

## 2. Minutes: Whangarei District Council Wednesday, 28 October 2015

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*Minutes of a meeting of the Whangarei District Council held in the Council Chamber Forum North on Wednesday 28 October 2015 at 10.30am*

**Present:**

Her Worship the Mayor S L Mai (Chairperson)

Crs S J Bell, S J Bretherton, C B Christie, P A Cutforth, S J Deeming, S M Glen, C M Hermon, G C Innes, P R Halse, G M Martin, B L McLachlan, S L Morgan and J D T Williamson (10.58am)

**Apology:**

Cr Williamson (late arrival)

**Moved: Cr Martin**

**Seconded: Cr Cutforth**

“That the apology be sustained.”

**CARRIED**

**In Attendance:**

Chief Executive (R Forlong), Group Manager District Living (P Dell), Group Manager Infrastructure (S Weston), Group Manager Positive Growth (J Thompson), Group Manager Support Services (A Adcock), Financial Controller (R Kerr), Community Funding Manager (O Thomas), Infrastructure Projects and Support Manager (D Kula), Property Manager (M Hibbert), Parks and Recreation Manager (P McDonald), Team Leader – Environmental Health (R Mussle), Team Leader Planning (G Sands), Group Planner (R Rawson), Assistant Accountant (N Wright), Strategic Planning Co-ordinator (S Gavin), Policy and Bylaws Analyst (S Munday), Media Relations Adviser (A Midson), Executive Assistant (J Crocombe) and Senior Meeting Co-ordinator (C Brindle)

*Her Worship the Mayor opened the meeting with a karakia.*

### 1. Public Forum

There were no applications received for public forum.

### 2. Confirmation of Minutes of a Meeting of the Whangarei District Council held on 23 September 2015

**Moved: Cr McLachlan**

**Seconded: Cr Morgan**

“That the minutes of the Whangarei District Council Meeting held on Wednesday 23 September 2015, 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 a Meeting of the 20/20 Inner City Revitalisation Committee held 6 October 2015

**Moved: Cr Halse**

**Seconded: Cr Innes**

- “1. That the open minutes of the 2/20 Inner City Revitalisation Committee Meeting held on Tuesday 6 October, 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**

#### **4. Proposed Access Right of Way Easement over Rauiri Drive Recreation Reserve by Marsden Maritime Holdings Ltd**

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

- “1. That the report be received.
2. That any submissions identified as being received after the close of the submission period (prior to the closure of this meeting) be accepted for consideration by Council.
3. That Council receive all submissions, and those submitters who wish to be heard in support of their submissions be given the opportunity to speak for up to 10 minutes at this meeting.”

**CARRIED**

*Cr Halse requested his vote against be recorded.*

The following submitters addressed the Council:

Emma Miller (representing Marsden Maritime Holdings)

Margaret Hicks.

*Cr Williamson joined the meeting at 10.58am during the submission from Margaret Hicks.*

#### **5. Adoption of the Annual Report**

The Annual Report document was circulated separately but within the legislative timeframes specified in the LGOIMA.

Supplementary Agenda No 2 – additional to Item 5 was distributed separately. The supplementary item outlined minor amendments to the Annual Report and Summary Annual Report.

Procedural matter

**Moved: Cr Deeming**  
**Seconded: Cr Bell**

- “1. That in accordance with NZS 3.7.5 council receive the additional information relating to Item 5 – Adoption of the 2014-2015 Annual Report.
2. That the reason this additional information at this meeting is to ensure Councillors have the most up to date information to inform their decision making.”

**CARRIED**

The recommendations were voted on in parts.

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

#### **Part One**

“1. That the Annual Report and the Summary Annual Report for the year ending 30 June 2015 be approved for signing.”

**CARRIED**

#### **Part Two**

“2. That the Annual Report and Summary Annual Report for the year ending 30 June 2015 be adopted.

3. That Council authorises the Chief Executive to make any minor amendments, typographical / formatting / editing changes that are required.”

**CARRIED**

### **6. Proposed Hundertwasser Museum Agreement to Lease**

**Moved: Cr Cutforth**  
**Seconded: Cr Bell**

“That the lease agreement lie on the table until Council is satisfied that sufficient funding has been secured to proceed with the overall project.”

*Cr Bretherton gave notice of an amendment.*

*Cr Christie gave notice that if the motion was lost he would move a further motion.*

*On the motion being put Cr Halse called for a division:*

*For the motion:*

*Crs Halse, Deeming, Martin, Cutforth, Bretherton and Bell (6)*

*Against the motion:*

*Crs Hermon, Innes, Morgan, McLachlan, Williamson, Christie, Glen and Her Worship the Mayor (8)*

**LOST**

**Moved: Cr Bretherton**  
**Seconded: Cr Bell**

“1. That the information is received.

2. That Council instruct Thomson Wilson Law to make the following changes to The Lease (subject to legal review):

Document:

First Schedule 8. reinstate ‘Subject to Review’  
10. Reinstate “Market rent review dates”

Outgoings, Clause 3 of the Lease.

(5) Delete “but not exceeding 2000.00”

- (7) Reinstate and change “*but excluding charges*” to “*Including Charges for structural repairs to the building (minor repairs to the roof of the building shall not be structural repair)* repairs due to defects in design or construction, inherent defects in the building and renewal or replacement of building services.
- (10) reinstate
- (12) reinstate

Third Schedule 9.1 (ii) Insert “arranged with PNTrust a guarantee, guarantees....”

Procedural motion

**Moved: Cr Deeming**

**Seconded: Cr Martin**

“That this item does lie on the table and not be discussed further at this meeting.”

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

Amendment

**Moved: Cr Christie**

**Seconded: Cr Williamson**

- “1. That the information is received.
- 2. That Council agree to the terms and conditions between the Whangarei Art Museum Trust outlined in the lease document, compiled as a result of the Old Harbour Board Building Referendum 2015.
- 3. That the Chief Executive shall be authorised to finalise all terms and conditions relating to the lease of the property as required to complete the transaction.”

**The amendment was CARRIED**

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

*For the motion:*

*Crs Hermon, Innes, Morgan, McLachlan, Williamson, Christie, Glen and Her Worship the Mayor (8)*

*Against the motion:*

*Crs Cutforth, Bretherton and Bell (3)*

*Abstained:*

*Crs Halse, Deeming and Martin (3)*

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

## 7. Meetings Calendar 2016

Supplementary Agenda No 1 – attachment to Item 7 was distributed separately but within the legislative timeframe specified in the LGOIMA.

**Moved: Cr Hermon**  
**Seconded: Cr Martin**

“That the Planning Committee meeting time be changed from 10.00am to 10.30am and that Council adopt the schedule of meetings for 2016 as set out in Attachment 1 of the report.”

**CARRIED**

*Following Item 7 a break was taken from 12.26pm to 12.43pm.  
Cr Williamson did not rejoin the meeting immediately following the tea break.*

## 8. Adoption of the Provisional Whangarei District Local Alcohol Policy

Her Worship the Mayor made the following statement:

Councillors would like to confirm that they are in a quasi judicial process and further confirm that they restricted their decision making to the submissions received, the technical information supplied through the process and their questioning of submitters.

Councillors have not had regard to any external information that may have been sent to them outside of the formal process.

This item was voted on in parts.

**Moved: Cr Glen**  
**Seconded: Cr Cutforth**

- “1. That Council adopts the Provisional Whangarei District Local Alcohol Policy subject to the following changes to the specific restrictions on the issue of further off licences for bottle stores:
  - (a) That no further new off licences in respect of bottle stores (for previously unlicensed sites) shall be granted for a period of six years from the date of formal implementation of the policy.”

*On the motion being put Cr Glen called for a division:*

*For the motion:*

*Crs Hermon, Halse, Cutforth, Christie, Glen, Bretherton and Bell (7)*

*Against the motion:*

*Crs Morgan, Deeming, Martin, McLachlan, Williamson and Her Worship the Mayor (6)*

**CARRIED**

Council considers that the six year period is more reflective of the concerns raised by submitters on the Local Alcohol Policy and concerns also raised in the Community Survey about harm caused by the proliferation of bottle stores.

“(b) That the maximum opening hours for all off licences be 10.00am to 9.00pm.”

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

*For the motion:*

*Crs Halse, Cutforth, Christie, Glen, Bretherton and Bell (6)*

*Against the motion:*

*Crs Hermon, Morgan, Deeming, Martin, McLachlan, Williamson and Her Worship the Mayor (7)*

**LOST**

“2. That Council give public notice of the Provisional Whangarei District Local Alcohol Policy in accordance with section 80 of the Sale and Supply of Alcohol Act. 2012.”

**CARRIED**

*Cr Innes, precluded from the decision making due to his absence from the proceedings for a significant interval, withdrew from the table taking no part in discussions or voting on Item 8.  
Cr Williamson rejoined the meeting at 12.48pm during discussions on Item 8.  
Cr Cutforth left the meeting at 1.34pm following Item 8.*

## **9. Smokefree 2025 Update**

**Moved: Her Worship the Mayor**

**Seconded: Cr Bretherton**

“1. That the information be received.

2. That Council have staff draft a district-wide Smokefree policy that will include existing smokefree policies and further reinforce Council’s contribution toward a smoke-free Whangarei by 2025.”

### Amendment

**Moved: Cr McLachlan**

**Seconded: Cr Christie**

“That the Policy includes continuing to advocate for a ban on the sale of cigarettes by 2025.”

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

*For the amendment:*

*Crs McLachlan, Christie and Bell (3)*

*Against the amendment:*

*Crs Hermon, Innes, Morgan, Halse, Deeming, Martin, Williamson, Glen and Bretherton and Her Worship the Mayor (10)*

*Absent:*

*Cr Cutforth*

**The amendment was LOST  
The motion was CARRIED**

## 10. Whangarei Aquatic Centre – Redefinition of Land Titles

**Moved: Cr McLachlan**

**Seconded: Cr Glen**

- “1. That this report be received.
2. That, as per Option B and Section 14(2) of the Reserves Act, Council approve public notices of its intention to declare Sections 1 and 6 of SO Plan 482411 as Recreation Reserve, and for Section 5 of SO Plan 482411 to be set aside as Esplanade Reserve.
3. Further to the close of the objection period under Section 14(2) of the Reserves Act, Council staff will present any objections received to Council in order for a resolution to be made as to whether the land is formally gazetted under the Reserves Act.
4. Subject to confirmation of the gazette declaring the area of land to be leased to Sport Northland to be Recreation Reserve, the process to give effect to the lease agreement with Sport Northland will commence. This process will then require public notice of the proposed lease agreement in accordance with Section 54(2) and Section 119 of the Reserves Act 1977.”

*On the motion being put Cr Halse called for a division:*

*For the motion:*

*Crs Hermon, Innes, Morgan, Deeming, Martin, McLachlan, Williamson, Christie, Glen, Bretherton and Her Worship the Mayor (11)*

*Against:*

*Crs Halse and Bell (2)*

*Absent:*

*Cr Cutforth*

**CARRIED**

## 11. Free Parking Review Central City Car Park

**Moved: Cr Hermon**

**Seconded: Cr Williamson**

- “1. That the information is received.
2. That Council approve a six month trial from 1 November 2015 to 30 April 2016 for two hours free parking on the top level of the Central City Car Park.
3. That a summary of the trial data be presented to Council at the May 2016 Council meeting.
4. That the information be considered as part of the CBD wider parking strategy.”

Amendment

**Moved: Cr Halse**

**Seconded: Cr Deeming**

- “1. That the information is received.

2. That Council approve a six month trial from 1 November 2015 to 30 April 2016 for two hours free parking on the top level of the Central City Car Park.
3. That a summary of the trial data be presented to Council at the May 2016 Council meeting.
4. That the information be considered as part of the CBD wider parking strategy.
5. That any of the options listed above can be terminated by Council by way of one months notice.”

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

*For the amendment:*

*Crs Halse, Deeming and McLachlan (3)*

*Against the amendment:*

*Crs Hermon, Innes, Morgan, Martin, Williamson, Christie, Glen, Bretherton, Bell and Her Worship the Mayor (10)*

*Absent:*

*Cr Cutforth*

**The amendment was LOST  
The motion was CARRIED**

## **12. Review of the Food Premises Grading Bylaw 2005**

**Moved: Cr Williamson**

**Seconded: Cr Innes**

- “1. That Council, in considering the issue of the promotion of safe food practices, determine that:
- a) A bylaw is the most appropriate way of addressing the perceived problem.
  - b) The proposed bylaw, as attached to the agenda report, is the most appropriate form of bylaw.
  - c) The proposed bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
2. That pursuant to sections 83 and 87 of the Local Government Act 2002 the Statement of Proposal and proposed draft Food Business Grading Bylaw 2005 (Attachment A) be approved for public consultation.”

**CARRIED**

## **13. Setting of Fees for Functions Under the Food Act 2014**

**Moved: Cr McLachlan**

**Seconded: Cr Glen**

- “1. That Council adopts the Statement of Proposal for the setting of fees under the Food Act 2014 for the period 1 March – 30 June 2016.



2. That Council publicly notify the statement of proposal and progress the proposal in accordance with the special consultative procedure of the Local Government Act 2002.”

**CARRIED**

#### **14. Regional Transport Committee Membership**

**Moved: Cr Deeming**  
**Seconded: Cr Williamson**

- “1. That the information be received.
2. That Councillor P R Halse be nominated as Council’s Alternate member to the Northland Regional Transport Committee.
3. That the Chief executive inform Northland Regional Council of Council’s nominee and that Whangarei District Council’s list of Outside Organisation Elected member appointments be updated once the appointment has been ratified by the Regional Council.”

**CARRIED**

#### **Exclusion of the public**

**Moved: Cr Hermon**  
**Seconded: Cr Martin**

“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:

<b>General subject of each matter to be considered</b>		<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for passing this resolution</b>
C.2	Confidential Minutes of the Extra ordinary Whangarei district Council meeting held 30 September 2015	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C.3	Confidential Minutes of the 20/20 Inner City Revitalisation Committee meeting held 6 October 2015		

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:

<b>Item</b>	<b>Grounds</b>	<b>Section</b>
C.2	To enable the Council to carry on without prejudice or disadvantage negotiations	Section 7(2)(i).
C.3	For the reasons as stated in the open minutes.”	

**CARRIED**

**The meeting closed at 2.17pm**

Confirmed this 25<sup>th</sup> day of November 2015

S L Mai (Chairperson)