

**MINUTES OF FAR NORTH DISTRICT COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE
ON THURSDAY, 20 MAY 2021 AT 10.00 AM**

- PRESENT:** Mayor John Carter (HWTM), Deputy Mayor Ann Court, Cr David Clendon, Cr Felicity Foy (via Teams), Cr Mate Radich, Cr Rachel Smith, Cr Kelly Stratford, Cr Moko Tepania (via Teams), Cr John Vujcich
- IN ATTENDANCE:** Adele Gardner (Te Hiku Community Board Chairperson), Belinda Ward (Bay of Islands-Whangaroa Community Board)
- STAFF PRESENT:** Shaun Clarke (Chief Executive Officer), Andy Finch (General Manager Infrastructure and Asset Management), Dean Myburgh (General Manager District Services), William J Taylor, MBE (General Manager Strategic Planning and Policy - Acting), Jacine Warmington (General Manager - Corporate Services Acting)

1 KARAKIA TIMATANGA – OPENING PRAYER

His Worship the Mayor commenced the meeting and Cr John Vujcich opened the meeting with a prayer.

2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST

RESOLUTION 2021/17

Moved: Mayor John Carter
Seconded: Deputy Mayor Ann Court

That apologies from Cr Dave Collard be received and accepted.

CARRIED

3 DEPUTATION

Mr Doug Cowie representing Comm Unity Kiwi.

4 NGĀ KŌRERO A TE KOROMATUA / MAYORAL ANNOUNCEMENTS

- His Worship the Mayor received his first COVID-19 vaccination and encouraged others to get theirs as well.
- Darren Edwards returns to Far North District Council on 24 May 2021. Mayor Carter acknowledged Will Taylor, Jacine Warmington and Scott May for stepping in to different roles.
- Mayor Carter acknowledged and thanked Chief Digital Officer Damon Campbell who has done a fantastic job. He is leaving the Far North District Council at the end of May 2021.
- Friday is national Anti-Bullying Day. The Mayor encouraged everyone to wear a pink shirt to show support.
- Significant Natural Areas (SNA's); staff are doing their best to inform the public around this under the direction of the Northern Regional Council.
- Northland Adventure Experience Limited (NAX): good progress made.

- Māori Wards; the scheduled representation review has been postponed. His Worship the Mayor believes it's sensible for Council to get together and Iwi Leaders and MOU holders to work this through.
- Last day for Kath Curtin; His Worship the Mayor acknowledged and thanks Kath for her support. Deirdre Healy will move into the EA role.

5 CONFIRMATION OF PREVIOUS MINUTES

5.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 5.1 document number A3186894, pages 12 - 23 refers

RESOLUTION 2021/18

Moved: Mayor John Carter

Seconded: Deputy Mayor Ann Court

That Council:

- confirms the minutes of the Council meeting held on 08 April 2021 as a true and correct record.**
- confirms the minutes of the Extraordinary Council meeting held on 4 May 2021 as a true and correct record.**

CARRIED

Abstained: Cr Kelly Stratford

6 REPORTS

6.1 PAIHIA EV CHARGING STATION

Agenda item 6.1 document number A3160263, pages 23 - 30 refers

RESOLUTION 2021/19

Moved: Cr Rachel Smith

Seconded: Cr Kelly Stratford

That Council make the three identified adjoining parking spaces on Williams Road, Paihia, exclusively available for electric vehicles (EV) while charging.

CARRIED

6.2 NEW PARKING AND ROAD USE BYLAWS

Agenda item 6.2 document number A3183896, pages 31 - 36 refers

RESOLUTION 2021/20

Moved: Deputy Mayor Ann Court

Seconded: Cr Rachel Smith

That Council determine, under section 155(1) of the Local Government Act 2002, that two new bylaws regulating parking and road use, made under the Land Transport Act 1998, are the most appropriate way of addressing the problems in the Far North District:

- competition for space in the central business districts.**

ii) congestion in the central business districts.**CARRIED****6.3 CONTROL OF ON-SITE WASTEWATER DISPOSAL SYSTEMS BYLAW**

Agenda item 6.3 document number A3183918, pages 37 - 50 refers

RESOLUTION 2021/21

Moved: Cr John Vujcich

Seconded: Deputy Mayor Ann Court

That Council agree, under section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing problems related to the maintenance of on-site wastewater disposal systems in the Far North District.

CARRIED**6.4 REVIEW OF PSYCHOACTIVE SUBSTANCES LOCAL APPROVED PRODUCTS POLICY 2014**

Agenda item 6.4 document number A3183935, pages 51 - 62 refers

RESOLUTION 2021/22

Moved: Cr Rachel Smith

Seconded: Cr Kelly Stratford

That Council:

- a) agree that the Psychoactive Substances Local Approved Policy has been reviewed; and that,**
- b) agree that the Psychoactive Substance Local Approved Policy should continue without amendment.**

CARRIED**6.5 PARKING ENFORCEMENT SERVICES**

Agenda item 6.5 document number A3193410, pages 63 - 70 refers

RESOLUTION 2021/23

Moved: Deputy Mayor Ann Court

Seconded: Cr Rachel Smith

That Council:

- a) makes application for the delegation to enforce stationary parking offences on State Highway from Waka Kotahi (the New Zealand Transport Agency); and**
- b) commences a trial period of enforcing stationary vehicle Warrants of Fitness and Registration offences across the district.**

CARRIED

6.6 EXECUTIVE REVIEW COMMITTEE DELEGATIONS AND APPOINTMENT OF DEPUTY CHAIRPERSON TO THE COMMITTEE

Agenda item 6.6 document number A3173167, pages 71 – 75 refers

RESOLUTION 2021/24

Moved: Cr John Vujcich

Seconded: Cr Mate Radich

That Council:

- a) adopt the revised Executive Review Committee delegations.
- b) appoint Councillor Stratford as the Deputy Chairperson of the Executive Review Committee.

CARRIED

Abstained: Cr Kelly Stratford

6.7 APPOINTMENT FOR PAPAKĀINGA DEVELOPMENT - KAITĀIA EXPERT CONSENTING PANEL

Agenda item 6.7 document number A3184429, pages 76 - 80 refers.

RESOLUTION 2021/25

Moved: Cr John Vujcich

Seconded: Cr Rachel Smith

That Far North District Council nominate Councillors Clendon and Stratford to be considered as a panel member on the Papakāinga Development – Kaitāia Expert Consenting Panel.

CARRIED

Abstained: Crs David Clendon and Kelly Stratford

6.8 TE HIKU COMMUNITY BOARD CHAIRPERSON - APPOINTMENT TO COMMITTEES

Agenda item 6.8 document number A3187304, pages 81 - 83 refers

RESOLUTION 2021/26

Moved: Cr John Vujcich

Seconded: Cr Rachel Smith

That Council:

- I. appoint Adele Gardner as a member of the Assurance, Risk and Finance Committee; and,
- II. remove Adele Gardner from the Regulatory and Compliance Committee.

CARRIED

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2021/27

Moved: Mayor John Carter

Seconded: Deputy Mayor Ann Court

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
6.9 Review On Erosion Issues For Freese Park	S7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege.	s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege

CARRIED

The meeting adjourned at 11:44 am and reconvened at 12 noon.

6.9 REVIEW ON EROSION ISSUES FOR FREESE PARK

Agenda item 6.9 document number A3103032, pages 84 - 101 refers

MOTION

Moved: Mayor John Carter

Seconded: Cr John Vujcich

That Council approves:

- a) the Freese Park Erosion Management Consultation Strategy summarised in this report.
- b) the proposal to present concept designs 1A, 1B and 2 during public consultation, as presented in Attachment A.

and notes:

- c) that an extensive investigation has been conducted into the coastal erosion processes at Freese Park
- d) that erosion of the foreshore is occurring at a rate of approximately 0.7m/yr.
- e) a high-level options assessment has led to the selection of 'hold the line' as a preferred solution to the erosion issue. This will involve constructing a rock riprap structure of some description at the existing alignment of the erosion scarp. Advancing the seawall seawards towards the Mean High-Water Springs (MHWS) mark is also possible but is dependent on cost, consenting and public preference. Two options (one option includes two sub-options) have been presented (Attachment A).

AMENDMENT

Moved: Cr David Clendon

Seconded: Cr Rachel Smith

That Council approves

- b) the proposal to present concept designs 1A, 1B, 2 and 3 during public consultation, as presented in Attachment A.

CARRIED

Abstained: Crs David Clendon and Kelly Stratford

The amendment became the substantive motion.

RESOLUTION 2021/28

Moved: Cr David Clendon

Seconded: Cr Rachel Smith

That Council approves:

- a) the Freese Park Erosion Management Consultation Strategy summarised in this report.
- b) the proposal to present concept designs 1A, 1B, 2 and 3 during public consultation, as presented in Attachment A.

and notes:

- c) that an extensive investigation has been conducted into the coastal erosion processes at Freese Park.
- d) that erosion of the foreshore is occurring at a rate of approximately 0.7m/yr.
- e) a high-level options assessment has led to the selection of 'hold the line' as a preferred solution to the erosion issue. This will involve constructing a rock riprap structure of some description at the existing alignment of the erosion scarp. Advancing the seawall seawards towards the Mean High-Water Springs (MHWS) mark is also possible but is dependent on cost, consenting and public preference. Two options (one option includes two sub-options) have been presented (Attachment A).

CARRIED

Against: Cr Rachel Smith

6.10 LEASE 13 HOMESTEAD ROAD TO MID NORTH TILING LTD

Agenda item 6.10 document number A3155713, pages 102 - 105 refers

RESOLUTION 2021/29

Moved: Deputy Mayor Ann Court

Seconded: Cr Kelly Stratford

That Council:

- a) approves a lease for the property at 13 Homestead Road, Kerikeri being Lot 1 DP 86471 to Mid-North Tiling Ltd at or as close to market rent as possible and on standard commercial lease terms.
- b) approves that the lease shall be for a maximum term of 3 years commencing 1 June 2021 and shall contain a clause that enables Council to terminate the lease giving at least six months' notice should at any time during the term Council requires possession of any part or the whole of the property.
- c) approves that the GM Corporate Services is authorised to negotiate the final rent and terms and conditions of the lease.

CARRIED

THE MEETING ADJOURNED AT 1:15 PM AND RESUMED AT 1:30PM

7 INFORMATION REPORTS

Cr Stratford returned to the meeting 1:38 pm.

7.1 COMMUNITY BOARD UPDATES APRIL 2021

Agenda item 7.1 document number A3190781, pages 106 - 121 refers

RESOLUTION 2021/30

Moved: Mayor John Carter
 Seconded: Cr John Vujcich

That Council note the following Community Board minutes:

- a) Bay of Islands-Whangaroa Community Board, 1 April 2021
- b) Te Hiku Community Board, 6 April 2021
- c) Kaikohe-Hokianga Community Board, 7 April 2021

CARRIED

8 PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2021/31

Moved: Mayor John Carter
 Seconded: Cr Mate Radich

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>8.1 - 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)(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)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or</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>

	disadvantage, commercial activities	
8.2 - Rating Valuation and Database Maintenance Services Contract	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
8.3 - Governance of Northland Adventure Experience Limited (NAX)	s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority	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
8.4 - Lease 11 Matthews Ave, Kaitaia (former Warehouse) to Northland DHB	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)(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

CARRIED

9 CONFIRMATION OF INFORMATION AND DECISIONS TO BE RELEASED IN PUBLIC

Resolution 2021/32

Moved: Mayor John Carter

Seconded: Cr Kelly Stratford

That Council confirms that the information and decisions contained in the part of the meeting held with public excluded be restated in public meeting as follows:

- **Item 8.3 Governance Of Northland Adventure Experience Limited (NAX)**

8.3 GOVERNANCE OF NORTHLAND ADVENTURE EXPERIENCE LIMITED (NAX)

Agenda item 8.3 document number A3084535, pages 22 - 98 refers

RESOLUTION 2021/32

Moved: Mayor John Carter

Seconded: Cr Mate Radich

That Council approve and endorse the Chief Executive signing of the:

- a) **Northern Adventure Experience Ltd Shareholders Agreement.**
- b) **Share Transfer Certificate.**
- c) **Shareholders Resolution.**

and that Council:

- d) **approve the Northern Adventure Experience Ltd Constitution.**

CARRIED

Abstained: Cr Mate Radich

Carried

Abstained: Cr Mate Radich

Attachments tabled at meeting

- 1 Item 8.3 Public Excluded - Governance of Northland Adventure Experience Limited

10 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

CR STRATFORD CLOSED THE MEETING WITH A KARAKIA.

11 MEETING CLOSE

The meeting closed at 2:49 pm.

The minutes of this meeting were confirmed at the Council Meeting held on 1 July 2021.

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CHAIRPERSON