

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

**Date:** Wednesday, 13 December 2023  
**Time:** 10.00 am – 3.10 pm  
**Location:** Mangawhai Conference Room  
1c Molesworth Drive  
Mangawhai Village

**Members Present:** Mayor Craig Jepson  
Deputy Mayor Jonathan Larsen  
Councillor Mike Howard  
Councillor Gordon Lambeth  
Councillor Ron Manderson  
Councillor Ash Nayyar (by video)  
Councillor Pera Paniora (by video)  
Councillor Mark Vincent  
Councillor Rachael Williams  
Councillor Eryn Wilson-Collins  
**Apologies:** Councillor Ron Manderson (early departure)  
**Absent:** Councillor Pera Paniora (joined at 10.15 am)

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**1. Opening**

**1.1 Apologies**

**Moved:** Deputy Mayor Larsen

**Seconded:** Mayor Jepson

That the Kaipara District Council:

- a) Accepts the apology of Cr Manderson for early departure.

**Carried**

**1.2 Confirmation of agenda**

[Secretarial note: agenda item 5.14 *LTP Revenue & Financing Policy December 2023* has been withdrawn by the Chief Executive under Standing Order 9.9, based on Council direction on the Sportsville targeted rate at the 11 December LTP Briefing.]

**Moved: Cr Howard**

**Seconded: Cr Manderson**

That the Kaipara District Council:

- a) Confirms the agenda for the Meeting held 13 December 2023.

**Carried**

### **1.3 Conflict of interest declaration**

There were no declarations of interest at this time.

[Secretarial note: Cr Wilson-Collins made a declaration during the Meeting. This has been included in a secretarial note where the relevant item occurs.]

## **2. Public forum**

### **2.1 Presentation - To update Council on slip remediation at the Mangawhai Heads SLC site**

David Wheatley and Jess Costello (Current Chair, MHSLC)

[Secretarial note: Cr Paniora joined the Meeting at 10.15 am during questions, by video.]

## **3. Minutes**

### **3.1 Confirmation of Open minutes - 29 November 2023**

**Moved: Mayor Jepson**

**Seconded: Cr Howard**

That the Kaipara District Council:

- a) Confirms the Open Minutes for the Council Meeting held 29 November 2023 as a true and accurate record.

**Carried**

## **4. Notice of motion**

### **4.1 Reconsideration of the Notice of motion to cancel Council's emissions accounting contract and Kaipara's climate policy**

[Secretarial note: It was agreed by Deputy Mayor Larsen and Mayor Jepson that amendments to the motion be incorporated.]

**Moved: Deputy Mayor Larsen**

**Seconded: Mayor Jepson**

That Kaipara District Council:

- a) Notes that it has agreed to consult on the Climate Smart programme as part of the 2024 -2027 Long Term Plan; and
- b) Notes that it has reconsidered the decision made on 27 September 2023 as follows –

*“That the Kaipara District Council*

*a) Requests that the Chief Executive cancels Council’s emission accounting contract and stops development of Kaipara’s climate policy*

*b) Notes that this will reduce cost to the ratepayer of approximately \$33,000 according to supplied budgets”; and*

- c) Reconfirms the above decision of 27 September 2023.

[Secretarial note: Cr Wilson-Collins called for a division.]

<b>Councillor</b>	<b><u>For</u></b>	<b><u>Against</u></b>	<b><u>Abstain</u></b>	<b><u>Absent</u></b>
Councillor Mike Howard	x			
Councillor Gordon Lambeth	x			
Councillor Jonathan Larsen	x			
Councillor Ron Manderson	x			
Councillor Ash Nayyar		x		
Councillor Pera Paniora		x		
Councillor Mark Vincent		x		
Councillor Rachael Williams	x			
Councillor Eryn Wilson-Collins		x		
Mayor Craig Jepson	x			
<b>Total Votes</b>	<b>6</b>	<b>4</b>		

**The motion was Carried**

## **5. Decision**

### **5.1 Mangawhai Community Park Master Plan –Adoption for public consultation**

[Secretarial note: A different recommendation was moved and seconded from those that were provided in the agenda report.]

[Secretarial note: Cr Nayyar left the Meeting at 10.49 am during questions.]

[Secretarial note: Cr Nayyar rejoined the Meeting at 10.52 am during questions.]

**Moved: Cr Howard**

**Seconded: Deputy Mayor Larsen**

That the Kaipara District Council:

- a) Notes the requests from the Mangawhai Community Park Governance Committee as passed at their 23 November 2023 meeting; and
- b) Refers the Draft Mangawhai Community Park Master Plan back to the Mangawhai Community Park Governance Committee for further consideration.

**Carried**

**Cr Wilson-Collins voted against the motion**

## **5.2 Mangawhai Branch Library 2023**

[Secretarial note: It was agreed by Deputy Mayor Larsen and Cr Williams that amendments to the motion be incorporated.]

**Moved: Deputy Mayor Larsen**

**Seconded: Cr Williams**

That the Kaipara District Council:

- a) Approves Mangawhai Library to become a branch of Kaipara Libraries, with paid staff.
- b) Approves funding to be included in the 2024/27 Long-Term Plan (LTP) for ongoing operational expenses of \$200,000 per annum (\$150,000 staffing and \$50,000 operational).
- c) Approves the utilisation of existing operational budgets of approximately \$48,000 to begin transitioning the Mangawhai Library to a paid staff model in this 23/24 financial year.

**Carried**

The Meeting adjourned at 11.19 am for a break.

[Secretarial note: Cr Manderson left the Meeting during the adjournment.]

The Meeting reconvened at 11.33 am.

### 5.3 Raupo Canal G Floodgate Procurement

**Moved: Cr Vincent**

**Seconded: Cr Howard**

That the Kaipara District Council:

- a) Approves the procurement plan for construction of the Raupo Canal G floodgate project (Attachment A).
- b) Delegates the power to award the construction contract for the Raupo Canal G floodgate project to the Chief Executive.

**Carried**

### 5.4 16 Ruawai Wharf Road, Ruawai

[Secretarial note: Cr Paniora left the Meeting at 11.37 am.]

**Moved: Mayor Jepson**

**Seconded: Cr Howard**

That Kaipara District Council:

- a) Resolves that the former Raupo Drainage Board property at 16 Ruawai Wharf Road, Ruawai is surplus to requirements and should be sold (legal description for the property SEC 69 BLK XV TOKATOKA SD).
- b) Allocates the net proceeds of the sale to repay debt in accordance with Council's Application of sales proceeds to debt policy.
- c) Delegates the Chief Executive and Mayor the authority for approving any sales and purchase agreement for the property, including the sale price and any other terms and conditions.

[Secretarial note: Cr Vincent proposed an amendment to the motion.]

**Moved: Cr Vincent**

**Seconded: Cr Nayyar**

That Kaipara District Council:

- a) Resolves that the former Raupo Drainage Board property at 16 Ruawai Wharf Road, Ruawai is surplus to requirements and should be sold (legal description for the property SEC 69 BLK XV TOKATOKA SD).
- b) Allocates the net proceeds of the sale to the Raupo Drainage scheme budget for capital works and notes that this decision is inconsistent with the application of sale proceeds to debt policy. For the reason that there are

unique circumstances with respect to the asset having been owned and maintained by the targeted rate of Raupo Drainage District and therefore does not require the policy, regarding application of proceeds of asset sales to reducing debt, to be amended.

- c) Delegates the Chief Executive and Mayor the authority for approving any sales and purchase agreement for the property, including the sale price and any other terms and conditions.

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

<b>Councillor</b>	<b><u>For</u></b>	<b><u>Against</u></b>	<b><u>Abstain</u></b>	<b><u>Absent</u></b>
Councillor Mike Howard		x		
Councillor Gordon Lambeth	x			
Councillor Jonathan Larsen		x		
Councillor Ron Manderson				x
Councillor Ash Nayyar	x			
Councillor Pera Paniora				x
Councillor Mark Vincent	x			
Councillor Rachael Williams	x			
Councillor Eryn Wilson-Collins	x			
Mayor Craig Jepson		x		
<b>Total Votes</b>	<b>5</b>	<b>3</b>		<b>2</b>

**The motion was Carried**

[Secretarial note: the substantive motion was put.]

**Moved: Cr Vincent**

**Seconded: Cr Nayyar**

That Kaipara District Council:

- Resolves that the former Raupo Drainage Board property at 16 Ruawai Wharf Road, Ruawai is surplus to requirements and should be sold (legal description for the property SEC 69 BLK XV TOKATOKA SD).
- Allocates the net proceeds of the sale to the Raupo Drainage scheme budget for capital works and notes that this decision is inconsistent with the

application of sale proceeds to debt policy. For the reason that there are unique circumstances with respect to the asset having been owned and maintained by the targeted rate of Raupo Drainage District and therefore does not require the policy, regarding application of proceeds of asset sales to reducing debt, to be amended.

- c) Delegates the Chief Executive and Mayor the authority for approving any sales and purchase agreement for the property, including the sale price and any other terms and conditions.

**Carried**

## **5.5 Pine Beach, Kai Iwi Lakes toilet and shower facilities**

[Secretarial note: Cr Paniora rejoined the Meeting at 12.15 pm during statements.]

**Moved: Cr Vincent**

**Seconded: Cr Nayyar**

That the Kaipara District Council:

- a) Notes the resolutions passed by the Taharoa Domain Governance Committee at their 14 November 2023 meeting regarding campground toilet and shower facilities.
- b) Approves addressing the undersupply of public toilet and shower facilities at Pine Beach by investing in sufficient toilet and shower facilities to achieve compliance with the Camping Ground Regulations 1985.
- c) Notes that this project for the undersupply of public toilet and shower facilities at Pine Beach, is dependent on funding being included in the 2024/27 Long Term Plan process.

**Carried**

## **5.6 Delegation of authority to award CON1025 Arapohue Road Slip Repair**

[Secretarial note: It was agreed by Deputy Mayor Larsen and Mayor Jepson that amendments to the motion be incorporated.]

**Moved: Deputy Mayor Larsen**

**Seconded: Mayor Jepson**

That the Kaipara District Council:

- a) Directs the Chief Executive to instruct the General Manager Infrastructure Services to assess the tenders to ensure that fair value is provided for the works; and

- b) Subject to fair value being confirmed via clause a) above, delegates authority to the Chief Executive to award CON1025 Arapohue Road Slip Repair for a value of up to \$1,800,000 (excluding GST).

**Carried**

**Cr Nayyar voted against the motion**

**5.7 Temporary road closure approval – Hibiscus Coast Motorsport Club event - 25 Feb 2024**

**Moved: Mayor Jepson**

**Seconded: Cr Vincent**

That the Kaipara District Council:

- a) Approves the application for the temporary road closure of Arcadia Road, Paparoa, as outlined in the proposed Traffic Management Plan (Attachment A) on Sunday 25 February 2024 from 9.00 am to 6.00 pm.
- b) Notes that a condition for approval is that the event organiser must do a letter drop to all businesses and residents located within the road closures.

**Carried**

**5.8 Temporary road closure approval – Rally of Dargaville – 9 March 2024**

**Moved: Cr Lambeth**

**Seconded: Cr Howard**

That the Kaipara District Council:

- a) Approves the application for the temporary road closures which includes Totara Street, Kapia Street, Hokianga Road, Parenga Street, Tokatoka Road, Greenhills Road, Waihue Road, and Opanake Road as outlined in the proposed Traffic Management Diagram (refer to Attachment A) for Saturday, 9 March 2024 from 7:00 am to 7:00 pm.
- b) Notes that a condition of approval is that the event organiser must conduct a letter drop to all businesses and residents located within the road closures.

**Carried**

The Meeting adjourned at 12.38 pm for lunch.

The Meeting reconvened at 1.19 pm.

**5.9 Procurement Plan Approvals**

[Secretarial note: An interest was declared by Cr Wilson-Collins.]



**Moved: Cr Vincent**

**Seconded: Cr Lambeth**

That the Kaipara District Council:

- a) Endorses the approach to publicly tender Mangawhai Eveline Street Stormwater Improvements physical works and delegates final approval of the procurement plan to the Chief Executive.
- b) Endorses the approach to publicly tender Mangawhai Breve Street Stormwater.
- c) Improvements physical works and delegates final approval of the procurement plan to the Chief Executive.
- d) Endorses the approach to publicly tender Dargaville Wastewater Treatment Plan.
- e) Improvements baffle works and delegates final approval of the procurement plan to the Chief Executive.
- f) Endorses the approach to directly award Maungaturoto Water Treatment Plant Renewals to Downer Group NZ and delegates final approval of the procurement plan to the Chief Executive.
- g) Endorses the approach to directly award Raupo Land Drainage Bowergate Stopbank Improvements to Jenyns and Jenyns Excavators and delegates final approval of the procurement plan to the Chief Executive.
- h) Endorses the approach to publicly tender Rangiora Road Boat Ramp and Car Park Development physical works and delegates final approval of the procurement plan to the Chief Executive.

**Carried**

#### **5.10 Retrospective approval to appoint a Roading Engineer**

**Moved: Mayor Jepson**

**Seconded: Deputy Mayor Larsen**

That the Kaipara District Council:

- a) Agrees to appoint Kingston Infrastructure Limited (Blair King) to implement the short-term actions outlined in this report, to drive improvements in the Kaipara District roading network.
- b) Approves unbudgeted operational expenditure of up to \$80,000 for this work from within current budgets.

- c) Delegates to the Chief Executive the authority to finalise the paperwork with the council decision.
- d) Notes that this appointment is an exception to the Council procurement policy.

[Secretarial note: Cr Paniora called for a division.]

<b>Councillor</b>	<b><u>For</u></b>	<b><u>Against</u></b>	<b><u>Abstain</u></b>	<b><u>Absent</u></b>
Councillor Mike Howard	x			
Councillor Gordon Lambeth	x			
Councillor Jonathan Larsen	x			
Councillor Ron Manderson				x
Councillor Ash Nayyar	x			
Councillor Pera Paniora			x	
Councillor Mark Vincent	x			
Councillor Rachael Williams	x			
Councillor Eryn Wilson-Collins		x		
Mayor Craig Jepson	x			
<b>Total Votes</b>	<b>7</b>	<b>1</b>	<b>1</b>	<b>1</b>

The motion was Carried

#### 5.11 Kaipara District Council Animal Management Annual Report 01 July 2022 to 30 June 2023

[Secretarial note: Cr Nayyar left the Meeting at 1.54 pm during questions.]

**Moved: Cr Howard**

**Seconded: Cr Lambeth**

That the Kaipara District Council:

- a) Notes the 'Kaipara District Council Animal Management Annual Report for the 12 months ending 30 June 2023' (**Attachment A and B**).
- b) Agrees that the Chief Executive forward the 'Kaipara District Council Animal Management Annual Report for the 12 months ending 30 June 2023' to the Secretary for Local Government, in accordance with s10A(1) and s10A(2) of the Dog Control Act 1996.

- c) Delegates the Chief Executive the authority to approve any minor editorial changes that do not alter the intent of the information in 'Kaipara District Council Animal Management Annual Report for the 12 months ending 30 June 2023'.

**Carried**

## **5.12 Alcohol Control Bylaw 2018 – Statutory Review**

**Moved: Cr Lambeth**

**Seconded: Cr Vincent**

That the Kaipara District Council:

- a) Endorses the Findings and Options Report (**Attachment A**) for the Alcohol Control Bylaw 2018.
- b) Determines that the statutory review of the Alcohol Control Bylaw 2018 has found that:
  - i. A bylaw is still the most appropriate way to address alcohol-related crime and disorder in public places within the Kaipara District
  - ii. The current Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990
  - iii. The current Bylaw structure and wording could be improved.
- c) Determines that it is satisfied that the level of alcohol-related crime and disorder experienced before the bylaw was made is likely to return to the area to which the bylaw is intended to apply if the bylaw does not continue.

And that following the determinations in a) to c) above:

- a) Agrees that Option 2: amend the Bylaw, is the most appropriate option to respond to the statutory review findings on the current Alcohol Control Bylaw 2018.
- b) Requests that staff prepare a public consultation document that amends the Alcohol Control Bylaw 2018 as outlined in this report.

**Carried**

## **5.13 Amendment to the Appointment of Hearing Commissioners Policy**

**Moved: Deputy Mayor Larsen**

**Seconded: Cr Vincent**

That the Kaipara District Council:

- a) Approves the amended Appointment of Hearings Commissioner Policy (Attachment A).

- b) Delegates the Mayor and Chief Executive the authority to approve any further amendments discussed at this meeting and to finalise the policy.

**Carried**

[Secretarial note: agenda item 5.14 *LTP Revenue & Financing Policy December 2023* has been withdrawn by the Chief Executive under Standing Order 9.9.]

[Secretarial note: Cr Nayyar rejoined the Meeting at 2.08 pm.]

#### **5.15 LTP - Financial Contributions Policy – December 2023**

**Moved: Cr Howard**

**Seconded: Cr Williams**

That the Kaipara District Council:

- a) Approves the Financial Contributions Policy for inclusion in the draft Long Term Plan 2024-27, provided at Attachment A.

**Carried**

#### **5.16 Equal Employment Opportunities Policy**

[Secretarial note: Cr Paniora left the Meeting at 2.12 pm during the presentation.]

[Secretarial note: Cr Paniora rejoined the Meeting at 2.19 pm during statements.]

**Moved: Mayor Jepson**

**Seconded: Cr Vincent**

That the Kaipara District Council:

- a) Adopts the Equal Employment Opportunities Policy provided at Attachment A.

**Carried**

#### **5.17 Urgent decision-making over the Christmas-New year recess period 23-24**

**Moved: Cr Vincent**

**Seconded: Cr Howard**

That the Kaipara District Council:

- a) Delegates the power to make urgent decisions on behalf of the Council or its committees between the last scheduled meeting in December 2023 and the first meeting of Council or relevant committee in 2024 (the recess period) to any two of either the Mayor or Deputy Mayor and Councillor Gordon Lambeth.
- b) In the event the Mayor and Deputy Mayor are both absent at the same time, delegates the power to make urgent decisions on behalf of Council or its

committees over the recess period to Councillors Rachael Williams and Gordon Lambeth.

- c) Notes that if it is considered necessary, an extraordinary or emergency meeting of the Council will be called during the recess period.
- d) Notes that if the urgent decision-making process is exercised, the instances will be reported to the first Council or relevant committee meeting, in 2024.
- e) Delegates Councillor Lambeth the authority under section 25(5) of the Civil Defence Emergency Management Act 2002 to declare a state of local emergency in the event the Mayor is unavailable over the recess period.

**Carried**

#### **5.18 Meeting Calendar for 2024**

**Moved: Mayor Jepson**

**Seconded: Cr Lambeth**

That the Kaipara District Council:

- a) Notes the Meeting Date Principles agreed at the start of the triennium (**Attachment A**)
- b) Approves the Draft Kaipara District Council Governance Meeting Calendar 2024 (**Attachment B**), noting that dates can be changed and meetings added if required.
- c) Agrees that the General Manager People and Capability be delegated to re-schedule meetings if required and to determine venues and times, in consultation with the respective Chairpersons.

**Carried**

#### **5.19 Noting Petition - Save Kaipara District's Climate Adaptation Programme**

**Moved: Mayor Jepson**

**Seconded: Cr Paniora**

That the Kaipara District Council:

- a) Notes the Statement of Petition and supporting signatures (**Attachment B**) and supporting documentation (**Attachment C**) as presented at the 29 November Council Meeting.
- b) Notes that the topic was addressed by Council via report at the 29 November meeting.

**Carried**

## **6. Information**

## 6.1 Externally Funded Projects Update Report – November 2023

**Moved: Deputy Mayor Larsen**

**Seconded: Cr Howard**

That the Kaipara District Council:

- a) Notes the Externally Funded Projects Update Report – December 2023 and attachment.

**Carried**

## 7. Recommendation to move into Public Excluded Session -13 December 2023

**Moved: Mayor Jepson**

**Seconded: Cr Howard**

### Recommendation | Ngā tūtohunga

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

Item	Report Name	Reason for excluding the public	Grounds for excluding the public
1.1	Confirmation of Public Excluded Council Minutes – 29 November 2023	Decisions and information contained in the PEX minutes will be released publicly when appropriate. Please visit the meeting website for the latest information.	<p>Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; (Section 7(2)(bii))</p> <p>Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); (Section 7(2)(i))</p> <p>Protect the privacy of natural persons, including that of deceased natural persons; (Section 7(2)(a))</p>
1.2	Mangawhai Shared Path Phase 3 – To Award Contract CON1018	Commercially sensitive information is included in this report.	Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; (Section 7(2)(bii))

<b>1.3</b>	Updated Procurement strategy – Pensioner housing units, Mangawhai	As Council is the process of running a competitive process commercially sensitive information will be shared with elected members.	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; (Section 7(2)(h))
<b>1.4</b>	Legal advice on cancelling Council's emissions accounting contract and climate policy	Confidential legal advice that is subject to legal privilege.	Maintain legal professional privilege; (Section 7(2)(g))

- b) That Frank Aldridge of The Integral Group Ltd is permitted to remain at this meeting, after the public has been excluded, because of their knowledge on Updated Procurement strategy – pensioner housing units Mangawhai. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because of specialist procurement expertise.

**Carried**

The Meeting moved into Public Excluded session at 2.41 pm.

## **8. Public Excluded agenda items - 13 December 2023**

### **1.2 Mangawhai Shared Path Phase 3 – To Award Contract CON1018**

[Secretarial Note: The Council agreed to release the report and decision pertaining to Publicly Excluded Agenda item 1.2. The detailed documentation can be accessed at **Minute Attachment A.**]

## **9. Return to Open session**

The Meeting returned to Open session at 3.10 pm.

## **10. Closure**

The Meeting closed at 3.10 pm.