

Whangarei District Council Meeting Minutes

Date: Wednesday, 24 April, 2024

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 (Teams)

Cr Phil Halse

Cr Deborah Harding

Cr Patrick Holmes

Cr Marie Olsen

Cr Carol Peters

Cr Simon Reid

Cr Paul Yovich

Not in Attendance

Cr Scott McKenzie

Cr Phoenix Ruka

Scribe

C Brindle (Senior Democracy Adviser)

Administrative matters

- Meeting livestreamed
- Supplementary reports:
 - Item 4.1 – Public Forum additional speakers
 - Item 6.4.1 – Replacement Attachment 2 including additional maps
 - Item 6.7 – CON21015 Port Road Bridge Widening and Kioreroa Road Intersection Upgrade Contract Variation No 2
- Items 6.6 and 7.1 were brought forward in the order of the agenda.

1. Karakia/Prayer

Cr Benney opened the meeting with a tribute to Northland Police Officer Senior Constable Gail Shepherd recently killed in a car accident.

3. Apologies / Kore Tae Mai

Crs Scott McKenzie and Phoenix Ruka

Moved By Cr Gavin Benney

Seconded By Cr Ken Couper

That the apologies be sustained.

Carried

4. Public Forum / Huihuinga-a-tangata

David Irvin (Chairman Black Ball Maritime Society) – Planning process for 2024 Whangarei Maritime Festival and discuss new efforts regarding joint GIS mapping project with Northland Inc, Whangarei Maritime Promotion Board and NZ Marine

Robyn Styles – Fluoride – the implantation of fluoride in our water supply

Janet Atkinson – Kamo – traffic calming and influence of central government over local government.

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

5.1 Minutes Whangarei District Council Meeting held 28 March 2024

Moved By His Worship the Mayor

Seconded By Cr Simon Reid

That the minutes of the Whangarei District Council meeting held on Thursday 28 March 2024, 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 Cr Halse's apology for being absent on council business being recorded.

Carried

Items 7.1 and 6.6 were taken after Item 5.1

Item 6.1 was taken after Item 5.1.

6. Decision Reports / Whakatau Rīpoata

6.1 Resignation of Risk and Audit Chairperson

Moved By His Worship the Mayor

Seconded By Cr Patrick Holmes

That the Whangarei District Council:

1. Notes the resignation of Richard Briggs from the role of Risk and Audit Chairperson and request the Mayor write a letter of appreciation to Mr Briggs for his service.
2. Notes that the Chief Executive will conduct a contestable process to identify a suitable candidate for the role of Chair of the Risk and Audit Committee.

Amendment

Moved By Cr Phil Halse

Seconded By Cr Deborah Harding

3. Appoints Cr Patrick Holmes to act as interim Chair whilst the contestable process is being undertaken.

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

6.2 Psychoactive Substances Policy - Statement of Proposal

Moved By Cr Carol Peters

Seconded By Cr Ken Couper

That Council:

1. Adopts the Statement of Proposal (Attachment 1) for public consultation.
2. Determines that a summary of the information contained in the Statement of Proposal is not necessary to enable public understanding of the Proposal.
3. Authorises the Chief Executive to approve any necessary minor drafting or presentation amendments to the Statement of Proposal to correct errors or omissions, or to reflect decisions made by Council at this meeting, prior to final printing and publication.

Carried

6.3 Easter Sunday Shop Trading Policy - Statement of Proposal

Moved By Cr Carol Peters

Seconded By Cr Nicholas Connop

That Council:

1. Adopts the Statement of Proposal (Attachment 1) for public consultation.
2. Determines that a summary of the information contained in the Statement of Proposal is not necessary to enable public understanding of the Proposal.
3. Authorises the Chief Executive to approve any necessary minor drafting or presentation amendments to the Statement of Proposal to correct errors or omissions, or to reflect decisions made by Council at this meeting, prior to final printing and publication.

Carried

6.4 Dog Policy and Bylaw - Statement of Proposal

The motion was taken in parts.

Moved By Cr Ken Couper

Seconded By Cr Nicholas Connop

That Council:

1. Agrees that making a new Dog Management Bylaw is the most appropriate way to address the perceived problem.

Carried

And that after resolving 1 above, that Council:

1. Adopts the Statement of Proposal as provided in Attachment 2 of this agenda report for public consultation.
2. Confirms that the proposed Dog Management Bylaw as included in Attachment 2:
 - i. is in the most appropriate form of the bylaw; and
 - ii. 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 assist in public understanding of the Proposal.
4. Approves the consultation plan as provided in Attachment 3 of this agenda report.
5. Authorises the Chief Executive to approve any necessary minor drafting or presentation amendments to the Statement of Proposal to correct errors or omissions, or to reflect decisions made by the Council, prior to final printing and publication.

Carried

6.5 Quarry Gardens Slips Update and Budget Request

Moved By Cr Marie Olsen

Seconded By Cr Carol Peters

That the Council:

1. Notes that the Quarry Gardens has suffered extensive damage because of extreme weather events of February 2023 and that circa \$500,000 unbudgeted slip management has been undertaken since that time to prevent risks to property (café), people and the stream
2. Approves a capital budget of \$450,000 for repairs to the lower slip, totara slip and stream stabilisation works which will reduce risk to

property and visitors as well as reducing operating costs of slip Management.

3. Notes that this budget will be offset by reallocation of budgets from within the Parks and Recreation Activity and can be accommodated within the annual budget – i.e. it will reduce carry overs.
4. Notes that no further work will be undertaken on the Upper Slip as it is considered that this would be an operational budget and does not provide value for money. The risks of the ongoing slip will be managed from a health and safety perspective and overtime the slip material may make its way into the water course.

Amendment

Moved By Cr Nicholas Connop

Seconded By Cr Deborah Harding

1. Notes that the Quarry Gardens has suffered extensive damage because of extreme weather events of February 2023 and that circa \$500,000 unbudgeted slip management has been undertaken since that time to prevent risks to property (café), people and the stream.
2. Approves a capital budget of \$450,000 for repairs to the lower slip, totara slip and stream stabilisation works which will reduce risk to property and visitors as well as reducing operating costs of slip Management.
3. Notes that this budget will be offset by reallocation of budgets from within the Parks and Recreation Activity and can be accommodated within the annual budget – i.e. it will reduce carry overs.
4. Notes that no further work will be undertaken on the Upper Slip at this time, and that the upper slip will be considered through the LTP process regarding engineering works and mitigation of material entering the water course.

On the amendment being put Cr Halse 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 Marie Olsen		X	
Cr Carol Peters		X	
Cr Simon Reid		X	
Cr Paul Yovich		X	
Results	3	8	1

The amendment was Lost (3 to 8)

On the motion being put Cr Halse 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 Marie Olsen	X		
Cr Carol Peters	X		
Cr Simon Reid	X		
Cr Paul Yovich	X		
Results	10	2	0

The Motion was Carried (10 to 2)

Cr's McKenzie and Ruka were absent.

Item 6.6 was taken after Item 7.1.

6.6 Water Supply Fluoridation – Progress Update

Moved By Cr Gavin Benney

Seconded By His Worship the Mayor

That the Council:

1. Notes the progress to date of the fluoridation equipment installation at the water treatment plants.
2. Request the Mayor and Chief Executive, before the end of April 2024, ask the Ministry of Health to grant an extension to the commissioning dates for fluoridation of water from the Ahuroa, Ruakaka, Whau Valley and Ruddells water treatment plants, as required by the Director-General of Health's July 2022 directive, until 28th February 2025.

Carried

Extra ordinary Business

Subsequent to the agenda being circulated Item 6.7 CON21015 Port Road Bridge Widening & Kioreroa Intersection Upgrade – Contract Variation No 2, was distributed separately but not within the timeframe specified in LGOIMA.

Moved By His Worship the Mayor

Seconded By Cr Simon Reid

That council consider Item 6.7 CON21015 Port Road Bridge Widening & Kioreroa Intersection Upgrade – Contract Variation No 2, at today's meeting.

Carried

6.7 CON21015 Port Road Bridge Widening & Kioreroa Road Intersection Upgrade - Contract Variation No.2

Moved By His Worship the Mayor

Seconded By Cr Nicholas Connop

That the Council

1. Note that the Port Road Bridge Widening and Kioreroa Road Intersection Upgrade Projects have been substantially completed on time and \$575,000 under approved Contract Value for in scope work.
2. Note that as part of the project, additional out-of-scope urgent work has been proactively undertaken to renew other Council Assets whilst the site is available which minimises future disruption, delivers needed renewals and efficiently deliver the programme.
3. Note that there was no budget in the current year for this out-of-scope work and therefore it is to be treated as Unbudgeted Capex.

Projects signalled in the Draft 2024 LTP can now be removed as they have already been constructed.

4. Agree to retrospectively approve the out-of-scope urgent work as part of Contract 21015 and recognise that this will be unbudgeted capex.
5. Agree to retrospectively approve unbudgeted spend for Urban Intersection Upgrades of \$1,848,287, acknowledging that \$5m of the budget was deferred in the preparation of the 2023/24 Annual Plan under the premise these funds could be 'brought forward' if required.
6. Agree to increase the contract value for the Port Road Bridge Widening and Kioreroa Road Intersection Upgrade (CON21015) by \$501,000.00 to \$14,820,053.22 (Fourteen Million, Eight Hundred and Twenty Thousand, and Fifty Three Dollars and Twenty Two Cents) excluding GST.

Carried

*Cr Yovich requested his vote against be recorded.
Item 7.1 was taken after Item 5.1.*

7. Information Reports / Ngā Pūrongo Kōrero

7.1 Water Supply Fluoridation – Results of Resident Survey

Moved By His Worship the Mayor

Seconded By Cr Nicholas Connop

That the Council notes the information provided.

Carried

Item 6.6 was taken after Item 7.1.

8. Public Excluded Business / Rāhui Tangata

Moved By Cr Carol Peters

Seconded By Cr Marie Olsen

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	Good reason to withhold information exists under	Section 48(1)(a)

	28 March 2024	Section 7 Local Government Official Information and Meetings Act 1987	
1.2	2023-24 Bad Debt to Write Off		
1.3	Contract Award – Three Mile Bush Reservoir Physical Works		

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	To protect the privacy of natural persons	Section 7(2)(a)
1.2	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)

Carried

A short break was taken from 1.34pm to 1.39pm.

9. Closure of Meeting / Te katinga o te Hui

Cr Benney closed the meeting by acknowledging the forthcoming Anzac Day, a time of remembrance of the contribution of those men and women who served in military operations and for the many who lost their lives, 'Lest we forget'.

Confirmed this 23rd day of May 2024

His Worship the Mayor Vince Cocurullo (Chairperson)