

Whangarei District Council Meeting Minutes

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

In Attendance

Her Worship the Mayor Sheryl Mai
(Chairperson)
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

Not in Attendance

Cr Gavin Benney

Scribe C Brindle (Senior Democracy Adviser)

1. Karakia/Prayer

Cr Anna Murphy opened the meeting with a karakia/prayer.

3. Apology

Cr Gavin Benney (leave of absence)

Moved By Cr Greg Innes

Seconded By Cr Sharon Morgan

That the apology be sustained.

Carried

2. Declarations of Interest

There were no declarations of interest made in the open section of the meeting.

4. Public Forum

Brian May - various

Tony Gill - Whangarei Dog Park and Quality of new footpaths Riverside Drive.

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

5.1 Minutes Whangarei District Council held 24 April 2019

Moved By Cr Phil Halse

Seconded By Cr Sharon Morgan

That the minutes of the Whangarei District Council meeting held on Thursday 24 April 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 held 16 April 2019

Moved By Cr Sharon Morgan

Seconded By Cr Vince Cocurullo

That the minutes of the Whangarei District Council meeting held on Tuesday 16 April 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 Extra ordinary Council Meeting held 7 May 2019

Moved By Cr Sue Glen

Seconded By Cr Tricia Cutforth

That the minutes of the Whangarei District Council meeting held on Tuesday 7 May 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

5.4 Minutes Whangarei District Council held 9 May 2019

Moved By Cr Vince Cocurullo

Seconded By Cr Shelley Deeming

That the minutes of the Whangarei District Council meeting held on Thursday 9 May 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 City Core Precinct Plan Adoption

Moved By Cr Greg Innes

Seconded By Cr Tricia Cutforth

That the Whangarei District Council

- 1 adopts the City Core Precinct Plan
- 2 authorises the Chief Executive to make any minor amendments to text and graphics of the City Core Precinct Plan as required.

Amendment

Moved By Cr Vince Cocurullo

Seconded By Cr Crichton Christie

That Council receives the City Core Precinct Plan.

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

Recorded	For	Against	Abstain
Her Worship the Mayor		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	9	0

The amendment was Lost (3 to 9)

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

Recorded	For	Against	Abstain
Her Worship the Mayor	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	8	4	0
		Carried (8 to 4)	

6.2 Civic Centre Project - Project Update

Moved By Her Worship the Mayor

Seconded By Cr Anna Murphy

That the Council confirm that:

1. The initial procurement plan to identify a single party for a design and build development has been abandoned and replaced by a new plan supporting a collaborative approach with a Lead Contract Team and Principal's Agent.
2. The new Civic Centre will be constructed at the RSA site at 9 Rust Avenue, Whangarei
3. Approve the Project Governance and Management model outlined in this agenda and appoint Councillor Tricia Cutforth and Councillor Shelley Deeming to the Project Steering Committee.

Carried

Crs Halse, Cocurullo and Christie requested their votes against be recorded.

6.3 Financial Delegation Updates May 2019

Moved By Cr Shelley Deeming

Seconded By Cr Sharon Morgan

That the Council

1. Revoke the Delegated Authority to spend up to \$10,000 from the role of Team Leader - Revenue
2. Delegate the authority to make spend decisions up to \$5,000 to the Senior Rates Team (Roles: Senior Rates Administrator; Senior Rates Adviser; Senior Collections Officer and Senior Revenue Administrator – Payment Processing).

Carried

6.4 Speed Limit Bylaw Review (Introductory Sections)

Moved By Cr Shelley Deeming

Seconded By Cr Greg Martin

That the Council

1. Approves amendments to the Speed Limits Bylaw 2005 as set out in Appendix 3 of Attachment 1, pursuant to Section 22AB(1)(d) of the Land Transport Act 1998, with effect from 28 June 2019 and renames it 'Speed Limits Bylaw 2019'.
2. Authorises the Chief Executive to make any minor edits or amendments to the Bylaw amendments to correct any identified errors or typographical edits or to reflect decisions made by Council.

Carried

6.5 Parua Bay and Whangarei Heads Waste Services

Moved By Cr Greg Innes

Seconded By Cr Shelley Deeming

That the Council

1. Receives the report;
 - a. Notes that the Parua Bay transfer station at the marina site will remain closed, unless a consensus agreement can be reached among the community, and a resource consent obtained, to reopen the station for a period for up to two years.

- b. Notes that the automatic rubbish packer has been removed from the marina site and will be relocated if a suitable site is identified and consented.
- 2. Grants Whangarei Heads Resources Recovery Trust up to \$20,000 from the Waste Levy towards a resource consent and business plan for the community-led resource recovery centre, on Whangarei Heads site.

Carried

6.62019 Local Government NZ Annual General Meeting Remits

1. Climate change – local government representation

Moved By Cr Phil Halse

Seconded By Cr Vince Cocurullo

That Council does not support the remit that recommends Local Government New Zealand (LGNZ) calls on the government to include local government representation (as determined by local government) at all levels of policy development, technical risk and resilience assessment, and data acquisition on climate change response policies – with an emphasis on climate adaptation: policy; legal; planning and financial compensation regimes.

Lost

Further motion

Moved By Cr Anna Murphy

Seconded By Cr Tricia Cutforth

That Council support the remit that recommends Local Government New Zealand (LGNZ) calls on the government to include local government representation (as determined by local government) at all levels of policy development, technical risk and resilience assessment, and data acquisition on climate change response policies – with an emphasis on climate adaptation: policy; legal; planning and financial compensation regimes.

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

Recorded	For	Against	Abstain
Her Worship the Mayor	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	0
		Carried (7 to 5)	

2. Ban on the sale of fireworks to the general public

Moved By Cr Crichton Christie

Seconded By Cr Cherry Hermon

That Council does not support the remit that recommends LGNZ work with central government to raise the issue (about the sale of fireworks) and advocate for legislative change.

Carried

3. Traffic offences – red light running

Moved By Cr Crichton Christie

Seconded By Cr Greg Innes

That Council does not support the remit that recommends LGNZ request the government to bring into line camera and officer-directed red light running offences with other traffic offences that incur demerit points.

Lost

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

Further motion

Moved By Cr Greg Martin

Seconded By Cr Sharon Morgan

That Council support the remit that recommends LGNZ request the government to bring into line camera and officer-directed red light running offences with other traffic offences that incur demerit points.

Carried

4. Prohibit parking on grass berms

Moved By Cr Phil Halse

Seconded By Cr Shelley Deeming

That Council does not support the remit that recommends LGNZ seek an amendment to clause 6.2 of the Land Transport (Road User) Rule 2004 to prohibit parking on urban berms.

Carried

5. Short term guest accommodation

Moved By Cr Crichton Christie

Seconded By Cr Greg Innes

That Council does not support the remit that recommends LGNZ advocates for enabling legislation that would allow councils to require all guest accommodation providers to register with the council and that provides an efficient approach to imposing punitive action on operators who don't comply.

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

Recorded	For	Against	Abstain
Her Worship the Mayor		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	0
		Carried (7 to 5)	

6. Nitrate in drinking water

Moved By Cr Anna Murphy

Seconded By Cr Sue Glen

That Council support the remit that recommends LGNZ request the government fund additional research into the effects of nitrates in drinking water on human health, and/or partner with international public health organisations to promote such research, in order to determine whether the current drinking water standard for nitrate is still appropriate for the protection of human health.

Carried

7. Local Government Official Information and Meetings Act (1987)

Moved By Cr Sharon Morgan

Seconded By Her Worship the Mayor

That Council support the remit that recommends LGNZ initiate a review of Local Government Official Information and Meetings Act (1987) (LGOIMA) request management nationally with a view to establishing clear and descriptive reporting for and by local authorities as outlined on page 22 of the attachment and support that LGNZ use the data obtained for the purpose outlined on page 22 of the attachment 2019 AGM Meeting Remits.

Carried

8. Weed control

Moved By Cr Anna Murphy

Seconded By Cr Tricia Cutforth

That Council support the remit that LGNZ encourages member councils to consider using environmentally friendly weed control methods.

Carried

9. Building defect claims

Moved By Cr Cherry Hermon

Seconded By Cr Crichton Christie

That Council does not support the remit that recommends LGNZ call on central government to take action as recommended by the Law Commission in its 2014 report on "Liability of Multiple Defendants to introduce a cap on the liability of councils in New Zealand in relation to building defect claims whilst joint and several liability applies.

Lost

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

Further motion

Moved By Cr Greg Martin

Seconded By Cr Sharon Morgan

That Council support the remit that recommends LGNZ call on central government to take action as recommended by the Law Commission in its 2014 report on “Liability of Multiple Defendants to introduce a cap on the liability of councils in New Zealand in relation to building defect claims whilst joint and several liability applies.

Carried

10. Social housing

Moved By Cr Tricia Cutforth

Seconded By Cr Cherry Hermon

That Council support the remit that recommends LGNZ, in conjunction with central government, urgently focus on the development and implementation of a broader range of funding and financing tools in respect of community/social housing provision, than those which currently exist in the housing needs space. These should include funding to support the operation, upgrade and growth of council housing portfolios and where a council chooses, access to Income Related Rents for eligible tenants.

Carried

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

11. Procurement

Moved By Cr Crichton Christie

Seconded By Cr Greg Martin

That Council does not support the remit that recommends LGNZ investigate the ability of the sector to collaborate in procuring open-source designs and plans for bulk infrastructure that are largely similar, with an initial approach to look at water and wastewater treatment facilities.

Carried

12. Single use polystyrene

Moved By Cr Anna Murphy

Seconded By Cr Tricia Cutforth

That Council support the remit that recommends LGNZ advocates to the government to phase out single use polystyrene.

Carried

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

13. Local Government Act 2002

Moved By Cr Sue Glen

Seconded By Her Worship the Mayor

That Council support the remit that recommends LGNZ pursue an amendment to the Local Government Act 2002 to:

- a Re-number sub-sections 181 (5) and (6) to sub-sections (6) and (7); and
- b Introduce a new sub-section (5) to read: For all purposes the term “any work” in sub-section 4 means any works constructed before xx Month 20XX and includes any works that were wholly or partly in existence, or work on the construction of which commences, before xx Month 20xx.

Carried

14. Campground regulations

Moved By Cr Crichton Christie

Seconded By Cr Sue Glen

That Council does not support the remit that recommends LGNZ request the government to amend the Camping Ground Regulations to allow councils to approve remote camp facilities on private property, subject to any conditions as deemed required by a council, including the condition that the camp ground is x distance away from an existing campground, unless the existing campground operator agrees to waive this condition in writing.

Lost

Cr Murphy gave notice that if the motion was lost she would move a further motion.

Further motion

Moved By Cr Anna Murphy

Seconded By Cr Sharon Morgan

That Council support the remit that recommends LGNZ request the government to amend the Camping Ground Regulations to allow councils to approve remote camp facilities on private property, subject to any conditions as deemed required by a council, including the condition that the camp ground is x distance away from an existing campground, unless the existing campground operator agrees to waive this condition in writing.

Carried

15. Living Wage

Moved By Cr Tricia Cutforth

Seconded By Cr Anna Murphy

That Council support the remit that Wellington City Council requests that LGNZ members consider engaging with the Living Wage

Aotearoa New Zealand Movement when developing policies on payment of the Living Wage.

Lost

16. Sale and Supply of Alcohol Act

Moved By Cr Sharon Morgan

Seconded By Cr Anna Murphy

That Council support the remit that LGNZ, on behalf of its member council ask for a review of the effectiveness of the Sale and Supply of Alcohol Act 2012 in reducing alcohol harm (eg price, advertising, purchase age and availability) and fully involve government in that review.

Lost

Cr Cutforth left the meeting at 1.07 during discussions on recommendation 16.

17. Greenhouse gases

Moved By Cr Shelley Deeming

Seconded By Cr Greg Martin

That Council does not support the remit that Wellington City Council requests that LGNZ members collectively adopt the position that government should revise the Resource Management Act 1991 to adequately consider the impact of greenhouse gases when making decisions under that law and to ensure that the Resource Management Act 1991 is consistent with the Zero Carbon Bill.

Carried

Cr Murphy gave notice that if the motion was lost she would move a further motion.

18. Climate Change –policy framework

Moved By Cr Greg Martin

Seconded By Cr Sue Glen

That Council does not support the remit that LGNZ recommends to government that they establish an independent expert group to develop a new funding policy framework for adapting to climate change impacts as recommended by the Climate Change Adaptation Technical Working Group (CCATWG) and note the new expert group would be supported by a secretariat and stakeholder advisory group.

Lost

Cr Murphy gave notice that if the motion was lost she would move a further motion.

Further motion

Moved By Cr Anna Murphy

Seconded By Cr Sharon Morgan

That Council support the remit that LGNZ recommends to government that they establish an independent expert group to develop a new funding policy framework for adapting to climate change impacts as recommended by the Climate Change Adaptation Technical Working Group (CCATWG) and note the new expert group would be supported by a secretariat and stakeholder advisory group.

Carried

Cr Cutforth re-joined the meeting at 1.10pm during discussions on recommendation 18.

19. Road safety

Moved By Cr Greg Martin

Seconded By Cr Sharon Morgan

That Council support the remit that:

1. LGNZ acknowledges that the New Zealand Transport Agency's (NZTA's), Code of Practice for Temporary Traffic Management (CoPTTM) is a comprehensive and robust document, and that NZTA ensures the CoPTTM system is regularly reviewed, refined and updated. However, in light of the recent road worker fatalities LGNZ requests NZTA, in partnership with Road Controlling Authorities (RCA's);
 - a. Review afresh its Code of Practice for Temporary Traffic Management (CoPTTM) to satisfy themselves that;
 - i The document provides sufficient guidelines and procedures to ensure approaching traffic are given every possible opportunity to become aware of the worksite ahead and to respond appropriately and in a timely manner.
 - b. Review its CoPTTM Training System to ensure;
 - i. Trainers are sufficiently qualified and adequately covering the training syllabus.
 - ii Site Traffic Management Supervisors (STM's) and Traffic Controllers (TC's) are only certified when they can demonstrate competence in the application of CoPTTM.
 - iii A robust refresher programme is in place to ensure those in charge of Traffic Management on worksites remain current in the required competencies.
 - c. Review its Site Auditing requirements to ensure the traffic management at worksites is independently audited at a

sufficient frequency to ensure compliance, and that a significantly robust system is put in place to enable enforcement of compliance.

2. LGNZ takes steps to remind its members of their duties with respect to their role as Road Controlling Authorities including:
 - a. Appointing and sufficiently training and resourcing a Traffic Management Co-ordinator to ensure their obligations under the Health and Safety Work Act 2015, with respect to traffic management, are being met.
 - b. *Adequately resourcing and undertaking audits of road work sites to ensure compliance with CoPTTM.*

Carried

Cr Hermon was absent from the meeting from 1.11pm to 1.13pm during discussions on recommendation 19.

20. Mobility scooter safety

Moved By Cr Tricia Cutforth

Seconded By Cr Sharon Morgan

That Council support the remit that LGNZ requests that government investigate the introduction of strengthened rules to govern the safe use of mobility scooters, particularly in relation to speed limits and registration.

Carried

21. Museum and galleries

Moved By Cr Crichton Christie

Seconded By Cr Sharon Morgan

That Council support the remit that recommends that central government funding be made available on an annual basis for museums and galleries operated by territorial authorities with nationally significant collections.

Carried

22. Resource Management Act

Moved By Cr Crichton Christie

Seconded By Cr Phil Halse

That Council does not support the remit that recommends the selection of all independent commissioners for Resource Management Act hearings be centralised to improve independence and enhance the quality of decisions.

Carried

23. Mayor decision to appoint Deputy Mayor

Moved By Cr Phil Halse

Seconded By Cr Vince Cocurullo

That Council does not support the remit that LGNZ request the government to amend S.41A of the LGA 2002 to give Mayors the same powers to appoint a deputy mayor as held by the Mayor of Auckland.

Carried

24. Beauty industry

Moved By Cr Tricia Cutforth

Seconded By Cr Vince Cocurullo

Note that Council has already resolved to support the remit that LGNZ calls on the government to develop and implement national guidelines, policy or regulations to achieve national consistency for the largely unregulated 'health and beauty clinic' industry

Carried

7. Information Reports

There were no information reports.

8. Public Excluded Business

Moved By Cr Sharon Morgan

Seconded By Cr Vince Cocurullo

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 24 April 2019	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Ruakaka – Cemetery Land Purchase		
1.3	Kamo Shared Path – Property Sale		
1.4	Trustee Whangarei Quarry Gardens Trust		

1.5	Puna Rere Drive – gift of land		
1.6	Request for compensation		
1.7	Electricity Supply		
1.8	New Facility Update – Location Review		
1.9	Property transaction		
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 enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)	
1.3	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)	
1.4	To protect the privacy of natural persons including that of a deceased person	Section 7(2)(a)	
1.5	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)	
1.6	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)	
1.7	To protect information where the making available of the information would be likely to unreasonably prejudice the commercial position of the person who supplied it or who are the subject of the information	Section 7(2)(b)(ii)	
1.8	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)	
1.9	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)	

Carried

9. Closure of Meeting

The meeting concluded at 2.46pm

Confirmed this 27th day of June 2019

Her Worship the Mayor Sheryl Mai (Chairperson)