

2. Minutes: Whangarei District Council Wednesday, 16 December 2015

Minutes of a meeting of the Whangarei District Council held in the Council Chamber Forum North on Wednesday 16 December 2015 at 10.30am and Thursday 17 December at 9.00am

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

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), Governance Manager (J Marris), Roading Manager (J Devine), Infrastructure Projects and Support Manager (D Kula), Maori Relationship Manager (S Tipene), Parks and Recreation Manager (P McDonald), Property Manager (M Hibbert), Team Leader Planning (G Sands), Policy and Bylaws Analyst (S Munday), Community Safety Officer D Palmer, Media Relations Adviser (A Midson), Executive Assistant (J Crocombe) and Senior Meeting Co-ordinator (C Brindle)

Cr Glen opened the meeting with a karakia/prayer.

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 25 November 2015

Moved: Cr McLachlan

Seconded: Cr Morgan

“That the minutes of the Whangarei District Council Meeting held on Wednesday 25 November 2015, 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 4 was taken after Item 2.

3. Citation

Her Worship, on behalf of the council, acknowledged Mr Witute's bravery by presenting Mr Witute with a Citation.

4. Decision-making over the 2015/16 Christmas Recess period

Moved: Cr Deeming
Seconded: Cr Morgan

“That the Council:

1. delegate to any two of either the Mayor or Deputy Mayor, and the Chairperson of either the Infrastructure, Planning or Finance Committees, the power to make urgent decisions on behalf of the Council or its committees between the last scheduled Council meeting in December 2015 and the first meeting of Council or other relevant Committees in 2016;
2. agree that if a matter of major significance arises during the 2015/2016 Christmas recess period, an extraordinary meeting of the Council will be called;
3. approve an increase of the Chief Executive’s financial authority to \$4,000,000 (excluding GST) for business as usual, and to \$5,500,000 (excluding GST) specifically for the purpose of the Mill/Nixon project, for the period between the last scheduled Council meeting in December 2015 and the first meeting of Council or other relevant Committees in 2016;
4. note that if the urgent decision-making process or the Chief Executive’s increased delegation is exercised, the instances will be reported to the first Council or relevant Committee meeting, in 2016.”

CARRIED

Item 3 was taken after Item 4.

5. Review of the Fire Prevention Bylaw 2005

Moved: Cr Bretherton
Seconded: Cr Deeming

- “1. That Council, after undertaking a review in accordance with the requirements of Section 159 of the Local Government Act 2002, amends the Fire Prevention Bylaw 2005 and renames it as the Fires in the Open Bylaw 2015.
2. That the Fires in the Open Bylaw 2015 shall come into force on 17 December 2015.”

CARRIED

6. Food Fees submission received

Moved: Cr Morgan
Seconded: Cr Cutforth

“That Council receive the submission.”

CARRIED

7. Food Premises Grading Bylaw review

Moved: Cr McLachlan
Seconded: Cr Martin

“That Council, after undertaking a review in accordance with the requirements of Section 159 of the Local Government Act 2002, amends the Food Premises Grading Bylaw 2005 and renames it the Food Businesses Grading Bylaw 2015.”

CARRIED

8. Ruakaka North – alternative vehicular beach access

Moved: Cr Halse
Seconded: Cr Deeming

- “1. That Whangarei District Council approve the location of a new vehicle access way to Ruakaka North Beach at Rama Road (Option 3B) for a six month trial period.
2. That Whangarei District Council notes that staff will work in conjunction with the Department of Conservation and Northland Regional Council to complete the design work for the access track and obtain all associated consents and permits prior to beginning construction of the access track.”

CARRIED

9. Shop Trading Amendment Bill Submission

Moved: Cr McLachlan
Seconded: Cr Williamson

- “1. That Whangarei District Council supports the submission of Local Government New Zealand to the Shop Trading Amendment Bill expressing its support for Territorial Authorities to be able to regulate trading on Easter Sundays through a bylaw.
2. That Whangarei District Council makes a submission on the Shop Trading Amendment Bill by expressing its support for the submission of Local Government New Zealand.
3. That under delegated authority the Chair of Planning plus two other Councillors will finalise the submission with staff.”

CARRIED

10. Proposed Cafe at Northland Rugby Union Clubrooms - William Fraser Memorial Park on Pohe Island

Moved: Cr Hermon
Seconded: Cr Morgan

- “1. That this report ‘Proposed Cafe at Northland Rugby Union Clubrooms- William Fraser Memorial Park on Pohe Island’ be received.
2. That Council consider the feedback received on the establishment of commercial activities at William Fraser Memorial Park, including those specifically relating to the NRU Proposal.

3. That further to consideration of public feedback and the objectives and policies relating to the establishment of a cafe set out under the William Fraser Memorial Park on Pohe Island Reserve Management Plan 2013, Council resolve that the NRU cafe proposal is consistent with the provisions of the Reserve Management Plan, and provide approval in principle to the proposal (subject to the NRU satisfying all other requirements, including building and resource consents).”

CARRIED

Cr Halse with drew from the table taking no part in discussions or voting on Item 10.

11. Northland | Forward Together – A Northland Strategic Collaboration

Moved: Cr Innes

Seconded: Her Worship the Mayor

“That the Council:

1. receive the report from the reporting officer, Jill McPherson “Northland Forward Together – a strategic collaboration.”
2. adopt ‘Northland | Forward Together – a strategic collaboration’, as the shared strategic plan for Northland local government, guiding the collaboration and shared services programme.
3. approve the signing of the documents by Her Worship the Mayor to represent this strategic collaboration (subject to any minor amendments by Her Worship the Mayor and the Chief Executive).
4. Note that no changes to current governance arrangements are required or proposed to implement this strategic collaboration and progress will be reported to each Council.
5. Note the programme is being managed by the Chief Executive Officer Forum and support their Chief Executive to assign staff time to the collaboration and shared service programme where resources allow.”

CARRIED

12. Roading Shared Services

Moved: Cr Martin

Seconded: Cr McLachlan

- “1. That the information be received.
2. That the ‘prerequisites’ for a Shared Services Business Unit as detailed in section 4.2 of the agenda report be adopted.
3. That the Shared Services Business Unit with Scope and Service Solutions as outlined within the agenda report be supported in principle.
4. That a ‘Business Case’ be fully developed with the other three councils and NZ Transport Agency for the Shared Services Business Unit, and this be reported to Council for a decision in the New Year.
5. Should Council choose to adopt the Business Case a Shared Services Business Unit could commence on 1 July 2016.”

CARRIED

Cr Hermon left the meeting from 11.15am to 11.17am during discussions on Item 12.

13. Local Government Commission Waters Project

Moved: Cr McLachlan

Seconded: Cr Williamson

- “1. That Council receive the report.
2. That Council agree to support the Local Government Commission’s initial research into the state of three/four waters in Northland.
3. That Council advise the Local Government Commission that this support extends to the research only and Council will reassess the situation once the research is complete.”

CARRIED

Cr Christie requested his vote against be recorded.

14. Maori Advisory Role on the Planning Committee

Moved: Her Worship the Mayor

Seconded: Cr Morgan

- “1. That the report and the request from Te Huinga are received.
2. That Council confirms the appointment of a Māori Advisory role to the Planning Committee for the balance of the 2013-2016 term, with speaking rights but without voting rights.
3. That Council support the position being remunerated as per the report, with expenditure to be met from existing budgets.
4. That Council authorise the amendment of the Planning Committee’s Terms of Reference to include the Māori Advisory role in its membership for the balance of the 2013-2016 term.”

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

For the motion:

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

Against the motion:

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

**The motion was CARRIED
On the casting vote of Her Worship the Mayor**

Cr Cutforth left the meeting from 12.17pm to 12.18pm during discussions on Item 14.

15. Revocation of Kea Place Accessway Reserve

Moved: Cr McLachlan
Seconded: Cr Glen

1. That Council resolves under Section 24(b) of the Reserves Act to revoke the reserve status on Lot 17 DP76601 (accessway reserve) as it does not fulfil its purpose as an accessway reserve and is to be disposed of to the adjoining owner.
2. That Council agrees to the sale of the land at the cost value of the process, including property services, staff time and legal costs.”

CARRIED

A lunch break was taken from 12.53pm to 1.30pm following Item 15.

16 Update Hundertwasser Project and request for permission to construct artwork

Moved: Cr Bell
Seconded: Cr Bretherton

“That Council:

1. receives the report.
2. declines the request from the Whangarei Art Museum Trust to construct Te Kakano (a piece of artwork/sculpture) at the Town Basin until such time as the full project formally commences.”

Amendment

Moved: Cr Christie
Seconded: Cr Williamson

That Council:

1. receives the report.
2. agrees to a license to occupy being issued to permit the Whangarei Art Museum Trust to construct Te Kakano (a piece of artwork/sculpture) at the Town Basin, subject to their obtaining the necessary consents and that all maintenance, insurance and security be paid for by the Whangarei Art Museum Trust.
3. that in the event the Hundertwasser Art Centre does not proceed Te Kakano be gifted to the community.”

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

For the amendment:

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

Against the amendment:

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

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

Crs Bell, Bretherton, Cutforth and Martin requested their votes against be recorded.

17 Proposed Right of Way Easement over Rauiri Drive Recreation Reserve by Marsden Maritime Holdings Ltd construct artwork

Moved: Cr Halse

Seconded: Cr McLachlan

- “1. That this report ‘Proposed Access Right of Way Easement over Rauiri Drive Recreation Reserve by Marsden Maritime Holdings Ltd.’ Be received.
2. That the Council give consideration to every objection or submission received on the proposal, in accordance with Section 120 of the Reserves Act 1977.
3. That pursuant to Section 48(2) of the Reserves Act, the submission of Ms Hicks to decline the easement be not accepted, and the submissions of R Backhouse, B Biggs and Steve Martin Martinovich to grant the easement (subject to conditions) be accepted.
4. That Council resolve to grant the proposed non exclusive Right of Way Easement over the Recreation Reserve located at Rauiri Drive, One Tree Point, legally identified as Lot 803 DP 376145, (CFR 306261) in favour of the property to the south legally described as Lot 2 DP349540 (CFR 203042) in order to facilitate access for hull transporters (generating up to 40 movements per week) to a boat maintenance facility to be developed on Lot 2 DP 349540.
6. That (subject to legal advice) the terms of the easement be restricted to the conditions recommended within pages 2-3 of Attachment 7 in order to recognise and provide for the ongoing protection and general well-being of the reserve and for the protection of the public using it.”

CARRIED

Crs Bell and Cutforth requested their votes against be recorded.

Procedural motion

Moved: Her Worship the Mayor

Seconded: Cr Glen

“That the meeting be adjourned and be reconvened at 9.00am on Thursday 17 December in the Council Chambers.”

CARRIED

THE MEETING ADJOURNED AT 2.28PM ON WEDNESDAY 16 DECEMBER 2015 TO BE RECONVENED IN THE COUNCIL CHAMBERS AT 9.00AM ON THURSDAY 17 DECEMBER 2015.

Minutes of the reconvened meeting of the Whangarei District Council held in the Council Chamber Forum North on Thursday 17 December at 9.00am

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

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), Governance Manager (J Marris), Property Manager (M Hibbert), Roading Manager (J Devine), Executive Assistant (J Crocombe) and Senior Meeting Co-ordinator (C Brindle)

Exclusion of the public

Moved: Cr Innes
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:

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	Recommendations from the 20/20 Inner City Revitalisation Committee	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C.2	Appointment of Trustee		
C.3	Land Exchange		
C.4	Lease Agreement		
C.5	Property matter		

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	To enable the Committee to carry on without prejudice or disadvantage negotiations	Section 7(2)(i)

C.2	To protect the privacy of natural persons	Section 7(2)(a)
C.3 C.4 C.5	To enable the Committee to carry on without prejudice or disadvantage negotiations	Section 7(2)(i).”

CARRIED

The meeting closed at 10.52am

Confirmed this 24th day of February 2016

S L Mai (Chairperson)