

**MINUTES OF FAR NORTH DISTRICT COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER , MEMORIAL AVE, KAIKOHE
ON THURSDAY, 15 DECEMBER 2022 AT 10:00 AM**

PRESENT: Kahika - Mayor Moko Tepania, 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

IN ATTENDANCE: Adele Gardner (Te Hiku Community Board Chairperson), Belinda Ward (Bay of Islands-Whangaroa Community Board Chairperson) and Chicky Rudkin (Kaikohe-Hokianga Community Board Chairperson)

STAFF PRESENT: Blair King (Chief Executive Officer), Andy Finch (General Manager Infrastructure & Asset Management), Janice Smith (General Manager Corporate Services), Aisha Huriwai (Team Leader – Democracy Services), George Swanepoel (In-House Counsel), Glenn Rainham (Manager – Infrastructure Operations), Christina Rosenthal (Team Leader – Environmental Health Services), Rochelle Deane (Manager – Environmental Services), Joshna Panday (Democracy Services Advisor),

1 KARAKIA TIMATANGA / OPENING PRAYER

Kahika - Mayor Moko Tepania commenced the meeting with Council prayer in both Te Reo and English.

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

Nil

3 NGĀ TONO KŌRERO / DEPUTATION

- Paula Beck from SOS (Save Opuā's Soul) regarding Puketiti Land – Photos tabled (document number A4031127 refers)
- Tony Williams and Maiki Marks from Nga Uri o Pumuka Hapu regarding Puketiti Land
- Victoria Heta regarding Rawhiti Rd Petition – Presentation tabled (document A4031142 refers)
- Dallas King representing Te Mauri o te Wai regarding a proposal of a preferred option for wastewater treatment for Rawene as per the agreement with FNDC.
- Te Kahu o Taonui representatives Harry Burkhardt, Mariameno Kapa-Kingi and Huhana Lyndon spoke in support of Three Waters Reform 'Better Off Funding' Programme (Item 6.8 refers)
- Andrew Kendall from Kaiwhakahaere Matua regarding Reinstatement of West Coast Road slips

4 NGĀ KŌRERO A TE KAHIKA / MAYORAL ANNOUNCEMENTS

- Acknowledged previous Kaikohe Borough Council Mayor Brian Thorburn and Deputy Mayor Mike Colebrook's attendance at the meeting.
- Congratulated Bay of Islands-Whangaroa Community Board Chairperson Belinda Ward for her appointment to Waitangi National Trust Board as Tangata Tiriti Representative

- Thanks to Deirdre Healy, Executive Assistant to the previous Mayor and Deputy Mayor who has left the Far North District Council
- Congratulations to Kōwhai - Deputy Mayor Kelly Stratford for being elected as the Chair of Regional Civil Defence and Emergency Management Committee.
- Congratulations to Councillor Paniora of Kaipara District Council for her appointment to the Te Maruata Executive seat.
- Congratulations to Councillor Connop of Whangarei District Council for his appointment of Young Elected Member Executive seat.
- Congratulations to Janice Smith for her position as Group Manager - Corporate Services at Far North District Council.
- Thanks and farewell to Sheryl Gavin, Manager - Corporate Planning & Community Development who has left the Far North District Council after playing an integral part.
- Thanks to all our community groups for the Christmas Parades and events over December.
- Te Moringai - Council committed to holding a workshop in early 2023.

5 CONFIRMATION OF PREVIOUS MINUTES

5.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 5.1 document number A3970398, pages 6 - 14 refers

RESOLUTION 2022/86

Moved: Cr Mate Radich
Seconded: Cr John Vujcich

That Council confirms the minutes of the 10 November 2022 Council meeting and 23 November 2022 Extraordinary meeting as a true and correct record.

CARRIED

6 REPORTS

6.1 2022 FAR NORTH DISTRICT COUNCIL GOVERNANCE STRUCTURE

Agenda item 6.1 document number A3978939, pages 15 - 27 refers.

RESOLUTION 2022/87

Moved: Kōwhai - Deputy Mayor Kelly Stratford
Seconded: Cr John Vujcich

a) That Council establish the following committees:

- i. Te Miromiro - Assurance, Risk and Finance Committee
- ii. Te Kuaka – Te Ao Māori Committee
- iii. Te Pīpīwharauoa - External Members Appointment Committee

CARRIED

RESOLUTION 2022/88

Moved: Cr John Vujcich
Seconded: Cr Felicity Foy

b) That Council adopt the attached terms of reference for Te Miromiro - Assurance, Risk and Finance Committee.

CARRIED

RESOLUTION 2022/89

Moved: Kōwhai - Deputy Mayor Kelly Stratford

Seconded: Cr Steve McNally

- c) Appoint Councillors Cr John Vujcich (as Chair), Cr Penetaui Kleskovic and Cr Steve McNally to the Te Pīpīwharauora – External Members Appointment Committee**

CARRIED

RESOLUTION 2022/90

Moved: Cr Steve McNally

Seconded: Cr Hilda Halkyard-Harawira

- d) That Councillors be appointed as the following portfolio holders:**

- i. Communications - (Councillors Vujcich and Rākena)**
- ii. Reform - (Councillors Halkyard-Harawira and Foy)**
- iii. Waters - (Councillors Radich and Kleskovic)**
- iv. Transport - (Councillors Court and McNally)**
- v. Housing - (Deputy Mayor Stratford and Councillor Kapa)**

CARRIED

RESOLUTION 2022/91

Moved: Kahika - Mayor Moko Tepania

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

- That Council Standing Order Section 20 be suspended for free discussion around item 6(e).**

CARRIED

RESOLUTION 2022/92

Moved: Cr Felicity Foy

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

- e) That the following members be appointed to external organisations, as follows:**

Northland Regional Transport Committee	1. Cr Steve McNally	1. Cr Ann Court (alternative)
Te Oneroa a Tōhē Beach Board	1. Mayor Moko Tepania	2. Cr Hilda Halkyard-Harawira
Joint Climate Change Adaptation	1. Cr Tāmati Rākena	1. Deputy Mayor Kelly Stratford (alternative)
Joint Regional Economic Development	1. Cr John Vujcich	2. Cr Penetaui Kleskovic
Mayoral Taskforce for Jobs	1. Mayor Moko Tepania	1. Cr Penetaui Kleskovic (alternative)
Creative Communities Funding Assessment Committee	1. Cr Felicity Foy	1. Cr Tāmati Rākena (alternative)

Kaikohe Library & Civic Hub Steering Group (KLCHSG)	1. Cr Tāmāti Rākena
	2. Cr Babe Kapa
	3. Cr Felicity Foy
Turner Centre	1. Cr Babe Kapa
Ngakahu Steering Group	1. Cr John Vujcich
	2. Cr Hilda Halkyard-Harawira
	3. Cr Babe Kapa
	4. Cr Mate Radich
	5. Cr Steve McNally
Cycle Trail Trust	1. Cr John Vujcich
	2. Cr Babe Kapa
Road Controlling Authority Forum	1. Cr Ann Court
North Chamber	1. Cr John Vujcich
Te Hiku Sports Hub	1. Cr Felicity Foy
Te Ahu Charitable Trust	1. Cr Felicity Foy
Note: Caroline Wilson to follow up on the Te Hiku Sports Hub and Te Ahu Charitable Trust and take it offline with a request to 1 appointment to each.	
CARRIED	

RESOLUTION 2022/93

Moved: Kahika - Mayor Moko Tepania
 Seconded: Cr John Vujcich

That Council resume Standing Orders.

CARRIED**RESOLUTION 2022/94**

Moved: Cr Tāmāti Rākena
 Seconded: Kōwhai - Deputy Mayor Kelly Stratford

f) That the Executive Review Committee be renamed Te Huia – Executive Review Committee.

CARRIED**6.8 THREE WATERS REFORM 'BETTER OFF FUNDING' PROGRAMME**

Agenda item 6.8 document number A3972698, pages 72 - 74 refers

MOTION

Moved: Kōwhai - Deputy Mayor Kelly Stratford
 Seconded: Cr John Vujcich

That Council:

- i. approve the following Tranche 1 Three Waters Reform 'Better Off' Funding projects:

Project Management & reporting	\$ 250,000.00
Drinking Water Reliability and Safety Risk Reduction Programme	\$ 1,870,000.00
Taipā Wastewater Consent/BPO Work	\$ 277,200.00
Otiria-Moerewa Flood Mitigation	\$ 1,650,000.00
Russell - capping the landfill	\$ 385,000.00
Rāwene - Wastewater treatment	\$ 1,100,000.00
Lindvart Park	\$ 827,000.00
Total	\$ 6,359,200.00

- ii. Approve, subject to staff working with Te Kahu o Taonui to prepare an expressions of interest for specific projects by Tuesday 20 December 2022, a further \$2,073,000 of projects that align with the guidelines for Better Off Funding.
- iii. Delegate to the General Manager Infrastructure and Asset Management authority to:
 - a. Complete the Tranche 1 funding application.
 - b. To negotiate and approve the final Tranche 1 funding agreement with the Department of Internal Affairs

AMENDMENT

Moved: Cr Penetaui Kleskovic

Seconded: Cr Ann Court

That Council:

- i. approve the following Tranche 1 Three Waters Reform 'Better Off' Funding projects:

Project Management & reporting	\$ 250,000.00
Drinking Water Reliability and Safety Risk Reduction Programme	\$ 1,870,000.00
Taipā Wastewater Consent/BPO Work Wastewater Treatment	\$ 277,200.00 927, 000.00
Otiria-Moerewa Flood Mitigation	\$ 1,650,000.00 1,000,000.00
Russell - capping the landfill	\$ 385,000.00
Rāwene - Wastewater treatment	\$ 1,100,000.00
Lindvart Park	\$ 827,000.00
Kāeo Flood Hazard Planning Mitigation	\$ 673 000,00
Total	\$ 7, 032,000.00

- i. Approve, subject to staff working with Te Kahu o Taonui to prepare an expressions of interest for specific projects by Tuesday 20 December 2022, a further \$1,400,000 of projects that align with the guidelines for Better Off Funding.
- ii. Delegate to the General Manager Infrastructure and Asset Management authority to:
 - a) Complete the Tranche 1 funding application.

b) To negotiate and approve the final Tranche 1 funding agreement with the Department of Internal Affairs

Against: Crs Kelly Stratford and Babe Kapa

Abstained: Cr Moko Tepania

CARRIED

The amendment has become a substantive motion.

RESOLUTION 2022/95

Moved: Kōwhai - Deputy Mayor Kelly Stratford

Seconded: Cr John Vujcich

That Council:

- i. **approve the following Tranche 1 Three Waters Reform 'Better Off' Funding projects:**

Project Management & reporting	\$ 250,000.00
Drinking Water Reliability and Safety Risk Reduction Programme	\$ 1,870,000.00
Taipā Wastewater Consent/-Wastewater Treatment	\$ 927, 000.00
Otiria-Moerewa Flood Mitigation	\$ 1,000,000.00
Russell - capping the landfill	\$ 385,000.00
Rāwene - Wastewater treatment	\$ 1,100,000.00
Lindvart Park	\$ 827,000.00
Kāeo Flood Hazard Planning Mitigation	\$ 673 000,00
Total	\$ 7,032,000.00

- ii. **Approve, subject to staff working with Te Kahu o Taonui to prepare an expressions of interest for specific projects by Tuesday 20 December 2022, a further \$1,400,000 of projects that align with the guidelines for Better Off Funding.**
- iii. **Delegate to the General Manager Infrastructure and Asset Management authority to:**
- Complete the Tranche 1 funding application.**
 - To negotiate and approve the final Tranche 1 funding agreement with the Department of Internal Affairs**

Against: Cr Kelly Stratford

Abstained: Cr Babe Kapa

CARRIED

6.2 SETTING OF REMUNERATION FOR COUNCILLORS FOR THE 2022-2025 TRIENNIUM

Agenda item 6.2 document number A3951456, pages 28 - 30 refers

RESOLUTION 2022/96

Moved: Kahika - Mayor Moko Tepania

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That the Council submit the following levels of remuneration to the Remuneration Authority

for approval:		CARRIED
Deputy Mayor (1)	\$125,022	
Councillor base salary (9)	\$ 85,015	

At 3:13 pm, Cr Ann Court declared a conflict of interest and left the debate for item 6.3.

6.3 DISTRICT LICENSING COMMITTEE APPOINTMENTS

Agenda item 6.3 document number A3972557, pages 31 - 40 refers

RESOLUTION 2022/97	
Moved: Kahika - Mayor Moko Tepania	
Seconded: Kōwhai - Deputy Mayor Kelly Stratford	
That:	
i)	Council appoint Cr Ann Court as Chair of the District Licensing Committee;
ii)	Council appoint Cr Felicity Foy as Deputy Chair of the District Licensing Committee;
iii)	the committee members become the pool from which the Chairperson allocates two members to attend District Licensing Committee hearings as required: Martin Macpherson, Murray Clearwater, Stewart Wright, Kirsty Parsonson, John Thorne and Lisa McNab;
iv)	Council agree that the term of appointment for members of the District Licensing Committee be a period of three years, ending upon the appointment of the post 2025 election District Licensing Committee.
<u>Against:</u> Cr Mate Radich	
CARRIED	

At 3:21 pm, Cr Ann Court returned to the meeting.

6.4 SETTING OF 2023 MEETING SCHEDULE

Agenda item 6.4 document number A3980802, pages 41 - 46 refers

RESOLUTION 2022/98			
Moved: Cr John Vujcich			
Seconded: Kōwhai - Deputy Mayor Kelly Stratford			
That Council adopt the following 2023 meeting dates:			
Council	Te Huia - Executive Review Committee	Te Kuaka – Te Ao Māori Committee	Te Miromiro – Assurance, Risk and Finance Committee
9 February	23 February	23 February	22 February
9 March	18 April	21 March	27 April
6 April	16 May	18 April	25 July
4 May	13 June	16 May	31 October
1 June	11 July	13 June	
29 June	8 August	11 July	
3 August	7 September	8 August	

24 August	3 October	7 September	
21 September	1 November	3 October	
19 October	28 November	1 November	
31 October		28 November	
16 November			
7 December			

And that Council note the following 2023 Reserve dates

- January 31
- February 1, 8, 21, 28
- March 8, 22, 23, 29
- April 5, 19, 20, 26
- May 2, 17, 23, 25
- June 14, 20, 22, 27
- July 12, 19, 20
- August 9, 16, 17, 22
- September 5, 12, 13, 19
- October 4, 11, 12, 17
- November 7, 9, 14, 29
- December 6

CARRIED

6.7 NTA RECOMMENDATION TO AWARD THE FNDC CONTRACT 7/22/159 - EMERGENCY WORKS SLIP - FAIRBURN ROAD

Agenda item 6.7 document number A3969943, pages 65 - 71 refers

RESOLUTION 2022/99

Moved: Cr Felicity Foy
 Seconded: Cr Penetaui Kleskovic

That subject to confirmation by Waka Kotahi regarding the increased subsidy required for this project, Council:

- a) approve the award of Contract 7/22/159 to Donovan Drainage & Earthmoving Ltd. for a contract value of \$1,148,325.00 + GST (one million one hundred and forty eight thousand, three hundred and twenty five dollars and zero cents)
- b) approve an additional 10% contingency of \$115,675.00 + GST to be expended as directed by the General Manager Infrastructure and Asset Management
- c) delegates authority to the Chief Executive to execute the associated document approval
 - a. Contract signing
 - b. Supplier recommendation approval
 - c. Purchase Order approval

CARRIED

6.9 TEMPORARY ROAD CLOSURE ROSEMARY LANE – WAIPAPAKAURI CONCERT

Agenda item 6.9 document number A3981187, pages 75 - 78 refers

RESOLUTION 2022/100

Moved: Cr Mate Radich

Seconded: Cr John Vujcich

That Council approves the proposed temporary road closure of Rosemary Lane to accommodate the safe operation of the Waipapakauri Concert.

CARRIED

6.10 NTA - INCREASE IN TOTAL VALUE CONTRACT 7/22/150 - FNDC SLIP REPAIRS SUITE 01

Agenda item 6.10 document number A3992075, pages 79 - 85 refers

RESOLUTION 2022/101

Moved: Cr Felicity Foy

Seconded: Cr John Vujcich

That subject to approval of increased subsidy by Waka Kotahi, Council:

- a) **approve an increase to the current Contract and Purchase Order amount from \$986,000.00 +GST to a maximum amount of \$1,078,000.00 +GST (including contingency), and**
- b) **delegates authority to the Chief Executive to execute the associated document approvals to vary the existing Purchase Order amount described in a) above, and**
- c) **delegates authority to the Engineer to Contract to execute the associated contractual document approvals for Variation to Contract described in a) above.**

CARRIED

6.11 TEMPORARY 60KPH SPEED LIMIT ON KERIKERI ROAD

Agenda item 6.11 document number A4001312, pages 86 - 93 refers

RESOLUTION 2022/102

Moved: Kōwhai - Deputy Mayor Kelly Stratford

Seconded: Cr John Vujcich

That the Council approves the continuation of a 60kph temporary speed limit on the section of Kerikeri Road between approximately RP000 and RP1335 and *extends this temporary 60kph limit through to the current 50kph transition at RP2500*, until such time that the finalised speed limit presently being consulted on for this section of road is adopted and implemented. (Option 2).

Against: Cr Steve McNally

CARRIED

6.12 TEMPORARY ROAD CLOSURE FOR WAITANGI DAY 2023

Agenda item 6.12 document number A4005051, pages 94 - 97 refers

RESOLUTION 2022/103

Moved: Cr Hilda Halkyard-Harawira

Seconded: Cr Mate Radich

That Council approves the proposed temporary road closures to accommodate the safe operation of Waitangi Day 2023.

CARRIED

At 3:50 pm, Cr Mate Radich left the meeting.

7 INFORMATION REPORTS**7.1 COMMUNITY BOARD UPDATES NOVEMBER 2022**

Agenda item 7.1 document number A3970413, pages 98 - 116 refers

RESOLUTION 2022/104

Moved: Kahika - Mayor Moko Tepania

Seconded: Cr John Vujcich

That Council note the following Community Board minutes:

- a) 16 November 2022 - Kaikohe-Hokianga Community Board.
- b) 17 November 2022 - Bay of Islands-Whangaroa Community Board.
- c) 18 November 2022 - Te Hiku Community Board.

CARRIED

MEETING DURATION**RESOLUTION 2022/105**

Moved: Kahika - Mayor Moko Tepania

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

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

CARRIED

MAJOR ITEM NOT ON THE AGENDA

RESOLUTION 2022/106

Moved: Kahika - Mayor Moko Tepania
 Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That Council resolve:

That the item regarding Executive Review Committee minutes be considered at this meeting with the public excluded as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable a timely decision to be made.

CARRIED

8 TE WĀHANGA TŪMATAITI / PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2022/107

Moved: Kahika - Mayor Moko Tepania
 Seconded: Cr John Vujcich

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>8.1 - 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 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>8.2 - Consent to acquire the land and easements surrounding the bore at Monument Hill</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>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>8.3 - Naicker v Far North District Council Mediation.</p>	<p>s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</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>8.4 - Funding Proposal for Regional Multi-Agency Emergency Coordination Centre</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)(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>

CARRIED

RESOLUTION 2022/108

Moved: Kahika - Mayor Moko Tepania

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That the meeting of Council be adjourned to 2pm, Tuesday, 20th December 2022 at Council Chambers in Kaikohe to address items:

REPORTS

- 6.5 Turner Centre Stormwater Catchment
- 6.6 Road Maintenance of the Upper Section of Road - Peninsula Parade, Hihi

INFORMATION REPORTS

- 7.2 Elected Member Report - New Zealand Future Roads Conference 2022: Claudelands Hamilton
- 7.3 Council Action Sheet Update December 2022

PX ITEM

- 8.5 ERC minutes

CARRIED**9 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER**

KAHIKA – MAYOR MOKO TEPANIA CLOSED THE MEETING WITH A KARAKIA

10 MEETING CLOSE

The meeting closed at 4:46pm.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 9 February 2023.

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CHAIRPERSON