

Whangarei District Council Meeting Minutes

Date: Thursday, 24 August, 2023
Time: 9:00 a.m.
Location: Civic Centre, Te Iwitahi, 9 Rust Avenue

In Attendance

His Worship the Mayor Vince Cocurullo
Cr Gavin Benney
Cr Nicholas Connop
Cr Ken Couper
Cr Jayne Golightly
Cr Phil Halse
Cr Deborah Harding
Cr Patrick Holmes
Cr Scott McKenzie
Cr Marie Olsen
Cr Carol Peters
Cr Simon Reid
Cr Phoenix Ruka
Cr Paul Yovich (Teams)

Scribe C Brindle (Senior Democracy Adviser)

1. Karakia/Prayer

His Worship the Mayor opened the meeting with a prayer/karakia.

2. Declarations of Interest / Take Whaipānga

Item 6.7 Waste Minimisation and Management Plan Review Deliberations.

3. Apology / Kore Tae Mai

Cr Yovich (late arrival)

Moved By His Worship the Mayor

Seconded By Cr Patrick Holmes

That the apologies be sustained.

Carried

4. Public Forum / Huihuinga-a-tangata

David Hodson and Ken Walker (Maungakaramea Public Saleyards Society Inc) – Rates disputes.

5. Confirmation of Minutes of Previous Meeting of the Whangarei District Council / Whakatau Meneti

5.1 Minutes Whangarei District Council Meeting held Thursday 3 August 2023

Moved By Cr Carol Peters

Seconded By Cr Jayne Golightly

That the minutes of the Whangarei District Council meeting held on Thursday 3 August 2023, 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 / Whakatau Rīpoata

6.1 Delegated Authority for new Role in District Plan Team

Moved By His Worship the Mayor

Seconded By Cr Ken Couper

That the Council approves delegations currently held by the senior planner, senior specialist, or lower delegation to the role Kaiārahi Pūkenga – Planner to support the decision-making powers and daily duties of the role.

Carried

Cr Yovich joined the meeting at 9.12am during Item 6.1.

Cr Reid requested his abstention from voting be recorded.

6.2 Election 2025 - Choice of Electoral System

Moved By Cr Phil Halse

Seconded By Cr Simon Reid

That the Council, pursuant to Section 27 of the Local Electoral Act 2001, resolve to retain the First Past the Post Electoral system for the 2025 triennial election.

Amendment

Moved By Cr Carol Peters

Seconded By Cr Patrick Holmes

That the Council; pursuant to Section 27 of the Local Electoral Act 2001, resolve to change to the Single Transferable Voting system for the 2025 and 2028 triennial elections.

Procedural motion**Moved By** Cr Simon Reid**Seconded By** Cr Scott McKenzie

That the amendment now be put.

The procedural Motion was Carried*On the amendment being put Cr Reid called for a division:*

| | For | Against | Abstain |
|-----------------------|------------|----------------|----------------|
| His Worship the Mayor | | X | |
| Cr Gavin Benney | | | X |
| Cr Nicholas Connop | X | | |
| Cr Ken Couper | X | | |
| Cr Jayne Golightly | | X | |
| Cr Phil Halse | | X | |
| Cr Deborah Harding | X | | |
| Cr Patrick Holmes | X | | |
| Cr Scott McKenzie | X | | |
| Cr Marie Olsen | | X | |
| Cr Carol Peters | X | | |
| Cr Simon Reid | | X | |
| Cr Phoenix Ruka | X | | |
| Cr Paul Yovich | X | | |
| Results | 8 | 5 | 1 |

The amendment was Carried (8 to 5)*On the amendment being put as the Motion Cr Couper called for a division:*

| | For | Against | Abstain |
|-----------------------|------------|----------------|----------------|
| His Worship the Mayor | | X | |
| Cr Gavin Benney | | | X |
| Cr Nicholas Connop | X | | |
| Cr Ken Couper | X | | |
| Cr Jayne Golightly | | X | |
| Cr Phil Halse | | X | |
| Cr Deborah Harding | X | | |
| Cr Patrick Holmes | X | | |
| Cr Scott McKenzie | X | | |

| | | | |
|-----------------|----------|----------|----------|
| Cr Marie Olsen | | X | |
| Cr Carol Peters | X | | |
| Cr Simon Reid | | X | |
| Cr Phoenix Ruka | X | | |
| Cr Paul Yovich | X | | |
| Results | 8 | 5 | 1 |

**The amendment was Carried (8 to 5)
and subsequently Carried
as the substantive Motion**

6.3 Elected Member Code of Conduct

Amendments to the Code of Conduct require 75% of the elected members present to vote in support.

Amendments that don't achieve the 75% threshold (11 votes in favour), are deemed to be Lost.

The Motion was taken in parts.

His Worship called for a division on recommendations 1 – 5.

Moved By Cr Nicholas Connop

Seconded By Cr Deborah Harding

That the Council:

1. Resolves that the updated 2023 Elected Member Code of Conduct includes reference to the principles of Te Tiriti in clause 3 of the Code.

| | For | Against | Abstain |
|-----------------------|------------|----------------|----------------|
| His Worship the Mayor | X | | |
| Cr Gavin Benney | X | | |
| Cr Nicholas Connop | X | | |
| Cr Ken Couper | X | | |
| Cr Jayne Golightly | X | | |
| Cr Phil Halse | X | | |
| Cr Deborah Harding | X | | |
| Cr Patrick Holmes | X | | |
| Cr Scott McKenzie | X | | |
| Cr Marie Olsen | | | X |
| Cr Carol Peters | X | | |
| Cr Simon Reid | | | X |

| | | | |
|--------------------------|-----------|----------|----------|
| Cr Phoenix Ruka | X | | |
| Cr Paul Yovich | X | | |
| Results | 12 | 0 | 2 |
| Carried (12 to 2) | | | |

2. Resolves that the updated 2023 Elected Member Code of Conduct excludes the public from directly making a complaint under the Code.

| | For | Against | Abstain |
|---|------------|----------------|----------------|
| His Worship the Mayor | | X | |
| Cr Gavin Benney | X | | |
| Cr Nicholas Connop | X | | |
| Cr Ken Couper | X | | |
| Cr Jayne Golightly | | X | |
| Cr Phil Halse | X | | |
| Cr Deborah Harding | X | | |
| Cr Patrick Holmes | X | | |
| Cr Scott McKenzie | X | | |
| Cr Marie Olsen | | X | |
| Cr Carol Peters | X | | |
| Cr Simon Reid | | | X |
| Cr Phoenix Ruka | | | X |
| Cr Paul Yovich | | X | |
| Results | 8 | 4 | 2 |
| Lost (8 to 4) (75% threshold not achieved) | | | |

3. Resolves that the updated 2023 Elected Member Code of Conduct includes reference to the Local Government (Pecuniary Interests Register) Amendment Act in clause 9 and Appendix B of the Code.

| | For | Against | Abstain |
|-----------------------|------------|----------------|----------------|
| His Worship the Mayor | X | | |
| Cr Gavin Benney | X | | |
| Cr Nicholas Connop | X | | |
| Cr Ken Couper | X | | |
| Cr Jayne Golightly | X | | |
| Cr Phil Halse | X | | |

| | | | |
|--------------------|-----------|----------|----------|
| Cr Deborah Harding | X | | |
| Cr Patrick Holmes | X | | |
| Cr Scott McKenzie | X | | |
| Cr Marie Olsen | X | | |
| Cr Carol Peters | X | | |
| Cr Simon Reid | | X | |
| Cr Phoenix Ruka | X | | |
| Cr Paul Yovich | | | X |
| Results | 12 | 1 | 1 |

Carried (12 to 1)

4. Resolves that the updated 2023 Elected Member Code of Conduct provides for enhancements to the process for assessing, investigating and resolving complaints, including the option to refer matters for mediation, in clauses 12, 13 and Appendix C of the Code.

| | For | Against | Abstain |
|-----------------------|------------|----------------|----------------|
| His Worship the Mayor | X | | |
| Cr Gavin Benney | X | | |
| Cr Nicholas Connop | X | | |
| Cr Ken Couper | X | | |
| Cr Jayne Golightly | X | | |
| Cr Phil Halse | X | | |
| Cr Deborah Harding | X | | |
| Cr Patrick Holmes | X | | |
| Cr Scott McKenzie | X | | |
| Cr Marie Olsen | X | | |
| Cr Carol Peters | X | | |
| Cr Simon Reid | X | | |
| Cr Phoenix Ruka | X | | |
| Cr Paul Yovich | X | | |
| Results | 14 | 0 | 0 |

Carried (14 to 0)

5. Adopts the 2023 Elected Member Code of Conduct located at **Attachment 1**, incorporating the decisions above.

| | For | Against | Abstain |
|-----------------------|------------|--------------------------|----------------|
| His Worship the Mayor | X | | |
| Cr Gavin Benney | X | | |
| Cr Nicholas Connop | X | | |
| Cr Ken Couper | X | | |
| Cr Jayne Golightly | X | | |
| Cr Phil Halse | X | | |
| Cr Deborah Harding | X | | |
| Cr Patrick Holmes | X | | |
| Cr Scott McKenzie | X | | |
| Cr Marie Olsen | X | | |
| Cr Carol Peters | X | | |
| Cr Simon Reid | | | X |
| Cr Phoenix Ruka | X | | |
| Cr Paul Yovich | X | | |
| Results | 13 | 0 | 1 |
| | | Carried (13 to 0) | |

6. Delegates to the Chief Executive the authority to make editorial and typographical changes to the 2023 Elected Member Code of Conduct, if required, and in consultation with the Mayor.

Carried

6.4 Temporary Road Closure Application - Northland Car Club

Moved By Cr Phil Halse

Seconded By Cr Simon Reid

That Whangarei District Council,

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

Sunday 10 September 2023

Doctors Hill Road, from the intersection of Mountfield Road to 400m from SH1

Sunday 12 November 2023

Mangapai Caves Road, from Roundtree Road to McDonnell Road

Period of Closure: 8am – 5.30pm.

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

Carried

Cr Yovich left the meeting at 9.41am during discussions on Item 6.4.

6.5 Temporary Road Closure Application - Whangarei Fireworks Spectacular

Moved By Cr Gavin Benney

Seconded By Cr Simon Reid

That the Whangarei District Council,

1. Approves the proposal to temporarily close the following roads to ordinary traffic for the Whangarei Fireworks Spectacular on the following date in accordance with the Transport (Vehicular Traffic Road Closure) Regulations 1965.

Saturday 4 November 2023

Okara Drive, from the roundabout at Okara Drive & Porowini Ave to the roundabout at Okara Drive & Port Road

Period of Closure: 12pm to 10pm.

2. Approves the proposal to temporarily close the side roads off the roads to be closed for up to 100 meters from the intersection for safety purposes.
3. Delegates to the Chair of the Infrastructure Committee and General Manager Infrastructure the power to give public notice of these proposed temporary closures, to consider any objections and to either approve, cancel or amend any or all of the temporary road closures if applicable.

Carried

6.6 Water Supply Bylaw review - Adoption of Statement of Proposal

Moved By His Worship the Mayor

Seconded By Cr Ken Couper

That Council:

1. Adopts the Statement of Proposal (Attachment 1) for public consultation.

2. Determines that:
 - a. a bylaw is still the most appropriate way to address the perceived problem;
 - b. the proposed Water Supply Bylaw 2023 contained in the Statement of Proposal is the most appropriate form of the bylaw; and
 - c. does not give rise to any implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990.
3. Agrees that a summary of the information contained in the Statement of Proposal is not necessary to enable public understanding of the Proposal.
4. Delegates a panel consisting of Councillors Deborah Harding, Patrick Holmes and Simon Reid the authority to hear oral submissions made during the statutory consultation period.
5. Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the Statement of Proposal to correct errors or omissions, or to reflect decisions made by Council, prior to final printing and publication.

Carried

6.7 Waste Minimisation and Management Plan Review Deliberations

Moved By Cr Nicholas Connop

Seconded By Cr Patrick Holmes

That Council,

1. In light of the completed Waste Assessment, agrees to proceed with a new Waste Management and Minimisation Plan in accordance with section 50(3) of the Waste Minimisation Act 2008.
2. Approves the changes as proposed in the marked up version the Waste Management and Minimisation Plan 2023 provided in Attachment 1 to the agenda report.
3. Requests that a final Waste Management and Minimisation Plan and Waste Assessment, including changes made at this meeting and any necessary drafting, typographical or corrections, be presented to a future Council meeting for adoption.

Carried

Declaration of Interest:

Cr Reid declared an interest as a Director of Northland Waste. Cr Reid withdrew from the table taking no part in discussions or voting on Item 6.7.

7. Public Excluded Business / Rāhui Tangata

Moved By Cr Patrick Holmes

Seconded By Cr Scott McKenzie

That the public be excluded from the following parts of proceedings of this meeting. The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

| General subject of each matter to be considered | | Reason for passing this resolution in relation to each matter | Ground(s) under Section 48(1) for passing this resolution |
|---|--|--|---|
| 1.1 | Confidential Minutes Whangarei District Council 27 July 2023 | Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987 | Section 48(1)(a) |
| 1.2 | Northland Regional Landfill Limited Partnership – Founding documents review 2023 | | |
| 1.3 | Deed of Guarantee and Indemnity Exit Request | | |
| 1.4 | Notice of Motion – Background information | | |
| 1.5 | Notice of Motion Cr Benney | | |
| 1.6 | Memorandum of Understanding | | |

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

| | | |
|-----|--|--|
| 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) To enable Council to carry on without prejudice or disadvantage commercial activities To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations) | Section 7(2)(h) Section 7(2)(i) |
| 1.5 | To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations) To enable Council to carry on without prejudice or disadvantage commercial activities To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations) | Section 7(2)(h) Section 7(2)(i) |
| 1.6 | To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations) | Section 7(2)(i) |

Carried

8. Closure of Meeting / Te katinga o te Hui

His Worship the Mayor closed the meeting with a karakia/prayer at 11.47am.

Confirmed this 28th day of September 2023

His Worship the Mayor Vince Cocurullo (Chairperson)