

## 2. Minutes: Whangarei District Council Wednesday, 18 December 2013

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*Minutes of a meeting of the Whangarei District Council held in the Council Chamber Forum North on Wednesday 18 December 2013 at 10.00am*

**Present:**

Her Worship the Mayor (Chairperson)

Crs S J Bell, S J Bretherton, C B Christie, P A Cutforth, S J Deeming, S M Glen, P R Halse, C M Hermon, G C Innes, G M Martin, B L McLachlan, S L Morgan and J D T Williamson

**Also present:**

Area Commander Inspector Tracy Phillips (New Zealand Police)

**In Attendance:**

Chief Executive Officer (M P Simpson), Group Manager District Living (P Dell), Group Manager Infrastructure and Services (S Weston), Group Manager Support Services (A Adcock), Legal Counsel (G Mathias), (K Candy), Cemetery and Conservatory Manager (H Cairns), Economic Development Manager (P Gleeson), Property Manager (M Hibbert), Property Manager (M Hibbert), Venue and Events Manager (J Lynch), Group Planner (R Rawson), Senior Communications Adviser (R Pascoe), Media Relations Adviser (A Midson), Councillor Support (J Crocombe), Senior Meeting Co-ordinator (C Brindle)

*The meeting observed a moments silence in respect of former Councillor John Wilson who passed away on 14 December.*

*Her Worship the Mayor acknowledged the recent passing of Nelson Mandela and read a quote written by him in the year 1975.*

*Her Worship advised that Items 10 and 12 would be taken after Item 8 and that Items 9 and 11 would be taken after Item 12.*

### 1. Public Forum

There were no applications received for today's Public Forum.

### 2. Confirmation of Minutes of a Meeting of the Whangarei District Council held on 27 November 2013

**Moved:** Her Worship the Mayor

**Seconded:** Cr Innes

"That the minutes of the meeting of the Whangarei District Council held on Wednesday 27 November 2013, including the confidential section, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting."

**CARRIED**

### 3. Police Report

*Inspector Phillips spoke to her report and answered questions from Councillors.*

**Moved:** Cr Deeming

**Seconded:** Cr Hermon

"That the information be received."

**CARRIED**

#### 4. Establishment of Audit and Risk Committee

This item was taken in parts.

**Moved: Her Worship the Mayor**

**Seconded: Cr Glen**

- “1. That the report be received.
2. That Council notes the establishment of the Audit and Risk Committee, and the Terms of Reference and membership (as attached to the report) as determined by the Mayor in accordance with section 41A of the Local Government Act 2002.
4. That the amended Terms of Reference for the Finance Committee be adopted.”

**CARRIED**

#### 3. Amendment to Standing Orders – Definition of a quorum for committee meetings

**Moved: Her Worship the Mayor**

**Seconded: Cr Glen**

That pursuant to Standing Order 2.4.4, a quorum for meetings of the Audit and Risk Committee shall be:

- Half of the voting members if the number of voting members is even, or,
- A majority of voting members including vacancies, if the number of voting members is odd.”

*On the motion being put Her Worship the Mayor called for a division:*

*For the motion:*

*Crs Morgan, Bell, Deeming, Williamson, Bretherton, McLachlan, Martin, Glen, Hermon, Halse, Cutforth, Christie, Innes and Her Worship the Mayor (14)*

**The motion was CARRIED  
Unanimous**

#### 5. Airport Noise Management Consultative Committee

**Moved: Cr Hermon**

**Seconded: Cr Martin**

- “1. That the information be received.
2. That Council notes the establishment of the Airport Noise Management Consultative Committee, the Committees terms of reference (as attached to the report) and the Chairperson and membership of the Committee (as outlined below); as determined by the Mayor in accordance with section 41A of the Local Government Act 2002.

Council Representative:	Councillor S M Glen
Independent Chairperson:	Chris Barber
Airport Authority Representative:	Mike Chubb
Airline Representative:	Michelle Witherspoon (Air NZ Whangarei Manager)
Airport Tenant/User Representative:	Scott Booth (Skyworks Helicopters)
Community Representatives:	Carole Doherty (TULEO) John Ross (Onerahi Community Association, OCA).

3. That nominations for the Independent Residents role be determined through public expressions of interest with a final recommendation by the Airport Noise Management Consultative Committee and approved by the Mayor, to be reported to council.”

**CARRIED**

#### 6. Northland Events Centre – Appointment of Trustee

**Moved: Cr Christie**  
**Seconded: Cr Williamson**

“That Warwick Syers be appointed as a trustee of the Northland Events Centre Trust for a period of three years.”

**CARRIED**

## **7. Local Government Commission Draft Proposal**

This item was voted on in parts.

**Moved: Cr Innes**  
**Seconded: Cr Deeming**

“1. That Council rejects the report on the basis of inadequate information and process.”

**CARRIED**

*Cr Cutforth abstained from voting on recommendation no. 1.*

“2. That Council protests the timing of the release of the report, and the inadequacy of the consultation period to allow for meaningful community consultation. “

**CARRIED**

“3. That Council resolves to view the Draft Proposal from the perspective of the Whangarei ‘lens’ in keeping with the oath made by Councillors.”

**CARRIED**

*Cr Cutforth abstained from voting on recommendation no. 3.*

“4. That staff prepare an public engagement programme for the period of late January and early February.”

**CARRIED**

“5. That Council commissions a survey to ascertain the views of the community on the Draft Proposal put forward by the Local Government Commission.”

**CARRIED**

“6. That staff be directed to prepare a submission following the completion of the public survey to be presented to an Extra-ordinary Council Meeting on 19 February 2013.”

**CARRIED**

## **8. International Rally of Whangarei**

**Moved: Cr Halse**  
**Seconded: Cr Deeming**

“That the information be received.”

**CARRIED**

*Item 10 was taken after Item 8.*

*Item 9 was taken after Item 12.*

## 9. Notice of Motion – Councillor Christie

G Mathias provided advice to elected members in relation to the Notice of Motion in reference to the Affidavit.

Cr Christie requested that his motion be altered to:

*“That a qualified independent person be appointed by the Council to carry out an enquiry into the matters raised in the Affidavit.*

*That the Mayor prepare the Terms of Reference and recommend three independent people suitable to lead the enquiry for Council approval at the February meeting.”*

Standing Order 3.10.4 provides that a Notice of Motion may be altered by the mover with the consent of the meeting.

On the question of an alteration to Cr Christie’s motion Her Worship the Mayor called for a division:

*In favour:*

*Crs Bell, Bretherton, McLachlan, Glen, Hermon, Cutforth, Christie and Innes (8)*

*Against:*

*Crs Morgan, Deeming, Williamson, Martin and Her Worship the Mayor (5)*

**CARRIED**

Cr Christie requested that his motion be further altered to:

*“That a qualified independent person be appointed by the Council to carry out an enquiry into the matters raised in the Advocate.*

*That the Mayor prepare the Terms of Reference and recommend three independent people suitable to lead the enquiry for Council approval at the February meeting.”*

In accordance with Standing Order 3.10.4, on the question of the further alteration to Cr Christie’s motion, Council decided on a vote of 7 to 6 to allow the motion to be further altered.

**Moved: Cr Christie**

**Seconded: Cr Bretherton**

*“That a qualified independent person be appointed by the Council to carry out an enquiry into the matters raised in the Advocate.*

*That the Mayor prepare the Terms of Reference and recommend three independent people suitable to lead the enquiry for Council approval at the February meeting.”*

*For the motion:*

*Crs Williamson, Bretherton, McLachlan, Cutforth, Christie and Innes (6)*

*Against the motion:*

*Crs Morgan, Deeming, Martin, Glen, Hermon and Her Worship the Mayor (6)*

*Abstained:*

*Cr Bell*

*Absent:*

*Cr Halse*

**The motion was LOST  
on the casting vote of Her Worship the Mayor**

*Chief Executive M P Simpson declared a conflict of interest and vacated the chambers at 11.25pm.*

*Cr Halse left the Chambers at 11.26am prior to discussion on Item 9 – Notice of Motion.*

*Group Manager S Weston represented the Chief Executive for Items 9 and 11.*

*Cr McLachlan left the meeting at 12.13pm following discussions on Item 9.*

## **Urgent business – CBD Parking for Fee Day**

**Moved: Cr Deeming**  
**Seconded: Cr Halse**

- “1. That in accordance with NZSO 3.7.5 council consider Item 10 CBD Parking for Free Day, at this meeting.
2. This item requires consideration at this meeting as this initiative is applicable to the period prior to xmas and there are no other meetings scheduled.”

**CARRIED**

## **10. CBD Parking for Free Day**

**Moved: Cr Deeming**  
**Seconded: Cr McLachlan**

- “1. That Council supports a “CBD Parking for Fee Day” in the lead up to Christmas.
2. That staff liaise with the Chamber of Commerce to confirm a suitable date for this event.”

**CARRIED**

*Item 12 was taken after Item 11.*  
*Item 11 was taken after Item 9.*

## **Urgent business – Whangarei Waste Limited – Appointment of Director**

**Moved: Cr Deeming**  
**Seconded: Cr Morgan**

- “1. That in accordance with NZSO 3.7.5 council consider Item 11 Whangarei Waste Limited, at this meeting.
2. This item requires consideration at this meeting to ensure business continuity in the management and operations of Whangarei Waste Ltd.”

**CARRIED**

## **11. Whangarei Waste Limited – Appointment of Director**

**Moved: Cr Deeming**  
**Seconded: Cr Glen**

“That Councillor G M Martin be appointed as a Director of Whangarei Waste Limited.”

**CARRIED**

*Chief Executive M P Simpson declared a conflict of interest and withdrew from the table for this item.*  
*Group Manager S Weston represented the Chief Executive for Item 11.*

## **Urgent business – Burial and Cremation Act Review – WDC Submission**

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

- “1. That in accordance with NZSO 3.7.5 council consider Item 12 – Burial and Cremation Act Review – WDC Submission, at this meeting.
2. That the reason this late item be considered at this meeting is to enable the submission to be forwarded in time to meet the deadline closure.”

**CARRIED**

## **12. Burial and Cremation Act Review – WDC Submission**

**Moved: Cr Hermon**  
**Seconded: Cr Glen**

- “1. That a submission is made by the Whangarei District Council to the Law Commission on the Burial and Cremation Act Review.
2. That the content of the agenda report be used as the basis for the submission.”

**CARRIED**

*Item 9 was taken after Item 12.*

**The meeting closed at 12.14pm**

Confirmed this 26<sup>th</sup> day of February 2014

S L Mai (Chairperson)