
Kaipara District Council

Minutes

Meeting	Kaipara District Council
Date	Thursday 29 November 2018
Time	Meeting commenced at 9.33am Meeting concluded at 2.35pm
Venue	Tinopai Community Hall – 21 Komiti Road, Tinopai
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
29 November 2018 in Tinopai**

1 Opening
1.1 Karakia

Councillor Joyce-Paki opened the meeting with a karakia.

1.2 Present

Mayor Jason Smith (Chair), Deputy Mayor Peter Wethey, Councillors Anna Curnow, Victoria del la Varis-Woodcock, Libby Jones, Karen Joyce-Paki, Jonathan Larsen, Andrew Wade.

In Attendance

Name	Designation	Item(s)
Louise Miller	Chief Executive	All
Curt Martin	Chief Operating Officer and General Manager Infrastructure	All
Jason Marris	General Manager Governance, Strategy and Democracy	All
Fran Mikulicic	General Manager Regulatory, Planning and Policy	1—5.5
Sue Davidson	General Manager IT, Risk and Finance	4.4—Closure
Bernard Petersen	Acting Rooding Manager	1—4.7
Andy Brown	Senior Assets Engineer	1—4.7
Shawn Baker	Northland Transportation Alliance	1—4.7
Matt Smith	4 Waters Planning and Design Engineer	1—4.7
Kathie Fletcher	Policy Manager	1—4.7
Paula Hansen	Policy Planner	1—4.7
Paul Waanders	District Planner	1—4.7
John Burt	Property and Commercial Advisor	5.1—Closure
Francis Toko	Iwi Relations Manager	1—5.5
Lisa Hong	Governance Advisor	All (Minute-taker)

Adjournments

Reason	Start	Finish
Morning tea	10.41am	11.00am
Lunch	12.17pm	1.00pm

1.3 Apologies

Moved Joyce-Paki/Curnow

That the apology of Councillor Julie Geange be received.

Carried

[Secretarial Note: Councillor Geange requested audio link to the meeting. Due to the poor coverage at the meeting location, this request could not be accommodated.]

1.4 Confirmation of Agenda

Moved Smith/Joyce-Paki

That Kaipara District Council confirms the agenda, with item 2.1 public forum presentation by Mikaera Miru deferred to later in the meeting to enable speaker attendance.

Carried

1.5 Conflict of Interest Declaration

Name	Item
Councillor Anna Curnow	Item 5.5 'Mayoral Appointment - Kaipara Community Health Trust' – Councillor Curnow declared an interest as the vacancy to the Kaipara Community Health Trust was created by her resignation from the Trust.
Councillor Jonathan Larsen	Item 4.3 'Plan Change 4 – Fire Safety, Environmental Court Decision' – Councillor Larsen declared an interest as a Section 274 submitter to Plan Change 4. Councillor Larsen withdrew from the table and did not vote on this item.

3 Minutes

3.1 Confirmation of Open Council minutes 25 October 2018

General Manager Governance, Strategy and Democracy

1601.23

Moved Wethey/Jones

That the unconfirmed Open minutes of the Kaipara District Council meeting held 25 October 2018 be confirmed as a true and correct record, with the minor grammatical amendment on item 1.2.

Carried

3.2 Open Committee minutes confirmed in October 2018

General Manager Governance, Strategy and Democracy 1607.13

Moved Joyce-Paki/Curnow

That Kaipara District Council receives the confirmed minutes of the combined Pou Tu Te Rangī Joint Management Committee and Harding Park Committee meeting held 05 September 2018.

Carried

3.3 Confirmation of Citizens Awards Committee minutes 18 August 2017

General Manager Governance, Strategy and Democracy 1614.02

Moved Wethey/Curnow

That Kaipara District Council receives and confirms as a true and accurate record the unconfirmed minutes of the Citizens Awards Committee meeting held 18 August 2017.

Carried

4 Decision

4.1 Alcohol Control Bylaw 2018 and alcohol control areas – Adoption

Policy Planner 3211.02

Moved Smith/Joyce-Paki

That Kaipara District Council:

- 1 *Receives the Policy Planner's report 'Alcohol Control Bylaw and alcohol control areas - Adoption' dated 14 November 2018 and its Attachments 1 to 4; 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 recommendations of the Alcohol Bylaw Hearings Panel as contained in Attachment 1 to the afore-mentioned report; and*
- 4 *Agrees that the Alcohol Control Bylaw is appropriate and proportionate in light of the evidence; and*
- 5 *Agrees that the bylaw can be justified as a reasonable limitation on people's rights and freedoms; and*
- 6 *Adopts the final Alcohol Control Bylaw (circulated as Attachment 2 to the afore-mentioned report); and*

- 7 *Determines that it is satisfied that a high level of crime and disorder will occur if the alcohol controls in the following areas are removed: Mangawhai, Ruawai, Dargaville, Pouto, Glinks Gully, Baylys Beach, Omamari, Aranga and Kaihu areas; and*
- 8 *Agrees that, in light of information and evidence provided, the following alcohol control areas and associated controls are adopted (Attachment 3 to the afore-mentioned report contains final maps showing the Alcohol Control Areas):*
- a) *“Mangawhai controls to: apply continuously (24hours a day) starting at 8.30pm on 22 December through to 7.00am on 13 January the following year and from 8.30pm to 7.00am (10.5hours) for every other day of the year starting on 13 January at 8.30pm and ending 22 December at 7.00am each year. To apply to the area shown on Map 1 of Attachment 3; and*
 - b) *Ruawai control areas apply 24hours a day all year round. To apply to the area shown on Map 2 of Attachment 3; and*
 - c) *Dargaville control areas apply 24hours a day all year round to be applied to the same area consulted and being extended to include the addition of public places within the rest of Victoria Street and Finlayson Park Avenue Dargaville as shown on Map 3 of Attachment 3; and*
 - d) *That the alcohol controls apply from 8.30pm to 7.00am the following day on each day throughout the year for the following areas:*
 - i *Te Kopuru – within the area shown on Map 4 of Attachment 3;*
 - ii *Pouto - within the area shown on Map 5 of Attachment 3;*
 - iii *Glinks Gully - within the area shown on Map 6 of Attachment 3;*
 - iv *Baylys Beach - within the area shown on Map 7 of Attachment 3;*
 - v *Omamari - within the area shown on Map 8 of Attachment 3;*
 - vi *Aranga - within the area shown on Map 9 of Attachment 3;*
 - vii *Kaihu - within the area shown on Map 10 of Attachment 3; and*
- 8 *Determines that it is satisfied that there is evidence of a high level of crime and disorder occurring at times within Tinopai due to alcohol being consumed; and*
- 9 *Agrees that an Alcohol Control Bylaw be put in place from 8.30pm to 7.00am the following day all year round for the Tinopai area as shown in Map 11 of Attachment 3; and*
- 10 *Delegates the authority to the Regulatory Manager, Licensing Team Leader and the Monitoring and Compliance Team Leader the authority to grant exemptions to an alcohol control area under clause 12 of the Alcohol Control Bylaw 2018.*

Carried

4.2 Recommendation from Taharoa Domain Governance Committee for a Proposed Taharoa Domain Bylaw

Policy Planner 3216.0

Moved Smith/Joyce-Paki

That Kaipara District Council:

- 1 *Receives the Policy Planner's report 'Recommendation from the Taharoa Domain Governance Committee for Proposed Taharoa Domain Bylaw' dated 16 November 2018 and its Attachments 1 to 6; 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 for public consultation - the Statement of Proposal for the Taharoa Domain Bylaw and associated draft Bylaw as presented in the circulated Attachment 2 of the aforementioned report; and*
- 4 *Delegates to the Chief Executive and the Mayor to approve minor typographical changes and any changes that do not affect the intent of the draft Bylaw; and*
- 5 *Delegates to the Taharoa Domain Governance Committee including representatives from Te Roroa and Te Kuihi, the responsibility to hear submissions and make recommendations on the final Taharoa Domain Bylaw to Council with the Mayor acting as Chair.*

Carried

2 Deputations, Presentations and Petitions

2.1 Mikaera Miru

[Secretarial Note: This item was taken out of order, between items 4.2 and 4.3, to enable speaker attendance.]

Mikaera Miru spoke in the public forum.

Meeting adjourned for morning tea at 10.41am.

Meeting reconvened at 11.00am.

4 Decision

4.3 Plan Change 4 – Fire Safety, Environmental Court Decision

[Secretarial Note: Councillor Larsen declared an interest as a Section 274 submitter to Plan Change 4. Councillor Larsen withdrew from the table and did not vote on this item.]

District Planner 3807.09.04.12

Moved Smith/Wethey

That Kaipara District Council:

- 1 *Receives the District Planner's report on 'Plan Change 4 – Fire Safety, Environmental Court Decision' dated 14 November 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 *Directs Council officers to amend the Operative District Plan in accordance with the Environment Court's decision on Plan Change 4 to the Kaipara District Plan dated 24 October 2018, circulated as Attachment 1 to the afore-mentioned report; and*
- 4 *Approves Plan Change 4 to the Kaipara District Plan in accordance with Clause 17 of the First Schedule of the Resource Management Act 1991; and*
- 5 *Resolves to delegate to the Chief Executive the authority to publicly notify in accordance with Clause 20 of the First Schedule of the Resource Management Act 1991 the 'operative date' at least five working days beforehand.*

Carried

4.4 Private Road Seal Extension Policy 2018 Adoption

Acting Roding Manager 4102/PSE

Moved Smith/Curnow

That the Kaipara District Council:

- 1 *Receives the Acting Roding Manager's report 'Private Road Seal Extension Policy 2018 Adoption' dated 12 November 2018 and its Attachment 1 'Kaipara District Council Private Road Seal Extension Policy 2018 – Feedback Summary and Recommendations'; 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 Private Road Seal Extension Policy 2018, as set out in Appendix 4 of Attachment 1 to the aforementioned report.*

Carried

4.5 Speed Review Tara Road, Kaiwaka-Mangawhai Road, and Moir Street, Mangawhai

Roading Manager 4107.873

Moved Wethey/Curnow

That Kaipara District Council:

- 1 *Receives the Acting Roding Manager's report 'Speed Review Tara Road, Kaiwaka-Mangawhai Road, and Moir Street, Mangawhai' dated 12 November 2018 and its Attachments 1 and 2; 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 Option B – reduce the speed limit in the full review area to 50km/hr, as set out in Attachment 1 (Tara Road, Kaiwaka-Mangawhai Road and Moir Street: Speed Limit Review – 31 October 2018) to the aforementioned report; and*
- 4 *Adopts the amendments to the Kaipara District Speed Limit Bylaw 2005, as set out in Appendix 3 of Attachment 2 ('Tara Road, Kaiwaka-Mangawhai Road and Moir Street: Submission Recommendations') to the aforementioned report.*

Carried

4.6 Authorisation for delegated authority to Mayor and Chief Executive to impose and rescind water restrictions

General Manager Infrastructure 4801.0

Moved Jones/Joyce-Paki

That the Kaipara District Council:

- 1 *Receives the General Manager Infrastructure's report 'Authorisation for delegated authority to Mayor and Chief Executive to impose and rescind water restrictions' dated 12 November 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 authority to the Mayor and Chief Executive to impose and rescind water restrictions if required within the Kaipara district in accordance with Clauses 1609.1 and 1609.2 of the Kaipara District Council's General Bylaws 2008, Part 16, Water Supply; and*
- 4 *Instructs the Chief Executive to report to the next available Council meeting the details of any water restrictions imposed or rescinded.*

Carried

4.7 Murphy Bower Stopbank Options Report

Waters and Waste Manager 4303.24

Moved Smith/Curnow

That the Kaipara District Council:

- 1 *Receives the Waters and Waste Manager's report 'Murphy Bower Stopbank, Raupo, Options Report' dated 19 November 2018 and its circulated Appendix A; 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 recommendation to Council by the Raupo Drainage Committee at the Committee's meeting of 15 November 2018; and*
- 4 *Resolves that the Murphy Bower stopbank located on SECT 73-75 PT 44 BLK XV TOKATOKA SD is remediated as per Option C of the aforementioned report – the remediation of the stopbank along the approximately 300m long section outlined under New Stop Bank and the upgrade of the existing section of the stopbank as highlighted by the area marked under Option 2 as per Fig 1 in Appendix A of the aforementioned report, without associated ground improvements i.e. construct the proposed stopbank to a standard no less than the existing stopbanks within the Raupo Drainage District at an estimated cost of \$375,000 + GST; and*
- 4 *Resolves to defer the following Raupo Drainage District capital works and operational projects to fund the proposed stopbank:*
 - a) *\$128,000 to come from financial year capital works projects;*
 - b) *\$50,000 from Management services (identified to start hydraulic modelling);*
 - c) *\$42,000 from the stopbank maintenance budget; and*
- 5 *Resolves to approve an additional Raupo Drainage District capital budget of \$45,000 to be loan funded.*

Carried

Meeting adjourned for lunch at 12.17pm

Meeting reconvened at 1.00pm

5 Information

5.1 Quarterly Performance Measures for First Quarter Ending 30 September 2018

Administration Manager 2002.02.17

Moved Smith/Curnow

That Kaipara District Council receives the Administration Manager's report 'Quarterly Performance Measures for First Quarter Ending 30 September 2018' and the information contained therein.

Carried

5.2 Strategic Plan Quarterly Report for July – September 2018

Administration Manager 2003.01

Moved Jones/del la Varis-Woodcock

That Kaipara District Council receives the Administration Manager's report 'Strategic Plan Quarterly Report for July – September 2018' and the information contained therein.

Carried

5.3 Chief Executive's Report for the month of October 2018

Chief Executive 2002.02.18/October

[Secretarial Note: The Chief Executive tabled the 'Local government position statement on three waters' (LGNZ, 12 November 2018).]

Moved Jones/del la Varis-Woodcock

That Kaipara District Council receives the Chief Executive's Report for the month of October 2018 and the information contained therein.

Carried

5.4 Resolutions Register and Action Tracker

Governance Advisor 1202.05

Moved Curnow/Joyce-Paki

That Kaipara District Council receives the Resolutions Register and Action Tracker dated 21 November 2018 and the information contained therein.

Carried

5.5 Mayoral Appointment - Kaipara Community Health Trust

General Manager Governance, Strategy and Democracy

2104.45

Moved Smith/Joyce-Paki*That the Kaipara District Council:*

- 1 *Receives the General Manager Governance, Strategy and Democracy's report 'Mayoral Appointment – Kaipara Community Health Trust' dated 14 November 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 Mayoral appointment of Mr David Underwood as the Central Ward Representative (historic ward boundaries) on the Kaipara Community Health Trust.*

Carried

Confirmed

6 Public Excluded Council minute items 29 November 2018

Meeting went into Public Excluded session at 2.10pm.

Moved Curnow/Joyce-Paki

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

- Baylys Beach Camp Ground - New Lease; and
- Dairy Factory Building (Former), Whakapirau - Assignment of Lease

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:
Baylys Beach Camp Ground - New Lease	S7(2)(i) enable any local authority holding the information to carry on without prejudice or disadvantage negotiations (Including commercial and industrial negotiations)	S48(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.
Dairy Factory Building (Former), Whakapirau - Assignment of Lease	S7(2)(i) enable any local authority holding the information to carry on without prejudice or disadvantage negotiations (Including commercial and industrial negotiations)	S48(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 29 November 2018

Meeting returned to Open session at 2.33pm.

Closure

Meeting closed at 2.36pm.

Confirmed 20 December 2018

Chair Mayor Jason Smith

Kaipara District Council
Dargaville

ⁱ [Local government position statement on three waters, LGNZ, 12 November 2018](#)