

Whangarei District Council Meeting Minutes

Date: Thursday, 28 June, 2018
Time: 10:30 a.m.
Location: Council Chamber
Forum North, Rust Avenue
Whangarei

In Attendance

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

Not in Attendance

Cr Gavin Benney

Scribe C Brindle (Senior Democracy Adviser)

1. Karakia/Prayer

Cr Sue Glen opened the meeting with a karakia/prayer.

The resolution to consider Item 6.5.2 Adoption of the 2018-2028 Long Term Plan – Audit Opinion as extra ordinary business, was taken after the karakia/prayer.

2. Declarations of Interest

Item 1.4 – IT Contract Extension (public excluded section)

3. Apology

Cr Gavin Benney (absent)

Moved By Cr Tricia Cutforth
Seconded By Cr Cherry Hermon

That the apology be sustained.

Carried

4. Public Forum

There were no speakers at public forum.

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

5.1 Minutes Whangarei District Council 31 May 2018

Moved By Cr Sharon Morgan
Seconded By Cr Vince Cocurullo

That the minutes of the Whangarei District Council meeting held Thursday 31 May 2018, 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 Revenue and Financing Policy

Moved By Cr Shelley Deeming
Seconded By Cr Sharon Morgan

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

6.2 2018-2019 Fees and Charges

Moved By Cr Greg Innes

Seconded By Cr Cherry Hermon

That Council

- a. Adopt Table A: 2018-19 fees and charges subject to the Special Consultative Procedure

	Refer Attachment 2: Statement of Proposal
Resource Management fees and charges	Page 24
Food Act and Health Act fees and charges – relating to food businesses	Pages 15,16
Gambling Act and Racing Act consent fees and charges	Page 17
Cemetery fees and charges	Page 10

- b. Adopt Table B: 2018-19 fees and charges not subject to the Special Consultative Procedure

	Refer Attachment 1: Proposed Fees and Charges
Dog, Stock Control and Impounding fees and charges	Page 4
Food Premises – Other registered premises	Page 16
Swimming Pool Inspection fees and charges	Page 27
Building Control fees and charges	Page 5 – 9
Rubbish Disposal fees and charges	Page 25
	Refer Attachment 1: Proposed Fees and Charges
Drainage fees and charges	Page 14
Transport fees and charges	Page 27
Library fees and charges	Page 18-20
Parks and Reserves fees and charges	Page 22,23
Water fees and charges	Page 27 -28

Laboratory fees and charges	Page 17, 18
Official Information fees and charges	Page 21
Photocopying fees and charges	Page 23
Searches fees and charges	Page 26
Bylaw Enforcement fees and charges	Page 9
Land Information Memorandum fees and charges	Page 9
Cameron Street Mall Permits	Page 11

- c. Approve and adopt the discounted fee of \$615 for Certificates of Acceptance and Building Consents for swimming pools up to a value of \$19,999 and incorporate it into the Fees and Charges Schedule for 2018-2019.
- d. Exempt schools and after-school care facilities in Whangarei District from annual fees for registration and verification of Food Control Plans under the Food Act 2014.

Carried

6.3 Adoption of the Development Contributions Policy 2018

Moved By Cr Greg Innes

Seconded By Cr Shelley Deeming

That Council;

1. Adopt the Development Contributions Policy 2018 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 2018 prior to the document being published.

Carried

6.4 Rates Remission and Postponement Policies

Moved By Cr Shelley Deeming

Seconded By Cr Greg Martin

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.
3. Authorises the Chief Executive to make any necessary drafting, typographical, presentation changes, or corrections to the rates remission and postponement policies.

Carried

Extra ordinary business – Item 6.5.2 Adoption of the 2018-2028 Long Term Plan – Audit Opinion

Subsequent to the agenda being circulated Item 6.5.2 was distributed separately but not within the timeframe specified in LGOIMA.

The audit opinion was not included in the agenda for the reason that Audit NZ had not completed their review at the time of the agenda closure.

Council are asked to consider this matter at today's meeting so that the 2018-2028 Long Term Plan can be updated with the audit opinion prior to adoption.

Moved By Cr Sue Glen

Seconded By Cr Greg Innes

That council consider Item 6.5.2 Adoption of the 2018-2028 Long Term Plan - Audit Opinion, at this meeting to enable the Plan to be updated prior to adoption.

CARRIED

Cr Bell requested his vote against be recorded.

6.5 Adoption - 2018-2028 Long Term Plan

Moved By Cr Phil Halse

Seconded By Cr Stu Bell

That Council does not adopt the 2018-2028 Long Term Plan whilst it contains \$37m worth of debt funding.

Her Worship gave notice of her intention to move the recommendation as stated in the agenda report if the motion was lost.

On the motion being put Cr Martin called for a division:

Recorded	For	Against	Abstain
Her Worship the Mayor		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	4	9	0

The motion was Lost (4 to 9).

Motion

Moved By Her Worship the Mayor
Seconded By Cr Greg Innes

That Council:

1. Adopt the 2018 – 2028 Long Term Plan.
2. Authorise the Chief Executive to make any necessary minor drafting, typographical or presentation corrections to the 2018 – 2028 Long Term Plan.

On the motion being put Cr Halse called for a division:

Recorded	For	Against	Abstain
Her Worship the Mayor	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	9	4	0

The motion was Carried (9 to 4)

Cr Benney was absent.

Cr Cocurullo was absent from the meeting from 11.54am to 11.58am during discussions on Item 6.5.

6.6 Rates Resolution 2018-2019

Moved By Cr Cherry Hermon

Seconded By Cr Shelley Deeming

That Council resolves:

1. Having adopted the 2018-2028 Long Term Plan, including the 2018-2019 Funding Impact Statement, Council sets the following rates and charges in accordance with the Local Government (Rating) Act 2002 for the financial year 1 July 2018 to 30 June 2019:

General Rates

Rate	Basis of assessment	Including GST
General Rates	Basis of Assessment – Sec 13, 14, 15 & Schedule 2	
Uniform Annual General Charge	Per separately used or inhabited part of a rating unit	\$458.00
Residential category		
Multi – Unit category	Per \$ of land value	\$0.0034605
Rural category	Per \$ of land value	\$0.0069211
Commercial and Industrial category	Per \$ of land value	\$0.0032835
	Per \$ of land value	\$0.0224932
Miscellaneous category	Per \$ of land value	\$0.0034605

Targeted Rates

Rate	Basis of assessment	Including GST
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District Wide Refuse Management Rate District Wide Refuse Management Rate (All rateable properties)	Basis of Assessment – Sec 16, 17,18 & Schedule 2 & 3 Per separately used or inhabited part of a rating unit	\$179.00
Sewerage Rates (Connected to wastewater system) Residential Other – non-residential	Basis of Assessment – Sec 16, 17,18,19 & Schedule 2 & 3 Per separately used or inhabited part of a rating unit Per pan or urinal	\$709.00 \$457.00
Water Rates 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> Annual supply charge (metered) Annual availability charge Annual Uniform charge (unmetered) Backflow preventer charge	Basis of Assessment – Sec 16, 17,18 & Schedule 2 & 3 Volume of metered water consumed per cubic metre Provision of service per separately used or inhabited part of a rating unit Availability of service per separately used or inhabited part of a rating unit Provision of service per separately used or inhabited part of a rating unit Provision of service per connection based on the nature of connection 15/20mm connection 25mm connection 32mm connection 40mm connection	\$2.26 \$34.50 \$34.50 \$474.00 \$78.62 \$79.69 \$94.27 \$96.47 \$100.09

	50mm connection 80/100mm connection 150mm connection 200mm connection	\$252.09 \$295.11 \$488.77
Roading Scheme	Basis of Assessment – Sec 16, 17, 18 & Schedule 2 & 3	
Whangaruru North Road Seal Extension (Year 4 of 5)	Per rating unit in a specified and defined area of benefit (see funding impact statement)	\$575.00
McKinley Road Seal Extension (Year 4 of 5)	Per rating unit in a specified and defined area of benefit (see funding impact statement).	\$575.00
Flood Protection - Hikurangi Swamp		
Hikurangi Swamp Major Scheme Rating District	Per hectare of land in the Hikurangi Swamp Special Rating area	
	Class A approx 2,935 ha	\$188.08
	Class B approx 1,443 ha	\$168.92
	Class C approx 1,472 ha	\$131.67
	Class D approx 1,767 ha	\$18.85
	Class E approx 983 ha	\$9.48
	Class F approx 31,058 ha	\$3.79
Hikurangi Swamp Drainage Rating District	Per hectare of land in the Hikurangi Swamp Drainage Rating District	
	Class A approx 5,037 ha	\$21.76
	Class F approx 11,755 ha	\$2.18

2. Council resolves that it approves the due dates, discount allowed and penalties set out as follows:

Discount for full payment of annual rates

Council agrees to apply a policy for early payment of rates under Section 55 of the Local Government (Rating) Act 2002. Where the total year's land rates and any arrears are paid in full by the due date of the first instalment 20 August 2018 a discount of two percent (2%) will apply.

Penalty dates for rates paid in instalments

Penalties added to unpaid rates are exempt from GST.

Due dates and penalty dates for land rates

Council agrees the following due dates and to add penalties to rates 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	Date penalty applied
One	20 August 2018	23 August 2018
Two	20 November 2018	23 November 2018
Three	20 February 2019	25 February 2019
Four	20 May 2019	23 May 2019

Due dates and penalty dates for water rates

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:

Month water rates invoice issued	Due date for payment
July 2018	20 August 2018
August 2018	20 September 2018
September 2018	23 October 2018
October 2018	20 November 2018
November 2018	20 December 2018
December 2018	21 January 2019
January 2019	20 February 2019
February 2019	20 March 2019
March 2019	22 April 2019
April 2019	20 May 2019
May 2019	20 June 2019
June 2019	22 July 2019

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

Month water rates invoice issued	Date penalty will be added
July 2018	23 August 2018
August 2018	25 September 2018
September 2018	26 October 2018
October 2018	23 November 2018
November 2018	24 December 2018
December 2018	24 January 2019
January 2019	25 February 2019

February 2019	25 March 2019
March 2019	26 April 2019
April 2019	23 May 2019
May 2019	25 June 2019
June 2019	25 July 2019

Additional penalty charges

Additional penalty on arrears for land and water rates

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 5 July 2018. This penalty will be added on 3 September 2018.

Carried

6.7 2018 LGNZ Annual General Meeting Remits

Prior to a formal resolution being put forward, Her Worship sought direction from the Members (show of hands) as to which remits were supported or opposed.

Remits supported

Moved By Cr Tricia Cutforth

Seconded By Cr Anna Murphy

That Council support the remits:

Drug testing in the community

That recommend that Local Government New Zealand works with central government to develop a nationally consistent regime of waste water testing, to enable a solid basis for testing drug use in our communities.

Heritage Buildings

That recommends that Local Government New Zealand lobbies for greater support for, and protection of, heritage buildings via the following mechanisms:

- Revision of the Building (Earthquake-Prone Buildings) Amendment Act
to change the '25% building work' clause instead to trigger earthquake strengthening once a threshold of "25% of the Capital Value or \$200,000, whichever is the greater" is reached to make this a more equitable provision for regional centres

- An increase in the heritage fund
- Provision of tax relief for heritage building upgrades.

Climate Change – advocate to banks

That recommends that Local Government New Zealand, consistent with the Local Government Position Statement on Climate Change 2017 and the Local Government Leaders' Climate Change Declaration 2017, advocate to all major banks that they transition away from investments in fossil fuel industries, and consider opportunities for long-term investments in low or zero-carbon systems.

Climate Change Adaptation Fund

That recommends that following on from the findings and recommendations of the Climate Change Adaptation Technical Working Group, that Local Government New Zealand calls on central government to establish a Climate Change Adaptation Fund to improve local level and community participation in responding to climate change.

Local Alcohol Policies

That recommends that Local Government New Zealand seeks the Government's agreement to:

- Amend the Sale and Supply of Alcohol Act 2012 so that Local Alcohol Policies can more accurately reflect local community views and preferences.
- Review policy levers it can apply to reduce alcohol-related harm that will complement Local Alcohol Policy provisions established by Territorial Local Authorities and include consideration of mechanisms for addressing the density and location of off-licensed premises.

Biofuels

That recommends Local Government New Zealand encourages the Government to investigate options to support the use of bio-diesel such as financial incentives; tax offsets; subsidies to bio-diesel manufacturers; and/or subsidies to renewable fuel manufacturers; and/or subsidies at the pump, in order to support the valuable New Zealand industries developing alternative and low carbon fuels.

Walking the talk – single use plastics

That recommends that Local Government New Zealand:

- Encourage member councils to take steps to phase out the use of single-use plastic bags and plastic straws at council facilities and events.

A mandatory register of cooling towers

That recommends that:

1. Local Government New Zealand acknowledges the potentially fatal risks posed by legionella bacteria in industrial water cooling towers used for air conditioning and manufacturing.
2. Local Government asks central government to resume its work related to reducing the risks posed by legionella bacteria in industrial water cooling towers.

This could include:

- Amending the Building Act 2004 and/or the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005 to collect information for a mandatory register of cooling towers and a mandatory testing and reporting regime.
- Providing enforcement powers to councils to address the risks associated with cooling towers such as requiring regular testing, reporting and compliance with specified standards under Building Warrant of Fitness certification.
- Requiring medical professionals to report cases of legionellosis (Legionnaires Disease) to local District Health Boards' Medical Officers of Health (as is required with Campylobacter outbreaks).

Reducing the waste stream

That recommends that Local Government New Zealand asks central government to address the China National Sword issue (action 1) and implement the local government waste manifesto (actions 2 – 6), to reduce New Zealand's waste by:

1. Adopting a New Zealand wide strategic approach to the collection, and processing of recyclable materials within New Zealand;
2. Reviewing the New Zealand Waste Strategy and align, where practicable, with the "Local Government Waste Management Manifesto" to set a clear programme for action;
3. Expanding the Waste Disposal Levy and progressively raise the

levy rate in order to reduce total waste to landfills;

4. Officially adopting the National Waste Data Framework and oversee its implementation to enable better planning and monitoring;
5. Establishing a container deposit scheme in consultation with local government in order to lift recycling rates; and
6. Declaring tyres, e-waste, agricultural chemicals and plastics, as priority products under the Waste Minimisation Act 2008, to address problem waste streams.

Tyres stewardship

That recommends that Local Government New Zealand requests that the Government urgently implements a comprehensive and mandatory product stewardship programme for tyres.

Carried

Remits opposed

The motion was voted on in parts.

Moved By Cr Phil Halse

Seconded By Cr Crichton Christie

That Council do not support the remits:

Heavy Commercial Vehicles (HCV) – Rural roads policy

That recommends that Local Government New Zealand pursue investigation of a Road Pricing Policy Statement for Land Transport to incentivise route selection for Heavy Commercial Vehicles that encourages the most economically efficient use of the transport network over both Local Roads and the State Highway network.

Carried

Copper in brake pads

That recommends that Local Government New Zealand calls for central government to introduce legislation to limit or eliminate the copper content of vehicle brake pads to reduce contaminants in our urban waterways.

Carried

The meeting adjourned from 12.45pm to 1.15pm following Item 6.7.

Cr Innes left the meeting following the break. Cr Innes re-joined the meeting at 2.19pm during the closed meeting.

Cr Morgan did not re-join the meeting immediately following the break.

6.8 Community Funding Proposal June 2018

Moved By Cr Crichton Christie

Seconded By Cr Shelley Deeming

That Council;

1. adopts the new Funding Principles of Accessibility, Consistency, Diversity, Effectiveness, Efficiency, Equity, Flexibility, Inclusion and Transparency; and
2. adopts an enhanced status quo model for Community Funding to be reviewed after 18months from 1 July 2018 in line with the Community Development Framework; including:
 - a. Improved single application form and process
 - b. Introduction of Impact Reporting template
 - c. Increased flexible eligibility criteria for operational expenses, facility improvements and capital purchases
 - d. Distribution of increases in funding arising from the 2018-2028 Long Term Plan across existing fund categories.

Carried

Cr Morgan re-joined the meeting at 1.17pm during Item 6.8.

6.9 Recommendation for Increase in Contract Value of Contract CON12001 – North Area Maintenance

Moved By Cr Phil Halse

Seconded By Cr Greg Martin

That the Council approves the contract value for North Area Maintenance (Contract 12001) to be increased by the sum of \$750,000 and the total contract value increased to \$26,929,588.75 exclusive of GST.

Carried

6.10 CON17085 - Whangarei North Road Maintenance and Renewals

Moved By Cr Greg Martin

Seconded By Cr Sharon Morgan

That the Council awards the Whangarei North Road Maintenance and Renewals contract CON18085 to Fulton Hogan Ltd, for the sum of

\$37,000,707.36 excluding GST (thirty seven million, seven hundred and seven dollars and thirty six cents, excluding GST).

Carried

6.11 CON17086 - Whangarei South Road Maintenance and Renewals

Moved By Cr Greg Martin

Seconded By Cr Sharon Morgan

That the Council awards the Whangarei South Road Maintenance and Renewals contract, CON18086, to Downers NZ, for the sum of \$47,885,554.97 excluding GST.

Carried

6.12 CON16020 - Kamo Shared Path Stage 1 - Rust Avenue to Cross Street - Variation to Contract

Moved By Cr Cherry Hermon

Seconded By Cr Tricia Cutforth

That Council approves the value of contract CON16020 Kamo Shared Path Stage 1 be increased from \$2,501,448.46 to \$2,896,283.46 (Two Million, Eight Hundred and Ninety-Six Thousand, Two Hundred and Eighty-Three Dollars and Forty-Six Cents) excluding GST.

On the motion being put Cr Martin called for a division:

Recorded	For	Against	Abstain
Her Worship the Mayor	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**12****0****Carried (12 to 0)
Unanimous***Crs Benney and Innes were absent.***7. Information Reports****7.1 2018 Local Government New Zealand Conference****Moved By** Cr Phil Halse**Seconded By** Her Worship the Mayor Sheryl Mai

That the Council note that;

- a) the Local Government New Zealand Conference is being held 15 – 17 July 2018 in Christchurch.
- b) the Mayor, Deputy Mayor Sharon Morgan, Councillors Gavin Benney and Crichton Christie and General Manager Dominic Kula will represent Council at the Conference.

Carried**7.2 Correction to Council decision - Annual Operating Fund****Moved By** Cr Stu Bell**Seconded By** Cr Shelley Deeming

That the Council note the decision made on 26 April 2018, to increase funding to the Jack Morgan Museum Inc and Whangarei Brass Band Inc; is not valid.

Carried**8. Public Excluded Business****Moved By** Cr Cherry Hermon**Seconded By** Cr Greg Martin

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	Minutes Whangarei District Council 31 May 2018	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		
1.3	Trustee Appointments - NECT		
1.4	IT Contract extension		

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 previous minutes	
1.2	To protect the privacy of natural persons including that of a deceased person.	Section 7(2)(a)
1.3	To protect the privacy of natural persons including that of a deceased person.	Section 7(2)(a)
1.4	To enable the council to carry on without prejudice or disadvantage commercial negotiations	Section 7(2)(h)

Carried

9. Closure of Meeting

The meeting concluded at 2.49pm

Confirmed this 26th day of July 2018

Her Worship the Mayor Sheryl Mai (Chairperson)