

**MINUTES OF FAR NORTH DISTRICT COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE
ON THURSDAY, 3 OCTOBER 2019 AT 10:00 AM**

PRESENT: Mayor John Carter (HWTM), 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), Adele Gardner (Te Hiku Community Board Chairperson), Shaun Reilly (Member Kaikohe-Hokianga Community Board), Rachel Smith (Member Bay of Islands-Whangaroa Community Board)

STAFF PRESENT: Shaun Clarke (Chief Executive Officer), William J Taylor MBE (General Manager - Corporate Services), Andy Finch (General Manager - Infrastructure and Asset Management), Dean Myburgh (General Manager - District Services), Darrell Sargent (General Manager Strategic Planning and Policy), Darren Edwards (General Manager Environmental, Community and Customer Services), Janice Smith (Chief Financial Officer), Jaime Dyhrberg (Executive Officer), George Swanepoel (In-house Counsel), Richard Edmondson (Manager - Communications), Caroline Wilson (Manager - District Administration), David Clamp (Manager - Infrastructure Project Delivery), Jill Coyle (Manager - People and Capability), Glenn Rainham (Manager - Infrastructure Operations), Sheryl Gavin (Manager - Corporate Planning and Community Development), Vicki Begbie (Manager - Business Development), Warren Ure (Procurement Specialist), Troy Smith (Graduate Engineer - 3 Waters), Gayle Andersen (Executive Assistant to GMSP). Aisha Huriwai (Team Leader - Governance Support), Melissa Wood (Meetings Administrator), Rachel Pull (Specialist Planner - Urban Design), Rachel Ropiha (Team Leader Maori Relationships), Roger Ackers (Manager - Strategy Development), Chris Sargent (Team Leader - Strategy), Caitlin Thomas (Strategic Planner), Brad Hedger (Resource Consents Engineer)

1 PRAYER

His Worship the Mayor commenced the meeting with a prayer.

2 DEPUTATIONS

BOI Watchdogs representative Leonie Exel spoke to the Council about dog pounds. A checklist document was tabled for Council's consideration.

Kathryn Starr representative from Friends of Kerikeri Domain spoke to the Council. A copy of their key points was distributed for the member's consideration.

3 MAYORAL ANNOUNCEMENTS

- Climate Change as an issue for Local Government
- National Political issues foreign input
- Roading matrix to be discussed later
- Cycle Way issue to be discussed later
- Commended the Hokianga iSITE brochure
- Koha Policy update circulated
- Final draft Annual Plan circulated to voting members

4 APOLOGIES AND DECLARATIONS OF INTEREST

APOLOGY

RESOLUTION 2019/31

Moved: Mayor John Carter

Seconded: Cr Tania McInnes

That the apology received from Chairperson Bay of Islands-Whangaroa Community Board Terry Greening, be noted.

CARRIED

5 NOTICE OF MOTION

5.1 NOTICE OF MOTION - BUS PARK HOURS BLENCOWE STREET KAITAIA

Agenda item 5.1 document number A2674268, pages 14 - 14 refers

RESOLUTION 2019/32

Moved: Cr Felicity Foy

Seconded: Mayor John Carter

That the hours of bus usage for the bus park on Blencowe Street in Kaitaia be reviewed to allow for more public use, and that the CEO/Staff complete diligence on the proposal in order to achieve a decision by 01 November 2019.

CARRIED

Cr Ann Court and Cr Dave Hookway recorded their votes against the motion.

Cr Mate Radich abstained from voting

6 CONFIRMATION OF PREVIOUS MINUTES

6.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 6.1 document number A2564574, pages 16 - 17 refers

RESOLUTION 2019/33

Moved: Mayor John Carter

Seconded: Cr Colin (Toss) Kitchen

That Council confirm that the minutes of:

- a) the meeting of the Far North District Council held 29 August 2019 are a true and correct record, subject to:

a correction to the note recorded in the Minutes under item 15.1 CEO Report to Council 01 June 2019 - 31 July 2019, should read "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."

- b) the extraordinary meeting of the Far North District Council held 5 September 2019 are

a true and correct record.

- c) the extraordinary meeting of the Far North District Council held 18 September 2019 are a true and correct record.

CARRIED

Attachments tabled at meeting

- 1 Extraordinary Council meeting 18 September 2019 - unconfirmed minutes

6.2 ALTERATION OF PREVIOUS DECISION - DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER DURING THE ELECTION PERIOD

Agenda item 6.2 document number A2681899, pages 32 - 35 refers

MOTION

Moved: Mayor John Carter

Seconded: Cr Tania McInnes

That Council alters its decision of 29 August 2019 to read as follows:

- a) delegates all of its responsibilities, duties, and powers, to the Chief Executive from 22 October 2019 to 30 October 2019 subject to;
 - i. the limitations set out in the Local Government Act set out in Clause32(1) of the seventh schedule,
 - ii. a requirement to consult with the person elected to the position of Mayor,
 - iii. matters that cannot wait for the first meeting of the new Council.
- b) delegation will exclude the awarding of the Swimming Pools contract.

AMENDMENT

Moved: Cr Dave Hookway

Seconded: Cr Kelly Stratford

- b) delegation will exclude the awarding of
 - i) the Swimming Pools contract
 - ii) the demolition tender of Kerikeri Pavilion

Cr Hookway requested a vote by division

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

Against: Mayor John Carter, Crs Ann Court and Colin (Toss) Kitchen

CARRIED 7/3

The amendment became the substantive resolution

RESOLUTION 2019/34

Moved: Cr Dave Hookway

Seconded: Cr Kelly Stratford

That the Council alters its decision of 29 August 2019 to read as follows:

- a) delegates all of its responsibilities, duties, and powers, to the Chief Executive from 22 October 2019 to 30 October 2019 subject to;
 - i. the limitations set out in the Local Government Act set out in Clause32(1) of

the seventh schedule,

ii. a requirement to consult with the person elected to the position of Mayor,

iii. matters that cannot wait for the first meeting of the new Council.

b) delegation will exclude the awarding of

i the Swimming Pools contract

ii the demolition tender of Kerikeri Pavilion

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

Against: Crs Ann Court and Colin (Toss) Kitchen

CARRIED 8/2

7 INFRASTRUCTURE AND ASSET MANAGEMENT GROUP

7.1 3 WATERS AND DISTRICT FACILITIES ASSET CONDITION ASSESSMENT PROGRAMME

Agenda item 7.1 document number A2639671, pages 35 - 41 refers

MOTION

Moved: Cr John Vujcich

Seconded: Cr Felicity Foy

That Council:

- a) Approves \$250,000 unbudgeted Operational expenditure for 2019/2020 to commence the programme of condition surveys.**
- b) Notes the requirement for \$9 Million Operational funding over 10 years to implement a 3 Waters and District Facilities asset condition assessment programme. This requirement to be reflected in the 2020/2021 Annual Plan and 2021/2031 Long Term Plan.**
- c) Notes that there will be an ongoing requirement for Operational funding post 2031 for ongoing asset condition monitoring.**

AMENDMENT

Moved: Cr Felicity Foy

Seconded: Cr Kelly Stratford

- b) Notes the requirement for \$9 Million Operational funding over 10 years to implement a 3 Waters and District Facilities asset condition assessment programme. This requirement to be reflected in the 2020/2021 Annual Plan and 2021/2031 Long Term Plan; and acknowledging that future opportunities for funding from the long term asset funding project may arise.**

Cr Hookway requested a vote by division

In Favour: Mayor John Carter, Crs Ann Court, Felicity Foy, Colin (Toss) Kitchen, Sally Macauley, Mate Radich, John Vujcich and Kelly Stratford

Against: Cr Dave Hookway

Abstained: Cr Tania McInnes

CARRIED 8/1

The amendment became the substantive motion

RESOLUTION 2019/35

Moved: Cr Felicity Foy
Seconded: Cr Kelly Stratford

- a) Approves \$250,000 unbudgeted Operational expenditure for 2019/2020 to commence the programme of condition surveys.
- b) Notes the requirement for \$9 Million Operational funding over 10 years to implement a 3 Waters and District Facilities asset condition assessment programme. This requirement to be reflected in the 2020/2021 Annual Plan and 2021/2031 Long Term Plan; and acknowledging that future opportunities for funding from the long term asset funding project may arise.
- c) Notes that there will be an ongoing requirement for Operational funding post 2031 for ongoing asset condition monitoring.

CARRIED

8 STRATEGIC PLANNING AND POLICY GROUP**8.1 KERIKERI DOMAIN GOVERNANCE REPORT**

Agenda item 8.1 document number A2594185, pages 42 - 47 refers

RESOLUTION 2019/36

Moved: Cr Ann Court
Seconded: Cr Dave Hookway

That the item “Kerikeri Domain Governance Report” be left to lie on the table.

CARRIED

8.2 ADOPTION OF THE LAND DRAINAGE BYLAW 2019

Agenda item 8.2 document number A2613923, pages 57 - 81 refers

RESOLUTION 2019/37

Moved: Cr Ann Court
Seconded: Cr Sally Macauley

That Council:

- a) agree to make the following changes to the Land Drainage Bylaw 2019 prior to its adoption:
 - i) Modify section 3 Application to read as follows:
This bylaw applies to the land drainage areas identified in the schedule to this Bylaw.
 - ii) Modify section 4 Purpose as follows:
 - 1) Amend Clause 4.1 to read:

The purpose of this Bylaw is to regulate land drainage assets within the ~~Far North District~~ the land drainage areas identified in the

schedule to the Bylaw.

(2) Insert new Clause 4.3 is inserted:

“Note that this bylaw does not remove the need for any necessary resource consents (under the Resource Management Act 1991) from the Northland Regional Council.”

(iii) Add a note to the Definition of “Council”:

“Note that this bylaw does not remove the need for any necessary resource consents (under the Resource Management Act 1991) from the Northland Regional Council.”

(iv) Within the bylaw, clarify approval requirements by distinguishing between resource consents and approvals under the bylaw by making the following changes to the following sections:

6.1 “Without the prior ~~consent~~ **approval** of Council...”;

6.2 “...without having first obtained the prior written ~~consent~~ **approval** of Council...”;

7.1 “... without obtaining the prior written ~~consent~~ **approval** of Council...”;

7.2 “...Any owner applying for such ~~consent~~ **approval** shall...

8.1 “...without the prior written ~~consent~~ **approval** of Council

10.1 “...without the prior written ~~consent~~ **approval** of Council”;

12.1 “...without the prior written ~~consent~~ **approval** of Council...”;

12.2 “... without the prior written ~~consent~~ **approval** of Council...”;

13.2 “... without the prior written ~~consent~~ **approval** of Council...”;

14.1 “... without the prior written ~~consent~~ **approval** of Council...”;

The draft bylaw text has been amended in accordance with the staff discussion.

- b) Determines under section 155 of the Local Government Act 2002, that Land Drainage Bylaw 2019:
- i) is the most appropriate form of bylaw
 - ii) does not give rise to any implications under the New Zealand Bill of Rights Act 1990
- c) Makes the Land Drainage Bylaw 2019 contained in Attachment 2 to come into effect on 7 October 2019.

CARRIED

Cr Hookway recorded his vote against the motion.

8.3 KOHA POLICY

Agenda item 8.3 document number A2659491, pages 133 - 135 refers

RESOLUTION 2019/38

Moved: Cr Kelly Stratford

Seconded: Cr John Vujcich

That Council adopt the Koha Policy.

CARRIED**Attachments tabled at meeting**

- 1 Amended Koha Policy (track changes)
- 2 Amended Guidelines and Process (Koha Policy)

8.4 CONTROL OF EARTHWORKS BYLAW 2019

Agenda item 8.4 document number A2660406, pages 141 - 144 refers

RESOLUTION 2019/39

Moved: Cr Ann Court
 Seconded: Cr John Vujcich

That Council determines under section 155 of the Local Government Act 2002, the Control of Earthworks Bylaw 2019:

- a) **Is the most appropriate form of bylaw.**
- b) **Does not give rise to any implications under the New Zealand Bill of Rights Act 1990.**
- c) **Makes the Control of Earthworks Bylaw 2019 contained in Attachment 1 to come into effect on 7 October 2019.**

CARRIED**8.5 WANDERING WITH ANCESTORS (VENTNOR) MEMORIAL RAWENE CEMETERY**

Agenda item 8.5 document number A2671254, pages 159 - 163 refers

Item 8.5 "Wandering with Ancestors (Ventnor) Memorial Rawene Cemetery" was withdrawn from the agenda at the request of the Chief Executive Officer.

9 CORPORATE SERVICES GROUP**9.1 LEASE - HOUHORA HEADS MOTOR CAMP**

Agenda item 9.1 document number A2593622, pages 169 - 172 refers

RESOLUTION 2019/40

Moved: Cr Tania McInnes
 Seconded: Mayor John Carter

That Council

- a) **Approves a public consultation process commence for a new lease on the Houhora Heads Recreation Reserve being Lot 1 & 2 DP 402482. The proposed lease is to the existing lessee; Houhora Head Motor Camp Limited and the main terms proposed are:**
 - Term: 21 years.**
 - Rent: Commercial rate determined by valuation.**
 - Right of Renewal: One further term of 21 years.**
- b) **Appoints the Te Hiku Community Board to hear any submissions received in response to the consultation process and to make recommendations to the Council in respect of**

the granting of the lease.

CARRIED

9.2 ADOPTION OF THE ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2019

Agenda item 9.2 document number A2620123, pages 174 - 175 refers

RESOLUTION 2019/41

Moved: Cr Ann Court
 Seconded: Cr John Vujcich

That Council:

- a) **Adopt the Annual Report for the year ended 30 June 2019.**
- b) **The General Manager Corporate Services is authorised to make any grammatical changes that may be required.**

CARRIED

Cr Hookway recorded his vote against the motion.

Attachments tabled at meeting

- 1 Final draft 2019 Annual Report

10 INFORMATION REPORTS

10.1 ELECTED MEMBER REPORT - 2019 LGNZ CONFERENCE

Agenda item 10.1 document number A2628992, pages 176 - 177 refers

RESOLUTION 2019/42

Moved: Mayor John Carter
 Seconded: Cr Colin (Toss) Kitchen

That Council note the report entitled “Elected Member Report - 2019 LGNZ Conference”

CARRIED

Cr Ann Court reiterated the requirement for all elected members to provide reports on conference / training attendance, noting Cr Stratford was not the only member to attend the LGNZ Conference.

10.2 RESIDENT OPINION SURVEY 2018/19

Agenda item 10.2 document number A2651049, pages 183 - 186 refers

RESOLUTION 2019/43

Moved: Cr Ann Court
 Seconded: Cr Tania McInnes

That the Council receive the report “Resident Opinion Survey 2018/19”.

CARRIED

Cr Foy left the meeting at 11:41 am and returned at 11:43 am.

10.3 RESULTS FROM THE ORGANISATIONAL SURVEY 2019

Agenda item 10.3 document number A2656778, pages 288 - 288 refers

RESOLUTION 2019/44

Moved: Cr Ann Court
 Seconded: Cr Felicity Foy

That the Council receive the report “Results from the Organisational Survey 2019”.

CARRIED

The meeting adjourned at 11:55 am and resumed at 12:06 pm.

11 PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2019/45

Moved: Mayor John Carter
 Seconded: Cr Tania McInnes

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>11.1 - Confirmation of Previous Minutes - Public Excluded</p>	<p>s6(a) - the making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial</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</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>

	enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	
11.2 - Extension of Current Swimming Pools Operations and Maintenance Contract	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
11.3 - Further Supporting Information for Consideration of Options to Build a Southern Animal Shelter	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
11.4 - Procurement Report for Panguru Flood Mitigation – Road Raising	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
11.5 - Loan to Manea Footprints of Kupe	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	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
11.1 - Te Pū o Te Wheke - Risk Identification (under separate cover)	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 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	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

	enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	
CARRIED		

12 CONFIRMATION OF INFORMATION AND DECISIONS IN OPEN MEETING

RESOLUTION 2019/46

Moved: Mayor John Carter
 Seconded: Cr Colin (Toss) Kitchen

That Council confirms the following decisions contained in the part of the meeting with the public excluded are to be restated in public meeting:

11.2 EXTENSION OF CURRENT SWIMMING POOLS OPERATIONS AND MAINTENANCE CONTRACT

- a) subject to written confirmation from CBEC Limited, approves extending the existing Swimming Pools Operations and Maintenance Contract to CBEC Limited for a term of *six months to 30 April 2020*, based on the terms and conditions of the current contract;
- b) delegates the authority, to the Chief Executive Officer, to award the six month contract extension including any subsequent non-material amendments.

11.3 FURTHER SUPPORTING INFORMATION FOR CONSIDERATION OF OPTIONS TO BUILD A SOUTHERN ANIMAL SHELTER

That:

- a) Council receive the report “Further supporting information for consideration of options to build the Southern Animal Shelter”.
- b) staff review the proposed Northern Animal Shelter to meet compliance and report back to Council.

11.4 PROCUREMENT REPORT FOR PANGURU FLOOD MITIGATION – ROAD RAISING

That:

- a) Council approves the contract to the value of *(redacted)* be awarded to *(redacted)* through the current FNDC Road Maintenance and Renewals Contracts for the Panguru flood mitigation works – Road Raising, West Coast Road.
- b) authority be delegated to the Chief Executive Officer to award a contract for the Panguru flood mitigation works – Road Raising, West Coast Road, within the approved budget of *(redacted)* including contingency.

CARRIED

13 MEETING CLOSE

The meeting closed at 2:49 pm.

The minutes of this meeting will be confirmed by the Chairperson and the Chief Executive Officer

.....
CHIEF EXECUTIVE OFFICER

.....
CHAIRPERSON

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