

**MINUTES OF FAR NORTH DISTRICT COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE
ON THURSDAY, 12 AUGUST 2021 AT 10.00 AM**

PRESENT: Mayor John Carter (HWTM), Deputy Mayor 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: Emma Davis (Kaikohe-Hokianga Community Board Deputy Chair), Adele Gardner (Te Hiku Community Board Chairperson), Belinda Ward (Bay of Islands-Whangaroa Community Board), Frank Owen (Bay of Islands-Whangaroa Community Board Deputy Chair)

STAFF PRESENT: Shaun Clarke (Chief Executive Officer), William J Taylor, MBE (General Manager Corporate Services), Dean Myburgh (General Manager District Services), Andy Finch (General Manager Infrastructure and Asset Management), Darren Edwards (General Manager Strategic Planning and Policy)

1 KARAKIA TIMATANGA – OPENING PRAYER

His Worship the Mayor declared the meeting open and Councillor Dave Collard commenced the meeting with a prayer.

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

No apologies or declarations of interest.

3 DEPUTATION

- Kerry Shanta – Footpath from Ahipara to Kaitaia – document number A13368132 refers.
- Dennis Corbett – Brownlie Project – document number A13368134 refers.

4 NGĀ KŌRERO A TE KOROMATUA / MAYORAL ANNOUNCEMENTS

Bravery Awards Ceremony

- Kohukohu Masonic Hotel – Kohukohu Volunteer Fire Fighters Neil Mathieson, Lindsey Davidson and Eva Walker, and local residents Shannon and Malcolm Tindall, Brian Crooks and Sean Butler.
- Pawarenga Floods – Macca Proctor.

Deputy Mayor Ann Court left the meeting at 10:55 am.

5 NOTICE OF MOTION

5.1 NOTICE OF MOTION - KAIMAUMAU ROAD

Agenda item 5.1 document number A3310921, pages 12 - 12 refers

MOTION

Moved: Cr Mate Radich
Seconded: Mayor John Carter

That the Far North District Council:

- a) place speed bumps on the tar seal in the village of Kaimaumau.
- b) remove all illegal obstacles (road tyres, signs, rocks) obstructing this road immediately.

AMENDMENT

Moved: Cr Felicity Foy
Seconded: Cr Dave Collard

- c) agree that traffic calming measures on the metal portion of Kaimaumau Road, along with sealing of the short section of road to the Kaimaumau toilets, be initiated and
- d) approve an unbudgetted figure of \$50k towards this project.

CARRIED

AGAINST: Cr Rachel Smith

The amendment becomes the substantive motion.

RESOLUTION 2021/58

Moved: Cr Mate Radich
Seconded: Mayor John Carter

That the Far North District Council:

- a) place speed bumps on the tar seal in the village of Kaimaumau.
- b) remove all illegal obstacles (road tyres, signs, rocks) obstructing this road immediately.
- c) agree that traffic calming measures on the metal portion of Kaimaumau Road, along with sealing of the short section of road to the Kaimaumau toilets, be initiated and
- d) approve an unbudgetted figure of \$50k towards this project.

CARRIED

6 CONFIRMATION OF PREVIOUS MINUTES

6.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 6.1 document number A3052380, pages 14 - 34 refers

RESOLUTION 2021/59

Moved: Mayor John Carter
Seconded: Cr John Vujcich

That Council confirm the minutes of the Council meetings held 24 June 2021 and 1 July 2021 are a true and correct record.

CARRIED

7 REPORTS

7.1 COUNCILLOR MATE RADICH - FORMAL REMOVAL FROM INFRASTRUCTURE COMMITTEE

Agenda item 7.1 document number A3308147, pages 35 - 37 refers

RESOLUTION 2021/60

Moved: Mayor John Carter

Seconded: Cr Felicity Foy

That Council update the Infrastructure Committee Terms of Reference to remove Councillor Mate Radich from the Infrastructure Committee.

CARRIED

7.2 2021 MEETING SCHEDULE AMENDMENT

Agenda item 7.2 document number A3305256, pages 38 - 41 refers

RESOLUTION 2021/61

Moved: Mayor John Carter

Seconded: Cr John Vujcich

That Council adopt the amended 2021 calendar as attached.

CARRIED

7.3 2021 REPRESENTATION ARRANGEMENTS REVIEW

Agenda item 7.3 document number A3240077, pages 42 - 54 refers

RESOLUTION 2021/62

Moved: Mayor John Carter

Seconded: Cr Moko Tepania

That the Far North District Council, in accordance with sections 19H and 19J and clauses 1 and 2 of Schedule 1A of the Local Electoral Act 2001, adopts the following as its initial proposal for public consultation the review of representation arrangements for at least the 2022 triennial local elections:

- a) **The Far North District Council to comprise the Mayor elected at large and 10 councillors elected under the ward system, specifically 6 general ward councillors and 4 Māori ward councillors.**
- b) **The Far North District Council be divided into 4 wards, these being:**
 - i) **Kaikohe-Hokianga General Ward (represented by 1 general ward councillor), comprising the area in the proposed Kaikohe-Hokianga General Ward map as shown on Attachment 1.**
 - ii) **Te Hiku General Ward (represented by 2 general ward councillors), comprising the area in the proposed Te Hiku General Ward map as shown on Attachment 2.**
 - iii) **Te Pēwhairangi-Whangaroa General Ward (represented by 3 general ward councillors), comprising the area in the proposed Te Pēwhairangi-Whangaroa General Ward map as shown on Attachment 3.**
 - iv) **Ngā Tai o Tokerau Māori Ward (represented by 4 Māori ward councillors),**

comprising the whole of the district in the proposed Māori Ward map as shown on Attachment 4.

- c) The Bay of Islands-Whangaroa name be proposed as Te Pēwhairangi-Whangaroa being the Māori name for Bay of Islands-Whangaroa.
- d) The Māori ward be named Ngā Tai o Tokerau.
- e) The above general wards are the current ward areas with the exception of the Kaikohe-Hokianga and the Te Pēwhairangi-Whangaroa ward boundaries to be altered as follows:
 - Meshblock 0037202 be added to the Te Pēwhairangi-Whangaroa General Ward from the Kaikohe-Hokianga General Ward.
 - Meshblock 0036401 be added to the Te Pēwhairangi-Whangaroa General Ward from the Kaikohe-Hokianga General Ward.
 - Meshblocks 0034600, 0034800 be added to the Te Pēwhairangi-Whangaroa General Ward from the Kaikohe-Hokianga General Ward.
- f) The number of Māori ward councillors complies with Schedule 1A of the Local Electoral Act 2001,
- g) The Far North District Council be divided into 3 subdivided communities, these being:
 - (i) Kaikohe-Hokianga Community subdivided into:
 - 1) Kaikohe Subdivision comprising the area in the proposed Kaikohe Subdivision map as shown on Attachment 5.
 - 2) North Hokianga Subdivision comprising the area in the proposed North Hokianga Subdivision map as shown on Attachment 6.
 - 3) South Hokianga Subdivision comprising the area in the proposed South Hokianga Subdivision map as shown on Attachment 7,

being the existing community board and subdivision areas with the exception of the Kaikohe-Hokianga Community Board subdivision boundaries to be altered as follows:

- a. Meshblocks 0032600, 0033200, 0033100, 0032700, 0033000 be added to the Kaikohe Subdivision from the South Hokianga Subdivision
- b. Meshblocks 0039200, 0039500, 0040501, 0040502, 0040601 and 0040602 to be added to the South Hokianga from the Kaikohe Subdivision

(ii) Te Hiku Community subdivided into:

- 1) Doubtless Bay Subdivision comprising the area in the proposed Doubtless Bay Subdivision map as shown on Attachment 8.
- 2) Kaitāia Subdivision comprising the area in the proposed Kaitāia Subdivision map as shown on Attachment 9.
- 3) North Cape Subdivision comprising the area in the proposed North Cape Subdivision map as shown on Attachment 10.
- 4) Whatuwhiwhi Subdivision comprising the area in the proposed Whatuwhiwhi Subdivision map as shown on Attachment 11.

being the current community board and subdivision areas with the exception of the Te Hiku Community Board subdivision boundaries to be altered as follows:

- a. Meshblock 0012701 be added to the Whatuwhiwhi Subdivision from the North Cape Subdivision

(iii) Te Pēwhairangi-Whangaroa Community subdivided into:

- 1) Kawakawa-Moerewa Subdivision comprising the area in the proposed Kawakawa-Moerewa Subdivision map as shown on Attachment 1.**
- 2) Kerikeri Subdivision comprising the area in the proposed Kerikeri Subdivision map as shown on Attachment 13.**
- 3) Paihia Subdivision comprising the area in the proposed Paihia Subdivision map as shown on Attachment 14.**
- 4) Russell-Ōpua Subdivision comprising the area in the proposed Russell-Ōpua Subdivision map as shown on Attachment 15.**
- 5) Waipapa Subdivision comprising the area in the proposed Waipapa Subdivision map as shown on Attachment 16.**
- 6) Whangaroa Subdivision comprising the area in the proposed Whangaroa Subdivision map as shown on Attachment 17.**

being the existing community board and subdivision areas with the exception of the Te Pēwhairangi-Whangaroa Community Board subdivision boundaries to be altered as follows:

- a. Meshblock 0047701 be added to the Kawakawa-Moerewa Subdivision from the Russell-Ōpua Subdivision**
- b. Meshblocks 0046100, 0046400, 0046700, 0046801, 0047801 be added to the Russell-Ōpua Subdivision from the Kawakawa-Moerewa Subdivision**
- c. Meshblocks 4009371, 4009372, 0043905, 0044701 be added to the Kerikeri Subdivision from the Whangaroa Subdivision**
- d. Meshblocks 0033600, 0033800, 0043902, 0043904, 0043905, 0043907, 0044003, 0044004, 0044005, 0044008, 0044503, 0044504, 0044505, 0044506, 0044507, 0044508, 0044603, 0044604, 0044605, 0044606, 0044607, 0044608, 0044609, 0044701, 0044703, 0044801, 4007581, 4007583, 4008359, 4008360, 4008361, 4009371, 4009372, 4010073, 4011285, 4011286, 4011319 be added to the Waipapa Subdivision from the Kerikeri Subdivision**

h) There be 19 community board members, being:

(i) 7 members elected from the Te Pēwhairangi-Whangaroa Community Board comprising:

- 1) Kawakawa-Moerewa Subdivision – 1 member**
- 2) Kerikeri Subdivision – 2 members**
- 3) Paihia Subdivision – 1 member**
- 4) Russell-Ōpua Subdivision – 1 member**
- 5) Waipapa Subdivision – 1 member**
- 6) Whangaroa Subdivision – 1 member**

and 1 member of the Council representing the Te Pēwhairangi-Whangaroa Ward appointed to the community board by Council

(ii) 6 members elected from the Kaikohe-Hokianga Community Board comprising:

- 1) Kaikohe Subdivision – 3 members**
- 2) North Hokianga Subdivision – 1 member**
- 3) South Hokianga Subdivision – 2 members**

and 1 member of the Council representing the Kaikohe-Hokianga Ward appointed to the community board by Council

(iii) 6 members elected from the Te Hiku Community Board comprising:

- 1) Doubtless Bay Subdivision – 1 member
- 2) Kaitāia Subdivision – 3 members
- 3) North Cape Subdivision – 1 member
- 4) Whatuwhiwhi Subdivision – 1 member

and 1 member of the Council representing the Te Hiku Ward appointed to the community board by Council

i) The reasons for the boundary alterations to the wards and community board subdivisions are:

(i) the adjustments ensure that communities of interest that were split are now rectified

(ii) in rectifying the communities of interest, the adjustments largely comply with section 19V Local Electoral Act 2001 (the fair representation criteria) with the exceptions of:

- Te Hiku General Ward
- North Cape Subdivision of the Te Hiku Community Board
- Whangaroa Subdivision of Te Pēwhairangi-Whangaroa Community Board
- Russell-Ōpua Subdivision of Te Pēwhairangi-Whangaroa Community Board
- South Hokianga Subdivision of Kaikohe-Hokianga Community Board
- Kaikohe Subdivision of Kaikohe-Hokianga Community Board

(iv) the affected meshblocks are contiguous, have no physical divisions and are similar to the surrounding land.

And that the formal, legislative consultative process and the following timetable be adopted.

Council Resolution (Initial)	12 August 2021 (last legal date 31 August 2021) (section 19H, LEA)
Public Notice	20 August 2021 (within 14 days of resolution) (section 19M, LEA)
Public Submission Period	20 August to 1 October 2021 (six weeks) (section 19M, LEA)
Submissions Heard	14-15 October 2021 (section 19M, LEA)
Council Resolution (Final)	4 November 2021 (section 19N, LEA)
Public Notice	12 November 2021 (within 6 weeks of close of submissions) (section 19N, LEA)
Public Objection Period	12 November to 13 December 2021 (one month) (section 19N, LEA)
Forward Material to LGC	By 24 December 2021 (if required) (section 19Q, LEA)

Note that if section 19V Local Electoral Act 2001 has not been complied (+/- 10% rule), the matter is treated as an objection and automatically referred to the Local Government Commission for determination, such determination to be made by 10 April 2022.

And that the hearing of any representation arrangements review submissions received be heard by Council on 14-15 October 2021.

AMENDMENT

Moved: Cr Felicity Foy

Seconded: Cr Dave Collard

Ngā Tai o Tokerau Māori Ward (represented by 4 Māori Ward councillors), comprising of 2 Māori Ward Councillors from the North and 2 Māori Ward Councillors from the South of the district, in the proposed Māori Ward map as shown on Attachment 4.

LOST

CARRIED

7.4 KOUTU MANGEROA PICNIC AREA ENCROACHMENT

Agenda item 7.4 document number A3264735, pages 74 - 80 refers

MOTION

- a) That Council engage with the kaitiaki of the Koutū Mangeroa Picnic Area to formalise a Kaitiaki Agreement for the lawful use of the area as a campground.
- b) That Council engage with the kaitiaki to obtain the necessary consents under the Resource Management Act, Local Government Act and Health Act to facilitate the lawful use of the area as a campground.

AMENDMENT

Moved: Mayor John Carter

Seconded: Cr Rachel Smith

That Council

- a) refer this back to the Kaikohe-Hokianga Community Board for consideration.
- b) agree that a final report be presented to Council no later than December 2021.

CARRIED

The amendments became the substantive motion.

RESOLUTION 2021/63

Moved: Mayor John Carter

Seconded: Cr Rachel Smith

That Council

- a) **refer this back to the Kaikohe-Hokianga Community Board for consideration.**
- b) **agree that a final report be presented to Council no later than December 2021.**

CARRIED

7.5 APPOINTMENT OF DIRECTOR TO THE BOARD OF NORTHLAND ADVENTURE EXPERIENCE LIMITED 2

Agenda item 7.5 document number A3307299, pages 81 - 84 refers

RESOLUTION 2021/64

Moved: Cr Moko Tepania

Seconded: Mayor John Carter

That Council:

- a) **formally note the resignation from Councillor Moko Tepania from the Northland Adventure Experience Limited Board,**

CARRIED

b) **appoint Councillor David Clendon as a Director on the Northland Adventure Experience Limited Board;**

CARRIED

c) **agree to indemnify Councillor Clendon for professional negligence as a director when acting in good faith in his capacity as a director.**

CARRIED

AGAINST Crs Rachel Smith and Vujcich against

CARRIED

NOTE:

- Mayor John Carter acknowledged Cr Moko Tepania for his representation on the NAX committee.
- Democracy Services to send copy of today's Council minutes to the Northland Adventure Experience Limited Board

7.6 POU HERENGA TAI TWIN COAST CYCLE TRAIL BYLAW REVIEW

Agenda item 7.6 document number A3307827, pages 85 - 104 refers

RESOLUTION 2021/65

Moved: Cr John Vujcich
Seconded: Cr Rachel Smith

That Council:

- a) **agree, under section 155(1) of the Local Government Act 2002, that a Bylaw is the most appropriate way of addressing problems related to the Pou Herenga Tai - Twin Coast Cycle Trail.**
- b) **agree, under section 155(2) of the Local Government Act 2002, that the current Pou Herenga Tai - Twin Coast Cycle Trail Bylaw is not the most appropriate form because:**
 - i) **it is not consistent with relevant laws and legislation**
 - ii) **it is not certain.**
- c) **agree, the Pou Herenga Tai - Twin Coast Cycle Trail Bylaw be continued with amendment to:**
 - i) **ensure consistency with relevant laws and legislation**
 - ii) **improve certainty**
- d) **note, that under section 155(2) of the Local Government Act 2002, a full analysis of any implications regarding the Pou Herenga Tai - Twin Coast Cycle Trail Bylaw under the New Zealand Bill of Rights Act 1990 cannot be completed until the amendments to the bylaw have been written.**
- e) **agree that a draft policy for the Pou Herenga Tai Twin Cost Cycle Trail Bylaw be presented to the Strategy and Policy Committee in the first quarter of 2022 prior to consultation.**

CARRIED

ABSTAIN: Cr Mate Radich

8 INFORMATION REPORTS

8.1 THREE WATERS REFORM

Agenda item 8.1 document number A3301784, pages 105 - 206 refers

RESOLUTION 2021/66

Moved: Mayor John Carter

Seconded: Cr John Vujcich

That Council:

- a) will provisionally opt out of the Three Waters Reform until such a time as more information comes to light to enable an informed decision to be made by Council.

CARRIED

AGAINST: Crs Rachel Smith, Kelly Stratford and Moko Tepania.

- b) Staff report back to the 4 November 2021 Council meeting with the findings of the detailed analysis required to be undertaken by Councils during August and September.

CARRIED

- c) work with our neighbouring Councils, those being Whangarei, Kaipara and Northland Regional Council, in an attempt to find a water entity and governance structure that suits our region; and

CARRIED

- d) consult with our community on this issue and if necessary hold a referendum in our district on the issue, initially using its quarterly poll to get an indication and initial feedback.

CARRIED

Deputy Mayor Ann Court returned to the meeting 12:22 pm.

Meeting adjourned 12:23 pm – 1:00 pm

8.2 COMMUNITY BOARD UPDATES JULY 2021

Agenda item 8.2 document number A3308100, pages 207 - 222 refers

RESOLUTION 2021/67

Moved: Mayor John Carter

Seconded: Cr John Vujcich

That Council note the following Community Board minutes:

- a) Te Hiku Community Board, 6 July 2021.
b) Kaikohe-Hokianga Community Board, 7 July 2021.
c) Bay of Islands-Whangaroa Community Board, 8 July 2021.

CARRIED

8.3 COUNCIL ACTION SHEET UPDATE AUGUST 2021

Agenda item 8.3 document number A3308085, pages 223 - 240 refers

RESOLUTION 2021/68

Moved: Cr Ann Court
 Seconded: Cr Felicity Foy

That Council receive the report Action Sheet Update August 2021.

CARRIED

9 PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2021/69

Moved: Mayor John Carter
 Seconded: Cr 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
<p>9.1 - 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 disadvantage, commercial activities</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>9.2 - Rating Sale Endorsement Bay of Islands-Whangaroa</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>9.3 - FNDC Contract No 7/21/150 Community Road Safety Promotion Activity Services - Contract Award</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>9.4 - Far North Housing Opportunities</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>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>9.5 - Chief Executive Employment Section 35 Review</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>

CARRIED

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

10 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

11 MEETING CLOSE

The meeting closed at 3:55pm.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 23 September 2021.

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CHAIRPERSON