

MINUTES	MEETING	TIME
KĀPITI COAST DISTRICT COUNCIL	THURSDAY 28 NOVEMBER 2013	1.30 PM

Minutes of an additional meeting of the Kapiti Coast District Council on Thursday 28 November 2013, commencing at 1.30 pm 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	J	Holborow	
Cr	T	Lloyd	
Cr	D	Scott	
Cr	G	Welsh	

ATTENDING

Ms	F	Vining	(Paraparaumu-Raumati Community Board)
Mr	J	Best	(Paraparaumu-Raumati Community Board)
Mr	J	Cootes	(Ōtaki Community Board)
Mr	P	Edward	(Paekākāriki Community Board)
Mr	J	McDonald	(Paekākāriki Community Board)
Mr	S	Buchanan	(Paekākāriki Community Board)
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 13/11/020

APOLOGIES

There were no apologies.

KCDC 13/11/021

PUBLIC SPEAKING TIME

1. Helene Donaldson spoke against water meters and about previous consultation on water supply issues quoting the report from the Technical Advisory Group (TAG) in 2010 which said that more investigation was required and noting that the public had a preference for a dam.

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2. Bernie Randall spoke to his submission (circulated) which asked a number of questions broadly concerned with legal services. The Mayor said he would address some questions but other questions required answers in writing, which would be provided. The Mayor said he had not had any legal opinions relating to Committee appointments, and, with regard to his style of operating within the Council team he would prefer a consultative style.
3. Jeremy Seamark spoke against the river recharge scheme as he was concerned about the effects on the river flora and fauna, and on wetlands. He supported a dam.
4. Ralph Lane spoke on behalf of Roy Opie of the Otaihangā Boating Club and also on behalf of the Kapiti Flyfishing Club, noting that Mr Opie's submission had been circulated. He supported the staged building of a dam in less than 50 years within financial constraints.
5. June Rowland spoke about water supply issues, noting there had been extensive consultation with the community on water matters before 2010, including with the Kapiti Environmental Action Group of which she had been a founding member. She supported Option 1 (continue with the current project).
6. Betty van Gaalen spoke to her submission (circulated) on behalf of Grey Power in support of river recharge and meters as representing the lowest cost to people on fixed or low incomes.
7. Tony Bevin spoke about the water supply report, accepting the need for volumetric charging but concerned about the impact on those on fixed incomes and the risk of future privatisation.
8. Roy Opie spoke about the water supply report saying that the Waikanae River should only be a backup.
9. Jean Kahui spoke about the water supply issue, and against Option 1 which she believed would be more costly to administer. She recommended that Council defer making a decision until the community's views were properly taken into account and more research done.
10. David Blomfield spoke about the water supply report, recommending that the Ōtaki River be investigated as a possible source for the District' water supply and that with possible amalgamation the regionalisation of water should receive more attention.
11. Mike Alexander spoke about the water supply issue, recommending that the site of the dam be moved downstream or upstream to allow for the building of fish passages, and suggested an alternative water supply option of tunnelling through to the Waitawaewae River.
12. Dale Evans referred to his submission tabled at the meeting of the Corporate Business Committee (CBC) on 21 November and objected to remarks made by the Mayor in a recent column in the Kapiti News regarding Mr Evans' behaviour during CBC Public Speaking Time. Mr Evans insisted he be able to speak openly at public meetings and asked for a retraction and an apology. The Mayor indicated he would respond to Mr Evans.
13. Ron Cook spoke to his submission (circulated) about speeding on Realm Drive Paraparaumu. This was a residential area being used increasingly by trucks and other heavy vehicles to bypass congestion on Kapiti Road. He believed that a fatality was inevitable unless Council installed traffic-calming measures. It was agreed to place this matter on 'Matters Under Action' at the Regulatory Management Committee meeting on 5 December. It was suggested that Mr Cook attend the 10 December meeting of the Paraparaumu-Raumati Community Board.

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14. Ron Butler spoke about the water supply report, against water meters and the River Recharge Project and in support of a dam.
15. Bryan Baggott spoke about the water supply report saying that Council had no option but to choose the cheapest option today.
16. Jonny Best spoke about the report on today's agenda concerning the appointment of Chair and Deputy Chair to the new District Licensing Committee (DLC). He said that the Paraparaumu-Raumati Community Board had objected to a licensing application in the previous Triennium and pointed out that the new legislation was a positive step and that it was important that the issue of conflict of interest be kept in mind when making an appointment.
17. Salima Padamsey spoke about the CBC meeting on 21 November and the expert panel on coastal erosion. She asked whether the expert panel would receive copies of Dr Shand's report in respect of the lines for Mr Harding's property, Kotukutuku Park, and the four technical sites? The Mayor said there would be a response.
18. Councillor Diane Ammundsen spoke in support of her potential appointment to the position of DLC Chair, citing her extensive experience as a Councillor and Hearing Commissioner.
19. Tim Parry spoke about the River Recharge project saying it could be a high-risk option and further investigation was warranted as the resource consent process might have been flawed.
20. Garry Power referred to previous submissions to Council on the water meter issue, focussing on meters on multi-tenanted properties. He requested a meeting to discuss these.
21. Ian Ayson spoke in support of a dam and the possible regionalization of water supply, saying that the Greater Wellington Regional Council had a proposal for a dam at the back of the Transmission Gully area which would facilitate the supply of water to Kāpiti.

KCDC 13/11/022

MEMBERS' BUSINESS

(a) Responses to Public Speaking Time

- To Mike Alexander – his questions would be responded to in writing.
- To Dale Evans - the Mayor said he would always support the democratic process, including the right of everyone to raise issues in the Public Speaking Time forum. However there were rules for behaviour as detailed in Standing Orders. He objected to staff being spoken to or about with disrespect, malice or overly aggressive tones of voice which he believed was the case at the CBC meeting. If anyone had issues with the performance or behaviour of staff the correct channel was to approach the Mayor, not through a public meeting. The CBC Chair Cr Welsh also felt that Mr Evans had gone too far.
- To Salima Padamsey – Group Manager of Strategy and Partnerships
Stephen McArthur said the information would be provided to the expert panel.

The meeting adjourned at 3.17pm and reconvened at 3.42pm

- (b) Leave of Absence – none was requested.

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(c) Matters of an Urgent Nature – there was one matter but it would have to be dealt with in Public Excluded Session at the end of this meeting.

(d) Declarations of interest - there were none.

KCDC 13/11/023

APPOINTMENT OF DISTRICT LICENSING COMMITTEE (DLC) CHAIR AND DEPUTY CHAIR (Corp-13-1053)

Group Manager Community Services Tamsin Evans spoke to this item explaining that the Council had approved its Governance Structure on 7 November, including the establishment of the new DLC, but had postponed appointing the Chair and Deputy Chair until today.

Mayor called for nominations for the position of DLC Chair. There was one nomination.

MOVED (Cardiff/Bell)

That Cr Diane Ammundsen be nominated to the position of Chair of the District Licensing Committee.

CARRIED

As there were no other nominations the Mayor declared Cr Ammundsen appointed to the Chair position.

The Mayor called for nominations for the position of DLC Deputy Chair. There was one nomination.

MOVED (Ammundsen/Gaylor)

That Cr Murray Bell be nominated to the position of Deputy Chair of the District Licensing Committee.

CARRIED

As there were no other nominations the Mayor declared Cr Bell appointed to the Deputy Chair position.

KCDC 13/11/024

WATER SUPPLY ISSUES (IS-13-1028)

Before this item could be introduced, Cr Elliott moved a motion, which the Chair allowed.

MOVED (Elliott/Scott)

That a decision on the water supply options be deferred until the Council meeting in March 2014, allowing Councillors to have the opportunity to seek

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further information, including more information on volumetric charging, leaks discovered, why the Charging Regime Advisory Group (CRAG) report did not trigger the Council's Significance Policy, and a report on the full budget for the River Recharge Scheme.

A division was requested:

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

Against the motion: the Mayor, Cr Ammundsen, Cr Gaylor, Cr Cardiff, Cr Lloyd, Cr Bell, Cr Holborow.

LOST

MOVED (Scott/Elliott)

That the report IS-13-1028 on Water Supply Issues be let lie in the table.

A division was requested:

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

Against the motion: the Mayor, Cr Ammundsen, Cr Gaylor, Cr Cardiff, Cr Lloyd, Cr Bell, Cr Holborow.

LOST

Group Manager Infrastructure Services Sean Mallon spoke to the report, explaining the various options for progressing the water supply project. The project began in 2009/2010 with consideration of 41 options including consideration of joining up with the Regional Council's water supply, and using the Ōtaki River (these suggestions were raised by members of the public during Public Speaking Time today). The Regional Council had advised at the time that being annexed to the Regional water supply wasn't a viable option. The Ōtaki River capacity was not enough to supply Kāpiti so these options were ruled out. The preferred option was the River Recharge with water meters, with the construction of a dam as a longer-term option.

Issues emerging during discussion included a discussion of project risks and their mitigation:

- After a lengthy and robust process a consent had been granted for 35 years.
- Financial risks had been mitigated as Council was now at the point of being able to award a tender which would deliver the project within budget.
- The risks to the wetlands, flora and fauna had been extensively considered by ecologists, hydrologists and other experts during the consenting process and a monitoring programme would be put in place. The point was made that even with the construction of a dam monitoring would have to be just as robust.
- The aquifers had been investigated and the amount of water required from them identified. Using aquifers was a common practice throughout New Zealand and in Kāpiti they were used only as a supplementary source.

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- In order to address the risk of saline intrusion the K13 bore was to be closed down as it was the closest to the sea. New bores would be positioned further inland, and there was also the option of turning the bores on or off according to water quality.

Cr Scott foreshadowed he would move an additional motion in support of a fifth option. If this was defeated Cr Welsh foreshadowed he would move an additional motion in support of a sixth option. The Chief Executive indicated that each motion should be dealt with separately. He also commented that, if the fifth option was supported this would breach the Council's financial policy and the appropriate process would be to ask for a report investigating and presenting the implications of the fifth option to be brought back to a future meeting.

- The discussion continued on the financial implications of leaving the water meters in the ground with no volumetric charging. This choice would leave Council unable to meet its targets with regard to reduced demand, and the incurring of an additional cost of \$36 million.
- Using water meters with volumetric charging was the only mechanism to address the issue of inequity and cross-subsidisation by users. Low water users were paying for others to waste water.

Cr Cardiff foreshadowed his intention to move the motion in favour of Option 1.

- The issue of leaks was discussed. Not all private leaks had been fixed; this process was being worked through with private property owners. There was a proactive programme for leaks detected on Council-owned assets. Council had peaked at a supply rate of 22,300m³/day litres when the top level allowable was 23,000m³/day.
- The charging regime was to be reviewed after two years by the Charging Regime Advisory Group (CRAG). The hardship fund could also be increased should Council so decide.
- Council's current extensive programme on water conservation education was outlined.
- Some Councillors were concerned that a decision would be made today on the basis of incomplete information or a refusal to consider other water supply measures such as community water harvesting, and that the community should be consulted again.

Cr Bell left the meeting at 5.11pm and returned at 5.15pm.

- The most cost-effective decision needed to be made today in order to meet the requirements of the Local Government Act's definition of the purpose of local government.

Cr Elliott left the meeting at 5.16pm and returned at 5.17pm.

- The suggestion was made that the income from water meters be reinvested back into infrastructure via a Public Trust. The Mayor explained that the

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Council is audited the same as any trust, and this would impose additional costs. Also the Chief Executive quoted the clauses in Standing Orders adopted by Council in March 2011 to address any attempted diversion of funds.

Cr Gaylor left the meeting at 5.24pm and returned at 5.25pm

Cr Welsh left the meeting at 5.35pm and returned at 5.36pm

MOVED (Scott/Elliott)

That Council approve option 5 – that the river recharging scheme is stopped immediately and work is begun during 2014 for the building of a water storage dam and continuing the current charging regime.

The Chief Executive reminded the meeting that if Council adopted the proposed option 5 this would trigger the Significance Policy and a report from officers should be brought back to a future meeting.

A division was requested:

For the motion: Cr Elliott, Cr Scott

Against the motion: the Mayor, Cr Ammundsen, Cr Gaylor, Cr Cardiff, Cr Lloyd, Cr Welsh, Cr Bell, Cr Holborow, Cr Gurunathan

LOST

MOVED (Welsh/Gurunathan)

That Council approve option 6 - to continue with volumetric water charging and not proceed with the river recharge with groundwater option in favour of reallocating funding towards the construction of a water storage facility as soon as financially possible, and further community education and water conservation measures be undertaken in the meantime to assist with reducing peak demand.

Concern was expressed that option 6 would not meet the definition of the purpose of local government ie to provide cost-effective infrastructure. Council also had a legal obligation to provide a water supply to the community.

A division was requested:

For the motion: Cr Welsh, Cr Gurunathan

Against the motion: the Mayor, Cr Ammundsen, Cr Gaylor, Cr Cardiff, Cr Lloyd, Cr Bell, Cr Holborow, Cr Elliott, Cr Scott

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MOVED (Cardiff/Gaylor)

That the Council approves the continuation of the current water supply project as generally described under the heading of Option 1 in report IS-13-1028.

That the Council approves the signing by the Chief Executive of the contract for water meter reading services.

A division was requested:

For the motion: the Mayor, Cr Ammundsen, Cr Gaylor, Cr Cardiff, Cr Lloyd, Cr Bell, Cr Holborow

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

CARRIED

The Chief Executive explained there was a need to consider a Matter Under Urgency and in Public Excluded session; this was a recommendation from the Environment and Community Development Committee meeting earlier today in respect of the Clean Technology Trust. It was necessary to consider it now as the ECD Committee did not have the delegation to make the decision.

KCDC 13/11/024

RESOLUTION TO GO INTO PUBLIC EXCLUDED

The meeting went into public excluded session at 6.19pm.

MOVED (Lloyd/Welsh)

<p style="text-align: center;">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 style="text-align: center;">A recommendation considered under urgency from the Environment and Community Development (ECD) Committee in respect of the Clean Technology Trust.</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>	
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<p>A recommendation considered under urgency from the ECD Committee in respect of Council's support for the Clean Technology Trust.</p>	<p>Section 7(2)(i) – enable any 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 came out of public excluded session at 6.23pm and was closed at 6.29pm.

Signed / / 2013

Mayor Ross Church, Chair