

## Whangarei District Council Meeting Minutes

**Date:** Thursday, 24 June, 2021  
**Time:** 9:00 a.m.  
**Location:** Council Chamber  
Forum North, Rust Avenue  
Whangarei

<b>In Attendance</b>	<b>Her Worship the Mayor Sheryl Mai (Chairperson) Cr Gavin Benney (virtually) Cr Vince Cocurullo Cr Nicholas Connop Cr Ken Couper Cr Tricia Cutforth Cr Shelley Deeming Cr Jayne Golightly Cr Phil Halse Cr Greg Innes Cr Anna Murphy Cr Carol Peters Cr Simon Reid</b>
<b>Not in Attendance</b>	<b>Cr Greg Martin</b>
<b>Scribe</b>	<b>C Brindle (Senior Democracy Adviser)</b>

---

**1. Karakia/Prayer**

Cr Peters opened the meeting with a karakia/prayer.

**2. Declarations of Interest**

Item 7.5 Long Term Plan 2021 – 2031 Adoption – recommendation 3

**3. Apology**

Cr Greg Martin

**Moved By** Cr Simon Reid

**Seconded By** Cr Greg Innes

That the apology be sustained.

**Carried**

#### 4. **Public Forum**

There were no public forum speakers.

#### 5. **Police Report**

##### 5.1 **Police Report**

**Moved By** Cr Simon Reid

**Seconded By** Cr Carol Peters

That Council note the report.

**Carried**

#### 6. **Confirmation of Minutes of Previous Meeting of the Whangarei District Council**

##### 6.1 **Minutes Whangarei District Council meeting held 27 May 2021**

**Moved By** Cr Tricia Cutforth

**Seconded By** Cr Shelley Deeming

That the minutes of the Whangarei District Council meeting held on Thursday 27 May 2021, 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, subject to a correction to the Mayor's signature.

**Carried**

#### 7. **Decision Reports**

##### 7.1 **Revenue and Financing Policy**

**Moved By** Cr Greg Innes

**Seconded By** Cr Carol Peters

That Council:

1. Receive the information.
2. Adopt the Revenue and Financing Policy (having undertaken the Special Consultative Procedure, in accordance with sections 82, 82A and 102 of the Local Government Act 2002).
3. Authorises the Chief Executive to make minor amendments, drafting, typographical or presentation corrections necessary to the Revenue and Financing Policy.

**Carried**

##### 7.2 **Fees and Charges 2021 to 2022**

**Moved By** Her Worship the Mayor

**Seconded By** Cr Nicholas Connop

That Whangarei District Council:

- a) Notes the inclusion of the additional fee for Building Consent Online Management Processing in addition to those fees adopted in February.
- b) Approve the amendment of the cents per kilometre mileage rate from 82 to 79 cents per kilometre, in order to align with IRD rates recently amended.
- c) Adopt the fees and charges listed in **Table A**, as follows and as per attachment 1: *Statement of Proposal: Proposed Fees & Charges 2021-22*, (with the exception of the cents per kilometre mileage rate addressed in recommendation b.)
- d) These fees were consulted on and deliberated within the LTP consultation process, as required under the Special Consultative Procedure under the Local Government Act 2002.
- e) Authorises the Chief Executive to make minor amendments, drafting, typographical or presentation corrections necessary to the 2021-2022 Fees and Charges document.

**Table A: 2021-22 Fees and charges subject to the Special Consultative Procedure**

	<b>Refer Statement of Proposal</b>
Bylaw Enforcement	Page 7
Drainage (Waste Water and Trade Waste)	Page 4 - 6
Food Premises	Page 8 - 10
Gambling and Racing Act	Page 10
Health Act Registered Premises	Page 11
Public Places Bylaw	Page 12
Resource Management Act: Resource Management Administrative Charges District Plan/Private Plan Changes Council Professional Fees Monitoring and Land Use Abatement Notices	Page 13-21
Rubbish Disposal	Page 22-23
Water Supply	Page 24-25

**Carried**

*Cr Cocurullo requested his vote against be recorded.*

### 7.3 Rates Policies

**Moved By** Cr Gavin Benney  
**Seconded By** Cr Carol Peters

That Council:

- 1 Adopts the rates remission and postponement policies, including changes, as required under Sections 85-90 of the Local Government (Rating) Act 2002 and Sections 109-110 and Schedule 11 of the Local Government Act 2002.
- 2 Adopts the policy for early payment of rates, as required under Section 55 of the Local Government (Rating) Act 2002.

**Carried**

*Cr Cocurullo requested his vote against be recorded.*

### 7.4 Development Contribution Policy 2021 Adoption Report

**Moved By** Cr Shelley Deeming  
**Seconded By** Cr Phil Halse

That the Council

1. Approve and Adopt the Development Contributions Policy 2021 in accordance with Section 102 of the Local Government Act 2002
2. Authorises the Chief Executive to make any necessary drafting, typographical or presentation changes or corrections to the Development Contributions Policy 2021 prior to the document being published.

**Carried**

*Cr Cocurullo requested his vote against be recorded.*

### 7.5 Long Term Plan 2021 - 2031 Adoption

Item 7.5.1 containing Audit New Zealand's final Audit Opinion was distributed prior to the meeting. Audit NZ subsequently advised the third paragraph under the opinion paragraph be replaced with the following:

*'The Council's forecasts to replace existing assets are consistent with its approach to replace its assets, and reasonably take into account the Council's knowledge of its assets' condition and performance;'*

The amended Audit Opinion was tabled at the meeting.

The recommendations were taken in parts.

**Moved By** Her Worship the Mayor  
**Seconded By** Cr Ken Couper

That Council:

1. Adopt the Long Term Plan 2021 – 2031, inclusive of Audit New Zealand's final audit opinion tabled at the meeting.

**Carried**

*Crs Cocurullo and Reid requested their votes against be recorded.*

2. Resolve to carry forward unspent capital project budgets as at 30 June 2021 (in additional to those already forecast) into the 2021-22 year. These subsequent carry forwards will be part of a revised budget, which will be reported back to Council.

**Carried**

3. Confirms the establishment of a new Trust/Council Controlled Organisation for the Northland Events Centre.

**Carried**

4. Notes the potential for increased carryforwards as a result of an ambitious programme, particularly in Transportation.

**Carried**

5. Notes that it is increasingly likely that further decreases to Central Government Transport subsidy will require a review of revenue/rates and/or service delivery through a future Annual Plan or Long Term Plan Amendment process.

**Carried**

6. Authorises the Chief Executive to make any necessary drafting, typographical or presentation changes to the Long Term Plan 2021 – 2031 document.

**Carried**

*Declarations of Interest:*

*Interests in regards to recommendation 3 (NECT) of Item 7.5 were declared by Cr Halse as Chair of the NECT and Cr Benney as a Trustee of NECT.*

*Both Cr Halse and Cr Benney withdrew from the table and took no part in discussions or voting on recommendation 3.*

*Cr Cutforth abstained from voting on recommendation 3.*

*A break was taken from 11.17am to 11.37am following Item 7.5.*

## **7.6 2021-22 Rates Resolution**

**Moved By** Her Worship the Mayor

**Seconded By** Cr Greg Innes

That the Council:

- a. Having adopted the 2021-31 Long Term Plan, including the 2021-22 Funding Impact Statement, resolves to set the following rates in

accordance with the Local Government (Rating) Act 2002 for the financial year 1 July 2021 to 30 June 2022:

**a. General Rates**

Rate/Differential category	Basis of assessment	Including GST
<b>General Rates</b>		
Uniform Annual General Charge	Per separately used or inhabited part of a rating unit *	\$724.00
Residential category**	Per \$ of land value	\$0.0025738
Multi-Unit category**	Per \$ of land value	\$0.0051476
Miscellaneous category**	Per \$ of land value	\$0.0025738
Rural category**	Per \$ of land value	\$0.0032709
Commercial and Industrial category**	Per \$ of land value	\$0.0166764

**b. Targeted Rates**

Rate/Differential category	Basis of assessment	Including GST
<b>Sewerage Rates</b> (Connected to wastewater system)		
Residential category**	Per separately used or inhabited part of a rating unit**	\$803.00
Other – non-residential**	Per pan or urinal	\$513.00
<b>Water Rates</b>		
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	\$2.32
Supply charge (metered)	Per separately used or inhabited part of a rating unit to which the water is supplied*	\$35.00

Availability charge	Per separately used or inhabited part of a rating unit for which the water is available to be supplied*	\$35.00
Uniform charge (unmetered)	Per separately used or inhabited part of a rating unit to which the water is supplied*	\$486.00
Backflow preventer charge	Per water supply connection, based on the nature of connection	
	15/20mm connection	\$82.43
	25mm connection	\$83.56
	32mm connection	\$98.85
	40mm connection	\$101.16
	50mm connection	\$104.95
	80/100mm connection	\$264.34
	150mm connection	\$309.45
	200mm connection	\$512.51
<b>Hikurangi Swamp</b>		
Hikurangi Swamp Special Rating District	Per hectare of land in the Hikurangi Swamp Special Rating area based on location within that area***	
	Class A	\$213.96
	Class B	\$192.56
	Class C	\$149.77
	Class D	\$21.40
	Class E	\$10.70
	Class F	\$4.28
Hikurangi Swamp Drainage Rating District	Per hectare of land in the Hikurangi Swamp Drainage Rating District based on location within that area***	
	Class A approx 5,592 ha	\$21.60
	Class F approx 11,974 ha	\$2.16
<b>Roading seal extension rates</b>		
Attwood Road	Per rating unit within the area of benefit ***	\$920.00

Brooks Road	Per rating unit within the area of benefit ***	\$920.00
Massey Road	Per rating unit within the area of benefit ***	\$920.00
Nook Road	Per rating unit within the area of benefit ***	\$920.00
Tahunatapu Road	Per rating unit within the area of benefit ***	\$920.00

- \* *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 2021-31 Long Term Plan.*
- \*\* *The definitions of these differential categories can be found in the Funding Impact Statement section of Council's 2021-31 Long Term Plan.*
- \*\*\* *The definitions of these specified and defined area of benefits can be found in the Funding Impact Statement section of Council's 2021-31 Long Term Plan.*

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

**a. Penalty and due dates for rates paid in instalments**

**Due dates and penalty dates for rates other than metered water rates (volumetric, supply and backflow preventer charges)**

Council agrees the following due dates and to add penalties to rates other than metered water rates (volumetric, supply and backflow preventer charges) 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 2021	25 August 2021
Two	20 November 2021	24 November 2021
Three	20 February 2022	23 February 2022
Four	20 May 2022	25 May 2022

**Due dates and penalty dates for metered water rates (volumetric, supply and backflow preventer charges)**

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:



<b>Month water rates invoice issued</b>	<b>Due date for payment</b>
July 2021	20 August 2021
August 2021	20 September 2021
September 2021	20 October 2021
October 2021	20 November 2021
November 2021	20 December 2021
December 2021	20 January 2022
January 2022	20 February 2022
February 2022	20 March 2022
March 2022	20 April 2022
April 2022	20 May 2022
May 2022	20 June 2022
June 2022	20 July 2022

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

<b>Month water rates invoice issued</b>	<b>Date penalty will be added</b>
July 2021	25 August 2021
August 2021	23 September 2021
September 2021	27 October 2021
October 2021	24 November 2021
November 2021	23 December 2021
December 2021	25 January 2022
January 2022	23 February 2022
February 2022	23 March 2022
March 2022	26 April 2022
April 2022	25 May 2022
May 2022	23 June 2022
June 2022	25 July 2022

#### **b) Additional penalty charges**

**Additional penalty on arrears for rates other than metered water rates (volumetric, supply and backflow preventer charges)**

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 1 July 2021. This penalty will be added on 1 September 2021.

**Carried**

## **7.7 Representation Review 2021 - Initial Proposal**

**Moved By** Cr Vince Cocurullo

**Seconded By** Cr Simon Reid

That Council:

1. Receives the Representation Review 2021 – Initial Proposal report.
- 2A. Resolves, pursuant to sections 19H and 19J and clauses 1 and 2 of Schedule 1A of the Local Electoral Act 2001, to adopt as its Initial Proposal for the review of representation arrangements for at least the 2022 triennial elections, the following:

- (i). The Whangarei District Council to comprise the mayor elected at-large and 13 councillors elected under the ward system, specifically 11 general ward councillors and two Māori ward councillors.
- (ii). The Whangarei District Council be divided into six wards, consisting of the following:

**Bream Bay General ward** (represented by two general councillors) being the existing ward, comprising the area delineated on Plan LG-002-2012-W-4 deposited with the Local Government Commission with ward boundary changes as shown on Attachment D;

**Hikurangi Coastal General ward** (represented by two general councillors) being the existing ward, comprising the area delineated on Plan LG-002-2012-W-3 deposited with the Local Government Commission with ward boundary changes as shown on Attachment E;

**Mangakahia-Maungatapere General ward** (represented by one general councillor) being the existing ward, comprising the area delineated on Plan LG-002-2012-W-2 deposited with the Local Government Commission with ward boundary changes as shown on Attachment F;

**Whangarei Heads General ward** (represented by one general councillor) being the existing ward, comprising the area delineated on Plan LG-002-2012-W-7 deposited with the Local

Government Commission Land as shown on Attachment G;

**Whangarei Urban General ward** (represented by five general councillors) being the combined areas of the existing Denby ward comprising the area delineated on Plan LG-002-2012-W5 deposited with the Local Government Commission and the existing Okara ward comprising the area delineated on Plan LG-002-2012-W-6 deposited with the Local Government Commission. The proposed new ward boundary is shown on Attachment H;

**Whangarei District Māori Ward** (represented by two Māori councillors) comprising the whole area of the district as delineated on Plan LG-002-2012-W-1 deposited with the Local Government Commission as shown on Attachment L.

- (iii). No community boards be established.
- (vi) Notes the reason the total number of councillors is proposed to remain at 13 (plus the mayor) is to provide effective representation of Whangarei District residents and ratepayers (ensuring accessibility to a large and diverse area made up of populated towns and villages and sparsely populated rural areas);
- (v) Notes the reason for combining the two existing urban Denby and Okara wards into one urban ward is to acknowledge that two urban wards are no longer needed due to changing demographics and the Whangarei urban area would be effectively represented as one urban area represented by five councillors.
- (vi) Notes the reason for establishing one district-wide Māori ward, represented by two councillors, is to provide effective representation of the Māori population of the district.
- (vii) Notes the reason for the ward boundary alterations are for compliance with the requirements for fair representation prescribed in the Local Electoral Act 2001.
- (viii) Prepares the Initial Proposal for consultation with the community.

Amendment

**Moved By** Her Worship the Mayor  
**Seconded By** Cr Nicholas Connop

That Council:

1. Receives the Representation Review 2021 – Initial Proposal report.
- 2.B Confirms that it intends to adopt as its Initial Proposal for the review of the representation arrangements for at least the 2022 triennial elections, the following:
  - (i). The Whangarei District Council to comprise the mayor elected at-large and eight councillors elected under the ward system, specifically six general ward councillors and two Māori ward councillors.
  - (ii). The Whangarei District Council be divided into two wards, consisting of the following:
 

**Whangarei District General ward** (represented by six general councillors) comprising the whole of the district as delineated on Plan LG-002-2012-W-1 deposited with the Local Government Commission;

**Whangarei District Māori Ward** (represented by two Māori councillors) comprising the whole area of the district as delineated on Plan LG-002-2012-W-1 deposited with the Local Government Commission as shown on Attachment L.
  - (iii) Community boards to be established.
  - (iv) Issues a public notice that informs the public of the Initial Proposal as adopted and the opportunity to make a submission on the Initial proposal from 30 June 2021 to 31 July 2021.
  - (v) Recognises that the adoption of 2B (i) – (iii) above will require further discussion and development of the nature and structure of the community boards to be established and the Initial Proposal will therefore be brought back to Council in July for adoption.
  - (vi) Recognises that this will push out the timeframes for issuing of the public notice and consultation with the community, previously provided to the public and a revised timeline will be developed.

*On the amendment being put Cr Deeming called for a division:*

	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Her Worship the Mayor	X		
Cr Gavin Benney		X	
Cr Vince Cocurullo		X	
Cr Nicholas Connop	X		
Cr Ken Couper		X	
Cr Tricia Cutforth	X		

Cr Shelley Deeming		X	
Cr Jayne Golightly		X	
Cr Phil Halse		X	
Cr Greg Innes		X	
Cr Anna Murphy	X		
Cr Carol Peters	X		
Cr Simon Reid		X	
<b>Results</b>	<b>5</b>	<b>8</b>	<b>0</b>

**The Amendment was Lost (5 to 8)**

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

	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Her Worship the Mayor	X		
Cr Gavin Benney	X		
Cr Vince Cocurullo	X		
Cr Nicholas Connop		X	
Cr Ken Couper	X		
Cr Tricia Cutforth		X	
Cr Shelley Deeming	X		
Cr Jayne Golightly	X		
Cr Phil Halse	X		
Cr Greg Innes	X		
Cr Anna Murphy		X	
Cr Carol Peters	X		
Cr Simon Reid	X		
<b>Results</b>	<b>10</b>	<b>3</b>	<b>0</b>

**The motion was Carried (10 to 3)**

## **7.8 2021 LGNZ Annual General Meeting Remits**

### **1. Tree Protection**

**Moved By** Cr Shelley Deeming

**Seconded By** Cr Phil Halse

That Council **not support** the remit that LGNZ:

- Advocate that the provisions that were added to the RMA, that restricted tree protection, be repealed urgently and that this change be carried through into new resource management

legislation, thereby restoring the right to councils to adopt and enforce locally appropriate policies to protect trees in their district. And that LGNZ advocate to use the current RMA reform process to ensure these changes are carried through into new legislation.

Procedural motion

**Moved By** Cr Ken Couper

**Seconded By** Cr Simon Reid

That the motion be put.

**Carried**

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

	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Her Worship the Mayor		X	
Cr Gavin Benney	X		
Cr Vince Cocurullo	X		
Cr Nicholas Connop		X	
Cr Ken Couper	X		
Cr Tricia Cutforth		X	
Cr Shelley Deeming	X		
Cr Jayne Golightly	X		
Cr Phil Halse	X		
Cr Greg Innes		X	
Cr Anna Murphy		X	
Cr Carol Peters		X	
Cr Simon Reid	X		
<b>Results</b>	<b>7</b>	<b>6</b>	<b>0</b>

**The motion was Carried (7 to 6)**

## **2. Rating Value of Forestry Land**

**Moved By** Cr Greg Innes

**Seconded By** Cr Nicholas Connop

That Council **support** the remit that LGNZ:

- Requests the Valuer General to amend the relevant legislation to allow for Local Government to address the growing disparities between the rating valuation of forestry land and other land uses.

**Carried**

*Cr Reid requested his vote against be recorded.*

### **3. Funding of Civics Education**

**Moved By** Cr Tricia Cutforth

**Seconded By** Cr Anna Murphy

That Council **support** the remit that LGNZ advocate to central government for provision of funding to enable Councils to engage in civics education for high school children.

**Carried**

### **4. Promoting local government electoral participation**

**Moved By** Her Worship the Mayor

**Seconded By** Cr Shelley Deeming

That Council **support** the remit that LGNZ support the legislative change that proposes that the power the Chief Executive has under the local Government Act (42,2(da)) for “facilitating and fostering representative and substantial elector participation in elections and polls held under the Local Electoral Act 2001” be removed and placed with the Electoral Commission.

**Carried**

### **5. Carbon emission inventory standards and reduction targets**

**Moved By** Cr Anna Murphy

**Seconded By** Cr Nicholas Connop

That Council **support** the remit that LGNZ works with central government in a) developing consistent emission inventory standards for use by local and regional authorities, and b) setting science-based emissions reduction targets to support delivery on our National Determined Contribution under the Paris Agreement and on our nationwide emissions budgets being established by government via advice from the Climate Change Commission.

**Carried**

*Crs Reid and Golightly requested their votes against be recorded.*

### **6. WINZ Accommodation Supplement**

**Moved By** Cr Carol Peters

**Seconded** Cr Ken Couper

That Council **support** the remit that LGNZ works with the Government to:

1. Conduct an urgent review of the Work and Income New Zealand (WINZ) Accommodation Supplement (AS) system zones in partnership with Territorial Authorities.

2. Schedule a two yearly review of the WINZ AS system zones in partnership with Territorial Authorities ongoing.

**Carried**

## 7. Liability - Building Consent functions

**Moved By** Cr Ken Couper

**Seconded By** Cr Shelley Deeming

That Council **support** the remit that LGNZ works with Government to obtain legal protection/indemnity from the Crown in favour of all Councils, and/or to implement a warranty scheme, for any civil liability claim brought against a Council with regards to building consent functions carried out by Consentium (a division of Kāinga Ora), as any such costs should not be borne by ratepayers.

**Carried**

*Cr Reid requested his vote against be recorded.*

## 8. Public Excluded Business

**Moved By** Cr Shelley Deeming

**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	Confidential Minutes Whangarei District Council meeting 27 May 2021	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 2021		
1.3	Rent Arrears Waiver		

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:		
<b>Item</b>	<b>Grounds</b>	<b>Section</b>
1.1	For the reasons as stated in the open minutes	
1.2	For the reasons as stated in the open minutes	
1.3	The making available of information would be likely to unreasonably prejudice the commercial position of the persons who are the subject of the information  To prevent the disclosure or use of official information for improper gain or improper advantage	Section 7(2)(b)(ii)  Section 7(2)(j)

**Carried**

### **9. Closure of Meeting**

The meeting concluded at 1.33pm.

Confirmed this 22<sup>nd</sup> day of July 2021

Her Worship the Mayor Sheryl Mai (Chairperson)