



**Far North
District Council**



Te Kaunihera o Tai Tokerau ki te Raki

AGENDA

Extraordinary Council Meeting

Wednesday, 23 November 2022

Time: 9:30 am
Location: Council Chambers
Memorial Avenue
Kaikohe

Membership:

Kahika - Mayor Moko Tepania - Chairperson
Kōwhai - Deputy Mayor Kelly Stratford
Cr Ann Court
Cr Felicity Foy
Cr Hilda Halkyard-Harawira
Cr Babe Kapa
Cr Penetaui Kleskovic
Cr Steve McNally
Cr Mate Radich
Cr Tāmati Rākena
Cr John Vujcich

Far North District Council
Extraordinary Council Meeting
will be held in the Council Chambers , Memorial Avenue, Kaikohe on:
Wednesday 23 November 2022 at 9:30 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 Services (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 KAHIKA / MAYORAL ANNOUNCEMENTS

5 REPORTS

5.1 ESTABLISHMENT AND MEMBERSHIP OF AN EXECUTIVE REVIEW COMMITTEE FOR 2022-2025

File Number: A3983707

Author: Caroline Wilson, Manager - District Administration

Authoriser: Janice Smith, Acting General Manager - Corporate Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

The Mayor has requested that an Executive Review Committee (ERC) be established prior to wider discussion and establishment of a governance structure (committees and portfolios).

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- The request for a late report to establish the Executive Review Committee was agreed between the Mayor and the Chief Executive and was circulated as a supplementary item for the 10 November Ordinary Council meeting.
- Under Standing Orders in respect of late reports, Council must first resolve to deal with an item of business not on the agenda with an explanation given by the Chairperson as to why the item was not on the agenda (why it is a late report) and reasons why the discussion of the item cannot be delayed until a subsequent meeting.
- This did not occur, with members entering into debate and voting without resolving first the deal with the report. As such, it could call into question the lawful establishment of the ERC and any subsequent decisions made by the Committee.
- This report seeks to remedy this by placing it onto this agenda as a report to be discussed and voted upon.
- The remainder of the report is exactly as per the report that was brought to the 10 November Ordinary Meeting, including the original terms of reference.
- The Executive Review Committee be established to undertake the responsibilities associated with the Chief Executive as required under the Local Government Act.
- The membership of the Executive Review Committee shall be all of Council. i.e. the Mayor and all 10 Councillors.
- The terms of reference (delegations) for the Executive Review Committee are attached to the report.

TŪTOHUNGA / RECOMMENDATION

That Council establish an Executive Review Committee and appoint the following members:

1. **Mayor Tepania, Deputy Mayor Kelly Stratford, Ann Court, Babe Kapa, Felicity Foy, Hilda Halkyard-Harawira; John Vujcich, Mate Radich, Penetaui Kleskovic, Steve McNally, Tāmati Rākena.**

1) TĀHUHU KŌRERO / BACKGROUND

Under section 41A(3) of the Local Government Act 2002, the Mayor has the power to establish committees and appoint membership including the chairperson of each committee.

The Mayor wishes to establish a governance structure of committees and portfolios along with associated remuneration. In the meantime, he has expressed a desire to establish an Executive Review Committee prior to the finalisation of the broader governance structure.

The Mayor has opted not to exercise this power, so this report is provided to Council to establish the Executive Review Committee, adopt the terms of reference and confirm the membership.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The previous triennium Executive Review Committee terms of reference has been used as the foundation for the 2022-2025 terms of reference, with changes to membership and quorum.

There has been one amendment to the specific responsibilities (bullet points). The bullet point:

- Annually consider the Chief Executives remuneration

Has been deleted and the word *remuneration* added to the first bullet point which now reads:

- Review the Chief Executives' performance *and remuneration* as required in the employment agreement between the Council and the Chief Executive.

This removes any issue between the terms of reference stating a specific timeframe or activity that might be different to what has been negotiated in the employment agreement.

As this is a whole of Council committee, the only decision required to come before an Ordinary Council meeting is that of the appointment of the Chief Executive.

The terms of reference of the Executive Review Committee are simple insofar as it relates to specific aspects of the employment, remuneration and performance of the Chief Executive, in accordance with the contract of employment (employment agreement) between the Chief Executive and the Council and the Local Government Act (Schedule 7, sections 33-35). As such, the terms of reference for the Executive Review Committee shall not have any crossovers with the final governance structure.

Take Tūtohunga / Reason for the recommendation

Establish an Executive Review Committee for the 2022-2025 triennium in relation to matters of employment, remuneration and performance of the Chief Executive.

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

There are no financial implications and budgetary provisions required as a result of this report.

ĀPITIHINGA / ATTACHMENTS


1. Register of Delegations for Executive Review Committee - for 2022 triennium - A3592615 [↓](#) 

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 Council's Significance and Engagement Policy	This report is 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.	The Local Government Act is the relevant legislation regarding provision for committees, and the obligations of governance to oversee the performance, remuneration and recruitment of the Chief Executive.
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.	Community Board views have not been sought as this is a matter for Councillors to discuss how they would like to structure their governance oversight.
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.	There are no specific implications for Māori – this matter relates to internal governance oversight.
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).	There are no specific implications for any other persons – this matter relates to internal governance oversight.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report

 Far North District Council <i>Te Kaunihara o Tai Tokerau ki te Raki</i>	Authorising Body	Local Government Act 2002
	Status	Standing Committee
COUNCIL COMMITTEE	Title	Executive Review Committee Terms of Reference
	Approval Date	23 November 2022

Role of the Executive Review Committee

Council sets its vision and values to underpin its strategic direction. This guides the organisation as it works to make the Far North District an attractive place to live, work, and play. Council is forward looking, acting strategically to prepare for the district's future.

Council employs the chief executive, who in turn employs and manages Council staff. Council therefore has a responsibility to set and monitor the performance of the chief executive.

Only Council (the local authority) may appoint the chief executive under Part 4 (clause 42) of the Local Government Act (LGA). Council cannot delegate this responsibility to a sub-ordinate decision-making body (LGA Sch7, cl 32, sec 1e).

Membership

The Executive Review Committee will comprise of the Mayor and all Councillors (one of which will be the chairperson).

Mayor Tepania - Chairperson
 Kelly Stratford – Deputy Chairperson
 Ann Court
 Babe Kapa
 Felicity Foy
 Hilda Halkyard-Harawira
 John Vujcich
 Mate Radich
 Penetaui Kleskovic
 Steve McNally
 Tāmati Rākēna

Quorum - Committee

The quorum at a meeting of the Executive Review Committee is 6 members.

Frequency of Meetings

The Executive Review Committee shall meet at least twice per year but may convene more frequently as required.

Committees Responsibilities

The Committees responsibilities are described below:

Performance of the Chief Executive

- Review the chief executives' performance and remuneration as required in the employment agreement between the Council and chief executive.
- Conduct a performance review the end of the first term of appointment as required under Schedule 7, clause 35 of the LGA.
- Supervise any recruitment and selection process for a chief executive as required under Part 4, clause 42 of the LGA for Council consideration and adoption.
- Consider any issues regarding the employment of the chief executive.
- The Committee may procure independent specialist advice to the value of \$25,000 per annum in accordance with Councils procurement policy and processes.

5.2 TEMPORARY ROAD CLOSURE – FOUR INDIVIDUAL CHRISTMAS/SANTA PARADES**File Number: A3967781****Author: Calvin Thomas, General Manager - Northland Transportation Alliance****Authoriser: Andy Finch, General Manager - Infrastructure and Asset Management****TAKE PŪRONGO / PURPOSE OF THE REPORT**

The purpose of this paper is to obtain Council approval for temporary road closures for four individual Christmas/Santa Parades in the Far North.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- The Northland Transportation Alliance manage temporary road closures for events on behalf of Council
- The task of approving Road Closures, specifically for the safe operation of Events, cannot be delegated by Council
- Christmas/Santa Parades are organised by the community for the community
- Advertising of each event will take place approximately two weeks before the event in accordance with requirements of the Local Government Act 1974.
- Without Council approval the Christmas/Santa Parades cannot take place.

TŪTOHUNGA / RECOMMENDATION

That Council approves the proposed temporary road closures to accommodate the safe operation of the following events:

- a) Kaitaia Santa Parade – Saturday 03/12/22**
- b) Moerewa Christmas Parade – Friday 09/12/22**
- c) Paihia Christmas Parade – Friday 02/12/22**
- d) Kaikohe Christmas Parade – Friday 02/12/22**

1) TĀHUHU KŌRERO / BACKGROUND

The background to this paper has been prepared by the Northland Transportation Alliance and is included as Attachment 1.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Christmas/Santa Parades are organised by the community for the community.

Whilst the Northland Transportation Alliance endeavour to be proactive around the identification of these type of events, they are reliant on the community and organisers engaging around location and date. At the time of writing the only Christmas/Santa Parades notified are in Kaitaia, Moerewa, Paihia and Kaikohe.

Staff have been notified that the Kerikeri Christmas/Santa Parade will be held on the Domain and that no temporary road closure is required. Similarly, Kawakawa intend holding an event in Hundertwasser Park. Kaeo is hosting their Parade in the Whangaroa College/ fields and will not be along the main highway.

We are currently not aware of any other parades that require temporary road closures.

Take Tūtohunga / Reason for the recommendation

To enable the Christmas/Santa parades to take place.

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

No budgetary implications.

ĀPITIHINGA / ATTACHMENTS

1. **NTA - Temporary Road Closure for Far North Christmas Parades - November 2022 - A3970432**  

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 Council's Significance and Engagement Policy	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.	Local Government Act, 1974
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.	Local relevance for each event.
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.	No specific implications for Māori have been identified.
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).	N/A
State the financial implications and where budgetary provisions have been made to support this decision.	None
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report



Name of item: Temporary Road Closure – Four Individual Christmas/Santa Parades

Author: Reporting officer – Dale Roberts
NTA / FNDC Road Corridor Manager - TMC

1 Purpose

The purpose of this paper is to obtain Council approval for temporary road closures for four individual Christmas/Santa Parades in the Far North.

2 Recommendations

That Council approves the proposed temporary road closures to accommodate the safe operation of the following events:

1. Kaitaia Santa Parade – Saturday 03/12/22
2. Moerewa Christmas Parade – Friday 09/12/22
3. Paihia Christmas Parade – Friday 02/12/22
4. Kaikohe Christmas Parade – Friday 02/12/22

3 Background

Kaitaia Santa Parade – Saturday 03/12/22

Roads closed and times:

- 4 Taffee Street to 139 commerce street – between 11.30am and 2.00pm.
- 139 commerce street to 50 Commerce Street / Bank Street – between 11.30am and 2.00pm.
- Commerce street entry to Bank Street down to West lane – between 11.30am and 2.00pm.

Moerewa Christmas Parade – Friday 09/12/22

Roads closed and times:

- 4 Marshall Street to the intersection State Highway 1 – between 6:00pm and 8:00pm.
- 4 Pembroke Street to the intersection State Highway 1 – between 6:00pm and 8:00pm.
- 1 Plunket Street o the intersection State Highway 1 – between 6:00pm and 8:00pm.

Paihia Christmas Parade – Friday 02/12/22

Roads closed and times:

- The length of Williams Road, between State Highway 11 and Selwyn Road – between 1:00pm and 9:00pm.



Kaikohe Christmas Parade – Friday 02/12/22

- The length of Wihongi Street between State Highway 1 and Sydney Street – between 2:00pm and 8:30pm.

4 Discussion

Delegation

The task of approving Road Closures, specifically for the safe operation of Events, cannot be delegated by Council, as the act used to close the road under (Local Government Act 1974, Schedule 10) stipulates under Clause 12:

“The powers conferred on the council by clause 11 (except paragraph (e)) may be exercised by the chairman on behalf of the council or by any officer of the council authorised by the council in that behalf.”

Clause 11(e) stipulates *“The council may, subject to such conditions as it thinks fit (including the imposition of a reasonable bond), and after consultation with the Police and the New Zealand Transport Agency, close any road or part of a road to all traffic or any specified type of traffic (including pedestrian traffic):*

- e) for a period or periods not exceeding in the aggregate 31 days in any year for any exhibition, fair, show, market, concert, film-making, race or other sporting event, or public function:*

provided that no road may be closed for any purpose specified in paragraph (e) if that closure would, in the opinion of the council, be likely to impede traffic unreasonably.”

In summary, the Local Government Act 1974 allows the closing of roads to be delegated to the Council staff for most instances with the exception of events.

Other Community Christmas Events

NTA Corridor Access team staff have proactively contacted local event organisers and traffic management companies in an attempt to identify any other community Christmas events that are planned that would require an associated Road Closure approval to proceed. At the time of writing this report no further events were identified.

Advertising

The Public Notices of the proposed temporary road closures will be advertised in the Northern Advocate with exact timeframes are yet to be determined, with staff working to advertise these events as soon as possible.

Previous experience indicates its optimal for these events to be advertised approximately two weeks out, this timeframe is in accordance with the requirements of the Local Government Act 1974.



5 Summary

- Approval of the proposed road closures will allow the safe operate of each Christmas Parade.
- Delegation of the task of approval, cannot be delegated by Council to Council staff.
- Advertising of each event will take place approximately two weeks before the event in accordance with requirements of the Local Government Act 1974.

6 Report Approval

Approved by:

A handwritten signature in blue ink, appearing to read "Calvin Thomas".

Calvin Thomas
NTA General Manager

3rd November 2022

7 Appendices

- Kaitaia Road Closure Diagram
- Moerewa Road Closure Diagram
- Paihia Road Closure Diagram
- Kaikohe Road Closure Diagram

5.3 APPOINTMENT TO CIVIL DEFENCE EMERGENCY MANAGEMENT COMMITTEE

File Number: A3979332

Author: Caroline Wilson, Manager - District Administration

Authoriser: Janice Smith, Acting General Manager - Corporate Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

To appoint one representative to the Civil Defence Emergency Management Committee and one alternate as members of the joint standing committee of Northland Councils.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- The Civil Defence Emergency Management Committee is a joint standing committee of all Northland Councils and is responsible for the conduct of civil defence functions.
- Their first meeting is on 29 November 2022 and at that meeting the Chair will be appointed.
- Council had not planned on making external appointments until it’s December meeting hence the need to bring this particular appointment forward.
- It is important that Council has appointed membership at the meeting on the 29 November, particularly in respect of the appointment of the Chair.

TŪTOHUNGA / RECOMMENDATION

That Council make the following appointments to the Civil Defence Emergency Management Committee:

- i) **Council representative**
- ii) **Council alternate**

1) TĀHUHU KŌRERO / BACKGROUND

Councils are required under the Civil Defence Emergency Management Act 2002, to establish a Civil Defence Emergency Management Committee (the Committee).

All four Northland Councils operate this group under a joint committee model, with appointed members from each of the Councils. Councils are required to have one appointed member, and an alternate should the member not be available.

The responsibilities of the Committee are to co-ordinate planning, programmes and activities related to civil defence emergency management across the areas of reduction, readiness, response and recovery. The Committee sets the strategic direction via the CDEM Group Plan, approving annual work programme, conducting joint management of civil defence events and monitoring and reporting on progress. Membership includes the three other Councils in Northland, along with representatives from NZ Police, Fire and Emergency NZ and the National Emergency Management Advisory.

The Chair typically is the person who can declare a state of emergency and should be experienced in chairing joint groups, comprised wholly of external membership.

The membership, defined through legislation, comprises the Mayor or Chairperson (or their delegated representative) of the four Northland councils with one alternate. During the last triennium, Councillor Collard was the appointed member of this committee, with Councillor Stratford as the alternate.

At the Committee meeting on the 29 November 2022, the Chair of the Committee will be appointed, and it is appropriate that our own member be considered for the position of Chair. If Far North District Council does not appoint a member before the meeting, they are likely to be excluded from the appointment process for Chair.

Meetings are held in Whangarei on a quarterly basis.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS**Option 1 - Appoint one member and an alternate (preferred option)**

In this option, Council would decide today on the appointed member and their alternate to ensure that they are able to participate in discussions related to the legislative requirements of the committee, including the appointment of a Chair.

Option 2 – Wait until the December meeting to make the appointments

In this option Council would consider this alongside all other external appointments at their December meeting. Anybody attending the Committee meeting on 29 November would do so in an informal capacity and would be excluded from the appointment process for the Chair.

Take Tūtohunga / Reason for the recommendation

Ensure Council has fair and equitable representation at the committee meeting on 29 November 2022 and can remain in that capacity for the rest of the triennium.

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

There are no implications from a budgetary perspective.

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:

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 - 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 Council's Significance and Engagement Policy	Low
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Civil Defence Emergency Management Act 2002.
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.	District wide relevance.
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.	There are no particular implications for Māori.
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).	There are no particular implications for other persons.
State the financial implications and where budgetary provisions have been made to support this decision.	Provision for travel has already been factored into budgets.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report

6 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

7 TE KAPINGA HUI / MEETING CLOSE