

**MINUTES OF FAR NORTH DISTRICT COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, MEMORIAL AVE, KAIKOHE
ON THURSDAY, 9 FEBRUARY 2023 AT 10:02 AM**

PRESENT: Kahika - Mayor Moko Tepania, Kōwhai - Deputy Mayor Kelly Stratford, Cr Ann Court, Cr Felicity Foy (Virtually), Cr Hilda Halkyard-Harawira, Cr Babe Kapa, Cr Penetaui Kleskovic, Cr Steve McNally, Cr Mate Radich (till 1.15pm), Cr Tāmami Rākena

IN ATTENDANCE: Kaikohe-Hokianga Community Board Chairperson Chick Rudkin (till 1.15pm), Bay of Islands-Whangaroa Community Board Chairperson Belinda Ward, Te Hiku Community Board Chairperson Adele Gardner, Kawiti Waetford (Interpreter)

STAFF PRESENT: Janice Smith (Acting Chief Executive Officer), Jill Coyle (Group Manager People and Transformation), Jacine Warmington (Group Manager – Strategic Relationships), Roger Ackers (Group Manager Planning and Policy), Margriet Veenstra (Manager – Transaction Services), Carla Ditchfield (Manager Legal Services), Inna Shibalova (Senior Solicitor), Ken Lewis (Senior Communications Advisor), Briar Macken (Manager Strategy Development), Aisha Huriwai (Team Leader Democracy Services), Rhonda-May Whiu (Democracy Advisor)

1 KARAKIA TIMATANGA / OPENING PRAYER

Kahika Mayor Moko Tepania opened the meeting with the Council karakia and prayer.

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

Nil

3 NGĀ KŌRERO A TE KAHIKA / MAYORAL ANNOUNCEMENTS

- INTRODUCE TE REO MĀORI INTERPRETER KAWITI WAETFORD
- THANK YOU TO WAITANGI NATIONAL TRUST BOARD FOR THE INVITATION TO BE INVOLVED THE COMMEMORATIONS OF WAITANGI DAY.
- MARAMATAKA UPDATE FOR THE DAY
- ATTENDANCE AT THE GIFTING BACK OF PĀKINGA PA
- CENTRAL GOVERNMENT HOUSING ANNOUNCEMENT IN KERIKERI
- ITEM 7.10 PARKS AND RESERVES BYLAW REPORT. STAFF BROUGHT TO OUR ATTENTION THE NEED TO UPDATE TWO OF THE RECOMMENDATIONS IN THIS REPORT. THIS UPDATE IS AN ADMINISTRATIVE MATTER, THERE IS NO CHANGE TO THE PROPOSED BYLAW ITSELF, OR THE SUBSTANCE OF THE REPORT.

4 NGĀ TONO KŌRERO / DEPUTATION

- Charles Parker from– Business Paihia regarding Paihia waterfront.
- Grant Harnish – Focus Paihia regarding Paihia waterfront.
- Albie Apiata – Ngāti Kaha regarding Paihia waterfront.
- Clare Ganantchian – provided suggestions to help mitigate the impacts of climate change.
- Hinewhare Harawira - Ngāti Rāhiri representative regarding Paihia waterfront improvement project

5 NOTICE OF MOTION

5.1 NOTICE OF MOTION - HE WHAKAPUTANGA DAY - 28 OCTOBER

Agenda item 5.1 document number A4071464, pages 6 - 6 refers.

RESOLUTION 2023/1

Moved: Cr Hilda Halkyard-Harawira
Seconded: Cr Penetaui Kleskovic

That the Far North District Council Plan reference to October 28 exclusively acknowledge He Whakaputanga and delete the inclusion of NZ Colonial wars.

Abstained: Crs Mate Radich and Ann Court

CARRIED

6 CONFIRMATION OF PREVIOUS MINUTES

6.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 6.1 document number A4042052, pages 7 - 8 refers.

RESOLUTION 2023/2

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

That Council confirms the minutes of the Council meeting held 15 December 2022 and extraordinary Council meeting 20 December 2022 as a true and correct record subject to an amendment to item 6.11 of the 15 December 2022 meeting to reflect that Cr McNally voted against rather than abstained.

CARRIED

7 REPORTS

7.1 PAIHIA WATERFRONT IMPROVEMENT PROJECT

Agenda item 7.1 document number A4049223, pages 25 - 31 refers.

MOTION

Moved: Cr Ann Court
Seconded: Cr Mate Radich

That Council approves the allocation \$1.7 million toward waterfront improvements for Paihia and as per the attached agreement for the Paihia Waterfront Improvement Project.

AMENDMENT

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

That Council approves the allocation \$1.7 million toward waterfront improvements for Paihia subject to the inclusion and resigning of the agreement for the working group to include Ngāti Kawa and Ngāti Rāhiri for the Paihia Waterfront steering group.

Against: Cr Ann Court

CARRIED

RESOLUTION 2023/3

Moved: Kōwhai - Deputy Mayor Kelly Stratford

Seconded: Cr John Vujcich

That Council approves the allocation \$1.7 million toward waterfront improvements for Paihia subject to the inclusion and resigning of the agreement for the working group to include Ngāti Kawa and Ngāti Rāhiri for the Paihia Waterfront steering group

Against: Cr Steve McNally

CARRIED

7.2 STORMWATER ISSUES 323 STATE HIGHWAY 10 - CABLE BAY

Agenda item 7.2 document number A4043397, pages 35 - 38 refers.

RESOLUTION 2023/4

Moved: Cr Mate Radich

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That Council approves expenditure of up to \$300,000 to undertake a project to decommission the existing stormwater reticulation from the property located at 323 State Highway 10 and install new reticulation into the State Highway 10 (legal description Lot 2 DP 85116).

Against: Cr Ann Court

CARRIED

At 11:20 am, Kōwhai - Deputy Mayor Kelly Stratford left the meeting.

At 11:22 am, Kōwhai - Deputy Mayor Kelly Stratford returned to the meeting.

7.3 EASEMENT ON LOCAL PURPOSE ESPLANADE RESERVE-WAIRAWARAWA STREAM

Agenda item 7.3 document number A4053944, pages 41 - 53 refers.

RESOLUTION 2023/5

Moved: Cr Ann Court

Seconded: Cr Penetaui Kleskovic

That Council approve the granting of a right of way easement pursuant to section 48(1)(f) of the Reserves Act 1977 on Local Purpose Esplanade Reserve Lot 16 DP 146304 for the purpose of constructing and using a private bridge over the Wairawarawa Stream connecting:

- i. **2276C State Highway 10 Kerikeri - Lot 1 DP 91402 contained in record of title NA64B/178; and**
- ii. **15 Conifer Lane Kerikeri - Lot 1 DP 535123 and Lot 14 DP 158690 contained in record of title 884105; and**
- iii. **2228 State Highway 10, Kerikeri - Lot 1 DP 457586 contained in record of title 593590.**

and that approval is provided subject to:

1. NRC granting Resource Consent for construction of the bridge; and
2. public consultation in accordance with sections 48(2), 119 and 120 of the Reserves Act 1977; and
3. compensation being negotiated and finalised in a written Compensation Agreement payable by the landowners to the Council; and
4. Landowners -
 - a) bearing all costs and disbursements in relation to the required public consultation.
 - b) if required by law and prior to commencing construction works, seeking relevant consent(s) and / or permits from the Council under Local Government Act 1974, Resource Management Act 1991 and / or Building Act 1991.
 - c) bearing all legal and survey costs and disbursements in relation to creating and registering the easement instrument on all relevant titles;
 - d) bearing full responsibility for the construction, maintenance, upkeep, repair, removal of the bridge (if required) during its lifetime, and end of its lifetime;
 - e) the bridge being the landowner's asset, which if abandoned, neglected or on becoming a nuisance of any kind or degree, must be removed or decommissioned and Reserve land remediated to Council's satisfaction;
 - f) indemnifying the Council of all costs, claims and expenses arising from use and operation of the bridge during its lifetime.

Abstained: Cr Felicity Foy

CARRIED

7.4 ŌMĀPERE WHARF - APPROVAL TO INCREASE BUDGET

Agenda item 7.4 document number A4065796, pages 54 - 57 refers.

RESOLUTION 2023/6

Moved: Cr John Vujcich

Seconded: Cr Hilda Halkyard-Harawira

That Council approves \$265,773 additional budget for Ōmāpere Wharf - Approval to increase budget, to be funded from existing budgets within the Maritime activity.

Against: Cr Steve McNally

CARRIED

The meeting was adjourned from 11:30 am to 12:00 noon.

At 11:30 pm, Cr Felicity Foy left the meeting.

At 12:02 pm, Cr Felicity Foy returned to the meeting.

7.5 PROCUREMENT PLAN AND CONTRACT AWARD > \$1M - FNDC CONTRACT 7/22/100 – FNDC RAISED TRAFFIC FACILITIES 2021-24

Agenda item 7.5 document number A4053351, pages 58 - 61 refers.

RESOLUTION 2023/7

Moved: Kōwhai - Deputy Mayor Kelly Stratford

Seconded: Cr Ann Court

That Council:

- i) acknowledge the approved NTA Procurement Proposal, and,
- ii) delegate authority to the FNDC Chief Executive Officer (CEO) to award Contract 7/22/100 - FNDC Raised Traffic Facilities 2021-24 to a maximum contract value of \$1,961,000.00 (including contingency) upon satisfactory conclusion of the Tender Evaluation phase, including:
 - Supplier Recommendation approval.
 - Contract Signing
 - Purchase Order approval

Against: Cr Steve McNally

Abstained: Cr Penetaui Kleskovic

CARRIED**7.6 PROCUREMENT PLAN AND CONTRACT AWARD > \$1M - FNDC CONTRACT 7/23/185 – FNDC FOOTPATH PROJECTS SUITE 03**

Agenda item 7.6 document number A4053347, pages 66 - 69 refers

MOTION

Moved: Cr Ann Court

Seconded: Cr John Vujcich

That Council:

- a) acknowledge the approved NTA Procurement Proposal, and,
- b) delegate authority to the FNDC Chief Executive Officer (CEO) to award Contract 7/23/185 - FNDC Footpath Projects Suite 3 to a maximum contract value of \$2,747,000.00 including contingency upon satisfactory conclusion of the Tender Evaluation phase, including:
 - Supplier Recommendation approval.
 - Contract Signing
 - Purchase Order approval

RESOLUTION 2023/8

Moved: Kahika - Mayor Moko Tepania

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That the Procurement plan and contract award . \$1M – FNDC Contact 7/23/185 – FNDC footpath projects suite 03 report be left to lie.

CARRIED

7.7 AMENDED CLASS 4 GAMING AND TAB VENUE POLICY - APPROVAL OF DRAFT FOR PUBLIC CONSULTATION

Agenda item 7.7 document number A4044481, pages 75 - 80 refers.

RESOLUTION 2023/9

Moved: Cr Mate Radich

Seconded: Cr Ann Court

That the Council:

- a. approves the proposal for an amended Class 4 Gaming and TAB Venue Policy in Attachment 1 to be released for public consultation to meet the requirements of section 102 of the Gambling Act 2003 and section 97 of the Racing Industry Act 2020
- b. approves the period for making written submissions on the statement of proposal in attachment 1 be from 15 February 2023 to 15 March 2023
- c. approves Council will hear any people wanting to present their submissions orally on 6 April 2023 and agrees to delegate, to the Mayor, the power to change the date of the oral presentations of submissions
- d. directs Council staff to make all necessary logistical arrangements for people to be heard, on 6 April 2023, either in person in the council Chambers or online via Microsoft Teams.

CARRIED

7.8 PARKING BYLAW - RECOMMENDATIONS FOR MAKING AMENDMENTS

Agenda item 7.8 document number A4031936, pages 93 - 98 refers.

RESOLUTION 2023/10

Moved: Kahika - Mayor Moko Tepania

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That Council:

- a. approve, the recommendations in the staff report on amendments to the Parking Bylaw in attachment 1 that no changes are made in response to submissions.
- b. amend schedule 1, Clause 7, to Include Wendywood Lane to the Parking Bylaw - the east side of Wendywood Lane from the intersection with Stella Drive to the cul-de-sac.
- c. amend the Parking Bylaw under section 22AB of the Land Transport Act 1998.

CARRIED

7.9 EASTER SUNDAY SHOP TRADING POLICY - RECOMMENDATIONS FOR MAKING A NEW POLICY

Agenda item 7.9 document number A4023210, pages 117 - 121 refers.

RESOLUTION 2023/11

Moved: Cr Ann Court

Seconded: Cr Tāmati Rākena

That the Council:

- a) agree to the recommendations in the staff report analysing the submissions that:
 - i) the word “shop” is replaced with “Shop” throughout the Policy;
 - ii) in the definition of the word “Shop”, the words “shop in section 2 of” is added after “the same meaning as in”;
 - iii) the definition of “Shop employee” is deleted;
 - iv) in the ‘Application’ section of the policy, the words “legislative provisions” are replaced with “legislative instruments” and the words “licensing provisions” are replaced with “licensing laws”;
 - v) in the ‘Legislative Context’ section, the date of the Supply of Alcohol Act is changed from “2021” to “2012”.
- b) under section 5A of the ‘Shop Trading Hours Act 1990’, adopt the Easter Sunday Shop Trading Policy as per attachment 2;
- c) revoke the Easter Sunday Trading Policy 2017.

CARRIED

7.10 PARKS AND RESERVES BYLAW - RECOMMENDATIONS FOR MAKING A NEW BYLAW

Agenda item 7.10 document number A4023177, pages 138 - 142 refers.

RESOLUTION 2023/12

Moved: Cr Ann Court
Seconded: Cr Mate Radich

That Council:

- a. agree to staff recommendations in the analysis of submissions that:
 - i. in clause 10(3) and 10(4) of the proposed bylaw the line “This restriction does not apply to emergency services” is added.
 - ii. in clause 12, a new sub-clause is added 12(3) that says, “No person shall bring any dog on to any park or reserve or allow any dog in their custody or under their control to remain on any park or reserve that is specified in the Council’s Dog Management Policy as parks or reserves where dogs are not permitted.”
 - iii. the subclauses be renumbered correctly.
- b. make the Parks and Reserves Bylaw under Section 106 of the Reserves Act 1977 and Section 145 of the Local Government Act 2002
- c. note that, in accordance with section 108 of the Reserves Act 1977, the bylaw shall not have any force or effect until it is approved by the Minister of Conservation
- d. delegate to the Mayor the power to determine the commencement date of the bylaw, once approval has been received from the Minister of Conservation.

CARRIED

Note – members raised issue with signage on reserves to educate public regarding bylaws and the need for staff to check content and te reo translations for accuracy.

7.11 TEMPORARY ROAD CLOSURE - MANGONUI WATERFRONT FESTIVAL

Agenda item 7.11 document number A4042471, pages 162 - 163 refers.

Cr Court declared a perceived conflict of interest as the District licensing Committee Chairperson considering the event Liquor Licence and abstained from discussion and voting.

RESOLUTION 2023/13

Moved: Kōwhai - Deputy Mayor Kelly Stratford

Seconded: Cr Hilda Halkyard-Harawira

That Council approves the proposed temporary road closure to accommodate the safe operation of the Mangonui Waterfront Festival.

Abstained: Cr Ann Court

CARRIED

7.12 TEMPORARY ROAD CLOSURE – BDO TOUR OF NORTHLAND

Agenda item 7.12 document number A4042482, pages 167 - 168 refers.

RESOLUTION 2023/14

Moved: Cr Ann Court

Seconded: Cr Hilda Halkyard-Harawira

That Council approves the proposed temporary road closure to accommodate the safe operation of the BDO Tour of Northland.

CARRIED

7.13 UPDATE OF COUNCIL DELEGATIONS - RESOURCE MANAGEMENT ACT 1991

Agenda item 7.13 document number A4045985, pages 173 - 176 refers.

RESOLUTION 2023/15

Moved: Kahika - Mayor Moko Tepania

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That Council approve the instruments of delegation as attached:

- a. **Resource Management Act 1991**
- b. **Appointment of Commissioners**

CARRIED

7.14 DRAFT TRIENNIAL AGREEMENT (2022-2025)

Agenda item 7.14 document number A4062340, pages 194 - 197 refers.

RESOLUTION 2023/16

Moved: Kahika - Mayor Moko Tepania

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That Council authorise the Mayor to sign the draft Triennial Agreement (2022-2025) as attached for signing on behalf of Far North District Council at the 20 February 2023 Mayoral Forum.

Note : With the correction of two trustees appointed by the Mayoral forum 4.3l Sport Northland Board of Trustees

CARRIED

7.15 DISTRICT LICENSING COMMITTEE APPOINTMENTS

Agenda item 7.15 document number A4053313, pages 207 - 212 refers.

RESOLUTION 2023/17

Moved: Cr Ann Court

Seconded: Kahika - Mayor Moko Tepania

That Council:

- a) appoints a second DLC Committee for the district.
- b) appoint Murray Clearwater as Chair of a second District Licensing Committee as a Commissioner.
- c) may appoint two new Elected Members as Deputy Chairs of the two District Licensing Committees.
- d) remove Councillor Foy as a member of the DLC Committee
- e) Appoint Kōwhai – Deputy Mayor Kelly Stratford as a member of the DLC committee.

Abstained: Cr Kelly Stratford

CARRIED

At 12:54 pm, Kōwhai - Deputy Mayor Kelly Stratford left the meeting.

8 INFORMATION REPORTS

8.1 COUNCIL ACTION SHEET UPDATE FEBRUARY 2023

Agenda item 8.1 document number A4045006, pages 215 - 215 refers

RESOLUTION 2023/18

Moved: Cr Tāmami Rākena

Seconded: Cr John Vujcich

That Council receive the report Action Sheet Update February 2023.

Note: Staff to follow up on Ngakahu decision and why it has been excluded from the action sheet

CARRIED

At 1:00 pm, Kōwhai - Deputy Mayor Kelly Stratford returned to the meeting.

9 TE WĀHANGA TŪMATAITI / PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2023/19

Moved: Kahika - Mayor Moko Tepania

Seconded: Cr Tāmami Rākena

That the public be excluded from the following parts of the proceedings of this meeting.

And that Community Board Chairperson’s Adele Gardner, Chicky Rudkin, Belinda Ward and Te Reo Māori Interpreter Kawiti Waetford

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 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>9.2 - Credit Rating Assessment</p> | <p>s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</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 - Renewal of Revolving Cash Facility</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</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</p> |

| | | |
|----------------|---|--|
| | unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information | information for which good reason for withholding would exist under section 6 or section 7 |
| CARRIED | | |

At the conclusion of the public excluded session Council confirmed the decisions contained in the part of the meeting held with public excluded be restated in public meeting as follows:

Confirmation of Previous Minutes

That Council confirm the minutes of the Council meeting held 15 December and 20 December 2022 with the public excluded, as a true and correct record.

Credit Rating Assessment

That Council approves Bancorp Treasury Services to assess Far North District Council's credit rating using a Fitch Ratings methodology.

Renewal of Revolving Cash Facility

That Council:

- a) approve 2-year extension of the revolving cash facility with the ASB Bank to December 2024;
- b) approve that the value of the facility remain at \$20 million.

At 1:15 pm, Cr Mate Radich left the meeting.

10 REPORTS (CONTINUED)

10.1 PROCUREMENT PLAN AND CONTRACT AWARD > \$1M - FNDC CONTRACT 7/23/185 – FNDC FOOTPATH PROJECTS SUITE 03

Agenda item 7.6 document number a4053347, pages 66 - 69 refers.

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| <p>RESOLUTION 2023/20</p> <p>Moved: Cr Ann Court Seconded: Cr John Vujcich</p> <p>That Council uplift the Procurement plan and contract award . \$1M – FNDC Contact 7/23/185 – FNDC footpath projects suite 03 Report.</p> <p>And that Council</p> <ul style="list-style-type: none"> a) acknowledge the approved NTA Procurement Proposal, and, b) delegate authority to the FNDC Chief Executive Officer (CEO) to award Contract 7/23/185 - FNDC Footpath Projects Suite 3 to a maximum contract value of \$2,747,000.00 including contingency upon satisfactory conclusion of the Tender Evaluation phase, including: <ul style="list-style-type: none"> <input type="checkbox"/> Supplier Recommendation approval. <input type="checkbox"/> Contract Signing <input type="checkbox"/> Purchase Order approval <p><u>Against:</u> Cr Steve McNally <u>Abstained:</u> Cr Felicity Foy</p> <p style="text-align: right;">CARRIED</p> |
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10 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

KAHIKA MAYOR MOKO TEPANIA CLOSED THE MEETING WITH A KARAKIA

12 MEETING CLOSE

The meeting closed at 1.38 pm.

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

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CHAIRPERSON