



**Far North  
District Council**



**Te Kaunihera o Tai Tokerau ki te Raki**

# **AGENDA**

## **Bay of Islands-Whangaroa Community Board Meeting**

**Monday, 31 July 2023**

**Time: 10:00am**  
**Location: Turner Centre**  
**43 Cobham Road**  
**Kerikeri**

**Membership:**

Member Belinda Ward - Chairperson  
Member Lane Ayr – Deputy Chairperson  
Member Bruce Mills  
Member Amy Slack  
Member Roddy Hapati-Pihema  
Member Jane Hindle  
Member Tyler Bamber  
Member Ann Court



**The Local Government Act 2002 states the role of a Community Board is to:**

- A. Represent, and act as an advocate for, the interests of its community.
- B. Consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board.
- C. Maintain an overview of services provided by the territorial authority within the community.
- D. Prepare an annual submission to the territorial authority for expenditure within the community.
- E. Communicate with community organisations and special interest groups within the community.
- F. Undertake any other responsibilities that are delegated to it by the territorial authority

**Council Delegations to Community Boards - January 2013**

The "civic amenities" referred to in these delegations include the following Council activities:

- Amenity lighting
- Cemeteries
- Drainage (does not include reticulated stormwater systems)
- Footpaths/cycle ways and walkways.
- Public toilets
- Reserves
- Halls
- Swimming pools
- Town litter
- Town beautification and maintenance
- Street furniture including public information signage.
- Street/public Art.
- Trees on Council land
- Off road public car parks.
- Lindvart Park – a Kaikohe-Hokianga Community Board civic amenity.

**Exclusions:** *From time to time Council may consider some activities and assets as having district wide significance and these will remain the responsibility of Council. These currently include: The roading network, Hundertwasser toilets, District Library Network, Baysport, the Kerikeri, Kaikohe & Kaitaia Airports, Hokianga Vehicle Ferry, i-Site network, Far North Community Centre, Kerikeri Domain, Kawakawa Heated Swimming Pool, Kaikohe Cemetery, Kerikeri Sports Complex, The Centre at Kerikeri, the Bay of Islands/Hokianga Cycle Trail.*

Set local priorities for minor capital works in accordance with existing strategies,

1. Recommend local service levels and asset development priorities for civic amenities as part of the Annual Plan and Long Term Plan processes.
2. Reallocate capital budgets within the Annual Plan of up to 5% for any specific civic amenity, provided that the overall activity budgetary targets are met.
3. Make grants from the allocated Community Funds in accordance with policy 3209, and the SPARC/Sport Northland Rural Travel fund in accordance with the criteria set by the respective body, and, for the Bay of Islands-Whangaroa Community Board, the power to allocate the Hundertwasser Donations Account.
4. Provide comment to council staff on resource consent applications having significance within the Community, including the provision of land for reserves or other public purposes.
5. To hold, or participate in hearings, as the Council considers appropriate, in relation to submissions pertinent to their community made to plans and strategies including the Long Term Plan and Annual Plan, and if appropriate recommend decisions to the Council.

6. To hold hearings of submissions received as a result of Special Consultative Procedures carried out in respect of any matter other than an Annual or Long Term Plan and make recommendations to the Council.
7. Where recommended by staff to appoint management committees for local reserves, cemeteries, halls, and community centres.
8. To allocate names for previously unnamed local roads, reserves and other community facilities, and recommend to Council name changes of previously named roads, reserves, and community facilities subject to consultation with the community.
9. To consider the provisions of new and reviewed reserve management plans for recommendation to the Council in accordance with the Reserves Act 1977 and hear or participate in the hearing of submissions thereto, as considered appropriate by the Council.
10. To provide recommendations to the Council in respect of applications for the use and/or lease of reserves not contemplated by an existing reserve management plan.
11. Prohibit the use of skateboards in specified locations within their communities, in accordance with Council's Skating Bylaw 1998.
12. Recommend new bylaws or amendments to existing bylaws.
13. Prepare and review management plans for local cemeteries within budget parameters and in a manner consistent with Council Policy.
14. Exercise the following powers in respect of the Council bylaws within their community:
  - a) Control of Use of Public Spaces – Dispensations on signs
  - b) Mobile Shops and Hawkers – Recommend places where mobile shops and/or hawkers should not be permitted.
  - c) Parking and Traffic Control – Recommend parking restrictions, and areas where complying camping vehicles may park, and consider and grant dispensations in accordance with clause 2007.2
  - d) Public Places Liquor Control – Recommend times and places where the possession or drinking of alcohol should be prohibited.
  - e) Speed Limits – Recommend places and speed limits which should be imposed.
15. To appoint Community Board members to speak on behalf of their community in respect of submissions or petitions.
16. Specific to the Bay of Islands-Whangaroa Community Board – consider any recommendations of the Paihia Heritage Working Group and make appropriate recommendations to Council on the development of a draft Plan Change and a Section 32 analysis on heritage provisions for Paihia.
17. To set schedule of meeting dates, times and venues, subject to the meetings not conflicting with meetings of the Council and satisfying the provisions of the Local Government Official Information and Meetings Act 1987.
18. To review all proposed public art projects on a project-by project basis to ensure they comply with policy #5105 Art in Public Places, including approval of the aesthetic appearance, maintenance programme, insurance and appropriate location, and to agree to their installation.
19. In respect of applications from food establishments for permission to establish tables and chairs on a public place, i.e. Alfresco dining in accordance with Policy 3116, to consider and decide on any application which does not meet all criteria of the policy, and any application which staff recommend to be declined.

20. Subject to a report from the appropriate managers and the appropriate budgetary provision, to make decisions in respect of civic amenities including the levels of service, and the provision or removal of an amenity not provided for elsewhere in these delegations.

### Terms of Reference

In fulfilling its role and giving effect to its delegations, Community Boards are expected to:

1. Comment on adverse performance to the Chief Executive in respect of service delivery.
2. Assist their communities in the development of structure plans, emergency management community response plans, and community development plans.
3. Assist their communities to set priorities for Pride of Place programmes.
4. Have special regard for the views of Māori.
5. Have special regard for the views of special interest groups, e.g. disabled, youth, aged, etc.
6. Actively participate in community consultation and advocacy and keep Council informed on local issues.
7. Seek and report to Council community feedback on current issues by:
  - a) Holding a Community forum prior to Board meetings
  - b) Varying the venues of Board meetings to enable access by members of the community
8. Monitor and make recommendations to Council to improve effectiveness of policy.
9. Appoint a member to receive Annual Plan\Long Term Council Community Plan submissions pertinent to the Board area, attend hearings within the Board area, and attend Council deliberations prior to the Plan adoption.

### Protocols

In supporting Community Boards to fulfil their role, the Council will:

1. Provide appropriate management support for the Boards.
2. Organise and host regular workshops with the Community Boards I to assess the 'State of the Wards & District' to establish spending priorities.
3. Prior to decision-making, seek and include 'Community Board views' in Council reports in relation to:
  - a) the disposal and purchase of land
  - b) proposals to acquire or dispose of reserves
  - c) representation reviews
  - d) development of new maritime facilities
  - e) community development plans and structure plans
  - f) removal and protection of trees
  - g) local economic development initiatives
  - h) changes to the Resource Management Plan
4. Organise and host quarterly meetings between Boards, the CEO and senior management staff.
5. Prepare an induction/familiarisation process targeting new members in particular early in the term.
6. Support Board members to arrange meetings with local agencies and service clubs to place more emphasis on partnerships and raising profile of the Boards as community leaders.
7. Permit Board chairperson (or nominated member) speaking rights at Council meetings.
8. Help Boards to implement local community projects.
9. Arrange for Infrastructure and Asset Management Staff to meet with the Community Boards in September each year to agree the capital works for the forthcoming year for input into the Annual or Long Term Plan.
10. Provide information.

**Far North District Council**  
**Bay of Islands-Whangaroa Community Board Meeting**  
**will be held in the Turner Centre, 43 Cobham Road, Kerikeri on:**  
**Monday 31 July 2023 at 10:00am**

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**Te Paeroa Mahi / Order of Business**

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## **1 KARAKIA TIMATANGA / OPENING PRAYER**

ki te mahi me te ngākau auaha me te whakamahi i ngā pūkenga me te mātauranga i roto i ngā wānanga me ngā whakataunga kia whakatūria ai tētahi Hapori e matatika ana, e tū kotahi ana ka mutu ka whakapiki anō i te oranga o tō tātou rohe, ka whakatau anō i ngā take o te rohe i runga i te tika me te pono.

We ask that through the boards discussions and decisions the representatives elected may advocate on behalf of the Bay of Islands-Whangaroa community with aroha, imagination, skill and wisdom to achieve a fairer and more united community that enhances the wellbeing of the community and solves the community's problems efficiently and effectively.

## **2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND CONFLICTS OF INTEREST**

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Community Board 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 Manager - 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 TE WĀHANGA TŪMATANUI / PUBLIC FORUM**

Representative from Ngāti Rahiri and Ngāti Kawa Hapū in regard to Item 7.2 - Ground Lease to Paihia Sea Scouts - Te Kemara Avenue Paihia.

## **4 NGĀ TONO KŌRERO / DEPUTATION**

No requests for deputations were received at the time of the Agenda going to print.

## **5 NGĀ KAIKŌRERO / SPEAKERS**

## **6 TE WHAKAAETANGA O NGĀ MENETI O MUA / CONFIRMATION OF PREVIOUS MINUTES**

### **6.1 CONFIRMATION OF PREVIOUS MINUTES**

**File Number:** A4296852

**Author:** Casey Gannon, Democracy Advisor - Democracy Services

**Authoriser:** Aisha Huriwai, Manager - Democracy Services

#### **TE TAKE PŪRONGO / PURPOSE OF THE REPORT**

The minutes are attached to allow the Bay of Islands-Whangaroa Community Board to confirm that the minutes are a true and correct record of the previous meeting.

#### **NGĀ TŪTOHUNGA / RECOMMENDATION**

**That the Bay of Islands-Whangaroa Community Board confirm the minutes of meeting held on 6 July 2023 are a true and correct record.**

#### **1) TE TĀHUHU KŌRERO / BACKGROUND**

Local Government Act 2002 clause 7 Section 28 states that a local authority must keep minutes of its proceedings. The minutes of these proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those meetings.

#### **2) TE MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS**

The minutes of the meeting are attached.

The Bay of Islands-Whangaroa Community Board Standing Orders Section 27.3 states that “no discussion may arise on the substance of the minutes at any succeeding meeting, except as to their correctness”.

#### **Te Take Tūtohunga / Reason for the recommendation**

The reason for the recommendation is to confirm the minutes as a true and correct record of the previous meeting.

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

There are no financial implications or the need for budgetary provision.

#### **NGĀ ĀPITI HANGA / ATTACHMENTS**

Nil



**Te 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.

<b>He Take Ōkawa / Compliance requirement</b>	<b>Te Aromatawai Kaimahi / Staff assessment</b>
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	This is a matter 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.	This report complies with the Local Government Act 2002 Schedule 7 Section 28.
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.	It is the responsibility of each meeting to confirm their minutes therefore the views of another meeting are not relevant.
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.	There are no implications on Māori in confirming minutes from a previous meeting. Any implications on Māori arising from matters included in meeting minutes should be considered as part of the relevant report.
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).	This report is asking for the minutes to be confirmed as a true and correct record, any interest that affect other people should be considered as art of the individuals report.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications requiring input from the Chief Financial Officer.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

## 7 NGĀ PŪRONGO / REPORTS

### 7.1 CHAIRPERSON AND MEMBERS REPORTS

**File Number:** A4296153

**Author:** Kim Hammond, Community Development Advisor - Acting

**Authoriser:** Scott May, Manager - Stakeholder Relationships

#### TE TAKE PŪRONGO / PURPOSE OF THE REPORT

The report provides feedback to the community on matters of interest or concern to the Community Board.

#### NGĀ TŪTOHUNGA / RECOMMENDATION

**That the Bay of Islands-Whangaroa Community Board note the reports from Chairperson Belinda Ward and Member Jane Hindle.**

#### TE TĀHUHU KŌRERO / BACKGROUND

The Local Government Act 2002 Part 4 Section 52 states that the role of a Community Board is to represent, and act as an advocate for the interests of its community.

#### TE MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

Community Boards are required to consider and report on any matters of concern or interest to the Community Board, maintain an overview of services provided to the community and communicate with community organisations and special interest groups within the community.

The report from the Chairperson and members are attached.

Resource Consents are available on the Council's website and when going through a public notification process will be emailed to community board members. Members have five days to send feedback in relation to a resource consent. Members will be expected to include these details in their member reports to provide transparency.

#### REASON FOR THE RECOMMENDATION

The reason for the recommendation is to provide information to the Community on the work that has been undertaken by the Chairperson and Members on its behalf.

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

There are no financial implications or the need for budgetary provision as a result of this report.

#### NGĀ ĀPITIHINGA / ATTACHMENTS

1. **Chairperson Ward - Members Report - A4296397**  
2. **Member Hindle - Members Report - A4298795**  

## Member's Report

**Name:** Belinda Ward  
**Subdivision:** Paihia Subdivision  
**Date:** 20th June 2023 - 12th July 2023

### Meetings Attended

Date	Meeting	Comments
20/06/23	FNDC Transport Programme Workshop	Virtual
21/06/23	Combined Community Board Workshop	FNDC - Kaikohe
22/06/23	Business Call Meeting with Mayor	Weekly Update - Teams
22/06/23	Quotable Value Presentation	To discuss revaluations - Virtual
26/06/23	Catch up with Deputy Chair Lane Ayr	Cinema Cafe - Kerikeri
26/06/23	BOI-W CB Agenda Preview	Virtual
27/06/23	Northland Inc. - Te Rerenga	Regional Economic Development Strategy - Virtual
29/06/23	FNDC Meeting	Kaikohe
06/07/23	BOI-W CB Meeting	The Centre - Kerikeri
12/07/23	Overview of Te Huinga Presentation	Elected member SharePoint page - Virtual

### Community Issues

Issue name	Comment
Focus Paihia CT	Placemaking project upgrade cnr Marsden & Seaview Roads is looking fantastic & visitors are enjoying it. The community is however saddened with the repeated vandalism :(
Shippey's Waitangi	Follow up email 20/03/23 re progress on "Shippey's" environmental issues - NRC inspected in November 2022 & had no concerns. <b>Following up on possible breaches of RC following a residents call 29/3/23. No further progress to report.</b>
Te Tii Beach Playground	The shade sails are up & look fabulous - numerous positive social media posts were received from far & wide - we just need the sunshine now!!!!









**7.2 GROUND LEASE TO PAIHIA SEA SCOUTS - TE KEMARA AVENUE PAIHIA****File Number: A4253652****Author: Michelle Rockell, Team Leader - Property Management****Authoriser: Kevin Johnson, Group Manager - Delivery and Operations****TAKE PŪRONGO / PURPOSE OF THE REPORT**

To seek the Bay of Islands – Whangaroa Community Board recommendation to the granting of a new ground lease, under Section 61 Reserves Act 1977, to Scouts Aotearoa over a portion of Lot 40 DP 43842, 26 Te Kemara Avenue, Paihia

**WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY**

- Paihia Sea Scouts Group (PSSG), operating under the Scouts Aotearoa umbrella, have been established on 26 Te Kemara Ave since 1987.
- In October 2022, Scouts Aotearoa approached Council seeking a new lease.
- The site is classified Local Purpose (community activities) Reserve and the proposed lease is consistent with the reserve purpose.
- The Reserves Act 1977 does not require public consultation on leasing a vested local purpose reserve.
- Ngāti Rahiri and Ngāti Kawa Hapū have been notified by the way of letter sent via email of the proposed lease. Their concerns have been taken into consideration in the new proposed terms.

**Tūtohunga / Recommendation**

**That the Bay of Islands – Whangaroa Community Board recommends to council, acting under delegation and pursuant to section 61 reserves act 1977:**

- a) a new ground lease be issued to scouts aotearoa over the local purpose (community activities) reserve being approximately 238 square metres of lot 40 dp 43842, held in new zealand gazette 2002 page 21 and vested in far north district council on deposit dp 43842 as a local purpose reserve.**

**The terms of the proposed lease shall be:**

**Term: 3 years.**

**Rental: as per fndc fees and charges schedule for a community lease.**

- **\$118 plus gst for 2023/24 and reviewed annually in conjunction with the fndc fees and charges schedule.**

- b) with further conditions negotiated and agreed upon by the group manager delivery and operations and scouts aotearoa.**

**1) TĀHUHU KŌRERO / BACKGROUND**

Council passed the following resolution on the 29th June 2023 to grant a 3 year lease to the Paihia Waitangi Kindergarten who share part of 26 Te Kemara Avenue. The recommendation for this report is based on that resolution.



## 6.5 GROUND LEASE TO NORTHLAND KINDERGARTEN ASSOCIATION - TE KEMARA AVENUE PAIHIA

Agenda item 6.5 document number A4207582, pages 293 - 301 refers.

### RESOLUTION 2023/73

Moved: Kahika - Mayor Moko Tepania

Seconded: Cr Hilda Halkyard-Harawira

**That the Far North District Council pursuant to its powers under Section 61(2A) Reserves Act 1977 grants:**

- a) **A new ground lease Te Kura Kōhungahunga Tōpū o Te Tai Tokerau (Northern Kindergarten Association Incorporated) over the Local Purpose (community activities) Reserve being approximately 900 square metres of Lot 40 DP 43842, held in New Zealand Gazette 2002 page 21 and vested in Far North District Council on deposit DP 43842 as a local purpose reserve. The terms of the proposed lease shall be:**

**Term: 3 years**

**Rental: As per FNDC Fees and Charges Schedule for a Community lease.**

- **\$113 plus GST for 2022/23 and reviewed annually in conjunction with the FNDC fees and Charges Schedule.**

- b) **With further conditions negotiated and agreed upon by the Group Manager Delivery and Operations and Te Kura Kōhungahunga Tōpū o Te Tai Tokerau (Northern Kindergarten Association Incorporated).**

**CARRIED**

Te Kemara Local Purpose (Community Facilities) Reserve is vested in Council and has been occupied by Paihia Sea Scouts Group (PSSG), operating under the Scouts Aotearoa umbrella, since 1987.

In October 2022, Council received a request from Scouts Aotearoa for a new lease over the site so the PSSG can continue to provide their services. Various requests for background information to support this request delayed the report being presented.

PSSG occupy the site in conjunction with Paihia Waitangi Kindergarten, who together share maintenance of the common carpark and accessway.

The Scouts Aotearoa movement was established in Aotearoa in 1908 and PSSG was registered on 19 March 1965. Their programmes focus on three core areas: personal development, adventure and community engagement. Their purpose is to empower young people from ages 5 to 26 to lead lives that make a positive difference, both to themselves and their community.

PSSG is a well-established group with 58 years of service to the local community, providing young people with the ability to foster development in physical, emotional, spiritual and mental aspects through the provision of safe and nurturing environments. The longevity of the scout group at this site reinforces the valuable service PSSG provides to the community of Bay of Islands.

## 2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Though public notice is not a requirement for this site as Local Purpose Reserve, due to the location Ngāti Rahiri and Ngāti Kawa Hapū have been notified of the proposed lease via letter. A response was received via email on 27<sup>th</sup> February 2023:

- Ngāti Rahiri and Ngāti Kawa Hapū are opposed to the lease renewal.
- Ngāti Rahiri and Ngāti Kawa Hapū received a statement from the Waitangi Tribunal that states "...all land owned by the Crown within the inquiry district to be returned to Te Raki Māori (Ngapuhi) ownership." This includes 26 Te Kemara Avenue, Paihia.

- Ngāti Rahiri and Ngāti Kawa Hapū have suggested flexibility in a new lease to Paihia Sea Scouts, including reduced terms, financial assistance to the Scouts and assistance in relocating.
- Ngāti Rahiri and Ngāti Kawa Hapū wish to work together with Council and the Paihia Sea Scouts for ease of transition.

These considerations have been taken into account and reflected in the proposed term of 3 years. This proposed term will allow for future discussions of use to be held between Ngāti Rahiri and Ngāti Kawa Hapū and PSSG. The engagement letter presented to the Hapū is attached.

The options available for this site are:

**Option 1 (Recommended):**

a) Recommend to Council that a new ground lease be issued to Scouts Aotearoa over the Local Purpose (community activities) Reserve being approximately 238 square metres of Lot 40 DP 43842, held in New Zealand Gazette 2002 page 21 and vested in Far North District Council on deposit DP 43842 as a local purpose reserve.

The terms of the proposed lease shall be:

- Term: 3 years.
- Rental: As per FNDC Fees and Charges Schedule for a Community lease.
  - \$118 plus GST for 2023/24 and reviewed annually in conjunction with the FNDC fees and Charges Schedule.

b) With further conditions negotiated and agreed upon by the Group Manager Delivery and Operations and Scouts Aotearoa.

This recommendation will allow PSSG to continue providing their service to the community whilst discussions occur with Ngāti Rahiri and Ngāti Kawa Hapū.

**Option 2:**

a) Recommend to Council that a new ground lease be issued to Scouts Aotearoa over the Local Purpose (community activities) Reserve being approximately 238 square metres of Lot 40 DP 43842, held in New Zealand Gazette 2002 page 21 and vested in Far North District Council on deposit DP 43842 as a local purpose reserve.

The terms of the proposed lease shall be:

- Term: 12 (3+3+3+3) years.
- Rental: As per FNDC Fees and Charges Schedule for a Community lease.
  - \$118 plus GST for 2023/24 and reviewed annually in conjunction with the FNDC fees and Charges Schedule.

b) With further conditions negotiated and agreed upon by the Group Manager Delivery and Operations and Scouts Aotearoa.

**Option 3:**

- a. Decline Scouts Aotearoa request for a new lease.
- b. Ask Scouts Aotearoa to remove the existing building and associated assets from the reserve and reinstate the recreation reserve at their cost.

**TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION**

PSSG operating under the Scouts Aotearoa umbrella provide a beneficial service to the community and requiring them to vacate the land will be detrimental to the whānau and tamariki of the area.

Public Notice is not a statutory requirement under Reserves Act for the leasing of a Local Purpose Reserve and therefore does not form part of the proposed recommendation.

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

The lease will provide for the lessee to continue to be responsible for all ongoing maintenance of the associated green space and half share in the maintenance of the accessway and parking area with the Paihia Waitangi Kindergarten.

The lease will provide for the lessee to be responsible for the payment of all utility charges, rates and insurances.

Should a lease not be provided to Scouts Aotearoa and the land reinstated to reserve, Council will become responsible for any ongoing maintenance of the site, placing more pressure on the reserves maintenance budget.

**ĀPITIHINGA / ATTACHMENTS**

1. **Paihia Waitangi Kindergarten & Paihia Sea Scouts - Consultation on a request for lease (1) - A4214846** [↓](#) 

**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.

<b>He Take Ōkawa / Compliance Requirement</b>	<b>Aromatawai Kaimahi / Staff Assessment</b>
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	Low significance. The scouts group is an established community asset
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	FNDC Parks and Reserves Policy 2022: The Policy supports a long term lease being offered to community orientated groups wanting a permanent base, requiring significant financial investment.
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.	Delegation to the relevant Community Board to provide recommendations to the Council in respect of applications for the use and/or lease of reserves not contemplated by an existing reserve management plan.
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.	Far North District Council recognises the significant role of tangata whenua as set out in the Working with Māori chapter in the Long Term Plan 2021-2031.  Te Hono was approached to provide advice on who the main contacts were in the first instance. A letter was sent via email to Ngāti Rahiri and Ngāti Kawa Hapū i Kawa Hapū to inform them of requested lease. Ngāti Rahiri and Ngāti Kawa Hapū Hapū response was received (letter attached), and their concerns have been taken into consideration.  The FNDC Parks & Reserves Policy provides for 15+15-year leases; however FNDC has considered the hapu response and supports their request for a shorter term lease and recommends a 3 year lease. See attached response from the Hapu.
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).	The Paihia Waitangi Kindergarten have been informed of the proposed new lease to PSSG.  The Reserves Act 1977 does not require Council to initiate public notice for leases over Local Purpose reserves.

<p>State the financial implications and where budgetary provisions have been made to support this decision.</p>	<p>All upgrade and maintenance costs fall to the lessee. The FNDC Fees and Charges Policy sets out the rental for leases over reserved land.</p>
<p>Chief Financial Officer review.</p>	<p>Yes</p>



### 7.3 ROAD NAMING - 27 ACCESS ROAD, KERIKERI

**File Number:** A4301289

**Author:** Eden Ramsay (NTA), Finance and Customer Services Administrator

**Authoriser:** Andy Finch, District Engineer

#### TAKE PŪRONGO / PURPOSE OF THE REPORT

To seek approval from the Bay of Islands-Whangaroa Community Board to officially name a private right-of-way (ROW).

#### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

A Road Naming application to name a private right-of-way (ROW) addressed at 27 Access Road, Kerikeri was received. Community Boards have delegated authority to allocate names for previously unnamed local roads, reserves and other community facilities, and recommend to Council name changes of previously named roads, reserves, and community facilities subject to consultation with the community.

#### TŪTOHUNGA / RECOMMENDATION

**That the Bay of Islands-Whangaroa Community Board, pursuant to Council's Naming Policy, name a private right-of-way (ROW), Dove Lane that is currently addressed at 27 Access Road, Kerikeri.**

#### 1) TĀHUHU KŌRERO / BACKGROUND

This report has been on the Bay of Islands-Whangaroa agenda multiple times 12/12/2022, and 6/7/2023. The community board was unable to make an informed decision because the report did not contain LINZ approval – which is a requirement the road naming application process.

The required LINZ approval is now attached.

Garreth Johnston of Williams and King has advised that this is a private right-of-way (ROW) created by a sub-division addressed at 27 Access Road, Kerikeri.

The background for these names is given as per the Road Naming application attached (A4302149).

#### 2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Their suggestions are as follows:

1. Summer Lane– Because of the summer feel
2. Sunny Lane – Because of the sunny spot
3. Dove Lane – Because of the Dove's that live nearby

The Roding team has no objections to the names suggested above.

After multiple attempts to consult with local hapu/iwi the road naming team were unable to get a response.









#### Take Tūtohunga / Reason for the recommendation

The road names recommended in this report are not duplicates of any other road names in the district, therefore meeting the criteria set down in the Council's Road Naming and Property Numbering Policy and the Australian/New Zealand Addressing Standard - AS/NZS 4819.2011.

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

There will be no financial implications to Council relating to the installation of the road name sign (blue on white background name blade). The cost of the road signage and installation will be met by the applicant.

#### ĀPITIHINGA / ATTACHMENTS

1. **Map - A3710115**  
2. **LINZ Approval - A3736518**  
3. **Hapu Feedback Request - A4039130**  
4. **Application - A4302149**  

#### 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 <a href="#">Council's Significance and Engagement Policy</a>	This is the naming of a private right-of-way (ROW) and 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.	Road Naming and Property Numbering Policy #2125 and Australia/New Zealand Urban and Rural Addressing Standards 4819.2011.
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.	No district wide relevance and the Community Board have the delegated authority to approve road names.
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.	Ngati Rehia were consulted in regards to this application as per email attached (A4039130). No reply received.



<p>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).</p>	<p>There are currently no property owners as this is a new subdivision</p>
<p>State the financial implications and where budgetary provisions have been made to support this decision.</p>	<p>There will be no financial implications to Council relating to the installation of the road name sign (blue on white background name blade). The cost of the road signage and installation will be met by the applicant.</p>
<p>The Chief Financial Officer has not reviewed this report</p>	<p>The Chief Financial Officer has not reviewed this report</p>



Here are my findings;

Dove Lane	Acceptable. There is a Doves Bay Road but this should be different enough.
Summer Lane	Acceptable.
Sunny Lane	Acceptable.

Nga mihi

**Renni**

**Addressing Analyst**

Addressing and Properties

[addresses@linz.govt.nz](mailto:addresses@linz.govt.nz) | DDI 04 460 0110 |















## 7.4 ALFRESCO DINING APPLICATIONS

**File Number:** A4281679

**Author:** Christina Rosenthal, Team Leader - Environmental Health Services

**Authoriser:** Kevin Johnson, Group Manager - Delivery and Operations

### TAKE PŪRONGO / PURPOSE OF THE REPORT

To allow the Bay of Islands-Whangaroa Community Board the ability to provide comment on the renewal alfresco dining applications from:

CC's Café Cinema

Butterfish Limited

Kerikeri Lunchbox

Sharp Café

Avo Sushi

The Gables

Rocksalt Restaurant and Bar

Spice Grill

Letz Café

Burger Fiasko

Seaside

Konnie's Kafe Limited

Sushi Gallery

Duke of Marlborough

Jimmy Jacks

And a new alfresco dining application from El Café which will assist with the final decision on the alfresco dining applications.

### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

CC's Café Cinema, Butterfish Limited, Kerikeri Lunchbox, Sharp Café, Avo Sushi, The Gables,

Rocksalt Restaurant and Bar, Spice Grill, Letz Café, Burger Fiasko, Seaside,

Konnie's Kafe Limited, Sushi Gallery, Duke of Marlborough and Jimmy Jacks have renewed their alfresco dining approvals and paid the necessary application fees.

El Café have applied for a new alfresco dining approval and paid the necessary application fee.

The Bay of Islands-Whangaroa Community Board has delegation over activities on reserves and can comment on alfresco dining applications.

### TŪTOHUNGA / RECOMMENDATION

**That the Bay of Islands-Whangaroa Community Board:**

- a) Pursuant to the Council resolution passed on 30 June 2022, provide comment on the renewal of alfresco dining approval applications from CC's Café Cinema, Butterfish Limited, Kerikeri Lunchbox, Sharp Café, Avo Sushi, The Gables, Rocksalt Restaurant and Bar, Spice Grill, Letz Café, Burger Fiasko, Seaside, Konnie's Kafe Limited, Sushi

**Gallery, Duke of Marlborough and Jimmy Jacks to assist with the final decision on the renewal applications and;**

- b) **Provide comment on the new alfresco dining application from El Café to assist with the final decision on the new application.**

### 1) TĀHUHU KŌRERO / BACKGROUND

On the 30 June 2022, Council passed a resolution that delegates authority to Community Boards to comment on alfresco dining applications.

Prior to 30 June 2022, alfresco dining applications were assessed against the “Alfresco Dining Policy 2014”, and only applications that were declined were considered by the relevant Community Board. This Policy was revoked by Council on 30 June 2022.

On 19 May 2022, Council adopted the “Road Use Bylaw 2022”. The purpose of this bylaw is to regulate or control the use of roads and adjoining land by –

- (a) vehicles; and
- (b) stands, stalls or mobile shops; and
- (c) animals; and
- (d) structures, vegetation or other things that may affect road safety or the environment.

Part 4, clause 13 of the “Road Use Bylaw 2022” requires a person to obtain written approval from Council to allow them to occupy any part of a road with structures for providing food or beverage services.

Part 7 of the “Road Use Bylaw 2022” outlines the application, assessment and approval process. In particular, clause 20 outlines the conditions that can be imposed on all approvals granted under Part 7 of the Bylaw.

Alfresco dining approvals expire 30 June each year. Approval holders are required to renew their approval before it expires each year. If an approval holder renews their approval before the approval expires, their approval will continue to have effect until such time a decision is made on the renewal application.

At present there are 21 alfresco dining approval holders. Of these, 15 are held within the Bay of Islands-Whangaroa area.

The following table provides a list of all current alfresco dining approval holders:

	Approval Number	Description	Expiry	Ward
1	ALF-96	Burger Fiasko	2023	Bay of Islands-Whangaroa
2	ALF-93	29 THE STRAND LIMITED T/A SEASIDE	2023	Bay of Islands-Whangaroa
3	ALF-92	25 The Strand, Russell T/A Butterfish Limited	2023	Bay of Islands-Whangaroa
4	ALF-83	Konnie's Kafe Limited	2023	Bay of Islands-Whangaroa
5	ALF-65	KERIKERI LUNCHBOX	2023	Bay of Islands-Whangaroa
6	ALF-63	AVO SUSHI	2023	Bay of Islands-Whangaroa
7	ALF-50	SUSHI GALLERY	2023	Bay of Islands-Whangaroa
8	ALF-49	DUKE OF MARLBOROUGH BUSINESS LIMITED	2023	Bay of Islands-Whangaroa
9	ALF-48	CC'S CAFE CINEMA	2023	Bay of Islands-Whangaroa
10	ALF-39	THE GABLES RESTAURANT	2023	Bay of Islands-Whangaroa
11	ALF-37	JIMMY JACKS RIB SHACK	2023	Bay of Islands-Whangaroa
12	ALF-3	FISHBONE CAFE	2023	Bay of Islands-Whangaroa
13	ALF-98	Letz Café	2023	Bay of Islands-Whangaroa
14	ALF-102	Spice Grill	2023	Bay of Islands-Whangaroa
15	ALF-103	Rocksalt Restaurant & Bar	2023	Bay of Islands-Whangaroa
16	ALF-88	Kaikohe Bakehouse Cafe	2023	Kaikohe-Hokianga
17	ALF-99	A New Era Cafe	2023	Kaikohe-Hokianga
18	ALF-97	Awanui Hotel	2023	Te Hiku
19	ALF-68	Mussel Rock Cafe and Bar	2023	Te Hiku

20	ALF-100	Jesse's on the Waterfront Café & Bar	2023	Te Hiku
21	ALF-85	Beach Box Coffee and Gelato	2023	Te Hiku

#### CC's Café Cinmea renewal of Alfresco Dining Approval

CC's Café Cinema have applied to renew their alfresco dining approval and paid the necessary application fee of \$417. CC's Café Cinema have current approval to occupy an area of public land and within this area they have approval to place 4 tables with chairs for the purpose of alfresco dining.

The operator has complied with their approval conditions and no complaints have been filed with Council in regard to their approval which expired 30 June 2023.

A copy of the draft alfresco dining renewal approval for the approval period 1 July 2023 – 30 June 2024 can be found at Attachment A.

#### Butterfish Limited renewal of Alfresco Dining Approval

Butterfish Limited have applied to renew their alfresco dining approval and paid the necessary application fee of \$474. Butterfish Limited have current approval to occupy an area of public land and within this area they have approval to place 5 tables with chairs for the purpose of alfresco dining.

The operator has complied with their approval conditions and no complaints have been filed with Council in regard to their approval which expired 30 June 2023.

A copy of the draft alfresco dining renewal approval for the approval period 1 July 2023 – 30 June 2024 can be found at Attachment B.

#### Kerikeri Lunchbox renewal of Alfresco Dining Approval

Kerikeri Lunchbox have applied to renew their alfresco dining approval and paid the necessary application fee of \$362. Kerikeri Lunchbox have current approval to occupy an area of public land and within this area they have approval to place 3 tables with chairs for the purpose of alfresco dining.

The operator has complied with their approval conditions and no complaints have been filed with Council in regard to their approval which expired 30 June 2023.

A copy of the draft alfresco dining renewal approval for the approval period 1 July 2023 – 30 June 2024 can be found at Attachment C.

#### Sharp Cafe renewal of Alfresco Dining Approval

Sharp Cafe have applied to renew their alfresco dining approval and paid the necessary application fee of \$474. Sharp Cafe have current approval to occupy an area of public land and within this area they have approval to place 5 tables with chairs for the purpose of alfresco dining.

The operator has complied with their approval conditions and no complaints have been filed with Council in regard to their approval which expired 30 June 2023.

A copy of the draft alfresco dining renewal approval for the approval period 1 July 2023 – 30 June 2024 can be found at Attachment D.

#### Avo Sushi renewal of Alfresco Dining Approval

Avo Sushi have applied to renew their alfresco dining approval and paid the necessary application fee of \$304. Avo Sushi have current approval to occupy an area of public land and within this area they have approval to place 2 tables with chairs for the purpose of alfresco dining.

The operator has complied with their approval conditions and no complaints have been filed with Council in regard to their approval which expired 30 June 2023.

A copy of the draft alfresco dining renewal approval for the approval period 1 July 2023 – 30 June 2024 can be found at Attachment E.

#### The Gables renewal of Alfresco Dining Approval

The Gables have applied to renew their alfresco dining approval on a pro-rata basis due to closing during the Winter season. The Gables have paid the necessary application fee of \$380. The Gables have current approval to occupy an area of public land and within this area they have approval to place 5 tables with chairs for the purpose of alfresco dining.

The operator has complied with their approval conditions and no complaints have been filed with Council in regard to their approval which expired 30 June 2023.

A copy of the draft alfresco dining renewal approval for the approval period 1 July 2023 – 30 June 2024 can be found at Attachment F.

#### Rocksalt Restaurant and Bar renewal of Alfresco Dining Approval

Rocksalt Restaurant and Bar have applied to renew their alfresco dining approval and paid the necessary application fee of \$395. Rocksalt Restaurant and Bar have current approval to occupy an area of public land and within this area they have approval to place 6 tables with chairs for the purpose of alfresco dining.

The operator has complied with their approval conditions and no complaints have been filed with Council in regard to their approval which expired 30 June 2023.

A copy of the draft alfresco dining renewal approval for the approval period 1 July 2023 – 30 June 2024 can be found at Attachment G.

#### Spice Grill renewal of Alfresco Dining Approval

Spice Grill have applied to renew their alfresco dining approval and paid the necessary application fee of \$304. Spice Grill have current approval to occupy an area of public land and within this area they have approval to place 2 tables with chairs for the purpose of alfresco dining.

The operator has complied with their approval conditions and no complaints have been filed with Council in regard to their approval which expired 30 June 2023.

A copy of the draft alfresco dining renewal approval for the approval period 1 July 2023 – 30 June 2024 can be found at Attachment H.

#### Letz Cafe renewal of Alfresco Dining Approval

Letz Cafe have applied to renew their alfresco dining approval and paid the necessary application fee of \$304. Letz Cafe have current approval to occupy an area of public land and within this area they have approval to place 2 tables with chairs for the purpose of alfresco dining.

The operator has complied with their approval conditions and no complaints have been filed with Council in regard to their approval which expired 30 June 2023.

A copy of the draft alfresco dining renewal approval for the approval period 1 July 2023 – 30 June 2024 can be found at Attachment I.

#### Burger Fiasko renewal of Alfresco Dining Approval

Burger Fiasko have applied to renew their alfresco dining approval and paid the necessary application fee of \$248. Burger Fiasko have current approval to occupy an area of public land and within this area they have approval to place 1 picnic table for the purpose of alfresco dining. Burger Fiasko also has other tables within another alfresco space, but it is important to note that these tables are located within the buildings private land boundaries and therefore do not require Council approval for placement of these additional tables. As the 1 picnic table covered under the alfresco renewal application is placed on public land, alfresco dining approval is required for that one table.

The operator has complied with their approval conditions and no complaints have been filed with Council in regard to their approval which expired 30 June 2023.

A copy of the draft alfresco dining renewal approval for the approval period 1 July 2023 – 30 June 2024 can be found at Attachment J.

#### Seaside renewal of Alfresco Dining Approval

Seaside have applied to renew their alfresco dining approval and paid the necessary application fee of \$474. Seaside have current approval to occupy an area of public land and within this area they have approval to place 5 tables with chairs for the purpose of alfresco dining.

The operator has complied with their approval conditions and no complaints have been filed with Council in regard to their approval which expired 30 June 2023.

A copy of the draft alfresco dining renewal approval for the approval period 1 July 2023 – 30 June 2024 can be found at Attachment K.

#### Konnie's Kafe Limited renewal of Alfresco Dining Approval

Konnie's Kafe Limited have applied to renew their alfresco dining approval and paid the necessary application fee of \$362. Konnie's Kafe Limited have current approval to occupy an area of public land and within this area they have approval to place 3 tables with chairs for the purpose of alfresco dining.

The operator has complied with their approval conditions and no complaints have been filed with Council in regard to their approval which expired 30 June 2023.

A copy of the draft alfresco dining renewal approval for the approval period 1 July 2023 – 30 June 2024 can be found at Attachment L.

#### Sushi Gallery renewal of Alfresco Dining Approval

Sushi Gallery have applied to renew their alfresco dining approval and paid the necessary application fee of \$417. Sushi Gallery have current approval to occupy an area of public land and within this area they have approval to place 4 tables with chairs for the purpose of alfresco dining. These tables are located beyond the roof canopy of the building and located on public land. The Operator does have additional tables located under the roof canopy of the building, however these tables are situated within the buildings private land boundaries and therefore do not require Council approval.

The operator has complied with their approval conditions and no complaints have been filed with Council in regard to their approval which expired 30 June 2023.

A copy of the draft alfresco dining renewal approval for the approval period 1 July 2023 – 30 June 2024 can be found at Attachment M.

#### Duke of Marlborough renewal of Alfresco Dining Approval

Duke of Marlborough have applied to renew their alfresco dining approval and paid the necessary application fee of \$474. Duke of Marlborough have current approval to occupy an area of public land

and within this area they have approval to place 5 tables with chairs for the purpose of alfresco dining.

During the last approval period (1 July 2022 – 30 June 2023), one incident was reported to Council in regards to the alfresco dining area located on public land. On 23 September 2022, an elderly female tripped over the cord cover that leads to the stage situated amongst the alfresco dining area. On the approval which expired on 30 June 2023, condition 13 required the cover over the cord to be removed when the stage was not in use, the stage was not in use at the time of this incident and the incident was discussed with the Duke of Marlborough who were quick to rectify the matter. The Duke of Marlborough believe that the cord cover acts as a speed hump to ensure vehicles drive to the speed limit in this space. Through the “Kororāreka Placemaking Consultation” it is expected that improvements along the Strand are made to ensure the space is safe and suitable for various activities to take place.

A copy of the draft alfresco dining renewal approval for the approval period 1 July 2023 – 30 June 2024 can be found at Attachment N.

#### Jimmy Jacks renewal of Alfresco Dining Approval

Jimmy Jacks have applied to renew their alfresco dining approval and paid the necessary application fee of \$474. Jimmy Jacks have current approval to occupy an area of public land and within this area they have approval to place 5 tables with chairs for the purpose of alfresco dining.

The operator has complied with their approval conditions and no complaints have been filed with Council in regard to their approval which expired 30 June 2023.

A copy of the draft alfresco dining renewal approval for the approval period 1 July 2023 – 30 June 2024 can be found at Attachment O.

#### EI Cafe new Alfresco Dining Approval

EI Cafe have applied for alfresco dining approval and paid the necessary application fee of \$304. EI Café are seeking approval to occupy an area of public land and within this area they would like to place 2 tables with chairs for the purpose of alfresco dining.

With all new alfresco dining approval requests, feedback on the new application was sought from Council’s District Facilities team and the Northland Transportation Alliance (NTA). District Facilities had no issues with the application and NTA requested a condition to ensure pedestrian movement is not obstructed by the alfresco dining activity. Condition 3 of the draft approval satisfies the NTA concerns.

A copy of the draft alfresco dining approval for the approval period 1 July 2023 – 30 June 2024 can be found at Attachment P.

## **2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS**

On 30 June 2022, Council delegated to Community Board authority to comment on alfresco dining applications.

The following options proposed for the Bay of Islands-Whangaroa Community Board to consider in regard to the alfresco dining approvals:

Option No.	Option Description	Advantages	Disadvantages
1	Provide comment on the alfresco dining renewal approval applications from CC’s Café Cinema, Butterfish Limited, Kerikeri Lunchbox, Sharp Café, Avo Sushi, The Gables, Rocksalt	Applications comply with the “Road Use Bylaw 2022”.	There are no disadvantages.

	Restaurant and Bar, Spice Grill, Letz Café, Burger Fiasko, Seaside, Konnie's Kafe Limited, Sushi Gallery, Duke of Marlborough and Jimmy Jacks which includes conditions as per Attachments A-O.		
2	Provide comment on the new alfresco dining approval applications from El Café which includes conditions as per Attachments P.	Application complies with the "Road Use Bylaw 2022".	There are no disadvantages.

### TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

There is only one option to enable the Bay of Islands-Whangaroa Community Board to provide comment on the renewal of alfresco dining approval and new alfresco dining approval which will contribute towards the final decision on the alfresco dining applications.

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

There are no financial implications or need for budgetary provision in receiving this report. The applicants have paid the required application fee for the renewal of alfresco dining approval.

### ĀPITIHINGA / ATTACHMENTS

1. Attachment A - Draft Approval ALF48 CCs Cafe Cinema - A4283842 [↓](#) 
2. Attachment B - Draft Approval ALF92 Butterfish Limited - A4283844 [↓](#) 
3. Attachment C - Draft Approval ALF65 Kerikeri Lunchbox - A4283843 [↓](#) 
4. Attachment D - Draft Approval ALF3 Sharp Cafe - A4283848 [↓](#) 
5. Attachment E - Draft Approval ALF63 Avo Sushi - A4283846 [↓](#) 
6. Attachment F - Draft Approval ALF39 The Gables - A4283836 [↓](#) 
7. Attachment G - Draft Approval ALF103 Rocksalt Restaurant and Bar - A4283845 [↓](#) 
8. Attachment H - Draft Approval ALF102 Spice Grill - A4283851 [↓](#) 
9. Attachment I - Draft Approval ALF98 Letz Cafe - A4283839 [↓](#) 
10. Attachment J - Draft Approval ALF96 Burger Fiasko - A4283850 [↓](#) 
11. Attachment K - Draft Approval ALF93 Seaside - A4283840 [↓](#) 
12. Attachment L - Draft Approval ALF83 Konnies Kafe Limited - A4283849 [↓](#) 
13. Attachment M - Draft Approval ALF50 Sushi Gallery - A4283847 [↓](#) 
14. Attachment N - Draft Approval ALF49 Duke of Marlborough - A4283841 [↓](#) 
15. Attachment O - Draft Approval ALF37 Jimmy Jacks - A4283837 [↓](#) 
16. Attachment P - Draft Approval ALF104 El Cafe - A4283838 [↓](#) 



**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.

<b>He Take Ōkawa / Compliance Requirement</b>	<b>Aromatawai Kaimahi / Staff Assessment</b>
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	The Alfresco Dining Policy 2014 was revoked on 30 June 2022. Regulation of alfresco dining is outlined in the Road Use Bylaw 2022.  The rules around approvals for alfresco dining are essentially unchanged, and therefore the level of significance for the recommendation to comment on the renewal of alfresco dining applications or new alfresco dining application is considered low.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	2022 – Part 4 clause 13 and Part 7.
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.	The Bay of Islands-Whangaroa Community Board have delegation over activities on reserves but also has delegation to comment on alfresco dining applications.
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.	Māori had an opportunity to contribute during the consultation process on the new Road Use Bylaw 2022.  The Road Use Bylaw 2022 was adopted on 19 May 2022.
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).	Regulation of alfresco dining is of relevance to hospitality businesses, their employees, and all community members and visitors to the Far North District. However, the rules around licenses for alfresco dining have not changed in their effect, and therefore the level of significance of this decision is low.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications to this decision.

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Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.
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## 7.5 PAIHIA VILLAGE GREEN ARTS AND CRAFTS GUIDELINES 2023-2024

**File Number:** A4296201

**Author:** Kim Hammond, Community Board Coordinator

**Authoriser:** Scott May, Manager - Stakeholder Relationships

### TAKE PŪRONGO / PURPOSE OF THE REPORT

This report seeks Bay of Islands-Whangaroa Community Board to approve the Focus Paihia Village Green Arts and Crafts Market Guidelines.

### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- The Paihia Village Green is managed in accordance with the Paihia Village Green Management Plan, which includes the market guidelines as an appendix.
- The Paihia Village Green Management Plan was adopted by Council in 1999.
- Council adopted the Paihia Village Green Market Guidelines in 2004, as recommended by the Bay of Islands-Whangaroa Community Board.
- Each year the Bay of Islands-Whangaroa community Board is required to adopt the Paihia Village Green Arts and Craft Market Guidelines.
- Council staff met with representatives from Focus Paihia Community Trust, Far North Holdings Limited and Chairperson Ward to update and agree to guidelines before presenting them to Community Board for final sign off.

### TŪTOHUNGA / RECOMMENDATION

**That the Bay of Islands-Whangaroa Community Board approve the Paihia Village Green Art and Crafts Market Guidelines 2023-2024.**

### 1) TĀHUHU KŌRERO / BACKGROUND

The Paihia Village Green (PVG) is located at the corner of Marsden Road and School Road Paihia. It is the main open pace that links the wharf and maritime area with the commercial car parking areas of Paihia. The PVG is often used for events or activities that 'add to the festive atmosphere of a seaside resort'.

In 1999 the Paihia Memorial Hall Committee managed the PVG, as part of this agreement the Paihia Memorial Hall Committee received any payment for the use of the PVG and made any decisions regarding who or what activity could use the PVG.

Also in 1999, the Kerikeri Community Board resolved that a Community Board member and a Councillor be appointed to work with staff to determine an up-to-date policy and/or management plan for the PVG. Council adopted the Paihia Village Green Management Plan (PVGMP). The PVGMP provided for a craft market to be held on the green when cruise ships are in the bay, which was managed by the local Art and Craft Society. The PVGMP in 1999 stated that the management plan would be reviewed every five years if necessary and the scale of fees and charges would be reviewed yearly.

As part of this PVGMP the Paihia I-Site would take bookings for both the PVG and Craft market and would retain 10% of the income.

A report was presented to the Bay of Islands-Whangaroa Community Board in June 2011, recommending that the Community Board discuss with Focus Paihia the potential for Focus Paihia to manage the PVG, including the art and crafts market. The discussion included - how the management of the PVG might work, changes to the way that it is managed and what payment arrangement is appropriate. The reason for this report was that over 2010-2011 there were a higher number of complaints. A summary of the complaints include:

- There is a perception that the stall holders have an unfair commercial advantage over the retailers in the “high” street.
- The quality or quantity of the art and craft market is not managed.
- There is no official point of contact for managing site allocation, collecting fees and managing cancellations.
- Charging of fees is inconsistent – Farmers Market stall holders don’t pay, and IT Festival did not pay any significant amount.

One of the options provided to the community was to appoint Focus Paihia to manage the PVG - including the art and crafts market.

In 2014 the day-to-day management of the PVG continued to be managed by Focus Paihia, as part of this agreement Focus Paihia worked collaboratively with market stall holders and the business community to develop new market guidelines aimed to ensure a successful and vibrant market. Council adopted the Paihia Village Green Art and Craft Market Guidelines and amended the PVGMP.

Since Focus Paihia took over the management of the PVG and art and crafts market, several changes have been made to the Paihia Village Green Art and Craft Market Guidelines, including:

- Originally a market would be held if the cruise ship carrying more than 220 passengers was in the Bay of Islands port. This was then increased to ships carrying more than 1000 passengers. The current agreement is that markets will only be held if the cruise ship is carrying more than 1750 passengers. The current schedule of Cruise Ships for the coming session indicate this would be 47 markets.
- In previous years the number of stalls went from 35 originally, down to 20 and it is now requested that it goes back up to a maximum 35. 10 of these sites will also be set aside for local retailers free of charge.

## 2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Attached are the Artisans and Retailers 2023-2024 Paihia Village Green Art and Craft Market Guidelines. These guidelines are required to be presented to the Bay of Islands-Whangaroa Community Board for approval and then attached to the PVGMP.

### TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

Focus Paihia works with market stall holders and businesses in Paihia and asks for feedback on changes that they would like to be made to the upcoming market season. Focus Paihia, a Community Board Representative and council staff have met to discuss the changes that were requested to be made to the Paihia Village Green Art and Craft Market Guidelines.

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

There are no financial implications in approving the Paihia Village Green Art and Crafts Market Guidelines.

### ĀPITIHINGA / ATTACHMENTS

1. **Map - Paihia Arts and Crafts Market 30 Stall Holders - A4286168**  
2. **Map - Paihia Arts and Crafts Market 35 Stall Holders - A4286178**  
3. **Artisans - Paihia Art Craft Market Guidelines 2023-2024 - A4298818**  
4. **Retailers - Paihia Art Craft Market Guidelines 2023-2024 - A4298819**  

**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.

<b>He Take Ōkawa / Compliance Requirement</b>	<b>Aromatawai Kaimahi / Staff Assessment</b>
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	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.	Reserves Act 1977. Paihia Village Green Management Plan.
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.	This matter has been referred to the Community Board as 'reserves' are one the civic amenities referred to in the delegations of the Community Board.
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.	Possible implications for Māori have been considered as part of the Paihia Village Green management Plan.
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).	Focus Paihia have worked in consultation with stall holders and local business in developing the guidelines.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications with this report.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.































## 7.6 FUNDING APPLICATIONS

**File Number:** A4292393

**Author:** Kathryn Trewin, Funding Advisor

**Authoriser:** Scott May, Manager - Stakeholder Relationships

### TAKE PŪRONGO / PURPOSE OF THE REPORT

The purpose of this report is to allow the Bay of Islands-Whangaroa Community Board (the Board) to consider the application/s received for the Community Grant Fund/Placemaking Fund.

### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- The Board has **\$182,364** to allocate for the Community Board Fund in the 2023/2024 financial year.
- The Board also has **\$100,000** to allocate for the Placemaking Fund for the 2023/2024 financial year.
- No funding applications have been received for the July 31 funding round.
- The Board granted funds to Miria Marae in November 2022. The applicant uplifted all but \$60 and advises they do not require the balance. It is recommended the Board rescind the balance of the resolution and return the funds to their community grant fund for future allocation.
- The Board granted funds to Whangaroa Recreation and Community Trust in 8 June 2023, subject to a project plan being provided. This plan is attached for the Board's information.

#### TŪTOHUNGA / RECOMMENDATION

**That the Bay of Islands-Whangaroa Community Board:**

- rescind the balance of \$60 granted to Miria Marae in resolution 2022/112 on 17 November 2022 and directs that this amount be returned to their Community Board fund total for future allocation.**

#### TŪTOHUNGA / RECOMMENDATION

**That the Bay of Islands-Whangaroa Community Board:**

- confirm their resolution 2023/45 of 8 June 2023 granting funding to the Whangaroa Recreation and Community Trust and directs the funding being released to the applicant as a project plan has been received as requested.**

### 1) TĀHUHU KŌRERO / BACKGROUND

The first resolution will allow funds accrued from the previous financial year to be released and used for future funding decisions.

The second resolution allows funds to be released to the applicant.

### 2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

#### Take Tūtohunga / Reason for the recommendation

These resolutions will tidy up outstanding funding resolutions from the previous financial year, releasing funds as required.

At the 17 November 2022 meeting, the Board granted \$28,783 to Miria Marae for powerline relocation. They uplifted \$28,723 by invoice, leaving \$60 still available. They have advised that they

do not require the additional \$60, so the resolution above is to rescind the balance remaining and return it to be reallocated by the Board.

At the 8 June 2023 meeting, the Board granted funding to the Whangaroa Recreation and Community Trust towards works at the Whangaroa Pool. This funding was granted on the basis that the applicant must supply a project plan prior to the funds being uplifted. The attached project plan has been provided by the applicant in compliance with this condition.

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

Budgetary provision has been made and the grant is allocated in accordance with the Community Grant Policy.

### **ĀPITIHINGA / ATTACHMENTS**

- 1. Whangaroa Community Pool - Project Plan - A4292446** [↓](#) 

**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.

<b>He Take Ōkawa / Compliance Requirement</b>	<b>Aromatawai Kaimahi / Staff Assessment</b>
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	This is a matter 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.	Applications received are assessed against the Community Grants Policy.
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.	This report does not have 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 implications for Māori in relation to the applications received in relation to whenua and/or wai.
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).	Considered in the application.
State the financial implications and where budgetary provisions have been made to support this decision.	Budgetary provision has been made and the grant is allocated in accordance with the Community Grant Policy.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.



## 8 NGĀ PŪRONGO TAIPITOPITO / INFORMATION REPORTS

### 8.1 BAY OF ISLANDS-WHANGAROA COMMUNITY BOARD ACTION SHEET UPDATE

**File Number:** A4301976

**Author:** Casey Gannon, Democracy Advisor - Democracy Services

**Authoriser:** Aisha Huriwai, Manager - Democracy Services

#### TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide the Bay of Islands-Whangaroa Community Board with an overview of outstanding decisions from 1 January 2021.

#### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Council staff have reintroduced action sheets as a mechanism to communicate progress against decisions/resolutions and confirm when decisions have been implemented.
- Action sheets are in place for Council, Committees and Community Boards.

#### TŪTOHUNGA / RECOMMENDATION

**That the Bay of Islands-Whangaroa Community Board receive the report Bay of Islands-Whangaroa Community Board Action Sheet Update.**

#### TĀHUHU KŌRERO / BACKGROUND

Action Sheet's provide regular updates on progress against decisions made at meetings.

Action sheets have been designed as a way to close the loop and communicate with elected members on the decisions made by way of resolution at formal meetings.

#### MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

The Democracy Services staff are working with staff to ensure that the project completion times are updated so that action sheets provided to members differentiate between work outstanding and work in progress.

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

There are no financial implications or need for budgetary provision in receiving this report.

#### ĀPITIHINGA / ATTACHMENTS

1. **BOI-W CB Action Sheet Update - 31 July 2023.pdf - A4304863**  







**9 TE WĀHANGA TŪMATAITI / PUBLIC EXCLUDED**

**RESOLUTION TO EXCLUDE THE PUBLIC**

**RECOMMENDATION**

**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:**

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<b>9.1 - Confirmation of Previous Minutes</b>	s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority	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

**10 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER**

**11 TE KAPINGA HUI / MEETING CLOSE**