

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

**Date:** Wednesday, 25 August 2021  
**Time:** 9.30 am – 3.38 pm  
**Location:** Held online via Webex and broadcast live online via Facebook due to Covid Level restrictions. Permitted under Pandemic Notice.

**Members Present:** Mayor Jason Smith  
Deputy Mayor Anna Curnow  
Councillor Jonathan Larsen  
Councillor Karen Joyce-Paki  
Councillor Victoria del la Varis-Woodcock  
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: Cr del la Varis-Woodcock**

That Kaipara District Council:

- a) Confirms the agenda for the meeting held 25 August with the following amendments: removal of agenda item 2.1 - Future of Ruawai development presentation.

**Carried**

**1.4 Conflict of interest declaration**

Nil.

## 2. Presentations and petitions

Nil.

## 3. Minutes

### 3.1 Confirmation of Open minutes - 28 July 2021

**Moved: Deputy Mayor Curnow**

**Seconded: Cr Wilson-Collins**

That Kaipara District Council:

- b) Confirms the Council Meeting minutes dated 28 July 2021 as a true and accurate record.

**Carried**

## 4. Notice of motion

Nil.

## 5. Decision

### 5.1 2021 Representation Review – Initial Proposal

**Moved: Mayor Smith**

**Seconded: Cr Wilson-Collins**

That Kaipara District Council:

- a) Resolves, pursuant to sections 19H and 19J and clause 1 and 2 of Schedule 1A of the Local Electoral Act 2001, to adopt, as its Initial Proposal (as set out in **Attachment A**) for the review of representation arrangements for the 2022 and 2025 triennial elections, the following:
  - i. Kaipara District Council to comprise nine councillors elected under the ward system (specifically, eight general ward councillors and one Māori ward councillor) and the mayor elected at large.
  - ii. Kaipara District Council be divided into four wards, these being:
  - iii. Kaiwaka-Mangawhai General Ward (three general councillors)
  - iv. Otamatea General Ward (two general Councillors)

- v. Wairoa General Ward (three general Councillors)
- vi. Te Moananui o Kaipara Māori ward (one Māori councillor)
- vii. No community boards be established
- b) Notes that the existing boundaries of the Kaiwaka-Mangawhai General Ward and the Otamatea General Ward are not proposed to be changed for the 2022 and 2025 triennial elections and that the existing Dargaville Ward and West Coast-Central Ward are proposed to be amalgamated into a single Ward for the 2022 and 2025 triennial elections, known as the Wairoa General Ward.
- c) Notes that the population each general councillor represents is within the population range of 2,688 +/- 10% (2,419 - 2,956), in compliance with section 19V(2) of the Local Electoral Act 2001.
- d) Notes the reasons the total number of councillors is proposed to increase to nine (plus the Mayor) are:
  - i. to provide fair and 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
  - ii. to provide effective representation of the Māori population of the district.
- e) Issues a public notice that informs the public of the Initial Proposal (as set out in **Attachment A**) and provides the opportunity to make a submission on the Initial Proposal between 27 August 2021 and 27 September 2021.

**Carried**

## **5.2 Wastewater Drainage Bylaw – Proposal for Consultation**

**Moved: Mayor Smith**

**Seconded: Cr Wills**

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 and that the proposed Wastewater Drainage Bylaw as included in Attachment B
  - i. Is the most appropriate form of bylaw
  - ii. Does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- c) Approves the Consultation Document provided in Attachment B.

- d) Delegates **Cr Wethey (Chair), Deputy Mayor Curnow, Cr Wills** to form the Bylaw Panel to hear and consider community views, consider written submissions and to make recommendations to Council on a final proposed Wastewater 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**

### **5.3 Appeals on the Dome Valley Landfill Resource Consent.**

**Moved: Mayor Smith**

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

That Kaipara District Council:

- a) Notes that Kaipara District Council has joined the appeal lodged by Ngāti Whātua Ōrākei and Environs Holding Ltd (Te Uri O Hau) on the Dome Valley Landfill Resource Consent, as a s274 party.
- b) Delegates the authority to resolve appeals on the Dome Valley Landfill Resource Consent **Mayor Smith (Chair), Cr Vincent, Cr Joyce-Paki**.
- c) Delegates staff to attend Court-assisted mediation on behalf of Kaipara District Council and to represent Council's position during mediation with the parties.

**Carried**

[Secretarial note: The Chairperson requested that the minutes reflect that this decision was unanimous]

The Meeting adjourned for a break at 10.36 am.

The Meeting reconvened at 10.45 am.

### **5.4 Speed limit review**

**Moved: Deputy Mayor Curnow**

**Seconded: Cr Wethey**

That Kaipara District Council:

- a) Adopts the attached "Regional Speed Review Mangawhai and Kaiwaka (including Oneriri and Oruawharo Road) Recommendations Report" as recommended by the Speed Kaiwaka-Mangawhai Speed Limits Review Panel.

Carried

[Secretarial note: Cr Larsen advised that he made a submission on this review and took no part in the discussion or vote].

## **5.5 Waipoua River Road Construction Contract Principal**

**Moved: Cr Wethey**

**Seconded: Cr Wilson-Collins**

That Kaipara District Council:

- a) Agrees to act as Principal to the Waipoua River Road construction contract.
- b) Agrees to enter into negotiations with Te Roroa, DOC and any other potential stakeholder, on a contract to fully recover the costs of both the second seal and on-going maintenance of this road. An acceptable agreement will be a prerequisite to any consideration of vesting this road to Council.
- c) Delegates authority to the Mayor and Chief Executive to approve the award of Contract 963 for Waipoua River Road Sealing Physical Work, subject to;
  - i. Te Roroa approving the award of the contract, and
  - ii. The contract price being within the approved project budget of \$1,800,000 + GST.

[Secretarial note: Cr Vincent proposed an amendment on the matter].

**Moved: Cr Vincent**

**Seconded: Cr Larsen**

That Kaipara District Council:

- a) Agrees to act as Principal to the Waipoua River Road construction contract.
- b) Delegates authority to the Mayor and Chief Executive to approve the award of Contract 963 for Waipoua River Road Sealing Physical Work, subject to;
  - i. Te Roroa approving the award of the contract, and
  - ii. The contract price being within the approved project budget of \$1,800,000 + GST.
  - iii. That Council confirms that this decision implies no commitment to either apply a second coat seal or carry out ongoing maintenance.

[Secretarial note: Mayor Smith called for a division].

<b>Elected members</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Deputy Mayor Anna Curnow		x	
Councillor Victoria del la Varis-Woodcock	x		
Councillor Karen Joyce-Paki		x	
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	
<b>Total Votes</b>	<b>3</b>	<b>6</b>	

**The motion was Lost**

[Secretarial note: the substantive motion was put].

**Moved: Cr Wethey**

**Seconded: Cr Wilson-Collins**

That Kaipara District Council:

- a) Agrees to act as Principal to the Waipoua River Road construction contract.
- b) Agrees to enter into negotiations with Te Roroa, DOC and any other potential stakeholder, on a contract to fully recover the costs of both the second seal and on-going maintenance of this road. An acceptable agreement will be a prerequisite to any consideration of vesting this road to Council.
- c) Delegates authority to the Mayor and Chief Executive to approve the award of Contract 963 for Waipoua River Road Sealing Physical Work, subject to;
  - i. Te Roroa approving the award of the contract, and
  - ii. The contract price being within the approved project budget of \$1,800,000 + GST.

[Secretarial note: Mayor Smith called for a division].

<b>Elected member</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Deputy Mayor Anna Curnow	x		
Councillor Victoria del la Varis-Woodcock	x		
Councillor Karen Joyce-Paki (apology)	x		
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		
<b>Total Votes</b>	<b>9</b>		

**The motion was Carried**

The Meeting adjourned for lunch at 12.15 pm.

The Meeting reconvened at 12.45 pm.

## **5.6 Public notice of intention to prepare a new Harding Park Reserve Management Plan**

**Moved: Cr Joyce-Paki**

**Seconded: Cr Wethey**

That Kaipara District Council:

- a) Directs the Chief Executive to give public notice of the Council's intention to prepare a Reserve Management Plan for Harding Park.
- b) Invites persons and organisations interested to send to the Council written suggestions on the content of the plan.
- c) Delegates the Harding Park Committee to consider all suggestions received from the public, prepare a draft Harding Park Reserve Management Plan and recommend this draft plan to Council.

**Carried**

## **6. Information**

### **6.1 Three Waters update**

**Moved: Mayor Smith**

**Seconded: Cr Wethey**

That Kaipara District Council:

- a) Notes the Three Waters Update report.
- b) Regards with uncertainty the current situation of the reforms and the proposed Entity A model, especially noting that Whangarei District Council and Far North District Council have both provisionally opted out of the reforms and Kaipara District Council has not yet considered doing so;
- c) Has serious concerns about the negative impacts of the proposed Three Waters Reforms on local democracy, local decision-making by elected representatives and on the mana of Kaipara District Council, Kaipara District and all the citizens of this place;
- d) Currently has insufficient information to have confidence in the proposed Three Waters Reforms and what they mean for Kaipara District.

**Carried**

[Secretarial note: The Chairperson requested that the minutes reflect that this decision was unanimous]

The Meeting adjourned for a break at 2.32 pm.

The Meeting reconvened at 2.45 pm.

[Secretarial note: the following motion was passed to extend the Meeting beyond the six-hour limit noted in Standing Orders]

**Moved: Mayor Smith**

**Seconded: Deputy Mayor Curnow**

That Kaipara District Council:

- a) Extends the Meeting held Wednesday, 25 August 2021 beyond the six-hour limit.

**Carried**

## **6.2 Resolutions Register**

**Moved: Cr Wills**

**Seconded: Cr Wethey**

That Kaipara District Council:

- a) Notes the Resolutions Register August 2021.

**Carried**

## **6.3 Exceptions Report – July 2021**



**Moved: Deputy Mayor Curnow**

**Seconded: Cr Larsen**

That Kaipara District Council:

- b) Notes the Exceptions Report - July 2021.

**Carried**

**7. Resolution to move into Public Excluded Session**

**Moved: Mayor Smith**

**Seconded: Deputy Mayor Curnow**

The following recommendation is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 (LGOIMA) and the particular interest or interests protected by section 7 of the Act.

On the grounds that matters will be prejudiced by the presence of members of the public during discussions on the following items, it is recommended:

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

Item	Grounds for excluding the public
<ul style="list-style-type: none"> <li>▪ Turiwiri – Vuletich Water Supply Main – Decision to Purchase</li> <li>▪ Recruitment of Independent Chair of the Audit, Risk, and Finance Committee</li> </ul>	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 3.09 pm

**8. Public Excluded agenda items - 25 August 2021**

**9. Return to Open Session**

The Meeting returned to Open Session at 3.38 pm.

**10. Closure**

**10.1 Karakia**

Mayor Smith closed the meeting with a karakia.

The Meeting closed at 3.38 pm.