

## Whangarei District Council meeting – 26<sup>th</sup> September 2012.

[LINK to appropriate Agenda](#)

[LINK to Supplementary Agenda No1](#) - Submission on Northland Regional Council Representation Arrangements Review 2012

We are asked to all stand for 'His Worship, the Mayor'. A large proportion attending in the public gallery, remain seated for his entry to the chamber.

There were no apologies for today's meeting; which was realised after Morris said 'Oh Shelley you are here'.

At 0959hrs Morris remains standing and gives a speech relaying what he had heard yesterday from the Mayoral Task Force by Dale Williams (Mayor - Otorohanga District Council) who quoted – 'There can be no keener revelation of a communities (society's) soul than the way in which it treats its children (and younger people).' - *Of course Morris changed a couple of words from those in brackets.*

A quote of [Nelson Mandela](#)

[Link to Morris Cutforth Christmas email.](#) - 21<sup>st</sup> December 2010 - *Just to remind you all why he stood for mayor*

Carolyn Brindle, Senior Meeting Co-ordinator, advises that there was a Supplementary Item No 1 (as above) plus another Supplementary Item in Confidential 'on funding'.

Time still at 1000hrs and Item No.1, the 'Public Forum' (Page 1)  
There were no speakers for today's 'Public Forum'

It was now 1001hrs. Item No. 2, Minutes of a Meeting of the Whangarei District Council held 22 August 2012 (Page 2)

Moved: Morris Cutforth, Seconded: Cr Brian McLachlan.

There was no discussion on this item.

With time still at 1001hrs it was Item No.3, Minutes of an Extra-ordinary Whangarei District Council meeting held Thursday 30 August 2012 (Page 6)

Moved: Cr Sue Glen, Seconded: Cr Sharon Morgan.

There was no discussion on this item.

With time now at 1002hrs it was Item No.4, Minutes of an Extra-ordinary Whangarei District Council meeting held Thursday 12 September 2012. (Page 8)

Moved: Cr Jeroen Jongejans, Seconded: Cr Merv Williams.

With time still at 1002hrs it was Item No.5, Police Report (Page 10)

The report can be found in the on line agenda.

Morris Cutforth invites Senior Sergeant Vicki Allen to speak to the meeting. Senior Sergeant Vicki Allen gave details to the report explaining it was tabled earlier. She gave a brief comment on an earlier incident in William Jones Drive and there had been no further developments there and the situation on Otangarei was progressing positively.

Vicki advised that the vacancy for the Area Commanders position and interviews for this were about to be undertaken. Other changes of positions had been undertaken and were in the report.

Vicki gave details of Operation Fire Alarm. See Page 12.

Cr Merv Williams asked if Vicki had any comments about the incident in Cameron Street Mall on Friday when a person had been assaulted (*and throat cut*).

Senior Sergeant Vicki Allen advised it was a youth incident fuelled by alcohol and the Team Policing unit that was nearby handled the situation in a professional manner rushing the victim to hospital. She emphasised it was a random attack.

Cr Sharon Morgan queried the Road Policing Unit and commented it was pleasing to see them keeping people who had been drinking off our roads.

Senior Sergeant Vicki Allen advised that sports clubs were an area that had shown up with this area and police would be working in those areas.

Cr John Williamson commented that he was pleased to see that Inspector Murray Hodson had been appointed to Road Policing as Manager.

Morris Cutforth thanked Vicki her for the report.

Moved: Cr Phil Halse, Seconded: Cr Sharon Morgan.

With time at 1007hrs it was Item No.6. Presentation Whangarei Quarry Gardens Trust (Page 13)

Dan Robson and Rosie Sanderson gave a power point presentation on the new information centre project. The motto is 'To inspire our community with a landscape of beauty and life'. Morris Cutforth informed the meeting he had conducted weddings at the Quarry gardens and it was his favorite place. *Note- it's all about Morris; not what a great plan for an information centre, you people have done a grand job or what a super motto..... But I have done several weddings there.*

Cr Sue Glen advised she was proud of this project; they did a magnificent job and only had one paid employee but many volunteers who all did a great job.

Cr Aaron Edwards claimed it was an exciting design that our local industry can do which gave an opportunity to create a show piece.

Cr Sharon Morgan congratulated Dan and the board also Cr Sue Glen and Cr Merv Williams for their work. She asked if they had started networking with funders.

Cr John Williamson asked what does 'national significance' do for this.

These questions were satisfactorily answered.

Moved: Cr John Williamson, Seconded: Cr Aaron Edwards.

With time at 1023hrs it was Item No.7. Hundertwasser Licensing Agreement (Page 14)  
Moved: Cr Sharon Morgan, Seconded: Cr Warwick Syers.

Cr Warwick Syers informed that this was what the management advised to move this project to the first step.

Cr Shelley Deeming claimed she was reluctant to go ahead without further consultation and had a couple of questions. She queried the copyright on the building, the cost of transporting art, the costs of insurance and the intended art content.

Cr John Williamson commented that in signing this agreement they could move forward and own that sense of ownership, making a point of difference to make this place, Whangarei, different and a talking point. *Wow John you are getting good at using all the fuzzy words; been talking to Dell a lot eh?*

Cr Aaron Edwards had some questions requiring clarification. Does the Recommendation in No. 2. only relate to consultation with Hundertwasser Foundation? And what is the value of the contract?

CEO Mark Simpson advised up to \$60,000-00 till Christmas.

Cr Aaron Edwards also had some questions on the Art Centre; (Page 18, Para 5) Does this restrict the days it is open? (Page 18, Para 7) What models are we talking about and what is the cost of these? (Page 18, Para 6) Cost of Insurance? (Page 18, Para 8) What are the restrictions on marketing material and are there any restricted guidelines.

Cr Warwick Syers, in reply to Aarons questions, claimed they needed to appreciate it was a loose agreement based on what they (Hundertwasser) presented to us and not hugely descriptive. They had an ability to be flexible within it. If you want all the details it would be a 15 to 20 page agreement; this is not what we wanted. It was about a strategic partnership not a restrictive contract.

Cr Shelley Deeming asked clearly there are other Hundertwasser buildings around the world and had we looked at their agreements.

CEO Mark Simpson answered 'sure there are a number of other buildings but this is a Hundertwasser Art Centre for Art Work'.

Cr Sharon Morgan informs that this is a guiding document between two parties; "I see these two buildings complementing each other." *What two buildings is she referring two? Is it, but Wait, there is more. Does she think of The HAC and the Hub Art Centre as two buildings, or the two in the plans in the agenda, being the ground and first floors?* She continues "This document satisfies both parties, essentially everything is covered"

Cr Sue Glen claimed there were definitely some concerns around the room and is that because it is so loose? Sue added, "How is the Funding going?"

Cr Kahu Sutherland called for a 'point if order'; this is about the agreement we have in front of us.

Cr Jeroen Jongejans claimed he was enjoying the fact that is reasonably open; it was a positive document working in good faith.

Cr Sue Glen asked if the other attachments (2 to 5) in the agenda are part of the agreement. CEO Mark Simpson promptly advised that they were there for councilor information.

Cr Sue Glen asked 'then why was she challenged?' *Simple answer Sue, you are asking questions that they do not want to answer, especially in a public forum. Wonder why?*

Cr Phil Halse informed this was simply a matter of process and we had charged the CEO to do this. It is our position to finalise the agreement; the staff want to process it.

Cr Greg Martin claimed his concern is if we agree to this we are stuck with it. We are spending a lot of ratepayers money, where is the cut off date?

Cr Phil Halse interjected Cr Martin. *He obviously didn't want to hear Greg's concerns.*

Cr Greg Martin, retaliated, the mayor is chairing the meeting, which abruptly shut down Phil-In Halse.

CEO Mark Simpson, *attempting to defuse a tricky situation*, advised the meeting “you need to advise us to do something different if that is what you want”.

Cr Aaron Edwards suggested that they should be discussing a 'Letter of Intent' or perhaps a 'Memorandum of Understanding', not a loose agreement or a contract. *Aaron that is the most sensible thing that has been said in this meeting, you are on the money.*

Cr Merv Williams commented that if we don't sign this agreement then we are not showing 'good intent or goodwill'. He continued claiming “I think this is the best way to go”.

Cr Crichton Christie, rising to his feet, advised “this is a step by step process; 1<sup>st</sup> step is the need of an agreement, we have nothing signed” Hello Crichton, I hate to surprise you but check out this [SIGNED AGREEMENT](#) that I have a copy off. Has this been HIDDEN from you, an elected councilor? Hope not!

Crichton continued it's about relationships, building trust, not rules and regulations. If we do not get outside funding, we may not be able to continue; but funding is another issue.

*Crichton are you that naïve that they will pull the pin on this project if they can't get outside funding? I reckon this project is being driven that hard by the 'tight five' that it will go ahead at any cost. They don't really care as long as they get their own way. Want to put a wager on it?*

Cr Brian McLachlan believes council has resolved to go ahead with this project.

Cr Kahu Sutherland, rises to his feet, claims this is another step in a unique project. We have the opportunity to have this right here in Whangarei; the project has to evolve. *Wonder what he has to lose if it doesn't go ahead?*

Cr Warwick Syers claims he finds it incorrigible for a couple of councilors intentionally gerrymandering; trying to bring this chamber into disrepute.

Cr Aaron Edwards calls for a 'point of order'; I think Cr Syers is taking this too far; it is unfair comment and misrepresentation of previous comments.

Morris Cutforth asked Cr Morgan if she wanted her 'right of reply'.

Cr Sharon Morgan, caught, said 'I'll have to think about this' She agreed with Cr Crichton Christie, we have to have the funds and this is the basis of an agreement that we are working in good faith. I want to work with Hundertwasser Foundation and they are offering this in good faith; I am committed to this.

A division was called for in the vote.

Both Cr Aaron Edwards and Cr Greg Martin voted against the recommendation and the motion was carried.

With time now at 1057hrs it was Supplementary Agenda No1 - Submission on Northland Regional Council Representation Arrangements Review 2012

Moved: Cr Crichton Christie, Seconded: Cr Brian McLachlan.

Cr Crichton Christie advised that this was a topic of community interest and he believed the staff had got it right.

Cr Phil Halse suggested that the Mayor and Cr Syers go with the CEO to talk to and present the submission to the NRC.

Cr Merv Williams hoped that they, council, had a right of appeal.

CEO Mark Simpson answered, “Certainly, if the NRC didn't agree we would bring it back to this council”.

Cr Merv Williams claimed there could be some connection with Unitary Authority that FNDC are looking at.

Cr Jeroen Jongejans claimed he thought it reeked of 'Unitary Authority' and didn't believe putting the northern part of Matapouri in with Bay of Islands was acceptable.

Cr Phil Halse thought they should be considered a partner and it's about 'Unitary Authority' and the asset base of Whangarei District.

Cr Warwick Syers felt it was a preemptive strike to join onto Wayne Browns proposition; to not see it would be naïve. *Isn't it a different story when it is initiated by someone else, what about your attempt to elude with the FNDC in an attempt to get rid of the NRC to get your mitts on their (Northland Regional Council) assets to off-set the debt you had incurred?*

A division was called for; no one voted against the recommendation and it was passed unanimously.

The meeting finished at 1104hrs, the public excluded before going into the **confidential** section of the meeting.

This was moved: Cr Jeroen Jongejans, Seconded: Cr Phil Halse

*Oh my gosh, didn't Morris campaign that he wanted open and transparent council? And he always also tends to vote for it to go into confidential. Just another thing he did an 'about turn on'.*

## **CONFIDENTIAL INDEX**

C.1 Confidential Minutes of a Meeting of the Whangarei District Council held 22 August 2012  
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**All information in regards to this meeting's agenda and others are available on the Whangarei District Council website by clicking on this [link](#).**