

**MINUTES OF FAR NORTH DISTRICT COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE
ON THURSDAY, 29 AUGUST 2019 AT 10.00 AM**

- PRESENT:** John Carter (His Worship the Mayor), Cr Tania McInnes (Deputy Mayor), Cr Ann Court, Cr Felicity Foy, Cr Dave Hookway, Cr Colin (Toss) Kitchen, Cr Sally Macauley, Cr Mate Radich, Cr John Vujcich, Cr Kelly Stratford
- IN ATTENDANCE:** Mike Edmonds - Kaikohe-Hokianga Community Board Chairperson, Terry Greening - Bay of Islands-Whangaroa Community Board Chairperson, Adele Gardner - Te Hiku Community Board Chairperson, Rachel Smith – Member of Bay of Islands-Whangaroa Community Board, Louis Toorenborg – Member of Kaikohe-Hokianga Community Board
- STAFF PRESENT:** Shaun Clarke - Chief Executive Officer, Andy Finch - General Manager Infrastructure and Asset Management, Dean Myburgh - General Manager District Services, Darrel Sargent – General Manager Strategic Planning and Policy, William J Taylor MBE – General Manager Corporate Services, Darren Edwards – General Manager Environmental, Community and Customer Services, Janice Smith – Chief Financial Officer, George Swanepoel – In-House Counsel, Richard Edmondson – Manager Communications, Jill Coyle – Manager People and Capability, Glenn Rainham – Manager Infrastructure Operations, Roger Ackers – Manager Strategic Development, Sheryl Gavin – Manager Corporate Planning and Community Development, David Clamp – Manager Infrastructure Project Delivery, Caroline Wilson – Manager District Administration, Aram Goes – Manager Operations and Maintenance, Kaye Lethbridge – Property Legalisation Officer, Trevor Green – Senior Roading Engineer, Aisha Huriwai – Team leader Governance Support, Kim Hammond – Meetings Administrator

1 PRAYER

His Worship the Mayor commenced the meeting with a prayer.

2 APOLOGIES AND DECLARATIONS OF INTEREST

That apologies from Cr Colin Kitchen be received and accepted.

The Mayor advised that he would be departing shortly to attend a family members funeral.

3 MAYORAL ANNOUNCEMENTS

- Oruru Hall update.

4 DEPUTATION

Cr Sally Macauley introduced Sophie Kelly from Bay of Islands Arts Festival.

At 10:16 am, Mayor John Carter left the meeting and Cr Tania McInnes (Deputy Chair) took the Chair.

5 MAYORAL ANNOUNCEMENTS CONTINUED

- Ombudsman Report.
- Election Announcements.
- Acknowledged the Bay of Islands Watchdogs and their work.

6 NOTICE OF MOTION

6.1 NOTICE OF REVOCATION - REVOKING PREVIOUS RESOLUTION FOR KERIKERI BUS STOP

Agenda item 5.1 document number A2609323, pages 14 - 15 refers

RESOLUTION 2019/13

Moved: Cr Ann Court
 Seconded: Cr Tania McInnes

That Council agrees that the resolution 10.1 titled Cobham Road Bus Stop that was passed at the meeting of Council on 27 June 2019 be rescinded.

- “a) Council approves in principle the relocation of bus services out of the Kerikeri CBD as a matter of urgent public safety.***
- b) Council agrees the appropriate mechanism for this matter to be resolved, in a timely manner, is for this matter to be delegated for action at an officer level.***
- c) the Chief Executive Officer be delegated authority to negotiate with FNHL for the interim use of the BOI airport terminal for coach parking facilities.***
- d) once the new coach park facility is operational the designation for a bus stop on Cobham Road, Kerikeri be revoked.***
- e) the Chief Executive Officer to report back to Council on costs / financial option”.***

CARRIED

7 CONFIRMATION OF PREVIOUS MINUTES

7.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 6.1 document number A2577042, pages 16 - 46 refers

RESOLUTION 2019/14

Moved: Cr Sally Macauley
 Seconded: Cr Felicity Foy

That Council:

- a) confirms the minutes of the Council meeting held 27 June 2019 as a true and correct record based on the following amendments:**
 - i) Cr Dave Hookway voted against Item 12 Resolution to Exclude the Public and Item 17 Resolution to Exclude the Public and requested that his vote be recorded.**
 - ii) Add the report on the District Wide Unsealed Roads Prioritisation of the roads to the tabled attachments.**

CARRIED

RESOLUTION 2019/15

Moved: Cr Tania McInnes
 Seconded: Cr Kelly Stratford

- b) confirms the minutes of the Extraordinary Council meeting held 4 July 2019 as a true**

and correct record

CARRIED

Against: Cr Dave Hookway

8 BAY OF ISLANDS-WHANGAROA COMMUNITY BOARD

8.1 EASEMENT OVER LOCAL PURPOSE (UTILITY RESERVE) LOT 33 DP166614 - LANDING ROAD, KERIKERI (RC 2190583)

Agenda item 7.1 document number A2609022, pages 47 - 54 refers

RESOLUTION 2019/16

Moved: Cr Ann Court
 Seconded: Cr Kelly Stratford

That the Far North District Council:

- a) In its role as administering body of the local purpose (utility) reserve and pursuant to its powers under Section 48 of the Reserves Act 1977, grants an easement over the local purpose (utility) reserve held in RT NA101A/441 being Lot 33 DP 166614, shown in Donaldson’s plan 7202a, in favour of Lot 29 DP 166614; and
- b) In its role as the Minister of Conservation’s delegate, consents to the granting of the aforementioned easement.

CARRIED

In Favour: Crs Tania McInnes, Ann Court, Felicity Foy, Sally Macauley, Mate Radich, John Vujcich and Kelly Stratford

Abstained: Cr Dave Hookway

CARRIED 7/1

9 AUDIT, RISK, AND FINANCE COMMITTEE

9.1 RISK MANAGEMENT POLICY

Agenda item 8.1 document number A2589255, pages 55 - 60 refers

RESOLUTION 2019/17

Moved: Cr John Vujcich
 Seconded: Cr Ann Court

That Council adopt the 2019 Risk Management Policy.

CARRIED

10 INFRASTRUCTURE AND ASSET MANAGEMENT GROUP**10.1 ROLAND'S WOOD TRUST**

Agenda item 9.1 document number A2519787, pages 61 - 82 refers

RESOLUTION 2019/18

Moved: Cr Tania McInnes

Seconded: Cr Ann Court

That Council:

- a) **confirms its previous decision made at the Council meeting of 5 May 2016:**
- “THAT the responsibility for development, maintenance, operation and administration of Roland’s Wood is transferred to the Trust established by the Friends of Roland’s Wood, along with the balance of the funds settled with Council for the purpose of maintaining Roland’s Wood in accordance with the Roland’s Wood Trust Deed, subject to*
- a) agreement from the High Court; and*
 - b) an agreement between the Trust and Council regarding future planning, funding, reporting and liaison*
- b) **notes that the land that Roland’s Wood sits on will continue to be in the ownership of Council.”**

CARRIED**11 STRATEGIC PLANNING AND POLICY GROUP****11.1 REGIONAL PLAN - GENETICALLY MODIFIED ORGANISMS DECISION**

Agenda item 10.3 document number A2594359, pages 111 - 114 refers

RESOLUTION 2019/19

Moved: Cr Tania McInnes

Seconded: Cr Kelly Stratford

That Council resolve to appeal Northland Regional Councils decision on the Proposed Regional Plan as it relates to the inclusion of provisions to control genetically modified organisms under Clause 14 of Schedule 1 of the Resource Management Act 1991.

In Favour: Crs Tania McInnes, Ann Court, Felicity Foy, Dave Hookway, Sally Macauley, Mate Radich, John Vujcich and Kelly Stratford

Against: Nil

CARRIED

12 INFRASTRUCTURE AND ASSET MANAGEMENT GROUP CONTINUED**12.1 KERIKERI WASTE WATER ADDITIONAL BUDGET FUNDING**

Agenda item 9.2 document number A2594359, pages 83 - 85 refers

RESOLUTION 2019/20

Moved: Cr Ann Court
Seconded: Cr Sally Macauley

That Council approves a Project Budget increase of \$1,500,000.00 (One million five hundred thousand dollars) to enable completion of the Kerikeri Wastewater Treatment Plant within current scope and timeframe.

In Favour: Crs Tania McInnes, Ann Court, Felicity Foy, Sally Macauley, Mate Radich, John Vujcich and Kelly Stratford

Against: Cr Dave Hookway

CARRIED**13 STRATEGIC PLANNING AND POLICY GROUP****13.1 PROPOSED SPEED LIMIT CHANGES - OKAIHAU - KAEO - WAIMATE NORTH AREAS**

Agenda item 10.1 document number A2577016, pages 86 - 106 refers

RESOLUTION 2019/21

Moved: Cr Ann Court
Seconded: Cr Kelly Stratford

That Council:

- a) **Adopts the attached “Statement of Proposal – Speed Limits Review – Okaihau-Kaeo-Waimate Review Area – Proposed Variable School Zones” for consultation.**
- b) **Undertakes consultation on the proposed changes to speed limits set out in the attached Statement of Proposal in accordance with the Special Consultative Procedures set out in Section 83 of the Local Government Act 2002.**
- c) **Commences consultation in late October 2019, following the completion of local body elections.**
- d) **Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the attached Statement of Proposal and to approve the final design and layout of the documents prior to printing and publication.**

CARRIED

Note: Cr Stratford requested that further Speed Limit Reviews in low social economic parts of the district be reviewed and addressed.

13.2 GOVERNANCE DIAGNOSTIC ASSESSMENT

Agenda item 10.2 document number A2578079, pages 107 - 110 refers

RESOLUTION 2019/22

Moved: Cr Tania McInnes
Seconded: Cr Ann Court

That Council:

- a) **approves the LGNZ.EquiP recommendations and instructs the Chief Executive Officer to develop an implementation plan based on the recommendations.**
- b) **the Chief Executive Officer returns to Council with an update report before the end of March 2020.**

CARRIED

13.3 SISTER CITY RELATIONSHIP BETWEEN FAR NORTH DISTRICT AND CHAOZHOU CITY, CHINA

Agenda item 10.4 document number A2607807, pages 115 - 127 refers

RESOLUTION 2019/23

Moved: Cr Tania McInnes
Seconded: Cr Sally Macauley

That the request for a sister city relationship with Chaozhou City, China be deferred for consideration until 2020.

CARRIED

Against: Cr Mate Radich

The meeting was adjourned from 11.15 am to 11.24 am.

14 CORPORATE SERVICES GROUP

14.1 CAPITAL CARRY FORWARDS JUNE 2019

Agenda item 11.1 document number A2603944, pages 128 - 136 refers

RESOLUTION 2019/24

Moved: Cr John Vujcich
Seconded: Cr Tania McInnes

That Council approves the capital budgets identified in the report "Carry Forward for Capital Programme 2018-19" totalling \$26,394,452 be carried forward to the 2019-20 financial year.

CARRIED

14.2 DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER DURING THE ELECTION PERIOD

Agenda item 11.2 document number A2608403, pages 137 - 140 refers

MOTION

Moved: Cr Tania McInnes
Seconded: Cr Ann Court

That Council:

- a) Delegates all of its responsibilities, duties, and powers, other than those that are statute based, to the Chief Executive from 4 October 2019 until 30 October 2019. This will be subject to a requirement that the Chief Executive Officer:
- i. may only attend to those matters that cannot reasonably await the first meeting of the new Council and;
 - ii. shall report any decisions made beyond his usual delegation to the first ordinary meeting of the new Council.

AMENDMENT

Moved: Cr Kelly Stratford

Seconded: Cr Dave Hookway

That Council

- a) delegates all of its responsibilities, duties, and powers, other than those that are statute based, to the Chief Executive from 22 October 2019 to 30 October 2019.
- b) delegations will be subject to the limitations set out in the Local Government Act set out in Clause32(1) of the seventh schedule and to a requirement to consult with the person elected to the position of Mayor and will only be used to matters that cannot wait for the first meeting of the new Council.
- c) any urgent decisions that need to be made during this period will require calling an extraordinary council meeting.
- d) delegation will exclude the awarding of the Swimming Pools contract.

In Favour: Crs Tania McInnes, Ann Court, Felicity Foy, Dave Hookway, Sally Macauley, Mate Radich, John Vujcich and Kelly Stratford

Against: Nil

CARRIED 8/0

RESOLUTION 2019/25

The amendment became the substantive motion

That Council

- a) **delegates all of its responsibilities, duties, and powers, other than those that are statute based, to the Chief Executive from 22 October 2019 to 30 October 2019.**
- b) **delegations will be subject to the limitations set out in the Local Government Act set out in Clause32(1) of the seventh schedule and to a requirement to consult with the person elected to the position of Mayor and will only be used to matters that cannot wait for the first meeting of the new Council.**
- c) **any urgent decisions that need to be made during this period will require calling an extraordinary council meeting.**
- d) **delegation will exclude the awarding of the Swimming Pools contract.**

In Favour: Crs Tania McInnes, Ann Court, Felicity Foy, Dave Hookway, Sally Macauley, Mate Radich, John Vujcich and Kelly Stratford

Against: Nil

CARRIED

15 CHIEF EXECUTIVE OFFICER

15.1 CEO REPORT TO COUNCIL 01 JUNE 2019 - 31 JULY 2019

Agenda item 12.1 document number A2602047, pages 140 - 183 refers

RESOLUTION 2019/26

Moved: Cr Tania McInnes

Seconded: Cr Ann Court

That the Council receive the report “CEO Report to Council 01 June 2019 - 31 July 2019“.

CARRIED

Note: Cr Hookway expressed disappointment that his request for information received on animal shelters and statistics on the compliance with monitoring and hygiene was not received as previously requested.

Note: Councillors wish to thank the Footpath and Cycleways Project Manager for his work being undertaken on the Footpaths with the Community Boards.

16 INFORMATION REPORTS

16.1 ELECTED MEMBER REPORT - ROAD CONTROLLING AUTHORITIES FORUM 2 AUGUST 2019

Agenda item 13.1 document number A2609439, pages 184 - 191 refers

RESOLUTION 2019/27

Moved: Cr Tania McInnes

Seconded: Cr John Vujcich

That Council note the report entitled “Elected Member Report - Road Controlling Authorities Forum dated 10 August 2019”.

CARRIED

The meeting was adjourned from 12.13 pm to 12.48 pm.

17 PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2019/28

Moved: Cr Tania McInnes

Seconded: Cr John Vujcich

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter 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 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 for the passing of this resolution

<p>14.1 - Confirmation of Previous Minutes - Public Excluded</p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>14.2 - Ground Lease Horeke Playcentre</p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>14.3 - Letter of Assurance to Provincial Growth Fund</p>	<p>s7(2)(b)(ii) - the withholding of the information is necessary 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 who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>14.4 - Kaeo Wastewater Scheme Telemetry System Upgrade</p>	<p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

	(including commercial and industrial negotiations)	
14.5 - Approval of Three Additional Building Consultants to BCA Supplier Panel	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
14.6 - Priority Seal Extension Programme 2019-2020	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
14.7 - Chief Executive Performance Agreement 2019/20	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
14.8 - Options and Recommendation to build Animal Shelters at Ngawha and Kaitaia	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
14.9 - Supporting information for consideration of options to build Animal Shelters	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

Against: Cr Dave Hookway

CARRIED**19 CONFIRMATION OF INFORMATION AND DECISIONS IN OPEN MEETING****RESOLUTION 2019/29**

Moved: Cr Tania McInnes

Seconded: Cr Felicity Foy

That Council confirms:

- a) that the information contained in the part of the meeting held with the public excluded is not to be restated in public meeting; and
- b) the following decisions contained in the part of the meeting held with the public excluded be restated in public meeting:

18.4 KAEO WASTEWATER SCHEME TELEMETRY SYSTEM UPGRADE**That Council:**

- a) endorses the Kaeo Wastewater Scheme Telemetry System Upgrade works be directly awarded to *REDACTED*.

18.5 APPROVAL OF THREE ADDITIONAL BUILDING CONSULTANTS TO BCA SUPPLIER PANEL**That the Council:**

- a) approve an addition of three suppliers to the Building Consent Supplier Panel.

18.6 PRIORITY SEAL EXTENSION PROGRAMME 2019-2020**That Council approves:**

- a) the sealing of unsealed sections of Porotu Road, Puketi Road and Koropewa Road, Kumi Road, Otangaroa Road and Church Road.

18.7 CHIEF EXECUTIVE PERFORMANCE AGREEMENT 2019/20

That the Council adopts the Chief Executive Performance Agreement for 2019-20 in Attachment 1 (A2610874), with the addition to 1. Critical Success Factors for the CE - Council Climate Change road map 2020 (notwithstanding any earlier requirement to prepare for a national resilience and adaptation deadline within 2020).

18.8 OPTIONS AND RECOMMENDATION TO BUILD ANIMAL SHELTERS AT NGAWHA AND KAITAIA**That Council:**

- a) approves the construction of additional kennels at Bonnets Road, Kaitiaia
- c) That the CEO undertake a re-examination of location preferences for the primary Southern Animal Care Facility and present a new proposal to Council.

CARRIED**20 MEETING CLOSE**

The meeting closed at 3.20 pm.

The minutes of this meeting were confirmed at the Ordinary Council meeting to be held on 3 October 2019.

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CHAIRPERSON