

Whangarei District Council Meeting

Agenda

Date: Thursday, 30 November, 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.

1. Karakia/Prayer	
2. Declarations of Interest	
3. Apologies	
4. Public Forum	1
5. Confirmation of Minutes of Previous Meeting of the Whangarei District Council	
5.1 Open Minutes Whangarei District Council 26 October 2017	3
6. Decision Reports	
6.1 Decision making over the 2017 2018 Christmas recess	11
7. Information Reports	
7.1 Hundertwasser Wairau Maori Arts Centre	13
8. Public Excluded Business	
8.1 Closed Minutes Whangarei District Council 26 October 2017	
8.2 Hundertwasser Wairau Maori Arts Centre Underwriting Arrangements	
8.3 Property Sale	
8.4 Whangarei District Airport Management Contract Review	
9. Closure of Meeting	

4 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, 26 October, 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 Innes
Cr Greg Martin
Cr Sharon Morgan
Cr Anna Murphy

In attendance:

Acting Chief Executive (Simon Weston), General Manager Corporate/CFO (Alan Adcock), General Manager Community (Sandra Boardman), General Manager Planning and Development (Alison Geddes), General Manager Strategy and Democracy (Jill McPherson), Manager District Development (Adam Worley), Manager Community Development (Jonny Gritt), Manager Democracy and Assurance (Jason Marris), Manager Parks and Recreation (Sue Hodge), Commercial Portfolio Manager (Mike Hibbert), Roothing Manager (Jeff Devine), Senior Legal Adviser (Kathryn Candy), Senior Roothing Engineer (Nick Marshall), Team Leader Democracy (Nicolene Pestana), Democracy Adviser (His-En Soo), Executive Assistant (Judi Crocombe) and Senior Democracy Adviser (C Brindle)

1. Karakia/Prayer

Cr Morgan opened the meeting with a karakia/prayer.

2. Declarations of Interest

Item 6.5 - Bike Northland - Pohe Island Lease
Item 1.3 – Appointment to Whangarei Art Museum Trust

3. Apology

Cr Halse (early departure)

Moved By Cr Stu Bell

Seconded By Cr Greg Innes

That the apology for early departure be sustained.

Carried

4. Public Forum

4.1 Public Forum

There were no applications to speak at public forum.

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

5.1 Minutes of the Whangarei District Council meeting held 28 September 2017

Moved By Cr Vince Cocurullo

Seconded By Cr Sharon Morgan

That the minutes of the Whangarei District Council meeting held on Thursday 28 September 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

6. Decision Reports

6.1 2019 Elections - Māori Representation

Moved By Her Worship the Mayor

Seconded By Cr Sharon Morgan

That Council 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.

Amendment

Moved By Cr Crichton Christie

Seconded By Cr Shelley Deeming

That Council retain the status quo.

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

Recorded	For	Against	Abstain
Her Worship the Mayor Sheryl Mai		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 Innes			X
Cr Greg Martin	X		
Cr Sharon Morgan		X	
Cr Anna Murphy		X	
Results	8	4	1

The amendment was Carried

On the amendment being put as the substantive motion 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 Innes			X
Cr Greg Martin	X		
Cr Sharon Morgan		X	
Cr Anna Murphy		X	
Results	8	4	1

**The amendment was Carried
and subsequently Carried
as the substantive motion**

6.2 Otangarei Playgroup Project

Moved By Cr Crichton Christie

Seconded By Cr Vince Cocurullo

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

Carried

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

Moved By Cr Anna Murphy

Seconded By Cr Greg Martin

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).

Carried

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

Moved By Cr Greg Martin

Seconded By Cr Shelley Deeming

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.

Carried

6.5 Bike Northland - Pohe Island lease

Subsequent to the agenda being circulated additional information was distributed separate to the agenda but within the timeframe specified in LGOIMA. The additional provided was specific plans showing the area Bike Northland currently lease and the proposed lease area.

Moved By Cr Crichton Christie

Seconded By Cr Tricia Cutforth

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) should Bike Northland be unsuccessful in obtaining sufficient external funding to develop the leased area freely available to the public, the proposed lease will be brought back to Council for further consideration.
- c) that documents are executed at the appropriate time.

Carried

Cr Bell took no part in discussions or voting on Item 6.5. Cr Bell declared a conflict of interest and left the room at 11.51am. Cr Bell re-joined the meeting at 12.14pm.

Cr Halse left the meeting at 11.16am following Item 6.5. A short break was taken from 12.01pm to 12.14pm following Item 6.5.

7. Information Reports

There were no information reports presented.

8. Public Excluded Business

Moved By Cr Greg Martin

Seconded By Cr Sue Glen

“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 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)
1.5	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 12.24pm.

Confirmed this 30th day of November 2017

Her Worship the Mayor Sheryl Mai (Chairperson)

6.1 Decision-making over the 2017/18 Christmas recess period

Meeting: Council
Date of meeting: 29 November 2017
Reporting officer: Carolyne Brindle (Senior Democracy Adviser)

1 Purpose

To establish a process for urgent decision-making over the 2017/18 Christmas recess period, to ensure business continuity.

2 Recommendation/s

That Council;

1. delegates the power to make urgent decisions on behalf of the Council or its committees between the last scheduled meetings in December 2017 and the first meeting of Council or relevant committee in 2018 (the Christmas recess period) to:
 - any two of either the Mayor or Deputy Mayor, and the Chairperson of either the Community Development, Infrastructure, Planning and Development or Finance Committees.
2. in the event the Mayor and Deputy Mayor are both absent from Council at the same time, delegates the power to make urgent decisions on behalf of Council or its committees over the 2017/2018 Christmas recess period to:
 - any two Chairpersons of either the Community Development, Infrastructure, Planning and Development or Finance Committees.
3. notes that if it is considered necessary, an extraordinary meeting of the Council will be called during the 2017/2018 Christmas recess period.
4. notes that if the urgent decision-making process is exercised, the instances will be reported to the first Council or relevant committee meeting, in 2018.
5. designates Councillor Greg Martin the authority under section 25(5) of the Civil Defence Emergency Management Act 2002 to declare a state of local emergency in the event the Mayor is unavailable over the 2017/2018 Christmas recess period.

3 Discussion

3.1 Decision-making over the Christmas recess period

To ensure business continuity and to allow for any unforeseen circumstances, Council needs to be able to make urgent decisions during the Christmas recess period. This is simply a procedural decision to enable efficient decision-making to occur if there is an urgent need. Existing delegations will remain in place for non-urgent decisions.

The Christmas recess period starts from after the last Council meeting on 14 December 2017 to the first scheduled meeting of the Council or its committees in February 2018.

Any decisions to be made under this delegation will be advised to decision-makers via the Chief Executive or his delegate, who will supply the necessary background and reasons for urgency. Any decision will also be reported to the February meetings of the Council or relevant committee.

If the matter is of major significance, an extraordinary meeting of the Council will be called.

3.3 Civil Defence Emergency Management

Currently the Mayor has the power under section 25(5) of the Civil Defence Emergency Management Act 2002, to declare a state of local emergency for the Whangarei District. It is recommended that Council designate the authority to an elected member in the event the Mayor is unavailable over the 2017/2018 Christmas recess period.

3.2 Chief Executive's financial delegation

Currently, the Chief Executive has the delegated authority to enter into contracts on behalf of the Whangarei District Council up to \$2,000,000 exclusive of GST.

It is not anticipated that there will be any contracts or projects that exceed the \$2,000,000 financial delegation during this Christmas recess period.

4 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.

7.1 Hundertwasser Wairau Maori Arts Centre – Lease Agreement Update

Meeting: Council
Date of meeting: 30 November 2017
Reporting officer: Rob Forlong (Chief Executive)

1 Purpose

To update Council on progress on the lease agreement between Council and the Whangarei Art Museum Trust (WAMT) for the Old Harbour Board Building site.

2 Recommendations

That Whangarei District Council notes that:

- a) three of the five pre-conditions of the agreement to lease the Old Harbour Board Building site to the Whangarei Art Museum Trust have now been met.
- b) Council will need to approve the form of the guarantees required as a pre-condition of the lease
- c) the Chief Executive will authorise the lease once all pre-conditions have been met.

3 Background

In October 2015 Council approved an agreement to lease with the WAMT for the Old Harbour Board Building site at the Town Basin.

4 Discussion

The agreement to lease was subject to the following five pre-conditions being met.

- That WAMT raise \$15,150,000 by 30 June 2017. As previously reported, that precondition has been met.
- The guarantees for operating losses be arranged by 30 June 2017. As previously reported that condition has been met.
- That WAMT must obtain the consent of the Hundertwasser Foundation to the design of the Hundertwasser Project for which building consent is to be sought (by 30 June 2018). Joram Harel, Chairman, has written to Council confirming the Hundertwasser Foundation are satisfied with the design for which building consent is to be sought. His confirmation letter is attached.

- That WAMT obtain a building Consent for the structure by 30 June 2018. An application for the building consent was submitted to Council on 21 November 2017.
- That WAMT obtain a contract price for the construction of all elements of the Hundertwasser project to enable construction within the funding raised (by 30 June 2018). WAMT is presently in the procurement phase for the project and should have a tender price either late this calendar year or very early in 2018.

5 Next steps

The Hundertwasser project is well ahead of the schedule that was envisaged and may be ready to commence construction in 2018. Accordingly, we need to set out the next steps for Council.

Council's legal advisors have confirmed that if the pre-conditions are met then, the Chief Executive has the authority to execute the lease. However, the Chief Executive does not have the delegated authority to formalise the guarantees. As a result, this meeting includes an agenda item for Council to consider approving the form of the guarantees. That item is in confidential as aspects of the guarantees are commercially sensitive.

Once the form of the guarantees has been authorised by Council and the building consent is obtained then the final phase is for Council staff to verify that the contract price is within the amount of funding raised. We will use external advisors to assist in this work. As noted previously these costs and other costs incurred by Council to provide assurance, verification and Council risk mitigation will be borne by Whangarei District Council. Once that work is complete the lease will be finalized and construction can commence.

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.

Attachment

Letter from Joram Harel, Hundertwasser Foundation

DIE HUNDERTWASSER GEMEIN NUETZIGE PRIVAT STIFTUNG

Chief Executive Officer
Whangarei District Council
Whangarei 0148
New Zealand

Attention Mr Forlong

Vienna, 3rd November 2017

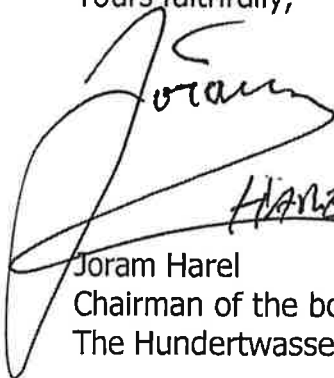
Dear Sir,

I write to satisfy clause 9.1 (iii) of the agreement to lease between the Whangarei District Council and the Whangarei Art Museum Trust dated 23 December 2015 in respect of the Hundertwasser Centre with Wairau Maori Art Gallery.

I confirm the Hundertwasser Foundation consents to the design of the Hundertwasser Project for which building consent is to be sought.

The original design was agreed with the Whangarei District Council. Since the involvement of the Prosper Northland Trust and the Whangarei Art Museum Trust, the design has been further refined and improved in a number of respects. One of the refinements has been additional engineering design to satisfy higher earthquake requirements. The Hundertwasser Foundation is satisfied with the design in its present form.

Yours faithfully,


Joram Harel
Chairman of the board
The Hundertwasser Non Profit Foundation



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 26 October 2017	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Hundertwasser Wairau Maori Arts Centre Underwriting Arrangements		
1.3	Property Sale		
1.4	Whangarei District Airport Management Contract Review		

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 enable Council to carry on without prejudice or disadvantage negotiations	Section 7(2)(h)
1.3	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations).	Section 7(2)(i))
1.4	To 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.