

Whangarei District Council Meeting

Agenda

Date: Wednesday, 24 April, 2019

Time: 10:30 am

Location: Council Chamber
Forum North, Rust Avenue
Whangarei

Elected Members: Her Worship the Mayor Sheryl Mai
(Chairperson)
Cr Gavin Benney
Cr Crichton Christie
Cr Vince Cocurullo
Cr Tricia Cutforth
Cr Shelley Deeming
Cr Sue Glen
Cr Phil Halse
Cr Cherry Hermon
Cr Greg Innes
Cr Greg Martin
Cr Sharon Morgan
Cr Anna Murphy

For any queries regarding this meeting please contact
the Whangarei District Council on (09) 430-4200.

1. Karakia/Prayer	
2. Declarations of Interest	
3. Apologies	
4. Public Forum	2
5. Confirmation of Minutes of Previous Meeting of the Whangarei District Council	
5.1 Minutes Whangarei District Council Meeting 28 March 2019	6
6. Decision Reports	
6.1 Extraordinary Vacancy	18
6.2 Statement of Proposal - Class 4 Gambling Venue Policy	20
6.3 Lease to Te Pouwhenua o Taikiriri Kukupa Trust	40
6.4 Request for Easement over Grove Lane Local Purpose Reserve	44
6.5 Recommendations from the Community Funding Committee 10 April	54
7. Information Reports	
7.1 Capital Projects and Carry Forwards Report at March 2019	74
8. Public Excluded Business	
8.1 Confidential Minutes Whangarei District Council 28 March 2019	
8.2 Tutukaka Marina - commercial boat levies	
8.3 Development Representation	
8.4 Solid Waste Contract Kerbside Recycling Service	

8.5 NRU – Old Boys Marist Development – William Fraser on
Pohe Island Memorial Park

9. Closure of Meeting

4 Public Forum

Meeting: Whangarei District Council
Date of meeting: 24 April 2019
Reporting officer: C Brindle (Senior Democracy Adviser)

1 Purpose

To afford members of the community an opportunity to speak to Council and to report on matters raised at previous public forums where appropriate.

2 Summary

Public Forum

Standing Orders allow for a period of up to 30 minutes to be set aside for a public forum at the commencement of each monthly council meeting.

The time allowed for each speaker is 5 minutes.

Members of the public who wish to participate should send a written application setting out the subject matter and the names of the speakers to the Chief Executive at least 2 working days before the day of the meeting.

Speakers:

Time	Speaker	Topic
10.30am	Andrew Garratt (Prosper Northland Trust)	Visitor Experience Working Group
10.35am	Jereon Jongejans	Visitor Experience Working Group
10.40am	Rod Parkinson	Visitor Experience Working Group

Report on actions taken or comment on matters raised

Where practicable actions taken on matters raised by previous speakers are reported back to public forum.

Speaker	Subject
Dr Lisa Dawson	Puriri Park – introduction to presentation
Fiona Halliwell	Puriri Park – effects of losing green space
Nicci Webb	Puriri Park – town planning
Kerry Grundy	Puriri Park – strategic planning, notification and delegations in relation to Puriri Park development

Report

Council thanks the submitters on Puriri Park for their well considered statements on the proposed development of Puriri Park.

Puriri Park is owned by Housing New Zealand. Any development for Puriri Park would need to come through Council's standard Resource Consent Process. No Resource Consent has been lodged and until something is lodged and assessed, the category of activity and how it will be processed is unknown. The decision on whether an application will be publicly notified will be based on the requirements of the legislation and is a technical planning matter.

In regard to Council's Delegation Policy, Graeme Mathias, Legal Counsel, has cautioned council against revoking the delegation for staff to consider whether or not to public notify a Resource Consent; his advice is that this would be considered clear indication of predetermination.'

Brian May

Various

Report

Puriri Park

Mr May congratulated the Maunu community for their efforts in bringing the Puriri Park issue to council's attention.

Access to local authority information

In reference to the Deputy Mayor's statement, at the Extra-ordinary Council meeting on 28 February "that Whangarei District Council would be one of the most open and transparent". Those people who are currently in litigation with council or who have had to request information under the OIA, including Councillors, and had it withheld, may disagree with the Deputy Mayor's statement.

Response

Council cannot comment on matters under litigation. Requests for information are governed by the Local Government Official Information and Meetings Act 1987. Council aims to be transparent and accountable in its decision-making and endeavours to be as open as possible when providing responses to requests. Requestors not satisfied with our response are able to have our decisions reviewed by the Office of the Ombudsman (LGOIMA requests).

Public Forum response

Why has the name of the report in the public forum response, page 3, of the 28 March agenda, been deleted, is this due to incorrect minuting?

Response

The report is confidential. The reasons why it cannot be released to the public under the Local Government Official Information and Meetings Act 1987, have been formally advised to Mr May.

Livestreaming Council meetings

Why doesn't Council live stream the meetings?

Response

The ability to webcast public meetings was approved by Council and is included in Council's Standing Orders. The installation of audio-visual equipment in the Council Chambers has been considered but budget has not been allocated towards upgrading the Council Chambers due to the planned new Civic Centre.

Item 5.1**Whangarei District Council Meeting Minutes**

Date: Thursday, 28 March, 2019
Time: 10:30 a.m.
Location: Council Chamber
 Forum North, Rust Avenue
 Whangarei

In Attendance	Her Worship the Mayor Sheryl Mai (Chairperson) Cr Stu Bell Cr Gavin Benney Cr Crichton Christie Cr Vince Cocurullo Cr Tricia Cutforth Cr Shelley Deeming Cr Sue Glen Cr Phil Halse Cr Cherry Hermon Cr Greg Innes Cr Greg Martin Cr Sharon Morgan Cr Anna Murphy
Also present	Graeme Mathias (Legal Counsel)
Scribe	C Brindle (Senior Democracy Adviser)

Acknowledgement

The meeting observed a minute of silence to acknowledge those who lost their lives in the Christchurch tragedy.

1. Karakia/Prayer

Cr Sue Glen opened the meeting with a karakia/prayer.

Administrative matters

Her Worship covered the following administrative matters:

- Emergency evacuation procedures
- Broadcasting/recording of meeting
- Order of items – Item 6.7 Notice of Motion, to be taken after public forum.

2. Declarations of Interest

Item 6.1 Board Venue Policy Review

Item 6.5 Disposal of land at Ruakaka Town Centre

Item 6.6 Temporary road closure Fire Engine Pull.

3. Apologies

There were no apologies.

4. Public Forum

Dr Lisa Dawson – Puriri Park – introduction to presentation

Fiona Halliwell – Puriri Park – effects of losing green space

Nicci Webb – Puriri Park – Town Planning

Kerry Grundy – Puriri Park – strategic planning, notification and delegations in relation to Puriri Park development

Brian May – various.

An apology was received on behalf of Michael Benton, scheduled to speak, but unable to attend.

Item 6.7 – Notice of Motion, was taken after Item 4.

5. Confirmation of Minutes of Previous Meetings of the Whangarei District Council

5.1 Minutes Whangarei District Council meeting held 28 February 2019

Moved By Cr Cherry Hermon

Seconded By Cr Tricia Cutforth

That the minutes of the Whangarei District Council meeting held on Thursday 28 February 2019, 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

5.2 Minutes Whangarei District Council meeting held 21 February 2019

Moved By Cr Shelley Deeming

Seconded By Cr Sue Glen

That the minutes of the Whangarei District Council meeting held on Thursday 21 February 2019, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

Carried

5.3 Minutes of the Extra ordinary Council meeting held 6 March 2019

Moved By Cr Greg Innes

Seconded By Cr Tricia Cutforth

That the minutes of the Whangarei District Council meeting held on Wednesday 6 March 2019, 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. Decision Reports

6.1 Board Venue Policy Review

Moved By Cr Shelley Deeming

Seconded By Cr Cherry Hermon

That Council

1. Determines the 2019 statutory review of Council's Board Venue Policy is complete.
2. Retains the existing Board Venue Policy with no changes.

Carried

Declaration of Interest:

Cr Benney declared of conflict of interest and withdrew from the table taking no part in discussions or voting on Item 6.1.

6.2 Class 4 Gambling Policy Review

Moved By Cr Vince Cocurullo

Seconded By Cr Sue Glen

That Council, after having reviewed Council's Class 4 Gambling Venue Policy:

1. Request the Acting Chief Executive to investigate and draft substantive amendments to the policy, to be reported back to council for consideration, in accordance with Option 3, as provided in section 6.2 on page 74 of the agenda.

Amendment

Moved By Cr Stu Bell

Seconded By Her Worship the Mayor

That Council, after having reviewed Council's Class 4 Gambling Venue Policy:

2. Request the Acting Chief Executive to draft a Statement of Proposal for consultation that retains the existing Policy approach,

makes the necessary changes for legislative alignment and includes a reworded Policy, to make it easier to read and understand; in accordance with the recommended Option 2 as provided in section 6.2, on page 74 of the agenda.

**The amendment was Carried
and subsequently Carried
as the substantive motion**

Cr Christie gave notice of a further amendment.

6.3 LGNZ Local Government Leaders' Climate Change Declaration

Moved By Cr Stu Bell

Seconded By Cr Anna Murphy

That the Council becomes a signatory to the LGNZ Local Government Leaders' Climate Change Declaration.

Carried

Cr Halse requested his vote against be recorded.

6.4 2019 Triennial Election

Moved By Her Worship the Mayor

Seconded By Cr Tricia Cutforth

That the Council

1. Notes the report on the 2019 Triennial Election provided by the Electoral Officer
2. Adopts the pseudo random order of candidate names on voting documents for the 2019 triennial election in accordance with Regulation 31 of the Local Electoral Regulations 2001.

Amendment

Moved By Cr Stu Bell

Seconded By Cr Vince Cocurullo

That the Council

1. Notes the report on the 2019 Triennial Election provided by the Electoral Officer
2. Adopts the alphabetical order of candidate names on voting documents for the 2019 triennial election in accordance with

Regulation 31 of the Local Electoral Regulations 2001.

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

Recorded	For	Against	Abstain
Her Worship the Mayor		X	
Cr Stu Bell	X		
Cr Gavin Benney	X		
Cr Crichton Christie	X		
Cr Vince Cocurullo	X		
Cr Tricia Cutforth		X	
Cr Shelley Deeming	X		
Cr Sue Glen	X		
Cr Phil Halse	X		
Cr Cherry Hermon		X	
Cr Greg Innes	X		
Cr Greg Martin	X		
Cr Sharon Morgan	X		
Cr Anna Murphy			X
Results	10	3	1
		Carried (10 to 3)	

6.5 Disposal of land at Ruakaka Town Centre

Moved By Cr Shelley Deeming

Seconded By Cr Greg Innes

That the Council

1. Approve proceeding with the sale of Lot 2 DP65791 and part Lot 1 DP 39687 for \$141,500 plus GST and to enter into a sale and purchase agreement with associated Private Developers Agreement (PDA) with Town Centre Properties Ltd.

Carried

Declaration of Interest: Cr Halse declared an interest.

Item 6.6 was taken after Item 4.

6.6 Temporary road closure Fire Engine Pull

Moved By Cr Vince Cocurullo

Seconded By Cr Cherry Hermon

That Whangarei District Council,

1. Revokes the resolution made on 7 February 2019 for a temporary road closure for the purpose of the Fire Engine Pull event organised by Whangarei Rotary and Cancer Society Northland in accordance with the Transport (Vehicular Traffic Road Closure) Regulations 1965.
2. Approves the temporary closure of the following road to ordinary traffic for the Fire Engine Pull event organised by Rotary Club of Whangarei South and Cancer Society Northland event in accordance with section 342 (1)(b) and Schedule 10 Clause 11 of the Local Government Act 1974.

Saturday 6 April 2019 (Rain date Saturday 13 April 2019)

James Street from Cameron Street to Robert Street

Period of Closure: 10.00am – 2.00pm.

3. Approves the temporary closure of the side roads off the road to be closed for up to 100 meters from the intersection for safety purposes.

Carried

Declaration of Interest:

Cr Christie declared a conflict of interest and withdrew from discussions and voting on Item 6.6.

6.7 Notice of Motion

Cr Bell sought to alter his notice of motion in accordance with Standing Order 26.4.

Cr Bell's request to include recommendation 5 for consideration, was agreed by a majority of Councillors (show of hands).

Graeme Mathias provided legal advice on:

- Conflict of interest – if Councillors were to make a decision on revoking the delegation
- Natural justice
- Other matters in regard to the Resource Management Act.

The motion was decided in parts.

Moved By Cr Stu Bell

Seconded By Cr Vince Cocurullo

1. That the Whangarei District Council notes the Joseph Rowntree Foundation's report on social housing and in particular the following extract from the reports summary of findings,

'Looking simply at descriptive data, we find consistent and widespread adult disadvantage among those who grew up in social housing. Successive generations of children living in social housing have experienced worse outcomes in adulthood than their contemporaries who did not, across nearly all the adult outcomes we measure and at all ages in early to mid-late adulthood. On some measures, the gap has grown over the years. For very few has it got smaller. If this trend persists for the millennium cohort, we will see an even greater division in adult outcomes between the current generation of children growing up in social housing and their peers than we have for previous generations. This is cause for concern.'

On the recommendations being put Cr Martin called for divisions:

Recorded	For	Against	Abstain
Her Worship the Mayor	X		
Cr Stu Bell	X		
Cr Gavin Benney	X		
Cr Crichton Christie		X	
Cr Vince Cocurullo	X		
Cr Tricia Cutforth			X
Cr Shelley Deeming		X	
Cr Sue Glen	X		
Cr Phil Halse	X		
Cr Cherry Hermon		X	
Cr Greg Innes			X
Cr Greg Martin	X		
Cr Sharon Morgan		X	
Cr Anna Murphy			X
Results	7	5	3
		Carried (7 to 4)	

2. That the Whangarei District Council notes the information contained in the Information Pack assembled by the Save Puriri Park Committee.

Recorded	For	Against	Abstain
Her Worship the Mayor	X		
Cr Stu Bell	X		
Cr Gavin Benney	X		
Cr Crichton Christie	X		
Cr Vince Cocurullo	X		
Cr Tricia Cutforth	X		
Cr Shelley Deeming	X		
Cr Sue Glen	X		
Cr Phil Halse	X		
Cr Cherry Hermon	X		
Cr Greg Innes	X		
Cr Greg Martin	X		
Cr Sharon Morgan	X		
Cr Anna Murphy	X		
Results	14		

Carried (unanimous)

3. That the Whangarei District Council informs the Leaders of all New Zealand Political Parties that currently are represented in Parliament, the Minister of Housing and the Opposition Housing Spokesperson that it does not welcome the development of social housing projects similar to the artists representation of the type of housing HNZ could put on the park land at Puriri Park Road, within the Whangarei District.

Recorded	For	Against	Abstain
Her Worship the Mayor		X	
Cr Stu Bell	X		
Cr Gavin Benney		X	
Cr Crichton Christie		X	
Cr Vince Cocurullo			X
Cr Tricia Cutforth			X

Cr Shelley Deeming		X	
Cr Sue Glen		X	
Cr Phil Halse		X	
Cr Cherry Hermon			X
Cr Greg Innes		X	
Cr Greg Martin	X		
Cr Sharon Morgan		X	
Cr Anna Murphy		X	
Results	2	9	3
		Lost (9 to 1)	

4. That the Whangarei District Council asks the New Zealand Government to with some urgency implement measures that will meaningfully mitigate the contributing factors that are influencing both the demand for housing and housing affordability with regards to both rental accommodation and home ownership

Recorded	For	Against	Abstain
Her Worship the Mayor	X		
Cr Stu Bell	X		
Cr Gavin Benney	X		
Cr Crichton Christie	X		
Cr Vince Cocurullo	X		
Cr Tricia Cutforth	X		
Cr Shelley Deeming		X	
Cr Sue Glen	X		
Cr Phil Halse	X		
Cr Cherry Hermon	X		
Cr Greg Innes	X		
Cr Greg Martin	X		
Cr Sharon Morgan	X		
Cr Anna Murphy	X		
Results	13	1	
		Carried (13 to 1)	

5. That while processing any application for Resource Consent for any future development on the land currently owned by Housing New Zealand adjacent to the Council owned Puriri Park reserve on Puriri Park Road in Maunu, Whangarei, in accordance with Policy Statement 9 of the Whangarei District Council's Procurement Policy, the delegations listed in the Whangarei District Council's delegations register as, RMA 95A – Determining if an application is publicly notified and RMA 94C(2) – Power to determine that special circumstances exist requiring notification of an application, are revoked.

Recorded	For	Against	Abstain
Her Worship the Mayor		X	
Cr Stu Bell	X		
Cr Gavin Benney		X	
Cr Crichton Christie		X	
Cr Vince Cocurullo	X		
Cr Tricia Cutforth		X	
Cr Shelley Deeming		X	
Cr Sue Glen			X
Cr Phil Halse	X		
Cr Cherry Hermon		X	
Cr Greg Innes		X	
Cr Greg Martin		X	
Cr Sharon Morgan		X	
Cr Anna Murphy		X	
Results	3	10	1
		Lost (10 to 3)	

7. Public Excluded Business

Moved By Cr Greg Innes

Seconded By Cr Sue 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
1.1	Closed Minutes Whangarei District Council 28 February 2019	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Closed Minutes Whangarei District Council 21 February 2019		
1.3	Closed Minutes Extra ordinary Whangarei District Council 6 March 2019		
1.4	Bade debts to write off for 2018-2019		
1.5	Airport Location Options Study		
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	
1.1	For the reasons as stated in the previous minutes		
1.2	For the reasons as stated in the previous minutes		
1.3	For the reasons as stated in the previous minutes		
1.4	To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or is the subject of the information	Section 7(2)(b)(ii)	
1.5	To maintain legal professional privilege To enable Council to carry on without prejudice or disadvantage commercial activities	Section 7(2)(g) Section 7(2)(h)	

Carried

8. Closure of Meeting

The meeting concluded at 2.36pm

Confirmed this 24th day of April 2019

Her Worship the Mayor Sheryl Mai (Chairperson)

6.1 Extraordinary Vacancy

Meeting: Whangarei District Council
Date of meeting: 24 April 2019
Reporting officer: Simon Weston – Acting Chief Executive

1 Purpose

To outline the options available to the Council in respect of the extraordinary vacancy arising from the recent resignation of Stuart Bell as Councillor for the Whangarei District Council.

2 Recommendation

That the Council:

1. Resolve that the extraordinary vacancy arising from the resignation of Councillor Bell is filled in accordance with Section 117(3)(a) of the Local Electoral Act 2001;

Or

2. Resolve that the extraordinary vacancy arising from the resignation of Councillor Bell is not filled in accordance with Section 117(3)(b) of the Local Electoral Act 2001;

3 Background

On 1 April 2019, the Acting Chief Executive received a notice of resignation from Councillor Bell. The resignation took effect on the date the notice was received, and creates an extraordinary vacancy on the Council.

The Acting Chief Executive immediately notified the Council of the vacancy in accordance with Section 117(2) of the Local Electoral Act 2001 (the Act).

The vacancy has occurred less than 12 months before the date of the next triennial election on 12 October 2019. In this circumstance, the Act provides that the Council has the option to either fill the vacancy with a person who is qualified to be elected as a member - Section 117(3)(a), or leave the vacancy unfilled – Section 117(3)(b).

4 Discussion

If the Council resolves that the vacancy will be filled by the appointment of a person by the Council, it must immediately give public notice of:

- (a) The resolution, and

- (b) The process or criteria by which the person named in the resolution was selected for appointment – Section 118(1)

The Legislation is silent as to what process or criteria might be used for the appointment. Therefore, it is up to the discretion of Council however any decision made by it would be subject to judicial review.

If Council resolves to fill the vacancy by appointment, Council must at a meeting held not later than 30 days after the public notification of the resolution naming the person appointed to fill the vacancy, and the process or criteria by which that person was selected, confirm the appointment described in that resolution by a further resolution – Section 118(2).

A person appointed under this process is treated as having been elected to fill the vacancy on the date on which the confirming resolution is made – Section 118(2).

In the event that the person specified in either resolution as being the person appointed to fill the vacancy is unavailable, or otherwise unable to be confirmed in that appointment, then a further vacancy occurs in that office and the process set out above would need to be revisited – Section 117(4) and Section 118(4).

If the Council resolves not to fill the vacancy, it must immediately give public notice of its decision – Section 119.

5 Significance and engagement

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website.

6.2 Class 4 Gambling Venue Policy – Statement of Proposal

Meeting: Whangarei District Council
Date of meeting: 24 April 2019
Reporting officer: Shireen Munday – Strategic Planner

1 Purpose

To adopt a Statement of Proposal for consultation for amendments to the Class 4 Gambling Venue Policy.

2 Recommendations

That Council

1. Adopts the Statement of Proposal in Attachment 3 for consultation.
2. Authorises the Chief Executive, in consultation with Her Worship the Mayor, to make any edits to the Statement of Proposal to reflect any decision(s) made by Council at this meeting.
3. Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the Statement of Proposal and to approve the final design and layout of the documents prior to final printing and publication.

3 Background

Council commenced the statutory review process for the Class 4 Gambling Venue Policy (the Policy) in November 2018. At the 28 March 2019 Council meeting, Council completed its review of the Policy, and as part of that review, determined to retain the existing substantive approach of the Policy.

Due to legislative changes in 2014, Council must amend the Policy to align with section 97A of the Gambling Act 2003 and therefore Council must consult on this amendment. Council also decided to take this opportunity to consult on a reworded Policy, to make it easier to read and understand as part of the proposed amendments.

In accordance with the requirements of the Gambling Act 2003 (s102) and the Local Government Act 2002 (ss83,87), Council must now adopt a Statement of Proposal for consultation.

4 Discussion

Attachment 1 details the key legislative steps and requirements for the review process and associated consultation, following the outcome of the review.

Attachment 2 contains a track changes version of the recommended changes to the current Policy, as per the resolution of Council at the 28 March 2019 meeting. Comments are also provided to explain the rationale for the proposed changes where required.

All changes made retain the existing substantive aspects of the Policy and staff have sought advice from Department of Internal Affairs staff to confirm this.

Attachment 3 contains the draft Statement of Proposal and includes the revised proposed wording of the Policy.

4.1 Financial/budget considerations

There are no financial or budget considerations in relation to the proposed consultation.

4.2 Policy and planning implications

Nothing in this report is inconsistent with any Council policy, plan or strategy.

4.3 Risks

The key risks associated with this agenda relate to the consultation activities and the scope of the proposed changes. It can be difficult to ensure all members of the community are aware of the consultation process and are therefore able to make their views known to Council.

The consultation activities discussed in Attachment 1 aim to address these matters to the best practicable extent.

5 Significance and engagement

5.1 Significance

Council's Significance and Engagement Policy requires an assessment of the significance of every issue requiring a decision in accordance with the Policy's criteria for determining significance. Staff consider the decision to adopt the Statement of Proposal is not significant as it does not trigger two or more of the criteria.

5.2 Engagement

The consultation requirements for the process are defined in legislation and Attachment 1 details how these requirements will be met.

6 Attachments

- 1 Legislative process, analysis and consultation requirements
- 2 Proposed changes to Policy wording in track changes
- 3 Statement of Proposal

Attachment 1

Legislative process, analysis and consultation requirements

Class 4 Gambling Venue Policy

This document summarises all relevant legislative requirements for the process of reviewing Council's Class 4 Gambling Venue Policy (the Policy), provides an overview of the associated analysis undertaken and includes the consultation activities proposed in accordance with legislative requirements. Noting these steps are based on Council resolving to accept all recommendations in the main agenda report as tabled related to the proposed process.

Process overview

1. Section 101 of The Gambling Act 2003 (the Act) states that territorial authorities must adopt a policy on class 4 gambling venues.
2. Section 101(2) provides that in adopting the Policy, the territorial authority must have regard to the social impact of gambling within the territorial authority district.
3. Section 101(3a) provides that the Policy must specify whether or not class 4 venues may be established in the territorial authority district and, if so, where they may be located.
4. Section 101(3b) provides the Policy may specify any restrictions on the maximum number of gaming machines that may be operated at a class 4 venue and section 101(3c) provides that the policy may include a relocation policy.
5. Section 102(5) requires the Policy to be reviewed every three years. The Policy was last reviewed in April 2013.
6. The Gambling (Gambling Harm Reduction) Amendment Act 2013 came into force on 14 September 2013.
7. The Gambling (Gambling Harm Reduction) Amendment Act 2013 amended sections 101 and 102 of the Gambling Act 2003 and inserted a new section 97A.
8. The new section 102(5a) of the Act requires that the first time a territorial authority commences a review of the Policy after the Amendment Act 2013 came into force, the territorial authority must consider whether to include a relocation policy (as now defined in section 101(5) of the Act) in the Policy.
9. The new section 102(5b) of the Act also provide that when a territorial authority is considering whether to include a relocation policy in the Policy, it must consider the social impact of gambling in high-deprivation communities within its district.
10. Section 97A of the Act now provides that where a new class 4 venue licence is issued as a result of a granted relocation application to a territorial authority, then the maximum number of machines permitted at that new venue is the same as the number of machines at the old venue.
11. This review of the Policy must meet the requirements of the 2013 amendments to the Act.
12. If Council determines to amend the Policy, Council is required to consult with the community before making a final decision.
13. S102(2) requires Council to use the special consultative procedure (s83 of the Local Government Act 2002(LGA)) as modified by s87 of the LGA when amending or replacing the Policy.

14. S87 LGA prescribes the content of a Statement of Proposal (SOP) for the purposes of public consultation where neither sections 86 nor 93A apply, but a local authority is required to use the special consultative procedure.
15. Section 87(2)(a) provides that if the SOP is a proposed plan, policy or similar document then only the draft of that plan, policy or document is required to be included in the SOP.
16. Section 102(1) of the Act requires the territorial authority to give notice of the proposed policy, in a matter that the territorial authority considers appropriate to:
 - (a) each corporate society that holds a class 4 venue licence for a venue in the territorial authority district; and
 - (b) organisations representing Maori in the territorial authority district

Analysis and application of the process requirements as applied to Council's current Class 4 Gambling Venue Policy

1. Council has received reports providing supporting information to assist Council to make the required determinations under the Act (Council Briefing, 26 February 2019, Council Meeting 28 March 2019), including a Social Impacts Report and an analysis of the changes to legislation and the associated impacts on the Policy.
2. On 28 March 2019 Council completed the statutory review and determined that the substantive aspects of the Policy remain fit for purpose. The single compulsory matter the Policy is required to address (s101(3)), is whether or not class 4 venues may be established in the District. Council has determined to retain the current 'sinking lid' approach for this matter; that is, no new venues will be permitted to be established in the District. Council also determined to retain the other elective components of the Policy in their current format.
3. Council's Policy however is now inconsistent with the Act (Clause 3.2.b – first sentence) and must be amended to align with Section 97A of the Act.
4. The current Policy wording is not written in plain English and restates some sections of the Act, which may imply to the reader that this is part of the Policy, rather than being part of the governing legislation.
5. As Council must now amend the Policy and consult due to the technical issue outlined in 3. above, it is an opportune time to update the Policy wording to make the Policy easier to read and understand, while retaining all substantive aspects of the existing Policy.
6. Council's resolution on 28 March 2019 provides the scope of the consultation process, which is focused on the changes to align with the updated legislation and the revised wording.
7. The Statement of Proposal attached to this report for adoption includes a draft of the revised Policy in accordance with the requirements of s87 of the LGA.
8. Due to the nature of the proposed changes, it is not considered that a summary of the information (s83 (1)(a)(ii)) is necessary.

Summary of consultation activities

This section of the report details the proposed process and activities designed to meet the consultation requirements of the LGA for the proposed amendments to the Policy.

1. The Statement of Proposal (SOP) is adopted at a meeting of Council.
2. Council gives public notice of the SOP on the WDC website and in the Whangarei Leader inviting members of the public to make submissions.
3. The SOP is made available for public inspection on Council's website and at Council offices in Whangarei and Ruakaka and at public libraries at Whangarei, Kamo and Onerahi, and the Mobile Library.
4. The period within which views on the proposal may be provided must be no less than one month. The submission period for the proposal is scheduled to start 1 May and close 31 May 2019.
5. All corporate societies that holds class 4 venue licenses and organisations representing Maori in the District will be given notice of the public consultation in accordance with the requirements of the Gambling Act 2003.
6. All other stakeholders identified during the review process of the Policy will be directly advised of the consultation.
7. A hearing is scheduled for 11 June 2019 to provide an opportunity for persons to present their submissions to Council.
8. Council will consider all feedback received and any other comment or advice sought from staff or other persons and deliberate on these matters at a public meeting. This meeting is scheduled for 26 June 2019.
9. Based on the decisions made at the deliberations meeting, staff will make any necessary amendments to the draft Policy and prepare a final report.
10. Subject to the above process and all associated decisions of Council, the revised Policy is scheduled to be adopted at the Council meeting in July 2019.



Whangarei District Council Class 4 Gambling Venue Policy

April 2013

1 Introduction

The Gambling Act 2003 overhauled legislation relating to gambling. A key change for local authorities was a requirement that they must establish a Class 4 Gambling venue Policy adopted by special consultative procedure. Council is required to review this policy every three years. Class 4 gambling relates to poker machines and an application to the Department of Internal Affairs for a new venue licence under the Gambling Act 2003 must be accompanied by consent from Council. Consideration of such an application by Council must be in terms of the Class 4 Gambling Venue Policy. This policy has been developed, amended and reviewed in accordance with 101 of the Gambling Act 2003.

This policy provides that Council will not consent to the establishment of new class 4 gambling venues with the exception of specific situations where venues need to relocate or in the case of clubs, combine and relocate. There will be no increase in the number of machines at a venue as the result of any relocation and the policy also prevents venues operating prior to the commencement of the Gambling Act 2003, from increasing machine numbers. Any application for consent under the policy to establish a new class 4 venue, resulting from the need to relocate a venue must be publicly notified and determined at a Council hearing.

Commented [LA1]: No requirement to include introductory text in the Policy. It largely repeats background and policy content.

1 Legislative Requirement

- 1.1 Section 101 of the Gambling Act 2003 requires territorial authorities to adopt a policy on class 4 venues.

Commented [LA2]: Section added for clarity and understanding.

2 Objectives of the policy in so far as promoted by the Gambling Act 2003

- 2.1 To control the growth of class 4 gambling in the Whangarei District.
- 2.2 To minimise the harm caused by class 4 gambling in the Whangarei District.
- 2.3 To facilitate community involvement in decisions about the provision of class 4 gambling in the Whangarei District.
- 2.4 To allow those who choose to use class 4 gaming machines may do so in a safe and well managed environment.

3 Establishment of new class 4 venues be not permitted

- 3.1 Save for as provided in clause 3 of this policy Whangarei District Council will not permit the establishment of new class 4 gambling venues in the Whangarei District.

Commented [LA3]: Added "new" for clarity. Text of clause simplified.

4 Relocation of existing class 4 venues

- 4.1 Whangarei District Council may, in accordance with section 98(c) of the Gambling Act 2003, permit a class 4 venue to re-establish at a new site where:

- a Due to circumstances beyond the control of the owner or lessee of the class 4 venue or Beard venue, the venue cannot continue to operate at the existing site. Examples of such circumstances include but are not limited to the following:
 - i expiration of lease
 - ii acquisition of property under the Public Works Act; or
 - iii site redevelopment.
- b In the case of a club only, as defined in the Gambling Act 2003, Council will permit the relocation to a new site of a club, where two or more existing clubs legally and physically combine into one. The new site is as a result of the approved merger of two or more clubs under section 95 of the Gambling Act 2003.

Commented [LA4]: Added "existing" for clarity.

Commented [SM5]: Reworded to clarify that where two or more clubs merge, this merger can be to a new venue and does not need to be to one of the existing club venues.

4.2 Any permission to ~~establish any new~~relocate a class 4 venue ~~under this clause~~ will be subject to the following conditions:

- a Except as provided for in 4.1 (b) above, the venue operator of the business at the new site shall be the same as the venue operator at the site to be vacated.
- b ~~The number of gaming machines permitted to operate at the new venue will not exceed the number permitted to be operated at the existing site with a maximum of nine machines as provided by Section 94 of the Gambling Act 2003.~~

~~In the case of clubs which combine in terms of Section 95 of the Gambling Act 2003 the number of gaming machines permitted will not exceed the sum of the number of gaming machines specified in all of the corporate societies class 4 venue licences at the time of application with a maximum limit of 30.~~

~~In the case of clubs which combine to form a new club and to which Section 96 of the Gambling Act 2003 applies the number of gaming machines permitted to operate at the new venue will not exceed the sum of the number of gaming machines specified in all of the corporate societies class 4 licences at the time of application but must not in any case exceed 18 machines.~~

Commented [SM6]: Now inconsistent with section 97A of the Gambling Act 2003 (2013 amendment). Requires removal.

Commented [SM7]: States the existing provisions of s95(4) of the Gambling Act. May cause the reader to consider this is part of the Policy and therefore Council can amend.

Commented [LA8]: States the existing provisions of s96 of the Gambling Act. May cause the reader to consider this is part of the Policy and therefore Council can amend.

5 Where class 4 gambling venues may be established ~~on relocation~~

5.1 Any class 4 venue may only be established in a Business 1, Business 2 or a Business 4 Environment as defined under the Whangarei District Plan.

6 Restrictions on the maximum number of machines that may be operated at a class 4 venue

6.1 Whangarei District Council will, under section 98(a) of the Gambling Act 2003, not consent to any increase in the number of class 4 gambling machines operated at ~~each a~~ venue, specifically:

- a ~~Where the holder of a class 4 venue licence existing on the 17 October 2001 wishes to increase the number of machines by for an~~ application under section 92 of the Gambling Act 2003 ~~then the maximum number of machines permitted is the number of machines currently held by the holder as a condition of licence.~~
- b ~~For premises licensed after 17 October 2001, to which for an application under~~ section 93 of the Gambling Act 2003 ~~applies, club applicants in terms of which section 96 of the Gambling Act 2003 applies, the maximum number of machines permitted is the number of machines currently held by the holder as a condition of licence.~~
- c ~~Where two or more clubs or societies legally and physically combine in terms of section 95 of the Gambling Act 2003, the maximum number of machines permitted will be the sum of the number of gaming machines specified in all of the corporate societies class 4 venue licences at the time of application with an maximum limit of 30 as provided in section 95 (4) of the Gambling Act 2003.~~

Commented [SM9]: Section is again restating the requirements of section 95 of the Act. . May cause the reader to consider this is part of the Policy and therefore Council can amend.

7 The territorial authority consent process

7.1 Any application for consent under this policy to ~~establish a new~~relocate a class 4 venue ~~resulting from the need to relocate a venue~~ will be subject to public notification and determined ~~at a~~after a Whangarei District Council hearing.

7.2 Whangarei District Council has delegated the power to consider and determine applications for ~~Territorial Authority consent under the Gambling Act 2003~~a consent under this policy, to the Licensing Exemptions and Objections Committee and during the terms of this policy, Whangarei District Council may delegate such powers to such other committees as appropriate.

7.3 Submissions in writing shall be invited over a period of not less than 20 working days, with submitters invited to indicate if they wish to be heard on the hearing date. Working days shall have the same meaning as defined in terms of the Resource Management Act 1991.

7.4 The Committee shall consider all submissions, written and oral, and shall make a decision including reasons on the application. The Committee's decision shall be final.

~~6.4 The applicant and all submitters shall be advised of the decision, and the reasons for the decision, as soon as practicable.~~

~~6.5 In considering any application and submissions, the Committee shall have regard to provisions of the Gambling Act 2003, objectives of this policy, and the criteria outlined in matters to be considered at hearing.~~

7.5 Notification of application

Public notification shall be undertaken by Council as follows:

- a By publication in a local newspaper circulating within the District.
- b By way of a public notice displayed prominently in the window of the proposed venue or by signage on the venue site for the period during which submissions are open.
- c By the notification in writing of owners and occupiers of any adjacent properties.
- d By notification in writing to any other person or party that Council considers necessary.

7.6 Matters to be considered in determining application

In considering an application under this policy the Committee shall have regard to the following matters:

- a The potential cumulative effects of additional gambling opportunities in that location and the social impact within the District generally.
- b The extent of the potential impact of the venue on the character of the area including the potential for negative effects on the operation, amenity or reasonable enjoyment of residential or other sensitive land uses in the area.
- c The extent to which the application meets the objectives of the Whangarei District Council Class 4 Gambling Venue Policy- and the purpose and intent of the Gambling Act 2003.
- d Any other matter that Council considers relevant and reasonably necessary to determine the application.

7.7 How an application is to be made

Applications for consent must be made on the approved form and must provide:

- a Name and contact details of the applicant

~~b Venue name and street address~~

~~f A scale plan drawn showing areas set aside for gambling and other activities~~

~~g d A location plan showing the location of the venue within the wider community~~

~~f e Names and date of birth of venue management staff~~

~~gh In respect of a class 4 venue details of gambling equipment and the number of machines that the applicant intends to operate~~

~~hi In respect of a class 4 venue information demonstrating that the primary activity for the venue will not be the operation of gambling machines~~

~~ij In respect of a class 4 venue details of the liquor licence/licenses any sale of alcohol licence(s) applying to the venue~~

~~jk Where the application relates to the establishment of a new class 4 venue the applicant must provide an assessment of the following matters:~~

- i The potential cumulative effects of additional gambling opportunities in that location and the social impact within the District generally
- ii The extent of the potential impact of the venue on the character of the area including the potential for negative effects on the operation, amenity or reasonable enjoyment of residential or other sensitive land uses in the area

Commented [LA10]: Requirements for the outcome of a decision provided in Section 100 of the Act.

Commented [SM11]: Restated in 'matters to be considered' (7.6 below). More appropriate in that section.

Commented [SM12]: Irrelevant – requirement in clause 3 is that venue operator remains the same.

~~kl~~ Any other information that may reasonably be required to allow proper consideration of the application

~~lm~~ Fees

~~mn~~ Certificate of compliance under the Resource Management Act 1991 or a copy of the resource consent authorising the proposed activity under the Act; Evidence of compliance with the Whangarei District Plan or a copy of the necessary Resource Consent.

7.8 Application fees

~~Council shall set fees from time to time, under authority of the Local Government Act 2002, and shall include consideration of:~~

~~a The cost of processing any application, including any consultation, public notification and hearings involved. Application fees will be set by Whangarei District Council in accordance with section 150 of the Local Government Act 2002 and shall include consideration of the cost of processing the application.~~

~~b The cost of triennially reviewing the class 4 gambling policy including the cost of assessment of the effectiveness of the policy and the social impact of gambling in the District.~~

~~cb The cost of any inspection of premises should this be required of Council by the Department of Internal Affairs.~~

Commented [SM13]: This is unlawful under s150 of the LGA.

Commented [SM14]: Not required. Council does not inspect premises.

8 Promotion of gambling information to the community

- 8.1 Council will within budget constraints, facilitate the provision of information promoting host responsibility, gambling harm minimisation, problem gambling services and other relevant information to the District community and the industry in an endeavour to contribute towards the achievement of the objectives of this Policy

Statement of Proposal

Introduction

Council has now completed the statutory review of our Class 4 Gambling Venue Policy and is proposing some minor changes.

Council has determined that the existing approach of the Policy remains appropriate, however there have been some changes to the Gambling Act 2003 (the Act) that mean that one of the provisions in the Policy is now inconsistent with the legislation.

This means Council must amend the Policy after consulting with the community to align the Policy with the Act. Council is also updating the wording of the Policy to make it easier to read and understand at the same time.

Overview

Since 2003, all councils are required to have a policy that states whether or not class 4 venues may be established in their district or city, and if so where they may be located. These policies may also include several other matters.

Class 4 gambling means venues with non-casino electronic gambling machines, commonly known as 'pokie machines'. These venues can include pubs, hotels, clubs (but not casinos).

Council has no power to reduce the current number of machines in the District, it can only provide controls on applications for new venues and in certain circumstances, where venues wish to relocate, merge or apply to increase their machines.

Most of these things happen very rarely. Since 2003 Council has received one venue relocations application and one application to increase the venue's number of machines.

There are 20 class 4 gambling venues in the District. Five of these are clubs, who have slightly different rules than the 15 non-club ('pubs') venues.

In 2003 there were 33 class 4 venues. This means that in the 15 years the Policy has been in place, there has been a reduction of 13 venues across the District.

Proposed changes

Changes to the Gambling Act 2003 in 2014 mean that Council must amend the Policy to align with the new legislative provisions. This relates to clause 3.2b of the current Policy and section 97A of the Act. Section 97A of the Act now specifies that if a council allows venues to relocate, the number of machines relocated must be the same as allowed at the original venue.

The first sentence of clause 3.2b of the current Policy states that a maximum of nine machines are permitted through a relocation application. Under section 97a of the Act, a relocated venue may now have more than nine machines. As such, our Policy cannot specify a lower number and this sentence in the Policy must be removed.

Other minor changes include changes to aid clarity and understanding. While the Policy approach has remain unchanged, much of the wording within the current Policy either repeats legislative provisions or is difficult to read and understand, therefore it is proposed that the Policy is reworded to make it easier to read.

Attachment 3

The Policy

Council is not proposing any changes to the content of the Policy, however for completeness, summarised in the table below are the things that Council must, or can, include in a Class 4 Gambling Venue Policy, and how, if at all, Council has chosen to address these matters.

Matter	Options WDC approach in <i>bold/italics</i>	Comment
Whether new venues can establish	Unlimited (no restrictions)	Most restrictive approach possible. <i>Only compulsory matter of Policy</i>
	Cap (current number or more)	
	<i>'Sinking Lid' (no new venues)</i>	
Whether a venue can apply to increase their machines to the legal maximum (9 or 18)	No restrictions (Act applies)	Largely transitional arrangements from 2003.
	<i>No consents for increases</i>	
Whether a club venue can apply to increase their machines to 18	<i>No restrictions (Act applies)</i>	Applies to three venues in District
	No consent for increases	
Allowing relocations	Unlimited relocations	One application since 2003, infrequent occurrence.
	<i>Restricted relocations</i>	
	No relocations	
Reduce existing number of machines if clubs want to merge	<i>No restrictions (Act applies)</i>	No applications since 2003, unlikely due to geographic dispersal of the 5 clubs in the District.
	Restrictions on numbers	

Whangarei District Council

Class 4 Gambling Venue Policy

Table of contents

1	Legislative Requirement	4
2	Objectives	4
3	Establishment of new class 4 venues	4
4	Relocation of existing class 4 venues	4
5	Where class 4 gambling venues may be established	4
6	Restrictions on the maximum number of machines that may be operated at a class 4 venue ..	5
7	The territorial authority consent process	5
8	Promotion of gambling information to the community.....	6

1 Legislative Requirement

Section 101 of the Gambling Act 2003 requires territorial authorities to adopt a policy on class 4 venues.

2 Objectives

- 2.1 To control the growth of class 4 gambling in the Whangarei District.
- 2.2 To minimise the harm caused by class 4 gambling in the Whangarei District.
- 2.3 To facilitate community involvement in decisions about the provision of class 4 gambling in the Whangarei District.
- 2.4 To allow those who choose to use class 4 gaming machines may do so in a safe and well managed environment.

3 Establishment of new class 4 venues

- 3.1 Whangarei District Council will not permit the establishment of new class 4 gambling venues in the Whangarei District.

4 Relocation of existing class 4 venues

- 4.1 Whangarei District Council may, in accordance with section 98(c) of the Gambling Act 2003, permit a class 4 venue to re-establish at a new site where:
 - a. Due to circumstances beyond the control of the owner or lessee of the class 4 venue the venue cannot continue to operate at the existing site. Examples of such circumstances include but are not limited to the following:
 - i. expiration of lease
 - ii. acquisition of property under the Public Works Act; or
 - iii. site redevelopment.
 - b. The new site is as a result of the approved merger of two or more clubs under section 95 of the Gambling Act 2003.
- 4.2 Any permission to relocate a class 4 venue will be subject to the following conditions:
 - a. Except as provided for in 4.1 (b) above, the venue operator of the business at the new site shall be the same as the venue operator at the site to be vacated.

5 Where class 4 gambling venues may be established

- 5.1 Any class 4 venue may only be established in a Business 1, Business 2 or a Business 4 Environment as defined under the Whangarei District Plan.

6 Restrictions on the maximum number of machines that may be operated at a class 4 venue

- 6.1 Whangarei District Council will, under section 98(a) of the Gambling Act 2003, not consent to any increase in the number of class 4 gambling machines operated at a venue, specifically:
- for an application under section 92 of the Gambling Act 2003
 - for an application under section 93 of the Gambling Act 2003

7 The territorial authority consent process

- 7.1 Any application for consent under this policy to relocate a class 4 venue will be subject to public notification and determined after a Whangarei District Council hearing.
- 7.2 Whangarei District Council has delegated the power to consider and determine applications for a consent under this policy, to the Licensing Exemptions and Objections Committee and during the terms of this policy, Whangarei District Council may delegate such powers to such other committees as appropriate.
- 7.3 Submissions in writing shall be invited over a period of not less than 20 working days, with submitters invited to indicate if they wish to be heard on the hearing date. Working days shall have the same meaning as defined in terms of the Resource Management Act 1991.
- 7.4 The Committee shall consider all submissions, written and oral, and shall make a decision including reasons on the application. The Committee's decision shall be final.

7.5 Notification of application

Public notification shall be undertaken by Council as follows:

- By publication in a local newspaper circulating within the District.
- By way of a public notice displayed prominently in the window of the proposed venue or by signage on the venue site for the period during which submissions are open.
- By the notification in writing of owners and occupiers of any adjacent properties.
- By notification in writing to any other person or party that Council considers necessary.

7.6 Matters to be considered in determining application

In considering an application under this Policy, the Committee shall have regard to the following matters:

- The potential cumulative effects of additional gambling opportunities in that location and the social impact within the District generally.
- The extent of the potential impact of the venue on the character of the area including the potential for negative effects on the operation, amenity or reasonable enjoyment of residential or other sensitive land uses in the area.
- The extent to which the application meets the objectives of the Whangarei District Council Class 4 Gambling Venue Policy and the purpose and intent of the Gambling Act 2003.
- Any other matter that Council considers relevant and reasonably necessary to determine the application.

7.7 How an application is to be made

Applications for consent must be made on the approved form and must provide:

- a. name and contact details of the applicant
- b. venue name and street address
- c. a scale plan drawn showing areas set aside for gambling and other activities
- d. a location plan showing the location of the venue within the wider community
- e. the number of machines that the applicant intends to operate
- f. information demonstrating that the primary activity for the venue will not be the operation of gambling machines
- g. details of any sale of alcohol licence(s) applying to the venue
- h. an assessment of the following matters:
 - i the potential cumulative effects of additional gambling opportunities in that location and the social impact within the District generally
 - ii The extent of the potential impact of the venue on the character of the area including the potential for negative effects on the operation, amenity or reasonable enjoyment of residential or other sensitive land uses in the area.
- i. any other information that may reasonably be required to allow proper consideration of the application
- j. fees
- k. evidence of compliance with the Whangarei District District Plan, or a copy of the necessary Resource Consent.

7.8 Application fees

Application fees will be set by Whangarei District Council in accordance with section 150 of the Local Government Act 2002 and shall include consideration of the cost of processing the application.

8 Promotion of gambling information to the community

- 8.1 Council will within budget constraints, facilitate the provision of information promoting host responsibility, gambling harm minimisation, problem gambling services and other relevant information to the District community and the industry in an endeavour to contribute towards the achievement of the objectives of this Policy

6.3 Stephens/Tipene Point – lease to Te Pouwhenua o Taikiriri Kukupa Trust

Meeting: Whangarei District Council
Date of meeting: 24 April 2019
Reporting officer: Sue Hodge (Parks & Recreation Manager)

1 Purpose

To approve the public notification of Council's intention to provide a ground lease to Te Pouwhenua o Taikiriri Kukupa Trust of the land occupied by the former Onerahi Scout hall and boat shed, Beach Road, Onerahi.

2 Recommendation

That Whangarei District Council approves the public notification of Council's intention to grant a ground lease to Te Pouwhenua o Taikiriri Kukupa Trust for the land occupied by the former Onerahi Scout hall and boat shed, Beach Road, Onerahi described in the schedule below;

Schedule:

540m² Pt Allot 395, Town of Grahamtown
 240m² Allot 447, Town of Grahamtown.

3 Background

Te Pouwhenua o Taikiriri Kukupa Trust (the Trust) approached Council last year asking to use the former Scout hall and boat shed, at Stephens Point, Beach Road, Onerahi for community use including recreational and environmental purposes.

The Trust were advised that the Scout Association of New Zealand own the scout hall and boat shed. They no longer need this building and have entered into an agreement to transfer ownership of the improvements to the Trust subject to Council issuing a ground lease to the Trust.

4 Discussion

The former scout hall and boat shed needs significant maintenance. It is not a Council owned building. Any organisation wanting to apply for grant funds to up-grade would need to have a licence or lease arrangement with the landowner (Council).

Te Pouwhenua o Taikiriri Kukupa Trust is a charitable trust with Te Paruwahau hapu connections. The purpose of the Trust includes providing facilities, programmes, leadership opportunities to its members and the wider community. The Trust would like to manage the building on behalf of the wider community as a community asset, run under co-operative

arrangements with the capacity to expand and include more groups over time. The Trust has the capacity and wherewithal to apply for funding and manage a building upgrade.

It is proposed to provide a ground lease of around 780m² more or less as shown below to the Trust for a term of 20 years. The Trust would then manage on behalf of the wider community the buildings and immediate curtilage areas for environmental, community and recreational purposes. The balance of the reserve would be freely available to the wider public.



Stephens Point is a recreation reserve made up of two parcels, Pt Allot 395, Town of Grahamtown NZ Gazette 1926 p.1108 and Allot 447, Town of Grahamtown NZ Gazette 1934 p.337. As there is no reserve management plan for this reserve the Reserves Act requires any lease to be publicly notified and submissions called for.

4.1 Financial/budget considerations

There would be no financial implications from the granting of this ground lease. The building will not be a Council owned building. Providing a lease to the Trust enables them to access external grant funds. The Trust may also apply to Council for grant funds and any application would be assessed on its merits.

4.2 Policy and planning implications

Section 40 of the Reserves Act 1977 charges Council with the role of administering, managing and controlling reserves to ensure the use, enjoyment, maintenance, protection and preservation of the reserve for the purposes of its classification.

Section 54 (1) (a) provides that the administering body may from time to time lease an area for "other facilities for public recreation or enjoyment". Section 54 (2) requires the administering body to give public notice of any lease proposed to be granted and consider any objections in accordance.

The proposed use and lease is consistent with the Reserves Act subject to the public notice and consideration of any objections.

In terms of the District Plan the site is part zoned open space and part un-zoned (previously Marine and Coastal Area). The buildings have existing use rights and there are no current restrictions on their operation. If the building is to be altered, section 46.4.1 Construction or alteration of a building is a permitted activity applies if:

- a) The height of the building does not exceed 8.0m; and
- b) The gross floor area of the building does not exceed 50.0m², including the new work.

For any change in use, activities not permitted under the district plan or building alterations that are not permitted activities, the lessee would be required to obtain all required building consents and resource consents and to pay all costs, council charges and inspection fees for these.

4.3 Options

Council has two options:

Remove the building

Council could ask the Scout Association of New Zealand to remove the building and make good the site. This would remove any obligation for Council to maintain these buildings located on Council land. However, the buildings once repaired have the potential to be well used by a range of community groups.

Support the transfer of the building to a community group and provide a ground lease

Council could seek another organisation to manage the Scout buildings on behalf of the community. Te Pouwhenua o Taikiriri Kukupa Trust have offered to be such an umbrella organisation that could manage the maintenance and use of these buildings on behalf of the wider community. The Trust has the capacity and capability to manage this project. Providing a ground lease would satisfy Scout Association of New Zealand's conditions for transferring the ownership of the building.

The preferred option is to support an organisation so it can seek grant funding to up-grade this building so that it can be used by the community. Providing a ground lease to Te Pouwhenua o Taikiriri Kukupa Trust would achieve this outcome.

4.4 Risks

There is a risk this non-Council building may fall into disrepair, burn down or be significantly damaged and this could pose a risk to public safety. This risk is managed by a requirement in the lease for the Trust to maintain public liability and building insurance and to maintain the building and land in a tidy and attractive condition.

5 Significance and engagement

The decisions and matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the general public will be informed via Agenda publication on the website, Council News.

However, the Reserves Act 1977 requires Council to give public notice of any lease proposed to be granted for reserves that do not have a reserves management plan. Council must consider any objections or submissions received. This public notice must be in a local paper allowing one month for submissions.

6.4 Request for easement over Grove Land Local Purpose Reserve

Meeting: Whangarei District Council
Date of meeting: 24 April 2019
Reporting officer: Andrew Carvell, Manager Waste and Drainage
 Sarah Irwin, Team Leader, Infrastructure Planning

1 Purpose

To seek Council's decision on an application for an easement by Fletchers Concrete and Infrastructure Ltd over a local purpose reserve (utility) in Grove Lane, Raumaunga.

2 Recommendations

That the Whangarei District Council, pursuant to Section 48 of the Reserves Act 1977,

- a) Resolves that public notice of the application is not required in accordance with Section 48(3) of the Act.
- b) Approves the application by Fletchers Concrete and Infrastructure Ltd for easement rights to drain stormwater over the Local Purpose (Utility Reserve) (LOT 59 DP 18789).

3 Background

Council has received a request from Fletcher Concrete and Infrastructure for an easement in gross across the WDC Local Purpose Reserve (Utility), at Grove Lane (Pvt) (LOT 59 DP 18789), to install a private catchpit and stormwater pipe.

Northland Regional Council land use, water and discharge consents and WDC Building Consent exemptions have been obtained across No 5 (Lot 23 DP 187898) and No 11 (Lot 24 DP 187898) Grove Lane and construction is due to start as soon as possible.

It was discovered late in the building consent exemption process that the works proposed required the Manager, Waste and Drainage signoff due to the location of the pipe works near the pumping station, and it was also identified the works cross the WDC Local Purpose Reserve (Utility).

Due to the land's status as a vested reserve, an easement is required pursuant to section 48(1)(f) of the Reserves Act 1977. Any easement can only proceed with the consent of the Minister of Conservation which under the Instruments of Delegation (2013) is delegated to Council.

4 Discussion

Section 48 of the Reserves Act sets out the terms for the grants of easements over reserve land. Through the Instrument of Delegation signed by the Minister of Conservation (8 July 2013) the responsibility to consider easements over council vested reserves has been delegated to Council as the administering body and the consent of the Minister of Conservation is not required.

Section 48(3) of the Act stipulates that public notice of an easement application is not required in circumstances where:

- a. the reserve is vested in an administering body and is not likely to be materially altered or permanently damaged, and
- b. the rights of the public in respect of the reserve are not likely to be permanently affected.

As the stormwater pipe would be underground over the local purpose reserve section, no ongoing material effects on the reserve are anticipated, nor will the infrastructure affect the rights of the public. The Waste and Drainage Department has reviewed the design and is comfortable with its location in relation to the wastewater pump station and rising main.

Council is therefore able to resolve not to publicly notify the activity. Taking into account the immaterial nature of the application, this agenda seeks a resolution by Council to this effect. As delegate of the Ministerial power to grant consent to the application pursuant to section 48(1), Council must resolve whether or not to grant the proposed easements.

The granting of an easement protects the owners of the pipe in enabling them to legally access the site for maintenance purposes.

4.1 Financial/budget considerations

The cost of obtaining the easement are with the applicant. There are no financial implications for Council by approving the easement.

4.2 Policy and planning implications

There are no policy and planning implications.

4.3 Options

Options for Council are to:

1. Not approve the easement request and halt the project
2. Approve the easement request

The preferred option is option 2.

4.4 Risks

There are no risks, the easement will potentially reduce flooding risk over the local purpose reserve. Having an easement also reduces the risk to Council by formalising the ownership and maintenance responsibilities.

5 Significance and engagement

The decisions or matters of this agenda item do not trigger the significance criteria outlined in Council's Significance and Engagement Policy. The public will be informed via agenda publication on the website.

6 Attachments

1. Proposed Easement Plan
2. Image of site



Title Plan - LT 535098

Survey Number LT 535098
Surveyor Reference 3473 GBC Winstone
Surveyor Samuel Donald Beasley
Survey Firm Terrain Surveying Ltd
Surveyor Declaration

Survey Details

Dataset Description PROPOSED EASEMENTS OVER LOTS 23, 24 & 59 DP 187898
Status Initiated
Land District North Auckland
Submitted Date

Survey Class Class A
Survey Approval Date
Deposit Date

Territorial Authorities

Whangarei District

Comprised In

RT NA118A/67
RT NA118A/66
RT NA118A/96

Created Parcels

Parcels	Parcel Intent	Area	RT Reference
Area B Deposited Plan 535098	Easement		
Area A Deposited Plan 535098	Easement		
Area C Deposited Plan 535098	Easement		
Total Area		0.0000 Ha	

Land Registration District

North Auckland

Plan Number

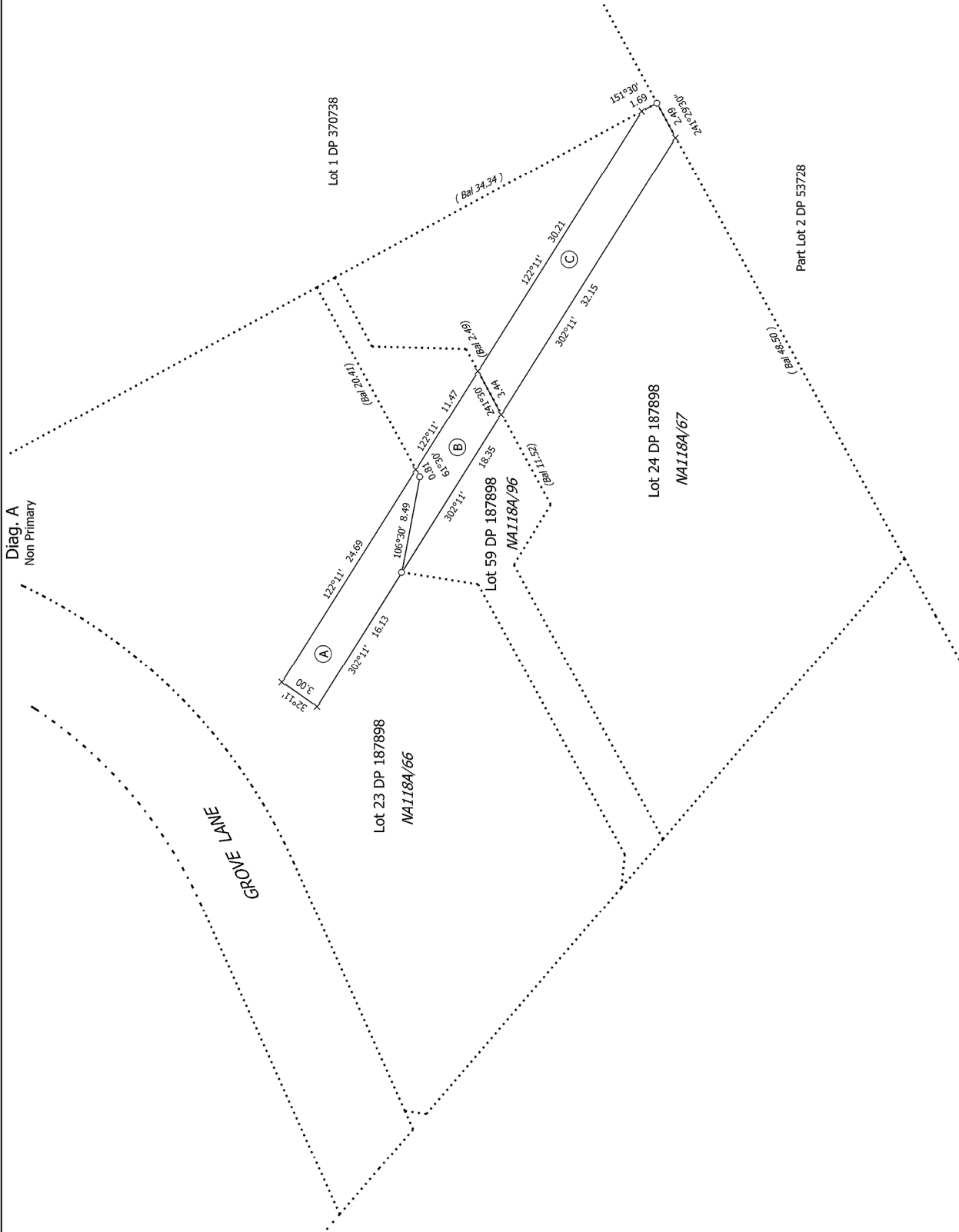
DP 535098

3473 GBC Winstone

Territorial Authority (the Council)

Whangarei District Council

Schedule of Easements in Gross			
Purpose	Shown	Servient Tenement (Burdened Land)	Grantee
Right to drain water	A	Lot 23 DP 187898	Fletcher Concrete and Infrastructure Limited
Right to drain water	B	Lot 59 DP 187898	Fletcher Concrete and Infrastructure Limited
Right to drain water	C	Lot 24 DP 187898	Fletcher Concrete and Infrastructure Limited





0 13 26 39 52 m



Scale: 1:1062
@ Original Sheet Size A3

Projection: NZGD2000 / New Zealand Transverse Mercator 2000
Print Date: 12/04/2019 3:35 PM

Cadastral Information derived from Land Information New Zealand. CROWN COPYRIGHT RESERVED
Information shown is the currently assumed knowledge as at date printed.
If Information is vital, confirm with Whangarei District Council Customer Services

6.5 Recommendations from the Community Funding Committee

Meeting: Whangarei District Council
Date of meeting: 24 April 2019
Reporting officer: C Brindle (Senior Democracy Adviser)

1 Purpose

To consider recommendations made by the Community Funding Committee on 10 April 2019.

2 Recommendations

That having considered the recommendations of the Community Funding Committee 10 April 2019; Council

1. Approve the following grants from the Partnership Fund to:
 - a \$57,000 to Te Ora Hou towards their community centre development contributions.
 - b \$80,000 to Whangaruru North residents and Ratepayers Association towards leverage funding for a community facility at Bland Bay.
2. Approve annual rent concessions of 100% of rental to:
 - a. Whangarei Youth Space Trust on their leased premises at Cafler Park on Water Street, for the lease period of 3 years, commencing 1 July 2019
 - b. ONEONESIX Trust on their leased premises at 116 Bank Street for the lease period of 3 years, commencing 1 July 2019.

3 Background

The Community Funding Committee considered a number of reports at their meeting on 10 April 2019. Any recommendations outside of the Committee's delegation are reported to Council for consideration and decision making.

Two of the reports considered by the Committee require Council approval. The reports (including attachments) are attached.

The recommendations to council from the committee were:

Item 4.1 Partnership Fund applications received – April 2016

That the Committee recommends to council to:

1. Approve a grant of \$57,000 from the Partnership Fund to Te Ora Hou towards their community centre development contributions levy.
4. Approve a grant of \$80,000 from the Partnership Fund to the Whangaruru Residents and Ratepayers Association towards leverage funding for a community facility at Bland Bay.

Item 4.5 Renewal of rent concessions

That the Committee recommends to Council to:

1. Approve an annual rent concession of 100% of rental to Whangarei Youth Space Trust on their leased premises at Cafler Park on Water Street, for the lease period of 3 years, commencing 1 July 2019.
2. Approve an annual rent concession of 100% of rental to ONEONESIX Trust on their leased premises at 116 Bank Street for the lease period of 3 years, commencing 1 July 2019.

4 Significance and engagement

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website.

5 Attachments

- 1 Item 4.1 Partnership applications received – April 2019 and Partnership Fund Guide
Link to Application book: [here](#)
- 2 Item 4.5 Renewal of rent concessions
- 3 Minutes Community Funding Committee 10 April

4.1 Partnership Fund applications received – April 2019

Meeting: Community Funding Committee
Date of meeting: 10 April 2019
Reporting officer: Cindy Velthuisen, Community Funding Officer

1 Purpose

To consider the applications received to the Partnership Fund in the period January to March 2019.

2 Recommendation/s

That the Committee recommends to Council to:

1. Approve a grant of \$57,000 from the Partnership Fund to Te Ora Hou towards their community centre development contributions levy, and
2. Approve a grant of \$80,000 from the Partnership Fund to Waipu Croquet Club for new clubrooms, and
3. Carry over the application from Mangakahia Squash Club to the 2019-20 Partnership Fund, and
4. Carry over the application from Whangaruru North Residents and Ratepayers Association to the 2019-20 Partnership Fund, and
5. Decline the application from The Whangarei Harbour Marina Management Trust for Kissing Point earthworks.

3 Background

The Partnership Fund was established late 2018 following Long Term Plan deliberations. The first application to the Fund was considered in December 2018, and \$163,000 was granted to Whangarei Museum and Heritage Trust for their heritage buildings conservation project.

4 Discussion

Applications to the Partnership Fund can be made and considered at any time. In the period to 1 March 2019, we received five applications. The five applications are presented below for consideration.

A sixth application was received from Whangarei Contract Bridge Club for interior painting, requesting \$14,000. Given the difference in size and scale, this application was deemed to be more appropriate for the Community Fund.

Financial/budget considerations

There is \$137,000 available to allocate between now and 30 June 2019.

The Partnership Fund budget for 2018-19 financial year is \$300,000, of which \$163,000 has already been allocated.

Policy and planning implications

The Partnership Fund Guide is attached for the committee's reference.

5 Applications received

Five applications were received for consideration this month, all potentially worthy of support.

Given the remaining Fund budget available this financial year (\$137,000), recommendations to fund are based on the amount requested, the level of readiness, and the level of need and impact.

Two applications are recommended to be supported this time, which will fully exhaust the 2018-19 Partnership Fund.

Two other applications are recommended to be carried over for consideration in the first round of the 2019-20 Partnership Fund (totaling \$154,200). One application is declined on a technicality, and is recommended to reapply again in future.

Summary of applications

Organisation	\$ Amount Requested	Project Details	Recommendation
Mangakahia Squash Club	\$34,200	Seed funding for design plans	Carry over to 2019-20
Te Ora Hou	\$94,980	Community Centre - council levies	Grant \$57,000 towards DCs, and future application welcomed.
Waipu Croquet Club	\$80,000	New clubrooms leverage funding	Grant \$80,000
Whangarei Harbour Management Trust	\$88,000	Land preparation - Okara marina development	Decline based on ineligible expense - future application welcomed.
Whangaruru North Resident and Ratepayers Association	\$120,000	Community Centre leverage funding	Carry over to 2019-20

Mangakahia Squash Club (under Mangakahia Sports Ground Society) – “Up with the Play” project

Request: \$34,200

For: Seed funding for “Up with the Play” squash club renovations

Mangakahia Squash Club wants to renovate its facilities and is seeking seed funding to develop design plans. The renovations include new bathroom/change facilities, a new accessible entrance way, and addition of a third squash court.

The Squash Club is located within the Mangakahia Sports Complex. The Club’s facilities are over 40 years old, rundown and no longer fit for purpose.

The toilets and changing rooms are unpleasant, unhygienic, and impractical. A full upgrade of the ablution block is proposed.

The current entrance way is difficult to find, a safety concern after dark, and not easily accessible from the carpark. The club would like to shift the entrance way from the sports field side of the Complex to the carpark side, creating safe and direct access to the club.

A third squash court is needed to support the current level of membership and future anticipated growth of the club, as well as inter-club tournaments. Currently, club nights need to be held over multiple nights to accommodate all the players, and the limitation of the viewing galleries creates a hazard for the number of people watching the play. The proposed third court will enable the club to play and socialise together on a single night.

All three proposed renovations will enable more inter-club tournaments, and the facilities would be available for other activities hosted at the Sports Complex, such as the weekly touch nights (300 players) and community events.

The membership of the Squash Club is 75, which is in a steady growth pattern.

The club committee has consulted well with its members, and has preliminary plans drafted.

The Sports Complex has pledged \$10,000 for the build phase of the project, and the Squash Club has fundraised \$13,000. The club would like to keep their fundraised cash as leverage for the next phase of the project.

In this application, the Club is asking Council for seed funding for architectural plans, in preparation for future funding applications. This is quoted at \$34,200.

It is recommended that this application is carried over to the first funding round of the 2019-20 financial year.

Te Ora Hou – Youth, Whanau and Community Centre

Request: \$94,980

For: contribution to WDC levies for community centre

Te Ora Hou are building a multi-purpose community facility in Tikipunga, following the proposed sale of their leased site ‘The Pulse’ in Raumanga.

The work of Te Ora Hou includes a range of health, education and social service initiatives for young people and their whanau, predominately those who other mainstream agencies have not been able to engage successfully with. Over 6,000 people use their services each year.

Te Ora Hou work collaboratively with a wide range of community organisations, many of who will also base themselves at the new site.

Te Ora Hou have a proven track record and strong support from organisations such as NZ Police, Oranga Tamariki, Northland District Health Board, Ministry of Social Development, Sport Northland and more.

The multi-purpose facility will include community spaces, meeting and conference rooms, gymnasium, outdoor courts, playing fields, office space, and a residential home for teen mothers and their children. The build is estimated at \$5.6m and is being completed in stages as funding allows.

Te Ora Hou seek support from Council's Partnership Fund to cover the estimated costs of Council's contribution levies:

New water connection levy	\$6,649
Development contributions levy	\$62,817
Building consent fee	<u>\$25,514</u>
Total	\$94,980

This project will benefit a large proportion of our community, directly and indirectly. It will provide a future-proof facility and stability of services.

It is recommended that this grant application is supported for the development contributions levy. Te Ora Hou could apply again for the remaining fees or another part of the project in a future funding round.

Waipu Croquet Club Incorporated – New Clubrooms

Request: \$80,000

For: Leverage funding for new clubrooms build

The Waipu Croquet Club want to build a new clubroom facility for their members, visiting members and the wider community.

Their current facility is inadequate: a simple shed with no electricity, water, or bathrooms. Members and visitors currently rely on the generosity of the nearby bowling club and backpacker hotel which is inconvenient and unsustainable.

The Club is located on the Caledonian Society grounds, and have permission from the Society to build.

The proposed clubrooms would provide a fit-for-purpose facility to accommodate the current and future needs of the club, as well as providing a resource for small group activities in Waipu. It includes a kitchenette, two bathrooms, disability access, and a small deck.

The club membership is 50, of whom the majority are senior citizens. The club operates all year, offering a sport, social interaction and a sense of belonging for the older person.

The club notes an increase in membership over recent years that they anticipate will continue to grow in line with the general population growth in the area.

They demonstrate good readiness and capability to deliver on this build. Concept drawings, architectural design and a geotechnical report have all been completed.

The build cost including consents is estimated at \$230,000. The club has \$58,000 to contribute and have an application pending for a sports grant of \$12,000. The club need \$80,000 in leverage funding from Council to qualify to apply to the Lotteries Commission for the remaining \$80,000.

This project will support a community of interest and a community of place. It will provide a clubroom that is safe, suitable and accessible for members and visitors.

It is recommended that this application is supported.

Whangarei Harbour Marina Management Trust – New marina at Okara

Request: \$88,000

For: Land preparation for new marina build

The Whangarei Harbour Marina Management Trust is developing a new marina at Okara, just south of Te Matau a Pohe bridge.

The new marina is expected to bring economic benefit to the district, enhance the Hatea Loop and Town Basin waterfront precinct, and support other developments such as the Hundertwasser/Wairau Maori Arts Gallery and Hihiaua Cultural Centre.

The total marina development project is estimated at \$12.8 million.

In preparation for the marina build, the Trust needs to prepare another site to receive the dredging spills. This site at Bell Block, Kissing Point needs earth wall bunding works valued at \$176,000.

The Trust is seeking \$88,000 towards the cost of these earth works, and are contributing the remainder themselves.

These works need to be done in April before the ground softens with winter rain. A delay in these works will mean delaying the entire project by a year.

However, as these works will be completed before the funding decision is made by Council, this would make this application ineligible (retrospective expense).

It is recommended that this application is declined, but that the Trust is invited to reapply in future for another part of the marina development project.

Whangaruru North Residents and Ratepayers Association – Bland Bay Community Centre

Request: \$120,000

For: Leverage funding for community centre at Bland Bay

The Whangaruru North Residents and Ratepayers Association (WNRRA) want to build a community facility for the residents of Whangaruru North and Bland Bay at Puni Puni Road. No suitable facility exists in the area for the local community to use.

The facility is expected to provide a base for first aid and first responders, civil defence community group, pest control group, various interest/hobby groups, and a community library.

The total project cost is estimated at \$331,000.

They are seeking leverage funding of \$120,000 to enable them to apply to the Lotteries Commission for \$180,000. WNRRA have \$30,000 to contribute. Council granted WNRRA \$20,000 in 2012 as seed funding for this project.

The community has been working on this for several years but does not appear to have gained any traction with outside funding assistance.

It is recommended that this application is carried over to the first funding round of the 2019-20 financial year.

6 Significance and engagement

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website.

7 Attachment

Partnership Fund Guide

Attachment under separate cover

Application book

Partnership Fund Guide

The Partnership Fund is part of Council's community funding scheme and aligns with our community development framework.

It was established in October 2018 following consultation with the community on Council's Long Term Plan.

Purpose

The purpose of the Partnership Fund is to support the development of community facilities by community groups. Council wants to support projects on a shared contributions basis, supplementing funds raised by communities for their facilities.

Who can apply

Community groups wishing to apply will need to be a legal, not-for-profit entity such as an incorporated society or charitable trust, or apply under the umbrella of such an organisation.

Applicant groups must be able to demonstrate:

- Strong community support for the project and a mandate to act on the community's behalf. A community could be a geographical community or a community of interest.
- The positive impact on the community the project will bring, and that the benefits are tangible, well supported and welcomed.
- A strong need for the facility by the community.
- At least one third (33%) of funding in place for the project (or demonstrable financial support from other sources if Council were to commit support), or demonstrable the ability to secure it to Council's satisfaction in the case of a seed funding application.
- Strong project planning and documentation in place.
- Strong governance and the ability to deliver.

What can be funded

The Fund is intended for:

- Leverage funding (seed capital) to enable community groups to source other funds (excludes feasibility studies);
- Capital works funding to complete or support actual construction or project completion.

The priority for the Fund is for community buildings. However, there is scope for some other capital works that have tangible, wide community benefit.

The type of facilities envisaged for the Fund include but are not limited to:

- Social enterprise hubs
- Artisan workshops
- Rural craft centres
- Community centres/hubs
- Multi-sport recreation complexes
- Tourism facilities
- Other initiatives such as broadband connectivity that support community development.

What can't be funded

Feasibility studies – It is expected that feasibility studies will already have been completed (where necessary) before applying to this Fund.

Generally, funds will not be considered for remedial works to existing community facilities.

How much is available

Council's budget for the Partnership Fund is \$300,000 in 2018/19 and \$400,000 annually thereafter.

Generally, a maximum of \$150,000 will be allocated to any one project or group, but Council may grant more at their discretion for significant projects.

It is important to note that being given seed capital funding is not a guarantee of further funding from Council to see the project to completion.

When to apply

Applications to the Partnership Fund can be made at any time. You should be well advanced in your project planning to be able to submit a sound application with all the required documentation. Talk to your ward councillor(s) and/or council staff early and often as you develop your project.

There is a time limit of four years for completion of the project from the point that funding is confirmed.

How to apply

Before preparing your application, make an appointment with the Community Funding Officer to talk through your project and to ensure you are eligible.

Your completed application should include:

1. Community Funding application form
2. Business Case with evidenced community support
3. Business Plan with the following elements:
 - i. Fundraising plan
 - ii. Project management plan
 - iii. Timelines/milestones
 - iv. Council funding drawdown plan
 - v. Project completion deadline
 - vi. Asset lock consideration to protect the community asset
 - vii. 33% or more contribution to the project cost

The application will be reviewed by staff who will liaise with you as needed. It will then be referred to a committee of Council for decision. You should allow three months for a decision.

Contact

Contact Whangarei District Council's Community Funding Officer on phone 09 430 4200 or email mailroom@wdc.govt.nz.

4.5 Renewal of rent concessions

Meeting: Community Funding Committee
Date of meeting: 10 April 2019
Reporting officer: Cindy Velthuisen, Community Funding Officer

1 Purpose

To determine the renewal of rent concessions for Whangarei Youth Space Trust and ONEONESIX Trust.

2 Recommendations

That Committee recommends to Council to:

1. Approve an annual rent concession of 100% of rental to Whangarei Youth Space Trust on their leased premises at Cafler Park on Water Street, for the lease period of 3 years, commencing 1 July 2019.
2. Approve an annual rent concession of 100% of rental to ONEONESIX Trust on their leased premises at 116 Bank Street for the lease period of 3 years, commencing 1 July 2019.

3 Background

Council can provide rent concessions for community organisations in council property that provide valued services to the district.

Rent concessions now require annual reporting and a community benefit test to be applied. Requests for new or renewal of rent concessions require Council approval.

4 Discussion

The properties at 116 Bank Street and Cafler Park on Water Street have leases that expire this year. Both current leaseholders wish to renew their leases and seek a continuation of their rent concessions.

The leases will be renewed under business as usual practice. This paper is to determine whether rent concessions will be applied.

Whangarei Youth Space Trust have a 100% rent concession valued at \$31,000 per annum for the Cafler Park premises.

The premises at 116 Bank Street will be leased to ONEONESIX Trust (the previous lease under Company of Giants will be transferred to the Trust by agreement). The rent concession is currently 100%, valued at \$30,000 per annum.

ONEONESIX Trust will have a right of renewal on their lease of 3 years + 3 years. At the point of renewal of the lease, the rent concession will be reassessed based on their continuing to meet the Community Benefit Test.

Both entities have recently presented to the Community Development Committee on their achievements to date and their plans for the lease period ahead.

Both entities have satisfied reporting requirements for their rent concessions and other financial support from Council (Whangarei Youth Space receive an Annual Operating grant).

They also continue to meet the Community Benefit Test for rent concessions. This Test considers elements such as:

- What benefit is provided to the Community by what your organisation does?
- What Community need, challenge or aspiration does your service or offering address?
- What impact or difference does your service or offering make?
- What capacity and controls exist to ensure concession requirements will be met? (e.g. your approach to financial management and financials/solvency situation)
- What partner organisations do you work with and why?
- Who benefits from your service or offering (audience and reach)
- How many people benefit from your service or offering? (numbers)
- What, if any, role do volunteers or the community provide in your service or offering?

For planning and budgeting purposes, rent concessions are assigned for the term of the lease. Leases are now moving to a 3-year cycle. The proposed rent concessions are therefore for the 3 years commencing June 2019 to June 2022.

As this is a continuation of existing rent concession allocation, there is no impact on budget.

5 Significance and engagement

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via agenda publication on the website.

Community Funding Committee Meeting Minutes

Date: Wednesday, 10 April, 2019
Time: 9:00 a.m.
Location: Council Chamber
 Forum North, Rust Avenue
 Whangarei

In Attendance
 Cr Crichton Christie (Chairperson)
 Cr Gavin Benney
 Cr Tricia Cutforth
 Cr Sue Glen
 Cr Greg Innes
 Cr Greg Martin

Not in Attendance
 Her Worship the Mayor Sheryl Mai

Also present
 Cr Vince Cocurullo
 Cr Shelley Deeming
 Cr Phil Halse
 Cr Cherry Hermon

Scribe
 C Brindle (Senior Democracy Adviser)

1. Declarations of Interest

Item 4.2 Community Fund 2018-19 Round

2. Apology

Her Worship the Mayor Sheryl Mai

Moved By Cr Tricia Cutforth

Seconded By Cr Sue Glen

That the apology be sustained.

Carried

3. Confirmation of Minutes of Previous Community Funding Committee Meeting

3.1 Minutes Community Funding Committee meeting held
12 December 2018

Moved By Cr Tricia Cutforth
Seconded By Cr Gavin Benney

That the minutes of the Community Funding Committee meeting held on Wednesday 12 December 2018, 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. Decision Reports

4.1 Partnership Fund applications received – April 2019

Moved By Cr Gavin Benney
Seconded By Cr Greg Martin

That the Committee recommends to Council to:

1. Approve a grant of \$57,000 from the Partnership Fund to Te Ora Hou towards their community centre development contributions levy.

On the recommendations being put Cr Martin called for divisions:

Recorded	For	Against	Abstain
Cr Crichton Christie	X		
Cr Gavin Benney	X		
Cr Tricia Cutforth	X		
Cr Sue Glen	X		
Cr Greg Innes	X		
Cr Greg Martin	X		
Results	6	0	0

Carried (6 to 0)

2. Carry over the application from Waipu Croquet Club for new clubrooms.

Recorded	For	Against	Abstain
Cr Crichton Christie	X		
Cr Gavin Benney	X		
Cr Tricia Cutforth		X	
Cr Sue Glen	X		

Cr Greg Innes	X		
Cr Greg Martin	X		
Results	5	1	0

Carried (5 to 1)

3. Carry over the application from Mangakahia Squash Club to the 2019-20 Partnership Fund.

Recorded	For	Against	Abstain
Cr Crichton Christie	X		
Cr Gavin Benney	X		
Cr Tricia Cutforth	X		
Cr Sue Glen	X		
Cr Greg Innes	X		
Cr Greg Martin	X		
Results	6	0	0

Carried (6 to 0)

4. Approve a grant of \$80,000 from the Partnership Fund to the Whangaruru North Residents and Ratepayers Association towards funding for a community facility for Bland Bay.

Recorded	For	Against	Abstain
Cr Crichton Christie	X		
Cr Gavin Benney	X		
Cr Tricia Cutforth		X	
Cr Sue Glen	X		
Cr Greg Innes	X		
Cr Greg Martin	X		
Results	5	1	0

Carried (5 to 1)

5. Decline the application from The Whangarei Harbour Marina Management Trust for Kissing Point earthworks.

Recorded	For	Against	Abstain
Cr Crichton Christie	X		
Cr Gavin Benney	X		
Cr Tricia Cutforth	X		
Cr Sue Glen	X		
Cr Greg Innes	X		
Cr Greg Martin	X		
Results	6	0	0

Carried (6 to 0)

Cr Cocurullo joined the meeting at 9.11am during Item 4.1.

4.2 Community Fund 2018-19 Round 2 allocations

The application from Whangarei Repertory Society was withdrawn.

Moved By Cr Gavin Benney

Seconded By Cr Sue Glen

That the Committee

1. Approves grant allocations from Round 2 of the 2018-19 Community Fund, as follows:

Organisation	Project	Grant
Arthritis New Zealand	Workshop for people with arthritis	\$500
Barnardos New Zealand	Father's Day Event 2019	\$3,365
Bream Head Conservation Trust	Predator trap upgrade	\$3,500
Deaf Action New Zealand	NZ Sign Language classes	\$3,354
Inspiring Stories Trust	Future Leaders Programme	\$2,555
Kids for Kids Charitable Trust	Kids choir production	\$4,000
Massive Company Trust	Like A River, I Disagree (theatre)	\$3,068
Maungarongo Marae (under Mangakahia Sports Ground Society)	Community playground swing set	\$10,000
N-Generation (under He Puna Marama Trust)	Northern Clash Tournament Series	\$2,006
Onerahi Resource Centre	True Tales of Onerahi volume 2	\$500
Opuawhanga Tennis Inc	Tennis court surface and fence repairs	\$5,000
Parent to Parent New Zealand	Northland Renew Workshop	\$2,000

Prosper Northland <i>*subject to their reporting back to the Committee</i>	Colour Our City	\$4,000
Te Tai Tokerau PHO	Kia Ora Project	\$10,000
Tiaho Trust	Getting Out There Expo 2019	\$2,960
Waipu Riding Residents and Ratepayers Association	Tartan plaques project	\$3,750
Whangarei Contract Bridge Club	Painting interior of clubrooms	\$9,000
Whangarei Group Riding for the Disabled	Waterline project	\$4,047
Whangarei Parents Centre	Teddy Bears Picnic 2019	\$3,146

Declines grant allocations from Round 2 of the 2018-19 Community Fund to the following:

Organisation	Project
Discover Whangarei Heads Tourism Group	Te Araroa Trail Facility Project
Epilepsy Northland support group (under Epilepsy New Zealand)	Support group outings
Mangapai Hall Society	Fencing and insurance
Melinda Butt	Bank Street Gallery
NZ Gaidhealtachd Trust	Gaidhealtachd 2020 summer school
Parkinson's New Zealand	UPBEAT weekend
Sport Northland	Parihaka Trail run/walk
Whangarei Community Patrol	Equipment and training costs
Whangarei Youth Music Inc	Clarinet and saxophone programme phase 2

Carried

Declarations of interest:

Cr Greg Innes declared a conflict of interest as Chair of the Bream Head Conservation Trust. Cr Innes refrained from discussions and voting on the Bream Head Conservation Trust application.

Cr Crichton Christie declared an interest in regard to Whangarei Youth Music Inc.

Cr Halse joined the meeting at 9.47am during discussions on Item 4.2.

Cr Hermon joined the meeting at 10.01am during discussions on Item 4.2.

4.3 Annual Events Fund - Art'n'Tartan 2019 transition payment

Moved By Cr Tricia Cutforth

Seconded By Cr Greg Martin

That the Committee

1. Approves a grant of \$7,500 to Waipu Centennial Trust as a transition payment for the 2019 Art'n'Tartan event.

Carried

4.4 Residents and Ratepayers Fund late application - Parua Bay Residents and Ratepayers Association

Moved By Cr Greg Martin

Seconded By Cr Crichton Christie

That the Committee approves a grant of \$700 to Parua Bay Residents and Ratepayers Association from the 2018-19 Resident and Ratepayer Fund.

Carried

4.5 Renewal of rent concessions

Moved By Cr Greg Innes

Seconded By Cr Crichton Christie

That Committee recommends to Council to:

1. Approve an annual rent concession of 100% of rental to Whangarei Youth Space Trust on their leased premises at Cafler Park on Water Street, for the lease period of 3 years, commencing 1 July 2019.
2. Approve an annual rent concession of 100% of rental to ONEONESIX Trust on their leased premises at 116 Bank Street for the lease period of 3 years, commencing 1 July 2019.

Carried

5. Public Excluded Business

There was no business conducted in public excluded.

6. Closure of Meeting

The meeting concluded at 10.27am

Confirmed this 14th day of August 2019

Councillor Crichton Christie (Chairperson)

Unconfirmed Minutes

7.1 Infrastructure Capital Projects and Carry Forwards Report as at 31 March 2019

Meeting: Whangarei District Council
Date of meeting: 24 April 2019
Reporting officer: Simon Weston (General Manager Infrastructure)

1 Purpose

Is to inform Council of the current financial position of the Infrastructure portfolio, and the projected position at financial year end.

2 Recommendation

That Council notes the report and forecast position to the end of the financial year.

3 Discussion

Project delivery is generally progressing well with a forecast expenditure of \$59.5m for the 2018-19 financial year.

Slower progress than originally planned on some multi-year projects means that some project budgets allocated to the 2018-2019 financial year will need to be carried forward to the following year. Early identification of carry forwards has enabled other projects to be brought forward for delivery this year to balance out projected carry forwards.

The original capex budget for the infrastructure group was \$62.6m. The current capex budget for the infrastructure group has increased to \$72.99m which includes \$10.35m of projects previously brought forward to offset the anticipated carry forwards at year end. As at the end of March 2019 carry forwards are forecast at \$12.1m for identified projects but could be between \$13m and \$18m. The \$12.1m carry forward forecast is primarily made up of the following:

- \$4.3m – Whau Valley Water Treatment Plant construction start date was later in the year than originally planned due to detailed design taking longer than estimated.
- \$0.7m – Recycling bins purchase is delayed due to significant changes in the recycling industry across the country. Costs have also reduced due to change from wheelie bins to crates.
- \$1.2m – Pohe Island Bike Hub Carpark is moved out to align with the third-party Bike Hub development.

- \$1.6m – Coastal structures renewals including Ngunguru Seawall Renewal Stage 2, Matapouri Beach Replenishment, Sandy Bay Erosion Control, and One Tree Point Erosion Control are taking longer than estimated due to community consultation, and new consenting requirements coming from the updated Regional Plan for Northland and Department of Conservation.

Last financial year the infrastructure group capex expenditure was \$42.9m with a carry forward of \$14.3m. This level of expenditure was significantly better than in the previous financial year. This year we have a capex budget of \$62.6m, and forecast expenditure of \$59.5m which is a significant increase in overall expenditure, albeit a variation in timing for some projects.

To give the best chance of delivering on the capital expenditure budgets over the next few years it is also necessary to identify projects that could be 'brought forward' for earlier delivery, and new or existing projects that require additional budget. Early engagement, project planning and design work has already started on some future projects to maintain momentum on project delivery.

As long as the total capital expenditure across the 2018-19 financial year is the same (or less) than budgeted there is no impact on overall funding. Approved LTP projects are being delivered, it is only the timing of some projects which has changed.

4 Significance and engagement

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website.

5 Attachment

Infrastructure Capital Projects Report as at 31 March 2019

INFRASTRUCTURE CAPITAL PROJECTS REPORT

AS AT 31 March 2019

(Figures include both Operating and Capital Expenditure)

	Actual YTD \$000	Revised Budget YTD \$000	Variance YTD \$000	Full Year Forecast \$000	Full Year Revised Budget	Forecast Carry Forwards \$000	Total (Underspent)/ Overspent \$000
Transportation							
Bus Shelters	34	69	(34)	92	92	0	0
Coastal Protection Structures - Roothing	0	61	(61)	82	82	0	0
Cycleways - Additional government fundin	87	0	87	70	0	0	70
Cycleways - Subsidised	5,640	2,673	2,968	8,820	8,890	0	(70)
Cycleways - Unsubsidised Programmed Work	56	68	(13)	91	91	0	0
Drainage Renewals	682	811	(129)	1,282	1,081	0	201
Footpaths Renewals	106	266	(160)	348	355	0	(7)
Land for Roads	13	346	(333)	13	500	500	13
LED Streetlight Upgrades	836	2,580	(1,744)	2,500	3,440	1,000	60
Lower James Street Upgrade	0	311	(311)	518	518	0	0
Mill Rd/Nixon St/Kamo Rd - Roothing	1	0	1	1	0	0	1
Minor Improvements to Network	940	5,340	(4,400)	5,319	7,120	0	(1,801)
Parking Renewals	189	168	21	225	224	0	1
Seal Extensions - House Frontage Sealing	2,386	0	2,386	2,000	0	0	2,000
Seal Extensions - Wright/McCardle	43	774	(731)	34	1,032	0	(998)
Sealed Road Pavement Rehabilitation	1,959	2,984	(1,025)	3,077	3,978	0	(901)
Sealed Road Resurfacing	4,015	3,137	878	5,089	4,182	0	907
Structures Component Replacement	387	765	(378)	1,059	1,020	0	39
Subdivision Works Contribution	26	38	(12)	51	51	0	0
Traffic Sign & Signal Renewals	330	650	(321)	851	867	0	(16)
Transport Planning Studies & Strategies	145	191	(46)	254	255	0	(1)
Unsealed Road Metalling	355	612	(257)	967	816	0	151
Urban Intersection Upgrades	2,248	530	1,718	3,479	2,791	0	688
Waterfront Programme	16	0	16	16	0	0	16
Transportion Total	20,493	22,374	(1,881)	36,240	37,385	1,500	354
Water							
Dam Safety Review	0	0	0	10	10	0	0
Minor Projects - Emergency Works	71	130	(59)	421	541	50	(70)
Reservoir Rehabilitation - Programmed Work	1	140	(139)	75	214	139	(0)
Reticulation - Programmed Work	602	739	(137)	2,001	2,107	105	(1)
Ruddells Raw Water Line Renewal	2	0	2	2	0	0	2
SCADA Upgrade	0	180	(180)	300	408	108	0
Trunkmain Condition Assessments	0	0	0	0	61	62	1
Waipu Water Reticulation	0	28	(28)	0	71	0	(71)
Water Meter Renewals	191	357	(166)	347	357	0	(10)
Water Property Renewals	12	20	(8)	29	49	0	(20)
Water Treatment Plant & Equipment Replacement	399	368	31	602	530	0	71
Whau Valley New Water Treatment Plant	1,171	1,145	26	2,117	6,408	4,290	(0)
Water Total	2,449	3,106	(657)	5,905	10,757	4,755	(97)
Solid Waste							
Recycling Bins Purchase	0	0	0	0	1,530	650	(880)
Transfer Station Upgrades	82	214	(132)	78	285	208	0
Solid Waste Total	82	214	(132)	78	1,815	858	(880)
Wastewater							
Hikurangi Sewer Network Upgrade	492	683	(191)	892	1,170	278	(0)
Laboratory Equipment Renewals & Upgrades	0	15	(15)	20	20	0	0
Motor Starter Assessment & Upgrades	0	6	(5)	8	8	0	0
Public Toilets	219	15	204	149	165	0	(16)
Ruakaka Waste Water Treatment Plant Upgrade	5	0	5	5	0	0	5
Sewer Network Renewal	318	1,005	(687)	1,167	1,416	0	(250)
Sewer Network Upgrades	1,352	1,049	303	1,683	1,760	0	(77)
Tutukaka Wastewater WWTP Renewals	64	0	64	57	0	0	57
Wastewater Assessment	1	40	(39)	21	43	0	(22)
Wastewater City Service Level Improvements	6	0	6	10	0	0	10
Wastewater Pump Station Remote Monitoring	10	99	(90)	105	133	0	(28)
Wastewater Pump Station Renewals	283	313	(30)	385	386	0	(0)
Wastewater Reticulation Upgrade	0	31	(31)	33	41	0	(7)
Wastewater Strategy - Programmed Work	6	24	(18)	20	24	0	(4)
Wastewater Treatment Plant Biogas Generator	0	115	(115)	105	153	48	0
Wastewater Treatment Plant Renewals	33	620	(587)	512	888	200	(176)
Wastewater Treatment Plant Upgrades	350	371	(21)	708	705	0	3
Wastewater Total	3,138	4,386	(1,248)	5,880	6,912	526	(505)

	Actual YTD \$000	Revised Budget YTD \$000	Variance YTD \$000	Full Year Forecast \$000	Full Year Revised Budget	Forecast Carry Forwards \$000	Total (Underspent)/ Overspent \$000
Stormwater							
Stormwater Catchment Management Plans & Assessm	227	350	(123)	313	464	50	(101)
Stormwater Renewals	358	518	(160)	601	981	0	(380)
Stormwater Upgrades	92	228	(136)	228	299	0	(71)
Teal Bay Stormwater Improvements	367	394	(28)	599	546	0	53
Stormwater Total	1,043	1,490	(447)	1,740	2,290	50	(499)
Community Facilities & Services							
<i>Parks & Recreation</i>							
Cemeteries Level of Service	8	82	(74)	82	82	0	0
Cemeteries Renewals	47	89	(42)	117	118	0	(1)
Coastal Structures Level of Service	0	45	(45)	61	61	0	0
Coastal Structures Renewal	298	779	(481)	346	2,019	1,623	(49)
Dog Park Upgrades	242	200	42	284	306	22	0
Emerald Necklace - Sense of Place	12	0	12	12	0	0	12
Hatea Activity Loop	23	563	(540)	579	563	0	16
Neighbourhood & Public Gardens Level of Service	138	141	(3)	275	294	153	134
Neighbourhood & Public Gardens Renewals	324	970	(646)	1,000	1,085	0	(85)
Parks Interpretation Information	15	53	(38)	51	53	0	(2)
Playgrounds & Skateparks Level of Service	36	315	(280)	273	355	90	8
Playgrounds & Skateparks Renewals	98	160	(62)	145	160	0	(15)
Pohe Island Development	674	1,794	(1,120)	2,820	4,067	1,306	59
Public Art	7	58	(51)	20	61	0	(41)
Seawalls Renewal	14	0	14	14	0	0	14
Sport & Recreation Growth	677	912	(234)	1,656	2,316	660	0
Sport & Recreation Level of Service	214	178	37	250	202	0	48
Sport & Recreation Renewals	51	788	(737)	546	788	139	(103)
Town Basin - Conversion of Carpark to Park	69	125	(56)	505	203	0	302
Visitor Destination Upgrades	3	0	3	31	0	0	31
Walkway & Track Renewals	68	334	(266)	385	436	0	(52)
Whangarei City Centre Plan Implementation	0	20	(20)	49	51	0	(2)
Parks & Recreation Total	3,018	7,604	(4,586)	9,500	13,219	3,994	275
Community Facilities & Services Total	3,018	7,604	(4,586)	9,500	13,219	3,994	275
Governance & Strategy							
<i>Infrastructure Planning & Capital Works</i>							
New Airport Evaluation	116	432	(316)	181	612	430	(1)
Infrastructure Planning & Capital Works Total	116	432	(316)	181	612	430	(1)
Support Services Total	116	432	(316)	181	612	430	(1)
Infrastructure Total	30,340	39,606	(9,266)	59,524	72,990	12,112	(1,354)

RESOLUTION TO EXCLUDE THE PUBLIC

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
1.1	Closed Minutes Whangarei District Council 28 March 2019	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Tutukaka Marina – commercial boat levies		
1.3	Development Representation		
1.4	Solid Waste Recycling Collection Contract		
1.5	NRU/Old Boys Marist Development – William Fraser on Pohe Island Memorial Park		

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
1.1	For the reasons as stated in the previous minutes	
1.2	To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or is the subject of the information	Section 7(2)(b)(ii)
1.3	To prevent the disclosure or use of official information for improper gain or improper advantage	Section 7(2)(j)
1.4	To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or is the subject of the information To enable Council to carry on without prejudice or disadvantage commercial activities To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(b)(ii) Section 7(2)(h) Section 7(2)(i)
1.5	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)

Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

“That _____ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item_____.

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because_____.

Note: Every resolution to exclude the public shall be put at a time when the meeting is open to the public.