

**MINUTES OF FAR NORTH DISTRICT COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE
ON THURSDAY, 22 SEPTEMBER 2022 AT 10:00AM**

PRESENT: Mayor John Carter (HWTM), Deputy Mayor 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), Andy Finch (General Manager Infrastructure and Asset Management), Darren Edwards (General Manager Strategic Planning and Policy), Dean Myburgh (General Manager District Services), Janice Smith (Acting General Manager Corporate Services), Jill Coyle (Chief People Officer), Aisha Huriwai (Democracy Services Team Leader), Rhonda-May Whiu (Democracy Advisor), George Swanepoel (In-House Counsel), Helen Ronaldson (Manager Asset Management Infrastructure Planning) Tanya Proctor (Transition Manager), David Clamp (Manager Major and Recovery Projects), Vicki Begbie (Manager Business Development IAM).

1 KARAKIA TIMATANGA / OPENING PRAYER

His Worship the Mayor opened the meeting with a prayer.

Council held a moment of silence in respect for the passing of Her Majesty Queen Elizabeth II.

His Worship the Mayor John Carter acknowledge His Majesty King Charles III.

2 NGĀ TONO KŌRERO / DEPUTATION

Nora Rameka on behalf of Ngati Rehia spoke regarding Rangitane Maritime Development.

Hugh Rihari on behalf of Te Runanga o iwi o Ngapuhi regarding Rangitane Maritime Development.

Blair Stanley on behalf of the Rangitane Residents Association regarding Rangitane Maritime Development.

Mark Turner regarding Rangitane Maritime Development.

Bruce Mills regarding Pedestrian safety on mainstreet bridge in Kaeo.

Gerry Paul on behalf of Turner Centre regarding the Future of the Turner Centre.

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

Declaration of interest from Deputy Mayor Ann Court for Agenda item 9.5 Solid Waste Service Delivery Review.

4 NOTICE OF MOTION

4.1 NOTICE OF MOTION - RANGITANE MARITIME DEVELOPMENT

Agenda item 5.1 document number A3890667, pages 6 - 10 refers.

RESOLUTION 2022/64

Moved: Deputy Mayor Ann Court

Seconded: Cr Rachel Smith

That Council:

- a) **Support the Maritime Facilities Development at Rangitane proceed through to the conclusion of the Resource Consent process.**
- b) **Remains committed to the funding Agreement with MBIE and supports an approach be made to MBIE to continue its funding support for the period required to conclude the consenting process**

In Favour: Mayor John Carter, Deputy Mayor Ann Court, Cr Dave Collard, Cr Felicity Foy and Cr Rachel Smith

Against: Cr David Clendon, Cr Mate Radich, Cr Kelly Stratford, Cr Moko Tepania and Cr John Vujcich

EQUAL

Mayor John Carter used a casting vote to carry the vote.

CARRIED

Cr David Clendon tabled correspondence addressed to Rangitane Residents Association.
Document number A3908452

The meeting was adjourned from 11:03am to 11:12am.

5 NGĀ KŌRERO A TE KOROMATUA / MAYORAL ANNOUNCEMENTS

His Worship the Mayor John Carter acknowledge those elected members celebrating their birthdays this month.

5.2 NOTICE OF MOTION - FOOTPATH AT KAEO

Agenda item 5.2 document number A3891517, pages 314 - 315 refers.

RESOLUTION 2022/65

Moved: Deputy Mayor Ann Court

Seconded: Cr Kelly Stratford

That the CEO investigate and report back to Council, on the feasibility and cost alongside an implementation plan to achieve a fully accessible footpath as it adjoins the town centre bridge in Kaeo.

CARRIED

6 CONFIRMATION OF PREVIOUS MINUTES

6.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 6.1 document number A3859547, pages 316 - 326 refers.

RESOLUTION 2022/66

Moved: Mayor John Carter

Seconded: Cr Moko Tepania

That Council confirms the minutes of the Council meeting held 11 August 2022 as a true and correct record.

CARRIED

7 REPORTS

7.1 COMMITTEE RECOMMENDATIONS AND RESOLUTIONS - SEPTEMBER 2022

Agenda item 7.1 document number A3890649, pages 327 - 330 refers.

RESOLUTION 2022/67

Moved: Cr Rachel Smith
Seconded: Cr Dave Collard

That:

Item 5.1 Parking Enforcement – (Regulatory Compliance Committee)

- a) Council continues the trial period of enforcing stationary vehicle Warrants of Fitness and Registration offences across the district for a further 12 months to 30 June 2023
- b) and that partnership opportunities be pursued to address road safety and resourcing issues.

Item 5.2 Expressions Of Interest For Independent Hearings Commissioners – (Regulatory Compliance Committee)

Council delegates the following powers to the persons listed in the attached schedule of 'Commissioners with 'Making good decisions' certification' (Appendix 1). The powers to:

- a) hear and determine resource consent applications (including but not limited to a change or cancellation of a condition/s; determinations for the requirement for a hearing, and extending or waiving compliance with a time limit up to the maximum period specified in the Act; the power to decline processing of an application or the consideration of a submission; determining that the Environment Court decide an application for resource consent; and directing an applicant or submitter to provide briefs of evidence/further information prior to hearing); notices of requirement; and objections under sections 357, 357A and 357B of the Act;
- b) extend or confirm existing use rights;
- c) determine that an activity is permitted;
- d) make recommendations on public and private plan changes; and
- e) make recommendations to amend a plan or proposed plan to remove duplication or conflict with a national environmental standard; and
- f) that this list be reviewed within 6 months.

Item 5.1 Approval Of The Revised Terms Of Reference For The Joint Climate Change Adaptation Committee – (Strategy and Policy Committee)

- a) Council adopt the revised Terms of Reference for the Joint Climate Change Committee.

Item 5.2 Naming Policy - Recommendations For Making A New Policy (Strategy and Policy Committee)

- a) Council make the Naming Policy as per Attachment 1
- b) revoke the Road Naming and Property Numbering Policy 2014.

Item 5.5 Pou Herenga Tai Twin Coast Cycle Trail Bylaw - Recommendations For Making Amendments (Strategy and Policy Committee)

- a) Council approves, the recommendations in the staff report on the Pou Herenga Tai -

Twin Coast Cycle Trail Bylaw submissions and recommendations for consideration in attachment 1 that:

- i) **No changes are made to clauses 1,3,4,5,8,9, and 10.**
- ii) **Clauses 2, 6, and 7 are amended to improve certainty and clarity as per the recommendations in section 4 of the staff report Analysis of Submissions – Pou Herenga Tai – Twin Coast Cycle Trail in attachment 1**
- b) **Council amend the Pou Herenga Tai – Twin Coast Cycle Trail Bylaw under sections 145, 156, and 160 of the Local Government Act 2002, and make the Pou Herenga Tai – Twin Coast Cycle Trail Bylaw under section 11 of the Freedom Camping Act 2011.**

Item 5.6 Open Spaces Strategy - Options Analysis (Strategy and Policy Committee)

- a) **Council develop an Open Spaces Strategy.**

Item 5.8 'Te Puāwaitanga' - Bay of Islands / Waipapa Sports Hub Governance Arrangements - Options Analysis (Strategy and Policy Committee)

- a) **a partnership structure between Far North District Council and an independent community entity be negotiated to ensure the sustainable long-term governance and management of Te Puāwaitanga.**

CARRIED

7.2 CAPITAL CARRY FORWARDS JUNE 2022

Agenda item 7.2 document number A3878660, pages 352 - 354 refers.

RESOLUTION 2022/68

Moved: Cr John Vujcich
Seconded: Cr Moko Tepania

That the Council

- a) **approve the capital budgets identified in the report “Carry Forward for Capital Programme 2021-22” totalling \$44,080,377 be carried forward to the 2022-23 financial year.**

CARRIED

7.3 RESET OF THE FAR NORTH WATERS ALLIANCE

Agenda item 7.3 document number A3886912, pages 363 - 369 refers.

RESOLUTION 2022/69

Moved: Deputy Mayor Ann Court
Seconded: Cr Felicity Foy

That Council approve the re-establishment of Far North Waters as a true Alliance between Ventia and FNDC with immediate effect.

CARRIED

7.4 DISTRICT WIDE WATER & WASTEWATER CHARGES - CONSULTATION

Agenda item 7.4 document number A3886611, pages 370 - 376 refers.

RESOLUTION 2022/70

Moved: Mayor John Carter
Seconded: Cr Rachel Smith

That Council:

- a) Approves in principle the draft Statement of Proposal for District Wide rating of Water and Wastewater targeted rating.
- b) Approves that consultation commences as soon as practically possible after the election to enable staff to complete the consultation process, carry out deliberations.

CARRIED

7.6 MATAURI BAY WASTEWATER SCHEME

Agenda item 7.6 document number A3887809, pages 388 - 391 refers.

RESOLUTION 2022/71

Moved: Mayor John Carter
Seconded: Cr Kelly Stratford

That Council

- a) Permits Cavalli Properties Ltd to commission the Innoflow wastewater treatment assets at Matauri Bay with Cavalli Properties agreeing to fund all operationalization and operating costs until 1 July 2024.
- b) Agrees that on the basis of Cavalli Properties experience of operating the Innoflow system, Council will consult with the relevant entities to transfer the operating of the system from Cavalli Properties Ltd from 1 July 2024.

CARRIED

7.5 REQUEST FOR ENCUMBRANCE OVER ESPLANADE RESERVE, PUKETONA ROAD

Agenda item 7.5 document number A3864592, pages 383 - 386 refers.

RESOLUTION 2022/72

Moved: Mayor John Carter
Seconded: Deputy Mayor Ann Court

That Council approve the granting of an encumbrance pursuant to the Reserves Act 1977 on Local Purpose Esplanade Reserve Lot 3 DP 142939 for the purpose of enabling the privately funded construction of an erosion control device that satisfies both FNDC and NRC requirements.

CARRIED

At 12:11 pm, Mayor John Carter left the meeting.

At 12:13 pm, Mayor John Carter returned to the meeting.

At 12:14 pm, Cr Kelly Stratford left the meeting.

At 12:16 pm, Cr Kelly Stratford returned to the meeting.

His Worship the Mayor John Carter presented on behalf of the Far North District Council a certificate of service to Councillor David Clendon.

Democracy Services presented on behalf to Far North District Council a gift and a of certificate of service for His Worship the Mayor John Carter.

The meeting was adjourned from 12:40pm to 1:16pm.

7.7 REQUEST FOR HALL DELEGATIONS

Supplementary Agenda item 7.7 document number A3514967, pages 4 - 8 refers.

RESOLUTION 2022/73

Moved: Deputy Mayor Ann Court

Seconded: Cr John Vujcich

That Council:

- a) request the Chief Executive Officer to review the Halls and Facilities Strategy 2015 and the Community Halls Policy 2016 within the next 12 months in collaboration with all Community Boards.
- b) Council delegations to Community Boards in relation to community halls be considered by Council when these documents have been adopted.

CARRIED

8 INFORMATION REPORTS

8.1 PETITION TO COLLECTIVELY ENGAGE IN JUDICIAL VETOING OF FLUORIDATION ORDER

Agenda item 8.1 document number A3869089, pages 417 - 418 refers.

RESOLUTION 2022/74

Moved: Mayor John Carter

Seconded: Cr Felicity Foy

That the Council receive the report Petition to Collectively Engage in Judicial Vetoing of Fluoridation Order.

Abstained: Cr Rachel Smith

CARRIED

8.2 COMMUNITY BOARD UPDATES SEPTEMBER 2022

Agenda item 8.2 document number A3887812, pages 419 - 420 refers.

RESOLUTION 2022/75

Moved: Mayor John Carter

Seconded: Cr Moko Tepania

That Council note the following Community Board minutes:

- a) Kaikohe-Hokianga Community Board
 - 3 August 2022
- b) Bay of Islands-Whangaroa Community Board
 - 4 August 2022
 - 1 September 2022

<p>c) Te Hiku Community Board</p> <ul style="list-style-type: none"> 16 August 2022 	CARRIED
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8.3 COUNCIL ACTION SHEET UPDATE SEPTEMBER 2022

Agenda item 8.3 document number A3890807, pages 447 - 447 refers.

<p>RESOLUTION 2022/76</p> <p>Moved: Mayor John Carter Seconded: Cr Moko Tepania</p> <p>That Council receive the report Action Sheet Update September 2022.</p>	CARRIED
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8.4 PROGRESS REPORT: THE REINTRODUCTION OF DEVELOPMENT CONTRIBUTIONS IN THE FAR NORTH DISTRICT IN ALIGNMENT WITH THE 2024-34 LONG TERM PLAN

Agenda item 8.4 document number A3589460, pages 10 - 11 refers.

<p>RESOLUTION 2022/77</p> <p>Moved: Mayor John Carter Seconded: Cr Kelly Stratford</p> <p>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.</p>	CARRIED
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9 TE WĀHANGA TŪMATAITI / PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

<p>RESOLUTION 2022/78</p> <p>Moved: Mayor John Carter Seconded: Cr Kelly Stratford</p> <p>That the public be excluded from the following parts of the proceedings of this meeting.</p> <p>And that Natalie Donze and Kathleen Fafeita be permitted to remain as Council contractors working on 9.3 Infrastructure Acceleration FUND (IAF) Negotiation of Funding Agreements.</p> <p>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:</p>		
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>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>

	<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>exist under section 6 or section 7</p>
<p>9.2 - Committee Public Excluded Resolutions - September 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 - Infrastructure Acceleration Fund (IAF) - Negotiation of Funding Agreements</p>	<p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>9.4 - Extension of Contract 7-14-60 Education and Promotion of Waste Minimisation and Sustainability Practices to Community and Business Environment Centre (Eco Solutions)</p>	<p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

<p>9.5 - Solid Waste Service Delivery Review</p>	<p>s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority.</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities.</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>9.6 - 8 Karamea Road, Mangonui - Stormwater Site Remediation</p>	<p>s7(2)(d) - the withholding of the information is necessary to avoid prejudice to measures protecting the health or safety of members of the public.</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>9.7 - 7 Hokianga Drive, Opononi</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)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>9.8 - The future of the Turner Centre</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)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>9.9 - Kawakawa to Opuā Cycleway - Update and Next Steps.</p>	<p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>9.10 - New Lease for Commercial Property - 13 Homestead Road, Kerikeri</p>	<p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial</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</p>

	<p>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>reason for withholding would exist under section 6 or section 7</p>
<p><u>Abstained:</u> Cr Rachel Smith</p>		
		<p>CARRIED</p>

Council confirmed the following decisions contained in the part of the meeting held with public excluded be reinstated in public as follows:

That Council agrees that the meeting continue beyond the six hour duration in Standing Order 4.2 - Meeting Duration, to discuss the remainig items left on the agenda.

That Council

- a) **Authorises the Chief Executive to conclude the negotiation of funding agreements with Kainga Ora's Infrastructure Acceleration Fund (IAF) on the basis that:**
 - (i) the total receivable from the IAF is \$x,
 - (ii) Developer agreements are negotiated to enable Council to recover the developer "fair share" of costs.
- b) **Approves expenditure of \$x to allow for feasibility studies to commence immediately, on the basis that this work falls within the IAF-funded scope and will be recovered by Council when the first tranche of IAF funding is drawn down.**
- c) **Approves \$x from 2025/26 Wastewater scheme improvements and an additional \$x to be funded from loan to meet the \$x shortfall shown in the report**

10 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

HIS WORSHIP THE MAYOR JOHN CARTER CLOSED THE MEETING WITH A PRAYER.

11 MEETING CLOSE

The meeting closed at 4.19pm.

The minutes of this meeting will be confirmed by the Chairperson and the Chief Executive.

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CHAIRPERSON