

Whangarei District Council Meeting

Agenda

Date: Thursday, 25 July, 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.

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9. Closure of Meeting

4. Public Forum

Meeting: Whangarei District Council
Date of meeting: 25 July 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:

The following speakers are scheduled:

Speakers	Subject
Samantha Wu	Council declaring a climate emergency
Chris Bone	Climate Change
Pai Sophie	Climate Crisis

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
Catherine Murupaenga-Ikenn	Imperative to declare climate emergency
Brian May	Misleading council minutes

Report*Declare a climate emergency*

Ms Murupaenga-Ikenn, speaking on behalf of Extinction Rebellion, requested Whangarei District Council declare a climate and ecological emergency. Extinction Rebellion is part of the international Extinction Rebellion movement, founded last year in the United Kingdom.

The group urge council to formally declare it agrees with scientific evidence about climate change and “ecological crises”, and incorporate the evidence into its decision making. And are also asking council to use its role as a community leader to clearly communicate the reality of what we’re facing and what needs to happen in our local community. Several councils in New Zealand have already made similar declarations. The planet is on track to reach 450 parts per million of carbon dioxide in its atmosphere by 2030, 20 years earlier than predicted a few years ago.

“We urge that you buck the trend, and provide a clear signal that our elected officials are giving our climate crisis the attention it deserves.”

Ms Murupaenga-Ikenn’s speaking notes were circulated at the meeting.

Response

Included in this agenda is a report on ‘declaring a climate emergency’.

Brian May	Misleading council minutes
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Report

Prior to speaking Mr May gave Chief Executive Rob Forlong a set of documents that he referred to as ‘court documents’ and requested this be recorded in the minutes.

Misleading council minutes

Mr May is of the opinion that the minutes of the previous council meeting are incorrect. He asked why, when the minutes were proposed for adoption, the Councillors present had not challenged their correctness.

Response

At the 27 June meeting the Council adopted the minutes of the 30 May council meeting as a true and correct record of proceedings.

Item 5.1
Whangarei District Council Meeting Minutes

Date: Wednesday, 26 June, 2019
Time: 1:00 p.m.
Location: Council Chamber
 Forum North, Rust Avenue
 Whangarei

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

1. Karakia/Prayer
2. Declaration of Interest

Item 4.1 Class 4 Gambling Venue Policy deliberations

3. Apology

Cr Sue Glen

Moved By Cr Sharon Morgan

Seconded By Cr Vince Cocurullo

That the apology be sustained.

Carried

4. Decision Reports

4.1 Class 4 Gambling Venue Policy - Deliberations

Moved By Her Worship the Mayor

Seconded By Cr Shelley Deeming

That Council deliberate on submissions received regarding the proposed amendments to the Class 4 Gambling Venue Policy.

Carried

Further motion

Moved By Cr Cherry Hermon

Seconded By Cr Tricia Cutforth

That Council, at the July 2019 Council meeting confirms the amendments to the Policy as proposed in the Statement of Proposal.

Amendment

Moved By Cr Vince Cocurullo

Seconded By Cr Phil Halse

1. That Council, at the July 2019 Council meeting confirms the amendments to the Policy as proposed in the Statement of Proposal.
2. That Council directs the Chief Executive to immediately investigate substantive amendments to the Policy, to be reported back to Council for consideration within one year, and if Council wishes to proceed, subsequent consultation as soon as practicably possible.

On the amendment 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 Phil Halse	X		
Cr Cherry Hermon		X	
Cr Greg Innes		X	
Cr Greg Martin	X		

Cr Sharon Morgan		X
Cr Anna Murphy		X
Results	5	6

The amendment was Lost (5 to 6)

On the motion being put Cr Martin 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 Phil Halse		X	
Cr Cherry Hermon	X		
Cr Greg Innes	X		
Cr Greg Martin		X	
Cr Sharon Morgan	X		
Cr Anna Murphy	X		
Results	6	5	

The motion was Carried (6 to 5)

*Cr Gavin Benney declared a conflict of interest and withdrew from the table, taking no part in discussions or voting on Item 4.1.
Cr Glen was absent.*

5. Public Excluded Business

There was no business conducted in public excluded.

6. Closure of Meeting

The meeting concluded at 1.42pm.

Confirmed this 25th day of July 2019

Her Worship the Mayor Sheryl Mai (Chairperson)

Item 5.2
Whangarei District Council Meeting Minutes

Date: Thursday, 27 June, 2019
Time: 10:30 a.m.
Location: Council Chamber
 Forum North, Rust Avenue
 Whangarei

In Attendance

 Her Worship the Mayor Sheryl Mai
 (Chairperson)
 Cr Gavin Benney
 Cr Crichton Christie
 Cr Vince Cocurullo
 Cr Tricia Cutforth
 Cr Shelley Deeming
 Cr Phil Halse
 Cr Cherry Hermon
 Cr Greg Innes
 Cr Greg Martin
 Cr Sharon Morgan
 Cr Anna Murphy
Not in Attendance

 Cr Sue Glen

Scribe

 C Brindle (Senior Democracy Adviser)

Administrative matters

Her Worship covered the following administrative matters:

- Emergency evacuation procedures
- Order of items:
 - Item 6.8 Submission by Whangarei District Council on the Zero Carbon Amendment Bill – to be taken after public forum
 - Item 6.6 Speed Limit Bylaw – Speed Limit Consultation – withdrawn.
- Advised that members of the public and the media will be taking photographs.

1. Karakia/Prayer

Cr Sharon Morgan opened the meeting with a karakia/prayer.

2. Declarations of Interest

There were no declarations of interest made at this meeting.

3. Apologies

Cr Sue Glen (absent) and Cr Vince Cocurullo (early departure)

Moved By Cr Greg Innes

Seconded By Cr Phil Halse

That the apologies be sustained.

Carried

4. Public Forum

Catherine Murupaenga-Ikenn - Imperative to declare climate emergency

Brian May - Misleading council minutes.

Item 6.8 was taken after public forum. Item 5.1 was taken after Item 6.8.

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

5.1 Minutes Whangarei District Council Meeting held 30 May 2019

Moved By Cr Sharon Morgan

Seconded By Cr Phil Halse

That the minutes of the Whangarei District Council meeting held on Thursday 30 May 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 11 June 2019

Moved By Cr Tricia Cutforth

Seconded By Cr Anna Murphy

That the minutes of the Whangarei District Council meeting held on Tuesday 11 June 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 2019-20 Fees and charges

Moved By Cr Tricia Cutforth

Seconded By Cr Sharon Morgan

That the Council:

1. Adopt the 2019-20 fees and charges which were subject to consultation listed in Table A below:

Table A: 2019-20 fees and charges which were subject to consultation

	Refer Attachment 1: Proposed Fees and Charges
Bylaw Enforcement	Page 9
Drainage (Waste Water and Trade Waste)	Page 14
Food Act	Pages 15
Health Act Registered Premises	Page 16
Gambling Act and Racing Act	Page 17
Resource Management	Page 24
Rubbish Disposal	Pages 25 & 26
Water	Pages 27 & 28

2. Authorise the Chief Executive to make minor amendments, drafting, typographical or presentation corrections necessary.

Carried

6.2 Adoption of Annual Plan 2019 - 2020

Moved By Her Worship the Mayor

Seconded By Cr Anna Murphy

That Council

1. Adopt the Annual Plan 2019 – 2020
2. Authorise the Chief Executive to make any necessary minor drafting, typographical or presentation corrections to the Annual Plan 2019 – 2020 (including indexing).

Carried

Cr Murphy was absent from 11.55am to 11.57am during Item 6.2.

6.3 2019-2020 Rates Resolution

Moved By Cr Shelley Deeming

Seconded By Cr Cherry Hermon

That the Council:

1. Having adopted the 2019-2020 Annual Plan, including the 2019-2020 Funding Impact Statement, resolves to set the following rates in accordance with the Local Government (Rating) Act 2002 for the financial year 1 July 2019 to 30 June 2020:

a. General Rates

Rate/Differential category	Basis of assessment	Including GST
General Rates	Basis of Assessment – Sec 13, 14, 15 & Schedule 2	
Uniform Annual General Charge	Per separately used or inhabited part of a rating unit *	\$476.00
Residential category**	Per \$ of land value	\$0.0023536
Multi-Unit category**	Per \$ of land value	\$0.0047072
Rural category**	Per \$ of land value	\$0.0029911
Commercial and Industrial category**	Per \$ of land value	\$0.0152499
Miscellaneous category**	Per \$ of land value	\$0.0023536

b. Targeted Rates

Rate/Differential category	Basis of assessment	Including GST
District Wide Refuse Management Rate	Basis of Assessment – Sec 16, 17, 18, 19 & Schedule 2 & 3	
District Wide Refuse Management Rate (All rateable properties)	Per separately used or inhabited part of a rating unit*	\$187.00
Sewerage Rates (Connected to wastewater system)		
Residential category**	Per separately used or inhabited part of a rating unit*	\$738.00
Other – non-residential**	Per pan or urinal	\$472.00

Water Rates		
Consumption charge <i>Note: where an invoice for water by meter relates to a period that spans two financial years, the consumption over the period will be pro-rated (i.e. the amount of water consumed or supplied in the first year will be charged at the first year's amount per cubic metre, and the amount consumed or supplied in the second financial year will be charged at the second year's amount per cubic metre).</i>	Volume of metered water consumed per cubic metre	\$2.26
Supply charge (metered)	Provision of service per separately used or inhabited part of a rating unit*	\$34.50
Availability charge	Availability of service per separately used or inhabited part of a rating unit*	\$34.50
Uniform charge (unmetered)	Provision of service per separately used or inhabited part of a rating unit*	\$474.00
Backflow preventer charge	Provision of service per connection based on the nature of connection	
	15/20mm connection	\$80.42
	25mm connection	\$81.52
	32mm connection	\$96.44
	40mm connection	\$98.69
	50mm connection	\$102.39
	80/100mm connection	\$257.89
	150mm connection	\$301.90
	200mm connection	\$500.01
Roading Scheme		
Whangaruru North Road Seal Extension (Year 5 of 5)	Per rating unit in a specified and defined area of benefit ***	\$575.00
McKinley Road Seal Extension (Year 5 of 5)	Per rating unit in a specified and defined area of benefit ***	\$575.00
Hikurangi Swamp		
Hikurangi Swamp Special Rating District	Per hectare of land in the Hikurangi Swamp Special Rating area ***	
	Class A approx 2,830 ha	\$206.74
	Class B approx 1,480 ha	\$185.68

Hikurangi Swamp Drainage Rating District	Class C approx 1,372 ha	\$144.73
	Class D approx 1,974 ha	\$20.72
	Class E approx 1,106 ha	\$10.42
	Class F approx 32,100 ha	\$4.17
	Per hectare of land in the Hikurangi Swamp Drainage Rating District ***	
	Class A approx 5,745 ha	\$21.01
	Class F approx 11,969 ha	\$2.11

* The definition of a separately used or inhabited part of a rating unit can be found in the Funding Impact Statement section of Council's 2019-2020 Annual Plan.

** The definitions of these differential categories can be found in the Funding Impact Statement section of Council's 2019-2020 Annual Plan.

*** The definitions of these specified and defined area of benefits can be found in the Funding Impact Statement section of Council's 2019-2020 Annual Plan.

2. Resolves to agree the due dates, discount allowed and penalties as set out as follows:

a. Discount for full payment of annual rates

Council agrees to apply a policy for early payment of rates under Section 55 of the Local Government (Rating) Act 2002. Where the total year's land rates (excluding roading scheme rates) and any arrears are paid in full by the due date of the first instalment 20 August 2019 a discount of two percent (2%) will apply. The discount does not apply to arrears.

b. Penalty and due dates for rates paid in instalments

Due dates and penalty dates for land rates

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

Instalment	Due date for payment	Date penalty will be added
One	20 August 2019	23 August 2019
Two	20 November 2019	25 November 2019
Three	20 February 2020	25 February 2020
Four	20 May 2020	25 May 2020

Due dates and penalty dates for water rates

Council agrees the following due dates for payment and to add penalties to water rates not paid by the due date under Section 57 of the Local Government (Rating) Act 2002.

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

Month water rates invoice issued	Due date for payment
July 2019	20 August 2019
August 2019	20 September 2019
September 2019	20 October 2019
October 2019	20 November 2019
November 2019	20 December 2019
December 2019	20 January 2020
January 2020	20 February 2020
February 2020	20 March 2020
March 2020	20 April 2020
April 2020	20 May 2020
May 2020	20 June 2020
June 2020	20 July 2020

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

Month water rates invoice issued	Date penalty will be added
July 2019	23 August 2019
August 2019	25 September 2019
September 2019	23 October 2019
October 2019	25 November 2019
November 2019	24 December 2019
December 2019	23 January 2020
January 2020	25 February 2020
February 2020	25 March 2020
March 2020	23 April 2020
April 2020	25 May 2020
May 2020	24 June 2020
June 2020	23 July 2020

Additional penalty charges

Additional penalty on arrears for land and water rates

In accordance with section 58 of the Local Government (Rating) Act 2002 Council agrees that a penalty of ten percent (10%) will be added to any unpaid rates (including penalties previously added and water rates) from the previous rating years that remain unpaid as at 4 July 2019. This penalty will be added on 4 September 2019.

Amendment

Moved By Cr Crichton Christie

Seconded By Cr Phil Halse

That the penalty for rates be adjusted to the first day of the next month.

**The amendment was Lost
The Motion was Carried**

6.4 Agreement to enter into a section 17 Public Works Process at 20 Walton Street

Moved By Cr Cherry Hermon

Seconded By Cr Sharon Morgan

That the Council approves the Chief Executive or his delegated authority to sign the section 17 Public Works Act agreement located in attachment 1 of the agenda report, on behalf of Council pursuant to section 17 of the Public Works Act.

Carried

6.5 Vehicles on Beaches Bylaw - Langa Beach

Moved By Cr Phil Halse

Seconded By Cr Shelley Deeming

That Whangarei District Council

1. Adopt the Statement of Proposal – Proposed Amendments to the Vehicles on Beaches Bylaw 2019 for consultation.
2. Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the to the Statement of Proposal – Proposed Amendments to the Vehicles on Beaches Bylaw 2009 and to approve the final design and layout of the documents prior to final printing and publication.

Carried

6.6 Speed Limit Bylaw - Speed Limit Consultation

Item 6.5 was withdrawn.

6.7 Recommendations from the Community Funding Committee

Moved By Cr Crichton Christie

Seconded By Cr Anna Murphy

That having considered the recommendations of the Community Funding Committee 12 June 2019; Council

1. Approves the allocation of the Annual Operating Fund for 2019-20 as follows:

- a. Citizens Advice Bureau Whangarei (\$70,000)
- b. Creative Northland (\$208,000)
- c. Mangakahia Sports Ground Society (\$28,600)
- d. Northland Craft Trust (\$51,195)
- e. Sistema Whangarei (\$20,575)
- f. Volunteering Northland (\$17,900)
- g. Whangarei Art Museum (\$398,970)
- h. Whangarei Museum and Heritage Trust (\$434,210)
- i. Whangarei Quarry Gardens Trust (\$39,085)
- j. Whangarei Youth Space Trust (\$15,345).

Carried

Item 6.8 was taken after Item 4 Public forum.

6.8 Submission on the Climate Change Response (Zero Carbon) Amendment Bill

Moved By Cr Greg Innes

Seconded By Cr Anna Murphy

That Council approves the submission to central government on the Climate Change Response (Zero Carbon) Amendment Bill.

Amendment

Moved By Cr Crichton Christie

Seconded By Cr Vince Cocurullo

That the submission be amended to include that 'the emission target be achieved by the year 2030'.

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

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

The amendment was Carried (8 to 4)

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

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

**The amendment was Carried
as the substantive Motion (8 to 4)**

Cr Glen was absent.

7. Information Reports

7.1 Report on 2018/2019 camping in public places report

Moved By Cr Cherry Hermon

Seconded By Cr Vince Cocurullo

That Council notes the report.

Carried

8. Public Excluded Business

Moved By Cr Shelley Deeming

Seconded By Cr Sharon Morgan

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	Confidential Minutes Whangarei District Council 30 May 2019	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Civic Honours Selection Committee – Approval of Minutes and Recommendations		

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 minutes	
1.2	To protect the privacy of natural persons	Section 7(2)(a)

Carried

9. Closure of Meeting

The meeting concluded at 12.57pm.

Confirmed this 25th day of July 2019

Her Worship the Mayor Sheryl Mai (Chairperson)

6.1 Declaration of a Climate Change Emergency

Meeting: Whangarei District Council
Date of meeting: 25 July 2019
Reporting officer: Bernadette Aperahama (Senior Strategic Planner)
 Tony Horton (Manager – Strategy)

1 Purpose

For Council to determine whether or not to declare a climate change emergency.

2 Recommendation/s

That the Council

Either

1. Receives the agenda report on Declaration of a Climate Change Emergency and continues to progress the existing work programmes relating to Climate Change.

Or

1. Receives the agenda report on Declaration of a Climate Change Emergency.
2. Declares a climate change emergency for the Whangarei District.
3. Directs the Chief Executive to have staff develop an action plan to support the declaration of a climate change emergency and report back to Council.
4. Authorises the Chief Executive to make any minor amendments to text and graphics of the declaration (Attachment 1).

3 Background

A number of councils have recently declared Climate Change Emergencies. In addition, Whangarei District Council received representations from members of the public requesting that Whangarei District Council declare a climate change emergency. This agenda report sets out the purpose of declaring an emergency, before considering the advantages and the disadvantages.

4 Discussion

4.1 What is a climate change emergency declaration?

Declaring a climate emergency recognises the speed and extent of change needed to avoid the worst impacts of climate change. It triggers a shift out of our 'business as-usual' and even 'reform-as-usual' approach to accelerate our efforts in the face of an extraordinary climate change threat.¹ It puts climate change to the front and centre of all Council's decision making.

At the time of writing, 740 jurisdictions across the world have declared a climate emergency. The Welsh, Scottish, Irish, Portugal and Canada governments have declared a climate emergency at national level. So far, there have been 12 Councils² in New Zealand to have declared a climate emergency:

Auckland City Council	Hutt City Council
Bay of Plenty Regional Council	Kāpiti Coast District Council
Canterbury Regional Council	Nelson City Council
Christchurch City Council	Porirua City Council
Dunedin City Council	Queenstown Lakes District Council
Hawke's Bay Regional Council	Wellington City Council

4.2 How does a climate change emergency declaration work?

There is no structure, criteria or definition around what a climate emergency declaration should contain. It is up to each individual council to determine how it is to respond to the emergency. Here are some examples of how the Councils in New Zealand have responded to the declaration:

Council	Action resulting from declaration
Auckland City Council	In addition to making the declaration, the Council made the following new commitments ³ : <ul style="list-style-type: none"> including climate change impact statements on all committee reports; and requesting staff of council-controlled organisations to include climate change impact statements in their committee reports.
Bay of Plenty Regional Council	In addition to the declaration, the Council decision includes: <ul style="list-style-type: none"> investigating a specific Climate Change Fund; committing to work with the community on transitioning to a low carbon future and adapting to our changed climate; committing to a standing item on all Council agendas - all agenda items have a section on Climate Change Implications.⁴

¹ http://www.green-innovations.asn.au/RSTI/Local=first-implementation_local-govt.pdf

² <https://climateemergencydeclaration.org/climate-emergency-declarations-cover-15-million-citizens/>

³ http://infocouncil.aucklandcouncil.govt.nz/Open/2019/06/ENV_20190611_MIN_6851.PDF

⁴ <https://atlas.boprc.govt.nz/api/v1/edms/document/A3272830/content>

Christchurch City Council	<p>In addition to the existing work plan and declaration, the Council agreed that:</p> <ul style="list-style-type: none"> • Climate change leadership and safe and sustainable water be the overarching objectives of key Strategic Documents; • A question be included in the annual resident's survey on Council's action on climate change. • The Council approach other major cities to initiate cooperative work on climate and ecological change work; • The Council recognises challenges other local authorities and central government to recognise climate change.
Dunedin City Council	<p>In addition to the existing work plan and declaration, the Council agreed that the city's target of net zero carbon by 2050 should be moved forward to 2030 to keep in line with the Council's stance on climate change.⁵</p>
Nelson City Council	<p>The Council allocated funding of \$254,500 that will be used to establish a climate forum, a climate taskforce, and appointing a new Climate Champion.</p> <p>The Council also decided to create a new reserve of \$500,000 to fund any suitable initiatives or ideas from the public which will lead to action on climate change. This reserve was created through utilising the Port Nelson dividend, and at no additional cost to the ratepayer.⁶</p>

While each response to a declaration is different there are some key aspects:

- a very strong focus on the issue causing the emergency within the Council operations and across the community in relation to greenhouse gas emissions;
- a strong priority for action and budgets relating to the issue causing the emergency.
- what outcomes are expected to flow from the declaration and the delivery of solutions as a package (rather than piecemeal, incremental change). These may include actions already planned or underway;
- The declaration be formal (in writing), public so that the commitment is clear and strongly intended
- a partnered approach with hapu, iwi, local authorities, other agencies, business, residents.

4.3 Whangarei District Council Context

Over the past year, Whangarei District Council has taken key actions in relation to climate change. These can be summarised as follows:

Whangarei District Council Actions	When
Adopted a Corporate Sustainability Policy which has the goal of Whangarei District Council becoming a carbon neutral organisation.	29 November 2018 Council Meeting

⁵ https://infocouncil.dunedin.govt.nz/Open/2019/06/CNL_20190625_MIN_1017.PDF

⁶ <http://our.nelson.govt.nz/media-releases-2/climate-actions-speak-louder-than-words/>

Incorporating sustainability into key projects such as LED streetlight upgrades and electric vehicle procurement for our fleet.	Ongoing actions
Participant to the Te Tai Tokerau Councils Climate Change Adaptation Group	November 2018 (Ongoing)
Signatory to the Local Government Climate Change Declaration	28 March 2019 Council Meeting
Undertaking a Climate Change Adaptation work programme	9 April 2019 Infrastructure Updates
Report received through the 2019-20 Annual Plan deliberations on becoming New Zealand's most sustainable council	9 May 2019 Council Meeting
Submission to the Climate Change Response (Zero Carbon) Amendment Bill which advocated for bringing the target for net zero emissions for by 20 years to 2030	27 June 2019 Council Meeting

4.4 Whangarei District Council Existing Work Programme

Our existing work programme in relation to climate change relates to two projects:

- The implementation of the Whangarei District Council Corporate Sustainability Strategy, which was adopted on 29 November 2018.
- The climate change adaptation work programme, including the Te Tai Tokerau Councils Climate Change Adaptation Group, discussed with Council at the 9 April Infrastructure Updates.

4.5 Financial/budget considerations

The current work programme sits within existing operational budgets.

Any additional funding to support a declaration or its action plan will need to be considered through the next Annual Plan and/or Long Term Plan.

4.6 Policy and planning implications

Given that no legislation refers to a "climate emergency" as formal declaration of an emergency, the declaration of a "climate emergency" by the Council would have no statutory obligations.

Climate change does not satisfy the definition of an "emergency" under the Civil Defence and Emergency Management Act 2002. This means that Council could make a public statement recognising a "climate emergency" without it carrying any statutory or legal weight. This does not reduce the importance of Council responding to the climate change challenge, but places the declaration in a legal context.

4.7 Options

In assessing the matters covered in sections 4.1 to 4.6 of this report, two options have been developed for consideration:

Option 1:

Council receives the agenda report on Declaration of a Climate Change Emergency and continues to progress the existing work programmes relating to Climate Change (status quo)

Advantages	Disadvantages
Council has more time to consider its approach and potentially seek further community, stakeholder, iwi and hāpu input on the issue.	Does not respond to the increasing desire for action from some within our community
Existing work programme sets out actions in relation to climate change and sustainability through the Corporate Sustainability Strategy and the Climate Change Adaptation work programme	Missed opportunity to: <ul style="list-style-type: none"> • Raise community awareness of the issues • Raise community awareness of our work programme • Provide greater urgency to our actions
Existing work programme fits within operational budget.	Possible loss of credibility for Whangarei District Council on this issue

Option 2:

That council:

1. Receives the agenda report on Declaration of a Climate Change Emergency
2. Declares a climate change emergency for the Whangarei District
3. Directs the Chief Executive to have staff develop an action plan to support the declaration of a climate change emergency and report back to Council.
4. Authorises the Chief Executive to make any minor amendments to text and graphics of the declaration.

Advantages	Disadvantages
Raises awareness about climate impacts in Whangarei and the urgency of the climate crisis.	Potentially raises expectations of action beyond the scope of local government
Shows leadership on the issue of climate change	Potentially raises expectation of action beyond current resourcing and funding.

Meets the expectations of many within the community to do more within the scope of our influence and operations as a local authority.	Lack of clarity within parts of the community as to the meaning of a climate change emergency and confusion with other emergency declarations (e.g. Civil Defence)
Gives greater priority for action by Whangarei District Council, and support for action from others within our community.	Lack of specific engagement on the issue may risk lack of community support/buy-in for a declaration.
Action plan to support an emergency will identify immediate actions we can take and support longer term programmes through the next Annual Plan and Long Term Plan.	
Provides a clear statement on Council position in relation to climate change.	

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 Attachment

Declaration of a climate change emergency

Declaration of a Climate Change Emergency

Whangarei District Council

25 July 2019

Whangarei District Council

Declaration of a Climate Change Emergency

Whangarei District Council:

- a) declares a climate change emergency.
- b) acknowledges that climate change represents one of the greatest threats to our community, our biodiversity, our economy and the life supporting capacity of our planet.
- c) advocates that this emergency requires urgent action by all levels of government to prevent the most harmful impacts of ongoing climate change.
- d) acknowledges that Whangarei District Council has important role to play and commits to developing and implementing an action plan to support this declaration
- e) collaborates with central government, local councils, iwi, hapu, business sector and communities to support collective action for climate change mitigation
- f) continue to implement the Corporate Sustainability Strategy and progress the Climate Change Adaptation Strategy.

6.2 Class 4 Gambling Venue Policy review

Meeting: Whangarei District Council
Date of meeting: 25 July 2019
Reporting officer: Tony Horton (Manager – Strategy)

1 Purpose

To make amendments to Council's Class 4 Gambling Venue Policy.

2 Recommendation

That Council;

- (a) Confirms the amendments to the Class 4 Gambling Venue Policy, as proposed in the Statement of Proposal attached to this agenda report.
- (b) Adopts the Class 4 Gambling Venue Policy.

3 Discussion

Council is undertaking the statutory three-yearly review of its Class 4 Gambling Venue Policy.

On 24 April 2019 Council adopted a Statement of Proposal for consultation. Council received submissions and heard submitters who wished to present their views in person at a Hearing on 11 June 2019.

On 26 June 2019 Council deliberated on the matters raised in submissions. The resolution of Council at that meeting, after deliberating, was 'That Council, at the July 2019 Council meeting confirms the amendments to the Policy as proposed in the Statement of Proposal.

The final amended Policy is provided in attachment 1. Council must now consider resolving to make these amendments, which, if made, will bring the statutory review process to an end. The next scheduled review of the Policy is due to commence in 2022.

4 Significance and engagement

4.1 Significance

The decisions and matters of this agenda do not trigger the significance criteria of Council's Significance and Engagement Policy.

4.2 Engagement

Council has consulted with the community on the proposed amendments to the Policy in accordance with the statutory requirements of the Local Government Act 2002. The public will be informed via agenda publication on Council's website. Submitters will be advised directly of the outcome of the review.

5 Attachment

Class 4 Gambling Venue Policy 2019

Class 4 Gambling Venue Policy

Contents

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1. Legislative requirement

- 1.1 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 Actsite 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 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 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 Applications for consent must be made on the approved form and must provide:
- name and contact details of the applicant
 - 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 Plan, or a copy of the necessary Resource Consent.
- 7.8 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 Local Government Members (2019/20) Determination – Childcare Allowance

Meeting: Whangarei District Council
Date of meeting: 25 July 2019
Reporting officer: Tracey Schiebli (Manager Democracy and Assurance)

Purpose

To decide whether to adopt a Childcare allowance for elected members, as set out in the Local Government Members (2019/20) Determination.

Recommendations

That Council **either:**

1. Agree to adopt the Childcare allowance for elected members, as set out in the Local Government Members (2019/20) Determination; **or**
2. Not agree to adopt the Childcare allowance for elected members, as set out in the Local Government Members (2019/20) Determination.

Background

The Local Government Members (2019/20) Determination makes provision for Councils to pay elected members a childcare allowance. Payment of the allowance is at the discretion of each council.

The allowance will apply for any members who have responsibility for caring for children under the age of 14 years. It is intended as a contribution to expenses incurred by members who need to access childcare while engaged on local authority business. The allowance is capped and is subject to certain conditions outlined in Clause 14 of the Determination. A copy of the relevant clause from the 2019 Determination is attached.

Discussion

Over the past few years, the Remuneration Authority has received submissions from councils, groups of elected members and individuals requesting that there be an allowance for childcare for elected members in local government while they attend to local authority business. There were concerns that a lack of financial support for childcare created a barrier for people, women, to enter into elected positions in local government.

In a major review of local government remuneration in 2016 – 2019, the Remuneration Authority received numerous comments on the difficulties of being in local government due to the lack of financial support for childcare.

Implementation of a childcare allowance would align with recent changes to the Local Government Act 2002 and the Local Electoral Act 2001, which give Local Government Chief Executives a new role in the Electoral Process. They now have a responsibility for fostering and facilitating representative and substantial participation in the local electoral process. The current level of participation in local elections means that membership of councils is often less diverse than the communities they serve.

1.1 Financial/budget considerations

The cost of implementing the Childcare allowance (like all other allowances) must be met by Council from within operating budgets. Council did not budget specifically for the introduction of a childcare allowance in 2019/20, therefore the cost must be met from within the current operating budget. The maximum annual allowance for elected members is \$6,000 per child.

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.

Attachment

Clause 14 of the Local Government Members (2019/20) Determination

Pro-rating

- (6) If the member is not a member for the whole of the determination term, subclauses (2) to (5) apply as if each reference to an amount were replaced by a reference to an amount calculated in accordance with the following formula:

$$(a \div b) \times c$$

where—

- a is the number of days that the member held office in the determination term
 - b is the number of days in the determination term
 - c is the relevant amount specified in subclauses (2) to (5).
- (7) The Remuneration Authority may approve rules proposed by a local authority to meet the costs of installing and running special equipment or connections where, because of distance or restricted access, normal communications connections are not available.

14 Childcare allowance

- (1) A local authority may pay a childcare allowance, in accordance with subclauses (2) and (3), to an eligible member as a contribution towards expenses incurred by the member for childcare provided while the member is engaged on local authority business.
- (2) A member is eligible to be paid a childcare allowance in respect of childcare provided for a child only if—
 - (a) the member is a parent or guardian of the child, or is a person who usually has responsibility for the day-to-day care of the child (other than on a temporary basis); and
 - (b) the child is aged under 14 years of age; and
 - (c) the childcare is provided by a person who—
 - (i) is not a family member of the member; and
 - (ii) does not ordinarily reside with the member; and
 - (d) the member provides evidence satisfactory to the local authority of the amount paid for childcare.
- (3) A local authority must not pay childcare allowances to a member that total more than \$6,000 per annum, per child.
- (4) In this regulation, **family member of the member** means—
 - (a) a spouse, civil union partner, or de facto partner;
 - (b) a relative, that is, another person connected with the member within 2 degrees of a relationship, whether by blood relationship or by adoption.

6.4 Delegation Change - Resource Management Act Consents

Meeting: Whangarei District Council
Date of meeting: 25 July 2019
Reporting officer: Murray McDonald (Manager – RMA Consents)
 Emily Thompson (Senior Audit and Risk Analyst)

1 Purpose

To update roles assigned to a delegation under the Resource Management Act 1991 (RMA).

2 Recommendation

That the Council

1. Delegate the “power to extend existing use rights” under the Resource Management Act 1991, Section 10(2) to Role – Team Leader – Consents.

3 Background

Council delegates responsibilities and powers under the RMA directly to Council Staff. Staff use these powers for managing the work within the RMA space.

4 Discussion

The delegation that currently exists under the Resource Management Act 1991, Section 10(2) covers the use of this power by the following roles within Council:

- Role – General Manager – Planning and Development
- Role – Manager – District Plan
- Role – Manager – RMA consents
- Role – RMA planning specialist
- Role – Senior Specialist – Resource Consents

Currently the Role – Team Leader – Consents does not have this power and it needs to be provided to allow for the administration of tasks.

4.1 Options

1. Provide this delegation to the role – Team Leader – RMA consents
2. Do not provide this delegation to the role – Team Leader – RMA consents

4.2 Risks

If Council does not want to delegate these powers under the Resource Management Act 1991 then all decisions regarding existing use rights will be managed by the other roles indicated.

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

6.5 Delegation Change - Statutory Land Charges

Meeting: Whangarei District Council
Date of meeting: 25 July 2019
Reporting officer: Alison Puchaux (Manager – Revenue)
 Emily Thompson (Senior Audit and Risk Analyst)

1 Purpose

To update and correct delegations relating to statutory land charges following changes in legislation.

2 Recommendations

That the Council:

1. Revoke the Delegated Authority provided to the Chief Executive under the Statutory Land Charges Registration Act 1928.
2. Delegate all responsibilities and powers under the Land Transfer Act 2017 to the Chief Executive.

3 Background

A statutory land charge is a charge registered on the title of a property, and protects Council when it is owed money, when that debt has arisen due to legislation. Council generally uses them for postponed rates under the Rates Remission and Postponement Policy. They have also been used when development contributions are owing or for debts under local government legislation.

Previously powers relating to statutory land charges have been dealt with under the Statutory Land Charges Registration Act 1928. This Act was repealed on 12 November 2018 and matters under this act are now dealt with by the Land Transfer Act 2017.

4 Discussion

The delegations that currently exist under the Statutory Land Charges Registration Act 1928 are no longer valid due to this Act being repealed. Therefore, Council need to create new delegations in line with the Land Transfer Act 2017 that allow the powers to be delegated to operational staff.

If Council can provide the delegation for all responsibilities and powers under the Land Transfer Act 2017 to the Chief Executive this allows simple administration of any power to specific roles within the organisation.

Upon approval of Council to the delegation to the Chief Executive, the onward delegations that will be requested from the Chief executive are:

Section 118 – Authority to register a charge

Section 120 – Authority to execute a certificate of release of a charge.

These powers will be given to the General Manager – Corporate; Manager – Revenue and the Council Secretary.

4.1 Options

If Council does not want to delegate responsibilities and powers under the Land Transfer Act 2017 then all decisions regarding the registration or removal of statutory land charges will need to be made by Council.

4.2 Risks

These powers in the Land Transfer Act 2017 regarding statutory land charges are the same as what have already been delegated to Staff under the Statutory Land Charges Registration Act 1928. As such, there are minimal risks to delegating these powers to the Chief Executive and onward to staff.

If the powers are not delegated, then Statutory Land Charge changes will be presented to Council meetings as part of standard business. In 2018-2019 13 statutory land charges were released. This will increase the matters coming in front of Council and may cause issues for ratepayers as statutory land charges are usually matters that require rapid responses in line with sales of properties.

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.

6.6 Temporary Road Closure – Northland Car Club September 2019 – February 2020

Meeting: Whangarei District Council
Date of meeting: 25 July 2019
Reporting officer: Petra Gray (Community Events Coordinator)

1 Purpose

To seek approval of the proposal to temporarily close roads, to allow the Northland Car Club events to be held between 8 September 2019 – 2 February 2020

2 Recommendations

That Whangarei District Council,

1. Approves the temporary closure of the following roads to ordinary traffic for the Northland Car Club events on the following dates and times in accordance with section 342 (1)(b) and Schedule 10 Clause 11 of the Local Government Act 1974.

Sunday 8 September 2019

Rosythe Road Waipu, 400 meters from SH1 to a point 1.5kms from SH1.

Sunday 6 October 2019

Doctors Hill Road, 800 meters from SH1 to Mountfield Road.

Sunday 3 November 2019

Crows Nest Hukerenui, from a point 2kms from SH1 to Paiaka Road.

Sunday 1 December 2019

Paiawa Road (total closure).

Sunday 26 January 2020

Kaikanui Road, from a point approx. 5kms from Pigs Head Road to a point approximately 3kms toward Webb Road.

Sunday 2 February 2020

Ruarangi Road (total closure).

Period of closure: 9am – 5:30pm

2. Approves the temporary closure of the side roads off the roads to be closed for up to 100 meters from the intersection for safety purposes.
3. Delegates to the Chair of the Infrastructure Committee and General Manager Infrastructure the power to give public notice of these temporary road closures.

3 Background

The Northland Car Club run a series of events in accordance with New Zealand Motorsport Standards and Regulations which allow the club members to compete safely under strict managed conditions.

These club days are popular within the club with a number of families spectating and participating in the sport.

4 Discussion

The event organisers personally contact all occupiers of the land adjacent to the roads to be temporarily closed via phone, letter drop and in person.

Traffic management plans for each event are submitted to Council for approval prior to each event occurring. Included in the traffic management plans are arrangements to ensure the affected parties can access their properties during the event.

The event traffic management and safety plans are required to comply with and adhere to the strict safety standards as per Motorsports New Zealand's Motorsport Manual.

4.1 Risks

Motorsport events carry a number of associated risks, however the Northland Car Club run well organized events ensuring everything within their control is done to eliminate risks and manage those risks and hazards that cannot be eliminated, reducing the likelihood of harm occurring to any person, property or business.

Vehicles and drivers are required to comply with the strict safety standards as set down by Motorsport New Zealand.

Spectators are managed at the event with appropriate signage and designated personnel monitoring spectators and their locations.

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, Council News, Facebook and marketing by the event organisers.

6 Attachment

1. Northland Car Club Temporary Road Closures application letter 2019.



NORTHLAND CAR CLUB

P.O. Box 596, WHANGAREI

31/05/2019

The District Councillors
Whangarei District Council
Private bag
Whangarei

ATTN: Simon Megchelse
Petra Grey

NORTHLAND CAR CLUB **APPLICATION FOR ROAD CLOSURES** **8th September 2019 to 2nd February 2020**

We would like to make an application under the **LOCAL GOVERNMENT ACT 1974 SCHEDULE 10** for the road closures as listed below. These roads would be required to be closed from 9:00am to 5.30pm. Vehicles would be able to access the road in between runs and would only be held up for a maximum of 20 minutes.

ROADS REQUIRED ARE AS FOLLOWS:

August No Events

September 8th Rosythe Road Waipu 400 metres from SH1 to a point 1.5kms from SH1

October 6th Doctors Hill Road. 800 metres from SH1 to Mountfield Road.

November 3rd Crows Nest Road Hukerenui. From a point 2kms from SH1 to Paiaka Road

December 1st Paiawa Road (total closure)

January 26th Kaikanui Road from a point approx 5kms from Pigs Head Rd to a point approx 3kms towards Webb Road
To a point approx 3kms toward Webb Road

February 2nd Ruarangi Road (total closure)

We thank you for your ongoing support.
Yours faithfully,

Neil Rodgers
For Northland Car Club

email neilwrc@gmail.com

Ph 09-4347380
Mob 0274375351.

6.7 Riverside Hotel and Entertainment Precinct Governance Committee

Meeting: Whangarei District Council
Date of meeting: 25 July 2019
Reporting officer: Tony Collins (Manager District Development)
 Dominic Kula (General Manager Strategy and Democracy)

1. Purpose

To consider a request to formally mandate Councillor Halse to represent Whangarei District Council's interest on the Riverside Hotel and Entertainment Precinct Governance Committee.

2. Recommendation

That Council:

1. Not appoint a formal representative at this time and continue (as per the resolution of 24 April 2019) with Councillors Benney, Christie, Halse and Cocurullo representing Council interests and acting as conduit between Council and Northland Development Corporation.

or

2. (i) Rescind the following resolution of Council adopted 24 April 2019:
 - "a. Acknowledge the presentation by Northland Development Corporation.*
 - b. Approve Councillors Benney, Christie, Halse and Cocurullo to represent Council interests and act as conduit between Council and Northland Development Corporation in relation to the proposed Riverside Hotel and Entertainment Centre.*
 - c. Approve staff to provide technical assistance and support to Councillors Benney, Christie, Halse and Cocurullo in their duties.*
 - d. Agree that the resolutions be released to open record.";* **and**
- (ii) Appoint Councillor Halse to the Governance Committee of the Riverside Hotel and Entertainment Precinct until the end of this term of Council.
- (iii) Appoint Councillors Benney, Cocurullo and Christie as a subcommittee/reference group in support of Councillor Halse until the end of this term of Council.
- (iv) Note that there is no Council delegation, financial or otherwise, associated with these roles.

or

3. Rescind the resolution of Council adopted 24 April 2019 as stated below, and have no representation.

- “a. Acknowledge the presentation by Northland Development Corporation.*
- b. Approve Councillors Benney, Christie, Halse and Cocurullo to represent Council interests and act as conduit between Council and Northland Development Corporation in relation to the proposed Riverside Hotel and Entertainment Centre.*
- c. Approve staff to provide technical assistance and support to Councillors Benney, Christie, Halse and Cocurullo in their duties.*
- d. Agree that the resolutions be released to open record.”*

3. Background

On 10 April 2019, representatives from the Northland Development Corporation provided an update to Council on progress on the proposed Riverside Hotel and Entertainment Centre development, for which they have received funding from the Provincial Growth Fund to undertake a feasibility study.

The group identified that while the project is in this early development phase it is an ideal time for Council to provide feedback and collaborate as to how/if any proposals' objectives align with those of the Council and community. It was envisioned this would include Council representative/s.

At its meeting of 24 April 2019 Council considered options for representatives to act as a conduit between Council and Northland Development Corporation. In doing so Council resolved to:

- “a. Acknowledge the presentation by Northland Development Corporation.*
- b. Approve Councillors Benney, Christie, Halse and Cocurullo to represent Council interests and act as conduit between Council and Northland Development Corporation in relation to the proposed Riverside Hotel and Entertainment Centre.*
- c. Approve staff to provide technical assistance and support to Councillors Benney, Christie, Halse and Cocurullo in their duties.*
- d. Agree that the resolutions be released to open record.”*

The Office of the Mayor has received a Memorandum (the Memorandum) from the Governance Committee of the Riverside Hotel and Entertainment Precinct dated 27 June 2019 (Attached). Within the Memorandum the Committee requests that Councillor Halse be formally mandated to represent Whangarei District Council's interest on the Committee, with Councillors Cocurullo, Christie, and Benney providing support as his reference/subcommittee group.

This request has been brought to Council for consideration at the earliest available opportunity.

4. Discussion

There are many organisations throughout the District that have trust deeds or constitutions which give power to Council to appoint trustees or members to that organisation's governing

body. These are generally identified as either a Council Organisation (CO), Council Controlled Organisation (CCO) or Council Controlled Trading Organisation (CCTO) under the Local Government Act. As such these appointments are covered under the Appointments to Council Organisations Policy.

There are other organisations that don't give any specific power to Council to appoint representatives, but have traditionally sought from Council a representative to meet with that organisation and advise on and/or help with Council issues. Examples include the Chamber of Commerce and ratepayer groups. In these examples, there is a clear reason for Council's involvement (i.e. ward councillors on resident and ratepayer groups), which is at the request/appointment of the entity. While there is no policy covering requests of this nature, appointments are generally confirmed by Council.

While the process being followed here is similar, a notable difference is the timing of the request (appointments would normally be made at the beginning of the term). In addition, for Council to formally appoint to the Governance Committee it is considered there should be a clearly established reason for Council's involvement (such as a funding or functional relationship) and clarity of the role/expectations of any appointee.

There is currently no financial contribution from Council for the Riverside Hotel and Entertainment Precinct project. If funding were to be requested any decision would likely fall on a future Council. The site is identified as strategic under the City Centre Plan, which also identifies potential to work collaboratively with the private sector to encourage and attract a new hotel. In addition, Council has already identified councillors to represent its interests and act as conduit. It is not clear how functional needs of Council would be better met through a formal appointment.

Potential Conflicts of Interest

When elected members are appointed onto external organisations there have been concerns this may create a conflict of interest between the interests of Council and the interests of that outside organisation. Auditor-General guidance has stated that being appointed to an outside organisation does not necessarily prevent an elected member from participating in Council matters concerning that other organisation, especially if the role gives that member specialised knowledge that would be valuable to contribute.

However, elected members must still be very mindful of actual or perceived conflicts of interest. Such risk may arise where the elected member's participation in a Council decision raises a conflict between the member's duty to Council and the duty to act in the interests of the outside organisation.

A member must also ensure that there can be no allegation of pre-determination, which could arise, for example, where the organisation has made a submission to Council as part of a public submissions process.

While each matter must be reviewed on a case by case basis there is potential for conflict resulting from any formal appointment to an external body, particularly if there is a future funding request or an overlap with outcomes provided through Council projects. As a result, a Council appointee may need to remove themselves from future Council decisions relating to the proposal.

Similarly, given the potential touch points of the project with Council (i.e. building and resource consents) there can be no involvement in operational matters.

Risks

The Memorandum outlines a number of project tasks that constitute the scope of works of the Governance Committee. In doing so it anticipates that members of the committee will have input into, and represent their stakeholder group in, decision making within the project. Outside of the potential for conflict the lack of a clear reason and parameters (particularly around role, function and delegations) for the appointment therefore presents risks for Council.

In the absence of a clear delegation from Council (which has not been defined within the Memorandum) Cr Halse's role would remain largely to represent Council interests and act as conduit. There may be expectations beyond this however.

Expectations would need to be actively managed, with communication between the Committee, the subcommittee/reference group and Council becoming critical. One means of achieving this could be regular minutes and project reporting from the Governance Committee to Council.

Given the timing, (less than three months prior to the election), any appointment would need to cease at the end of this term of Council, with the new Council then considering any appointments for the next term. This could result in a lack of continuity, and potentially confusion/frustration, for the Governance Committee.

5. Options

Options available to Council include:

Option One

1. Not appoint a formal representative at this time and continue (as per the resolution of 24 April 2019) with Councillors Benney, Christie, Halse and Cocurullo to representing Council interests and acting as conduit between Council and Northland Development Corporation

Advantages	Disadvantages
Provides for Council visibility of, and feedback to, the project.	Council has no formal presence/voice within the project.
Manages expectations around Council's role.	Does not eliminate risk (further work on the role/mandate of representatives required).
Mitigates, but does not eliminate, potential conflicts and risks for Council.	Potential difficulties for the Governance Committee in having input from four Council representatives.
	Lack of continuity, and potential for confusion/frustration, if Council involvement changed following the election.

Option Two

2. Rescind the resolution of 24 April 2019 and;
 - Appoint Councillor Halse to the Governance Committee of the Riverside Hotel and Entertainment Precinct until the end of this term of Council.

- Appoint Councillors Benney, Cocurullo and Christie as a subcommittee/reference group in support of Councillor Halse until the end of this term of Council.
- Note that there is no Council delegation, financial or otherwise, associated with these roles.

Advantages	Disadvantages
Council has a formal presence/voice within the project	<p>Formal presence/voice creates potential perception of Council support for a private development/project, without community engagement</p> <p>Lack of a clear reason and parameters for the appointment could:</p> <ul style="list-style-type: none"> • Raise expectations • Create conflicts of interest • Expose Council to risk <p>Lack of continuity, and potential for confusion/frustration, if Council involvement changed following the election.</p>

Option Three

3. Rescind the resolution of 24 April 2019 and have no representation.

Advantages	Disadvantages
<p>Manages expectations around Council's role.</p> <p>Eliminates potential conflicts and risks.</p>	<p>No Council visibility of, and feedback to, the project.</p> <p>Council has no formal presence/voice within the project.</p> <p>Potential perception Council does not support the project.</p>

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

Memorandum from the Governance Committee of the Riverside Hotel and Entertainment Precinct

MEMORANDUM

TO: Office of the Mayor

ATTENTION: Her Worship the Mayor, Sheryl Mai

DATE: 27 June 2019

FROM: The Governance Committee of "The Riverside Hotel and Entertainment Precinct"

SUBJECT: **G842: RIVERSIDE HOTEL & ENTERTAINMENT PRECINCT
OFFICIAL APPOINTMENT OF COUNCILLOR HALSE TO THE GOVERNANCE
COMMITTEE**

The content of this memo is strictly confidential. If you are not the above named recipient please contact Griffiths & Associates Ltd immediately.

Dear Sheryl,

The developers of Riverside Hotel and Entertainment Precinct have formed a Governance Committee comprising of the following stakeholder groups and representatives:

- Griffiths and Associates – Marc Forrester (Governance Committee Project Manager)
- Ngāti Kahu o Torongare – Dick Shepherd and Jade Kake
- Northland Inc – David Wilson and Vaughan Cooper
- Northland Regional Council – David Sinclair
- Northland Development Corporation – Barry Trass and Ben Tomason
- Chamber of Commerce – Stephen Smith
- Whangarei District Council – Phil Halse

This Governance Committee has been operational since 20 May 2019. The members of the Governance Committee are tasked with the following scope of works:

- Provide input into key decisions around the project
- Represent their stakeholder group in decision making
- Ensure the project deliverables are met
- Reviewing of project reports
- Provide guidance to the consultants and other project participants
- Assist with reviewing and monitoring project costs
- Provide input into design elements of the project
- Approve execution of contracts with suppliers and consultants
- Attend governance committee meetings fortnightly with set agendas

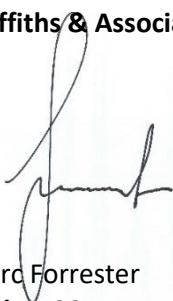
We write to you requesting that Councillor Phil Halse and the respected subcommittee be formally mandated by yourself to represent Whangarei District Councils interest on this committee.

To date Councillor Phil Halse under a non-formal mandate has contributed significantly to the project in the way of advise and guidance. Councillor Halse's neutrality as a councillor allows him to assist in logical decision making and brings a big picture vision for council. He is an effective asset for Whangarei District Council to have working in the Governance Committee on this project and his attendance is vital to ensure WDC are accurately represented/ have a voice. He is also supported by his reference/ subcommittee group which includes Councillor Cocurullo, Councillor Christie and Councillor benney.

On behalf of the Governance Committee of the Riverside Hotel and Entertainment Precinct.

Kind regards,

Griffiths & Associates Ltd



Marc Forrester
Project Manager

7.1 Delegation Changes – Update to Council following roll out

Meeting: Whangarei District Council
Date of meeting: 25 July 2019
Reporting officer: Emily Thompson (Senior Audit and Risk Analyst)

1 Purpose

To update Council on the changes made to the delegations register following roll out of the new style delegation register.

2 Recommendation

That the Council notes the changes to the Delegation Register made since the adoption of the updated Delegation Register in November 2018.

3 Background

The Delegation Register was reviewed in full during 2017 and 2018. The updated Delegations Policy was created with a practical SharePoint platform used for the associated Delegations Register.

The delegation register was presented to and adopted by Council on 28th November 2018. Staff then completed training with all staff who hold delegations within the register. Following this training some minor amendments were identified that the delegation triage team have been reviewing.

4 Discussion

All changes that were identified as part of the training have been reviewed by the staff triage team and dealt with appropriately. Some of these were not relevant, others required agreement by the Chief Executive and some required Council agreement to update delegation powers or roles.

All changes that have been accepted have been through the appropriate process to ensure formal delegation has been given, this report provides an overview of the delegation changes that have been made since the adoption of the full delegation register in November 2018.

These updates are coming to Council due to the number of changes made after the adoption of the delegation register. Staff had advised Council that the first 6 months of the new register would highlight minor issues to be resolved.

Any future request for changes to the delegation register, either via staff role changes or legislative changes, will go via the staff triage team and then to the appropriate approval point (CE or Council). The spreadsheet of details relating to the changes will be presented to the Audit and Risk Committee on a regular basis.

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 Attachment

Delegation Changes 28 Nov 18 – 09 July 2019

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Date of request	Exsisting delegation text	Reason for change	Proposed Change	Agreed by Triage team	Who approved Change	Delegation approval date
29-Nov-18	Delegated authority to spend up to \$2,000,000 given to CE and Deputy CE	Adoption of procurement policy by Council Oct 2018	Update to delegation change to : Delegated authority to spend up to \$3,500,000 given to Chief Executive	Yes	Council	29/11/2018
29-Nov-18	Delegated authority to spend up to \$2,000,000 given to CE and Deputy CE	To ensure delgation register update following change elsewhere.	Update to delegation change to : Delegated authority to spend up to \$2,000,000 retained by Deputy CE	Yes	No change to delegation just change to text in register following change above.	29/11/2018
13-Dec-18	All of it's responsibilities, duties and powers under this bylaw - except.....	New ByLaw - Alcohol Control Bylaw 2018	Creation of new delegations: Delegation from: Council Delegation to: CE Alcohol Control Bylaw 2018 All of its responsibilities, duties and powers under this bylaw, except - (a) the power to set fees (b) the power to make a decision for which a Council resolution is required (c) the power to hear and decided on any appeal process	Yes	Council	13/12/2018
13-Dec-18	Authority to grant special dispensation	New ByLaw - Alcohol Control Bylaw 2018	Creation of new delegations: Delegation from: CE Delegation to: Bylaws Enforcement Co-ordinator, Manager – Health and Bylaws Cl. 12.1, 12.2 and 12.3 Authority to issue a consent for the consumption, bringing in and possession of alcohol in a public place within an alcohol control area.	Yes	CE	24/12/2018
8/01/2019	Power to apply for accreditation	remove a role from this delegation	Remove the Role - Business Analyst from this delegation. Note: this role was included following the staff member who used to have this delegation when he was in the building department. He has moved but the delegation should not have moved with him.	Yes	CE	8/01/2019
8/02/2018	Non-rating refunds - accounts in credit and customer requests refund/ overpayments/ duplicate payments	Change of department from Finance to Revenue. Update of roles with delegation in line with change	Change department from Finance to Revenue and business owner to Alison P Add following roles from Revenue team: Manager – Revenue Role – Senior Collections Administrator Role – Senior Revenue Administrator Remove following Finance roles: Role - Corporate Accountant, role - management accountant, Role - PPE Accountant others retained as back up (Manager Finance, Senior Finance Accountant, Senior Management Accountant and GM - Corporate) please remove current note: 'check details with revenue manager"	24/05/2019	CE	24/05/2019
8/02/2018	Any two delegated officers are co-jointly authorised to sign, make, draw or accept all negotiable instruments or written instructions drawn or payable by any bank account styled Whangarei District Council. Council provides delegation to the Finance Committee to approve transactions outside Policy as from 22 April 2015	minor alteration to text and addition of Manager Finance to the delegation.	Change text to: Any two delegated officers are co-jointly authorised to sign, make, draw or accept all negotiable instruments or written instructions drawn or payable by any bank account styled Whangarei District Council. Add role - Manager - Finace	24/05/2019	CE	24/05/2019

Date of request	Exsisting delegation text	Reason for change	Proposed Change	Agreed by Triage team	Who approved Change	Delegation approval date
15/02/2019	The power to issue consent to operate remotely piloted Aircraft systems (PRAS) over/ on land owned or controlled by Council.	Add parks technical officers into the delegated to list	Add the parks technical officers into the delegated to list	12/04/2019	CE	7/05/2019
14/02/2019	Hazardous Substances and New Organisms Act 1996	Powers have been given to Building control officer by CE to undertake some activities under this act	Create a new delegation from CE to Building control officer for sections 102, 103A, 104, 112, 119, 136 and 137 of this act. The following functions, duties and powers under this Act: S103A - Powers of Entry for inspection relating to Hazardous Substances Take samples and undertake inspections and remove materials for examination and testing; issues compliance order; S104 – Issuing a compliance Orders; S112 - Issue infringement notices; Apply for search warrants; S136 & 137 Declare a hazardous substance or new organism emergency; Carry out emergency powers when a hazardous substance or new organism emergency has been declared. S974(2) Enforcement of Act in respect of new organisms under the biosecurity Act 1993	yes	CE	15/02/2019
15/02/2019	889/890.	Could you please add financial delegations for the rates and revenue team so that the statutory delegations can be used.	remove team leader Rates from delegation 889 Add the senior rates team (Senior Rates Administrator, Senior Rates Adviser, Senior Collections office and Senior revenue administrator - payment processing)	12/04/2019	Council	30/05/2019
15/02/2019	Authority to write off bad debts under \$2,000 (exclusive of GST)	Remove "Role - Manager - Finance" and Add in "Role - Manager - Revenue"	Remove "Role - Manager - Finance" and Add in "Role - Manager - Revenue"	28/03/2019	CE	29/03/2019
8/03/2019		Add Riccado's role to the delegation	No change to text Addition of Post Approval RMA Officer	12/04/2019	CE	7/05/2019
1/03/2019	Power to extend existing use rights	Need to add Role - Team Leader Consents to this delegation as they require this power.	Add the additional role to the delegation	12/04/2019	Council	25/07/2019
18/02/2019	relating to powers under the Public Places bylaw	need to add the role - community events coordinator to this delegation	Add Role - Community Events Coordinator	21/03/2019	CE	26/03/2019
20/03/2019	minor gramatical errors to be corrected	Minor gramatical changes (see reference 77,80,94,107 and 70 in the training questions sheet)	minor gramatical changes	21/03/2019	CE	26/03/2019
16/05/2019	s94C Resource Management Act	delegations for sections 93-94D have been repealed.	De activate delegation referece 681 - We will need to look at whether we have put in any delegations for sections 93-94D RMA – those provisions have all been repealed.	24/05/2019	CE	24/05/2019
15/02/2019	power to grant extemptions	no longer required - make inactive	Make inactive	4/04/2019	CE	4/04/2019
15/02/2019	various	updates to roles and addition of a condition for powers under the building act	Various - see spreadsheet PDF (https://kete.wdc.govt.nz/ws/democ/_layouts/15/DocIdRedir.aspx?ID=DEMOC-1114264470-66)	4/04/2019	CE	4/04/2019
24/05/2019	Spend up to \$250K	Error deputy Mayor delgeation is from WAMT and not from WDC.	Remove Deputy Mayor as this delgation is from WAMT and not Council	14/06/2019	CE	14/06/2019

RESOLUTION TO EXCLUDE THE PUBLIC**Move/Second**

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	Confidential Minutes Whangarei District Council 27 June 2019	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Trustee Appointment – Northland Events Centre Trust		
1.3	Property Sale		

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 minutes	
1.2	To protect the privacy of natural persons	Section 7(2)(a)
1.3	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:

Move/Second

“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.