

MINUTES	MEETING	TIME
KĀPITI COAST DISTRICT COUNCIL	THURSDAY 4 SEPTEMBER 2014	10.07 AM

Minutes of a meeting of the Kapiti Coast District Council on Thursday 4 September 2014, commencing at 10.07 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	P	Gaylor	
Cr	K	Gurunathan	
Cr	J	Holborow	
Cr	T	Lloyd	
Cr	D	Scott	
Cr	G	Welsh	

ATTENDING

Mr	J	Cootes	(Chair, Ōtaki Community Board)
Mr	J	McDonald	(Chair, Paekākāriki Community Board)
Mr	M	Scott	(Chair, Waikanae Community Board)
Mr	J	Best	(Alternate, Paraparaumu-Raumati Community Board)
Mr	P	Dougherty	(Chief Executive)
Mr	S	McArthur	(Group Manager, Strategy and Partnerships)
Ms	T	Evans	(Group Manager, Community Services)
Mr	W	Maxwell	(Group Manager, Corporate Services)
Mr	S	Mallon	(Group Manager, Infrastructure Services)
Mr	A	Guerin	(Resource Consents and Compliance Manager)
Mr	P	Stroud	(Project Manager)
Ms	H	Gilbert	(Contractor, Corporate Planning and Reporting Team)
Mr	N	Trotter	(Transport Planner)
Ms	J	Wadsworth	(Electoral Officer)
Ms	A	Lash	(Senior Advisor)
Mr	T	Power	(Senior Legal Counsel)
Ms	V	Starbuck-Maffey	(Democratic Services Team Leader / Minute Taker)

The Mayor welcomed everyone to the meeting and read the Council blessing. He acknowledged the Kapiti vaulting group from Waikanae who were competing as finalists in the World Equestrian Championships in Europe.

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KCDC 14/09/136

APOLOGIES AND DECLARATIONS OF INTEREST

MOVED (Welsh/Bell)

That apologies be accepted from the Chair of the Paraparaumu-Raumati Community Board Fiona Vining and the Chair of Te Whakaminenga o Kāpiti Rupene Waaka.

CARRIED

It was noted that Cr Ammundsen was on leave of absence.
There were no declarations of interest.

KCDC 14/09/137

PUBLIC SPEAKING TIME

1. Peter Standen spoke about agenda item 8 on the Draft Enforcement policy, with reference to his experience with Council, saying that the terms of reference for the review were too narrow and the QC (Richard Fowler) employed to carry out the review had not spoken to the main parties. He hoped that Council would improve its future communications with the community. Mr Standen clarified they were not seeking compensation from Council as it would be ratepayers' money.

2. Craig Eddie, the principal of Monkeyman Tree Services spoke about the Standen prosecution case and the Fowler report, with reference to the lack of communication between the Council and the parties involved and the negative effect the whole episode had on his business. Copies of a letter from Mr Eddie (26th of June) were circulated. He was seeking payment of costs from Council. In response to questions it was clarified that staff would contact him to discuss how he could participate in the PDP process. The June letter had been acknowledged at the time. There was no other comment as the matter was now under legal consideration.

KCDC 14/09/138

CONFIRMATION OF MINUTES

MOVED (Welsh/Cardiff)

That the minutes of the Council meeting on 26 June 2014 be accepted as a true and accurate record of that meeting.

CARRIED

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KCDC 14/09/139

MEMBERS' BUSINESS

(a) Responses to Public Speaking Time

The Mayor said that he had signed off the Terms of Reference for the Fowler review after Mr Fowler had had the opportunity to review them. Mr Fowler did not believe the Terms of Reference hampered his investigation in any way and although he was given a list of names of parties involved this did not restrict him from speaking with anyone else and he had in fact also spoken with one other person (Mr Ruthe) about the matter.

(b) Leave of Absence

MOVED (Lloyd/Welsh)

That leave of absence be granted to Cr Scott for the period 14 – 24 September 2014.

CARRIED

(c) Matters of an Urgent Nature – Cr Elliott had three matters of an urgent nature before the meeting:

1. *Accredited Hearing Commissioners being listed for consideration for the Proposed District Plan (PDP) hearing panels.* There had been only 4 days for accredited Councillors to express their interest, and this did not allow those Elected Members who would not be undergoing training until September, to have a say. (This included Cr Elliot, Cr Bell, Cr Holborow and Community Board Chair Fiona Vining).

Staff clarified that the decision about the composition of panels had been made at the July Council meeting but hearing commissioners would not be appointed to panels until the Council meeting in October. It was important not to delay this decision beyond October as this could increase the risk around potential bias and other aspects of qualification.

The post-course requirements for accreditation may go past October, and there was a need for Councillors not just to have completed the course but to have a degree of practical experience as commissioners in order to contribute effectively to the PDP hearings which would be the most complex and complicated hearings commissioners could expect to participate in. Cr Elliott would liaise with Stephen McArthur, Group Manager of Strategy and Partnerships around her concerns.

2. *That agenda item 17 on reviewing Council support for the Clean Tech Trust should not be held in public excluded session.* Cr Elliott did not believe there were any grounds to hold this discussion in public excluded session as it concerned public money and a public trust. She asked that it be dealt with as item 9 on today's agenda so that she and Cr Scott could participate in the discussion before they had to leave for another meeting at 2pm. The Mayor said the matter would remain in public excluded session and Cr Elliott was free to vote against the resolution to go into public excluded at the time.

3. *That agenda item 14 on the agenda on changing the electoral system be brought forward to be item 10* to allow Cr Elliott to participate in the discussion before she had to leave. This was agreed.

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KCDC 14/09/140

DRAFT ENFORCEMENT POLICY (RS-14-1302)

Senior Legal Counsel Tim Power introduced this report together with Andrew Guerin, Resource Consents and Compliance Manager. The report presented for Council's approval a draft enforcement policy developed in the light of Richard Fowler's review of the prosecution case against the various parties in Ōtaki. It would also ensure that every Group Manager had the same set of delegations enabling them to make decisions on prosecutions. The draft policy provided a more robust and comprehensive framework around enforcement matters.

MOVED (Mayor/Holborow)

That Council endorses the draft Enforcement Policy and notes that:

- **it will come into effect once Council approves the relevant delegations for staff and that this approval will be sought at the 16 October 2014 Council meeting,**
- **it will be embedded into Council processes and quality assurance systems.**

CARRIED

KCDC 14/09/141

DRAFT COUNCIL OUTCOMES FOR THE 2015 LONG TERM PLAN (LTP) (SP-14-1293)

Group Manager Strategy and Partnerships Stephen McArthur and Senior Advisor Alison Lash spoke to the report and clarified that the Outcomes were to be adopted as a basis for moving forward but could be changed further down the track. They would be used to help the draft LTP and activity management plans. There was a vote of thanks to the LTP Reference Group for their work and to staff. It was clarified that the Council outcomes were focused on what the Council was going to do and related to the purpose of local government as mandated in legislation. Although Community Outcomes were no longer a requirement under the LGA, LTP planning still needed to take them into account. A robust communications strategy was being developed including the need to clearly explain the differences between the PDP and the LTP and how both differed from the Annual Plan and the Annual Report.

There was discussion around the five outcomes, specifically around the second dot point ('protect property and business') under the second Outcome 'Resilient community.' There was concern that Council could be challenged on this point as, although Council would not be specifically audited against delivering these outcomes the auditors would examine the KPIs against the outcomes. A number of alternative phrases were suggested and discussed but ultimately the meeting agreed to delete the dot point because it was agreed that the final dot point covered the concern.

MOVED (Holborow/Gurunathan)

That the Council ratifies the following draft Council Outcomes statements as amended for inclusion in the draft Activity Management Plans and the draft Long Term Plan:

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Outcome	Council will:
1. Thriving economy, vibrant culture, diverse community	<ul style="list-style-type: none"> ▪ Support the urban and rural business communities to grow and provide better employment opportunities for all <ul style="list-style-type: none"> ▪ Ensure it is easy to deal with by delivering advice and decisions in a respectful, timely and reliable way <ul style="list-style-type: none"> ▪ Embed the partnership with tāngata whenua across its activities, including their cultural and spiritual values and aspirations ▪ Support the unique character of the various geographic communities and communities of interest while encouraging greater District integration
2. Resilient community	<p>Ensure its services, infrastructure and regulations:</p> <ul style="list-style-type: none"> ▪ protect and enhance public health and safety ▪ maintain and improve community connections - physical, environmental, cultural, and social ▪ protect and improve the natural and built environments
3. Wise management of public funds	<ul style="list-style-type: none"> ▪ Ensure rates and costs of services and activities are reasonable and fair and affordability is taken into consideration <ul style="list-style-type: none"> ▪ Keep costs as low as is compatible with achieving good quality in assets and services ▪ Distribute costs and benefits equitably <ul style="list-style-type: none"> ✓ across the community ✓ over the life of the service or asset
4. Democracy through community participation	<ul style="list-style-type: none"> ▪ Create easy opportunities throughout the Council decision making process for the community to contribute ▪ Make sure its engagement processes are fair and accessible, reflect diversity and are responsive
5. Strong partnerships	<p>Work with iwi, business, residents, government agencies and a range of community groups to:</p> <ul style="list-style-type: none"> ▪ identify and support opportunities for improving the quality of life of Kāpiti residents ▪ enhance the Kāpiti Coast as a great place to live, work and play for all ▪ influence central government, the regional council and other agencies on behalf of the Kāpiti Coast <ul style="list-style-type: none"> ▪ enhance understanding and opportunities to connect between the various communities

CARRIED

Cr Bell voted against the motion.

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KCDC 14/09/142

CHANGING THE ELECTORAL SYSTEM FOR LOCAL BODY ELECTIONS (CORP-14-1283)

This item was introduced by the Democratic Services Team Leader Vyvien Starbuck-Maffey and the Electoral Officer Jude Wadsworth. Ms Starbuck-Maffey explained that at the beginning of the Triennium Councillors had expressed an interest in reviewing the electoral system, that the Local Electoral Act gave Council the mandate to do so within specific timeframes and the decision deadline was 12 September. Discussion points included:

- the need to ensure more public education around STV should it be retained as it was a difficult system to understand;
- the cost of a poll (\$70,000) should one be held;
- the recent illegal practice in social media of people posting images of their own voting papers after they had voted;
- the confusion in having two electoral systems on the one voting paper; for the first time in 2013 Kāpiti Coast District voting papers had been entirely STV as Greater Wellington Regional Council had adopted STV as the electoral system for their elections, being the first regional council to move from the FPP system;
- FPP involved a lot of 'wasted' votes, and STV could be characterized as a more mature form of democracy with more representative outcomes.

MOVED (Gurunathan/Bell)

That Council confirms the Single Transferable Vote (STV) system as the preferred electoral system for the 2016 triennial elections and this decision be publicly notified by 19 September 2014 in accordance with statutory requirements including the public's right to demand a poll on this decision;

A division was requested:

For the motion: Mayor, Cr Bell, Cr Cardiff, Cr Scott, Cr Gurunathan, Cr Holborow, Cr Gaylor

Against the motion: Cr Lloyd, Cr Welsh, Cr Elliott

CARRIED

KCDC 14/09/143

MEMORANDUM OF PARTNERSHIP WITH IWI (CORP-14-1167)

This item was introduced by the Democratic Services Team Leader Vyvien Starbuck-Maffey who explained that the Memorandum was required to be reviewed at the beginning of each Triennium. Te Whakaminenga o Kāpiti had discussed the document at its meetings and the ART Confederation had also discussed and consulted on it through their hapū groups. The history of the document and the partnership was summarized. The only amendment to the document had been the inclusion some years previously of a clause allowing the participation of taura here (mātā waka) groups. ART had indicated it was satisfied that the document adequately provided for the participation of non-tāngata whenua groups in the District.

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Councillor Gurunathan had raised the issue of the extent to which Council was meeting its obligations towards Māori under the Local Government Act (LGA). He drew attention to the section on Legal Considerations in the officer report, where the legal opinion 'noted the latitude and discretion afforded to councils in their partnership arrangements with Māori and [...] that council's current arrangement (as per the Memorandum of Partnership) were an acceptable way of meeting its obligations'. He quoted further from the legal opinion: 'However, if any groupings of mātā waka were to express dissatisfaction with the current approach ...then it would be appropriate for the Council to reconsider its arrangements.'

MOVED (Gurunathan/Scott)

That Council submits the Memorandum of Partnership with any amendments for final approval by Te Whakaminenga o Kāpiti.

CARRIED

KCDC 14/09/144

LEGISLATIVE CHANGES TO DEVELOPMENT CONTRIBUTIONS (SP-14-1303)

Group Manager Corporate Services Wayne Maxwell spoke to the report and introduced contractor Helen Gilbert. They explained that with the passing of the LGA Amendment Act 2014 the Council had to implement changes to its Development Contributions Policy in accordance with the legislation's transition provisions. There were also ramifications for the Governance Structure and Delegations document (with regard to the delegations for the Appeals Committee) and these were also dealt with in the report. The reason for the tight timeframe was explained ie that if Council wished to collect development contributions for community infrastructure assets that had already been built it must have adopted a schedule of those assets by 8 September 2014.

Cr Welsh left the meeting at 11.30am and returned at 11.32am.

MOVED (Bell/Gaylor)

That Council

Adopts the amendments to the Development Contributions policy shown in Appendix A to report; SP-14-1303

and

Deletes the Development Contributions hearings delegation from Section B.6 Appeal Hearings Committee of Council's Delegations.

Development Contributions hearings

~~7.5 In response to appeals against determinations made by the Chief Executive or the Environmental Planning Manager regarding requests for remissions of development contributions or where the remissions request exceeds the delegated authority of the Chief Executive, the authority to convene and conduct hearings of such appeals.~~

and

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Delegates to the Financial Controller the responsibility to rectify any minor errors or omissions (if any) in relation to these matters prior to publishing the Development Contributions policy.

CARRIED

KCDC 14/09/145

**TOWN CENTRE AND CONNECTORS TRANSFORMATION PROJECT –
PARAPARAUMU AND KAPITI ROAD PRELIMINARY DESIGN CONCEPTS
(IS-14-1287)**

Group Manager Infrastructure Services Sean Mallon and the Project Manager Phil Stroud spoke to this report which sought Council's approval to start the next phase of community engagement. Discussion featured the following points:

- In response to a question, clarification was provided around what areas had changed in the concept drawings subsequent to public feedback.
- As a general rule Council did not invest public money on private land to achieve an outcome but it would be up to the Council to decide if the opportunity presented itself.
- There was discussion about traffic modeling in relation to the Kapiti Road junction and the intent was to ensure the area was enhanced for pedestrian and traffic flow as per the Revocation Agreement.
- Discussions had been held with St Heliers.
- Planning was a partnership involving the Council, the community and the business community together with NZTA. It was always a balancing act as to how much Council could fund within the public realm and Council would have to negotiate public space as the process unfolds, but the bulk of the land involved in concept designs was Council-owned land.
- The other two workstreams were still unfolding (Waikanae Town Centre and SH1 reconfiguration) and would combine in due course with the two workstreams in today's report.

MOVED (Bell/Welsh)

That the Council accept the attached Paraparaumu and Kapiti Road Preliminary Concept report (see Appendix 1 to report IS-14-1287) and authorises the next phase of public engagement to commence for the Paraparaumu Town Centre and Kapiti Road Transformation project.

CARRIED

Cr Scott voted against the motion.

Cr Bell left the meeting at 11.35am and returned at 11.37am.

Michael Scott left the meeting at 11.40am and returned at 11.43am.

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KCDC 14/09/146

REVIEW OF NON-RATEPAYER MEMBERSHIP FEE FOR KĀPITI COAST DISTRICT LIBRARIES (CS-14-1289)

Tamsin Evans Group Manager Community Services spoke to this report and explained the background. The report sought Council's approval to change the non-ratepayers membership fee for library services which had been set in the Annual Plan. The rationale was rooted in emerging concern that services were being put out of reach for people that lived close to Kāpiti but who did not pay rates to the Kāpiti Coast District Council. It was the intention to confirm this new membership policy by letter to Horowhenua District Council.

MOVED (Lloyd/Bell)

That the Council amends the Kapiti Coast District Libraries Membership Policy to provide free membership to anyone living, working, owning property or being educated on the Kapiti Coast as defined in option two of report CS-14-1289.

CARRIED

KCDC 14/09/147

REPORTS AND RECOMMENDATIONS FROM STANDING COMMITTEES AND COMMUNITY BOARDS (CORP-14-1285)

Paraparaumu/Raumati Community Board

In considering the recommendations from Paraparaumu-Raumati Community Board it was clarified that requests were processed through the appropriate Group Manager. With regard to the road safety recommendation further investigations were underway about the incidents and there will be a verbal report back to the Board on 16 September. The question about reserves fund and the sale of trees would be dealt with through Matters under Action at the Board meeting. With regard to the first recommendation the Alliance was working to assist in the relocation.

There were two recommendations for noting:

- That the Paraparaumu/Raumati Community Board requests the Council take an advocacy role with NZTA and GWRC, to assist Kapiti Pony Club's relocation from its present site to the new Queen Elizabeth Park site.
- That the Paraparaumu/Raumati Community Board recommends an urgent review on road safety risk in Ruapehu Street by the Council with a report back – given the two fatalities and recent injury of a little girl.

MOVED (Lloyd/Bell)

That report Corp-14-1285 be received.

CARRIED

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KCDC 14/09/148

DEDICATION OF ROAD RESERVE, AWATEA AVENUE PARAPARAUMU [LOT 42 DP 427756] (IS-14-1263)

Transport Planner Neil Trotter and Group Manager Infrastructure Services Sean Mallon spoke to the report and summarized the rationale for the change as facilitating access to a new dwelling. Neighbouring properties had been consulted as part of the resource consent process. The issue of a notional road going through the properties at Lambert Way (and subsequent effect on LIMs) would be corrected.

MOVED (Bell/Mayor)

That the Council resolves that the road reserve being Lot 42 DP427756 be dedicated as road pursuant to section 111 of the Reserves Act 1977.

CARRIED

KCDC 14/09/149

MAYOR'S REPORT

MOVED (Gurunathan/Mayor)

That the Mayor's report is received.

CARRIED

*The meeting adjourned at 12.25pm and reconvened at 1pm.
Michael Scott left the meeting.*

KCDC 14/09/150

RESOLUTION TO GO INTO PUBLIC EXCLUDED

The meeting moved into public excluded session at 1.06pm.

Senior Legal Counsel Tim Power was invited to explain to Councillors the legal grounds for discussing the report in public excluded session. He explained that there were two grounds. The first was to protect the privacy of natural persons and this applied as Mr Tanner had spoken to a range of persons in carrying out his investigations and their views were reflected in the report along with Mr Tanner's comments – sometimes critical - as to their role. These persons had not had the opportunity to see the report and respond to the issues raised. It was anticipated that Council would receive requests for the report under the Official Information Act and so a redacted version of the report had been prepared that would be posted on the Council's website. The views of the affected parties would also be sought around the question of release of the information. The risk in discussing the matter in the public arena was a breach of natural justice occurring. The second ground for public exclusion was to allow free and frank exchange of views at the meeting and this would last only for the duration of the meeting and would lapse once discussion was concluded. The first ground would apply afterwards.

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MOVED (Mayor/Welsh)

That the Council move into Public Excluded session.

A division was requested:

**Those for the motion: the Mayor, Cr Bell, Cr Cardiff, Cr Holborow,
Cr Gurunathan, Cr Welsh, Cr Lloyd, Cr Gaylor**

Against the motion: Cr Elliott, Cr Scott

CARRIED

<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"> • Review of Council Support for the Clean Tech Trust (SP-14-1297) • Confirmation of Public Excluded Minutes: 20 May 2014, and 14 August 2014 <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>Review of Council Support for the Clean Tech Trust (SP-14-1297)</p>	<p>Section 7(2)(a) – to protect the privacy of natural persons</p> <p>Section 7(2)(f)(i) – 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</p>	<p>Section 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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<p>Confirmation of Public Excluded Minutes:</p> <p>20 May 2014</p> <p>14 August 2014</p>	<p>Section 7(2)(a) – to protect the privacy of natural persons.</p> <p>Section 7(2)(f)(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>
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CARRIED

The meeting went into Public Excluded session at 1.06pm.

The meeting came out of Public Excluded session at 2.25pm and was closed.

Signed / / 2014

Mayor Ross Church, Chair