

2. Minutes: Whangarei District Council Wednesday, 25 June 2014

Minutes of a meeting of the Whangarei District Council held in the Council Chamber Forum North on Wednesday 25 June 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, G C Innes, C M Hermon, G M Martin, B L McLachlan, S L Morgan and J D T Williamson

Also present:

Relieving Area Commander Inspector J Rogers (New Zealand Police)

Heather Rosemary Carthew (Public Forum)

Ian James Stewart Reeves (Public Forum)

In Attendance:

Chief Executive (M P Simpson), Group Manager Infrastructure (S Weston), Group Manager Positive Growth (J Thompson), Group Manager District Living (P Dell), Group Manager Support Services (A Adcock), Legal Counsel (G Mathias), Governance Manager (D Kula), Legal Adviser (K Candy), Maori Relationship Manager (S Tipene), Team Leader Futures Planning (K Grundy), Communications Adviser (R Pascoe), Media Relations Adviser (A Midson), Casual Communications Adviser (S Halliwell), Executive Assistant (J Crocombe) and Senior Meeting Co-ordinator (C Brindle)

S Tipene started the meeting with a karakia (prayer).

Cr Halse gave notice of his intention to move a motion (and the tenor of the content of the proposed motion), upon the consideration of Item 15 – Hundertwasser Art Centre Project.

1. Public Forum

Heather Rosemary Carthew - Support for the Hundertwasser Arts Centre (on behalf of the Committee of the BACH (Basin Arts & Crafts House))

Ian James Stewart Reeves - Hundertwasser Arts Centre

2. Confirmation of Minutes of a Meeting of the Whangarei District Council held on 28 May 2014

Moved: Cr Innes

Seconded: Cr Glen

“That the minutes of the meeting of the Whangarei District Council Meeting held on Wednesday 28 May 2014, 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. Confirmation of Minutes of an Extra ordinary Whangarei District Council Meeting held on 22 May 2014

Moved: Cr Martin

Seconded: Cr McLachlan

“That the minutes of the meeting of the Extra ordinary Whangarei District Council Meeting held on Thursday 22 May 2014, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.”

CARRIED

4. Confirmation of Minutes of an Extra ordinary Whangarei District Council Meeting held on 4 June 2014

Moved: Cr Deeming
Seconded: Cr Morgan

“That the minutes of the meeting of the Extra ordinary Whangarei District Council Meeting held on Wednesday 4 June 2014, 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. Confirmation of Minutes of an Extra ordinary Whangarei District Council Meeting held on 11 June 2014

Moved: Cr Hermon
Seconded: Cr Morgan

“That the minutes of the meeting of the Extra ordinary Whangarei District Council Meeting held on Wednesday 11 June 2014, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.”

CARRIED

6. Confirmation of Minutes of the Audit and Risk Committee Meeting held on 11 June 2014

Moved: Cr Deeming
Seconded: Cr Morgan

“That the minutes of the meeting of the Audit and Risk Committee Meeting held on Wednesday 11 June 2014, 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

Item 16 was taken after Item 7. Item 7 was taken after Item 16.

7. Police Report

Inspector Justin Rogers spoke to the report and answered questions from Councillors.

Moved: Cr Morgan
Seconded: Cr Glen

“That the information be received.”

CARRIED

8. Rates Remission and Postponement Policies

Moved: Cr Cutforth
Seconded: Cr Williamson

“That the Rates Remission and Postponement Policies be adopted.”

CARRIED

Resolution to receive additional information (Items 9 and 10)

Additional information pertaining to Items 9 and 10 only recently received is recommended for consideration at this meeting for the reason that under the Local Government Act 2002 Council is required to adopt its Annual Plan by 30 June and to set the rates in accordance with the relevant provisions of the Funding Impact Statement by 1 July.

Moved: Cr Innes
Seconded: Cr Bretherton

- “1. That in accordance with NZS 3.7.5 council receive the additional information to Item 9 - 2014 - 2015 Annual Plan Adoption and Item 10 – Rates Resolution.
2. That the reason these items be considered at this meeting is to enable the business of council to proceed without further undue delay.”

CARRIED

9. 2014-2015 Annual Plan Adoption

Supplementary agenda No 2 – amended Funding Impact Statement was circulated prior to the meeting.

Moved: Her Worship the Mayor
Seconded: Cr Deeming

“That having regard to the matters set out in section 100 (2) (a) – (d) of the Local Government Act 2002, Council resolves that it is financially prudent to budget for a net operating deficit in the 2014-2015 financial year as consistent with the forecast deficit in the 2012-2022 Long Term Plan.”

CARRIED

Moved: Cr Williamson
Seconded: Cr Deeming

- “1. That Council adopt the 2014-2015 Annual Plan, including the amended Funding Impact Statement, in accordance with Section 95 of the Local Government Act 2002.
2. That Council authorises the Chief Executive to make any necessary minor drafting, typographical or presentation corrections to the 2014-2015 Annual Plan prior to the document going to print.”

Amendment

Moved: Cr Halse
Seconded: Cr Deeming

- “1. That Council adopt the 2014-2015 Annual Plan, including the amended Funding Impact Statement, in accordance with Section 95 of the Local Government Act 2002.
2. That Council authorises the Chief Executive to make any necessary minor drafting, typographical or presentation corrections to the 2014-2015 Annual Plan prior to the document going to print.
3. That Whangarei District Council put on hold any payment to Northland Regional Council regarding Northland Inc until Whangarei District Council has a report on Northland Inc's involvement in the Hundertwasser Project.”

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

For the amendment:

Crs Bell, Deeming, Bretherton, Martin, Glen, Halse and Her Worship the Mayor (7)

Against the amendment:
Crs Morgan, Williamson, McLachlan, Hermon, Christie and Innes (6)

Abstained:
Cr Cutforth.”

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

10. Rates Resolution 2014-2015

Supplementary Agenda No 3 – minor amendments to the Rates Resolution was circulated prior to the meeting.

Moved: Her Worship the Mayor
Seconded: Cr Deeming

“That the Whangarei District Council in pursuance of its powers under the Local Government (Rating) Act 2002 hereby resolves to set the following rates and charges, instalment dates and penalties upon the rateable value of all rateable properties appearing in the District Valuation Roll now in force in the Whangarei district for the period 1 July 2014 to 30 June 2015.

The rates will be set in accordance with the relevant provisions of the funding impact statement covering the financial year 1 July 2014 to 30 June 2015.

All rates and charges include Goods and Services Tax (GST). Penalties added to unpaid rates are exempt from GST but will be applied to the GST inclusive amount.

General rates and charges

General Rates

Type of rate	Basis of Assessment Sec 13, 14 ,15 and Schedule 2	Rate or charge 2014-2015
GENERAL RATES		
Uniform Annual General Charge	Per separately used or inhabited part of a rating unit	\$356.00
Residential category	Per \$ of land value	\$0.0031249
Residential Step 1	Per \$ of land value	\$0.0015624
Residential Step 2	Per \$ of land value	\$0.0007812
Multi – Unit category	Per \$ of land value	\$0.0062498
Rural category	Per \$ of land value	\$0.0025926
Commercial/Industrial category	Per \$ of land value	\$0.0154950
Miscellaneous category	Per \$ of land value	\$0.0031249

Targeted rates

Council resolves to set the following targeted rates under Sec 16 of the Local Government (Rating) Act 2002.

Sewage Disposal

The targeted rate will be set and assessed per separately used or inhabited part of a rating unit connected to Council’s wastewater system on a differential basis based on the number of toilet pans. All residential connections will pay a fixed amount regardless of the number of toilet pans. Other premises, ie not residential, having no more than two toilet pans or urinals will pay a fixed amount. Where other premises have more than two pans, the charge will be based on the number of pans or urinals.

Type of rate	Basis of Assessment Sec 16, 17, 18, 19 and Schedule 2 and 3	Rate or charge 2014-2015
Residential	Per separately used or inhabited part of a rating unit	\$596.00
Other – non-residential up to two pans	Per separately used or inhabited part of a rating unit	\$596.00
Other – non residential three or more pans	Per separately used or inhabited part of a rating unit for each separate pan or urinal.	\$388.00

District-Wide Refuse Management

The targeted rate will be applied on a uniform basis to all properties and assessed to all separately used or inhabited parts of a rating unit.

Type of rate	Basis of Assessment Sec 16, 17, 18, 19 and Schedule 2 and 3	Rate or charge 2014-2015
DISTRICT WIDE REFUSE MANAGEMENT CHARGE All categories	Per separately used or inhabited part of a rating unit	\$155.00

Water Supply

Water Supply rates are set under Section 19 of the Local Government (Rating) Act 2002. The Water consumption is charged as a targeted rate on the basis of water consumed as recorded by a water meter. For all connected properties a uniform targeted rate set under Sec 16 for the annual supply charge will also apply.

For those premises where consumption of water is not recorded through a meter, but they are connected to any of the District's water supply systems, a uniform targeted rate set under Sec 16 will apply. Where premises are capable of being connected as they are situated within 100 meters of any public water supply reticulation system, and capable of connection, a targeted rate for availability will apply.

A targeted rate set under Sec 16 for back flow prevention applies to all properties which have a back flow preventer connected. The rate will be calculated on a scale of charges based on the size of the back flow preventer.

Type of rate	Basis of Assessment Sec 16, 17, 18, 19 and Schedule 2 and 3	Rate or charge 2014-2015
WATER RATES		
Consumption Charge	Volume of metered water consumed per cubic metre	\$2.13
Supply charge	Provision of service per separately used or inhabited part of a rating unit	\$30.00
Availability charge	Availability of service per separately used or inhabited part of a rating unit	\$30.00
Uniform charge (unmetered)	Provision of service per separately used or inhabited part of a rating unit.	\$416.00
Backflow preventer charge	Provision of service per connection based on the nature of connection 15/20mm connection	\$73.94

	25mm connection	\$74.94
	32mm connection	\$88.65
	40mm connection	\$90.73
	50mm connection	\$94.13
	80/100mm connection	\$237.09
	150mm connection	\$277.55
	200mm connection	\$459.69

Special rates and roading schemes

Targeted rates are set for specific activities under Sec 16 of the Local Government Rating Act 2002 and apply to properties within a defined area of benefit either for the provision of a service, or where they are capable of being connected to the service.

Rates for the schemes noted below recover a contribution of the costs of capital works over a five year period. They are:

- Acacia Park roading remediation
- Ruakaka sewerage extension
- Coastal Amenities - Pataua Boat ramp and foreshore protection
- Coastal Amenities - McGregors Bay, Taiharuru erosion protection.

Hikurangi Swamp Rating Districts

A targeted rate applies to properties in the Hikurangi Swamp Special Rating District. The land within this special rating district is divided into classes based on benefit or effect of the scheme on a property. The targeted rate is based on a differential graduated scale according to the class of the property and the area of land within the rating unit. Some properties may have land which falls into several classes. A second targeted rate applies to properties in the Hikurangi Swamp Drainage Rating District, based on a differential graduated scale according to the class of the property and the area of land within the rating unit. The revenue is used to defray the costs and charges of the schemes.

SPECIAL RATES		
Roading Schemes		
Acacia Park Roading Remediation (Year 4 of 5)	Per rating unit in a specified and defined area of benefit	\$400.00
Mains Extension – Sewer		
Ruakaka South Wastewater (Year 3 of 5)	Per rating unit or separately used or inhabited part of a rating unit in a specified and defined area of benefit which is connected or capable of being connected	
	- Residential	\$2,342.95
	- Non-Residential	\$3,466.87
Parks and Recreation		
Pataua Boat Ramp and Foreshore Protection (Year 5 of 5)	Per rating unit in a specified and defined area of benefit	\$141.07
McGregors Bay, Taiharuru Erosion Protection (Year 5 of 5)	Per rating unit in a specified and defined area of benefit	
	- Beachfront properties	\$2,204.07
	- Other properties	\$304.83
Stormwater		
Hikurangi Swamp Major Scheme Rating District to defray costs and charges within the Hikurangi Swamp special rating area	Per hectare of land in the Hikurangi Swamp Special Rating area	
	Class A approx 2,814 ha	\$138.25
	Class B approx 1,499 ha	\$124.16
	Class C approx 1,470 ha	\$96.79
	Class D approx 1,931 ha	\$13.85
	Class E approx 921 ha	\$6.97
	Class F approx 32,450 ha	\$2.79

Hikurangi Swamp Drainage Rating District to defray costs and charges within the Hikurangi Swamp drainage rating area	Per hectare of land in the Hikurangi Swamp Drainage Rating District Class A approx 5,190 ha Class F approx 11,956 ha	\$15.99 \$1.60
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Discount for full payment of annual rates

Council resolves to apply a policy for early payment of rates under Sec 55 of the Local Government Rating Act 2002. Where the total year's land rates and any arrears are paid in full by the due date of the first instalment a discount will apply.

	Due Date	Discount
Full payment of annual land rates and any arrears.	20 August 2014	Discount 3.0%

Penalty dates for rates paid by instalments

Due dates and penalty dates for land rates

Council resolves to add penalties to rates not paid by the due date under Sec 57 of the Local Government (Rating) Act 2002. A penalty will be added to each instalment or part thereof which remains unpaid after the due date for payment.

	Due date	Late payment penalty	Penalty date
Instalment One	20 August 2014	Penalty 10%	25 August 2014
Instalment Two	20 November 2014	Penalty 10%	25 November 2014
Instalment Three	20 February 2015	Penalty 10%	25 February 2015
Instalment Four	20 May 2015	Penalty 10%	25 May 2015

Due dates and penalty dates for water rates

Water accounts are processed monthly, two-monthly or six-monthly. The due dates of these accounts will be relative to the consumer's cyclic billing period and will show on the water rates invoice. A penalty of 10% will apply to amounts unpaid after the applicable due date. The penalty will be added no more than 5 days after the applicable due date.

Penalty dates for previous years

Additional penalty on arrears for land rates

All rates (including penalties previously added) from the previous rating year ended 30 June that still remain unpaid as at 1 September will have a further 10% penalty added on 2 September 2014.

Additional penalty on arrears for water rates

A further penalty of 10% will be added to any rates (including penalties previously added) which continue to remain unpaid at every six monthly interval after the due date. The penalty will be added no more than 5 days after the applicable due date."

CARRIED

Cr Martin declared a conflict of interest in regard to the Stormwater rates (special rates).

11. Review of Policies

Moved: Cr Williamson
Seconded: Cr Morgan

- "1. That the information be received.
2. That the policies included in Attachment 1 of the agenda report be rescinded."

CARRIED

12. Election 2016

Moved: Cr Williamson
Seconded: Cr Martin

- "1. That the information be received.
2. That staff develop a background paper, conduct a Workshop and recommend a consultation process to assist Council to consider the options to decide about Maori Representation for the 2016 Elections."

CARRIED

13. Proposed Amendment to the Development Contributions Policy 2012 Due to Legislative Changes

Moved: Cr Deeming
Seconded: Cr Morgan

- "1. That the report and addendum be received and the Development Contributions Policy is amended as per the report
2. That Council will base its consultative procedure to review the Development Contributions Policy on the Special Consultative Procedure contained in Section 83 of the Local Government Act 2002 as amended.
3. That Council delegate any request for reconsideration to the Group Manager District Living in the first instance and that unresolved matters are escalated to the Exemptions and Objections Subcommittee for further consideration if required. (Noting that there are statutory timeframes involved in this process)
4. That should the Local Government Act Amendment Bill (No 3) not be passed through Parliament as scheduled or be delayed, the amendments to the Development Contribution Policy be aligned to the timing of the Bill enactment and/or the 2015-2025 Long Term Plan.
5. That the Chief Executive Officer be authorised to make any changes agreed at this meeting, any necessary minor drafting, typographical or presentation corrections or any changes to ensure compliance with the Local Government Act 2002."

CARRIED

14. Proposed Plan Change 131: Genetically Modified Organisms

Moved: Cr Innes
Seconded: Cr Glen

- "1. That the report and attachments be received.
2. That the Whangarei District Council receives and endorses the joint process between Whangarei District Council and Far North District Council for processing GMO changes to their respective district plans together with the associated *Memorandum of Understanding between Whangarei District Council and Far North District Council*."

CARRIED

Cr Cutforth left the meeting from 11.04am to 11.06am during discussions on Item 14.

15. Hundertwasser Art Centre Project

Moved: Cr Halse
Seconded: Cr Deeming

- “1. That the report be received.
2. That Council take the appropriate action to remove the Hundertwasser Art Centre from the 2012-2022 Long Term Plan.
3. That all previous motions and/or commitments on the Hundertwasser Art Centre be rescinded.”

Her Worship the Mayor gave notice of her intention to move a further motion (and the tenor of the content of her proposed motion) should the motion be lost.

Cr Williamson gave notice of his intention to move an addendum to Her Worship's intended further motion (and the tenor of the content of his proposed amendment) should the motion be lost.

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

For the motion:

Crs Bell, Deeming, Bretherton, McLachlan, Martin, Glen, Halse and Cutforth (8)

Against the motion:

Crs Morgan, Williamson, Hermon, Christie, Innes and Her Worship the Mayor (6)

CARRIED

The Chief Executive disclosed that the Simpson family has undertaken to pledge funds towards the Hundertwasser Project.

A break of 10 minutes was taken from 12.00pm to 12.10pm during Item 15.

Item 16 was taken after Item 6.

16. Confirmation of Minutes of a Meeting of the 20/20 Inner City Revitalisation Committee held on 18 June 2014

Item 16 – Supplementary Agenda No 1 – Confirmation of Minutes of the 20/20 Inner City Revitalisation Committee was distributed separately within the statutory timeframe specified in LGOIMA.

Moved: Cr Halse
Seconded: Cr Glen

- “1. That the minutes of the meeting of the Whangarei District Council Meeting held on Wednesday 18 June 2014, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.
2. That the recommendations of the 20/20 Inner City Revitalisation Committee be adopted.”

CARRIED

Exclusion of public

Moved: Her Worship the Mayor
Seconded: Cr Morgan

“That the public be excluded from the following parts of proceedings of this meeting.

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	Confidential Minutes Whangarei District Council Meeting 23 April 2014	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C.2	Confidential Minutes Audit and Risk Committee Meeting 11 June 2014		
C.3	Confidential Minutes Civic Honours Committee Meeting 12 June 2014		

This resolution is made in reliance on Section 48(1)(a) 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, are as follows:

Item	Grounds	Section
C.1	For the reasons stated in the minutes	
C.2	For the reasons stated in the minutes	
C.3	To protect the privacy of natural persons	Section 7(2)(a)."

CARRIED

The meeting closed at 12.55pm

Confirmed this 24th day of July 2014

S L Mai (Chairperson)