

**MINUTES OF FAR NORTH DISTRICT COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE VIRTUALLY VIA MICROSOFT TEAMS
ON THURSDAY, 7 APRIL 2022 AT 10:01 AM**

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: Adele Gardner (Te Hiku Community Board Chairperson), Belinda Ward (Bay of Islands-Whangaroa Community Board),

STAFF PRESENT Blair King (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 with a prayer.

Welcome to Blair King as the Far North District Council Chief Executive.

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

APOLOGY

RESOLUTION 2022/15

Moved: Mayor John Carter

Seconded: Cr Moko Tepania

That the apology received from Kaikohe-Hokianga Community Board Chairperson Mike Edmonds and Deputy Chairperson Emma Davis be noted.

CARRIED

3 NGĀ TONO KŌRERO / DEPUTATION

10.06am- Top Energy Chief Executive Russell Shaw and Northpower Chief Executive Andrew McLeod made a joint presentation to Council regarding the Renewable Energy Zone for Northland.

A presentation was provided to Councillors to provide context to the deputation – document number A3664638 refers.

10.24 Pamela-Anne Simon-Baragwanath-Ngohe on behalf of Kai-noho i Otiria speaking to the Speed Limit Bylaw Changes in Otiria.

4 NGĀ KŌRERO A TE KOROMATUA / MAYORAL ANNOUNCEMENTS

Mayor advised comments will be made throughout the agenda.

10.32 Cr Collard spoke about the recent Kaimaumau fires – referencing a written report that was circulated to Mayor and Councillors.

5 NOTICE OF MOTION

5.1 NOTICE OF MOTION - ROAD SEAL MATRIX AND PROGRAMME

Agenda item 5.1 document number A3654663, pages 12 - 12 refers.

The following motion from Cr Radich was lost for want of a seconder.

That the roading matrix policy be scrapped and replaced by bringing all roads to the Council table for elected members to make decisions on what metal roads are to be tar sealed.

MOTION

Moved: Cr John Vujcich

Seconded: Cr Moko Tepania

That Council conducts an independent review of the roading Dust Matrix to ensure it accurately prioritising roads for sealing based on Council-desired outcomes.

That the scope of the review will be finalised by the Chair of the Assurance, Risk and Finance Committee, the Chair of the Strategy and Policy Committee and Chair of Regulatory Compliance Committee.

That the reviewer reports back to Council the findings and where any changes or improvements are recommended.

The scope of the review shall include, but not be limited to, the following:

- 1. A review of the purpose and function of the matrix**
- 2. A review of the functionality (ie formulae etc), to determine if the attributes, weightings and the formulae for ranking have accurately prioritised roads that best fit Council's desired outcomes.**
- 3. That the resulting attributes and scores are complete, accurate and transparent to elected members and the public.**
- 4. That the processes for updating and changing the attributes, attribute scores and the ranking formulae are clearly defined and followed.**
- 5. A review of issues with the matrix already identified by the NTA (traffic counts etc)**
- 6. Identification of any other issues.**
- 7. A detailed review of six roads looking at the roads attribute scores and that updates are recorded and information is available on request. Councilors to nominate roads.**
- 8. Commentary on fitness for purpose and any other methodology suggested for prioritising sealing that best fit Council's desired outcomes.**
- 9. Output to be a written report by no later than the end of June 2022.**

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

Against: Cr Mate Radich

CARRIED

6 CONFIRMATION OF PREVIOUS MINUTES

6.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 6.1 document number A3640638, pages 13 - 14 refers.

RESOLUTION 2022/16

Moved: Mayor John Carter
 Seconded: Cr John Vujcich

That Council confirms the minutes of the Ordinary Council meeting held 24 February and the Extraordinary Council meeting held 15 March 2022 as a true and correct record subject to the following amendment:

“The note for item 7.4 – Kauri Creek Dam **draft report”**

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

Against: Nil

CARRIED

AT 11:07 AM, CR MATE RADICH LEFT THE MEETING. AT 11:10 AM, CR MATE RADICH RETURNED TO THE MEETING.

7 REPORTS

7.1 RENEWABLE ENERGY ZONES – JOINT SUBMISSION

Agenda item 7.1 document number A3641586, pages 29 - 33 refers.

RESOLUTION 2022/17

Moved: Mayor John Carter
 Seconded: Cr Moko Tepania

That the Far North District Council:

- a) **approves the Draft Joint Submission on Renewable Energy Zones (Attachment B)**
- b) **delegates the Mayor the authority to finalise the submission in conjunction with the Mayors and Chairperson of the Northland Councils, to reflect any further elected member feedback.**

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

Against: Nil

CARRIED

7.2 COMMITTEE RECOMMENDATIONS AND RESOLUTIONS - MARCH 2022

Agenda item 7.2 document number A3642923, pages 63 - 65 refers

RESOLUTION 2022/18

Moved: Cr Kelly Stratford
 Seconded: Cr Moko Tepania

That Council:

Parking on State Highways Bylaw

- a) approve, that the *Parking Bylaw*, to be made under section 22AB of the *Land Transport Act 1998*, be amended to include the regulation of parking and stationary vehicle offences on State Highways as per the delegation given by *Waka Kotahi*.

Adoption of the Regional Climate Change Adaptation Strategy

- b) adopts the *Te Taitokerau Climate Change Adaptation Strategy*.

Review of Maritime Facilities and Mooring Charges Bylaws

- c) approve the development of a new *Maritime Facilities Bylaw*, under section 145 and 146 of the *Local Government Act 2002*.

FNDC Speed Limit Reviews – Recommended Speed Limits

- d) receive, in its capacity as a Road Controlling Authority, the attached *Regional Speed Limit Review Technical Report – Kaitāia-Awaroa-Broadwood-Moerewa urban and Te Oneroa-a-Tōhe Ninety Mile Beach (Attachment 2 to the report)*.

- e) approves, in its capacity as a Road Controlling Authority, pursuant to Section 22AB(1)(d) of the *Land Transport Act 1998*, new speed limits set out in the *Regional Speed Limit Review - Kaitāia-Awaroa-Broadwood-Moerewa urban and Te Oneroa-a-Tōhe Ninety Mile Beach – Recommendations Report, (Attachment 1 to the report)*

accepting the recommendation of 40kph speed limit on *Otiria Road from Pembroke Street to 113 Otiria Road (220m east of Kingi Road)*,

but amend:

that the 60kph speed limit on *Otiria Road from 113 Otiria Road (220m east of Kingi Road) extend to the intersection of Pokapu Road*

- f) defers making amendments to the *Speed Limits Bylaw 2019 set out in Attachment 1 Regional Speed Limit Review - Kaitāia-Awaroa-Broadwood-Moerewa urban and Te Oneroa-a-Tōhe Ninety Mile Beach – Recommendations Report until signage to make the new speed limits enforceable is installed*.

Economic and Practicability Assessment for Discharge of Treated Wastewater to Land from Kaeo Wastewater Treatment Plant.

- g) agree that the option of discharging treated wastewater from the *Kaeo Wastewater Treatment Plant* to land is not pursued at this time as part of the application to replace the resource consents authorising discharge of contaminants from the *Kaeo Wastewater Treatment Plant*, on the basis that the costs associated with that activity, are assessed as not economically viable.

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

Against: Nil

CARRIED

Note: The Deputy Mayor requested the minutes record the following comment from Cr Radich “useless buggers” Cr Radich apologised and advised his comment was directed at his dogs.

The meeting adjourned at 11.49 am until 12.01 pm

7.3 LINDVART PARK PAVILION, KAIKOHE PROJECT

Agenda item 7.3 document number A3641588, pages 82 - 86 refers.

RESOLUTION 2022/19

Moved: Cr John Vujcich

Seconded: Cr Ann Court

That Council:

- a) **Re-affirm the capital commitment of \$3,226,493 to the Lindvart Park Kaikohe – Sportsville project.**
- b) **Approve an increase in operational grant support to Sportsville of \$35,000 from year one of the 2024/2034 Long-Term Plan.**

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

Against: Nil

CARRIED

Note: that the CEO was asked to provide advice to the next meeting on how to ensure a consistent approach to the way that FNDC supports community facilities across the District, by way of operational grant

7.4 PACKAGING OF THE THREE WATERS CAPITAL PROGRAMME OF WORKS

Agenda item 7.4 document number A3647947, pages 87 - 93 refers.

RESOLUTION 2022/20

Moved: Cr Ann Court

Seconded: Cr Kelly Stratford

That Council approves the packaging of a programme of works up to \$4,000,000 annually to Far North Waters in accordance with the Water Services Alliance Agreement to enable the delivery of Council's Long Term Plan Capital programme.

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

Against: Nil

CARRIED

Note: Council request an annual monitoring report to the Infrastructure Committee in order to track contractor performance, including the key performance indicators associated to the programme package.

Note: That Cr Foy requested a workshop to look over the Operations and Maintenance Alliance Agreement.

7.5 THREE WATERS REFORM – GOVERNANCE WORKING GROUP REPORT

Agenda item 7.5 document number A3648870, pages 94 - 172 refers.

RESOLUTION 2022/21

Moved: Mayor John Carter

Seconded: Cr John Vujcich

That Council:

- a) **Note the report Three Waters Reform- Governance Working Group Report.**
- b) **Confirm Council's alignment with the position outlined by Dr Jason Smith, Mayor of Kaipara District, and Chair of the Northland Mayoral Forum on the proposed composition and voting rights for the Regional Representative Group for Entity A.**

c) Authorise the Mayor to notify the Minister of Local Government on the Far North District Council’s position from b) above.

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

Against: Nil

Abstained: Crs Rachel Smith and Kelly Stratford

CARRIED

8 INFORMATION REPORTS

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

Agenda item 8.1 document number A3589452, pages 173 - 176 refers.

RESOLUTION 2022/22

Moved: Cr Ann Court

Seconded: Cr John Vujcich

That the Council receive the report 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, Deputy Mayor Ann Court, David Clendon, Dave Collard, Mate Radich, Rachel Smith, Kelly Stratford, Moko Tepania and John Vujcich

Against: Nil

Abstained: Cr Felicity Foy

CARRIED

The meeting adjourned at 1:00 pm set to reconvene at 1:30 pm

8.2 CEO REPORT TO COUNCIL 01 NOVEMBER 2021 - 28 FEBRUARY 2022

Agenda item 8.2 document number A3626631, pages 177 - 203 refers.

RESOLUTION 2022/23

Moved: Mayor John Carter

Seconded: Cr Moko Tepania

That the Council receive the report CEO Report to Council 01 November 2021 - 28 February 2022

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

Against: Nil

CARRIED

8.3 COMMUNITY BOARD UPDATES MARCH 2022

Agenda item 8.3 document number A3643083, pages 204 - 209 refers.

RESOLUTION 2022/24

Moved: Mayor John Carter
 Seconded: Cr John Vujcich

That Council note the following Community Board minutes:

- a) **Kaikohe-Hokianga Community Board, 2 March 2022.**
- b) **Bay of Islands-Whangaroa Community Board, 3 March 2022.**

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

Against: Nil

CARRIED

8.4 COUNCIL ACTION SHEET UPDATE APRIL 2022

Agenda item 8.4 document number A3644770, pages 210 - 232 refers.

RESOLUTION 2022/25

Moved: Mayor John Carter
 Seconded: Cr John Vujcich

That Council receive the report Action Sheet Update April 2022.

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

Against: Nil

CARRIED

9 TE WĀHANGA TŪMATAITI / PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2022/26

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
9.1 - Confirmation of Previous Minutes - Public Excluded	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would

	<p>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>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 - Committee Public Excluded Resolutions - April 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>9.3 - Appointment of External commercial advisor to the Appointment to Council Organisation Committee</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>9.4 - New Lease for Commerical Property - 13 Homestead Road</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</p>

		exist under section 6 or section 7
9.5 - Purchase of land at 69 Cobham Road, Kerikeri	<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>	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
9.6 - Kaikohe Library and Civic Hub Progress Report	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
9.7 - Community Board Public Excluded Minutes March 2022	s48(2)(a)(i) - the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation where a right of appeal lies to any court or tribunal against the final decision of the Council in these proceedings	s48(2)(a)(i) - the exclusion of the public from the part of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation

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

Against: Nil

CARRIED

10.0 CONFIRMATION OF INFORMATION AND DECISIONS TO BE RELEASED IN PUBLIC

RESOLUTION 2022/27

Moved: Mayor John Carter
Seconded: Cr Ann Court

That Council confirms the information and decisions contained in the part of the meeting held with public excluded remain in public excluded with the exception of the following decision:

That Council approve that:

- a) **Richard Booth be appointed as the external commercial advisor on the Appointment to Council Organisation Committee.**
- b) **This appointment be reviewed at the start of the next triennium when the new Appointment to Council Organisation Committee is formed.**

CARRIED

11.0 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

The meeting closed at 2.57 pm.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 19 May 2022.

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CHAIRPERSON