

# Minutes: Whangarei District Council

## Thursday 29 June 2017

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*Minutes of a meeting of the Whangarei District Council held in the Council Chamber Forum North on Thursday 29 June 2017 at 10.30am*

**Present:**

Her Worship the Mayor S L Mai (Chairperson)

Crs Stu Bell, Vince Cocurullo, Crichton Christie, Tricia Cutforth, Shelley Deeming, Sue Glen, Jayne Golightly, Phil Halse, Cherry Hermon, Greg Innes, Greg Martin, Sharon Morgan and Anna Murphy

**Also present:**

David Moon (Waipu Museum Trust)

**In Attendance:**

Chief Executive (Rob Forlong), General Manager Community (Sandra Boardman), General Manager Finance and Corporate (Alan Adcock), General Manager Infrastructure (Simon Weston), General Manager Planning and Development (Alison Geddes), General Manager Strategy and Democracy (Jill McPherson), Financial Controller (Rick Kerr), Council Solicitor (Graeme Mathias), Legal Counsel (Kathryn Candy), Legal Counsel (Contractor) (Julian Dawson), Building Compliance Manager (Paul Cook), Community Services Manager (Owen Thomas), Finance Manager (Debbie Muckle), Parks Manager (Paul McDonald), Property Manager (Mike Hibbert), Waste and Drainage Manager (Andrew Carvell), Team Leader Compliance (Kevin Crocombe), Policy and Bylaws Analyst (Shireen Munday), Financial Accountants (Delyse Henwood, Bronwyn Jeeves, Nicole Butturini and Nathan Wright), Media Relations Adviser (Ann Midson), Executive Assistant (Judi Crocombe) and Senior Meeting Co-ordinator (C Brindle)

*Cr Cocurullo opened the meeting with a prayer/karakia.*

*Council acknowledged the passing of Frank Wilson, former Borough Councillor and General Manager Whangarei City Council.*

**1. Public Forum**

David Moon (Waipu Museum) – Long Term Plan Waipu Museum.

**2. Confirmation of minutes of a Meeting of the Whangarei District Council held on 25 May 2017**

**Moved: Cr Innes**

**Seconded: Cr Cutforth**

“That the minutes of the Whangarei District Council Meeting held on Thursday 25 May 2017, 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. 2017-18 Fees and Charges

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

“That Council;

- a) Adopts the fees and charges included within the 2017 – 18 Statement of Proposal.”

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

*For the motion:*

*Crs Christie, Deeming, Hermon, Martin, Cutforth, Innes, Murphy, Morgan and Her Worship the Mayor (9)*

*Against the motion:*

*Crs Bell, Cocurullo, Golightly, Halse and Glen (5)*

**CARRIED**

### 4. 2017-2018 Annual Plan Adoption

**Moved: Cr Bell**  
**Seconded: Cr Halse**

“That Whangarei District Council;

- a) adopts the 2017-2018 Annual Plan in accordance with Section 95 of the Local Government Act (2002).
- b) authorise the Chief Executive to amend the UAGC and rates in the dollar to reflect what is stated for Year 3 in the 2015-2025 Long Term Plan.
- c) authorise the Chief Executive to make any necessary minor drafting, typographical or presentation corrections to the 2017- 2018 Annual Plan prior to circulation.”

Amendment

**Moved: Cr Martin**  
**Seconded: Cr Innes**

“That Whangarei District Council;

- a) adopts the 2017-2018 Annual Plan in accordance with Section 95 of the Local Government Act (2002).
- b) authorise the Chief Executive to make any necessary minor drafting, typographical or presentation corrections to the 2017- 2018 Annual Plan prior to circulation.”

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

*For the amendment:*

*Crs Christie, Deeming, Hermon, Martin, Innes, Murphy, Morgan and Her Worship the Mayor (8)*

Against the amendment:  
 Crs Bell, Cocurullo, Golightly, Halse, Glen and Cutforth (6)

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

*Crs Bell and Cocurullo requested their votes against be recorded.*

## 5. Rates Resolution 2017-2018

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

“That Council:

Having adopted the 2017-2018 Annual Plan, including the 2017-2018 Funding Impact Statement, sets the following rates and charges in accordance with the Local Government (Rating) Act 2002 for the financial year 1 July 2017 to 30 June 2018:

### General Rates

Rate	Basis of assessment	Including GST
<b>General Rates</b>	Basis of Assessment – Sec 13, 14, 15 & Schedule 2	
Uniform Annual General Charge	Per separately used or inhabited part of a rating unit	\$440.50
Residential category	Per \$ of land value	\$0.0033396
Residential Step 1	Per \$ of land value	\$0.0016698
Residential Step 2	Per \$ of land value	\$0.0008349
Multi – Unit category	Per \$ of land value	\$0.0066793
Rural category	Per \$ of land value	\$0.0029774
Commercial/Industrial category	Per \$ of land value	\$0.0212801
Miscellaneous category	Per \$ of land value	\$0.0033396

### Targeted Rates

Rate	Basis of assessment	Including GST
<b>District Wide Refuse Management Rate</b>	Basis of Assessment – Sec 16, 17,18, 19 & Schedule 2 & 3	
District Wide Refuse Management Rate (All rateable properties)	Per separately used or inhabited part of a rating unit	\$174.50
<b>Sewerage Rates</b> (Connected to wastewater system)		
Residential	Per separately used or inhabited part of a rating unit	\$683.00

Other – non-residential up to two pans	Per separately used or inhabited part of a rating unit	\$683.00
Other – non-residential three or more pans	Per pan or urinal	\$445.00
<b>Water Rates</b>		
Consumption charge <i>Note: where an invoice for water by meter relates to a period that spans two financial years, the consumption over the period will be pro-rated (i.e. the amount of water consumed or supplied in the first year will be charged at the first year's amount per cubic metre, and the amount consumed or supplied in the second financial year will be charged at the second year's amount per cubic metre).</i>	Volume of metered water consumed per cubic metre	\$2.26
Annual supply charge (metered)	Provision of service per separately used or inhabited part of a rating unit	\$34.50
Annual availability charge	Availability of service per separately used or inhabited part of a rating unit	\$34.50
Annual Uniform charge (unmetered)	Provision of service per separately used or inhabited part of a rating unit	\$474.00
Backflow preventer charge	Provision of service per connection based on the nature of connection	
	15/20mm connection	\$78.62
	25mm connection	\$79.69
	32mm connection	\$94.27
	40mm connection	\$96.47
	50mm connection	\$100.09
	80/100mm connection	\$252.09
	150mm connection	\$295.11
200mm connection	\$488.77	
<b>Roading Scheme</b>		
	Basis of Assessment – Sec 16, 17, 18 & Schedule 2 & 3	
Whangaruru North Road Seal Extension (Year 3 of 5)	Per rating unit in a specified and defined area of benefit (see funding impact statement)	\$575.00
McKinley Road Seal Extension (Year 3 of 5)	Per rating unit in a specified and defined area of benefit (see funding impact statement).	\$575.00

<b>Hikurangi Swamp</b>		
Hikurangi Swamp Major Scheme Rating District	Per hectare of land in the Hikurangi Swamp Special Rating area	
	Class A approx 2,937ha	\$174.15
	Class B approx 1,446ha	\$156.41
	Class C approx 1,476ha	\$121.92
	Class D approx 1,900ha	\$17.45
	Class E approx 950ha	\$8.78
	Class F approx 32,365ha	\$3.51
Hikurangi Swamp Drainage Rating District	Per hectare of land in the Hikurangi Swamp Drainage Rating District	
	Class A approx 5,051ha	\$20.15
	Class F approx 12,098ha	\$2.02

2. Approves the due dates, discount allowed and penalties as set out as follows:

#### **Discount for full payment of annual rates**

Council agrees to apply a policy for early payment of rates under Section 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 21 August 2017 a discount of three percent (3%) will apply.

#### **Penalty dates for rates paid in instalments**

Penalties added to unpaid rates are exempt from GST.

#### **Due dates and penalty dates for land rates**

Council agrees the following due dates and to add penalties to rates not paid by the due date under Section 57 of the Local Government (Rating) Act 2002. A penalty of ten percent (10%) will be added to the amount of each instalment which remains unpaid after the due date for payment, in accordance with the table below:

<b>Instalment</b>	<b>Due Date</b>	<b>Date penalty applied</b>
One	21 August 2017	24 August 2017
Two	20 November 2017	23 November 2017
Three	20 February 2018	23 February 2018
Four	21 May 2018	24 May 2018

#### **Due dates and penalty dates for water rates**

Water accounts are processed monthly, two-monthly or six-monthly. Council agrees that the due dates of these accounts will be relative to the consumer's cyclic billing period and will show on the water rates invoice in accordance with the following table:

<b>Month water rates invoice issued</b>	<b>Due date for payment</b>
July	21 August 2017
August	20 September 2017
September	20 October 2017
October	20 November 2017
November	20 December 2017
December	22 January 2018
January	20 February 2018
February	20 March 2018
March	20 April 2018
April	21 May 2018
May	20 June 2018
June	20 July 2018

A penalty of ten percent (10%) will be applied to amounts of water rates unpaid after the due date, in accordance with the following table:

<b>Month water rates invoice issued</b>	<b>Date penalty will be added</b>
July	24 August 2017
August	25 September 2017
September	23 October 2017
October	23 November 2017
November	8 January 2018
December	25 January 2018
January	23 February 2018
February	23 March 2018
March	23 April 2018
April	24 May 2018
May	25 June 2018
June	23 July 2018

### **Additional penalty charges**

#### **Additional penalty on arrears for land and water rates**

In accordance with section 58 of the Local Government (Rating) Act 2002 Council agrees that a penalty of ten percent (10%) will be added to any unpaid rates (including penalties previously added and water rates) from the previous rating years that remain unpaid as at 6 July 2017. This penalty will be added on 4 September 2017."

**CARRIED**

*Crs Bell and Cocurullo requested their votes against be recorded.*

## 6. 2017 LGNZ Annual General Meeting Remits

### 1. Litter Act 1979

**Moved: Cr Deeming**  
**Seconded: Cr Murphy**

“That Council support the remit that recommends LGNZ advocates to central Government to amend the Litter Act 1979 to enable local authorities to legally issue infringement notices where there is evidence of an offence.”

**CARRIED**

### 2. 15% Goods and Services Tax

**Moved: Cr Innes**  
**Seconded: Cr Cutforth**

“That Council support the remit that recommends Local Government New Zealand request that the Government use the appropriate mechanisms to enable a proportion of the 15% Goods and Services Tax (GST) be returned to the regions it was generated in so that Councils can use this money to pay for the servicing of visitor infrastructure.”

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

*For the motion:*

*Crs Bell, Deeming, Hermon, Golightly, Glen, Cutforth, Innes, Murphy, Morgan and Her Worship the Mayor (10)*

*Against the motion:*

*Crs Christie, Cocurullo, Halse and Martin (4)*

**CARRIED**

### 3. National Legislation to Manage Cats

**Moved: Cr Murphy**  
**Seconded: Cr Bell**

“That Council support the remit that recommends that Local Government New Zealand lobby the Government to take legislative action as a matter of urgency to develop national legislation to manage cats with the proviso that legislation includes provision for cost recovery for cat management.”

**LOST**

### 4. Development of a Sugar Sweetened Beverages Policy

**Moved: Cr Christie**  
**Seconded: Cr Deeming**

“That Council do not support the remit that recommends that all councils should consider the development of a Sugar Sweetened Beverages Policy for their respective workplaces and facilities.”

Procedural motion

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

“That the motion now be put.”

**The procedural motion was CARRIED  
The motion was CARRIED**

## **7. Appointment to the Positive Ageing and Disability Advisory Groups**

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

“That Whangarei District Council;

- a) notes Councillor Golightly’s resignation to conflicting commitments from both the Positive Ageing Advisory Group and the Disability Advisory Group.
- b) appoints Councillor Hermon to the Positive Ageing Advisory and the Disability Advisory Group.”

**CARRIED**

## **8. Adoption of Statement of Proposal for proposed Camping in Public Places Bylaw and associated bylaw amendments**

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

“That Council:

1. approves that, in accordance with section 11(2) of the Freedom Camping Act 2011, the proposed Camping in Public Places Bylaw is necessary for the purposes outlined in this report, is the most appropriate and proportionate way of addressing the perceived problem and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
2. adopts the Statement of Proposal (Attachment 1) and Summary of Information (Attachment 2) for public consultation using the special consultative procedure in accordance with section 11 of the Freedom Camping Act 2011.
3. approves the proposed amendments to the Public Places Bylaw 2014 and the Parking and Traffic Bylaw 2009 to be included in the Statement of Proposal (Attachment 2) for public consultation in accordance with the requirements of section 82 of the Local Government Act 2002.
4. authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the Statement of Proposal and Summary of Information and to approve the final design and layout of the documents prior to final printing and publication.
5. notes the addition of a ‘Have Your Say’ event to the consultation programme.

**CARRIED**

*Secretarial Note: corrections as follows:*

*Refer Attachment 1:*

*Agenda page 72 & 83:*

*~~Whaungaumu~~ amend to Whaungaumu Reserve*

*Agenda page 83:*

*Amendment to Table – Schedule 3B – Camping in self-contained and non-self contained vehicles and tents permitted – delete reference to Marsden Point Wharf (line 3)*



*Item 9 was taken after Item 14.*

## **9. Reassessment of Annual Operating grant for Creative Northland**

**Moved: Cr Innes**  
**Seconded: Cr Hermon**

“That Whangarei District Council;

- a) grants \$193,570 to Creative Northland, from the Annual Operating Fund for 2017-2018 subject to the implementation of the attached Service Level Agreement with Key Performance Indicators.
- b) approves the figure of \$193,570 as an indicative amount to Creative Northland, for considering a possible application to the Annual Operating Fund for the 2018-2019 year, subject to all deliverables being achieved in the 2017-2018 year.

### Amendment

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

“That Whangarei District Council;

- a) grants \$100,000 to Creative Northland, from the Annual Operating Fund for 2017-2018 subject to the implementation of the attached Service Level Agreement with Key Performance Indicators.
- b) encourages Creative Northland to make a case for the funding they require to the 2018-2025 Long Term Plan.”

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

*Crs Cutforth and Bell requested their votes against the motion be recorded.*

## **10. Parks Maintenance Contract CON17001**

**Moved: Cr Martin**  
**Seconded: Cr Golightly**

“That Whangarei District Council;

- a) awards the contract for Parks Maintenance CON17001 to Recreational Services Limited, from 1 August 2017 to 30 July 2020, for the expected three-years cost of \$6,153,372.00 (excluding GST).
- b) approves the contract be for the term of three years with the option of renewal of two years (3+1+1).
- c) authorises the Chief Executive to negotiate and conclude the contract with Recreational Services.

**CARRIED**

*Item 12 was taken after Item 10.*

## 11. Waste Management and Minimisation Plan

**Moved: Cr Murphy**  
**Seconded: Cr Golightly**

“That Whangarei District Council;

- a) approves the Statement of Proposal and the draft Waste Management and Minimisation Plan for public consultation.
- b) approves the Plan be made available for public review between 1 July and 5 August 2017.
- c) hear submissions on the Waste Management and Minimisation Plan.
- d) Approves the addition of a Have Your Say Event.”

### Amendment

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

“That Whangarei District Council;

- a) approves the Statement of Proposal and the draft Waste Management and Minimisation Plan for public consultation.
- b) approves the Plan be made available for public review between 1 July and 5 August 2017.
- c) hear submissions on the Waste Management and Minimisation Plan.”

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

*Item 13 was taken after Item 11.*  
*Item 12 was taken after Item 10.*

## 12. Property Acquisition – Tikipunga Children’s Park

**Moved: Cr Cutforth**  
**Seconded: Cr Christie**

“That Whangarei District Council;

- a) authorises the purchase of the land at the corner of Corks and Vinegar Hill Road for the Tikipunga Children’s Park.
- b) authorise the Chief Executive to finalise the sale and purchase agreement.

**CARRIED**

*Council acknowledged the contribution and service to the organisation and community made by retiring Parks Manager Paul McDonald.*

*Item 13 was taken after Item 11.*

### 13. Whangarei Art Museum – funding applications data

**Moved: Cr Bell**  
**Seconded: Cr Hermon**

“That Whangarei District council’

- a) notes the report of funding applications made by Whangarei Art Museum since 1 July 2015.”

**CARRIED**

*Declaration of interest: Cr Morgan Council appointee to the WAMT.*

*Item 14 was taken immediately following the lunch break.*

### 14. Whangarei Art Museum – Amendments to Trust Deed

**Moved: Cr Christie**  
**Seconded: Cr Innes**

“That Council approves the amendments to the Whangarei Art Museum Trust Deed as shown in the draft Trust Deed attached to the agenda report.”

Amendment

**Moved: Cr Martin**  
**Seconded: Cr Deeming**

“That Council authorise the Chief Executive to make minor changes to the Trust Deed and report back to Council.”

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

*Declaration of interest: Cr Morgan Council appointee to the WAMT.*

*Item 9 was taken after Item 14.*

*Item 15 was taken after Item 8.*

### 15. Hundertwasser Wairau Maori Arts Centre Next Steps

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

“That Whangarei District Council;

- a) receive the report and note its contents.”

**CARRIED**

*Declaration of interest: Cr Morgan Council appointee to the WAMT.*

*The meeting adjourned for a lunch break from 12.34pm to 1.00pm.*

*Item 10 was taken immediately following the lunch break.*

*The open meeting concluded after Item 13.*

## Exclusion of the public

**Moved: Cr Innes**  
**Seconded: Cr Glen**

“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 Extra ordinary Whangarei District Council meeting 14 June 2017	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 Extra ordinary Whangarei District Council meeting 18 May 2017		
C.3	Civic Honours – Confidential Minutes & Approval of Award Recipients		
C.4	Prosecution		
C.5	Confidential Minutes Whangarei District Council meeting 25 May 2017		

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 Council to carry on without prejudice or disadvantage negotiations	Section 7(2)(i)
C.2	To enable the Council to carry on without prejudice or disadvantage negotiations	Section 7(2)(i)
C.3	To protect the privacy of natural persons	Section 7(2)(a)
C.4	To protect the privacy of natural persons	Section 7(2)(a)
C.5	For the reasons as stated in the open minutes.”	

**CARRIED**

**The meeting closed at 3.07pm**

Confirmed this 27<sup>th</sup> day of July 2017

Her Worship the Mayor Sheryl Mai (Chairperson)