



## Notice of Meeting

A meeting of the Whangarei District Council will be held  
in the Council Chamber, Forum North, Whangarei on:

**Wednesday  
24 March 2010  
10.00 am**

### Committee

His Worship the Mayor (Chairperson)  
Cr C B Christie  
Cr V P D Cocurullo  
Cr S J Deeming  
Cr S M Glen  
Cr A D Goodhew  
Cr P R Halse  
Cr S L Mai  
Cr G M Martin  
Cr B L McLachlan  
Cr S L Morgan  
Cr K J Sutherland  
Cr W L Syers  
Cr M R Williams

### Vision Statement

To be a vibrant, attractive and thriving District  
by developing sustainable lifestyles based around  
our unique environment; the envy of New Zealand  
and recognised world wide.

Call to order – all present rise for the Mayor  
Opening Prayer  
Apologies  
Declaration of Conflicts of Interests

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Recommendations contained in the Council agenda are NOT Council decisions.  
Please refer to Council minutes for resolutions.

# 1. Minutes: Whangarei District Council Wednesday, 24 February 2010

*Minutes of a meeting of the Whangarei District Council held in the Council Chamber Forum North on Wednesday 24 February 2010 at 10:00 am*

**Present:**

His Worship the Mayor (Chairperson)

Crs C B Christie, V P D Cocurullo, S J Deeming, S M Glen, A D Goodhew, P R Halse, S L Mai, G M Martin, B L Mclachlan, S L Morgan, K J Sutherland (10.02 am), W L Syers and M R Williams

**Also Present:**

Senior Sergeant R Leach (New Zealand Police)

**In Attendance:**

Chief Executive Officer (M P Simpson), Chief Operating Officer (J Thompson), Group Manager Environment (P Dell), Group Manager Support Services (A Adcock), Group Manager Infrastructure and Services (S Weston), Building Compliance Manager (B Rogers), Financial Controller (B Murphy), Property and Support Manager (M Hibbert), Regulatory Services Manager (G Couchman), Team Leader Planning (D Kula), Group Planner (D Snowdon), Senior Community Services Advisor (O Thomas), Executive Assistant (L Purvis), Councillor Support (J Benyon) and Senior Meeting Co-ordinator (C Brindle)

*Cr Cocurullo opened the meeting with a prayer.*

## 1. Confirmation of Minutes of a Meeting of the Whangarei District Council held on 16 December 2009

**Moved: Cr Halse**

**Seconded: Cr Goodhew**

"That the minutes of the meeting of the Whangarei District Council held on Wednesday 16 December 2009, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting."

**CARRIED**

## 2. Police Report

Inspector P Leach spoke to the report and answered questions from Councillors.

**Moved: Cr Martin**

**Seconded: Cr Cocurullo**

"That the information be received."

**CARRIED**

*Cr Sutherland joined the meeting at 10.02 am during discussions on Item 2.*

### 3. Creative Communities Assessment Committee Update

**Moved: Cr Mai**

**Seconded: Cr Morgan**

- "1. That the information be received.
2. That the status quo of the committee remains for the 23 March funding round.
3. That the Committee's Terms of Reference be amended accordingly."

**CARRIED**

### 4. 2010 Triennial Elections

**Moved: Cr Mclachlan**

**Seconded: Cr Williams**

- "1. That the report from Independent Election Services Ltd be received.
2. That, for the purposes of the 2010 triennial elections, Council adopts: the alphabetical order of candidate name in accordance with regulation 31 of the Local Electoral Regulations 2001.
3. That for the purposes of the 2010 Triennial Elections, Council adopts the early processing of returned voting documents in accordance with section 79 of the Local Electoral Act 2001."

**CARRIED**

### 5. William Fraser Memorial Park on Pohe Island Reserve Management Plan

**Moved: Cr Christie**

**Seconded: Cr Williams**

- "1. That the following information be received:
  - a) *"William Fraser Memorial Park On Pohe Island Draft Reserve Management Plan"* Hearing Report and Submissions
  - b) *"William Fraser Memorial Park On Pohe Island Draft Reserve Management Plan* Hearing Minutes and Deliberation Report
  - c) William Fraser Memorial Park On Pohe Island Reserve Management Plan 2010.
2. That with the Council Panel having considered all matters raised during the consultation process, considered all written submissions and those presented orally, Council approves/adopts the *"William Fraser Memorial Park On Pohe Island Reserve Management Plan 2010"* pursuant to the requirements of the Reserves Act 1977."

**CARRIED**

**6. Statement of Proposal – Review of the Whangarei District Liquor Licensing Policy**

**Moved: Cr Morgan**  
**Seconded: Cr Martin**

- "1 That Council adopts the use of the special consultative procedure under section 89 of the Local Government Act 2002 for the review of the Whangarei District Liquor Licensing Policy.
2. That Council approves the attached statement of proposal for the review of the Liquor Licensing policy and subjects the statement of proposal to the special consultative procedure."

**CARRIED**

**The meeting closed at closed at 10.39 am**

Confirmed this 24<sup>th</sup> day of March 2010

S G A Semenoff (Chairperson)

## 2. Minutes: Airport Noise Management Consultative Committee Wednesday, 17 February 2010

*Minutes of a meeting of the Airport Noise Management Consultative Committee of the Whangarei District Council held in the Onerahi Fire Station on Wednesday 17 February 2010 at 7.00 pm*

**Present:**

C Barber (Chairman)

Cr S M Glen, B Adams, P Quigg and M Wotherspoon

**Apologies:**

M Chubb, C Doherty, S Booth (absent)

Cr Glen (late arrival)

**Moved: B Adams**

**Seconded: P Quigg**

"That the apologies be sustained."

**CARRIED**

**In Attendance:**

Property and Community Services Manager (M Hibbert) and Staff Services Co-ordinator (R Mackenzie)

### 1. Minutes of a Meeting of the Airport Noise Control Consultative Committee held on 23 September 2009

**Moved: M Wotherspoon**

**Seconded: P Quigg**

"That the information be received."

**CARRIED**

### 2. Informal Minutes – Airport Noise Control Consultative Committee Meeting 23 September 2009

**Moved: C Barber**

**Seconded: B Adams**

"That the information be received."

**CARRIED**

### 3. Airport Manager's Report

The report was taken as read.

**Moved: B Adams**

**Seconded: Cr Glen**

"That the information be received."

**CARRIED**

*Cr Glen joined the meeting at 7.07 pm during discussions on Item 3.*

**The meeting closed at 7.20pm**

Confirmed this 24<sup>th</sup> day of March 2010

C Barber (Chairman)



### 3. Police Report



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**Reporting Officer:** Carlyne Brindle (Senior Meeting Co-ordinator)  
**Date:** 12 March 2010

The above report had not been received at the time the agenda closed and will be circulated prior to or tabled at the meeting.



## 4. Elected Member Remuneration

**Reporting Officer:** Michael Ronan (Democracy and Legal Services Manager)  
**Date:** 12 February 2010

### *Vision, Mission and Values*

*Consistent with our values of excellence and visionary leadership.*

### *Local Government Act 2002 – The Four Well-Beings*

**Cultural:** *No link.*

**Economic:** *Prudent economic management.*

**Environmental:** *No link.*

**Social:** *Achieving and maintaining effective and efficient leadership.*

### **Introduction**

The Remuneration Authority has reviewed the pool for local government remuneration for the period from 1 July 2010 until the date of the local body elections on 9 October 2010 (Election Day) and has now provided the indicative pool for elected member salaries for that period.

The new amounts and the percentage changes recommended are indicated below:

	2008/2009	2009/2010	2010 to Election day	Increase (approx)
<b>Mayoral Salary</b>	\$99,351	\$99,351	\$104,285	5.0%
<b>Councillors' indicative pool</b>	\$537,575	\$537,575	\$576,063	7.2%
<b>Deputy Mayor &amp; Chairs</b>	\$47,998	\$47,998	\$51,434	7.2%
<b>Councillors</b>	\$38,398	\$38,398	\$41,147	7.2%
<b>Total indicative pool</b>	\$636,926	\$636,926	\$680,348	6.8%

### **Discussion**

In February 2009, Council unanimously resolved to maintain 2009/10 remuneration for elected members at the previous year's levels, despite a recommendation from the Remuneration Authority to increase them. It was also resolved to maintain the 1 : 1.25 ratio between the remuneration for Councillors compared to the Deputy Mayor and Chairs.

Given the prevailing economic circumstances the Remuneration Authority accepted Council's resolution to accept less than its recommended remuneration, however it did register its major concern over what it saw "as an on-going ad hoc hold on remuneration that could distort relativities, result in significant 'catch up' increases and possibly become a matter of political contention at election time."

This year the Remuneration Authority has recommended (as per the Attachment 1) that the overall pool (nationally) for Elected Member remuneration should be held at 2009/10 levels for the period from 1 July 2010 to the Local Body Elections in October 2010. However, where an Authority (such as WDC) did not adopt the recommended increase last year, they are **“required to recommend an increase this year.”**

The net effect of this will see all local authorities come into line with the adjustments recommended by the Remuneration Authority over the last two periods in time for the 2010 Local Body Elections i.e. all authorities will have had one increase over these two periods.

### **Conclusion**

It is recommended that Council comply with the Remuneration Authority requirement that they recommend allocation of the full amount of the pool, pro rated for the period from 1 July 2010 until Election Day. The remuneration adjustments are detailed in the table above.

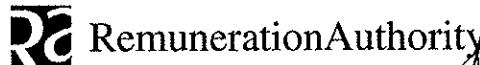
### **Recommendation**

That Council recommend to the Remuneration Authority that elected member remuneration levels for the period from 1 July 2010 to 9 October 2010 are:

His Worship the Mayor	\$ 104,285
Deputy Mayor	\$ 51,434
Committee Chairs	\$ 51,434
Councillors	\$ 41,147

### **Attachment:**

[Letter from the Remuneration Authority](#)

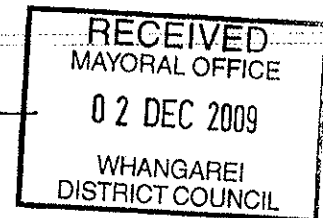


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30 November 2009

Mr Mark Simpson  
 Chief Executive  
 Whangarei District Council  
 Private Bag 9023  
 WHANGAREI

*Alan A*  
*Mike R*



Dear Mr Simpson

The Authority has reviewed the pool for local government remuneration for the period from 1 July 2010 until the 2010 local body elections.

In coming to our decision we have taken into account the statutory criteria of fairness both to elected officials and to the ratepayer.

The pool approved by the Authority in December 2008 provided a total movement in Local Authority remuneration of around 3%, although this fell unevenly across authorities according to the pattern of growth (or decline). This reflected the Authority's best judgement of slowing remuneration growth during 2008/09 and into 2009/10. At that time we indicated that data this year might not support any significant increase in the pool for 2010/2011. This has proved to be the case, with movements in public sector remuneration being subdued through the year.

The Authority has therefore decided to hold both mayoral salaries and the indicative pool at the level initially set by the Authority last year.

Last year your council requested that they be allowed to decline the increase proposed by the Authority.

Given the economic circumstances at the time, the Authority accepted that request. We did, however, register our major concern over on-going, ad hoc, holds on remuneration which could lead to distorted relativities, significant "catch-up" increases, and remuneration becoming a matter of political contention at election time.

The Authority now requires you to recommend allocation of the full amount of the pool, pro-rated for the period from 1 July to election day. We would appreciate receiving your recommendation no later than 31 March 2010.

The figures advised to your council last year were:

Mayoral salary	\$104,285
Residual indicative pool	\$576,063

Remuneration Authority

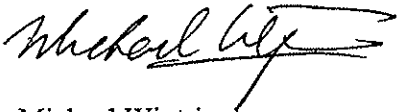
PO Box 10084, Morrison Kent House, 105 The Terrace, Wellington 6143, New Zealand  
 Telephone 04 499 3068 Facsimile 04 499 3065 Email info@remauthority.govt.nz

A second determination will be issued for the immediate post election period, as in previous election years, to provide base salaries until councils determine their final structure and recommend remuneration levels to the Authority.

During the early months of the New Year, the Authority will be reviewing its mechanism for establishing both mayoral salaries and the indicative pool. The results of this review will form the basis for the funding in the post election period.

The amount of the indicative pool for your council post election will be made available by mid-year.

Yours sincerely

A handwritten signature in black ink, appearing to read "Michael Wintringham". The signature is written in a cursive style with a horizontal line underneath the name.

Michael Wintringham  
Chairman

## 5. Northpower Restrictive Covenant Amendment

**Reporting Officer:** Mike Hibbert (Property & Community Services Manager)  
**Date:** 25 February 2010

### ***Vision, Mission and Values***

*Align with Council's willingness to work with the private sector to promote and value partnerships that will have a positive impact on community.*

### ***Local Government Act 2002 – The Four Well-Beings***

***Cultural:*** *There are no direct cultural links.*  
***Economic:*** *Indirectly helps promote the District through local and nation events.*  
***Environmental:*** *Allows Council to control and manage any potential future environmental impact.*  
***Social:*** *Creates and promotes community initiatives associated with telecommunication activities.*

### **Purpose**

Northpower are looking to have a restrictive covenant amended pertaining to their transmitting tower site situated on the Brynderwyns. Their aim is to allow existing transmissions to remain specific to Northpower use, but to also allow activities of a non-commercial/community perspective to transmit.

### **Background**

A restrictive covenant was imposed by Council when the site was purchased by Northpower from Council in 1999. The land over which the covenant is imposed contains an area of 14m<sup>2</sup>. It is legally described as Section 1 SO 69960, and is comprised in computer Freehold Register N/A128C/703. The covenant is contained in deed D556124.2 and restricts use of the site to Northpower only, as follows:

- (i) The Owner will not use the Owner's land other than as the site for a transmitting tower for communications in the conduct of the Owner's business and will not lease, licence or any other way allow any other person to use the Owner's land for any purpose.

Northpower is now seeking the amendment of the covenant so that the site can be used to support other community groups/purposes including local amateur clubs and to provide support infrastructure to the likes of the Rally of NZ and the Asia Pacific rally in May and July of this year.

### **Reasons for the restrictive covenant**

Reasons for the imposition of the restrictive covenant to the site have been discussed with Crown Property Services who formalised the covenant at the time of sale. Discussions suggest that at the time of purchase, public concerns as to the safety of radio and cellphone towers were running high. It would appear that this position has changed, with general acceptance that public safety risk from low frequency electromagnetic radiation from the radio tower is negligible. Vodafone and Telecom have cellphone towers located in close proximity to Northpower's radio tower and these sites are leased from Council.

## Current Resolution

At the Works and Services Committee on 24 February 1999, the Committee resolved:

1. *That the ten square metre portion of road, as shown on the plan attached to the Legalisation Officer's report of 9 February 1999 be stopped, pursuant to Section 342 of the Local Government Act and the land sold to Northpower for \$18,000.*
2. *That Northpower meet all associated costs with the stopping.*
3. *That a restrictive covenant be placed on the title to the land restricting use of the site to Northpower.*
4. *That the transfer documents be executed under Council Seal at the appropriate time."*

It is evident considerable discussion concluded the initial recommendation accompanying the agenda item was expanded to include "that a restrictive covenant be placed on the title to the land restricting use of the site to Northpower". Initially Northpower disputed this amendment relating to the purchase price and future use and/or sale of the site. However the resolution was upheld and matters were ultimately settled to the extent that the now registered Deed of Restrictive Covenant was approved and signed by Northpower Limited under the hand of its Chief Executive.

## Amendment to the Restrictive Covenant

The relevant clauses detailing the current restrictions are as detailed below. The amendment as suggested by the Democracy and Legal Services Manager allows a limited class of 'others' to use the site for transmission purposes only.

### *Existing Covenant*

#### Clause C

The owners land was acquired by the owner from the Council on terms including the provision whereby the owner covenanted for itself and future proprietors of the owners land that use of the owners land would be restricted to use by that registered proprietor for the time being of the owners land only, and it further agreed to grant a restrictive covenant over the owners land in favour of the Council to provide security for this covenant.

#### Clause 1

The owner will not use the owners land other than as a site for a transmitting tower for communications in the conduct of the owners business and will not lease, licence or any other way allow any other person to use the owners land for any purpose.

### *Suggested Amendment*

- C. *The Owner and the Council have agreed to vary clause 1 of the deed of restrictive covenant D556124.2 to provide for use of the transmitting tower by emergency services, community non-profit groups, and for civil defence purposes.*
1. *The owner will not use its land herein described other than as a site for a transmitting tower for communications necessary for the conduct of the owners business and, with the exception of use by emergency services, community non-profit groups and/or civil defence purposes (which is allowed), will not lease, licence or any other way allow use of the land by any other person for any purpose.*

## Conclusion

The restrictive covenant residing over land owned and occupied by Northpower situated on the Brynderwyns restricts the land owner to use the site outside of its own purposes.

Northpower is now seeking an amendment of the covenant so that the site can be used to support other Community groups/purposes include local amateur clubs and to provide support infrastructure to the likes of the Rally of NZ and the Asia Pacific Rally.

There is no difficulty in Council contractually agreeing to the discharge or even the surrender of this restrictive covenant and it is clear in the suggested amendment that any increased rights of Northpower would not be of a commercial nature.

## Recommendations

1. That the information be received.
2. That the restrictive covenant as contained in deed D556124.2 be amended to reflect the inclusion of community groups/ purposes of a non-commercial nature.
3. That Northpower meet all associated costs.