

3. Minutes: Whangarei District Council Wednesday, 26 February 2014

Minutes of a meeting of the Whangarei District Council held in the Council Chamber Forum North on Wednesday 26 February 2014 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:

Relieving Area Commander Inspector Justin Rogers (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 Positive Growth (J Thompson), Group Manager Support Services (A Adcock), Legal Adviser (K Candy), Customer Services Manager (L Ashcroft), Community Services Manager (O Thomas), Maori Relationships Manager (S Tipene), Property Manager (M Hibbert), Property Manager (M Hibbert), Venue and Events Manager (J Lynch), Senior Communications Adviser (R Pascoe), Media Relations Adviser (A Midson), LTP Co ordinator (S Gavin), Community Safety Officer (D Palmer), Civic Property Coordinator (I Scotland), Councillor Support (J Crocombe), Senior Meeting Co-ordinator (C Brindle)

S Tipene started the meeting with a karakia.

Her Worship the Mayor opened the meeting and advised that Item 14 – Notice of Motion would be taken after Item 5 – Police Report.

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 18 December 2013

Moved: Her Worship the Mayor

Seconded: Cr Martin

"That the minutes of the meeting of the Whangarei District Council held on Wednesday 18 December 2013, 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. Confirmation of Minutes of an Extraordinary Meeting of the Whangarei District Council held on 12 February 2014

Moved: Cr Innes

Seconded: Cr McLachlan

"That the minutes of the Extra ordinary meeting of the Whangarei District Council held on Wednesday 12 February 2014, having been circulated, be taken as read and now confirmed and adopted as a

true and correct record of proceedings of that meeting subject to the following amendment to the voting on the motion:

*“~~For~~ Against the motion:
Crs Halse and Christie.”*

CARRIED

4. Confirmation of Minutes of a Meeting of the 20/20 Inner City Revitalisation Committee held on 11 December 2013

**Moved: Cr Halse
Seconded: Cr Bretherton**

“That the minutes of the 20/20 Inner City Revitalisation Committee meeting held on Wednesday 11 December 2013, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.”

CARRIED

5. Police Report

Inspector Rogers spoke to his report and answered questions from Councillors.

**Moved: Her Worship the Mayor
Seconded: Cr Glen**

“That the information be received.”

CARRIED

*Item 14 was taken after Item 5.
Item 6 was taken after the break following Item 14.*

6. 2013 Triennial Elections Report

**Moved: Cr Glen
Seconded: Cr Martin**

“That the information be received.”

CARRIED

7. Triennial Agreement – Northland Region

Minor corrections were noted (refer page 31 Local Government Act 2002 Amendment Bill (No 3)) – the word ‘committee was amended to commit’ and refer heading - ‘Authority’ – the year the agreement is signed should be 2014 not 2011.

**Moved: Her Worship the Mayor
Seconded: Cr Morgan**

“That the triennial agreement be approved and executed.”

CARRIED

8. Statement of Proposal for Draft Psychoactive Substances Policy

Moved: Cr Innes

Seconded: Cr Glen

- “1. That the information be received.
2. That council adopt the Statement of Proposal for the consideration of adopting a policy on psychoactive substances and seeks submissions to the proposed Policy in accordance with the special consultative procedure as provided in section 83 of the Local Government Act 2002.”

CARRIED

9. Report – Investigations into Allegations Raised in Affidavit

Moved: Her Worship the Mayor

Seconded: Cr Morgan

“That the information be received.”

Cr Deeming gave notice of her intention to move an amendment.

Amendment

- “1. That the information be received.
2. That the stress suffered by those individuals and those involved in the investigations and their families is acknowledged.”

The amendment was CARRIED

Cr Christie requested his vote against be recorded.

On the amendment being put as the substantive motion Cr Martin called for a division:

For the motion:

Crs Morgan, Bell, Deeming, Williamson, McLachlan, Martin, Glen, Hermon, Halse, Cutforth, Christie, Innes and Her Worship the Mayor (13)

Abstained:

Cr Bretherton

**The amendment was subsequently CARRIED
as the substantive MOTION**

10. Kotuku Detention Dam

Moved: Cr Christie

Seconded: Cr Innes

- “1.. Pursuant to Section 111 of the Reserves Act 1977, the portions of Local Purpose (Road) Reserve shown as Lot 9 on DP 109143 and Lot 22 on DP 136446, be dedicated as road.
2. Subject to it being confirmed that the Northland Regional Council owns all of the land adjoining the road to be stopped other than that owned by the Whangarei District Council, the Council Consents to Sections 7-10, 12 being stopped pursuant to Section 116 of the Public Works Act 1981 and further:
 - (i) That Sections 8-10 be vested in Northland Regional Council pursuant to Section 117(3)(b) of the Public Works Act, and that the Council considers it equitable to do so.
 - (ii) That Sections 7, 12 remain vested in the Whangarei District Council and be declared Local

Purpose (Esplanade) Reserve pursuant to Section 117(7).

3. In exercise of powers conferred on it by delegation under the Reserves Act 1977 the Council authorises the exchange of all or parts of Local Purpose (esplanade) Reserves described in the First Schedule for the land described in the Second Schedule.

North Auckland Land District – Whangarei District

First Schedule

Reserve to be Exchanged

Area m ²	Description
2670	Lot 24 DP 13644* 13446.
1252	Part Lot 24 DP 136445, shown as Section 6 on SO 472207.
2915	Parts Lot 11 DP 109143, shown as Sections 2 and 4 SO 472207.

Second Schedule

Land to be Exchanged

Area m ²	Description
758	Lot 9 DP 136446; all CFR NA80B/892.
1146	Lot 10 DP 136446; all CFR NA80B/893.
8570	Lot 3 DP 151239; all CFR NA90A/742.
1923	Part Lot 2 DP 151239; shown as Section 16 on SO 472207.
548	Part Lot 1 DP 151239; shown as Section 15 on SO 472207.
5127	Part Lot 6 DP 109143; shown as Section 13 on SO 472207.

4. Council consents to a Stormwater Control Easement in Gross in favour of Northland Regional Council being registered over the titles to all of its reserve land that will be completely or partially inundated within the Flood Zone, as approximately shown in blue on the attached R & B plan titled "WDC Land Affected".

CARRIED

**amended - refer minutes 20 March 2014*

11. Council Land Bordering Whangarei Harbour to be Declared Reserve

Moved: Her Worship the Mayor

Seconded: Cr Morgan

"That in exercise of the powers conferred on it by delegated authority under the Reserves Act 1977 the Whangarei District Council notifies the following resolution, passed on the 26th day of February 2014: "That under Section 14 of the Act the Whangarei District Council resolves to declare the land held in fee simple by the Council and described in the First to Fourth Schedules hereto, to have the reserve status as shown."

Land Schedules

North Auckland Land District – Whangarei District

First Schedule

Local Purpose (Esplanade) Reserve

Area	Description
100 m ²	Part Sec.44, Block IX, Whangarei S D; shown as Section 1 on SO 449132. Part Computer Freehold Register NA11A/579.
1945 m ²	Part Sec.16, Block IX, Whangarei S D, subject to a right of way created by lease D336705.1, shown as Section 2 on SO 449132. Part Computer Freehold Register NA11A/579.
905 m ²	Part Sec.16, Block IX, Whangarei S D; shown as Section 3 on SO 449132. Part Computer Freehold Register NA11A/579.
80 m ²	Part Sec.23, Block IX, Whangarei S D; shown as Section 4 on SO 449132. Part

2375 m ²	Computer Freehold Register NA1111/139. Part Sec.23, Block IX, Whangarei S D; shown as Section 5 on SO 449132. Part Computer Freehold Register NA1111/139.
2025 m ²	Part Sec.27, Block IX, Whangarei S D; shown as Section 6 on SO 449132. Part Computer Freehold Register NA1111/139.
6780 m ²	Part Sec.27, Block IX, Whangarei S D; shown as Section 7 on SO 449132. Part Computer Freehold Register NA1111/139.
3005 m ²	Part Lot 2 DP 103722; shown as Section 10 on SO 449132. Part Computer Freehold Register NA57A/685.
1.0830 ha	Part Section 7, Parish of Mata, subject to Lease 5282025.1; shown as Section 1 on SO 450009. Part Computer Freehold Register NA117/222.
1.5700 ha	Part Section 8, Parish of Mata, subject to Lease 5282025.1 ; shown as Section 2 on SO 450009. Part Computer Freehold Register NA117/222.
1.3420 ha	Part Section 10, Parish of Mata, subject to Lease 5282025.1; shown as Section 3 on SO 450009. Part Computer Freehold Register NA80/132.
6950 m ²	Part Section 9, Parish of Ruakaka; shown as Section 2 on SO 453342. Part Computer Freehold Register NA80/128.

Second Schedule

Local Purpose (Maritime uses) Reserve

Area	Description
1.4620 ha	Allot 117, Parish of Parahaki, subject to Section 8 Coal Mines Amendment Act 1950 and Section 19, Block IX, Whangarei SD, subject to Section 8 Coal Mines Amendment Act 1950 and Certificate 6169761.1; being part Computer Freehold Register NA1034/123, and part Section 23 and part Section 24, Block IX, Whangarei SD; being part Computer Freehold Register NA1111/139; all of the above being shown as Section 9 on SO 449132.

Third Schedule

Local Purpose (Landing) Reserve

Area	Description
5513 m ²	Allot 166, Maungatapere Parish. All Computer Freehold Register NA43B/945.

Fourth Schedule

Recreation Reserve

Area	Description
17.5595 ha	Sections 18 and 20, Block IX, Whangarei SD, subject to Section 8 Coal Mines Amendment Act 1950; being part Computer Freehold Register NA1034/123, and Sections 29, 31 and part Section 30 (being Part Lot 1, DP 35377), Block IX, Whangarei SD; being part Computer Freehold Register NA1111/139; all of the above being shown as Section 8 on SO 449132.

Fifth Schedule

Local Purpose (Esplanade) Reserve

Area	Description
2500 m ² (more or less)."	Parts Lot 1 DP 65087 being all of the land comprised in CFR NA26B/37.

CARRIED

Cr Halse requested his vote against be recorded.

12. Lake Waro Land Swap

Moved: Cr Martin
Seconded: Cr Deeming

- "1. That the information be received.
2. That Council requests the proposed exchange of Reserve land for other land as detailed on LT 472840, be undertaken pursuant to section 15(1) of the Reserves Act 1977 subject to the written authorisation of the Department of Conservation."

CARRIED

13. Temporary Road Closure – International Rally of Whangarei 2014

Moved: Cr Halse
Seconded: Cr McLachlan

- "1. That, pursuant to the Transport (Vehicular Traffic Closure) Regulations 1965, the following roads be closed to vehicular traffic for the 2014 International Rally of Whangarei:

Testing : Wednesday 9 April 2014

Rountree Road

Period of closure: 8am to 5pm

Ceremonial Start : Friday 11 April 2014

Cameron Street from John Street to James Street

James Street from Cameron Street to Robert Street

Restricted parking: from 1pm

Period of closure: 2pm to 6pm

Rally Event : Saturday 12 April 2014

SS1 & 4 : OTAKAIRANGI

Otakairangi Road from Swamp Road to Riponui Road

Riponui Road from Otakairangi Road to Pipiwai Road

Period of closure: 8am to 5pm

SS3 : MARLOW

Marlow Road from the District Boundary to Riponui Road

Riponui Road from Riponui Road to Crows Nest Road

Crows Nest Road from Riponui Road to Highway 1

Period of closure: 9.30am to 2pm

SS6 : TAPUHI

Waiotu Block Road from the District Boundary to Highway 1

Period of closure: 2pm to 6.30pm

SS7 & 8 : WHANGAREI SSS AT POHE ISLAND

Including Te Matau a Pohe Bridge and Dave Culham Drive

Period of closure: 3pm to 10pm

Rally Event : Sunday 13 April

SS9 & 12 BROOKS

Finlayson Brook Road from SH1 to the District Boundary

Period of closure: 7am to 3.15pm

SS10 & 13 MILLBROOK

Millbrook Road from the District Boundary to Walters Road

Period of closure: 7.30am to 3.30pm

SS11 & 14 FERNDALE

Ormiston Road from Shoemakers Road to Kukunui Road

Kukunui Road from Ormiston Road to Springfield Road

Springfield Road from Kukunui Road to Mangapai Caves Road

Mangapai Caves Road from Springfield Road to Graham Road

Graham Road from Mangapai Caves Road to Ruarangi Road

Ruarangi Road from Graham Road to Paparoa Road

Period of Closure: 7.45am to 4pm.

2. That the side roads, off the roads to be closed, also be temporarily closed for a distance of up to 100 metres from the intersection for safety purposes.
3. That the Chair of the Infrastructure and Services Committee and the Infrastructure and Services Group Manager be delegated to consider objections and to cancel or amend any or all of the temporary road closure if appropriate."

CARRIED

14. Notice of Motion

Moved: Cr Halse

Seconded: Cr Bell

- "1. That the Hundertwasser project not be included in this years (2014) Annual Plan.
2. That staff be instructed to remove all reference to the Hundertwasser project in forthcoming workshops and annual plan drafts."

Amendment

Moved: Cr Hermon

Seconded: Cr Innes

- "1. That council proceed with the Hundertwasser project to consent, in line with our current commitments to the Long Term Plan and existing contractual obligations.
2. That a telephone survey be conducted as part of a special consultation procedure with the public and government specifically related to the Hundertwasser project.
3. Wording of the survey from a professional survey company to be approved by council."

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

For the amendment:

Crs Morgan, Williamson, Bretherton, Hermon, Christie, Innes and Her Worship the Mayor (7)

Against the amendment:

Crs Bell, Deeming, McLachlan, Martin, Glen, Halse and Cutforth (7)

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

Further Amendment

Moved: Cr Deeming

Seconded: Cr McLachlan

- "1. That no further WDC funding be committed to the Hundertwasser Arts Centre project until the results of the community survey are known.
2. That a community telephone survey be undertaken by an appropriately qualified market research company with the results available to inform council's decision making process.

3. That the survey wording be confirmed by a majority of Councillors.”

On the amendment being put Cr Deeming called for a division:

For the amendment:

Crs Bell, Deeming, Williamson, Bretherton, McLachlan, Martin, Glen, Halse, Cutforth, Christie and Her Worship the Mayor (11)

Against the amendment:

Crs Morgan and Hermon (2)

Abstained:

Cr Innes

The amendment was CARRIED

On the amendment being put as the substantive motion Her Worship the Mayor called for a division:

For the motion:

Crs Bell, Deeming, Williamson, Bretherton, McLachlan, Martin, Glen, Hermon, Halse, Cutforth and Her Worship the Mayor (11)

Against the motion:

Crs Morgan, Christie and Innes(3)

**The amendment was subsequently CARRIED
as the substantive MOTION**

Following Item 14 a break was taken from 11.48am to 11.56am.

Item 6 was taken after the break.

Exclusion of public

Moved: Her Worship the Mayor

Seconded: Cr Deeming

“That the public be excluded from the following part of the proceedings of this meeting, namely Items C.1 – C.5 Property Sales.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
C.1-C.5	Property Sales	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public as follows:

C.1 – C.5 - Property Sales

LGOIMA 7(2)(i) – To enable the Council to carry on without prejudice or disadvantage negotiations.”

CARRIED

The meeting closed at 1.37pm

Confirmed this 20th day of March 2014

S L Mai (Chairperson)