



**Far North  
District Council**



**Te Kaunihera o Tai Tokerau ki te Raki**

# **AGENDA**

## **Ordinary Council Meeting**

**Thursday, 19 May 2022**

**Time: 10:00 am**  
**Location: Council Chamber**  
**Memorial Avenue**  
**Kaikohe**

**Membership:**

Mayor John Carter - Chairperson  
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

**COUNCIL MEMBERS REGISTER OF INTERESTS**

<b>Name</b>	<b>Responsibility (i.e. Chairperson etc)</b>	<b>Declaration of Interests</b>	<b>Nature of Potential Interest</b>	<b>Member's Proposed Management Plan</b>
<b>Hon Mayor John Carter QSO</b>	Board Member of the Local Government Protection Programme	Board Member of the Local Government Protection Program		
	Carter Family Trust			
<b>Deputy Mayor Ann Court</b>	Waipapa Business Association	Member		Case by case
	Warren Pattinson Limited	Shareholder	Building company. FNDC is a regulator and enforcer	Case by case
	Kerikeri Irrigation	Supplies my water		No
	District Licensing	N/A	N/A	N/A
	Ann Court Trust	Private	Private	N/A
	Waipapa Rotary	Honorary member	Potential community funding submitter	Declare interest and abstain from voting.
	Properties on Onekura Road, Waipapa	Owner Shareholder	Any proposed FNDC Capital works or policy change which may have a direct impact (positive/adverse)	Declare interest and abstain from voting.
	Property on Daroux Dr, Waipapa	Financial interest	Any proposed FNDC Capital works or policy change which may have a direct impact (positive/adverse)	Declare interest and abstain from voting.
	Flowers and gifts	Ratepayer 'Thankyou'	Bias/ Pre-determination?	Declare to Governance
	Coffee and food	Ratepayers sometimes 'shout' food and beverage	Bias or pre-determination	Case by case
	Staff	N/A	Suggestion of not being impartial or pre-determined!	Be professional, due diligence, weigh the evidence. Be thorough, thoughtful, considered impartial and balanced. Be fair.
Warren Pattinson	My husband is a builder and may do work for Council staff		Case by case	
<b>Ann Court - Partner</b>	Warren Pattinson Limited	Director	Building Company. FNDC is a regulator	Remain at arm's length
	Air NZ	Shareholder	None	None

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Warren Pattinson Limited	Builder	FNDC is the consent authority, regulator and enforcer.	Apply arm's length rules
	Property on Onekura Road, Waipapa	Owner	Any proposed FNDC capital work in the vicinity or rural plan change. Maybe a link to policy development.	Would not submit. Rest on a case by case basis.
<b>David Clendon</b>	Chairperson – He Waka Eke Noa Charitable Trust	None		Declare if any issue arises
	Member of Vision Kerikeri	None		Declare if any issue arises
	Joint owner of family home in Kerikeri	Hall Road, Kerikeri		
<b>David Clendon – Partner</b>	Resident Shareholder on Kerikeri Irrigation			
<b>David Collard</b>	Snapper Bonanza 2011 Limited	45% Shareholder and Director		
	Trustee of Te Ahu Charitable Trust	Council delegate to this board		
<b>Felicity Foy</b>	Flick Trustee Ltd	I am the director of this company that is the company trustee of Flick Family Trust that owns properties Seaview Road – Cable Bay, and Allen Bell Drive - Kaitaia.		
	Elbury Holdings Limited	This company is directed by my parents Fiona and Kevin King.	This company owns several dairy and beef farms, and also dwellings on these farms. The Farms and dwellings are located in the Far North at Kaimaumau, Bird Road/Sandhills Rd, Wireless Road/ Puckey Road/Bell Road, the Awanui Straight and Allen Bell Drive.	
	Foy Farms Partnership	Owner and partner in Foy Farms - a farm on Church Road, Kaingaroa		
	Foy Farms Rentals	Owner and rental manager of Foy Farms Rentals for 7 dwellings on Church Road,		

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
		Kaingaroa and 2 dwellings on Allen Bell Drive, Kaitaia, and 1 property on North Road, Kaitaia, one title contains a cell phone tower.		
	King Family Trust	This trust owns several titles/properties at Cable Bay, Seaview Rd/State Highway 10 and Ahipara - Panorama Lane.	These trusts own properties in the Far North.	
	112 Commerce Street Holdings Ltd	Owner of commercial property in Commerce Street Kaitaia.		
	Foy Property Management Ltd	Owner of company that manages properties owned by Foy Farms Rentals and Flick Family Trust.		
	Previous employment at FNDC 2007-16	I consider the staff members at FNDC to be my friends		
	Shareholder of Coastline Plumbing NZ Limited			
<b>Felicity Foy - Partner</b>	Director of Coastal Plumbing NZ Limited			
	Friends with some FNDC employees			
<b>Mate Radich</b>	No form received			
<b>Rachel Smith</b>	Friends of Rolands Wood Charitable Trust	Trustee		
	Mid North Family Support	Trustee		
	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member		
	Vision Kerikeri	Financial Member		
<b>Rachel Smith (Partner)</b>	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member and Treasurer		
	Vision Kerikeri	Financial Member		
	Town and General Groundcare Limited	Director, Shareholder		
<b>Kelly Stratford</b>	KS Bookkeeping and Administration	Business Owner, provides book keeping, administration and development of environmental management plans	None perceived	Step aside from decisions that arise, that may have conflicts

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Waikare Marae Trustees	Trustee	Maybe perceived conflicts	Case by case basis
	Bay of Islands College	Parent Elected Trustee	None perceived	If there was a conflict, I will step aside from decision making
	Karetu School	Parent Elected Trustee	None perceived	If there was a conflict, I will step aside from decision making
	Māori title land – Moerewa and Waikare	Beneficiary and husband is a shareholder	None perceived	If there was a conflict, I will step aside from decision making
	Sister is employed by Far North District Council			Will not discuss work/governance matters that are confidential
	Gifts - food and beverages	Residents and ratepayers may 'shout' food and beverage	Perceived bias or predetermination	Case by case basis
	Taumarere Counselling Services	Advisory Board Member	May be perceived conflicts	Should conflict arise, step aside from voting
	Sport Northland	Board Member	May be perceived conflicts	Should conflict arise, step aside from voting
	He Puna Aroha Putea Whakapapa	Trustee	May be perceived conflicts	Should conflict arise, step aside from voting should they apply for funds
	Kawakawa Returned Services Association	Member	May be perceived conflicts	Should conflict arise, step aside from voting should they apply for funds
	Whangaroa Returned Services Association	Member	May be perceived conflicts	Should conflict arise, step aside from voting should they apply for funds
	National Emergency Management Advisor Committee	Member		Case by case basis
	Te Rūnanga ā Iwi o Ngāpuhi	Tribal affiliate member	As a descendent of Te Rūnanga ā Iwi o Ngāpuhi I could have a perceived conflict of interest in Te Rūnanga ā Iwi o Ngāpuhi Council relations	Declare a perceived conflict should there appear to be one

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Te Rūnanga ā Iwi o Ngāti Hine	Tribal affiliate member	Could have a perceived conflict of interest	Declare a perceived conflict should I determine there is a conflict
	Kawakawa Business and Community Association	Member		Will declare a perceived conflict should there appear to be one
<b>Kelly Stratford Partner</b>	Chef and Barista	Opua Store	None perceived	
	Māori title land – Moerewa	Shareholder	None perceived	If there was a conflict of interest I would step aside from decision making
<b>Moko Tepania</b>	Teacher	Te Kura Kaupapa Māori o Kaikohe.	Potential Council funding that will benefit my place of employment.	Declare a perceived conflict
	Chairperson	Te Reo o Te Tai Tokerau Trust.	Potential Council funding for events that this trust runs.	Declare a perceived conflict
	Tribal Member	Te Rūnanga o Te Rarawa	As a descendent of Te Rarawa I could have a perceived conflict of interest in Te Rarawa Council relations.	Declare a perceived conflict
	Tribal Member	Te Rūnanga o Whaingaroa	As a descendent of Te Rūnanga o Whaingaroa I could have a perceived conflict of interest in Te Rūnanga o Whaingaroa Council relations.	Declare a perceived conflict
	Tribal Member	Kahukuraariki Trust Board	As a descendent of Kahukuraariki Trust Board I could have a perceived conflict of interest in Kahukuraariki Trust Board Council relations.	Declare a perceived conflict
	Tribal Member	Te Rūnanga ā-Iwi o Ngāpuhi	As a descendent of Te Rūnanga ā-Iwi o Ngāpuhi I could have a perceived conflict of interest in Te Rūnanga ā-Iwi o Ngāpuhi Council relations.	Declare a perceived conflict
<b>John Vujcich</b>	Board Member	Pioneer Village	Matters relating to funding and assets	Declare interest and abstain

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Director	Waitukupata Forest Ltd	Potential for council activity to directly affect its assets	Declare interest and abstain
	Director	Rural Service Solutions Ltd	Matters where council regulatory function impact of company services	Declare interest and abstain
	Director	Kaikohe (Rau Marama) Community Trust	Potential funder	Declare interest and abstain
	Partner	MJ & EMJ Vujcich	Matters where council regulatory function impacts on partnership owned assets	Declare interest and abstain
	Member	Kaikohe Rotary Club	Potential funder, or impact on Rotary projects	Declare interest and abstain
	Member	New Zealand Institute of Directors	Potential provider of training to Council	Declare a Conflict of Interest
	Member	Institute of IT Professionals	Unlikely, but possible provider of services to Council	Declare a Conflict of Interest





**Far North District Council  
Ordinary Council Meeting**

**will be held in the Council Chamber, Memorial Avenue, Kaikohe on:  
Thursday 19 May 2022 at 10:00 am**

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**1 KARAKIA TIMATANGA / OPENING PRAYER****2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST**

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive Officer or the Team Leader Democracy Support (preferably before the meeting).

It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

**3 NGĀ TONO KŌRERO / DEPUTATIONS**

No requests for deputations were received at the time of the Agenda going to print.

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

- Tree of the Year Nomination
- LGNZ Submission to remove exotic forests from NZ Emissions Trading Scheme (ETS) categories

**5 NOTICE OF MOTION****5.1 NOTICE OF MOTION - ROAD SEAL PARAPARA HILL****File Number: A3705471**

I, Councillor Mate Radich, give notice that at the next Ordinary Meeting of Council to be held on 19 May 2022, I intend to move the following motion:

**MŌTINI / MOTION****That Parapara Hill be sealed without delay.****TAKE / RATIONALE**

- For many years, the community of Parapara have expressed their concern regarding the maintenance and safety of the 1.2 km length of road on Parapara Hill. There have been numerous accidents, some of them serious.
- As a school bus route, both Petricevich and Ritchie Buses have voiced their concerns regarding safety issues. Contractors Fulton Hogan have constantly fixed potholes, corrugations, dust and mud issues, applied metal and rolled the road to keep the surface adequate for vehicle use.
- Over the years Council have sealed other hills that have been a problem such as Te Hapua, Henderson Bay and Spains Road. We have a budget of \$4 million for new sealing. I am fully aware that much of this money is already targeted however I regard the situation on this hill as an emergency that needs immediate action.
- Recently Elected Members received emails from concerned residents regarding the danger and deterioration of the hill, one describing it as a nightmare. The Mayor advised these people to contact Kelvin Davis and Willow Jean Prime to ask for more funding for road upgrades. This will not happen as they are simply not interested.
- This is a Far North District Council road, and it is our responsibility to fix it.

I commend this Notice of Motion to Council.

**ĀPITI HANGA / ATTACHMENTS****Nil**

## 6 CONFIRMATION OF PREVIOUS MINUTES

### 6.1 CONFIRMATION OF PREVIOUS MINUTES

**File Number:** A3689717

**Author:** Marlema Baker, Democracy Advisor

**Authoriser:** Aisha Huriwai, Team Leader Democracy Services

#### PURPOSE OF THE REPORT

The minutes are attached to allow Council to confirm that the minutes are a true and correct record of previous meetings.

#### RECOMMENDATION

**That Council confirms the minutes of the Council meeting held 7 April 2022 and the Emergency Council meeting 9 May 2022 as a true and correct record.**

#### 1) BACKGROUND

Local Government Act 2002 Schedule 7 Section 28 states that a local authority must keep minutes of its proceedings. The minutes of these proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those meetings.

#### 2) DISCUSSION AND OPTIONS

The minutes of the meetings are attached.

Far North District Council Standing Orders Section 27.3 states that no discussion shall arise on the substance of the minutes in any succeeding meeting, except as to their correctness.



#### Reason for the recommendation

The reason for the recommendation is to confirm the minutes are a true and correct record of the previous meetings.

#### 3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or the need for budgetary provision as a result of this report.

#### ATTACHMENTS

1. **2022-04-07 Council Minutes - A3655022** [↓](#) 
2. **2022-05-09 Council Emergency Meeting Minutes - A3703056** [↓](#) 

**Compliance schedule:**

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
  - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - b) Assess the options in terms of their advantages and disadvantages; and
  - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	This is a matter of low significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	This report complies with the Local Government Act 2002 Schedule 7 Section 28.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	It is the responsibility of each meeting to confirm their minutes therefore the views of another meeting are not relevant.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	There are no implications for Māori in confirming minutes from a previous meeting. Any implications on Māori arising from matters included in meeting minutes should be considered as part of the relevant report.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example, youth, the aged and those with disabilities).	This report is asking for minutes to be confirmed as true and correct record, any interests that affect other people should be considered as part of the individual reports.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or the need for budgetary provision arising from this report.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

Ordinary Council Meeting Minutes

7 April 2022

**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.

























**7 REPORTS****7.2 COMMITTEE RECOMMENDATIONS AND RESOLUTIONS - MAY 2022****File Number: A3690335****Author: Marlema Baker, Meetings Administrator****Authoriser: Aisha Huriwai, Team Leader Democracy Services****TAKE PŪRONGO / PURPOSE OF THE REPORT**

- To increase governance oversight of Committee business/discussions.
- Communicate resolutions of Committee meetings.
- Escalate Committee recommendations to Council.

**WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY**

- The following Committee meetings have been held since the last ordinary Council meeting.
  - 26 April 2022 – Regulatory Compliance Committee
  - 27 April 2022 – Assurance, Risk and Finance Committee
  - 3 May 2022 – Strategy and Policy Committee
  - 4 May 2022 – Infrastructure Committee
- Copies of the Committee meeting minutes are attached for information.
- Links to the agendas containing the reports that formed the basis of recommendations are included in this report.
- The Strategy and Policy Committee and Infrastructure Committee make the following recommendations to Council.

**TŪTOHUNGA / RECOMMENDATION****That Council:***Climate Change Policy Options Report (Strategy and Policy Committee)*

- a) approves the development of a climate change policy.**

*Parking Bylaw – Recommendations for Making New Bylaw (Strategy and Policy Committee)*

- a) approves, the recommendations in the staff report on submissions to the Parking Bylaw that:**
- 1. No changes are made to clauses 1, 3, 11, 19, 21 and 22**
  - 2. Clauses 2, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, and 20 are amended to improve certainty and clarity as per the recommendations in section 4.1 of the staff report *Analysis of Submissions – Parking* in attachment 1**
  - 3. Schedule 1 is amended to extend the bus stop at the end of Kerikeri Road**
- b) make the Parking Bylaw in attachments 3 to 8 under section 22AB of the Land Transport Act 1998.**
- c) approve, to revoke the Parking and Traffic Control Bylaw on the same day the Parking Bylaw comes into force.**
- d) Request that the next opportunity to review the bylaw, incorporate the following points:**

1. remove “NO PARKING or STANDING” at all times from community building at Te Pokapu;
2. include Mobility (disabled parking) and other time limited parking in the local road portion of 71 Gillies Street, Kawakawa and the BOI Vintage Railway Station;
3. include off road parking at Te Hononga, Kawakawa.
4. Waipapa Loop Road.
5. Parklets.
6. Kaikohe-Hokianga.

e) Note that;

1. staff are working on scheduling a workshop for further discussion (including enforcement)
2. input will be sought from Community Boards to ensure community feedback can be incorporated.
3. Further amendments can be submitted through Community Boards or workshop to be finalised within a four-month period

Road Use Bylaw - Recommendations For Making New Bylaw (Strategy and Policy Committee)

a) approve the recommendations in the report on submissions to the Road Use Bylaw (Attachment 1) that:

1. The bylaw be made pursuant to both the Local Government Act 2002 and the Land Transport Act 1998.
2. No changes are made to clauses 1, 5, 6, 7, 25, 26, 29, 31, 32, 33, 37, 38, and Schedule 1.
3. Clauses 2, 3, 4, 8, 9, 12, 13, 14, 16, 19, 20, 21, 23, 24, 27, 34, 36, and Schedule 4 are amended to improve certainty and clarity as per the recommendations in section 4.1 of the staff report Road Use Bylaw – Analysis of Submissions in attachment 1.
4. Clauses 10, 11, 15, 17, 18, 22, 28, 30, and 35 are amended to improve certainty and clarity as per the recommendations in section 4.3 of the staff report Road Use Bylaw – Analysis of Submissions in attachment 1.
5. Schedules 2 and 3 are amended to improve certainty and clarity as per the recommendations in section 4.4 of the staff report Road Use Bylaw – Analysis of Submissions in attachment 1.

b) approve the recommendations in the report on submissions to the inclusion of provisions regulating vehicles on beaches in the Road Use Bylaw (Attachment 2) that:

1. No changes are made to clauses 6, 30, 32, 33, 34, 41, and 43, and Schedules 6 and 7.
2. Clause 31 is amended to improve certainty and clarity as per the recommendations in section 4.2 of the staff report Vehicles on Beaches – Analysis of Submissions in attachment 2.

c) approve the Road Use Bylaw in attachment 3:

1. is the most appropriate form of bylaw; and
2. the bylaw provisions are considered reasonable limits on the rights in the New Zealand Bill of Rights Act 1990.

d) make the Road Use Bylaw in attachment 3 pursuant to sections 145 and 146 of the Local Government Act 2002 and section 22AB of the Land Transport Act 1998.

- e) **approve to revoke the Parking and Traffic Control Bylaw 2010 on the same day the Road Use Bylaw comes into force.**

Boat Ramp Study Delivery Plan (Infrastructure Committee)

- a) **consider the matter of \$5 million annually, to be approved for strategic property purchases related to maritime infrastructure to be included in the capital programme commencing 2023/2024, and that an options paper on funding be prepared and an economic impact statement.**

## TĀHUHU KŌRERO / BACKGROUND

This is a regular report to provide greater governance oversight of discussions that occur at Committee meetings and to avoid duplication of reading for Councillors for decisions that are recommended to them, from each Committee meeting.

Copies of Committee meeting minutes that have occurred since the last ordinary Council meeting are attached for information.

From time to time, Committee's discuss items that are outside their delegations. This report, when necessary, will highlight recommendations from each Committee to Council for decision.

Information about Council, Committee or Community Board meetings is publicly available at <https://infocouncil.fndc.govt.nz/>

## MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

Since the last Council meeting the following Committee meetings have occurred:

### **26 April 2022 – Regulatory Compliance Committee**

[Agenda of Regulatory Compliance Committee Meeting - Tuesday, 26 April 2022 \(fndc.govt.nz\)](#)

The Regulatory Compliance Committee made no recommendations to Council.

### **27 April 2022 – Assurance, Risk and Finance Committee**

[Agenda of Assurance, Risk and Finance Committee Meeting - Wednesday, 27 April 2022 \(fndc.govt.nz\)](#)

The Assurance, Risk and Finance Committee made no recommendations to Council

### **3 May 2022 – Strategy and Policy Committee**

[Agenda of Strategy and Policy Committee Meeting - Tuesday, 3 May 2022 \(fndc.govt.nz\)](#)

The Strategy and Policy Committee made the following recommendations listed below to Council:

That Council:

Climate Change Policy Options Report

approves the development of a climate change policy.

Parking Bylaw – Recommendations for Making New Bylaw

- b) approves, the recommendations in the staff report on submissions to the Parking Bylaw that:

- i) No changes are made to clauses 1, 3, 11, 19, 21 and 22
- ii) Clauses 2, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, and 20 are amended to improve certainty and clarity as per the recommendations in section 4.1 of the staff report *Analysis of Submissions – Parking* in attachment 1
- iii) Schedule 1 is amended to extend the bus stop at the end of Kerikeri Road

- c) make the Parking Bylaw in attachments 3 to 8 under section 22AB of the Land Transport Act 1998.

- d) approve, to revoke the Parking and Traffic Control Bylaw on the same day the Parking Bylaw comes into force.
- e) Request that the next opportunity to review the bylaw, incorporate the following points:
7. remove “NO PARKING or STANDING” at all times from community building at Te Pokapu;
  8. include Mobility (disabled parking) and other time limited parking in the local road portion of 71 Gillies Street, Kawakawa and the BOI Vintage Railway Station;
  9. include off road parking at Te Hononga, Kawakawa.
  10. Waipapa Loop Road.
  11. Parklets.
  12. Kaikohe-Hokianga.
- f) Note that;
4. staff are working on scheduling a workshop for further discussion (including enforcement)
  5. input will be sought from Community Boards to ensure community feedback can be incorporated.
  6. Further amendments can be submitted through Community Boards or workshop to be finalised within a four-month period

#### Road Use Bylaw - Recommendations For Making New Bylaw

- a) approve the recommendations in the report on submissions to the Road Use Bylaw (Attachment 1) that:
- i) The bylaw be made pursuant to both the Local Government Act 2002 and the Land Transport Act 1998.
  - ii) No changes are made to clauses 1, 5, 6, 7, 25, 26, 29, 31, 32, 33, 37, 38, and Schedule 1.
  - iii) Clauses 2, 3, 4, 8, 9, 12, 13, 14, 16, 19, 20, 21, 23, 24, 27, 34, 36, and Schedule 4 are amended to improve certainty and clarity as per the recommendations in section 4.1 of the staff report Road Use Bylaw – Analysis of Submissions in attachment 1.
  - iv) Clauses 10, 11, 15, 17, 18, 22, 28, 30, and 35 are amended to improve certainty and clarity as per the recommendations in section 4.3 of the staff report Road Use Bylaw – Analysis of Submissions in attachment 1.
  - v) Schedules 2 and 3 are amended to improve certainty and clarity as per the recommendations in section 4.4 of the staff report Road Use Bylaw – Analysis of Submissions in attachment 1.
- b) approve the recommendations in the report on submissions to the inclusion of provisions regulating vehicles on beaches in the Road Use Bylaw (Attachment 2) that:
- i) No changes are made to clauses 6, 30, 32, 33, 34, 41, and 43, and Schedules 6 and 7.
  - ii) Clause 31 is amended to improve certainty and clarity as per the recommendations in section 4.2 of the staff report Vehicles on Beaches – Analysis of Submissions in attachment 2.
- c) approve the Road Use Bylaw in attachment 3:
- 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.
- d) make the Road Use Bylaw in attachment 3 pursuant to sections 145 and 146 of the Local Government Act 2002 and section 22AB of the Land Transport Act 1998.
- e) approve to revoke the Parking and Traffic Control Bylaw 2010 on the same day the Road Use Bylaw comes into force.

#### 4 May 2022 – Infrastructure Committee

[Agenda of Infrastructure Committee Meeting - Wednesday, May 4, 2022 \(fndc.govt.nz\)](#)

The Infrastructure Committee made the following recommendation below to Council:

That Council;

- a) consider the matter of \$5 million annually, to be approved for strategic property purchases related to maritime infrastructure to be included in the capital programme commencing 2023/2024, and that an options paper on funding be prepared and an economic impact statement.

### PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

This report does not intend to repeat the financial implications, options or decision-making requirements for the recommendations listed. Please review the agendas via the provided links for further information.

### ĀPITIHINGA / ATTACHMENTS

1. **2022-04-26 meeting minutes - Regulatory Compliance Committee - A3680759** [↓](#) 
2. **2022-04-27 meeting minutes - Assurance, Risk and Finance Committee - A3684893** [↓](#) 
3. **2022-04-26 meeting minutes - Strategy and Policy Committee - A3691839** [↓](#) 
4. **2022-05-04 meeting minutes - Infrastructure Committee Meeting - A3693318** [↓](#) 















































### **7.3 APPOINTMENT OF DISTRICT LICENSING COMMITTEE CHAIRPERSON AND DEPUTY CHAIRPERSON**

**File Number: A3692678**

**Author: Rochelle Deane, Manager - Environmental Services**

**Authoriser: Dean Myburgh, General Manager - District Services**

#### **TAKE PŪRONGO / PURPOSE OF THE REPORT**

To appoint the District Licensing Committee Chairperson and Deputy Chairperson.

#### **WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY**

- There is a requirement for a Chairperson of the District Licensing Committee (DLC) to allow Council to continue to discharge its obligations under the Sale and Supply of Alcohol Act 2012.
- Councillor Ann Court resigned from the position of Chairperson of the DLC on 27 April 2022.
- Councillor Kelly Stratford (Deputy Chairperson) is currently acting Chairperson.
- Councillor Ann Court wishes to remain on the committee as Deputy Chairperson.

#### **TŪTOHUNGA / RECOMMENDATION**

- a) That Councillor Kelly Stratford is appointed as the Chairperson of the District Licensing Committee.**
- b) That Councillor Ann Court is appointed as Deputy Chairperson of the District Licensing Committee.**
- c) And that Council review the Chairperson and Deputy Chairpersons on the District Licensing Committee in December 2022.**

#### **1) TĀHUHU KŌRERO / BACKGROUND**

Each territorial authority must appoint a DLC to manage licensing matters within its district under the Sale and Supply of Alcohol Act 2012 (the Act).

Within their local areas, DLCs decide applications for:

- new and renewal applications for on-, off- and club licences.
- special licences.
- new and renewal applications for manager's certificates.
- opposed acting or temporary appointments of managers.
- variation of licence conditions.
- temporary authorities and temporary licences.
- orders to vary, revoke, suspend or cancel a special licence.

A DLC is made up of a chairperson and two members who have terms of office up to five years.

The quorum for a DLC meeting is three members, except when licence or manager's certificate applications have no objections or matters raised in opposition. In these instances, the Chairperson can form a quorum of one.

A DLC hearing is held where there is public or agency objections to an application.

A DLC considers the application, agency reports, evidence and submissions presented to it against the criteria in the Act and any relevant case law. It then objectively determines facts and draws conclusions from them to make its decision.

## 2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The chair of a DLC can either be an elected member of the territorial authority, or a commissioner appointed by the chief executive, on the recommendation of the territorial authority.

Councillor Ann Court has held the role of Chairperson since December 2013. Councillor Kelly Stratford has been Deputy Chairperson since March 2018.

- The Deputy Chairperson is required to act in place of the Chairperson if they are unable to act because of illness, absence from New Zealand or other sufficient reason.
- While acting in place of the Chairperson, the Deputy Chairperson is a member of the committee and has all the powers and duties of the Chairperson.

Due to personal reasons, Councillor Court has resigned from the position of Chairperson on 27 April 2022 and Councillor Kelly Stratford has agreed to act in the position.

Councillor Ann Court has agreed to remain as Deputy Chairperson to assist with complex issues and hearings.

Option 1. Appoint Councillor Kelly Stratford as the Chairperson and Councillor Ann Court as Deputy Chairperson of the DLC.

Option 2. Appoint a commissioner to the role of Chairperson of the DLC.

Council can also recommend that the Chief Executive Officer appoint a DLC Commissioner under Section 193 of the *Sale and Supply of Alcohol Act*. Once this recommendation is received, the Chief Executive has the authority to appoint a DLC Commissioner under Section 193 of the Sale and Supply of Alcohol Act which states:

*“The chief executive of a territorial authority may, on the recommendation of the territorial authority, appoint a commissioner or commissioners to any of the territorial authority’s licensing committees and any person so appointed has all the functions, powers, and duties of the chairperson of the licensing committee.”*

Option 1 is the preferred outcome. Councillor Kelly Stratford has confirmed interest in the role of Chairperson and has experience as Deputy Chairperson. This will ensure the continuity of service to customers who make application for licences or manager’s certificates issued under the Sale and Supply of Alcohol Act 2012.

Councillor Court is well versed on and fully familiar with the requirements of Alcohol Licensing matters and decision-making serving as the Chairperson of the DLC since December 2013. This will assist greatly with the transition if she remains as Deputy Chairperson.

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### Take Tūtohunga / Reason for the recommendation

To ensure the continuity of service to customers who make application for licences or manager’s certificates issued under the Sale and Supply of Alcohol Act 2012.

## 3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

Councillor Kelly Stratford will be entitled to claim expenses associated with the position as Chairperson of the DLC as stated in the Contract for services between the Far North District Council and the member.

### ĀPITIHINGA / ATTACHMENTS

Nil

**Hōtaka Take Ōkawa / Compliance Schedule:**

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
  - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - b) Assess the options in terms of their advantages and disadvantages; and
  - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

<b>He Take Ōkawa / Compliance Requirement</b>	<b>Aromatawai Kaimahi / Staff Assessment</b>
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	Low
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Compliance with the Sale and Supply of Alcohol Act 2012 (Section 189).
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	The role is representative of the District and Council.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.  State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	None identified. The position of Chairperson and Deputy Chairperson of the District Licensing Committee already exists, and this report is seeking the appointment of a successor due to resignation.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	Other list members of the District Licensing Committee have an interest in this matter.
State the financial implications and where budgetary provisions have been made to support this decision.	Refer to report.
Chief Financial Officer review.	The CFO has reviewed this report.

## 7.4 LINDVART PARK EASEMENT TO TOP ENERGY

**File Number:** A3703758

**Author:** David Clamp, Manager - Major and Recovery Projects

**Authoriser:** Andy Finch, General Manager - Infrastructure and Asset Management

### TAKE PŪRONGO / PURPOSE OF THE REPORT

The purpose of this report is to seek Council approval to grant an easement in gross in favour of Top Energy Limited pursuant to section 48 of the Reserves Act 1977 on part Lot 3 Deposited Plan 22327 contained in Record of Title NA1008/196 being part of Lindvart Park in Kaikohe (“**Land**”). The easement is required to enable Top Energy to convey electricity and telecommunications over the easement area for the purpose of Lindvart Park - Sportsville Kaikohe project and sports facility located on the Land.

### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- The Lindvart Park - Sportsville Kaikohe project has completed the consultation and design phase and is looking to commence site works in May 2022.
- The project requires a connection to the Top Energy Ltd electricity network which requires the granting of an easement.
- The Reserves Act 1977 provides a mechanism for Council to consider approving the granting of an easement.
- Under the Reserves Act 1977 it is for Council to consider approving grants of easements on the Land for the purpose outlined above.
- No public consultation is required as the reserve Land is not likely to be materially altered or permanently damaged and the rights of the public in respect of the reserve are not likely to be permanently affected by the establishment and lawful exercise of the easement sought.

### TŪTOHUNGA / RECOMMENDATION

**That Council approve the granting of an easement in gross in favour of Top Energy Limited for a right to convey electricity and telecommunications pursuant to section 48(1)(a) and (d) of the Reserves Act 1977 on part Lot 3 Deposited Plan 22327 contained in Record of Title NA1008/196 being part of Lindvart Park in Kaikohe on the terms set out in the form of easement instrument (attachment 1), which shall be amended to include details of Easement Area upon installation of transmission line and associated works.**

### 1) TĀHUHU KŌRERO / BACKGROUND

In 2015, a report was commissioned to identify possible shortcomings within the Kaikohe Lindvart Park Development. The report addressed required facilities that needed to be considered in the parks long term plan.

In 2019/2020, Kaikohe and Districts Sportsville formed a sub-committee tasked with the delivery of the project. The committee worked with various stakeholders and sports codes to form the design brief for the new facilities. Through various sources, \$11.38M has been secured.

The project has subsequently completed the consultation and design phase and is looking to commence site works in May 2022 following Ministerial approval to proceed (received 9<sup>th</sup> May 2022).

The project requires a connection to the Top Energy Ltd electricity network to connect services to the main sports facility and to support the construction phase. This requires the granting of an easement for supply of electricity and telecommunications.

The appropriate legal mechanism for Council to legalise installation of electricity infrastructure on the Land and associated works is to grant an easement in gross under the Reserves Act 1977. Section 48(1) (a) and (d) states:

**Section 48(1)** Subject to subsection (2) and to the [Resource Management Act 1991](#), in the case of reserves vested in an administering body, the administering body, with the consent of the Minister and on such conditions as the Minister thinks fit, may grant rights of way and other easements over any part of the reserve for— .....

(a) any public purpose; or ...

(d) an electrical installation or work, as defined in section 2 of the Electricity Act 1992...

In accordance with section 48(3), public notification is not required if the Reserve is not likely to be materially altered or permanently damaged and the rights of the public (in respect of the reserve) are not likely to be permanently affected by the establishment and lawful exercise of the easement.

In accordance with section 48(1) and the subsequent Minister of Conservation's 2013 instrument of delegation for Territorial Authorities, a Territorial Authority as an administering body of a reserve, maintains the delegated authority (by the Minister of Conservation) to grant easements pursuant to section 48(1) of the Reserves Act 1977.

Therefore, the Council can consider and approve to grant easement in gross under the Reserves Act 1977 for the purpose of allowing Top Energy Ltd to carry out installation of electricity infrastructure and the associated works and to convey electricity and telecommunications in perpetuity until the easement is surrendered, should the Council see fit to do so.

Though a Reserve Management is in place for this Reserve, the power to grant easement comes from the Reserves Act 1977, section 48, therefore Council approval to grant easement by resolution is sought and required.

## **2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS**

**Option 1** – Approve to grant easement in gross in favour of Top Energy Ltd for the purpose of legalising Top Energy Ltd right to convey electricity and telecommunications on the Land.

**Option 2** – Not approve to grant easement in gross in favour of Top Energy subsequently not allowing and preventing Top Energy Ltd from conveying electricity and telecommunications on the Land.

### **Take Tūtohunga / Reason for the recommendation**

**Option 1** – Approve to grant easement in gross in favour of Top Energy Ltd for the purpose of legalising Top Energy Ltd right to convey electricity and telecommunications on the Land which electricity and telecommunications are necessary for effective construction and operation of Kaikohe Lindvart Park Development project. Should Council consider electricity and telecommunications are necessary utilities for effective constructions and operation of Kaikohe Lindvart Park Development project, section 48(1) of the Reserves Act 1977 provides Council with the legal mechanism to accept and legalise Top Energy's right to convey electricity and telecommunications on the Land.

## **3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

Cost of easement, easement agreement and registration are provided within the project funding.

### **ĀPITIHINGA / ATTACHMENTS**

1. 110502 (2612042) AGE - Kaikohe and Districts - A3704552  

**Hōtaka Take Ōkawa / Compliance Schedule:**

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
  - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - b) Assess the options in terms of their advantages and disadvantages; and
  - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	Low.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Reserves Act 1977.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.  State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	
State the financial implications and where budgetary provisions have been made to support this decision.	Cost to be absorbed by the project funding.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.







Date:

**PARTIES**

- 1 Top Energy Limited **Error! Bookmark not defined.****Error! Bookmark not defined.****Error! Bookmark not defined.****Error! Bookmark not defined.****Error! Bookmark not defined.****Error! Bookmark not defined.****Error! Bookmark not defined.** (*Top Energy*)

Address: John Butler Centre (level 2)  
60 Kerikeri Road, Kerikeri

Phone:

Email:

- 2 Far North District Council **Error! Bookmark not defined.****Error! Bookmark not defined.****Error! Bookmark not defined.****Error! Bookmark not defined.****Error! Bookmark not defined.****Error! Bookmark not defined.****Error! Bookmark not defined.** (*Owner*)

Address: Private Bag 752, Kaihohe 0440

Email:

- 3 Kaikohe and Districts Sportsville Incorporated (*KDSI*)

Address: Far North District Council, Memorial Avenue, Kaikohe 0405

Email:

Phone:

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**BACKGROUND**

- A The Owner is the owner of the Land.
- B Top Energy is the electricity lines network company responsible for electricity transmission servicing the Land.
- C KDSI operates a sports facility on the Land.
- D Top Energy, the Owner and KDSI have reached agreement on the terms upon which, amongst other things, Top Energy will undertake the Works, and the Owner will grant the Easement in favour of Top Energy in respect of the Works on the terms as set out in this agreement.

**AGREEMENT**

**1 DEFINITIONS AND INTERPRETATION**

- 1.1 **Definitions:** In this agreement:

2409020-1





































**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**

**File Number:** A3589454

**Author:** Roger Ackers, Manager - Strategy Development

**Authoriser:** Darren Edwards, General Manager - Strategic Planning and Policy

**TAKE PŪRONGO / PURPOSE OF THE REPORT**

To report back to Council on the progress against the indicative project schedule for the reintroduction of development contributions in alignment with the 2024-34 Long Term Plan.

**WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY**

This report provides an update to elected members on the progress made towards the reintroduction of development contributions in alignment with the 2024-34 Long Term Plan.

There has been some slippage with the development of a project plan which is explained in the body of this report. However, overall, the project is on track to deliver to the indicative project schedule for the reintroduction of development contributions that was approved by Council at the 16 December 2021 Council meeting.

**TŪTOHUNGA / RECOMMENDATION**

**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.**

**TĀHUHU KŌRERO / BACKGROUND**

On 16 December 2021 Council approved that a new development contributions policy be adopted with the adoption of the 2024-34 Long Term Plan and that staff report on the progress against the indicative project schedule in the 16 December 2021 paper to Council that requested the development of a new development contributions policy.

**MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS**

The following table is a copy of the indicative project schedule in the 16 December 2021 paper to Council - The Reintroduction of Development Contributions in the Far North District in Alignment with the 2024-34 Long Term Plan. An extra column 'Progress against estimated due date' has been added to provide a commentary of progress made to date as requested by resolution of Council on 16 December 2021.

<b>Activity/Deliverable</b>	<b>Estimated due date</b>	<b>Progress against estimated due date</b>	<b>Comments/Notes</b>
<b>Phase: Concept</b>			
Paper to Council recommending the adoption of new development contributions in alignment with the 2024-34 Long Term Plan.	16 December 2021.	Completed.	

Phase: Research			
<p>Communications and engagement planning commences with stakeholder and partner identification and analysis.</p>	<p>January – February 2022.</p>	<p>Postponed until June 2022.</p>	<p>To be completed post the 8 June 2022 workshop with elected. Once the options and scope of a new Development Contributions Policy is clear a more targeted and considered communications and engagement plan will developed alongside a detailed project plan.</p>
<p>Internal workshops on options, review of best practice development contribution policies in use across New Zealand.</p>	<p>February – April 2022.</p>	<p>Completed.</p>	<p>Workshop completed 29 March 2022.</p> <p>Outcomes from workshop:</p> <ul style="list-style-type: none"> <li>(1) Financial planning staff are now allocated to project team.</li> <li>(2) Input into the possible options for a new development contributions policy were put forward by staff for consideration at the 8 June 2022 elected member workshop. These will be further explored by the project team.</li> </ul>
<p>Review of options with an external expert and a mentor Council on development contributions.</p>	<p>April 2022.</p>	<p>May 2022.</p>	<p>Staff and the procured specialist in development contribution policies will gather evidence and examples from other Councils over the month of May that will feed into the options to be considered by elected members at the 8 June 2022 workshop.</p>
<p>Project plan approved.</p>	<p>April 2022.</p>	<p>Postponed until June 2022.</p>	<p>A detailed project plan to develop a new development contributions policy will follow the 8 June 2022</p>

			workshop with elected members.
<b>Phase: Conceive</b>			
Workshop on different options, timeframes, and a confirmation of the scope of the development contributions policy (which growth-related development, which locations)	June 2022.	Scheduled for 8 June 2028. Booked in the formal meeting calendar.	This will explore differing ratios of contributions based on equity between ratepayers and developers and who benefits.  It will also seek a steer on what new growth-related development will be subject to development contributions and in what locations.  It will also explore the 'do nothing' option.
Research report completed.	August 2022.		
Communications and engagement plan completed.	August 2022.		
Paper to Strategy and Policy Committee – options and recommendations for a new development contributions policy.	6 September 2022.		This will also present a full assessment of the 'do nothing option'.
<i>Local Body Elections.</i>	<i>8 October 2022</i>		
<b>Phase: Design</b>			
Drafting of a development contributions policy for public consultation.	October 2022– January 2023		
Communications and Engagement Plan approved.	February 2023		
Approval by Council for public consultation on draft development contributions policy.	February 2023		
<b>Phase: Consult</b>			
Public consultation on draft development contributions policy.	March – May 2023.		This timeframe includes hearings.
Submission's analysis.	May-July 2023.		
Draft new policy for adoption.	July – August 2023.		

Approval by Council to use a new development contributions policy to inform 2024-34 Long Term Plan.	September 2023.		This informs the development of (1) The Financial Strategy, (2) The Revenue and Financing Policy and (3) The Infrastructure Strategy.
<b>Phase: Activate Policy</b>			
Adoption of a new Development Contributions Policy with 2024-34 Long Term Plan.	June 2024.		
New Development Contributions Policy comes into effect.	1 July 2024.		Staff commences administration of the development contributions policy. Policy rules apply for developers.

**PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

There are no financial or budgetary implications that will result from Council receiving this information report.

**ĀPITIHINGA / ATTACHMENTS**

**Nil**

## 8.2 ELECTED MEMBER PROTOCOLS DURING THE 2022 LOCAL BODY ELECTIONS

**File Number:** A3654045

**Author:** Casey Gannon, Project Manager - Democracy Services

**Authoriser:** William J Taylor MBE, General Manager - Corporate Services

### PURPOSE OF THE REPORT

Provide Elected Members with the guidelines for communication in the pre-election period, as published by Taituarā and Local Government New Zealand (LGNZ). The pre-election period runs from 15 July to 8 October 2022.

### EXECUTIVE SUMMARY

Elected members should ensure their conduct during the pre-election period is in accordance with the communication guidelines published by Taituarā and LGNZ “Communications in the Pre-Election Period” and the principles set out in section 4 of the Local Electoral Act.

### RECOMMENDATION

**That Council receive the report “Elected Member Protocols during the 2022 Local Body Elections”.**

### BACKGROUND

Local elections must be conducted in accordance with the principles set out in section 4 of the Local Electoral Act. The principles apply to any decision made by a Council under that Act or any other Act, subject only to the limits of practicality. A breach of the principles can give rise to an “irregularity” which could result in an election result being overturned. In this context the principles relate to public confidence in the election process. The conduct (including decision-making, activities, and public statements) of all Elected Members and Council staff during the pre-election period is expected to uphold these principles.

### DISCUSSION AND NEXT STEPS

The pre-election period, which runs from 15 July to election day on 8 October 2022 is the subject of guidelines produced by the Taituarā and LGNZ which are intended to ensure that conduct by Council staff is not perceived to support the election of a particular candidate. The report outlining these guidelines, which also provides additional guidance on the use of social media, is entitled “Communications in the Pre-Election Period” and can be found at <https://www.lgnz.co.nz/assets/Uploads/Pre-election-communications-2021.pdf>. Elected members are encouraged to be familiar with these, to ensure their own conduct during the pre-election period does not result in the Taituarā and LGNZ guidelines being breached (or being perceived as having been breached).

Further information about the election will be available on Council's website, including the Candidate Information Booklet which provides further information about legal requirements of candidates. Staff are also being briefed on expected conduct during the pre-election period.

The Elected Member Protocols, along with a copy of this report, will be sent via email to all Community Board members at the conclusion of this meeting.

### FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications.

### ATTACHMENTS

1. **2022 Elections - Elected Member Protocols - A3636847**  













### **8.3 LOCAL GOVERNMENT COMMISSION DETERMINATION FOR THE 2021 FNDC REPRESENTATION REVIEW**

**File Number:** A3666670

**Author:** Caroline Wilson, Manager - District Administration

**Authoriser:** William J Taylor MBE, General Manager - Corporate Services

#### **TAKE PŪRONGO / PURPOSE OF THE REPORT**

To provide elected members with the Representation Review Determination from the Local Government Commission (LGC).

#### **WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY**

Following early discussions around ward and community board subdivision matters and the decision to establish one or more Māori wards, Council undertook a comprehensive Representation Review, culminating in a final proposal adopted by Council on 4 November 2021.

As the final proposal adjusted ward or community board subdivision boundaries resulting in non-compliance with the +/- 10% rule (so as not to divide communities of interest), the final proposal was required to be treated as an appeal under section 19V(5) of the Local Electoral Act 2001 (LEA) and referred to the LGC following the appeal/objection period, for determination.

The LGC released their determination on 30 March 2022 which confirmed the council's final proposal. The determination is attached for information.

#### **TŪTOHUNGA / RECOMMENDATION**

**That the Council receive the report Local Government Commission Determination for the 2021 FNDC Representation Review.**

#### **TĀHUHU KŌRERO / BACKGROUND**

Councils are required, at least once every six years, to undertake a review of its representation arrangements. The last review was carried out in 2015 with minimal changes.

Council undertook a comprehensive review culminating in a final proposal which the LGC have accepted in its' entirety. At a high level, the changes proposed were:

- increase the number of councillors from nine to ten;
- create one district-wide Māori ward (Ngā Tai o Tokerau)
- create a new Waipapa subdivision for the Bay of Islands-Whangaroa community board;
- make minor boundary adjustments between subdivisions and wards to maintain communities of interest

The principle of establishing one or more Māori wards and the change to the Single Transferable Voting electoral system were undertaken through other provisions within the LEA and therefore out of scope of the determination.

#### **MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS**

The new structure will come into effect for the 2022 local body elections. Any impacts on ward rates will be reflected from 1 July 2023 onwards.

#### **PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

There are no financial implications as a result of this report.

**ĀPITIHANGA / ATTACHMENTS**

1. **Far North DC Determination 2022 - A3654526** [↓](#) 























## 8.4 COMMUNITY BOARD UPDATES MAY 2022

**File Number:** A3695123

**Author:** Rhonda-May Whiu, Democracy Advisor

**Authoriser:** Aisha Huriwai, Team Leader Democracy Services

### TAKE PŪRONGO / PURPOSE OF THE REPORT

To enable oversight of Community Board resolutions at Council and provide Community Board Chairperson's with a formal opportunity to speak with Council about discussions at Community Board.

### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Although the last Council meeting was dated 7 April, due to timing of printing the minutes received at the 7 April meeting were dated 3 March 2022.
- Minutes from the following Community Board meetings are attached for Council information:
  - 29 March 2022 - Te Hiku Community Board
  - 31 March 2022 - Bay of Islands-Whangaroa Community Board
  - 6 April 2022 - Kaikohe-Hokianga Community Board
  - 5 May 2022 - Bay of Islands-Whangaroa Community Board
- The following Community Board meetings will occur between printing of this agenda and the Council meeting and will be included in the 30 June 2022 Council agenda:
  - 10 May 2022 - Te Hiku Community Board
  - 11 May 2022 - Kaikohe-Hokianga Community Board

### TŪTOHUNGA / RECOMMENDATION

That Council note the following Community Board minutes:

- a) 29 March 2022 - Te Hiku Community Board
- b) 31 March 2022 - Bay of Islands-Whangaroa Community Board
- c) 6 April 2022 - Kaikohe-Hokianga Community Board
- d) 5 May 2022 - Bay of Islands-Whangaroa Community Board

### TĀHUHU KŌRERO / BACKGROUND

This report is to provide Council oversight of resolutions made at Community Board meetings and provide Community Board Chairperson's with a formal opportunity to raise any Community Board issues with Council.

### MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

This is intended as an information report.

From time-to-time Community Board's may make recommendations to Council. This report is not considered to be the appropriate mechanism for Council to make a decision from a Community Board recommendation. Council could however move a motion to formally request a report on a particular matter for formal consideration at a subsequent meeting. The report would then ensure that Council have sufficient information to satisfy the decision-making requirements under the Local Government Act 2002 (sections 77-79).

### PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or need for budget provision in considering this report.

**ĀPITI HANGA / ATTACHMENTS**

1. **2022-03-29 Te Hiku Community Board Minutes - A3644940** [↓](#) 
2. **2022-03-31 Bay of Islands-Whangaroa Community Board Minutes - A3647337** [↓](#) 
3. **2022-04-06 Kaikohe-Hokianga Community Board Minutes - A3654205** [↓](#) 
4. **2022-05-05 Bay of Islands-Whangaroa Community Board Minutes - A3696204** [↓](#) 



















































































## 8.5 COUNCIL ACTION SHEET UPDATE MAY 2022

**File Number:** A3696548

**Author:** Marlema Baker, Democracy Advisor

**Authoriser:** Aisha Huriwai, Team Leader Democracy Services

### TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide Council with an overview of outstanding Council decisions from 1 January 2020.

### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Council staff have reintroduced action sheets as a mechanism to communicate progress against Council decisions and confirm when decisions have been implemented.
- The focus of this paper is on Council decisions.
- Action sheets are also in place for Committees and Community Boards.

### TŪTOHUNGA / RECOMMENDATION

**That Council receive the report Action Sheet Update May 2022.**

### 1) TĀHUHU KŌRERO / BACKGROUND

The Democracy Services Team have been working on a solution to ensure that elected members can receive regular updates on progress against decisions made at meetings, in alignment with a Chief Executive Officer key performance indicator.

Action sheets have been designed as a way to close the loop and communicate with elected members on the decisions made by way of resolution at formal meetings.

Action sheets are not intended to be public information but will provide updates to elected members, who, when appropriate can report back to their communities and constituents.

Officers recognise that the action sheet format is not yet fully meeting the expectations of the elected members. This is a system generated report over which officers have no current ability to change the format. Discussions are underway with the software provider to assess costs of a customisation option for these reports to make them bespoke to our council requirements.

### 2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The outstanding tasks are multi-facet projects that take longer to fully complete.

The Democracy Services staff are working with staff to ensure that the project completion times are updated so that action sheets provided to members differentiate between work outstanding and work in progress.

### Take Tūtohunga / Reason for the recommendation

To provide Council with an overview of outstanding Council decisions from 1 January 2020.

### 3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or need for budgetary provision in receiving this report.

### ĀPITIHINGA / ATTACHMENTS

1. Council Action Sheet May 202 - A3697640 [↓](#) 

























**9 TE WĀHANGA TŪMATAITI / PUBLIC EXCLUDE**

**RESOLUTION TO EXCLUDE THE PUBLIC**

**RECOMMENDATION**

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 - Appointment of Directors to the FNHL Board</b>	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	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>9.3 - Request for further instructions regarding the Ratcliffe Bay land acquisition</b>	s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege  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

	<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><b>9.4 - Committee Public Excluded Resolutions - May 2022</b></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><b>9.5 - Community Board Public Excluded Minutes March 2022</b></p>	<p>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</p>	<p>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</p>

**10 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER**

**11 TE KAPINGA HUI / MEETING CLOSE**