/01/044

CONFIRMATION OF MINUTES

Cr Elliott attempted to raise some issues around water meters but the Mayor clarified that these were matters for separate discussion and the only thing before Councillors now was the accuracy of the minutes.

MOVED (Ammundsen/Lloyd)

That the minutes of the Council meeting on 28 November 2013 be accepted as a true and accurate record of that meeting.

CARRIED

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MOVED (Lloyd/Cardiff)

That the minutes of the Council meeting on 12 December 2013 be accepted as a true and accurate record of that meeting.

CARRIED

KCDC 14/01/045

MATTERS UNDER ACTION

Members accepted the Matters Under Action as presented. There were no comments.

KCDC 14/01/046

MEMBERS' BUSINESS

(a) Responses to Public Speaking Time

- Cr Scott said that he had asked for information on water meters at the previous meeting: Group Manager Infrastructure Services Sean Mallon said that this information had been emailed to him today and would also be included in this Friday's Elected Members' Bulletin.
- The Mayor explained his recent comments about Public Speaking Time, confirming that no decisions had been made about restricting it and that current arrangements would continue within reason. He welcomed suggestions for improving the process and had already received around 25 responses from the community, 18 of which supported some form of streamlining.
- In response to Dale Evans' comments the Mayor explained that he would not tolerate staff being mentioned specifically in a derogatory way by members of the community during Public Speaking Time. Council had to be seen to be a good employer and that meant that bullying, intimidation or disrespect would not be tolerated. If anyone had a problem with the behaviour of a staff member the appropriate channel would be to raise this privately with the Mayor who would then approach the Chief Executive to investigate and respond.
- Betty Van Gaalen's comments were noted.
- The issues raised by the two speakers on fluoridation of the water supply would be covered off in the agenda. Mr Mallon clarified an aspect of Betty Van Gaalen's address – Council was not fluoridating the water supplies in Ōtaki and Paekākāriki because that was the decision by a previous Council, not because there were already naturally occurring low levels of fluoride in the water supplies in these areas.

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- Regarding the traffic issue on Realm Drive Mr Mallon confirmed that a speed advisory sign had been installed; police were aware of the problem and had carried out some extra targeted monitoring. A report on the matter would be presented at the next meeting of the Paraparaumu-Raumati Community Board on 18 February. The report would contain all the relevant options around speed control and would also incorporate the issues raised this morning eg sinking of road caused by heavy vehicle usage. There had been no specific consultation with residents but the residents' petition would be included in the report.
- The Mayor thanked Salima Padamsey for her comments.
- Group Manager Community Services Tamsin Evans responded to issues raised by Michelle Laurenson and Erica Cooney about the Coastlands Aquatic Centre ramp issue. She pointed out that access to the water in any pool is rarely 100% unaided. Responding to a remark about the useability of the hoist she confirmed it was possible to take the controls from the cradle and use those to lower oneself, but disabled users preferred to ask staff to help them. Throughout the discussions and human rights mediation session about the ramp Council had always said there would be times when the ramp would not be in place, specifically when the moveable floor was lowered to provide for deep water activity. She disagreed with REACT that not having the ramp in place all the time was illegal: both the building and the pool were compliant with relevant legislation and all regulatory requirements had been met with regards to pool access. She had never said that the steps and hoist were sufficient to make the pool compliant. In relation to the launch event there had been some misinterpretation during discussions about the times proposed and further discussions will be undertaken with the Mayor.
- The Mayor thanked John Le Harivel for his suggestions and would like to meet to discuss them further. He confirmed that the Council website was being improved.
- Sean Mallon addressed Mike Alexander's issues about the invoicing practices for the annual spraying contract. The same people were doing the work but the company name had changed. He explained that the contract for the weed spraying was broken up into fixed sums throughout the year. He was happy to provide this information via the Elected Members' Bulletin. The assertion that contractors' logbooks were an unreliable indicator of work performed was also addressed: Council did not rely solely on logbooks but also carried out physical audits on the ground to ensure the spraying had been done. As far as the Council was concerned the contractors had performed the work satisfactorily. The contract had been competitively tendered and the successful company had offered the lowest tendered price.
- With regard to Arlene Geraghty's issue Tamsin Evans would meet with her as soon as possible after the meeting and report back to Councillors.
- In response to Dale Evans there would be a report being presented to the next meeting of the Paraparaumu-Raumati Community Board concerning the future of the kiosk at the beach. Council was unaware of any earthquake damage to the Links Apartments, but in any case the Council was not

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responsible for checking damage on private property. All Council-owned and -controlled facilities had been checked. Some minor cracks in surface concrete and tiles had been discovered in the Coastlands Aquatic Centre but only of aesthetic impact and there was no structural damage. Regarding the sale of land at Waikanae this had been an open tender process. Council's decision-making role continues right up to any election. Any other issues in the submission not covered here would be responded to in writing.

- Mary Byrne's and Mark Atkin's concerns would be addressed in the report on the agenda today.
 - Doug Scrimgeour's remarks were welcomed.
- (b) Leave of Absence – none was requested.
- (c) Matters of an Urgent Nature – there were none.
- (d) Declarations of interest. There were none.

*The meeting adjourned at 12.27pm and reconvened at 1pm.
Michael Scott and James Cootes left the meeting.*

KCDC 14/01/047

MAYOR'S REPORT

The Mayor noted that it had been a busy period.

KCDC 14/01/048

CONSULTATION PROCESS FOR FLUORIDE DOSING IN WATER SUPPLIES (IS-13-1087)

The Water and Wastewater Asset Manager Martyn Cole spoke to the report which recommended using the Annual Plan process as the mechanism to consult with the community on the issue of fluoridation of the water supply in Paraparaumu/Raumati/Waikanae. Discussion featured the following points:

- Council was being asked to make this decision to consult now because the previous Council had passed a resolution to do so (6 June 2013).
- There was a judicial review underway challenging the Council's decision to continue with fluoridation.
- Consulting through the Annual Plan process would also be more cost-effective than using other mechanisms such as a referendum.

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- The 2013 resolution had also included submitting a remit to a Zone 4 meeting but this had not been able to be submitted to Zone 4 in time. Officers would ensure it was on the March Zone 4 agenda if possible.
- The Council could expand the scope of the consultation to include fluoridation for Ōtaki and Paekākāriki; however the 2013 submissions and resolution focussed on fluoridation in the Waikanae/Paraparaumu/Raumati (WPR) water supply, so the proposed consultative process should focus only on these three areas.
- As Ōtaki and Paekākāriki are currently not fluoridated the question in any referendum or consultation would be different to that proposed for WPR. However, Ōtaki and Paekākāriki residents should still be able to make a submission to the Annual Plan process about this matter.
- If the Council, after considering all submissions decided that fluoridation of the water supply should be carried out for Ōtaki and Paekākāriki further consultation with those communities would then have to be undertaken. Any fluoridation of Ōtaki and Paekākāriki would involve separate and new funding which would have to be consulted on through an Annual Plan process.
- There was no legal requirement for councils to fluoridate water supplies. However the Ministry of Health was a strong proponent of the practice in support of better dental health, especially for lower socioeconomic groups.
- The Annual Plan process would include a whole day dedicated to hearing submissions both for and against fluoridation so that Councillors moved to a decision point with a comprehensive understanding of the facts and arguments.

MOVED (Cardiff/Ammundsen)

That the Council resolves to:

- **consult on the continued fluoridation of the Waikanae, Paraparaumu and Raumati water supplies via the draft 2014/15 Annual Plan consultation process;**
- **draw attention to fluoridation as a specific issue Council are consulting on through emphasis in the draft 2014/15 Annual Plan and associated consultation documentation.**
- **notify Ministry of Health and the Fluoride Action Network (NZ) of the intent to consult and facilitate community access to information *via* links from the Council's website; and**
- **seek statements from the Ministry of Health and the Fluoride Action Network for use in the consultative process.**

CARRIED unanimously

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KCDC 14/01/049

**SALE OF SURPLUS LAND AT 24 RANGIHIROA STREET, WAIKANAĒ
(CS-13-1090)**

Tamsin Evans spoke to the report explaining that the tender process was an open one and a willing buyer was awaiting the decision. In accordance with legal obligations under the Public Works Act Council had traced the descendants of the original owner and entered into correspondence regarding a possible offer back process. If Council decided not to proceed with the sale today there may be some question of liability for meeting the costs of tendering.

MOVED (Gurunathan/Welsh)

That the Council approves the sale of 24 Rangihiroa Street, Waikanae (Lot 76 DP 14131), as recommended by the Environment and Community Development Committee on 30 August 2012 outlined in report CS-12-634.

CARRIED

KCDC 14/01/050

**WELLINGTON REGIONAL TRIENNIAL AGREEMENT 2013-2016 TRIENNIUM
(Corp-14-1104)**

Democratic Services Team Leader Vyvien Starbuck-Maffey spoke to this report explaining that legislation required councils to adopt a triennial agreement within six months of triennial elections. There had been further amendments to the document since the Councillors received their agendas and this copy was circulated. The new amendments were minor. The meeting agreed to amend the motion to authorise the Mayor to deal with any further minor edits.

MOVED (Ammundsen/Bell)

That the Kapiti Coast District Council approves the amended Triennial Agreement for the Wellington Region as tabled, and authorises the Mayor to approve any further minor edits and to sign on behalf of Council.

CARRIED

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KCDC 14/01/051

**COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE AND STAFF
(SP-13-1082)**

Vyvien Starbuck-Maffey spoke to this report explaining that the proposed amendments were minor and were intended to clarify Council's responsibilities and powers for land not only owned by Council but also controlled by it. Councillors expressed an interest in viewing the entire scope of delegations and sub-delegations throughout the organisation especially in the wake of recent Council prosecutions. The Chief Executive commented that viewing the entire spread of delegations would probably not be helpful but that a briefing could be provided explaining in more depth how decisions to prosecute were made.

MOVED (Gaylor/Bell)

That the Council adopts the amendments to the Council to Chief Executive and Staff Delegations, shown in Appendix A of Report SP-13-1082, to include the updated wording around the power to give approval on behalf of Council for matters or activities relating to land or buildings under Council control, and the updated wording under the Reserves Act 1977 delegation.

That the Council adopts the amendments to the Resource Management Act 1991 Delegations, shown in Appendix B of Report SP-13-1082, to include two changes of position titles within the Strategy and Partnerships Group, and the additional delegations for one position and an additional position title within the Community Services Group.

That the Council notes that once approved, these amendments will be included in the existing 7 November 2013 Council to Chief Executive and Staff Delegations, and the 7 November 2013 Resource Management Act 1991 Delegations.

CARRIED

There were three remaining items on the agenda and the meeting agreed to defer consideration of these to the next Council meeting on 6 March 2014.

MOVED (Lloyd/Ammundsen)

That Council agrees to defer consideration of items 13, 14 and 15 on the agenda to the next meeting of Council on 6 March 2014.

CARRIED

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KCDC 14/01/055

RESOLUTION TO GO INTO PUBLIC EXCLUDED

The meeting went into public excluded session at 1.56pm.

MOVED (Bell/Welsh)

<p>PUBLIC EXCLUDED RESOLUTION</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"> • Confirmation of Public Excluded Minutes: 7 November 2013 • Confirmation of Public Excluded Minutes: 28 November 2013 • Confirmation of Public Excluded Minutes: 12 December 2013 <p>The general subject of each matter to be considered, while the public are excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987, for the passing of this resolution are as follows:</p>		
<p>Confirmation of Public Excluded Minutes:</p> <p>7 November 2013 28 November 2013 12 December 2013</p>	<p>Section 7(2)(a) – to protect the privacy of natural persons.</p> <p>Section 7(2)(i) – to 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 1.58pm and was closed at 2pm.

Signed //2013

Mayor Ross Church, Chair