

**MINUTES OF FAR NORTH DISTRICT COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE VIRTUALLY VIA MICROSOFT TEAMS
ON THURSDAY, 24 FEBRUARY 2022 AT 10:00 AM**

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

APOLOGY: Deputy Mayor Ann Court

IN ATTENDANCE: Mike Edmonds (Kaikohe-Hokianga Community Board Chairperson), Adele Gardner (Te Hiku Community Board Chairperson), Belinda Ward (Bay of Islands-Whangaroa Community Board),

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 commenced the meeting and Cr Moko Tepania opened with a karakia.

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

2.1 APOLOGIES

RESOLUTION 2022/1

Moved: Mayor John Carter

Seconded: Cr Kelly Stratford

That Council receive the apology from Deputy Mayor Ann Court and a leave of absence be granted.

CARRIED

3 NGĀ KŌRERO A TE KOROMATUA / MAYORAL ANNOUNCEMENTS

- Kaikohe-Hokianga Community Board matters: Mayor Carter will invite the Board Chair to share his thought on the following during item 7.5:
 - Speed reductions in Opononi
 - Okaihau Reserve Lease defer to Community Board meeting.
- Kaitaia Dam – Mayor Carter acknowledged Ngakahu Trust and the elected members working on this project (item 7.4 refers)
- Kaitaia Small Town Award – Mayor Carter acknowledged the community along with the elected members who champion their community along with Council support.
- Flexible Working Award – Mayor Carter congratulated and acknowledged all FNDC Staff.
- Kaimaumau Fire – Mayor Carter acknowledged and complimented FENZ, Ngai Takoto, local businesses, the community and local Farmers for the work that has already been done.
 - COVID19 – Mayor Carter provided an update
 - Mayor Carter welcomed all guests and deputations.

4 NGĀ TONO KŌRERO / DEPUTATION

- Shaun Johnson representing Merlin Labs and Space Aero. (Presentation provided document number A3609041 refers).

3 CONFIRMATION OF PREVIOUS MINUTES

5.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 5.1 document number A3538366, pages 12 – 27 refers.

RESOLUTION 2022/2

Moved: Mayor John Carter

Seconded: Cr Moko Tepania

That Council confirms as a true and correct record the minutes of the Council meetings as follows;

- 14 December 2021 (Extraordinary)**
- 16 December 2021**

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

Against: Nil

CARRIED

4 REPORTS

6.1 FAR NORTH HOLDINGS LIMITED – AMENDMENT TO COMPANY STRUCTURE

Agenda item 6.1 document number A3567181, pages 28 – 36 refers.

RESOLUTION 2022/3

Moved: Mayor John Carter

Seconded: Cr John Vujcich

That Council, as the sole shareholder of Far North Holdings Limited approve the proposal to create two wholly owned subsidiaries: Bay of Islands Marina Ltd and Far North Housing Ltd.

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

Against: Nil

CARRIED

6.2 FAR NORTH HOLDINGS LIMITED BOARD APPOINTMENTS

Agenda item 6.2 document number A3567179, pages 37 – 47 refers.

RESOLUTION 2022/4

Moved: Mayor John Carter

Seconded: Cr Kelly Stratford

That Council:

- Extend the tenure for Kevin Baxter on a month by month basis until 31 May 2022, or**

earlier when his replacement has been appointed.

- b) establish an “Appointment to Council Organisation Committee” in line with the Appointment and Remuneration of Directors of Council Organisations Policy (#2117).
- c) make the following appointments to the Committee;
 - i) External Commercial Advisor
 - ii) Council representative #1 Mayor John Carter
 - iii) Council representative #2 Cr John Vujcich

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

CARRIED

6.3 COMMITTEE RECOMMENDATIONS AND RESOLUTIONS - FEBRUARY 2022

Agenda item 6.3 document number A3584759, pages 48 - 66 refers.

RESOLUTION 2022/5

Moved: Cr Rachel Smith
 Seconded: Cr Moko Tepania

That Council:

- a) agree, the Access and Equity for People with Disabilities Policy should continue with amendment; and,
- b) agree, a Regional Accessibility strategy is the most appropriate way to address access to Council services, facilities, and assets in the Far North.
- c) note, under section 102 of the Gambling Act 2003 and section 97 of the Racing Industry Act 2020, the Class 4 Gaming and TAB Venue Policy has been reviewed regarding the social impacts of gambling in the Far North District
- d) approve, under section 102 of the Gambling Act 2003, that the Class 4 venues policy component of the Class 4 Gaming and TAB Venue Policy continue with amendment to improve certainty
- e) approve, under section 102 of the Gambling Act 2003, that the relocation policy component of the Class 4 Gaming and TAB Venue Policy continue with amendment to further align with the intent of the Class 4 gaming sinking lid policy
- f) approve, under section 97 of the Racing Industry Act 2020, that the TAB venues policy component of the Class 4 Gaming and TAB Venue Policy be replaced by a sinking lid policy.
- g) approve, pursuant to section 5A of the Shop Trading Hours Act 1990, a new Easter Sunday Trading Policy be developed allowing shops to open on Easter Sunday across the whole of the Far North District.
- h) agree to the recommendations in the staff report on submissions and recommendation for consideration in attachment 1 that:
 - i) No changes are made to clauses 1, 2, 3, 4, 5, 9, and 10.
 - ii) Clause 6 is changed by:
 - 1) Adding a new definition:
 “Occupier means any person, other than the owner, who has a right to occupy the property, by virtue of a tenancy granted by lease, licence or

other authority”.

- 2) Changing the definition of on-site wastewater disposal system to include “grease trap”**

iii) Under Part 2 Maintenance Requirements:

- 1) Adding a new ‘related information box’:**

“If the council is satisfied an on-site wastewater disposal system is injurious to health or not sanitary, the council can use its powers pursuant to sections 29, 30 and 34 of the Health Act 1956 by including issuing a notice of offence or to enter a premise and abate the nuisance without notice to the occupier or owner”.

- 2) Adding the words “or occupier” after the word “owner” in the ‘related information box’.**

iv) Clause 7 is changed by:

- 1) Adding the words “or occupier” after the word “owner” in the title, subclause (1) and subclause (2).**

- 2) Adding the words “or the suitably qualified person verifies the system is functioning correctly” at the end of subclause (2).**

v) Clause 8 (5) is change by adding the words “or occupier” after the word “owner”.

i) agree the On-site Wastewater Disposal System Bylaw in attachment 2:

i) is the most appropriate form of bylaw; and

ii) the bylaw provisions are considered reasonable limits on the rights in the New Zealand Bill of Rights Act 1990.

j) under section 146 of the Local Government Act 2002, make the On-site Wastewater Disposal Systems Bylaw in attachment 2.

k) agree, under section 155(1) of the Local Government Act 2002, that a bylaw is the most appropriate way of addressing problems related to vehicles on beaches in the Far North District;

l) agree that the current Vehicles on Beaches Bylaw 2015 is not the most appropriate form, because it does not address problems with vehicles on beaches effectively;

m) agree that the most appropriate form of bylaw will be to include relevant provisions in:

- the proposed Road Use Bylaw**
- a potential Reserves Bylaw**
- the Speed Limits Bylaw;**

n) approve the inclusion of provisions regulating vehicles on beaches in the proposed draft Road Use Bylaw, to be made under section 22AB of the Land Transport Act 1998;

o) approve the Vehicles on Beaches Proposal in Attachment 2, including the provisions regulating vehicles on beaches in the proposed draft Road Use Bylaw, to be released for public consultation to meet the requirements of section 22AD of the Land Transport Act 1998 and section 156 of the Local Government Act 2002;

p) agree the period for making written submissions on the proposal will begin 25 February 2022 and end 24 March 2022;

q) agree the Strategy and Policy Committee will hear any people wanting to present oral submissions on Tuesday 22 March 2022 and agrees to delegate, to the Chair, the power to change the date of the oral submissions

r) authorise the Chief Executive Officer to make minor changes to the Vehicles on

Beaches Proposal to correct grammatical or spelling errors, or formatting.

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

Against: Nil

CARRIED**6.4 KOUTU MONGEROA PICNIC AREA ENCROACHMENT**

Agenda item 6.4 document number A3540785, pages 67 - 74 refers.

RESOLUTION 2022/6

Moved: Cr John Vujcich

Seconded: Cr Moko Tepania

That Council

- a) engage with the kaitiaki of the Koutū Mongeroa Picnic Area to formalise a Kaitiaki Agreement for the lawful use of the area as a campground; and
- b) 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.
- c) That a progress report be brought to the Kaikohe-Hokianga Community Board.

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

Against: Nil

CARRIED**6.5 ADOPTION OF STATEMENT OF PROPOSAL TO AMEND RESOURCE CONSENT FEES & CHARGES FOR 2022-23**

Agenda item 6.5 document number A3574653, pages 75 - 85 refers.

RESOLUTION 2022/7

Moved: Mayor John Carter

Seconded: Cr Moko Tepania

That Council:

- a) adopts the Statement of Proposal for the proposed amendments to Resource Consent fees and charges.
- b) undertakes public consultation in accordance with section 83 of the Local Government Act 2002 from 1 March to 4 April 2022.
- c) delegates the Regulatory Compliance Committee to hear submissions if required on 26 April 2022.
- d) delegate to the Chair or Regulatory Compliance Committee the ability to change the date of the hearing, if needed.

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

Against: Nil

CARRIED

6.6 PAIHIA CENTRAL BUSINESS DISTRICT DEVELOPMENT RATE - ALLOCATION 2020/21 TO 2023/24

Agenda item 6.6 document number A3570279, pages 86 - 111 refers

RESOLUTION 2022/8

Moved: Mayor John Carter

Seconded: Cr Rachel Smith

That Council:

- a) approve the allocation of the Paihia Central Business District Development Rate to Focus Paihia to provide a contribution to the physical signage and walking tour with augmented reality projects as follows:
 - i) the allocation of \$49,401.00 from 2020/21 that is diverted from waterfront projects;
 - ii) the allocation of \$48,618.34 for 2021/22 and the rate, when struck, for 2022/23.
- b) approve in principal that the Paihia Central Business District Development Rate for 2023/24 be allocated to Focus Paihia to carry out the stalled waterfront projects on the waterfront in Paihia providing that the work currently planned for the waterfront has been completed.
- c) note that a new agreement on the allocation of funds will be required from 1 July 2024.

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

Against: Nil

CARRIED**6.7 REVIEW ON EROSION ISSUES FOR FREESE PARK**

Agenda item 6.7 document number A3568751, pages 112 – 122 refers.

RESOLUTION 2022/9

Moved: Mayor John Carter

Seconded: Cr Moko Tepania

That Council approves

- a) additional unbudgeted operational expenditure of \$57,000 for professional services in 2021/22;
- b) an additional \$10,000 operational budget be added to professional fees as part of the 2022/23 Annual Plan, to advance the project through to the start of the construction phase.

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

Against: Nil

CARRIED

5 INFORMATION REPORTS**7.1 KAIKOHE CARES PROJECT**

Agenda item 7.1 document number A3528794, pages 123 - 124 refers.

RESOLUTION 2022/10

Moved: Cr Moko Tepania

Seconded: Cr Kelly Stratford

That the Council receives the report Kaikohe Cares Project February 2022.

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

Against: Nil

CARRIED

The meeting was adjourned from 12:33 pm to 1:00 pm.

7.2 FAR NORTH HOLDINGS LTD - QUARTER ONE FINANCIAL REPORT 2021/22

Agenda item 7.2 document number A3569979, pages 125 - 131 refers.

RESOLUTION 2022/11

Moved: Mayor John Carter

Seconded: Cr Kelly Stratford

That the Council receive the report Far North Holdings Ltd - Quarter one financial report 2021/22.

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

Against: Nil

CARRIED

7.3 PROGRESS REPORT: THE REINTRODUCTION OF DEVELOPMENT CONTRIBUTIONS IN THE FAR NORTH DISTRICT IN ALIGNMENT WITH THE 2024-34 LONG TERM PLAN

Agenda item 7.3 document number A3589368, pages 132 - 135 refers.

MOTION

Moved: Mayor John Carter

Seconded: Cr Rachel Smith

That the Council receive the Progress Report: The Reintroduction of Development Contributions in the Far North District in Alignment with the 2024-34 Long Term Plan.

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

Against: Nil

CARRIED

7.4 NGAKAHU STEERING GROUP UPDATE

Agenda item 7.4 document number A3594499, pages 136 - 158 refers.

MOTION

Moved: Cr Mate Radich
Seconded: Cr John Vujcich

That the Council receive the report Ngakahu Steering Group Update.

AMENDMENT

Moved: Cr Moko Tepania
Seconded: Cr Mate Radich

That Council, in receiving the recommendations from the Ngakahu Steering Group and subject to discussion and agreement with the Ngakahu/Ngakohu Whanau Ahuwhenua Trust, agree to;

- a) obtain the processed and analysed data from the Northland Regional Council sonar soundings of the dam, done in 2017.
- b) stage the lowering of the dam water level, beginning with a water level drop of 2 metres, once lowered the water level will be maintained at the lower levels.
- c) staff assist the Ngakahu Steering Group to prepare a report showing a visual presentation, including landscaping, of the preferred option, or options, with a rough order of cost to implement.
- d) and that further recommendations be brought to the 7 April Council meeting.

In Favour: Mayor John Carter, Crs Dave Collard, Felicity Foy, Mate Radich, Kelly Stratford, Moko Tepania and John Vujcich

Against: Crs David Clendon and Rachel Smith

CARRIED

The amendment became the substantive motion.

RESOLUTION 2022/12

Moved: Cr Mate Radich
Seconded: Cr John Vujcich

That Council, in receiving the recommendations from the Ngakahu Steering Group and subject to discussion and agreement with the Ngakahu/Ngakohu Whanau Ahuwhenua Trust, agree to;

- a) **obtain the processed and analysed data from the Northland Regional Council sonar soundings of the dam, done in 2017.**
- b) **stage the lowering of the dam water level, beginning with a water level drop of 2 metres, once lowered the water level will be maintained at the lower levels.**
- c) **staff assist the Ngakahu Steering Group to prepare a report showing a visual presentation, including landscaping, of the preferred option, or options, with a rough order of cost to implement.**
- d) **and that further recommendations be brought to the 7 April Council meeting.**

In Favour: Mayor John Carter, Crs Dave Collard, Felicity Foy, Mate Radich, Kelly Stratford, Moko Tepania and John Vujcich

Against: Crs David Clendon and Rachel Smith

CARRIED

Note: The Potential Decommissioning of Kauri Creek Dam report from John Duder referenced in the report was commissioned by the Ngakahu/Ngakohu Whanau Ahuwhenua Trust.

7.5 COMMUNITY BOARD UPDATES FEBRUARY 2022

Agenda item 7.5 document number A3585408, pages 159 - 174 refers.

MOTION

Moved: Mayor John Carter
 Seconded: Cr Kelly Stratford

That Council note the following Community Board minutes:

- a) Bay of Islands-Whangaroa Community Board, 3 February 2022.
- b) Kaikohe-Hokianga Community Board, 4 February 2022.
- c) Te Hiku Community Board, 15 February 2022.

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

Against: Nil

CARRIED

7.6 COUNCIL ACTION SHEET UPDATE FEBRUARY 2022

Agenda item 7.6 document number A3578430, pages 175 - 190 refers

MOTION

Moved: Mayor John Carter
 Seconded: Cr John Vujcich

That Council receive the report Action Sheet Update February 2022.

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

Against: Nil

CARRIED

6 TE WĀHANGA TŪMATAITI / PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2022/13

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:

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>5.1 - 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>5.2 - Committee Public Excluded Resolutions - February 2022</p>	<p>s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</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>s7(2)(j) - the withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage</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>5.3 - Milford Island - Out of Policy Rate Remission Request</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>5.4 - 8A Matthews Avenue</p>	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the</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</p>

	<p>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)(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>of information for which good reason for withholding would exist under section 6 or section 7</p>

CARRIED

5.5 CONFIRMATION OF INFORMATION AND DECISIONS TO BE RELEASED IN PUBLIC

<p>RESOLUTION 2022/14</p>
<p>Moved: Mayor John Carter Seconded: Cr Moko Tepania</p>
<p>That Council confirms the information and decisions contained in the part of the meeting held with public excluded not restated in public meeting as follows:</p>
<ul style="list-style-type: none"> • Item 5.3 Milford Island - Out Of Policy Rate Remission Request • Item 5.4 8A Matthews Avenue

CARRIED

7 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

Cr Moko Tepania closed the meeting with a karakia.

10 MEETING CLOSE

The meeting closed at 3:06 pm.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 7 April 2022.

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CHAIRPERSON