
Kaipara District Council

Minutes

Meeting	Kaipara District Council
Date	Thursday 26 July 2018
Time	Meeting commenced at 9.35am Meeting concluded at 2.41pm
Venue	Mangawhai Club – Molesworth Drive, Mangawhai
Status	Unconfirmed

Membership

Chair: Mayor Jason Smith

Members: Deputy Mayor Peter Wethey
Councillor Anna Curnow
Councillor Victoria del la Varis-Woodcock
Councillor Julie Geange
Councillor Libby Jones
Councillor Karen Joyce-Paki
Councillor Jonathan Larsen
Councillor Andrew Wade

Jason Marris
General Manager Governance, Strategy and Democracy

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**Minutes of the Ordinary meeting of Kaipara District Council
26 July 2018 in Mangawhai**

1 Opening
1.1 Karakia

Councillor Curnow opened the meeting with a karakia.

1.2 Present

Mayor Jason Smith, Deputy Mayor Peter Wethey, Councillors Anna Curnow, Victoria del la Varis-Woodcock, Libby Jones, Jonathan Larsen and Andrew Wade

In Attendance

Name	Designation	Item(s)
Curt Martin	Acting Chief Executive	All
Donnick Mugutso	Acting General Manager Infrastructure	All
Dean Nuralli	Acting General Manager Regulatory, Planning and Policy	All
Jason Marris	General Manager Governance, Strategy and Democracy	All
Natalie Robinson	Policy Analyst	All
Hannah Gillespie	General Manager People and Capability	1—5.2
Paul Cresswell	Acting General Manager Risk, IT and Finance	1—5.2
Darlene Lang	Community Relationships Manager	1—4.4
John Burt	Property and Commercial Advisor	1—6.2
Ian Fernandes	IT Manager	1—4.6
Jenny Rooney	Funding Co-ordinator	1—4.3
Fleur Denize	Facilities Procurement and Contracts Co-ordinator	1—4.3
Dale Ofsoske	Electoral Officer, Election Services	1—4.1
Lisa Hong	Governance Advisor	All (Minute-taker)

Adjournments

Reason	Start time	Finish time
Tea break	11.14am	11.30am
Lunch break	1.10pm	1.33pm

1.3 Apologies

Moved Curnow/del la Varis-Woodcock

That the apologies of Councillors Joyce-Paki and Geange be received.

Carried

1.4 Confirmation of Agenda

Moved Curnow/Wethey

That Kaipara District Council confirms the Agenda, noting that item 5.3 'Recycling Stockpiling and Subsidy - Review of Options' is a decision paper and not an information paper as indicated in the agenda.

Carried

1.5 Conflict of Interest Declaration

Name	Conflict
Councillor Curnow	Item 4.3 'Dargaville Arts Association Office Hub, Dargaville' – Councillor Curnow is a member of the Dargaville Community Development Board. This organisation is a potential tenant for the Dargaville Arts Association Office Hub.
Councillor Jones	Item 4.4 'Kauri Coast Community Pool Update, Contract for Service and Licence to Occupy' – Councillor Jones is the Council-appointed member on the Sport Northland Board.
Councillor Wethey	Item 4.11 'Mangawhai golf course Reserve status exchange and Golf Club surrender of lease/Variation of lease or grant of new licence' – Councillor Wethey is a member of the Mangawhai Golf Club.

2 Deputations, Presentations and Petitions

2.1 Mark and Trish Rolfe, Baylys Beach Motor Camp Lease

Mark and Trish Rolfe spoke in the public forum and tabled an email (sent 25 July 2018 12.47pm) from the Department of Conservation.

3 Minutes

3.1 Confirmation of Open Council minutes 26 June 2018

General Manager Governance, Strategy and Democracy 1601.22

Moved Smith/Curnow

That the unconfirmed Open minutes of the Kaipara District Council meeting held 26 June 2018 be confirmed as a true and correct record.

Carried

4 Decision

4.1 Representation Review: Initial Proposal

Electoral Officer 1301.01

Moved Smith/Curnow

That Kaipara District Council:

- 1 *Receives the Electoral Officer's report 'Representation Review: Initial Proposal' dated 12 July 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Resolves, pursuant to sections 19H and 19J of the Local Electoral Act 2001, to adopt, as its initial proposal for the review of representation arrangements for the 2019 and 2022 triennial elections, the following:*
 - i. *Kaipara District Council to comprise eight councillors elected under the ward system, plus the mayor elected at large;*
 - ii. *Kaipara District Council be divided into four wards, these being:*
 - Dargaville Ward (two councillors) being the existing ward comprising the township of Dargaville (the area delineated on SO Plan 70435 deposited with Land Information New Zealand), the boundaries of which are shown on **Attachment 1** of the aforementioned report;*
 - Kaiwaka-Mangawhai Ward (two councillors) comprising the southeast area of the district including the townships of Kaiwaka, Mangawhai, Mangawhai Heads, Oruawharo, Oneriri Peninsula, Hakaru and surrounding areas, the boundaries of which are shown on **Attachment 2** of the aforementioned report;*
 - Otamatea Ward (two councillors) comprising the State Highway 12 townships from Tokatoka back to the Brynderwyns including Ruawai, Matakohe, Papanui, Maungaturoto, Taipuha, Ararua, Pahi, Whakapirau, Tinopai and surrounding areas, the boundaries of which are shown on **Attachment 3** of the aforementioned report;*
 - West Coast-Central Ward (two councillors) comprising the area surrounding Dargaville through to Waipoua Forest, including Kaihu, Aranga, Donnelly's Crossing, Mamaranui, Omamari, Baylys Beach, Hoanga, Tangowahine, Tangiteroria, Te Kopuru, Pouto, Turiwiri and Arapohue, the boundaries of which are shown on **Attachment 4** of the aforementioned report;*
 - iii. *no community boards be established;*
 - iv. *the reason the total number of councillors is proposed to remain at eight (plus the mayor) is to provide effective representation to Kaipara district residents and ratepayers (whilst still ensuring accessibility to a large area made up of populated towns and villages and sparsely populated rural areas); and*

- 4 *Issues a public notification on 01 August 2018 that informs the public of the initial proposal and the opportunity to make a submission in the period 01 to 31 August 2018 should they wish to; and*
- 5 *Approves the Statement of Proposal and Draft Engagement Plan (Attachment 7 and Attachment 8 of the aforementioned report) to inform the community of the review and their opportunity to provide feedback during the formal consultative process; and*
- 6 *Notes that once the decision on the initial proposal is made as above, there are legislative timeframes for the remaining process, outlined in the aforementioned report.*

Carried

4.2 Road Vesting: Settlement Road, Hakaru, Kaiwaka

Roading Manager **4102.17**

Moved **Curnow/Wethey**

That Kaipara District Council:

- 1 *Receives the Roding Manager's report 'Road Vesting: Settlement Road, Hakaru, Kaiwaka' dated 17 July 2018 and its Attachments 1, 2 and 3; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Agrees in principle to the vesting and purchase of a portion of private property, the area being 0.0300ha (300m²) of land for road being Lot 5 Revised subdivision plan RM170473 highlighted in yellow on aerial map (see Attachment 1 to the above-mentioned report) for road reserve (Settlement Road) in Hakaru, Kaiwaka, subject to the costs associated being no more than \$1,500 + GST for the land itself and \$1,500 + GST for additional costs; and*
- 4 *Delegates the Acting Chief Executive to finalise the acquisition of the aforementioned land.*

Carried

4.3 Dargaville Arts Association Office Hub, Dargaville

Community Relationships Manager **5105.09**

[Secretarial Note: Councillor Curnow declared conflict of interest for this item. She stepped away from the table and did not participate in the discussion nor vote on the item.]

Moved **Smith/Wade**

That Kaipara District Council:

- 1 *Receives the Community Relationships Manager's report 'Dargaville Arts Association Office Hub, Dargaville' dated 09 July 2018; and*

- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Delegates to the Dargaville Arts Association Incorporated the power to approve short term rental licences for office space in the Municipal Building, Dargaville for the purpose of fundraising which can be reinvested into the Arts Centre enabling growth; and*
- 4 *Notes that any short term rental licences that are granted under this delegation will meet the same terms and conditions of the current Licence to Occupy that the Dargaville Arts Association has with Council.*

Carried

4.4 Kauri Coast Community Pool Update, Contract for Service and Licence to Occupy

Community Relationships Manager 4701.03

Moved Wethey/del la Varis-Woodcock

That Kaipara District Council:

- 1 *Receives the Community Relationships Manager's report 'Kauri Coast Community Pool Update, Contract for Service and Licence to Occupy'; dated 16 July 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Delegates the Acting Chief Executive to negotiate a three year Contract for Service with the Kauri Coast Community Pool Trust; and*
- 4 *Delegates the Acting Chief Executive to negotiate a Licence to Occupy with the Kauri Coast Community Pool Trust; and*
- 5 *Approves a \$299,000 per annum grant for three financial years starting in the 2018/2019 financial year to the Kauri Coast Community Pool Trust, which consists of \$257,000 for operating costs and \$42,000 for repairs, maintenance and renewals; with payment conditional on the Contract for Service and Licence to Occupy being successfully completed; and*
- 6 *Approves that the annual grant to the Kauri Coast Community Pool Trust be increased by \$22,000 per annum from the 2019/2020 financial year to ensure water charges lie where they are incurred and transparency is increased.*

Procedural motion moved Wade/Jones

That this item lie on the table until a meeting with the Kauri Coast Community Pool Trust is held with Elected Members and Council officers.

Carried

Meeting adjourned for morning tea at 11.14am.

Meeting recommenced at 11.30am.

4.5 Notice of Motion Report Back and Review of the Elected Member Allowances and Recovery of Expenses Policy

General Manager Governance, Strategy and Democracy 1801.0

Moved Curnow/Smith

That Kaipara District Council:

- 1 *Receives the General Manager Governance, Strategy and Democracy's report "Notice of Motion Report Back and Review of the Elected Member Allowances and Recovery of Expenses Policy" dated 10 July 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Notes that the Notice of Motion presented by Councillor Geange to the April 2018 Council meeting (circulated as Attachment 1 to the aforementioned report) was to be reported back to this July 2018 Council meeting; and*
- 4 *Notes that the Kaipara District Council Remuneration Authority Determination for the 2018/2019 financial year will be received in August 2018; and*
- 5 *Agrees that the Elected Member Allowances and Recovery of Expenses Policy is reviewed against the Kaipara District Council Remuneration Authority Determination for the 2018/2019 financial year.*

Carried

4.6 ICT Data and Information Compliance Policy Adoption

IT Manager 2111.16.02

Moved Wethey/del la Varis-Woodcock

That Kaipara District Council:

- 1 *Receives the IT Manager's report 'ICT Data and Information Compliance Policy Adoption' dated 13 July 2018 and its Attachment 1 (the Policy of June 2018); and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Notes that the Audit, Risk and Finance Committee's recommendation for Council to adopt the Data and Information Compliance Policy as amended at its 13 June 2018 meeting; and*
- 4 *Adopts the ICT Data and Information Compliance Policy June 2018.*

Carried

4.7 Contract 879 Quail Way Stormwater Improvement - Request for approval to allocation of funds and to approve award of Contract

Acting General Manager Infrastructure 4107.879

Moved Smith/Wethey

That Kaipara District Council:

- 1 *Receives the Acting General Manager Infrastructure's report 'Contract 879 Quail Way Stormwater Improvement - Request for approval to allocation of funds and to approve award of Contract' dated 17 July 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Brings forward \$500,000 from Year 2, and \$204,000 from Year 3 of the Mangawhai Stormwater Capital Works Budgets approved in the Long Term Plan 2018/2028 to fund the \$704,000 shortfall for Contract 879 Quail Way Stormwater Improvement; and*
- 4 *Approves the award of Contract 879 Quail Way Stormwater Improvement to Abergeldie Harker Limited for the contract price of \$1,196,790.72 + GST.*

Carried

4.8 Kaipara District Council Gambling Policies Review - Class 4 Gambling Venues Policy and Totalisator Agency Board (TAB) Venue Policy

Policy Analyst 3201.05

[Secretarial Note: An incorrect version of Attachment 3 'Kaipara District Council Gambling Policies Review (July 2018)' was included in the Agenda. The correct version was tabled at the meeting.]

Moved Smith/del la Varis-Woodcock

That Kaipara District Council:

- 1 *Receives the Policy Analyst's report 'Kaipara District Council Gambling Policies Review - Class 4 Gambling Venues Policy and Totalisator Agency Board (TAB) Venue Policy' dated 09 July 2018 and its circulated and tabled attachments; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Notes that staff have now completed a review of the Class 4 Gambling Venues Policy as required by the Gambling Act 2003 and a review of the TAB Venue Policy as required by the Racing Act 2003; and*
- 4 *Directs the Chief Executive to investigate and draft amendments to the Class 4 Gambling Venues Policy to be reported back to Council at the September 2018 Council meeting; and*
- 5 *Retains the existing TAB Venue Policy with no changes; and*
- 6 *Delegates to a Hearing Panel of Councillors Curnow and Wethey and Mayor Smith the authority and responsibility to:*
 - *oversee the drafting of the Class 4 Gambling Venues Policy amendments and the Statement of Proposal;*
 - *hear submissions on the draft Class 4 Gambling Venues Policy; and*
 - *make recommendations to Council on the draft Class 4 Gambling Venues Policy.*

Carried

4.9 Fraud Policy, adoption of amended Policy

General Manager People and Capability 2206.0

Moved Smith/Wethey

That Kaipara District Council:

- 1 *Receives the General Manager People and Capability's report 'Fraud Policy, adoption of amended Policy' dated 12 July 2018 and its Attachment 1 and Attachment 2 (current Policy and updated Policy); and*

- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Notes the Audit, Risk and Finance Committee's recommendation to adopt the Fraud Policy with amendments made at the Committee's meeting on 13 June 2018; and*
- 4 *Adopts the updated Fraud Policy (Attachment 1 to the aforementioned report) with the two-year Policy review date.*

Carried

4.10 Delegations Register Update July 2018

Policy Analyst and Executive Assistant **2304015**

Moved **Curnow/Jones**

That Kaipara District Council:

- 1 *Receives the Policy Analyst's and Executive Assistant's report 'Delegations Register Update July 2018' dated 13 July 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves the revision and addition to the Delegation Register, as specified in the worksheets circulated as Attachment 1 and Attachment 2 of the aforementioned report.*

Carried

4.11 Mangawhai golf course Reserve status exchange and Golf Club surrender of lease / variation of lease or grant of new licence

Property and Commercial Advisor **5105.12**

[Secretarial Note: Deputy Mayor Wethey declared conflict of interest for this item. He stepped away from the table and did not participate in the discussion nor vote on the item.]

Moved **Curnow/Wade**

That Kaipara District Council:

- 1 *Receives the Property and Commercial Advisor's report 'Mangawhai golf course Reserve status exchange and Golf Club surrender of lease/variation of lease or grant of new licence' dated 16 July 2018; and*

- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves the surrender of the Mangawhai Golf Club lease on Lot 33 DP 185449 and the driving range Licence to Occupy and agrees in principle to approve a new Licence to Occupy for the Mangawhai Golf Club in accordance with the Community Assistance Policy; and*
- 4 *Directs the Chief Executive to publically notify Council's intention to grant the Mangawhai Golf Club a new Licence to Occupy as required in section 119 of the Reserves Act 1977, and to report back to Council on the results of this consultation so that Council can consider any submissions received in accordance with section 120 of the Reserves Act 1977.*

Carried

5 Information

5.1 Resolutions Register and Action Tracker

Governance Advisor 1202.05

Moved Smith/Jones

That Kaipara District Council receives the Governance Advisor's Resolutions Register and Action Tracker dated 16 July 2018.

Carried

5.2 Chief Executive's Report June 2018

Acting Chief Executive 2002.02.18/June

Moved Larsen/Curnow

That Kaipara District Council receives the Chief Executive's Report for the month of June 2018.

Carried

5.3 Recycling Stockpiling and Subsidy - Review of Options

Acting General Manager Infrastructure 4201.02

Moved Curnow/del la Varis-Woodcock

That Kaipara District Council:

- 1 *Receives the Waters and Waste Manager's report 'Recycling Stockpiling and Subsidy - Review of Options' dated 17 July 2018; and*

- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Continues with the current agreed subsidy for processing, stockpiling and transportation to market of recyclable plastics, but changes the method of the funding of subsidy payments from Ratepayer funded to Waste Minimisation Levy funded.*

Carried

Meeting adjourned for lunch at 1.10pm

Meeting recommenced at 1.33pm

Confirmed

6 Public Excluded Council minute items 26 July 2018

The meeting went into Public Excluded session at 1.33pm.

Moved Smith/Wethey

That the public be excluded from the following part of the proceedings of this meeting namely:

- Confirmation of Public Excluded Council minutes 26 June 2018;
- Notice of intention to cancel lease and potential termination of lease;
- Baylys Beach Camp Ground Lease Extension; and
- Baylys Beach Access update.

The general subject matter of each matter to be considered while the public is excluded, the reasons for passing this resolution in relation to each matter and the specific grounds under s48(1) of the Local Government Official Information and Meetings Act, 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered:	Reason for passing this Resolution	Ground(s) under Section 48(1) for the passing this resolution:
Confirmation of Public Excluded Council minutes 26 June 2018	Section 7(2)(a) protect the privacy of natural persons, including that of deceased natural persons Section 7(2)(g) maintain legal professional privilege Section 7(2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	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.
Notice of intention to cancel lease and potential termination of lease	Section 7(2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	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

General subject of each matter to be considered:	Reason for passing this Resolution	Ground(s) under Section 48(1) for the passing this resolution:
<i>Baylys Beach Camp Ground Lease Extension</i>	<i>Section 7(2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</i>	<i>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.</i>
<i>Baylys Beach Access update</i>	<i>7(2)(g) maintain legal professional privilege</i>	<i>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</i>

Carried

7 Open Council minutes 26 July 2018

The meeting came back into Open session at 2.41 pm.

Closure

The meeting closed at 2.41pm.

Confirmed 23 August 2018

Chair Mayor Smith