
Kaipara District Council

Minutes

Meeting	Kaipara District Council
Date	Thursday 27 September 2018
Time	Meeting commenced at 9.37am Meeting concluded at 4.15pm
Venue	Lighthouse Function Centre – 32 Mount Wesley Coast Road, Dargaville
Status	Confirmed

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
27 September 2018 in Dargaville**

1 Opening
1.1 Karakia

Iwi Relations Manager started the meeting with a karakia.

1.2 Present

Mayor Jason Smith, Deputy Mayor Peter Wethey, Councillors Anna Curnow, Victoria del la Varis Woodcock, Julie Geange, Libby Jones, Karen Joyce-Paki, and Jonathan Larsen

In Attendance

Name	Designation	Item(s)
Louise Miller	Chief Executive	All
Curt Martin	Chief Operating Officer and General Manager Infrastructure	All
Sue Davidson	General Manager Risk, IT and Finance	All
Fran Mikulicic	General Manager Regulatory, Planning and Policy	All
Jenny Rooney	Funding Co-ordinator	1—4.6
Hamish Watson	Parks and Recreation Manager	1—4.6
Kathie Fletcher	Policy Manager	1—4.8
Francis Toko	Iwi Relations Manager	1—4.8
John Burt	Property and Commercial Advisor	4.1—4.7
Natalie Robinson	Policy Analyst	4.8
Jasmine Horton	Web Content Editor/Graphic Designer	4.5
Bryce Henderson	Council's auditor (Deloitte)	1—4.3
Vera Chian	Council's auditor (Deloitte)	1—4.3
Jason Marris	General Manager Governance, Strategy and Democracy	All (Minute-taker items 4.9—Close)
Lisa Hong	Governance Advisor	1—4.8 (Minute- taker items 1—4.8)

Adjournments

Reason	Start	Finish
Tea break	11.14am	11.33am
Lunch break	12.53pm	1.34pm
Tea break	3.13pm	3.25pm

1.3 Apologies

Moved Curnow/Joyce-Paki

That the apology of Councillor Wade be received.

Carried

1.4 Confirmation of Agenda

Moved Smith/Wethey

That Kaipara District Council confirms the agenda.

Carried

1.5 Conflict of Interest Declaration

Nil.

2 Deputations, Presentations and Petitions

2.1 Te Roroa

Alan Nesbit and Taoho Tane spoke in the public forum regarding culturally significant land in Aranga, to be discussed by Council as item 4.7 'Sale of Section, Aranga Coast Road – Rescind 23 August 2018 decision', and tabled an extended written version of their presentation¹.

3 Minutes

3.1 Confirmation of Open Extraordinary Council minutes 05 September 2018

General Manager Governance, Strategy and Democracy 1601.23

Moved Wethey/Curnow

That the unconfirmed Open minutes of the Extraordinary Kaipara District Council meeting held 05 September 2018 be confirmed as a true and correct record.

Carried

3.2 Committee minutes confirmed in August 2018

General Manager Governance, Strategy and Democracy 16/Various

Moved Geange/Joyce-Paki

That Kaipara District Council:

- 1 *Receives the confirmed Open minutes of the following Kaipara District Council Committee meetings, for information:*
 - *Taharoa Domain Governance Committee meeting held 10 May 2018;*
 - *Raupo Drainage Committee meeting held 11 May 2018;*
 - *Mangawhai Community Park Governance Committee meeting held 21 May 2018;*
 - and*
- 2 *Receives and confirms as a true and correct record the unconfirmed minutes of the Community Grants Committee meeting held 09 February 2018.*

Carried

4 Decision

4.1 Annual Report 2017/2018 for adoption

General Manager Risk, IT and Finance 2304.15

[Secretarial Note: Council's auditors Bryce Henderson and Vera Chian spoke to this item and tabled the 'Independent Auditor's Report to the readers of Kaipara District Council's Annual Report for the year ended 30 June 2018'ⁱⁱ.]

Moved Smith/Wethey

That Kaipara District Council:

- 1 *Receives the General Manager Risk, IT and Finance's report 'Annual Report 2017/2018 for adoption' dated 19 September 2018, Attachment 1 (circulated separately) and tabled document 'Independent Auditor's Report to the readers of Kaipara District Council's Annual Report for the year ended 30 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 provisions of s79 of the Act determines that it does not require further information, further assessment of options or further analysis of the costs and benefits of different options prior to making a decision on this matter; and*
- 3 *Notes that the Audit, Risk and Finance Committee has recommended adoption of the Annual Report 2017/2018; and*
- 4 *Adopts the Annual Report 2017/2018, circulated as Attachment 1 to the afore-mentioned report; and*

- 5 *Delegates the Chief Executive and the Mayor to approve amendments as per feedback provided and approve minor typographical changes that do not alter the intent of the information in the Annual Report 2017/2018; and*
- 6 *Notes that an audit report will be provided upon adoption of the Annual Report 2017/2018.*

Carried

4.2 Kaipara Territorial Authority Annual Report under the Sale and Supply of Alcohol (Fees) Regulations 2013 - 01 July 2017 to 30 June 2018

Acting General Manager Planning and Regulatory 3706.02

Moved Smith/Curnow

That Kaipara District Council:

- 1 *Receives the Acting General Manager Planning and Regulatory's report 'Kaipara Territorial Authority Annual Report under the Sale and Supply of Alcohol (Fees) Regulations 2013 – 01 July 2017 to 30 June 2018' dated 19 September 2018 and Attachment 1; 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 s.79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Adopts the 'Kaipara Territorial Authority Annual Report – Kaipara District Licensing Committee Proceedings for the period 01 July 2017 to 30 June 2018', circulated as Attachment 1 to the afore-mentioned report, and makes it publically available to meet the requirements of s19 of the Sale and Supply of Alcohol (Fees) Regulations 2013; and*
- 4 *Delegates the Chief Executive and the Mayor to approve minor typographical changes that do not alter the intent of the information in the 'Kaipara Territorial Authority Annual Report – Kaipara District Licensing Committee Proceedings for the period 01 July 2017 to 30 June 2018'.*

Carried

4.3 Kaipara District Council Dog Control Annual Report 01 July 2017 to 30 June 2018

General Manager Regulatory 3503.06/2018

Moved Smith/Joyce-Paki

That Kaipara District Council:

- 1 *Receives the Regulatory Manager's report 'Kaipara District Council Dog Control Annual Report 01 July 2017 to 30 June 2018' dated 19 September 2018 and Attachment 1; 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 *Adopts the 'Kaipara District Council Dog Control Annual Report for the 12 months ending 30 June 2018' (circulated as Attachment 1 to the above-mentioned report) and forwards it to the Secretary for Local Government, in terms of s10A(1) and s10A(2) of the Dog Control Act 1996;*
- 4 *Delegates the Chief Executive and the Mayor to approve minor typographical changes that do not alter the intent of the information in the 'Kaipara District Council Dog Control Annual Report for the 12 months ending 30 June 2018'.*

Carried

Meeting adjourned for morning tea at 11.14am.

Meeting reconvened at 11.33am.

4.4 Contract 906 Mangawhai Community Wastewater Scheme Irrigation Extension Stage 4 2018/2019 - Award of Contract

Acting General Manager Infrastructure 4107.906

Moved Curnow/Joyce-Paki

That Kaipara District Council:

- 1 *Receives the Acting General Manager Infrastructure's report 'Contract 906 Mangawhai Community Wastewater Scheme Irrigation Extension Stage 4 2018/2019 - Award of Contract' dated 11 September 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 award of Contract 906 Mangawhai Community Wastewater Scheme Irrigation Extension Stage 4 2018/2019 to WaterForce for the contract price of \$367,399.20 + GST.*

Carried

4.5 Reserve Contributions Fund financial management

General Manager Risk, IT and Finance 2304.17

[Secretarial Note: Councillor Larsen tabled an alternate recommendationⁱⁱⁱ, which was moved and seconded below. Councillor Larsen also tabled a highlighted extract from the Reserve Management Act 1991^{iv} and a highlighted extract from the Reserve Contributions (use of) Policy^v.]

Moved Larsen/Wethey

That Kaipara District Council:

- 1 *Receives the General Manager Risk, IT and Finance's report 'Reserve Contributions Fund financial management' dated 13 September 2018 and the following tabled documents:*
 - *Alternate recommendation;*
 - *Highlighted extract from the Reserve Management Act 1991;*
 - *Highlighted extract from the Reserve Contributions (use of) 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 *As recommended by the Reserve Contributions Committee, for the years ending 30 June 2019, 2020 and 2021, allocates \$950,000 to Council's Priority Parks over the three years (2019 \$350,000, 2020 \$300,000 and 2021 \$300,000); and*
- 4 *As recommended by the Reserve Contributions Committee, following the provision of funding for the Priority Parks, splits the balances of the funds remaining in each catchment 80:20 with 80% being retained in the respective catchment and 20% being allocated to a Common pool; and*
- 5 *Directs the Chief Executive to bring a comprehensive list of Long Term Plan projects, proposed to be funded from Reserve Contributions, with costings back to the October 2018 Council meeting for consideration and approval; and*
- 6 *As recommended by the Reserve Contributions Committee, gives priority for funding to the Long Term Plan 2018/2028 projects in each catchment and if any catchment has insufficient funds in its account that consideration be given to draw funds from the Common pool to meet the shortfall, subject to the approval provided for in clause 5 above; and*
- 7 *As recommended by the Reserve Contributions Committee, after the aforementioned provisions are made for each catchment, provides for a contestable fund. In the event that a catchment has insufficient funds remaining in its account to allow such a contestable fund, consideration be given to allocating funds from the Common pool to allow one to be held.*

[Note: 'Division' overpage]

A division was called, and voting was as follows:

<u>For</u>	<u>Against</u>	<u>Absent</u>
Councillor Geange	Councillor Curnow	Councillor Wade
Councillor Larsen	Councillor del la Varis-Woodcock	
Councillor Wethey	Councillor Jones	
	Councillor Joyce-Paki	
	Mayor Smith	

The motion was declared **LOST**.

Meeting adjourned for lunch at 12.53pm

Meeting reconvened at 1.34pm

4.6 Reserve contributions contestable funding criteria, templates, processes and timeline

Funding Co-ordinator 4705.01

[Secretarial Note: Pursuant to Kaipara District Council Standing Orders 9.9, the Chief Executive withdrew this item based on the discussion and decision from the preceding item 4.5 'Reserve Contributions Fund financial management' until the matter covered in that item has been resolved.]

4.7 Sale of Section, Aranga Coast Road – Rescind 23 August 2018 decision

Property and Commercial Advisor 5105.12

[Secretarial Note: This item was re-considered due to further information becoming available subsequent to the original decision being made by Council on 23 August 2018.]

Moved Smith/Joyce-Paki

That Kaipara District Council:

- 1 *Receives the Property and Commercial Advisor's report 'Sale of Section, Aranga Coast Road – Rescind 23 August 2018 decision' dated 20 September 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 Rescinds the following decisions made at the 23 August 2018 meeting of Kaipara District Council:

- '3 In accordance with its Property Disposal and Acquisition Policy, determines that the section of land (3,035m²) at Aranga Coast Road described as Lot 1 DP 28751 is surplus (or under-performing) to Council requirements and can be sold; and
- 4 Offers the section to the successor of the former owner at its current valuation in accordance with the provisions of section 40(2)(C) of the Public Works Act; and
- 5 Offers the section for sale by public tender in the event that the former owner's successor declines to purchase it; and
- 6 Delegates to the Chief Executive responsibility for negotiating final terms for the Sale and Purchase Agreement which must include satisfactory access arrangements being made for the track across the land'.

Carried

4.8 Class 4 Gambling Venue Policy Review and Adoption

Policy Analyst 3201.05

Moved Smith/Curnow

That Kaipara District Council:

- 1 Receives the Policy Analyst's report 'Class 4 Gambling Venue Policy Review and Adoption' dated 11 September 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 Adopts the Class 4 Gambling Policy Review Statement of Proposal and Draft Class 4 Gambling Venues Policy, circulated as Attachment 1 and Attachment 2 to the aforementioned report, for public consultation under section 83 of the Local Government Act 2002.

Carried

4.9 Elected Member Allowances and Recovery of Expenses Policy Review

General Manager Governance, Strategy and Democracy 1801.0

Moved (1) Smith/Curnow

That Kaipara District Council:

- 1 *Receives the General Manager Governance, Strategy and Democracy's report 'Elected Member Allowances and Recovery of Expenses Policy Review' dated 06 September 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 *Adopts the reviewed Elected Member Allowances and Recovery of Expenses Policy located at Attachment 3 to the afore-mentioned report, effective from 01 July 2018; and*
- 4 *Delegates to the Mayor and Chief Executive the ability to approve minor typographical changes that do not alter the intent of the policy.*

Amendment (2) Moved Geange/Larsen

That Kaipara District Council councillors cannot claim for any expenses incurred in their duties as councillors mentioned in the remuneration authority determination.

A division was called, and voting was as follows:

For

Councillor Geange
Councillor Larsen

Against

Councillor Curnow
Councillor del la Varis-Woodcock
Councillor Jones
Councillor Joyce-Paki
Councillor Wethey
Mayor Smith

Absent

Councillor Wade

The motion was declared LOST.

The following substantive motion (1) was then put:

That Kaipara District Council:

- 1 *Receives the General Manager Governance, Strategy and Democracy's report 'Elected Member Allowances and Recovery of Expenses Policy Review' dated 06 September 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 *Adopts the reviewed Elected Member Allowances and Recovery of Expenses Policy located at Attachment 3 to the afore-mentioned report, effective from 01 July 2018; and*
- 4 *Delegates to the Mayor and Chief Executive the ability to approve minor typographical changes that do not alter the intent of the policy.*

Carried

Meeting adjourned for afternoon tea at 3.13pm.

Meeting reconvened at 3.25pm.

Councillor Larsen left the meeting at 3.25pm.

Moved Smith/Curnow

That this meeting continues, exceeding six hours (at 3.37pm), pursuant to Kaipara District Council Standing Orders 4.2.

Carried

5 Information

5.1 Treasury Management non-compliance

General Manager Risk, IT and Finance 2304.15

Moved Wethey/del la Varis-Woodcock

The Kaipara District Council:

- 1 *Receives the General Manager Risk, IT and Finance's report 'Treasury Management non-compliance' dated 13 September 2018 and attachment, and the information contained therein; and*
- 2 *Recognises that Council is outside its treasury ratios as below:*
 - *Debt interest proportions fixed/floating is outside current Treasury Policy; and*
 - *Maturity of debt is outside current Treasury Policy.*

Carried

5.2 Kaipara District New Footpath Improvements

Roading Projects Engineer 4102.0

Moved del la Varis-Woodcock/Joyce-Paki

That Kaipara District Council receives the Roding Projects Engineer's report 'Kaipara District New Footpath Improvements' dated 17 September August 2018 and the information contained therein.

Carried

5.3 Capital Works Programme 2018/2019

Acting General Manager Infrastructure 4100.0

Moved Smith/Wethey

That Kaipara District Council receives the Acting General Manager Infrastructure's report 'Capital Works Programme 2018/2019' dated 19 September 2018.

Carried

5.4 Northland Walking and Cycling Strategy 2018

Northland Walking and Cycling Strategy 2018

Moved del la Varis-Woodcock/Joyce-Paki

That Kaipara District Council:

- 1 *Receives the Community Relationships Manager's report 'Northland Walking and Cycling Strategy 2018' dated 07 September 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 the Northland Walking and Cycling Strategy 2018, circulated as Attachment 1 to the afore-mentioned report.*

Carried

5.5 Chief Executive's Report August 2018

Acting Chief Executive 2002.02.18/August

Moved Smith/Geange

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

Carried

5.6 Resolutions Register and Action Tracker

Governance Advisor **1202.05**

Moved **Smith/Joyce-Paki**

That Kaipara District Council receives the Resolutions Register and Action Tracker dated 18 September 2018 and the information contained therein.

Carried

Confirmed

6 Public Excluded Council minute items 27 September 2018

Meeting went into public excluded session at 4.13pm.

Moved del la Varis-Woodcock/Joyce-Paki

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

- Confirmation of Public Excluded Extraordinary Council minutes 05 September 2018.

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 Extraordinary Council minutes 05 September 2018	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.

Carried

7 Open Council minutes 27 September 2018

Meeting returned to Open session at 4.14pm.

Closure

Meeting closed at 4.15 pm.

Kaipara District Council
Dargaville

Confirmed: 25 October 2018

Chair: Mayor Jason Smith

ⁱ Extended written version of Te Roroa's presentation on culturally significant land in Aranga (Taoho Tane and Alan Nesbit)

ⁱⁱ Independent Auditor's Report to the readers of Kaipara District Council's Annual Report for the year ended 30 June 2018 (Deloitte)

ⁱⁱⁱ Alternate recommendation (Councillor Larsen)

^{iv} Highlighted extract from the Reserve Management Act 1991 (Councillor Larsen)

^v Highlighted extract from the Reserve Contributions (use of) Policy (Councillor Larsen)