

# Whangarei District Council Meeting

## Agenda

**Date:** Thursday, 26 October, 2017

**Time:** 10:30 am

**Location:** Council Chamber  
Forum North, Rust Avenue  
Whangarei

**Elected Members:** Her Worship the Mayor Sheryl Mai  
(Chairperson)  
Cr Stu Bell  
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.

<b>1. Karakia/Prayer</b>	
<b>2. Declarations of Interest</b>	
<b>3. Apologies</b>	
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<b>8. Public Excluded Business</b>	
8.1 Closed minutes of the Whangarei District Council meeting held 19 September 2017	
8.2 Closed minutes of the Whangarei District Council meeting held 28 September 2017	
8.3 Appointment to Whangarei Art Musuem Trust	
8.4 Securing Additional Walkway Access Upper Port Road	
<b>9. Closure of Meeting</b>	

## 4.1 Public Forum

**Meeting:** Council  
**Date of meeting:** 26 October 2017  
**Reporting officer:** Carolyn 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 when 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:**

At the time of the agenda closure no applications to speak had been received.



**Item 5.1****Whangarei District Council Meeting Minutes**

**Date:** Thursday, 28 September, 2017  
**Time:** 10:30 a.m.  
**Location:** Council Chamber  
Forum North, Rust Avenue  
Whangarei

<b>Elected Members</b>	<b>Her Worship the Mayor Sheryl Mai</b> <b>(Chairperson)</b> <b>Cr Stu Bell</b> <b>Cr Crichton Christie</b> <b>Cr Vince Cocurullo</b> <b>Cr Tricia Cutforth</b> <b>Cr Shelley Deeming</b> <b>Cr Sue Glen</b> <b>Cr Phil Halse</b> <b>Cr Cherry Hermon</b> <b>Cr Greg Martin</b> <b>Cr Sharon Morgan</b> <b>Cr Anna Murphy</b>
<b>Not in Attendance</b>	<b>Cr Greg Innes</b>

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**In attendance**

Acting Chief Executive (Simon Weston), General Manager Corporate (Alan Adcock), General Manager Community (Sandra Boardman), General Manager Planning and Development (Alison Geddes), General Manager Strategy and Democracy (Jill McPherson), Legal Counsel Thomson Wilson (Graeme Mathias, Peter Magee), Senior Legal Adviser (Kathryn Candy), Legal Adviser (Rebecca Rowsell), Manager Strategy (Tony Horton), Waste and Drainage Manager (Andrew Carvell), Operations Engineer Waste and Drainage (Andrew Grant), Solid Waste Engineer (David Lindsay), Finance Manager (Rich Kerr), PPE Accountant (Nathan Wright), Team Leader Environmental Health (Reiner Mussle), Strategic Planner (Shireen Munday), Communications Adviser (Katy Davidson), Executive Assistant (Judi Crocombe) and Senior Democracy Adviser (C Brindle)

Her Worship advised Items 7.3 and 7.4 would be taken following Item 7.7 and that the meeting would adjourn following Item 7.7 Local Government Funding Agency Board.

**1. Karakia/Prayer**

Cr Glen opened the meeting with a karakia/prayer.

**2. Declarations of Interest**

Item 7.3 Consideration of the Waste Minimisation and Management Plan  
Item 7.7 Local Government Funding Agency Board.

**3. Apology**

**Moved By** Cr Vince Cocurullo

**Seconded By** Cr Anna Murphy

Cr Greg Innes

That the apology be sustained.

**Carried**

**4. Public Forum**

There were no applications received to speak at public forum.

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

**5.1 Minutes of the Whangarei District Council meeting held 27 July 2017**

**Moved By** Cr Sue Glen

**Seconded By** Cr Sharon Morgan

That the minutes of the Whangarei District Council meeting held on Thursday 27 July 2017, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

**Carried**

**5.2 Minutes of the Whangarei District Council Meeting held 24 August 2017**

**Moved By** Cr Anna Murphy

**Seconded By** Cr Shelley Deeming

That the minutes of the Whangarei District Council meeting held on Thursday 24 August 2017, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

**Carried**

### **5.3 Minutes Whangarei District Council Meeting held 31 August 2017**

**Moved By** Cr Greg Martin

**Seconded By** Cr Tricia Cutforth

That the minutes of the Whangarei District Council meeting held on Thursday 31 August 2017, 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**

### **5.4 Minutes Whangarei District Council Meeting held 7 September 2017**

**Moved By** Cr Sharon Morgan

**Seconded By** Cr Shelley Deeming

That the minutes of the Whangarei District Council meeting held on Thursday 7 September 2017, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

**Carried**

## **6. Information Reports**

### **6.1 Freedom Camping Rules - Enforcement of Freedom Camping**

**Moved By** Cr Vince Cocurullo

**Seconded By** Cr Sharon Morgan

That Council receives and notes the freedom camping implementation and enforcement programme.

#### Amendment

**Moved By** Cr Shelley Deeming

**Seconded By** Cr Cherry Hermon

That Council notes the Freedom Camping implementation and enforcement programme for discussion within a Council Workshop or Briefing as appropriate.

**The amendment was Carried  
and subsequently Carried  
as the Substantive Motion**

## 7. Decision Reports

### 7.1 Final Camping in Public Places Bylaw

**Moved By** Cr Phil Halse

**Seconded By** Cr Shelley Deeming

That Council

- a) is satisfied that a bylaw is necessary to meet the requirements of section 11(2)(a) of the Freedom Camping Act, that the Bylaw in Attachment 2 is the most appropriate and proportionate way of addressing the perceived problem for all areas in the District and that the bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990
- b) makes the Camping in Public Places Bylaw 2017 contained in Attachment 2, pursuant to section 11 of the Freedom Camping Act, with effect from 21 October 2017
- c) is satisfied that the amendments to the Parking and Traffic Bylaw and the Public Places Bylaw provide the most appropriate form of each bylaw and that the amendments do not give rise to any implications under the New Zealand Bill of Rights Act
- d) amends the Parking and Traffic Bylaw by deleting clause 39 of the Bylaw as shown in Attachment 3
- e) amends the Public Places Bylaw, clauses 19 and 30, as shown in Attachment 3
- f) grants consent to the use of a reserve for temporary or permanent personal accommodation, pursuant to section 44(1) of the Reserves Act 1977 and in exercise of the instrument of delegation for territorial authorities by the Minister of Conservation dated 12 June 2013, subject to any conditions and restrictions set out in the Camping in Public Places Bylaw 2017
- g) confirms the delegations proposed in Section 3 of the 'Additional Information to Camping in Public Places Bylaw' in Attachment 2, which provide for officers to exercise powers under the Bylaw
- h) authorises the Chief Executive, in consultation with HWM, to make any minor edits or amendments to the Bylaw to correct any



identified errors or typographical edits, or to reflect decisions made by Council at this meeting.

**Carried**

## **7.2 Adoption of the 2016-2017 Annual Report**

**Moved By** Her Worship the Mayor

**Seconded By** Cr Shelley Deeming

That the Council:

1. Adopts the Annual Report and Summary Annual Report for the year ended 30 June 2017 including those amendments in the tabled revised documents.
2. Authorises the Chief Executive to make any minor editing amendments that are required.

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

<b>Recorded</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Her Worship the Mayor Sheryl Mai (Chairperson)	X		
Cr Stu Bell	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 Martin	X		
Cr Sharon Morgan	X		
Cr Anna Murphy	X		
<b>Results</b>	<b>11</b>	<b>1</b>	

Absent: Cr Greg Innes

**Carried**

*Secretarial note: A supplementary report noting non material changes to the Annual Report and Summary Annual report documents was tabled. Revised documents including non material changes, were circulated at the meeting. Items 7.5, 7.6 and 7.7 were taken after Item 7.2. Item 7.3 was taken after Item 7.7.*

### **7.3 Consideration of the Waste Minimisation and Management Plan**

**Moved By** Her Worship the Mayor Sheryl Mai (Chairperson)

**Seconded By** Cr Sharon Morgan

That the Council approves

- a) the changes to the draft Waste Management and Minimisation Plan that was issued for public consultation on 29 June 2017 as set out in the agenda report;
- b) the 2017 Waste Management and Minimisation Plan for adoption;

and that Council

- c) recognizes the role of Northland Regional Landfill Limited Partnership (NRLLP) in delivering relevant targets included in the Waste Management and Minimisation Plan.
- d) authorise the Acting Chief Executive to make any minor amendments, including typographical/formatting/editing changes if required.

#### Amendment

**Moved By** Cr Anna Murphy

**Seconded By** Cr Stu Bell

That the Council approves

- a) the changes to the draft Waste Management and Minimisation Plan that was issued for public consultation on 29 June 2017 as set out in the report;
- b) the 2017 Waste Management and Minimisation Plan for adoption.

**The amendment was Lost**

#### Procedural motion

**Moved By** Cr Vince Cocurullo

**Seconded By** Cr Sue Glen

That the item being discussed lie on the table and not be discussed further at this meeting.

**The procedural motion was Lost  
on the casting vote of Her Worship the Mayor**

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

<b>Recorded</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Her Worship the Mayor Sheryl Mai (Chairperson)	X		
Cr Stu Bell	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 Martin	X		
Cr Sharon Morgan	X		
Cr Anna Murphy	X		
<b>Results</b>	<b>8</b>	<b>4</b>	<b>0</b>

Absent: Cr Greg Innes

**The motion was Carried**

*Cr Martin declared an interest as Council appointed director to Whangarei Waste Limited (partner NRLLP).*

#### **7.4 Mitigation of Risks to Council - Hundertwasser**

**Moved By** Cr Stu Bell

**Seconded By** Cr Sharon Morgan

That Whangarei District Council

1. Notes that to mitigate Council's risks WDC staff will be involved in project oversight and may commission peer reviews and

specialist advice during the implementation of the Hundertwasser Wairau Maori Arts Centre project.

2. Agrees to an Addendum to the terms and conditions of the Agreement to Lease between Council and the Whangarei Art Museum Trust'.
3. Agrees that the Chief Executive or his delegate shall be authorised to finalise all terms and conditions relating to the lease of the property as required to complete the transaction.

**Carried**

*Cr Cutforth abstained from voting on Item 7.4.*

*Cr Bell left the meeting at 1.41pm following Item 7.4.*

## **7.5 Review of the Significance and Engagement Policy**

**Moved By** Cr Stu Bell

**Seconded By** Cr Sharon Morgan

That Council;

- (a) Is satisfied, in adopting the revised Significance and Engagement Policy with minor amendments, that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.
- b) Adopts the revised Significance and Engagement Policy that is located at Attachment One to the report.
- c) Delegates to the Mayor and Chief Executive the ability to make minor editorial changes to the revised Significance and Engagement Policy, if required.

**Carried**

## **7.6 Supplementary - Staff Delegations RMA**

Subsequent to the agenda being circulated Item 7.6 was distributed separately but within the timeframe specified in LGOIMA.

**Moved By** Cr Shelley Deeming

**Seconded By** Cr Sharon Morgan

That the Council delegate the following functions under the Resource Management Act 1991:

- a) Section 87BA, To determine if a boundary activity approved by neighbours on infringed boundaries is a permitted activity, and

- b) Section 87BB, To determine if activities meeting certain requirements are permitted activities,

to the following staff: General Manager Planning and Development, Manager RMA Consents, RMA Planning Specialist, and Team Leader RMA Consents.

**Carried**

## **7.7 Supplementary - Local Government Funding Agency Board**

**Moved By** Cr Shelley Deeming

**Seconded By** Cr Sue Glen

That the Whangarei District Council advises the NZ Local Government Funding Agency Limited that it wishes to put forward the following Ordinary Resolution for consideration at its 2017 Annual General Meeting:

*“Until such time as resolved otherwise, the LGFA Board will comprise 6 Directors, with 5 of them being independent and one non-independent”.*

**Carried**

*General Manager Alan Adcock declared an interest as Council's appointed member LGFA Shareholders Council.*

### Procedural motion

**Moved By** Her Worship the Mayor

**Seconded By** Cr Greg Martin

That the meeting be adjourned and reconvened at 12.40pm in the Council Chambers.

**Carried**

*The meeting adjourned at 11.39am and reconvened in the Council Chambers at 12.41pm.*

*Item 7.3 was taken following the adjournment.*

## **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 31 August 2017	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Legal proceedings		
1.3	Marsden City Update		
1.4	Performance review		
1.5	Performance objectives		

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 open minutes.	
1.2	To maintain legal professional privilege	Section 7(2)(g)
1.3	To maintain legal professional privilege  To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations).	Section 7(2)(a)  Section 7(2)(i)
1.4	To protect the privacy of natural persons including that of a deceased person.	Section 7(2)(a)
1.4	To protect the privacy of natural persons including that of a deceased person.	Section 7(2)(a)

**Carried**

## **9. Closure of Meeting**

The meeting concluded at 2.19pm

Confirmed this 26<sup>th</sup> day of October 2017

Her Worship the Mayor Sheryl Mai

## 6.1 2019 Elections – Māori Representation

**Meeting:** Whangarei District Council  
**Date of meeting:** 26 October 2017  
**Reporting officer:** Jason Marris (Manager Democracy and Assurance)

### 1 Purpose

To consider Council's position regarding Māori representation through the establishment of a Māori ward(s).

### 2 Recommendation/s

That Council;

takes no further action on the establishment of a Māori ward(s)

OR

approves the establishment of a Māori ward(s) for the 2019 and 2022 elections and publicly notifies the opportunity for electors to demand a poll

OR

approves the conduct of a poll of electors on the establishment of a Māori ward(s) to take effect for the 2019 elections

OR

approves the conduct of a poll of electors on the establishment of a Māori ward(s) in conjunction with the 2019 elections

### 3 Background

The Local Electoral Act 2001 (LEA) allows for Council to decide on the establishment of Māori ward(s). Whangarei District Council does not currently have a Māori ward, so any decision to change the status quo, which would then take effect for the 2019 and 2022 elections, is required to be made by 23 November 2017.

Our Electoral Officer (EO) presented to both the 16 August 2017 Te Kārearea meeting and Council public briefing on this topic. The EO advised that it was expected that consultation with hapū would occur to determine their position regarding the establishment of Māori wards. Te Kārearea asked staff to present to Te Huinga, and this occurred on 7 September 2017. Te Huinga then committed to consult with hapū to determine a collective position.

A hui was held on 30 September, and Te Huinga subsequently resolved as follows on 5 October:

“That Te Huinga advise Whangarei District Council of their support of, and preference to pursue Māori wards within Whangarei district”.

This resolution was presented to the 18 October 2017 Te Kārearea meeting for discussion.

## **4 Options and Process**

Council has four options.

### **Option 1 – Take no further action**

It is a Council decision to introduce Maori ward(s), or to remain with the status quo. Council could decide to take no further action.

### **Option 2 – Approves the establishment of Māori ward(s)**

Council may resolve to introduce Maori ward(s). If it does so, this decision would take effect for the 2019 and 2022 elections (unless overturned by a poll), and then continue until Council resolves otherwise.

If this option is chosen, Council would then publicly advertise the resolution. The advertisement would also state that a public poll of 5% of electors (2,892 electors) would be required to overturn the decision. Any poll would need to be completed by 21 February 2018.

The decision would then be incorporated in to the 2018 Representation Review process, which would investigate the necessary changes to re-align ward boundaries and other detail.

### **Option 3 – Conduct a poll of electors on the establishment of Māori ward(s) to take effect for the 2019 elections**

Council can resolve to conduct a poll on the establishment of Māori wards at any time, but for the decision to be effective for the 2019 elections, it must be made no later than 21 February 2018.

If this option is chosen, Council would give notice of the poll and the poll would need to be completed by 21 May 2018.

The poll would be binding and if the result is for Māori wards to be introduced, the decision would take effect for the 2019 and 2022 elections, and then continue until Council resolves otherwise.

The decision would then be incorporated in to the 2018 Representation Review process, which would investigate the necessary changes to re-align ward boundaries and other detail.

Our EO has indicated that the cost of a standalone poll for the Whangarei District would be approximately \$90,000. Additional expenditure for communications and advertising would also be required, estimated at \$15,000. We have not budgeted for these expenses.



## **Option 4 – Conduct a poll of electors on the establishment of Māori ward(s) in conjunction with the 2019 elections**

Council can decide to conduct a poll on the establishment of Māori ward(s), to be done at the same time as the postal vote for the 2019 elections.

The poll would be binding and if the result is for Māori ward(s) to be introduced, it would apply for the next two elections (2022 and 2025), and then continue until Council resolves otherwise.

Our EO has indicated that the cost of incorporating this poll with the election voting papers would be approximately \$9,000 (about 10% of a standalone poll). Expenditure for communications and advertising would be incorporated in to the election material and campaign, which we budget for.

## **5 Implications**

Should Māori wards be introduced, the LEA has a set formula to determine the number of Māori and General Councillors. For the Whangarei District, assuming that the total of 13 Councillors plus a Mayor remains, two Councillors would be required to be elected from a Maori ward(s), and 11 Councillors from the general wards.

## **6 History**

Whangarei District Council has not conducted a poll regarding the issue of Māori Representation in at least the last 15 years.

In recent years, Waikato Regional Council has made a decision to include Maori wards (without a poll), and several councils have conducted polls around establishing Māori wards. The table below highlights the poll results.

<b>Year</b>	<b>Council</b>	<b>Poll</b>	<b>For</b>	<b>Against</b>
2007	Whakatane District Council	Yes	30%	70%
2011	Nelson City Council	Yes	20%	80%
2012	Waikato District Council	Yes	20%	80%
2013	Hauraki District Council	Yes	19%	81%
2015	New Plymouth District Council	Yes	17%	83%
2016	Wairoa District Council	Yes	54%	46%

## **7 Significance and engagement**

The decisions or matters of this report 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.

However, as mentioned in this report, Council held a public briefing and presented to Te Kārearea on the topic of Māori representation. A presentation to Te Huinga was also conducted, and hapū were subsequently consulted with via the Te Huinga network.



## 6.2 Otangarei Playground Project

**Meeting:** Whangarei District Council

**Date of meeting:** 26 October 2017

**Reporting officer:** Sue Hodge (Manager Parks and Recreation)  
Tony Horton (Manager Strategy)  
Jonny Gritt (Manager Community Development)

### 1 Purpose

To seek Council approval to fund the Otangarei Playgroup Project.

### 2 Recommendation

That the Whangarei District Council approves the funding of \$155,000 towards the Otangarei Playgroup Project.

### 3 Background

Housing New Zealand Corporation have offered to support the development of a playground in Otangarei with \$45,000. Support from Council with an additional \$55,000 would fund a basic playground of an appropriate scale and standard for that location. Investment in this project also presents an invaluable opportunity to catalyse community development with multi-agency support and through engagement with community stakeholder groups

### 4 Discussion

Council has been working with the Otangarei Neighbourhood Safety Panel, Kāinga Ora o Otangarei, Te Kotahitanga Marae and the Te Hau Āwhiowhio o Otangarei Trust on a number of community projects through the Village Plan programme. Successful projects include:

- Otangarei toilet block
- Otangarei Proud bi-monthly newsletter
- Puna Rere Walkway and a new bridge
- Ongoing weed clearance and planting
- Community day events.

Staff have also been speaking directly to the community about the types of amenities and facilities they would like to see developed to bring their community facilities and public spaces up-to-date. A community playground has been identified as particularly desirable for many of the young families and children in the neighbourhood.

Currently the Otangarei community, with a population of approximately 1800 (2013 Census), does not have a public playground. The nearest public playground is on Korau Road, which

due to the road layout and topography is approximately a 30+min walk. The Kura in Otangarei does have a modest playground on-site, but the school grounds are fenced preventing public access.

Consultation with the community through the Village Plan project has identified the following views on a playground:

- A playground is needed. There are a lot of families with young kids.
- The nearest playground is too far to walk for those that do not have a car.
- The playground needs to cater for kids up to the age of 10.
- The play equipment needs to be robust, but colourful and visually prominent.
- The preferred site for the playground in the central reserve close to the shops and the marae.

#### **4.1 Financial/budget considerations**

The village plan programme included a budget of \$100,000 over four years to fund small capital works projects, facilitate community led development and support feasibility, planning and design work for larger long term projects. Therefore, the village plan budget has not been sufficient to cover the total cost of a playground. The 2016/17 Financial Year was the final year for the Otangarei programme and therefore no funding is currently available from this budget.

Through Kāinga Ora o Otangarei governance group, Housing New Zealand Corporation (HNZC) have offered to support the development of a playground with \$45,000. HNZC currently owns approximately 60 percent of the housing stock in Otangarei and because of this they have recognised that there is a role for their organisation to play in supporting the provision of amenities for the local community.

The provision of a good quality playground along with seating can be achieved within an approximate budget of \$100,000. This also recognises that the play equipment needs to be well designed and manufactured to a standard that will not result in frequent maintenance. Therefore, Whangarei District Council would need to support HNZC offer with an additional \$55,000.

Further funding would be required if other measures were regarded as important, such as inclusion of CCTV for security, approximate costs of \$20,000 for 4 cameras and DVR systems installed at the Marae or School (permissions will need to be requested) and a sun shade for the playground, approximate costs of \$40,000. Lighting the playground is likely to cost \$40,000. These items could be looked at in the future though the preference would be to undertake the project as a whole in one operation.

Staff have expressed some concerns about potential vandalism from a Crime Prevention through Environmental Design (CPTED) perspective even though careful siting on the central reserve may mitigate this to a degree.

From a Community Development perspective, this project also offers a significant opportunity to bring various stakeholder groups together around the design and build of the playground. If successful other partners such as NDHB have funds available for other community developments such as a fitness track. There is also talk of resurrecting the basketball court that suffered vandalism in the past.

For this project to be a success it is essential that there is a sense of ownership and that both parents and children from the community have input into its design. There may also be opportunities for the local community to engage with the project through volunteer labour and thus take more ownership for the result.

Total cost to council to deliver a playground:

Playground Contribution	<b>\$55,000</b>
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Total cost to council for possible additions:

CCTV	\$20,000
Sun Shade	\$40,000
Lighting	\$40,000
<b>Total</b>	<b>\$100,000</b>

## 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

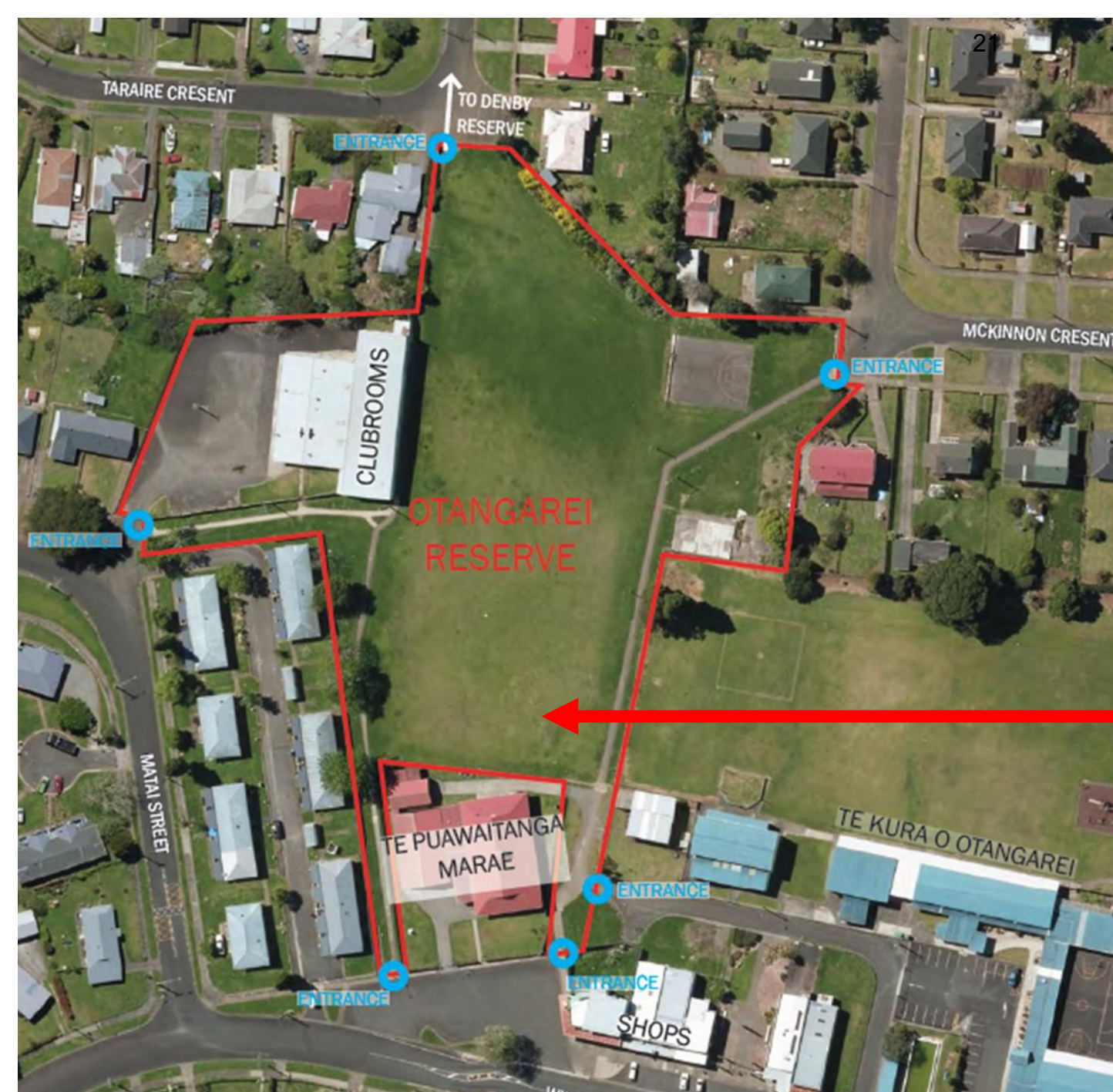
1. Location map of new playground



## Key project benefits

- The local community have been wanting a playground for a considerable amount of time
- HNZN are offering to provide \$45,000 to contribute to total cost of \$100,000
- The project offers a significant opportunity to bring the various community stakeholders together.

Location for new playground







## 6.3 CON16086 - Kamo Shared Path Stage 2 Cross Street to Kamo Road - Recommendation for Contract Award

**Meeting:** Whangarei District Council  
**Date of meeting:** 26<sup>th</sup> October 2017  
**Reporting officer:** Nick Marshall (Senior Roading Engineer – Traffic & Parking)

### 1 Purpose

To seek Council's approval to award the contract CON16086 for the construction works of Kamo Shared Path Stage 2 from Cross Street to Kamo Road.

### 2 Recommendation

That the Council approves that the Tender for contract CON16086 for the construction works of Kamo Shared Path Stage 2 from Cross Street to Kamo Road, be awarded to Broadspectrum NZ Ltd for the sum of 'Three million, six hundred and fifty-three thousand, five hundred and one dollars and thirty-two cents' excluding GST (\$3,653,501.32 + GST).

### 3 Background

The Kamo Shared Path (Kamo Cycleway) project has been identified through the Walking & Cycling Strategy. The Kamo Route is one of the three key urban routes required to develop an integrated active mode transport system, reducing demand on our road network.

This project was split into four construction stages. Stage 1 from Rust Avenue to Cross Street is currently under construction by Broadspectrum NZ Ltd. This agenda is specifically requesting the approval of the contract CON16086 for the construction works of Kamo Shared Path Stage 2 from Cross Street to Kamo Road.

### 4 Discussion

Tenders for the construction of Stage 2 works were advertised on 9<sup>th</sup> August 2017 and closed on 8<sup>th</sup> September 2017. The Tender evaluation was undertaken in accordance with the New Zealand Transport Agency's Procurement Manual, using the Price Quality Method (PQM). Two conforming tenders were received and they have been ranked in ascending order based on their prices in the table below:

Name of Tenderer	Tendered Amount (excluding GST)	Supplier Quality Premium (excluding GST)	Adjusted Tender Sum (excluding GST)
Broadspectrum NZ Ltd.	\$3,659,741.32	\$158,753.92	<b>\$3,500,987.40</b>
United Civil Construction Ltd.	\$4,372,819.70	\$0.00	<b>\$4,372,819.70</b>
Engineer's Estimate	\$3,405,898.70		

Broadspectrum NZ Ltd's tendering price was approximately 7% higher than the Engineer's Estimate. This was considered reasonable considering the current competitively constrained civil engineering construction market.

#### 4.1 Financial/budget considerations

This contract is the 2nd of four contract packages proposed for the completion of the Kamo Shared path.

Package 1 is currently under construction and runs from Rust Ave to Cross St

Package 2, this contract, runs from Cross St to Kamo Rd

Package 3, yet to be let, runs from Kamo Rd to Fisher Tce

And Package 4, also to be let, is the construction of an underpass under the rail line at Fisher Tce.

These contracts will run concurrently over a number of years and funding includes Council's normal 53% NZTA subsidy and a total of \$2.0M at 100% subsidy from the Governments Urban Cycleway fund. Additional funding from Council's Minor Improvements budget is included in the project to cover signalized pedestrian and road crossings.

The predicted spend on the total project is;

Contract Stage	2016/17	2017/18	2018/19	Total
Fees, property etc		\$ 390,000		\$ 390,000
Kamo Stage 1	\$ 543,000	\$2,986,000		\$3,529,000
Kamo Stage 2		\$2,302,500	\$3,567,500	\$5,870,000
Kamo Stage 3			\$2,825,000	\$2,825,000
Kamo Stage 4		\$ 500,000		\$ 500,000
Annual Total Cost	\$ 543,000	\$6,178,500	\$6,392,500	\$13,114,000
WDC Budget	\$543,000 (part)	\$6,477,700	\$6,093,700	\$13,114,400

The funding for this contract will come from Roading Department's existing Kamo Shared Path budget and Minor Improvements budget. No additional funding is required.

CON16086 (Cross Street to Kamo Road) is made up of two distinct sections:

1. Separable Portion 1; Cross Street to Kensington Avenue
2. Separable Portion 2; Kensington Avenue to Kamo Road

With the remaining budget for the Kamo Shared Path project, we have sufficient funds to complete Separable Portion 1 this financial year. Separable Portion 2 will be built next financial year. There is sufficient budget allocated in both the existing and the proposed LTP's for 2018-19 for this works. Construction of Rust Avenue to Kamo Road will be built as one continuous construction project by Broadspectrum. Our primary focus will be to build the Manse Street / Lupton Avenue works during the Christmas School Holiday, thus minimising disruption to students at Girls and Boys high schools.

We will let one more contract this financial year (2017-18), this is for the underpass at 61 Fisher Terrace. The main reason for completing this section this year is the sale of the house after construction will cover most of the costs of this contract.

In summary, we plan to complete the following sections this financial year (2017-18):

- Rust Avenue to Cross Street (CON16020)
- Cross Street to Kensington Avenue (CON16086 SP1)
- Fisher Terrace Underpass

The following works will be completed next financial year (2018-19), with a likely completion of before Christmas 2018:

- Kensington Avenue to Kamo Road (CON16086 SP2)
- Kamo Road to Jack Street
- Jack Street to Fisher Terrace
- Rust Avenue signalised pedestrian crossing

The New Zealand Transport Agency (NZTA) have agreed to this revised delivery programme.

## 5 Significance and engagement

The decisions or matters of this report 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.



## 6.4 Town Basin – Conversion of Car Park to Park and Sports and Recreation Level of Service (Pohe Island): 2017/2018 Budgets and Alternative Projects

**Meeting:** Whangarei District Council  
**Date of meeting:** 26 October 2017  
**Reporting officer:** Simon Weston (General Manager – Infrastructure)

### 1 Purpose

To obtain approval to utilise part of this year's budgets originally allocated for Town Basin – Conversion of Car Park to Park and Sports and Recreation Level of Service (Pohe Island) projects for other projects that can be undertaken this year.

### 2 Recommendations

That Council:

- a) approves funding from this financial years Town Basin – Conversion of Car Park to Park budget being utilised on the projects listed in Table 1.0 Alternative Projects, and
- b) approves funding from this financial years Sports and Recreation Level of Service (Pohe Island) budget being utilised on the projects listed in Table 1.0 Alternative Projects.
- c) That the budgets within the proposed 2018/28 LTP are adjusted accordingly.

### 3 Background

This year (2017/2018) the budget for Town Basin – Conversion of Car Park to Park and Sports and Recreation Level of Service Pohe Island Master Plan is \$1.5 million each. Neither project is in a position where all these funds can be fully spent, therefore there is an opportunity that \$1.3 million from Car Park to Park and \$1.1million from Pohe Island Master Plan is utilised in other areas that can spend it this financial year. If this proposal is approved the budgets will be adjusted accordingly for the 2018/28 LTP.

### 4 Discussion

#### 4.1 Town Basin – Conversion of Car Park to Park

This year (2017/2018) the budget for the Town Basin – Conversion of Car Park to Park project is \$1.5 million. This was to allow the construction to take place over this year and next year, however this has not been able to occur due to the Hundertwasser construction requiring the use of the park for their storage area during construction.

The Car Park to Park team are working closely with Whangarei Arts Museum and Prosper Northland (WAM/PNT), who are managing the Hundertwasser project, to ensure that the two projects will finish at similar times, while not hindering each other's construction.

To achieve this goal, the Car Park to Park construction work will be postponed for two years while WAM/PNT constructs the exterior of the Hundertwasser building. Once the exterior has been completed, the site will become available for WDC to start the construction of the park.

#### **4.2 Sports and Recreation Level of Service (Pohe Island Master Plan)**

This year (2017/2018) the budget for the Sports and Recreation Level of Service Pohe Island Master Plan project is \$1.5 million. Originally part of this funding was to complete the construction of the car park near the Bike Northland facility. Investigations and concepts designs have been completed, however stakeholder engagement revealed that the concept design did not fit with Bike Northlands vision for the area. Discussion are continuing with Bike Northland to develop a plan that works for both parties.

While these discussion progress, investigation are currently underway for the development of the area adjacent to the Loop Walkway near the skatepark. Due to the complexities and risks involved with construction on a landfill, these investigations need to be thorough and therefore take time. This has meant that it is unlikely to complete construction in this area.

The \$400,000 to remain in this budget will go towards completing the site investigations, obtaining the consents required and importing bulk-fill to construct the sub-base for the car park that will be completed next financial year.

#### **4.3 Financial/budget considerations for Alternative Projects**

To prevent these budgets going unspent and being carried-forward, it is suggested that the additional funds may be utilised as shown in Table 1.0 Alternative Projects, shown below.

If this proposal is approved the budgets will be adjusted accordingly for the 2018/28 LTP

**Table 1.0 Alternative Projects**

LTP Line	Project	Funding Available This Year \$000	Estimated Funding Required \$000	Additional Funding This Year \$000	2015-25 LTP Year Funded	Comment on Additional Funding Requirements
Sportsfields & Facilities - Sports and Recreation Renewals	Otaika Sports Fields	1,278	1,500	222	Year 4	Allows the works to be completed in one stage
Hatea Activity Loop	Hatea Lighting and CCTV	423	490	67	Not Funded in Prev LTP	Allows all three sections of lighting to be completed this financial year
Coastal Structures - Seawall Renewals	Sandy Bay	315	390	75	Year 4	Covers additional dune restoration works, fencing and improvements to car parking
Coastal Structures - Seawall Renewals	Ngunguru Seawall	472	950	478	Year 4	Allows stage two of the wall to be completed with the amenity elements discussed with the public. \$1.2million of funding is planned for 2018/2019.
Coastal Structures - Seawall Renewals	Richie Road Seawall, Parua Bay	0	102	102	Year 4	Brings forward the full renewal of Richie Road seawall that is in poor condition. Renewal was due in 2018/2019 in the LTP.
Coastal Structures - Seawall Renewals	Princes Road Seawall, Ruakaka	40	80	40	Year 4	Covers full renewal of Princes Road seawall as per request from the public. Renewal was due in 2018/2019 in the LTP.
Coastal Structures - Seawall Renewals	One Tree Point Seawall	0	20	20	Year 6	Allows for the design and consenting work to be undertaken for the renewals of the seawall from Pyle Road West to Karoro Road that is in poor condition. Renewal was due in 2020/2021 in the LTP.
Sports and Recreation Level of Service (Pohe Island)	Bascule Car Park	0	255	255	Year 4	To undertake investigation and designs for the sealing of the carpark. The funding is WDC's contribution to the TIF fund. Subject to TIF Funding.

LTP Line	Project	Funding Available This Year \$000	Estimated Funding Required \$000	Additional Funding This Year \$000	2015-25 LTP Year Funded	Comment on Additional Funding Requirements
Neighbourhood & Public Gardens LOS	Abbey Caves Car Park	0	25	25	Not Funded in Prev LTP	To undertake investigation and designs for the creation of a carpark and toilet. The funding is WDC's contribution to the TIF fund and has not previously been budgeted in the LTP.
Neighbourhood & Public Gardens Renewals	Resealing Parks Car Parks	0	227	227	Year 4 & 5	Bring forward the reseal of car parks including; Scouts hall at Three Mile Bush, Marsden Point Public Jetty Access, Pacific Bay Reserve, Tikipunga Domain, One Tree Point Boat Ramp Carpark, Barge Park, Pataua South Foreshore and Riverglen Playground. Programme of works was to be spread evenly over the first two years of the new LTP (2018/2019 and 2019/2020).
Playgrounds & Skate Parks New	Otangarei Playground	0	155	155	Not Funded in Prev LTP	WDC's contribution with Housing NZ and Health Board. This is a new opportunity that has not been budgeted for in the LTP.
			<b>TOTAL</b>	<b>1,666</b>		



#### 4.4 Options

The options available are;

1. Do nothing. The budgets remain with Town Basin – Conversion of Car Park to Park and Sports and Recreation Level of Service (Pohe Island) and the Council accepts that most of the budget will be carried forward into next year.
2. Reallocate the budget to the projects listed above. These projects are all Parks and Sense of Place projects and, provided approval to proceed is given in October, the budgets can be spent as stated.
3. Reallocate the budget to other projects. By reallocated the budget to other projects there is a risk that they cannot be achieved within the financial year, resulting in carry-forwards.

## 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 Bike Northland – Pohe Island Lease

**Meeting:** Whangarei District Council  
**Date of meeting:** 26 October 2017  
**Reporting officer:** Sue Hodge (Parks and Recreation Manager)

### 1 Purpose

To confirm the details of the proposed lease of part of William Fraser Memorial Park on Pohe Island to Bike Northland so that they can develop the Pohe Island Bike Park.

### 2 Recommendations

That Whangarei District Council provides Bike Northland a letter of intent stating:

- a) That it intends to enter into a lease between Bike Northland Incorporated and Council for an area of approximately 5.7ha of William Fraser Park as shown on the plan attached to this report.
- b) that the terms of the lease are for a term of 33 years and annual rental of \$500 per annum plus GST and the permitted use be for the sport of cycling and associated activities and other sports related activities as may be approved by Council in writing.
- c) that documents are executed at the appropriate time.

### 3 Background

The William Fraser Memorial Park Reserve Management Plan (RMP) provides for the development of facilities for cycling use. Bike Northland (BN) are the umbrella organisation that will develop these facilities, to be known as Pohe Island Bike Park, on behalf of the community.

The RMP states under policy 5.9.4.10, that leasing the former recycling building and other areas to develop cycling facilities will be encouraged. Providing a long-term lease will assist BN is attracting external grant funds such as Lotteries Grant Board or Foundation North.

Council has already leased an area of around 1.36ha to the Whangarei BMX Club which is integrated into the proposed bike park facility (Attachment 1 Current BMX leased area).

In June 2013 Council resolved to approve in principle the sale of the former paper reclaim facility to BN and the development of a ground lease.

BN have now completed a feasibility study that supports the creation of a bike park facility and have developed a draft concept plan and developed cost estimates of around \$6.2 million with \$2 million being for the development of the former paper reclaim building.

This project is sufficiently advanced and it is recommended the lease details are finalised and Council's contribution in the draft 2018/2028 Long Term Plan considered.

## 4 Discussion

Community grant funders such as the Lotteries Grants Board require surety that any community assets they are funding will remain available to the community long-term and ask that a long-term lease be in place.

To maximise BN's ability to leverage off any Council contribution to the public elements, they would need to demonstrate this is part of a wider community project being led by BN. This is best done by leasing the entire Pohe Island Bike Park, less the BMX area, to BN as shown on the attached plan (Attachment 2 Proposed lease area).

The total area that would be developed into a bike park is approximately 7ha and the area proposed to be leased to BN is 5.7ha, being the total less the existing BMX lease (1.36ha). As there is an approved RMP, that was developed in consultation with the community, there is no need to publicly notify this lease and it can be approved by resolution of Council as the administering body.

To provide some surety to potential funders that their investment will have long term community benefits it is proposed that at this point Council provides a letter of intent to lease an area around 5.7ha of William Fraser Park to BN to develop a bike park (Attachment 2). The Lotteries Grant Board have confirmed this approach at this early stage is acceptable.

It is recommended Council's standard Reserves Act lease template is used and the term be 33 years with rent \$500 per annum plus GST. The required use will be *"For the sport of cycling and associated activities and other sports related activities as may be approved by Council in writing."*

### 4.1 Financial/budget considerations

Council has committed funding in the current Long Term Plan (LTP) \$800k available, and in the draft 2018-2028 LTP towards Pohe Island development. Some of this funding is earmarked for development of elements of the bike park that would be freely available to the public e.g. learn to ride facility, pump track etc.

Some of this funding is for elements of the Pohe Island master plan that are outside of the bike park such as a destination playground, youth activation zone, rest rooms, further car parks, and improvements to the Hatea Loop.

It is proposed that in this financial year Council officers would work in partnership with BN to develop the detailed design and assist with resource consents for the portion of the bike park that would be freely available to the public. This would then put BN in a strong position to apply for funding and leverage off Council's contribution to the bike park. It is estimated that the professional services costs to get the project to this stage would be around \$150,000 and would be funded from this financial year's Pohe Island budget.

BN would need to find their own funds for detailed design or consents for the development of the former paper recycling facility as access to this facility will not be freely available to the public.

As part of the development of the 2018-2028 LTP Council will need to finalise the amount of funding committed to Pohe Island development including the bike park.

### 4.2 Policy and planning implications

As lessee, BN will need to apply for consents for earthworks and building consents.

## **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 report publication on the website.

## **6 Attachments**

1. Current Proposed Lease Area.
2. Proposed leased area.





LEGEND

Whangarei BMX Club Lease  
Area Approximately 1.39 ha

REV	COMMENT	DRWN	CHKD	DATE
00	BIKE NORTHLAND CLUB LEASE - POHE ISLAND	JW	-	17/10/17



WILLIAM FRASER MEMORIAL PARK ON POHE ISLAND	
CURRENT LEASES	17/10/2017    REV 00







LEGEND

-  Whangarei BMX Club Lease  
Area Approximately 1.39 ha
-  Bike Northland Proposed Lease  
Area Approximately 5.70 ha



REV	COMMENT	DRWN	CHKD	DATE
00	BIKE NORTHLAND CLUB LEASE - POHE ISLAND	JW	-	17/10/17

SCALE 1:2000@A3



WILLIAM FRASER MEMORIAL PARK ON POHE ISLAND

BIKE NORTHLAND PROPOSED LEASE

17/10/2017 REV 00



## 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	Closed Minutes Whangarei District Council 19 September 2017	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Closed Minutes Whangarei District Council 28 September 2017		
1.3	Appointment to Whangarei Art Museum		
1.4	Securing Additional Walkway Access Upper Port Road		

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 open minutes.	
1.2	For the reasons as stated in the open minutes	
1.3	To protect the privacy of natural persons including that of a deceased person	Section 7(2)(a)
1.4	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.*