

## Open minutes of the Ordinary meeting of

**Kaipara District Council**

**Date:** 26 August 2020  
**Time:** 9:30 a.m. - 2:11 p.m.  
**Location:** Conference Room, Northern Wairoa Memorial Hall, Dargaville

**Members present:** Mayor Jason Smith  
Deputy Mayor Anna Curnow  
Councillor Victoria del la Varis-Woodcock  
Councillor Karen Joyce-Paki  
Councillor Jonathan Larsen  
Councillor Mark Vincent  
Councillor Peter Wethey  
Councillor David Wills  
Councillor Eryn Wilson-Collins

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**1. Opening****1.1 Karakia**

Mayor Smith opened the meeting with a karakia.

**1.2 Apologies**

Nil.

**1.3 Confirmation of agenda**

**Moved: Mayor Smith**

**Seconded: Deputy Mayor Curnow**

That the agenda for the 26 August 2020 meeting be confirmed.

**Carried**

**1.4 Conflict of interest declaration**

Member	Item
Cr Wilson-Collins	Item 6.3 'Exceptions Report for July 2020' – Cr Wilson-Collins declared a conflict of interest for matters regarding the Murphy Bower Stopbank.

## **2. Presentations and petitions**

Nil.

## **3. Minutes**

### **3.1 Confirmation of open Council meeting minutes 29 July 2020**

**Moved: Cr Vincent**

**Seconded: Cr Wilson-Collins**

That the Kaipara District Council:

- a) Confirms that the open minutes of the Council meeting held on 29 July 2020 are a true and correct record.

**Carried**

### **3.2 Confirmed open committee minutes October 2019 – July 2020**

**Moved: Deputy Mayor Curnow**

**Seconded: Cr Joyce-Paki**

That the Kaipara District Council:

- a) Notes the confirmed open minutes of the following committee meetings:
  - Awards and Grants Committee meeting held 10 December 2019
  - Remuneration and Development Committee meeting held 18 February 2020
  - Audit, Risk and Finance Committee meeting held 12 March 2020
  - Awards and Grants Committee meeting held 29 June 2020.

**Carried**

## **4. Notice of motion**

Nil.

## **5. Decision**

### **5.1 Kaipara District Licensing Committee Annual Report 2019/20 - Adoption**

**Moved: Mayor Smith**

**Seconded: Cr Vincent**

That the Kaipara District Council:

- a) Approves the report 'Kaipara Territorial Authority District Licensing Committee Annual Report 2019/20' for public release.
- b) Delegates to the Mayor and the Chief Executive the authority to approve minor editorial changes to the 'Kaipara Territorial Authority District Licensing Committee Annual Report 2019/20'.

**Carried**

## **5.2 Electoral voting systems – 2022 local body elections**

**Moved: Cr Larsen**

**Seconded: Cr del la Varis-Woodcock**

That the Kaipara District Council:

- a) Agrees to retain the Single Transferable Voting (STV) electoral system for the 2022 and 2025 Local Government elections.

**Carried**

[Secretarial note: This motion was carried unanimously.]

## **5.3 Three Waters Reform – Memorandum of Understanding**

**Moved: Mayor Smith**

**Seconded: Deputy Mayor Curnow**

That Kaipara District Council:

- a) Agrees to sign the Memorandum of Understanding (MoU) (Attachment B)
- b) Delegates the Mayor the authority to sign the Memorandum of Understanding on behalf of the Council.
- c) Nominates the Chief Executive as the primary point of communication for the purposes of the Memorandum of Understanding and reform programme (as referred to on page 6 of the MoU).
- d) Delegates decisions about the allocation of regional funding to the Chief Executive, with the understanding that the minimum level of funding to the Council be based upon the formula used to calculate the direct council allocations, and noting that participation by two-thirds of territorial authorities within the Northland region is required to access the regional allocation.
- e) Notes that the Memorandum of Understanding cannot be amended or modified by either party, and doing so would void these documents.
- f) Notes that participation in this initial stage is to be undertaken in good faith, but this is a non-binding approach, and the Council can opt out of the reform process at the end of the term of the agreement (as provided for on page 5 of the MoU).
- g) Notes that the Council has been allocated funding of \$2.35m (excluding the regional proportion to be determined), which will be received as a grant as soon as practicable once the signed Memorandum of Understanding and Funding Agreement are returned to the Department of Internal Affairs, and a Delivery Plan has been supplied and approved (as described on page 5 of the MoU).

- h) Notes that staff will report to the September Council meeting for decision on the Funding Agreement and Delivery Plan.

**A division was called, and voting was as follows:**

<b><u>For</u></b>	<b><u>Against</u></b>
Deputy Mayor Curnow	Cr del la Varis-Woodcock
Cr Joyce-Paki	
Cr Larsen	
Cr Vincent	
Cr Wethey	
Cr Wills	
Cr Wilson Collins	
Mayor Smith	

**The motion was declared carried.**

**Meeting adjourned for morning tea at 10:46 a.m.**

**Meeting reconvened at 10:56 a.m.**

#### **5.4 CON960: Pōuto Road Seal Extension Physical Works – Delegation of Authority to Award**

**Moved: Cr Wilson-Collins**

**Seconded: Cr Wethey**

That the Kaipara District Council:

- a) Delegates authority to the Chief Executive to approve the award of Contract CON960 for Pōuto Road Seal Extension Physical Works subject to the contract price being within the approved project budget of \$5,050,000.

**Carried**

#### **5.5 Procurement Plan – Pōuto Road Seal Extension Phase 2 Physical**

**Moved: Cr Wills**

**Seconded: Cr Wethey**

That the Kaipara District Council:

- a) Approves the Procurement Plan of Phase 2 of the Pōuto Road Seal Extension Physical Works.

**Carried**

## **5.6 Greenhill Quarry – Lease and Contract Award**

**Moved: Cr Wethey**

**Seconded: Deputy Mayor Curnow**

That the Kaipara District Council:

- a) Approves that a Deed of Lease – Greenhill Quarry, between Kaipara District Council and Broadspectrum NZ Ltd, be prepared by Council's legal advisors with an ability for Council to terminate the lease on six months notice, which notice can be given at any time under section 8(6) of the Public Bodies Leases Act 1969, but with an end date no later than 30 June 2026 to coincide with the final expiry date of Contract 888.
- b) Delegates authority to the Chief Executive to execute the Deed of Lease – Greenhill Quarry subject to the necessary resource consents being acquired prior to executing the Lease.
- c) Approves the award of Contract CON961 – Greenhill Quarry Operation to Broadspectrum NZ Ltd for the contract price of \$1,406,500 + GST subject to the Deed of Lease – Greenhill Quarry being executed by both parties to the Lease.
- d) Notes that the quarry will primarily supply roading metal for Pōuto Road, parts 1 and 2, which is funded by the PGF Pōuto Road Parts 1 and 2 sealing grants.

**Carried**

## **5.7 Mangawhai old fire station demolition**

**Moved: Cr Wethey**

**Seconded: Cr Joyce-Paki**

That the Kaipara District Council:

- a) Approves the demolition of the Council property on 9 Wood Street, Mangawhai (the former fire station building).

**Carried**

## **5.8 Delegations Register update August 2020**

**Moved: Mayor Smith**

**Seconded: Cr Wilson-Collins**

That the Kaipara District Council

- a) Approves the revisions to the Delegation Register as specified in the appendix of this report.

**Amendment moved: Cr Vincent**

**Seconded: Cr Larsen**

That the Kaipara District Council

- a) Approves the revisions to the Delegation Register as specified in the appendix of this report except for item 2 'Resource Consent Manager' that option 2 is adopted (status quo).

**Carried**

**The substantive motion was then put:**

That the Kaipara District Council

- a) Approves the revisions to the Delegation Register as specified in the appendix of this report except for item 2 'Resource Consent Manager' that option 2 is adopted (status quo).

**Carried**

**Meeting adjourned for lunch at 12:51 p.m.**

**Meeting reconvened at 1:20 p.m.**

## **6. Information**

### **6.1 Clause 20A Correction of the District Plan Rule 12.10.18 Traffic Intensity**

**Moved: Deputy Mayor Curnow**

**Seconded: Cr Wilson-Collins**

That the Kaipara District Council:

- a) Notes the decision made under delegation to correct Note 4 in Rule 12.10.18: Traffic Intensity of the Operative Kaipara District Plan.

**Carried**

### **6.2 Exceptions Report for July 2020**

**Moved: Cr Wethey**

**Seconded: Mayor Smith**

That the Kaipara District Council:

- a) Notes the Exceptions Report for July 2020.

**Carried**

### 6.3 Resolutions Register update August 2020

**Moved: Cr Wills**

**Seconded: Cr Larsen**

That the Kaipara District Council:

- a) Notes the Resolutions Register at 17 August 2020.

**Carried**

## 7. Recommendation to move into public excluded session 26 August 2020

**Moved: Mayor Smith**

**Seconded: Cr Wilson-Collins**

- a) That the following items are considered with the public excluded:

Item	Grounds for excluding the public
Confirmation of public excluded minutes 27 May 2020	To protect the privacy of natural persons, including that of deceased natural persons (LGOIMA s7(2)(a))
Confirmed public excluded committee minutes October 2019 – July 2020	To protect the privacy of natural persons, including that of deceased natural persons (LGOIMA s7(2)(a)), to avoid prejudice to measures protecting the health or safety of members of the public (LGOIMA s7(2)(d)), to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities (LGOIMA s7(2)(h)) and to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (LGOIMA s7(2)(i))
Chief Executive's Performance Review (01 July 2019 to 30 June 2020)	To protect the privacy of natural persons, including that of deceased natural persons (LGOIMA s7(2)(a))

**Carried**

**Meeting moved into public excluded session at 1:46 p.m.**

**Meeting returned to open session at 2:06 p.m.**

During the public excluded session, Council resolved to make the following decisions publicly available after the meeting:

## **8. Public Excluded**

### **8.1 Confirmation public excluded Council meeting minutes 29 July 2020**

**Moved: Deputy Mayor Curnow**

**Seconded: Cr Larsen**

That the Kaipara District Council:

- a) Confirms that the public excluded minutes of the Council meeting held on 29 July 2020 are a true and correct record.
- b) Agrees that this decision will be published in the open minutes of this meeting.

**Carried**

### **8.2 Confirmed public excluded committee minutes October 2019 - July 2020**

**Moved: Deputy Mayor Curnow**

**Seconded: Cr Larsen**

That the Kaipara District Council:

- a) Notes the confirmed public excluded minutes of the following committee meetings:
  - Remuneration and Development Committee meeting held 18 February 2020
  - Audit, Risk and Finance Committee meeting held 12 March 2020.
  - Agrees that this decision will be published in the open minutes of this meeting.

**Carried**

### **8.3 Chief Executive's Performance Review (01 July 2019 to 30 June 2020)**

**Moved: Mayor Smith**

**Seconded: Deputy Mayor Curnow**

That the Kaipara District Council:

- a) Notes the Chief Executive's performance for the year against the agreed critical success factors and measures for 2019/2020 as self-assessed in Attachment A.
- b) Approves the Committees recommendation to Council to award an additional 5 (five) days annual leave for the Chief Executive for the extraordinary achievements for the 2019/2020 year, to be used within the 2020/2021 year.
- c) Joins the committee in congratulating the Chief Executive on her performance for the 2019/2020 year



- d) Notes the committee has delegated the Mayor to resolve the car clause in the Chief Executive's contract.
- e) Agrees that this decision be published in the open minutes of the meeting, and that the report will remain confidential due to the confidential information within the report.

**Carried**

#### **8.4 Recommendation to return to open session 26 August 2020**

**Moved: Cr Wills**

**Seconded: Cr Wilson-Collins**

That the Kaipara District Council:

- a) Returns to open session of the meeting.
- b) Notes that all decisions and reports that were resolved to be made publicly available during the public excluded session will be included in the open minutes of this meeting and published on the Kaipara District Council website.

**Carried**

## **9. Closure**

### **9.1 Karakia**

Mayor Smith closed the meeting with a karakia.

**Meeting closed at 2:11 p.m.**

**Kaipara District Council**