

MINUTES	MEETING	TIME
<b>KĀPITI COAST DISTRICT COUNCIL</b>	<b>THURSDAY 7 NOVEMBER 2013</b>	<b>10.05AM</b>

Minutes of a meeting of the Kapiti Coast District Council on Thursday 7 November 2013, 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	Cardiff	
Cr	J	Elliott	
Cr	P	Gaylor	
Cr	K	Gurunathan	
Cr	J	Holborow	
Cr	T	Lloyd	
Cr	D	Scott	
Cr	G	Welsh	

#### ATTENDING

Mr	P	Dougherty	(Chief Executive)
Mr	S	McArthur	(Group Manager, Strategy and Partnerships)
Ms	T	Evans	(Group Manager, Community Services)
Mr	S	Mallon	(Group Manager, Infrastructure Services)
Mr	M	McGlinchey	(Acting Group Manager Finance)
Ms	V	Starbuck-Maffey	(Democratic Services Team Leader)

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

KCDC 13/11/008

#### **APOLOGIES**

##### **MOVED (Mayor/Lloyd)**

**That apologies be accepted from Cr Murray Bell and from Michael Scott for lateness.**

##### **CARRIED**

KCDC 13/11/009

#### **PUBLIC SPEAKING TIME**

1. Cr Elliott read a statement on behalf of Regional Councillor Nigel Wilson who was unable to attend today's meeting. He congratulated the new Council and looked forward to working with them in a constructive and cooperative fashion. The statement also highlighted the following:

- The performance and design of the new Matangi trains had been recognised with two national transport awards
- A focus for this triennium would be progressing the commuter rail through to Ōtaki and a station at Raumati

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- Ongoing discussions with sector groups were occurring in relation to the Wellington regional reorganisation process with the Local Government Commission running some public meetings in Kāpiti
- The new Regional Council included two new councillors and a new Committee structure
- An invitation was extended to elected members and relevant staff to visit the award-winning Wainuiomata Water Treatment Plant and Te Marua Water Storage Facility.

2. Gavin Bradley suggested that Council meetings should be live-streamed or the audio recordings uploaded to the website. The Mayor indicated that using technology to make Council meetings more accessible to the public was already under discussion with officers.

3. Salima Padamsey circulated a submission requesting consistency of advice from staff and commented on recent communication with the Ombudsman's Office, and also on the recent termination of Leigh Auton's contract with Council due to the perceived conflict of interest. She believed that Cr Ammundsen as Chair of the Regulatory Management Committee (RMC) should not have the power to appoint hearing commissioners as there was a perception of bias following comments made by Cr Ammundsen in the press about the Proposed District Plan (PDP).

4. Jeff Ashby gave a Powerpoint presentation on coastal erosion, sea-level rise and accretion rates on the coast, disagreeing with the methodology and findings of the Shand Report.

5. Naera Pomare spoke in support of Māori representation on Standing Committees and democracy, and believed he should be one of the appointees. The Mayor advised him to take this issue to the next meeting of Te Whakaminenga o Kāpiti which would be the appropriate channel.

6. Bernie Randall spoke on behalf of the Pool Users Group (PUG) concerning charges for pool use and restrictions of pool hours at the Coastlands Aquatic Centre both of which he believed disadvantaged the older members of the community.

7. Betty van Gaalen spoke on behalf of Grey Power and congratulated the new Council suggesting that in the interests of openness the site navigation of the Council website could be improved to make Council agendas and minutes more accessible. She also suggested the Council initiate a referendum to resolve the debate on fluoridation of the water supply. The Mayor indicated that improvements to the website were under consideration.

8. Richard Mansell spoke as the Chief Executive of Coastlands Shoppingtown, urging the Council not to abandon the PDP saying that submitters had invested substantial amounts of time and money into the existing process which should be allowed to continue.

*Cr Gaylor left the meeting at 11.07am and returned at 11.09am.*

9. John Le Harivel spoke about two issues; the termination of Leigh Auton's contract and the culture change at Council. He queried whether real change would occur as three of the re-elected Councillors had been appointed to Committee Chair positions. The Mayor responded to his concerns, explaining the process that had occurred

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about the Leigh Auton contract. The Chief Executive also apologised for the ERROR. The Mayor emphasised that openness and transparency would be a feature of this Council's term, noting that six of the previous Councillors had been returned to office, which argued that the community did not necessarily want radical change.

10. Dale Evans spoke to his submission (circulated) urging the new Council to listen to the community. The questions in his submission would be treated as a request for information under the Official Information Act and answers provided.

11. Jean Kahui outlined the hazards of fracking and asked the Council to consider becoming the first 'frack-free' council in New Zealand,

12. Mary Byrne spoke on behalf of the Fluoride Action Network against fluoridation of the water supply and circulated information about how the issue had been handled recently in Hamilton. She requested Council consider using a tribunal process rather than a referendum in engaging with the community on this issue.

13. Mark Atkin, also a supporter of the Fluoride Action Network said that fluoridation of the water supply was a violation under the New Zealand Bill of Rights. He also supported a tribunal process.

*The meeting adjourned at 11.50am and reconvened at 12.15pm.*

*Michael Scott arrived at 12 noon.*

KCDC 13/11/010

## **MEMBERS' BUSINESS**

### (a) Responses to Public Speaking Time

- Salima Padamsey – the Group Manager Strategy and Partnerships Stephen McArthur commented that PDP hearings had been deferred pending the outcome of the independent review. Hearings would only take place if the decision was made to proceed with the PDP. With regard to the appointment of Hearing Commissioners, this would not occur until the outcomes of the review were known. A report on the Governance Structure and Delegations was on today's agenda; the proposed delegations contained provisions to retain the ability of the RMC Chair to appoint Hearing Commissioners for the purposes of resource consent hearings only.
- Senior Legal Counsel Tim Power clarified the issue raised about apparent inconsistencies in staff advice regarding the delegation for the Chair of the RMC to appoint Hearing Commissioners. He clarified that there was no written correspondence with the Office of the Ombudsman but a verbal conversation which had resulted in some miscommunication. This had now been clarified with the Office of the Ombudsman.
- Jeff Ashby - the Group Manager Strategy and Partnerships Stephen McArthur said that Council had set up an expert panel to look at the science of coastal erosion and there would be an opportunity for submitters to present to this panel.

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- Bernie Randall – Group Manager Community Services Tamsin Evans would consult with staff and respond to Mr Randall’s concerns about pool hours; the fees would be reviewed through the Draft Annual Plan process early next year.
- (b) Leave of Absence – none was requested
- (c) Matters of an Urgent Nature – there were none
- (d) Declarations of interest – there were none

KCDC 13/11/011

**STANDING ORDERS FOR THE 2013-2016 TRIENNIUM (Corp-13-1013)**

Democratic Services Team Leader Vyvien Starbuck-Maffey spoke to this report, explaining that the Council had first adopted the New Zealand standard in 2001 and since then the document had been subject to a number of additional clauses and amendments, including the most recent amendments to the Local Government Act 2002 regarding the Mayor’s new powers of appointment. Discussion included the following points:

- the document would be reformatted to be more user-friendly
- a hard copy would also be available for the public at all Council and Committee meetings
- it was agreed to remove the 30 minute limit on Public Speaking Time to reflect current practice.

**MOVED (Ammundsen/Cardiff)**

**That Council notes and confirms the application of the amended NZS 9202:2003 A1 ‘Model Standing Orders for Meetings of Local Authorities and Community Boards’ including the additional clauses at Appendices 1 and amendments as at Appendix 2 of report Corp-13-1013 for its meetings and those of its Committees and Subcommittees in the 2013-2016 Triennium.**

**CARRIED**

It was agreed to reorder the agenda to consider the Governance Structure report as this report addressed the concerns in the Notice of Motion.

KCDC 13/11/012

**GOVERNANCE STRUCTURE AND DELEGATIONS FOR THE 2013-2016 TRIENNIUM (Corp-13-994)**

Democratic Services Team Leader Vyvien Starbuck-Maffey spoke to this report. A list of the Mayor’s proposals for appointments to the Chairs and Deputy Chairs of Committees and Subcommittees was circulated.

With regard to Hearing Commissioners the following points were made:

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- Transitional Commissioners had been appointed at the end of the previous Triennium in order to deal with any issues arising that were outside staff delegations. Now that the election period was over they would be discharged through a resolution of Council and this was included in the recommendations at the end of the report.
- Provisions for the appointment of Hearing Commissioners remained in the Delegations but only to deal with resource consent hearings not the PDP.
- The three elected members who had been appointed in the previous Triennium to hear submissions on the initial chapters of the PDP were no longer elected members so their status as Hearing Commissioners was null and void.
- Hearing Commissioners for the PDP hearings would be appointed by the new Council only if, after considering the outcomes of the independent review, it was decided to proceed with the PDP.

**MOVED (Mayor/Lloyd)**

**That the Council of the 2013-2016 Triennium:**

- **Notes the Mayor's establishment of the Standing Committees and appointment of the Chairs of those Committees as follows:**

**Environment and Community Development – Cr Gaylor**

**Regulatory Management – Cr Ammundsen**

**Corporate Business – Cr Welsh**

**Appeals – Cr Lloyd**

- **Adopts the Associated Delegations for Committees, Subcommittees and Community Boards as attached at Appendix 2 of report Corp-13-994.**
- **Confirms the Chairs, Deputy Chairs and membership of the Subcommittees as an amended Appendix 4 of report Corp-13-994;**
- **Discharges the Transitional Hearing Commissioners Cr Diane Ammundsen, Cr Mike Cardiff and Hilary Wooding.**
- **Approves the appointment of Māori representatives with voting rights to the three major Standing Committees for the 2013-2016 Triennium, with the specific appointment of:**

**(1) Caleb Royal to the Regulatory Management Committee**

**(2) Russell Spratt to the Corporate Business Committee**

**CARRIED**

Cr Elliott and Cr Scott voted against the motion. Cr Elliott explained she was not objecting to the entire motion but specifically the parts regarding the appointments of

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Councillors to Committees and Subcommittees. She did not believe the newly-elected Councillors had been fairly represented in the appointments and these did not reflect the voting outcomes in the election. Her comments were supported by Cr Scott, who said he had not been included sufficiently in the appointments and hoped that they would be reviewed in the future.

KCDC 13/11/013

**NOTICE OF MOTION**

Although Councillors felt that the matters in the motion had already been dealt with in the previous report Cr Elliott wanted them addressed separately. She noted concerns raised by the public about the appointment of Hearing Commissioners so in the interests of transparency the motion needed to be considered.

**MOVED (Elliott/Scott)**

- (a) **That Council stand down the hearing commissioners currently appointed for the Proposed District Plan hearings.**

**CARRIED unanimously**

**MOVED (Elliott/Scott)**

- (b) **That should hearings be required for the proposed district plan, after consultation with the new Council that new hearing commissioners are appointed.**

**CARRIED unanimously**

KCDC 13/11/014

**APPOINTMENT OF COUNCILLORS TO COMMUNITY BOARDS (Corp-13-1014)**

Democratic Services Team Leader Vyvien Starbuck-Maffey spoke to this report explaining that under the terms of the Local Government Commission's determination the Ward Councillors were full members of the respective Community Boards and needed to be formally appointed back by Council.

**MOVED (Cardiff/Ammundsen)**

**That Council confirms the appointment of the following Ward Councillors to the respective Community Boards:**

<b>Ōtaki</b>	<b>Councillor Gaylor</b>
<b>Waikanae</b>	<b>Councillor Lloyd</b>
<b>Parapararumu/Raumati</b>	<b>Councillor Bell</b>
	<b>Councillor Gurunathan</b>
<b>Paekākāriki</b>	<b>Councillor Holborow</b>

**CARRIED**

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The next item on the agenda was the Mayor's report but the Mayor indicated he was happy for discussion to be deferred until later in the agenda.

KCDC 13/11/015

### **COUNCILLORS APPOINTED TO EXTERNAL ORGANISATIONS**

Democratic Services Team Leader Vyvien Starbuck-Maffey spoke to this report, noting that a handout had been circulated that listed proposed Councillor appointments, for consideration. Ensuing discussion saw some amendments made to the names listed.

#### **MOVED (Lloyd/Holborow)**

- 1 That Council approves the amended Policy on the Appointment of Directors of Council Organisations, as at Appendix 1 of report Corp-13-1015.**
- 2 That the Council confirms the appointment of the Mayor to the Kāpiti Emergency Medical Services Trust for the 2010-2013 triennium.**
- 3 That the Council confirms the appointment of the Mayor, Cr Holborow and the Chief Executive to the Campe Estate Trust.**
- 4 That the Council makes appointments to external organisations as follows:**

<b>No</b>	<b>Organisation/Body</b>	<b>Appointees for 2013-2016 Triennium</b>
<b>1</b>	<b>Te Whakaminenga o Kāpiti</b>	<b>The Mayor and Cr Holborow</b>
<b>2</b>	<b>Regional Land Transport Committee</b>	<b>The Mayor and Deputy Mayor as alternate</b>
<b>3</b>	<b>Wellington Regional Strategy Committee</b>	<b>The Mayor and Deputy Mayor as alternate</b>
<b>4</b>	<b>Wellington Regional Amenities Fund</b>	<b>The Mayor and Deputy Mayor as alternate</b>
<b>5</b>	<b>Zone 4</b>	<b>Open to all Elected Members</b>
<b>6</b>	<b>Urban Design Champion</b>	<b>Cr Elliott</b>
<b>7</b>	<b>Kapiti Island Monitoring Committee</b>	<b>Cr Gurunathan</b>
<b>8</b>	<b>Friends of the Ōtaki River</b>	<b>Cr Gaylor</b>
<b>9</b>	<b>Friends of the Waikanae River</b>	<b>Cr Cardiff</b>
<b>10</b>	<b>Keep New Zealand Beautiful</b>	<b>Cr Ammundsen</b>
<b>11</b>	<b>Kapiti Coast Aircraft Noise Community Liaison Group</b>	<b>Community Board representative (Paraparaumu/Raumati CB)</b>
<b>12</b>	<b>Wellington Regional Waste Forum</b>	<b>Cr Elliott</b>

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13	Pharazyn Reserve Focus Group	Community Board representative
14	Pharazyn Reserve Management Plan Review Panel	Community Board representatives and Cr Lloyd, Cr Cardiff, Cr Ammundsen
15	Kapiti Ecological Restoration Maintenance Trust	Cr Cardiff
16	Paraparaumu College Community Sports Hall Committee	Cr Bell
17	Kapiti Community Centre Management Committee	Cr Scott
18	Kāpiti Coast Multipurpose Aquatic and Recreation Centre Trust	Cr Bell
19	Kapiti Safer Community Trust	Cr Gurunathan
20	Mahara Gallery Trust	Cr Holborow
21	Clean Technology Trust	Cr Welsh
22	Kapiti Emergency Medical Services (EMS) Trust	The Mayor
23	Kapiti Accessibility Advisory Group	Cr Lloyd
24	Kapiti Community Health Transport Group	Cr Scott
25	Te Mana Whakahaere o Te Wānanga o Raukawa	Cr Gaylor
26	Road Safety Advisory Group	Cr Scott (Chair) and Cr Elliott
27	Kapiti Cycleway, Walkway and Bridleway Advisory Group	Cr Ammundsen (Chair) and Cr Welsh
28	Kapiti Coast Youth Council	Cr Holborow and Cr Gaylor as alternate
29	Kapiti Coast Older Persons' Council	Cr Gurunathan

**CARRIED**

*The meeting adjourned at 1.20pm and reconvened at 1.50pm.*

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KCDC 13/11/016

**COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE AND STAFF (SP-13-992)**

Statutory Compliance Officer Linda Guerin and Senior Legal Counsel Tim Power spoke to this report and explained the rationale for the changes. A question was posed about the interplay between chief executive delegations, regional governance issues, and shared services. If chief executives acted on shared services initiatives would this undermine local delegations? Mr Power commented that the relevant delegations would be examined at the point when or if shared service initiatives were being considered. Simpson Grierson had considered the delegations presented today. The Chief Executive clarified that it was the Regional Mayoral Forum that directed the Chief Executives Group, who reported back regularly. Nothing would be changed without Council being aware of the proposals.

**MOVED (Mayor/Gaylor)**

**That the Council adopts the amendments shown in Appendix A of Report SP-13-992 to the Council to Chief Executive and Staff Delegations, to include:**

- **The recommended amendments to the introduction**
- **The recommended adjustments to financial delegations which have been adjusted by 9 percent (being three years worth of local government price adjusters issued by Berl)**
- **The recommended amendments to the delegations under the Forest and Rural Fires Act 1977, the Local Government Act 2002, the Local Government (Rating) Act 2002, the Local Government Official Information and Meetings Act 1987 and the Reserves Act 1977, and**
- **Delegations under the Sale and Supply of Alcohol Act 2012**

**That the Council adopts the amendments shown in Appendix B of Report SP-13-992 to the Resource Management Act 1991 Delegations to include the job title changes and positions that now require RMA delegations along with additional delegations for two positions and write off delegations for four Group Managers.**

**That the Council notes that once approved, these amendments will be included in the existing 26 January 2012 Council to Chief Executive and Staff Delegations and the 18 April 2013 Resource Management Act 1991 Delegations.**

**CARRIED**

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KCDC 13/11/017

**DRAFT CALENDAR OF MEETINGS 2013-2014**

Democratic Services Team Leader Vyvien Starbuck-Maffey spoke to this report, noting that meetings occurred generally according to a six-weekly cycle, with briefings at frequent intervals. The Chief Executive pointed out that it was up to this Council how it operated; what was proposed here was what had worked in the previous Triennium.

**MOVED (Mayor/Holborow)**

**That the Council approves the draft meeting schedule for 2013/2014 as detailed in Appendix 1 of report Corp-13-1012 for circulation to the four Community Boards for their approval and/or amendment, noting the following:**

- **the calendar of meetings is based on a six weekly cycle;**
- **all Council, Committee and Subcommittee meetings are scheduled on a Thursday and generally start at 10.00am or 9.00am;**
- **subject to Community Board agreement, Community Board meetings will take place on Tuesday evenings, commencing at 7pm for Ōtaki, Paekākāriki and Paraparaumu/Raumati Community Boards, and at 7.30pm for Waikanae Community Board;**
- **the final meeting schedule for 2014 will be presented to the Council meeting of 12 December for approval.**

**CARRIED**

The Chief Executive informed Councillors of the recent resignation of the Sustainable Development Manager Jim Ebenhoh who had been promoted to the position of Group Manager, Planning and Regulatory at the Westland District Council.

KCDC 13/11/018

**MAYOR'S REPORT**

Councillors requested a report back to Council on the catering budget and whether there were cost savings. The Chief Executive would arrange for an officer report on the matter to be brought back to a future Council meeting.

On another matter Councillors confirmed they would be happy for Community Board Chairs (or their nominated alternates) to join Councillors at the table during Council or Committee meetings, once the Chairs are known.

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**RESOLUTION TO GO INTO PUBLIC EXCLUDED**

*The meeting went into public excluded session at 2.14pm.*

**MOVED (Mayor/Lloyd)**

<p>PUBLIC EXCLUDED RESOLUTION</p> <p>That, pursuant to Section 48 of the Local Government Official Information and Meetings Act 1987, the public except for Community Board members now be excluded from the meeting for the reasons given below, while the following matters are considered:</p> <p>The general subject of each matter to be considered, while the public are excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987, for the passing of this resolution are as follows:</p>		
<p><b>Approval of community members to be included in the District Licensing Committee List (CS-13-1008).</b></p>	<p><b>Section 7(2)(a) – to protect the privacy of natural persons</b></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 2.31pm and was closed.*

Signed ..... / ...../2013

Mayor Ross Church, Chair