

**Open Minutes of the Ordinary meeting of
Kaipara District Council**

Date: Wednesday, 28 July 2021
Time: 9.30 am to 1.38 pm
Location: Mangawhai Domain
75 Moir Street
Mangawhai

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

1. Opening

1.1 Karakia

Mayor Smith opened the Meeting with a karakia.

1.2 Apologies

Moved: Cr Wilson-Collins

Seconded: Deputy Mayor Curnow

That Kaipara District Council:

- a) Accepts the apologies from Cr Karen Joyce-Paki.

Carried

1.3 Confirmation of agenda

Moved: Mayor Smith

Seconded: Cr Wilson-Collins

That the Kaipara District Council:

- b) Confirms the agenda for the meeting dated 28 July 2021.

Carried

1.4 Conflict of interest declaration

Item number and name	Elected Member
Resolutions Register	Cr Eryn Wilson-Collins

2. Presentations and petitions**2.1 Petition for the removal of the Norfolk Pine trees at Pahi****Moved: Mayor Smith****Seconded: Deputy Mayor Curnow**

That the Kaipara District Council:

- a) Notes the petition requesting the removal of the two Norfolk Pine trees at Pahi (**Attachment A**).
- b) Notes that Council staff will report back at the September 2021 Council Meeting.

Carried

3. Minutes**3.1 Confirmation of Minutes****Moved: Mayor Smith****Seconded: Deputy Mayor Curnow**

That the Kaipara District Council:

- a) Confirms the Council Minutes of 30 June 2021 as a true and accurate record.

Carried

3.2 Noting of minutes from other Council committees**Moved: Deputy Mayor Curnow****Seconded: Cr Wilson-Collins**

That Kaipara District Council:

- a) Notes the following Confirmed Minutes from the:
 - Ordinary Minutes of Audit, Risk, and Finance Committee 11 March 2021.
 - Extraordinary Minutes of Mangawhai Community Park Governance Committee 18 March 2021.
 - Ordinary Minutes of Mangawhai Community Park Governance Committee 22 Feb 2021.
 - Ordinary Minutes of Harding Park Committee 16 February 2021.
 - Minutes of the Mangawhai-Kaiwaka Sped Review Panel 25 March 2021.
 - Ordinary Minutes of the Raupo Drainage Committee 29 April 2021.

Carried

4. Notice of motion

There were no Notices of Motion.

5. Decision

5.1 Stormwater Drainage Bylaw – Proposal for Consultation

Moved: Mayor Smith

Seconded: Deputy Mayor Curnow

That Kaipara District Council:

- a) Approves the legislative process, analysis and consultation approach outlined in Attachment A.
- b) Determines that a bylaw is the most appropriate way of addressing the perceived problem.
- c) Approves the Consultation Document provided in Attachment B.
- d) Delegates **Cr del la Varis-Woodcock, Mayor Smith (Chair), Cr Vincent** to form the Bylaw Panel to hear and consider community views, consider written submissions and to make recommendations to Council on a final proposed Stormwater Drainage Bylaw.
- e) Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the Consultation Document prior to final printing and publication.

Carried

5.2 Class 4 Gambling Venue Policy

Moved: Cr Vincent

Seconded: Deputy Mayor Curnow

That Kaipara District Council:

- a) Notes that the current Class 4 Gambling Venue Policy (Attachment A) has been converted into an updated template, with no changes.
- b) Agrees to retain the current Class 4 Gambling Venue Policy at Attachment A of this report.

Carried

5.3 Totalisator Agency Board (TAB) Venues Policy 2021

Moved: Cr Vincent

Seconded: Cr Wethey

That Kaipara District Council:

- a) Notes that the current Totalisator Agency Board Venue Policy (Attachment A) has been converted into an updated template, with no changes.

- b) Agrees to retain the current Totalisator Agency Board Venue Policy at Attachment A of this report.

Carried

5.4 Resolving appeals on Private Plan Change 78 to the Kaipara District Plan

Moved: Mayor Smith

Seconded: Deputy Mayor Curnow

That Kaipara District Council:

- a) Delegates the authority to resolve appeals on Private Plan Change 78 (Mangawhai Estuary Estates) to Mayor Smith, Cr Larsen, Cr Wethey.
- b) Delegates staff to attend Court-assisted mediation on behalf of Kaipara District Council and to represent Council's position during mediation with the parties.

[Secretarial note: a division was called by Mayor Smith and voting was as follows:]

Councillor	For	Against	Abstain
Deputy Mayor Anna Curnow	x		
Councillor Victoria del la Varis-Woodcock		x	
Councillor Karen Joyce-Paki (apology)	-	-	-
Councillor Jonathan Larsen	x		
Councillor Mark Vincent	x		
Councillor Peter Wethey	x		
Councillor David Wills	x		
Councillor Eryn Wilson-Collins	x		
Mayor Jason Smith	x		
Total Votes	7	1	

The motion was Carried

The Meeting adjourned at 10.55 am for morning tea.

The Meeting reconvened at 11.10 am.

5.5 Natural and Built Environments Act exposure draft – Kaipara District Council draft submission

Moved: Mayor Smith

Seconded: Cr Wills

That Kaipara District Council:

- a) Approves the draft submission on the Natural and Built Environments Act exposure draft (subject to any amendments directed by council), as provided in Attachment A.

- b) Delegates the Mayor and Chief Executive the authority to approve a final version of the submission before being lodged with Parliament.

Carried

5.6 District Plan Correction - First Gas Limited

Moved: Deputy Mayor Curnow

Seconded: Cr Wilson-Collins

That Kaipara District Council:

Approves the amendment of the Operative Kaipara District Plan by:

- a) Changing the name of the Requiring Authority to First Gas Limited for Designation D62.
- b) Updating the location and alignment of the designation (as shown at Attachment D).
- c) Including the conditions attached to the Designation of First Gas Limited in Designation D62 (located at Attachment E).
- d) Include designation D62 alongside designation D63 (New Zealand Refining Company) (as shown at Attachment F).

Carried

5.7 Budget carry overs from 2020/2021

Moved: Mayor Smith

Seconded: Cr Wills

That Kaipara District Council:

- a) Approves the increase in financial budgets for the unfinished projects as set out in Attachment A to the "Budget carry-overs from 2020/2021" report, totalling \$12,684,400 and for the amounts to be added to year **one** of the Long Term Plan 2021/2031 project budgets to enable staff to complete the identified works.
- b) Approves the increase in financial budgets for the unfinished projects as set out in Attachment A to the "Budget carry-overs from 2020/2021" report, totalling \$2,403,700 and for the amounts to be added to year **two** of the Long Term Plan 2021/2031 project budgets to enable staff to complete the identified works.
- c) Approves the carrying over of operational project expenditure as set out in Attachment A to the "Budget carry-overs from 2020/2021" report totalling \$338,850 and for the amounts to be added to year one of the Long Term Plan 2021/2031 project budgets to enable staff to complete the identified works.
- d) Approves the additional required reserve funding of \$42,000 from Mangawhai financial contribution reserves.

Carried

5.8 Ministry of Business, Innovation and Employment Funding Agreement - Climate Change Resilience Programme

Moved: Cr Vincent

Seconded: Cr Wethey

That Kaipara District Council:

- a) Approves signing of the Kaipara District Council Climate Resilience Programme funding agreement with the Ministry of Business, Innovation and Employment.
- b) Delegates the Chief Executive to execute the Kaipara District Council Climate Resilience Programme funding agreement.

Carried

The Meeting adjourned at 12.22 pm for lunch.

The Meeting reconvened at 12.50 pm.

5.9 Kaiwaka Footbridges Approval of Additional Funding

Moved: Cr Wethey

Seconded: Cr Larsen

That Kaipara District Council:

- a) Approves the reprioritisation of funding in the Kaiwaka Financial Contribution Reserves to allow the additional allocation of \$150,000 required to complete the Kaiwaka Footbridges project.

Carried

5.10 Delegations Register update July 2021

Moved: Cr Wilson-Collins

Seconded: Cr Vincent

That Kaipara District Council:

- a) Approves delegations as outlined in option 1, which includes:
 - 1) Increased financial authority of the Chief Executive from \$750k to \$1m (**appendix item 1a**).
 - 2) Increased financial authority of General Managers and the General Manager NTA to \$250k (**appendix item 1a**).
 - 3) Increased financial authority of Infrastructure Services senior leaders (Tier 3) and NTA senior leaders (Tier 2) to \$100k (**appendix item 1a**).
 - 4) Restructured Infrastructure Services team job titles and responsibilities to enable existing delegated authority (**appendix item 1b**).
 - 5) Provide authority to the 3 Waters Delivery Panel to make direct appointments up to \$200k and closed competition within the panel up to \$750k (**appendix item 1c**).

- 6) Provide authority to the CE, General Manager or Tier 3 leaders to approve contract price variations subject to their delegated authority if the variation value falls within the Council approved project budget up to \$200k (**appendix item 1c**).
- 7) Provide authority to the Administration Manager to authorise LIM refunds.
- 8) Authorise delegation updates to Bylaws as outlined in the table at section 8 of the report.

Carried

Cr Wills voted against the motion

6. Information

6.1 Exceptions report

Moved: Cr Wethey

Seconded: Cr Vincent

That Kaipara District Council:

- a) Notes the Exceptions Report – July 2021.

Carried

6.2 Resolutions Register

Moved: Deputy Mayor Curnow

Seconded: Cr Vincent

That Kaipara District Council:

- a) Notes the Resolutions Register – July 2021.

Carried

7. Resolution to move into Public Excluded Session

Moved: Mayor Smith

Seconded: Cr Wilson-Collins

- a) That the following items are considered Public Excluded:
 - Audit, Risk, and Finance PEX Minutes. 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)).

Carried

The Meeting moved into Public Excluded Session at 1.36 pm.

8. Return to Open Session

The Meeting returned to Open Session at 1.38 pm.

9. Closure

9.1 Karakia

Mayor Smith closed the Meeting with a Karakia at 1.38 pm.