

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

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 Martin Cr Sharon Morgan Cr Anna Murphy
Not in Attendance	Cr Greg Innes

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:

Recorded	For	Against	Abstain
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		
Results	11	1	
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:

Recorded	For	Against	Abstain
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		
Results	8	4	0

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 26th day of October 2017

Her Worship the Mayor Sheryl Mai