

Whangarei District Council Meeting Minutes

Date: Thursday, 13 December, 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 Gavin Benney
Cr Crichton Christie
Cr Vince Cocurullo
Cr Tricia Cutforth
Cr Shelley Deeming
Cr Sue Glen
Cr Phil Halse
Cr Cherry Hermon
Cr Greg Martin
Cr Sharon Morgan
Cr Anna Murphy

Not in Attendance

Cr Greg Innes

Scribe C Brindle (Senior Democracy Adviser)

1. Karakia/Prayer

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

2. Declarations of Interest

Item 6.2 – Temporary Liquor Ban under Alcohol Control

Item 6.4 – Community Loan – Kiwi North sewer connection project

Item 6.7 – Source of Funding for the Womens Rugby World Cup 2021

Item 1.2 (Closed) – Strategic Property Acquisition Options

3. Apology

Cr Greg Innes

Moved By Cr Greg Martin
Seconded By Cr Anna Murphy

That the apology be sustained.

Carried

4. Public Forum

There were no requests to speak at today's public forum.

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

5.1 Minutes Whangarei District Council held 29 November 2018

Moved By Cr Phil Halse
Seconded By Cr Sue Glen

That the minutes of the Whangarei District Council meeting held on Thursday 29 November 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 Alcohol Control Bylaw 2018 and alcohol control areas

Moved By Cr Vince Cocurullo
Seconded By Cr Sue Glen

That Council;

1. determines that the proposed Alcohol Control Bylaw 2018
 - a. is the most appropriate from of bylaw
 - b. does not give rise to any implications under the New Zealand Bill of Rights Act 1990
 - c. can be justified as a reasonable limitation on people's rights and freedoms
2. makes the Alcohol Control Bylaw 2018 contained in Attachment 2 in accordance with section 147 of the Local Government Act 2002, with effect from 19 December 2018

3. delegates the powers, functions and duties under the Bylaw as provided in Section 3 of the 'Additional Information to Alcohol Control Bylaw' (Attachment 2) to the Chief Executive
4. authorises the Chief Executive to make any minor edits or amendments to the Bylaw to correct any spelling errors or make typographical edits, and/or to reflect decisions made by Council at this meeting.
5. determines that for each of the proposed individual alcohol control areas
 - a. a high level of crime and disorder is likely to arrive again if the alcohol control area is not retained
 - b. the control being applied is appropriate and proportionate in the light of that likely crime or disorder.
6. declares, in accordance with clauses 6.1 and 7.1 of the Alcohol Control Bylaw 2018, the areas as provided in Attachment 3 to be permanent alcohol control areas.

Carried

6.2 Alcohol Control Bylaw 2018 - Temporary Liquor Ban Under Alcohol Control Bylaw

Moved By Cr Vince Cocurullo

Seconded By Cr Sharon Morgan

That the Council;

1. determines that
 - a. there is sufficient evidence that for the same or similar events previously held, there has been a high level of crime or disorder caused or made worse by alcohol consumption in the proposed temporary alcohol control area
 - b. the proposed temporary alcohol control areas are appropriate and proportionate in light of the evidence
 - c. the proposed temporary alcohol control areas can be justified as a reasonable limitation on people's rights and freedoms

2. declares, in accordance with clauses 6.1 and 8.1 of the Alcohol Control Bylaw 2018, temporary alcohol control areas to apply for 24 hours from 6am on the date of the event to 6am the following morning and in the area as provided on Attachment 3 for the following events:
 - a. Fat Freddy's Drop concert – 3 January 2019
 - b. Vodafone Warriors v Wests Tigers Trial – 2 March 2019
 - c. Whangarei Fritter Festival – 16 March 2019.

Carried

Declaration of interest:

Cr Phil Halse declared an interest as Council's appointed representative to the Northland Events Centre Trust.

6.3 Annual Plan 2019/2020 Engagement

Moved By Cr Vince Cocurullo

Seconded By Cr Sue Glen

That the Council:

- a. Notes the options for engagement on the Annual Plan 2019/20.
- b. Approves Options 1 and 2 as the preferred options for engagement on the Annual Plan.

Amendment

Moved By Cr Tricia Cutforth

Seconded By Cr Shelley Deeming

That the Council:

1. Notes the options for engagement on the Annual Plan 2019/20.
2. Approves Option 3 as the preferred option for engagement on the Annual Plan.

The amendment was Lost

Her Worship gave notice of a further amendment.

Further Amendment

Moved By Her Worship the Mayor

Seconded By Cr Anna Murphy

That the Council:

1. Notes the options for engagement on the Annual Plan 2019/20.
2. Approves Option 2 as the preferred option for engagement on the Annual Plan.

Procedural motion

Moved By Cr Phil Halse

Seconded By Cr Stu Bell

That the motion now be put.

Carried

On the further amendment being put Cr Christie called for a division:

Recorded	For	Against	Abstain
Her Worship the Mayor	X		
Cr Stu Bell		X	
Cr Gavin Benney	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	5	8	0

The amendment was Lost (5 to 8)

The motion was carried

Cr Innes was absent.

6.4 Community Loan - Kiwi North sewer connection project

Moved By Cr Crichton Christie

Seconded By Cr Greg Martin

That Council:

1. Approve an interest-free community loan of \$20,000 to Whangarei Museum and Heritage Trust (Kiwi North) for their infrastructure project. The Trust's existing loan agreement (Stage 2 Accessibility Project) is to be cancelled and a new loan agreement is to be executed for a combined total of \$59,375 and a maximum term of 8 years.

Amendment

Moved By Cr Phil Halse

Seconded By Cr Sue Glen

That Council exempts all Development Contribution charges.

The amendment was Lost

The motion was Carried

Cr Halse requested his vote against be recorded.

Declarations of interest:

~~*Cr Phil Halse declared an interest as Council's appointed representative to the Northland Events Centre Trust.*~~

~~*Cr Morgan declared an interest as the president of the Northland Rugby Union.*~~

**refer Minutes Whangarei District Council 28 February 2019*

6.5 Council – Iwi Governance Relationship

Moved By Her Worship the Mayor

Seconded By Cr Sharon Morgan

That Whangarei District Council;

1. Note the report.
2. Endorse the draft Agreement document between the Mayoral Forum and Te Kahu o Taonui.
3. Authorise Her Worship the Mayor Sheryl Mai to sign the Agreement on behalf of Council.
4. Note that Her Worship the Mayor and a delegation will attend the signing ceremony in February 2019.

On the motion being put Cr Sue Glen called for a division.

Recorded	For	Against	Abstain
Her Worship the Mayor	X		
Cr Stu Bell		X	
Cr Gavin Benney	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	5	7	1

The motion was Lost (5 to 7)

6.6 City Centre Parking Charges and Time Restrictions

Moved By Cr Gavin Benney

Seconded By Cr Tricia Cutforth

That the Whangarei District Council resolves:

1. The current parking charges and time restrictions in the areas marked pink, yellow and green on Attachment 1 be rescinded, except for those charges and restrictions made under the following clauses of the Parking and Traffic Bylaw 2017:
 - a. Clause 10 – Special Vehicle Lanes
 - b. Clause 11 – Shared Zones
 - c. Clause 14 – Stopping, Standing and Parking
 - d. Clause 15 – P10 Zone Rathbone Street (east side)
 - e. Clause 15 – P30 Zone Forum North Carpark
 - f. Clause 16 – Mobility Parking Spaces
 - g. Clause 17 – Motorcycle Parking
 - h. Clause 18 – Clearways, passenger service vehicle and transport stations

- i. Clause 19 – Loading Zones.
2. Pursuant to Clause 15.1 of the Parking and Traffic Bylaw 2017, the parking charges and time restrictions as detailed on Attachment 1 be approved.
3. The resolutions in 1 and 2 above to take effect on the date when the signs are erected on those areas detailed on Attachment 1.

Carried

Cr Cocurullo requested his vote against be recorded.

6.7 Funding for the Hosting of the Women's Rugby World Cup 2021

Moved By Cr Shelley Deeming

Seconded By Her Worship the Mayor

That the Council;

1. Notes the report on funding options for the Women's Rugby World Cup 2021.
2. Incorporates any decisions made about the source of funding into broader consideration of financial commitments during the 2019/20 Annual Plan process.

Carried

Declarations of interest:

Cr Phil Halse declared an interest as Council's appointed representative to the Northland Events Centre Trust.

Cr Morgan declared an interest as the president of the Northland Rugby Union.

6.8 Decision-making over the 2018 2019 Christmas recess period

Moved By Cr Sue Glen

Seconded By Cr Tricia Cutforth

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 2018 and the first meeting of Council or relevant committee in 2019 (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 2018/2019 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 2018/2019 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 2019.
5. designates Councillor Greg Martin the authority under section 25(5) of the Civil Defence Emergency Management Act 2002 to declare a state of emergency in the event the Mayor is unavailable over the 2018/2019 Christmas recess period.

Carried

Extra ordinary business

Subsequent to the agenda being circulated Item 6.9 was distributed separately but not within the timeframe specified in LGOIMA. Item 6.9 was not on the agenda for the reason that the matter was only considered by the Community Funding Committee yesterday. Council are asked to consider this matter at today's meeting and not delay decision making until the next scheduled council meeting on 28 February 2019 as this would unnecessarily delay the progress of the project.

Moved By Cr Shelley Deeming

Seconded By Cr Tricia Cutforth

That Council consider Item 6.9 Recommendation from the Community Funding Committee at this meeting.

Carried

6.9 Recommendation from the Community Funding Committee

Moved By Cr Crichton Christie

Seconded By Cr Tricia Cutforth

That having considered the recommendation of the Community Funding Committee 12 December 2018, Council:

1. Approve a grant of \$163,000 from the Partnership Fund to Whangarei Museum and Heritage Trust (Kiwi North) for their heritage buildings conservation project.

Carried

Extra ordinary business

Subsequent to the agenda being circulated additional information to inform Council's decision making on confidential Item 1.3 – Kerbside Recycling was distributed separately but not within the timeframe specified in LGOIMA.

The information was unavailable at the time of the agenda closure.

Moved By Cr Vince Cocurullo

Seconded By Cr Sharon Morgan

That the additional information pertaining to Item 1.3 Kerbside Recyclable Collection, be included for consideration at this meeting.

Carried

7. Public Excluded Business

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 Meeting 29 November 2018	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Strategic Property Acquisition Options		
1.3	Kerbside Recyclables		

	Collections		
1.4	Whangarei Airport Locations Study		

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 (including commercial and industrial negotiations)	Section 7(2)(i)
1.3	To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or it the subject of the information. 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)(b)(ii) Section 7(2)(h) Section 7(2)(i)
1.4	To maintain legal professional privilege. To enable Council to carry on without prejudice or disadvantage commercial activities.	Section 7(2)(g) Section 7(2)(h)

Carried

8. Closure of Meeting

The meeting concluded at 1.38pm.

Confirmed this 28th day of February 2019

Her Worship the Mayor Sheryl Mai (Chairperson)