

MINUTES	MEETING	TIME
<b>KĀPITI COAST DISTRICT COUNCIL</b>	<b>THURSDAY 18 AUGUST 2016</b>	<b>10.05 AM</b>

Minutes of a meeting of the Kapiti Coast District Council on Thursday 18 August 2016, commencing at 10.05 am in Council Chambers, Ground Floor, Kapiti Coast District Council, 175 Rimu Road, Paraparaumu.

#### PRESENT

Mayor	R	Church	<i>(Chair)</i>
Cr	D	Ammundsen	
Cr	M	Bell	
Cr	M	Cardiff	
Cr	J	Elliott	
Cr	P	Gaylor	
Cr	K	Gurunathan	
Cr	J	Holborow	
Cr	D	Scott	
Cr	M	Scott	
Cr	G	Welsh	

#### APOLOGIES

Mr	E	Gregory	<i>(Chair, Waikanae Community Board – for lateness)</i>
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#### ATTENDING

Ms	F	Vining	<i>(Chair, Paraparaumu-Raumati Community Board)</i>
Mr	J	Cootes	<i>(Chair, Ōtaki Community Board)</i>
Mr	P	Edwards	<i>(Chair, Paekākāriki Community Board)</i>
Mr	E	Gregory	<i>(Chair, Waikanae Community Board) (from 10.09am)</i>
Ms	A	Ellison	<i>(Member, Te Whakaminenga o Kāpiti)</i>
Mr	W	Maxwell	<i>(Acting Chief Executive)</i>
Mr	K	Currie	<i>(Group Manager, Regulatory Services)</i>
Mr	S	Mallon	<i>(Group Manager, Infrastructure Services)</i>
Mr	C	Mylne	<i>(Acting Group Manager, Community Services)</i>
Mr	M	De Haast	<i>(Acting Group Manager, Corporate Services)</i>
Mr	V	Fallon	<i>(Acting Group Manager, Strategy and Planning)</i>
Ms	A	Law	<i>(Parks and Recreation Manager)</i>
Mr	N	Trotter	<i>(Roading Network Planning Team Leader)</i>
Mr	P	Ropata	<i>(Compliance Officer)</i>
Mr	B	Pepperell	<i>(Manager, Wellington Regional Civil Defence and Emergency Management)</i>
Mr	M	Duncan	<i>(Emergency Management Advisor (Kāpiti))</i>
Ms	V	Starbuck-Maffey	<i>(Democracy Services Manager - Minute-Taker)</i>

The Mayor welcomed everyone to the meeting and read out a statement about not using public speaking time as an electioneering platform.

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KCDC 16/08/538

**APOLOGIES**

**MOVED (Ammundsen/Gaylor)**

**That an apology be received from the Chair of the Waikanae Community Board Eric Gregory for lateness.**

**CARRIED**

KCDC 16/08/539

**DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA**

There were no declarations.

KCDC 16/08/540

**HEARING OF SUBMITTERS ON THE TASMAN ROAD RESERVE (WHERE THE SUBMITTER INDICATED THEY WISH TO SPEAK)**

1. Ann Lawler spoke about the Tasman Road Reserve, with reference to some maps and photos of the area, urging Council not to sell the Reserve, as there was a paucity of reserve land down at the Beach, and the maintenance costs for the Reserve would be insignificant. Councillors commended her on the detailed research done, but Ms Lawler was dissatisfied with Council's response to her key questions and would be sending copies of her information to the Department of Conservation and the Office of the Ombudsman.
2. Chris Walker asked if he could film his segment and indicated that since he was being livestreamed he was going to go ahead and film with a view to uploading the segment to Facebook later. The Acting Chief Executive said that he could not film unless he obtained a waiver from everyone in the room. Mr Walker disputed this direction and refused to turn his camera off at first, then agreed to turn it off, but refused to delete what had already been recorded. The Chair consulted Legal Counsel who clarified the difference between live streaming and filming – the latter requiring written consent to avoid breaching individuals' privacy. The Chair reiterated his ruling. Once returning to the topic, Mr Walker provided a brief history of the area in question, concluding that the land did not belong to Council but to the people of Otaki to whom it had been gifted by Byron Brown, and that the cost of mowing was negligible compared to other costs incurred by Council over the years.

KCDC 16/08/541

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

There were no public speakers.

KCDC 16/08/542

**MEMBERS' BUSINESS**

- (a) Responses to Public Speaking Time: the issues raised would be addressed during the report
- (b) Leave of Absence – no leave was requested

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

KCDC 16/08/543

**UPDATE : CIVIL DEFENCE AND EMERGENCY MANAGEMENT GROUP –  
BRUCE PEPPERELL**

A powerpoint presentation was given by Bruce Pepperell and Mark Duncan on Emergency Management in the Kapiti Coast District. This provided an update and preview of work priorities for the next year.

*Eric Gregory arrived at 10.44am.*

- Mr Pepperell mentioned the national exercise based on a tsunami scenario scheduled on 31 August. He was pleased that the Wellington region had the highest participation rate for the previous national exercise ('Shakeout' in 2015).
- Other points covered the resilience activities in the region, the re-equipment of Civil Defence Centres, the draft strategic recovery plan, and the role of elected members as agents of preparedness in communities.
- He provided sources for further information and recommended an alerting app for smartphones, concluding however, that social connectivity was as important as having the right equipment.
- In response to a question he confirmed that iwi are a key part of preparedness and recovery, given their facilities and networks, and Te Whakaminenga o Kapiti had been used as a channel for reaching out to District iwi.

*The meeting adjourned at 11.06am, and reconvened at 11.27am.*

Discussion returned to the question of whether Mr Walker should have been allowed to film proceedings earlier on. Cr Welsh believed that Standing Order 3.3.8 allowed this to happen and consequently Mr Walker's rights would appear to have been breached. He requested that legal advice be sought to provide a conclusive ruling.

MOVED (Welsh/Gurunathan)

That Council seeks clarification with Legal Counsel regarding the right of the public to film Council meetings; and if this right is confirmed, the Council will formally apologise to Mr Walker.

Other points emerging during discussion included:

- citizen journalism was a viable and increasingly popular alternative form of reporting so why take such an obdurate stance against filming;
- where advice in Standing Orders was inconclusive or absent the Chair could make a ruling which was final and this had happened;
- reference was made to a previous episode in which part of a Councillor's public speech on a subject had been recorded and then edited to give a totally misleading impression of their stance so there was serious concern about how any footage might subsequently be used;
- a legal opinion had been received at the time, the Chair had made a ruling and that should be the end of the matter;

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- there was discussion as to whether the proposed motion should be withdrawn, left to lie on the table, or voted on.
- Standing Order 3.3.8(c) said that any recording must be notified to the Chair at the commencement of the meeting and this had not been done.

**MOVED (Welsh/Gurunathan)**

**That the previous motion be left to lie on the table pending legal advice.**

**A division was requested:**

**For the motion: Cr Holborow, Cr Welsh, Cr Elliott, Cr D Scott, Cr Bell, Cr Cardiff, Cr Gurunathan, the Mayor**

**Against the motion: Cr Ammundsen, Cr Gaylor, Cr M Scott**

**CARRIED**

KCDC 16/08/544

**TASMAN ROAD RESERVE – CONSIDERATION OF LEASE TO BRYON’S RESORT AND OPTION TO SELL (CS-16-1959)**

Crispin Mylne and Alison Law spoke to the report, recapping the consultation process which had resulted in the majority of submissions being in opposition to any leasing or sale of the land. The community wanted the land to be made available to the public. Options and conditions around selling had been explored and maintenance costs outlined.

- Staff were thanked for their work and it was gratifying to see a recommendation that reflected the will of the community.
- It was clarified there was no management plan for this reserve. The kind of use carried out by Byron’s had been a long-standing arrangement and was allowable under the Reserves Act.
- An amendment to the motion was agreed to include the words ‘in response to submissions from the community’.
- Ann Lawler was thanked for the quality and depth of her research on the matter.
- It was important to communicate the decision very clearly and not raise expectations in the community about any ensuing activities on the site that had not been budgeted for.

**MOVED (Gaylor/Cardiff)**

**That in response to submissions from the community, the Council does not authorise an exclusive lease agreement with Bryon’s Resort, for the land at Tasman Road Reserve shown in Appendix 2 to report CS-16-1959.**

**That the Council notes the information presented in paragraphs 12–19 of Report CS-16-1959 in regards to possible sale of part of the reserve land.**

**CARRIED**

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KCDC 16/08/545

**TREASURY MANAGEMENT ANNUAL REVIEW (Corp-16-1968)**

Mark de Haast spoke to the report which provided an overview of the treasury management for the 2015/16 financial year and details of a minor non-compliance with Treasury policy that was reset in April 2015. In July 2016 officers corrected the cause of the non-compliance which would now not recur.

Questions were invited and answered.

- Council debt servicing being lower did not mean that debt was being paid off more quickly and this mechanism was explained.
- Officers had acted prudently in the best interests of the Council.
- The Treasury Management Policy was approved by Corporate Business Committee (CBC), and at the time the need for periodic review, referencing developments in the market, was clarified. The time for reviewing the Policy was now.
- The Local Government Funding Agency (LGFA) believed that its presence had resulted in better rates and benefits for the local government sector.
- Officers confirmed that if there was any deviation from the Policy, Council's auditors, the Audit and Risk Subcommittee and the CBC would be informed.

**MOVED (Bell/Welsh)**

**That the Council notes the treasury management performance over the 2015/16 financial year.**

**That the Council approves the debt maturity profile for the 2015/16 financial year.**

**CARRIED**

KCDC 16/08/546

**WAIKANAĒ TOWN CENTRE CAR PARKING (IS-16-1962)**

Sean Mallon and Neil Trotter spoke to the report. The Town Centre parking strategy has been developed in consultation with a working group and wide range of stakeholders. Parking problems had been longstanding in the Waikanae area which was why it had been prioritised. The Waikanae Community Board supported the recommendations presented today. Other points included:

- The issue of parking for staff of local businesses was discussed; the availability of such parking within a 3-5 minute walk of the Town Centre had been examined. There was parking available in nearby residential areas; however in the future Council may have to put parking restrictions in these.
- The Chamber of Commerce were supportive of the Waikanae Town Centre strategy.
- The Chair of the Waikanae Community Board Eric Gregory reiterated the Board's endorsement of the strategy and also pointed out that the Regional Council carpark under

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construction would not be just for commuters. Cr Michael Scott said he had not endorsed the recommendation.

- The new restrictions needed to be enforced.
- The option of parking permits was considered several years ago but there was insufficient parking in the area to meet the demand and permits would only have created a new problem.
- The availability of disability parking outside the marae was discussed and also the spaces outside the Cinema which should not be time-restricted to 120 minutes. More disability parking spaces should be created outside the doctor's surgery, the hearing centre and the pathology clinic.
- The time restriction of 120 minutes parking outside the marae was a concern for the iwi, but there was also provision made at the back for additional parking as part of agreement with the Regional Council and other partners. There will be concerns about the new provisions and discussions should be held with marae trustees.
- The proposed strategy was premature resulting in unproductive work habits (staff moving their cars at midday to avoid fines) and a simplified version would be better.

**MOVED (M Scott/Ammundsen)**

**That the Council approves the changes to car parking restrictions in Waikanae Town Centre as set out in paragraph 12 and Appendix 2 of report IS-16-1962.**

**A division was requested:**

**For the motion: the Mayor, Cr M Scott, Cr Gurunathan, Cr Cardiff, Cr Bell, Cr D Scott, Cr Holborow, Cr Gaylor, Cr Ammundsen**

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

**CARRIED**

KCDC 16/08/547

**APPLICATION FOR EXEMPTION UNDER SECTION 6 OF THE FENCING OF SWIMMING POOLS ACT 1987 – 23 ARA KUAKA, WAIKANAЕ (RS-16-1934)**

Kevin Currie and Peter Ropata spoke to the report, explaining why the report was being brought to Council and not the Regulatory Management Committee. The Fencing of Swimming Pools Act 1987 stated that the territorial authority must make these decisions. The location of the property was clarified.

**MOVED (M Scott/Ammundsen)**

**That the Council approve the application for exemption under Section 6 of the Fencing of Swimming Pools Act 1987 and not require a fence to be placed around a portable pool at 23 Ara Kuaka, Waikanae, subject to the following conditions being complied with:**

- **The pool has a height of 760mm or greater above ground or deck level and no objects are positioned so as to allow a young child to climb onto the cover; and**

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- The property has suitable barriers in place to prevent a child up to the age of six years gaining access from outside the property, and the lockable spa cover meets the set criteria as stated below:
  - the cover is lockable and able to be kept locked when the pool is not being used or supervised;
  - the locks cannot be opened or released by a child up to the age of six years;
  - the cover cannot be lifted more than 100mm above the top of the spa, when locked in place;
  - the cover must be made of material that can withstand the weight of at least 60 kgs to ensure that it would withstand the weight of a child up to six years;
  - the cover must be constructed of a suitable material and not allow water to pond on top of it;
  - the cover and locks must be maintained in a good state of repair; and
  - suitable warning stickers/signs be placed on the cover to advise that it must be locked in place when the pool is not being used or supervised.

**CARRIED**

KCDC 16/08/548

**REPORTS AND RECOMMENDATIONS FROM STANDING COMMITTEES AND COMMUNITY BOARDS (Corp-16-1935)**

It was noted that the Youth Council meetings had not been included in the report which was an oversight that would be corrected in the next report.

**MOVED (Holborow/Bell)**

**That Mayor Ross Church and Council accept the offer from Hon Todd McClay to meet with Council, Community Boards and the community to update the community about the select committee findings, the current status of the TPPA process and any information on the expected benefits to the region.**

**CARRIED**

**MOVED (Ammundsen/Bell)**

**That the Waikanae Community Board recommends to Council that they note the updated Strategic Plan of report Corp-16-1927.**

**CARRIED**

**MOVED (Bell/Holborow)**

**That Council receives Report Corp-16-1935 (Reports and Recommendations from Standing Committees and Community Boards).**

**CARRIED**

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KCDC 16/08/549

**DRAFT MINUTES: CIVIL DEFENCE AND EMERGENCY MANAGEMENT GROUP – FOR INFORMATION**

Members noted the minutes which were provided for information.

KCDC 16/08/550

**CONFIRMATION OF MINUTES: 17 MAY 2016, 9 JUNE 2016, 23 JUNE 2016**

**MOVED (Gaylor/Ammundsen)**

**That the minutes of the Council meeting on 17 May 2016 be accepted as a true and accurate record of that meeting.**

**CARRIED**

**MOVED (Bell/Holborow)**

**That the minutes of the Council meeting on 9 June 2016 be accepted as a true and accurate record of that meeting.**

**CARRIED**

Cr Gurunathan asked that the minutes be amended to include the fact that he apologized for returning late to the meeting.

**MOVED (Bell/D Scott)**

**That the amended minutes of the Council meeting on 23 June 2016 be accepted as a true and accurate record of that meeting.**

**CARRIED**

KCDC 16/08/551

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

There were no other public speakers but Cr Gurunathan had obtained the permission of the Chair to speak on the Western Riding Club lease (submission circulated). The Mayor said that the status of the lease document would be confirmed through the Chief Executive.

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KCDC 16/08/552

**RESOLUTION TO GO INTO PUBLIC EXCLUDED**

**MOVED (Bell/M Scott)**

<p><b>PUBLIC EXCLUDED RESOLUTION</b></p> <p>That, pursuant to Section 48 of the Local Government Official Information and Meetings Act 1987, the public (with the exception of the Community Board Chairs) now be excluded from the meeting for the reasons given below, while the following matters are considered:</p> <ul style="list-style-type: none"> <li>• <b>Confirmation of Public Excluded Minutes: 30 June 2016</b></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>		
General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds under Section 48(1) for the passing of this resolution
<p><b>Confirmation of Public Excluded Minutes: 30 June 2016</b></p>	<p>Section 7(2)(a) – to protect the privacy of natural persons.</p> <p>Section 7(2)(f)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to members or officers or employees of any local authority ... in the course of their duty.</p>	<p>48(1)(a): That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>

**CARRIED**

*The meeting went into public excluded session at 1.00pm.*

*The meeting came out of public excluded session 1.01pm and was closed.*

Signed: ..... Date:...../ ... / 2016

Chair Ross Church JP, BCA  
Mayor of Kāpiti Coast District