

**MINUTES OF FAR NORTH DISTRICT COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE
ON THURSDAY, 19 MAY 2022 AT 9:57 AM**

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

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

STAFF PRESENT: 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 the Council prayer.

2 NOTICE OF MOTION

2.1 NOTICE OF MOTION - ROAD SEAL PARAPARA HILL

Agenda item 5.1 document number A3705471, page 12 refers

MOTION

Moved: Cr Mate Radich

That Parapara Hill be sealed without delay.

Motion failed to secure a Seconder.

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

At 10:01 am, Cr Mate Radich left the meeting.

4 NGĀ KŌRERO A TE KOROMATUA / MAYORAL ANNOUNCEMENTS

- Tree of the Year nomination.
- LGNZ submission – removing exotic forests from forest category of NZ Emissions Trading Scheme.
- Supplementary Agenda – 3 Additional Reports:
 - **Item 7.1:** Three Waters Reform Better Off Funding.
 - **Item 7.2:** Appointment of Non-Elected Members to Committees of Council Policy.
 - **Item 7.3:** Establishment of Appointments Committee: Maori Representation in Standing Committees and Community Boards.

5 CONFIRMATION OF PREVIOUS MINUTES

6.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 6.1 document number A3689717, pages 13 - 25 refers.

RESOLUTION 2022/28

Moved: Mayor John Carter

Seconded: Cr Rachel Smith

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.

Correction to Item 7.3 Lindvart Park Pavilion, Kaikohe Project:

Page 19's note should say: "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".

CARRIED

6 REPORTS

7.1 COMMITTEE RECOMMENDATIONS AND RESOLUTIONS - MAY 2022

Agenda item 7.1 document number A3690335, pages 26 - 50 refers.

RESOLUTION 2022/29

Moved: Cr John Vujcich

Seconded: Cr Rachel Smith

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.

CARRIED

Deputy Mayor Ann Court and Crs Kelly Stratford and Dave Collard declared conflicts of interest on Item 7.2.

7.2 APPOINTMENT OF DISTRICT LICENSING COMMITTEE CHAIRPERSON AND DEPUTY CHAIRPERSON

Agenda item 7.2 document number A3692678, pages 51 - 53 refers.

MOTION

Moved: Mayor John Carter

Seconded: Cr John Vujcich

- 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.

AMENDMENT

Moved: Cr David Clendon

Seconded: Cr Rachel Smith

- d) and that a paper be presented on the process of appointment of commissioners to the DLC be circulated to the Councillors within 10 days.

In Favour: Mayor John Carter, David Clendon, Felicity Foy, Rachel Smith, Moko Tepania and John Vujcich

Abstained: Deputy Mayor Ann Court, Crs Dave Collard and Kelly Stratford

CARRIED

The amendment became the substantive motion.

RESOLUTION 2022/30

Moved: Mayor John Carter

Seconded: Cr John Vujcich

- 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.**
- d) **And that a paper be presented on the process of appointment of commissioners to the District Licensing Committee be circulated to the Councillors within 10 days.**

CARRIED

Note: George Swanepoel to circulate information to Council and Community Board Chairs on how the appointments to the DLC work.

7.3 LINDVART PARK EASEMENT TO TOP ENERGY

Agenda item 7.3 document number A3703758, pages 54 - 75 refers

RESOLUTION 2022/31

Moved: Cr John Vujcich
Seconded: Cr Moko Tepania

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.

CARRIED

7 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 A3589454, pages 76 - 79 refers

RESOLUTION 2022/32

Moved: Cr Rachel Smith
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.

CARRIED

8.2 ELECTED MEMBER PROTOCOLS DURING THE 2022 LOCAL BODY ELECTIONS

Agenda item 8.2 document number A3654045, pages 80 - 85 refers

RESOLUTION 2022/33

Moved: Cr John Vujcich
Seconded: Cr Rachel Smith

That Council receive the report "Elected Member Protocols during the 2022 Local Body Elections".

CARRIED

8.3 LOCAL GOVERNMENT COMMISSION DETERMINATION FOR THE 2021 FNDC REPRESENTATION REVIEW

Agenda item 8.3 document number A3666670, pages 86 - 96 refers

RESOLUTION 2022/34

Moved: Mayor John Carter

Seconded: Cr Moko Tepania

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

CARRIED

At 11:01 am, Mayor John Carter left the meeting and returned 11:03 am.

At 11:04 am, Cr Rachel Smith left the meeting and returned 11:07 am.

At 11:08 am, Cr Felicity Foy returned to the meeting and returned 11:08 am.

8.4 COMMUNITY BOARD UPDATES MAY 2022

Agenda item 8.4 document number A3695123, pages 97 - 135 refers

RESOLUTION 2022/35

Moved: Mayor John Carter

Seconded: Cr John Vujcich

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**

CARRIED

NOTE:

- Te Hiku Community Board has delegations over Drainage and would like to be informed and involved in any Drainage meetings that occur.
- Kaikohe-Hokianga Community Board notes that it is important that NTA engage with the Board on traffic calming measures / roading and footpathing.

MAJOR ITEM NOT ON THE AGENDA

RESOLUTION 2022/36

Moved: Mayor John Carter

Seconded: Cr Rachel Smith

That Council:

- a) **resolves to consider the item not on the agenda:**
 1. **Supplementary Agenda Item 7.1 “Three Waters Reform Better off Funding”.**
 2. **Supplementary Agenda Item 7.2 “Appointment of Non-Elected Members (Appointed Members) to Committees of Council” policy.**
 3. **Supplementary Agenda Item 7.3 “Establishment of Appointments Committee: Maori Representation in Standing Committees”.**
- b) **and notes that His Worship the Mayor provided a brief explanation of why these reports were not on the agenda and why they could not be delayed.**

Against: Deputy Mayor Ann Court

CARRIED

7.1 THREE WATERS REFORM BETTER OFF FUNDING

Supplementary Agenda item 7.1 document number A3705481, pages 5 - 52 refers

RESOLUTION 2022/37

Moved: Cr John Vujcich
Seconded: Cr Rachel Smith

That Council:

- a) approves in principle a funding application from Far North District Council for Tranche 1 of the Better Off funding package.
- b) notes that staff will bring forward a further report to Council for approval of a schedule of projects for which funding will be sought.

Against: Deputy Mayor Ann Court

CARRIED

At 11:53 am, Cr Rachel Smith left the meeting and returned at 11:58 am.

7.2 APPOINTMENT OF NON-ELECTED MEMBERS (APPOINTED MEMBERS) TO COMMITTEES OF COUNCIL POLICY

Supplementary Agenda item 7.2 document number A3680864, pages 53 - 59 refers

RESOLUTION 2022/38

Moved: Cr Moko Tepania
Seconded: Cr Kelly Stratford

That Council adopt the Appointment of Non-Elected Members (Appointed Members) to Committees of Council Policy.

CARRIED

At 12:26 pm, Cr Kelly Stratford left the meeting and returned at 12:27 pm.

7.3 ESTABLISHMENT OF APPOINTMENTS COMMITTEE: MĀORI REPRESENTATION IN STANDING COMMITTEES

Supplementary Agenda item 7.3 document number A3699746, pages 60 - 64 refers

RESOLUTION 2022/39

Moved: Cr Moko Tepania
Seconded: Cr Rachel Smith

That Council:

- a) establish an Appointments Committee for the purpose of enabling Māori participation in the decision-making on the following Committees, prior to the 2022 local government elections;
 - Regulatory Compliance Committee
 - Assurance, Risk and Finance Committee
 - Strategy and Policy Committee and
 - Infrastructure Committee
- b) appoint the following members to the Appointments Committee;
 1. Councillor Moko Tepania
 2. Councillor Rachel Smith
 3. Councillor Kelly Stratford
- c) delegate the appointment committee to make a recommendation to Council to make non-

elected member appointments to the Council Committees and that Council undertakes to deal with this expeditiously

Against: Deputy Mayor Ann Court

CARRIED

Meeting adjourned at 12:53 pm for lunch and resumed at 1:26 pm

8.5 COUNCIL ACTION SHEET UPDATE MAY 2022

Agenda item 8.5 document number A3696548, pages 136 - 146 refers

RESOLUTION 2022/40

Moved: Mayor John Carter

Seconded: Cr Felicity Foy

That Council receive the report Action Sheet Update May 2022.

CARRIED

8 TE WĀHANGA TŪMATAITI / PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2022/41

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>9.1 - Confirmation of Previous Minutes - Public Excluded</p> | <p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority</p> <p>s7(2)(h) - the withholding of the information is necessary to</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> |

| | | |
|--|---|--|
| | enable Council to carry out, without prejudice or disadvantage, commercial activities | |
| 9.2 - Appointment of Directors to the FNHL Board | 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 |
| 9.3 - Request for further instructions regarding the Ratcliffe Bay land acquisition | 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 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 |
| 9.4 - Committee Public Excluded Resolutions - May 2022 | 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 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) 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 | 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 |
| 9.5 - 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 | 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 |

| | | |
|----------------|---|--|
| | tribunal against the final decision of the Council in these proceedings | |
| CARRIED | | |

Council confirms the information and decisions contained in the part of the meeting held with public excluded not be restated in public.

9 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

CR KELLY STRATFORD CLOSED THE MEETING WITH A KARAKIA.

11 MEETING CLOSE

The meeting closed at 2:00 pm.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 30 June 2022.

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CHAIRPERSON