

**MINUTES OF FAR NORTH DISTRICT COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE  
ON THURSDAY, 1 JULY 2021 AT 1.01 PM**

**PRESENT:** Mayor John Carter (HWTM), Cr Ann Court, Cr David Clendon, Cr Dave Collard, Cr Felicity Foy, Cr Mate Radich, Cr Rachel Smith, Cr Kelly Stratford, Cr Moko Tepania, Cr John Vujcich

**IN ATTENDANCE:** Mike Edmonds (Kaikohe-Hokianga Community Board Chairperson via Microsoft TEAM's), Adele Gardner (Te Hiku Community Board Chairperson), Frank Owen (Bay of Islands-Whangaroa Community Board Deputy Chairperson), Andy Nock (Chief Executive Officer – Far North Holdings Limited), Chris Galbraith (General Manager - Far North Holdings Limited), Irwin Wilson (Business Development Manager - Far North Holdings Limited)

**STAFF PRESENT:** Shaun Clarke (Chief Executive Officer), Janice Smith (General Manager Corporate Services - Acting), Dean Myburgh (General Manager District Services), Andy Finch (General Manager Infrastructure and Asset Management), Roger Ackers (General Manager Strategic Planning and Policy - Acting)

## **1 KARAKIA TIMATANGA – OPENING PRAYER**

His Worship the Mayor commenced the meeting with the Council prayer.

## **2 DEPUTATION**

- Danny Simms representing Doubtless Bay Promotions Inc., presented on the proposed expansion of the Mangonui Heritage Precinct.
- The Mayor acknowledged representatives Andy Nock, Chris Galbraith and Irwin Wilson from Far North Holdings Limited for the work undertaken to date on the Ngawha Innovation and Enterprise Park.
- Andy Nock (Chief Executive Officer - Far North Holdings) provided an update presentation on the Paihia Waterfront Redevelopment.

### **Attachments tabled at meeting**

- 1 Deputation Notes - Danny Simms - Mangonui Heritage Precinct
- 2 Deputation - Danny Simms - Map of Mangonui Heritage Precinct
- 3 Presentation - Danny Simms - Mangonui Heritage Precinct
- 4 Presentation - Far North Holdings Limited - Paihia Waterfront Development

## **3 REPORT**

### **3.1 FAR NORTH HOLDINGS - PAIHIA WATERFRONT DEVELOPMENT**

Agenda item 6.5 document number A3244613, supplementary agenda pages 4 - 16 refers.

#### **RESOLUTION 2021/47**

Moved: Mayor John Carter  
Seconded: Deputy Mayor Ann Court

#### **That Council:**

- a) **notes the routine review of the Far North Holdings Limited Statement of Intent which**

**was considered at the 16 June 2021 Assurance Risk and Finance Committee.**

**In Favour:** Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Mate Radich, Rachel Smith, Moko Tepania and John Vujcich

**Against:** Cr Kelly Stratford

**CARRIED****b) notes the critical infrastructure at risk on Paihia Waterfront and the value of the Provincial Growth Funding (\$8m) to support a solution.**

**In Favour:** Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Mate Radich, Rachel Smith, Kelly Stratford, Moko Tepania and John Vujcich

**CARRIED****c) notes the inclusion of Council budget (\$5,845,158) in the Long Term Plan to support this development and that this is a pre-condition of MBIE funding.**

**In Favour:** Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Mate Radich, Rachel Smith, Kelly Stratford, Moko Tepania and John Vujcich

**CARRIED****d) confirms that it does not intend to intervene in FNHL's delivery of the Paihia Waterfront joint PGF/Council funded project as planned.**

**In Favour:** Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Mate Radich, Rachel Smith, Kelly Stratford and John Vujcich

**Abstained:** Cr Moko Tepania

**CARRIED****4 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST**

Nil

**5 NGĀ KŌRERO A TE KOROMATUA / MAYORAL ANNOUNCEMENTS**

- Acknowledged Frank Owen, Bay of Islands-Whangaroa Community Board Deputy Chair for his attendance and acknowledged that today is his birthday today.
- Notified the Councillors of Cr Tepania's resignation from the Northland Adventure Experience Board and that Councillor Clendon would be appointed at the meeting on 12 August 2021 when a report will be presented at the Council meeting.
- The Mayor and Cr Radich provided an update on Te Oneroa-a-Tōhe Beach Board and the speed review.
- Cr Radich provided an update on the ownership of Kaimaumau Road. Two surveyors have looked into this issue separately and both agree that the road is not a private road.
- The Mayor is continuing to work with Central Government Ministers on Significant Natural Areas.
- The Mayor explained that there is a lot of action around the central government reforms with building, resource management and climate change and that he will do his best to provide updates.
- The Mayor noted his disappointed in the Department of Internal Affairs and their advertising/education of the Three Waters Reform.

- The Mayor noted that a paper that has been circulated to the Councillors on the Future of Local Government.

## **6 CONFIRMATION OF PREVIOUS MINUTES**

### **6.1 CONFIRMATION OF PREVIOUS MINUTES**

Agenda item 5.1 document number A3246610, pages 12 - 22 refers.

#### **RESOLUTION 2021/48**

Moved: Mayor John Carter

Seconded: Cr John Vujcich

**That Council confirm the minutes of the Council meeting held on 20 May 2021 as a true and correct record.**

**CARRIED**

## **7 REPORTS CONTINUED**

### **7.1 KŌKIRI AI TE WAKA HOURUA STRATEGY (SPORT NORTHLAND)**

Agenda item 6.1 document number A3259832, pages 23 - 65 refers.

#### **RESOLUTION 2021/49**

Moved: Cr Rachel Smith

Seconded: Cr Kelly Stratford

**That Council supports in principle the Kōkiri ai Te Waka Hourua Regional Sports, Active Recreation and Play Strategy to allow time to plan how this strategy will be resourced and implemented.**

**CARRIED**

**7.2 SUBSOIL LEASE TO FNHL - THE STRAND, RUSSELL**

Agenda item 6.2 document number A3243165, pages 66 - 78 refers.

**RESOLUTION 2021/50**

Moved: Cr Mate Radich  
Seconded: Cr Dave Collard

**That the Far North District Council:**

- a) **grants consent, pursuant to the Local Government Act 1974, to Far North Holdings Limited, for a new lease of the subsoil beneath The Strand, Russell; and that,**
- i) **Term: 14 years**
  - ii) **Annual Rental: \$1.00 plus GST (if any)**
  - iii) **Expiry Date: 30 June 2035**
  - iv) **Renewal: Nil**

**CARRIED**

Note: request a report be provided to the Bay of Islands-Whangaroa Community Board with practical solutions to address any health and safety issues and to prevent parking at the fill point locations.

**7.3 PROPOSAL TO CONSTRUCT AN EROSION PROTECTION STRUCTURE ON COUNCIL OWNED RESERVE, OMAPERE**

Agenda item 6.3 document number A3243104, pages 79 - 218 refers.

**RESOLUTION 2021/51**

Moved: Cr John Vujcich  
Seconded: Cr Dave Collard

**That Council:**

- a) **approves the construction of, and associated occupation with, an erosion protection structure on Far North District Council owned local purpose reserved legally described as Lot 5 DP196729; and**
- b) **approval is provided subject to a memorandum of encumbrance being recorded on the titles of Lot 1 DP196729 and Lot 1 DP310507 and that the encumbrance records the agreement that the owners of those properties:**
- i) **bear full responsibility for the maintenance, repair, removal of the seawall (if required) during its lifetime, and end of its lifetime.**
  - ii) **incur cost of the agreement construction and registration against title.**
  - iii) **notify FNDC of any variation or modification of the erosion protection structure**

**To avoid doubt, approval is given both within Council's capacity as the administering body of the reserve and an affected person within the meaning of Section 95 of the Resource Management Act 1991.**

**CARRIED**

In Favour: Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Mate Radich, Rachel Smith, Moko Tepania and John Vujcich

Abstained: Cr Kelly Stratford

Note: need to include climate change and erosion as part of the Reserves and Parks Policy review.  
At 2:30 pm, Cr Kelly Stratford left the meeting. At 2:32 pm, Cr Kelly Stratford returned to the meeting.

#### **7.4 ELECTED MEMBER CONFERENCE ATTENDANCE REPORT - 2021 COMMUNITY BOARDS CONFERENCE**

Agenda item 6.4 document number A3196920, pages 219 - 230 refers.

##### **RESOLUTION 2021/52**

Moved: Cr Rachel Smith  
Seconded: Cr Moko Tepania

**That Council note the report entitled 'Elected Member Conference Attendance Report – 2021 Community Boards Conference'.**

**CARRIED**

Note: Mike Edmonds (Kaikohe-Hokianga Community Board Chairperson) attendance costs to the Elected Member Conference was covered by Community Boards Executive Committee (CBEC).

At 2:36 pm, Cr Dave Collard left the meeting. At 2:38 pm, Cr Dave Collard returned to the meeting.

#### **7.5 REMITS FOR CONSIDERATION AT 2021 LGNZ AGM**

Agenda item 6.6 document number A3259790, Supplementary Agenda pages 17 - 99 refers.

##### **RESOLUTION 2021/53**

Moved: Mayor John Carter  
Seconded: Cr Kelly Stratford

**That the Far North District Council:**

**a) supports the following 2021 Local Government New Zealand Remits:**

**i) Rating Value of Forestry Land**

In Favour: Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Mate Radich, Rachel Smith and Moko Tepania

Against: Crs Kelly Stratford and John Vujcich

**CARRIED**

**ii) Funding of Civics Education**

In Favour: Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Mate Radich, Rachel Smith, Kelly Stratford, Moko Tepania and John Vujcich

**CARRIED**

**iii) Election Participation**

In Favour: Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Mate Radich, Rachel Smith, Kelly Stratford, Moko Tepania and John Vujcich

**CARRIED**

**iv) Carbon Emission Inventory Standards and Reduction Targets**

In Favour: Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard,

Felicity Foy, Mate Radich, Rachel Smith, Kelly Stratford, Moko Tepania and John Vujcich

**CARRIED**

**v) Liability - Buildings Consent Functions**

In Favour: Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Mate Radich, Rachel Smith, Kelly Stratford, Moko Tepania and John Vujcich

**CARRIED**

**i) Tree Protection**

In Favour: Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Mate Radich, Rachel Smith, Kelly Stratford, Moko Tepania and John Vujcich

**CARRIED**

At 2:40 pm, Mayor John Carter left the meeting and Deputy Mayor Ann Court took the Chair. At 2:42 pm, Mayor John Carter returned to the meeting.

**8 INFORMATION REPORTS**

**8.1 COUNCIL ACTION SHEET UPDATE JULY 2021**

Agenda item 7.1 document number A3246243, pages 231 - 241 refers.

**RESOLUTION 2021/54**

Moved: Mayor John Carter  
 Seconded: Cr Moko Tepania

**That Council receive the report Action Sheet Update July 2021.**

**CARRIED**

**8.2 ROAD CONTROLLING AUTHORITIES FORUM - DEPUTY MAYOR ANN COURT**

Agenda item 7.2 document number A3250439, pages 242 - 245 refers.

**RESOLUTION 2021/55**

Moved: Cr Ann Court  
 Seconded: Mayor John Carter

**That Council receive the report Road Controlling Authorities Forum - Deputy Mayor Ann Court.**

**CARRIED**

Note: The Chief Executive Officer and Deputy Mayor to continue investigating the possibility of creating a video/film on roading issues in the Far North District.

**8.3 CEO REPORT TO COUNCIL 01 MARCH 2021 - 30 APRIL 2021**

Agenda item 7.3 document number A3207496, pages 246 - 287 refers.

**RESOLUTION 2021/56**

Moved: Mayor John Carter  
 Seconded: Cr Ann Court

**That Council receive the report CEO Report to Council 01 March 2021 - 30 April 2021.**

**CARRIED**

The meeting was adjourned from 3.26 pm to 3.33 pm.

At 3:29 pm, Cr Mate Radich left the meeting.

**9 PUBLIC EXCLUDED**

**RESOLUTION TO EXCLUDE THE PUBLIC**

**RESOLUTION 2021/57**

Moved: Mayor John Carter  
 Seconded: Cr Moko Tepania

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:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<b>9.1 - Confirmation of Previous Minutes - Public Excluded</b>	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons  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)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority  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
<b>9.2 - Award of the Russell Landfill Operations, Waste and Recycling Contract</b>	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	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

	<p>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)(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>exist under section 6 or section 7</p>
<p><b>9.3 - Audit New Zealand Fraud Questionnaire for Governance - May 2021</b></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)(e) - the withholding of the information is necessary to avoid prejudice to measures that prevent or mitigate material loss to members of the public</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)(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>

**CARRIED**

At the conclusion of the public excluded session the meeting confirmed that decisions and information discussed with the public excluded would remain in public exclusion.

**10 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**

Cr Rachel Smith closed the meeting with a karakia/prayer.

**11 MEETING CLOSE**

**The meeting closed at 4.18 pm.**

**The minutes of this meeting will be confirmed at the Ordinary Council meeting to be held on 12 August 2021.**



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**CHAIRPERSON**