

**MINUTES OF FAR NORTH DISTRICT COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, MEMORIAL AVE, KAIKOHE
ON THURSDAY, 3 AUGUST 2023 AT 10:05 AM**

PRESENT: Kahika - Mayor Moko Tepania, Kōwhai - Deputy Mayor Kelly Stratford, Cr Felicity Foy (virtually), Cr Hilda Halkyard-Harawira, Cr Babe Kapa, Cr Penetaui Kleskovic, Cr Steve McNally, Cr Mate Radich, Cr Tāmāti Rākena, Cr John Vujcich

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

STAFF PRESENT: Janice Smith (Group Manager – Corporate Services), Jill Coyle (Group Manager – People & Transformation), Jacine Warmington (Group Manager – Strategic Relationships), Ruben Garcia (Group Manager - Community & Engagement), Kevin Johnson (Group Manager – Delivery and Operations), Andy Finch (Acting Group Manager – Corporate Services), Jonathon Slavich (Chief Financial Officer), Esther Powell (Acting Group Manager – Planning and Policy), Ken Lewis (Manager – Communications & Engagement), Briar Corbett (Principal Advisor – Strategic Relationships), Rebecca Williams (Senior Communications and Engagement Advisor), Donald Sheppard (Policy Advisor), Dan Bowmar (Policy Advisor), Briar Macken (Manager – Strategy & Policy), Lawrence Wharerāu (Kaiarāhi Kaupapa Māori), Carla Ditchfield (Manager – Legal Services), Aisha Huriwai (Manager – Democracy Services), Casey Gannon (Democracy Advisor), Marlema Baker (Democracy Advisor)

1 KARAKIA TIMATANGA / OPENING PRAYER

Kahika/Mayor Moko Tepania commenced the meeting and Cr Tāmāti Rākena opened with a karakia.

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

RESOLUTION 2023/86

Moved: Kahika - Mayor Moko Tepania

Seconded: Cr Penetaui Kleskovic

That apologies from Cr Ann Court be received and a leave of absence granted.

CARRIED

3 NGĀ TONO KŌRERO / DEPUTATION

Leonie Exel, representing Bay of Islands Watchdogs (*tabled document: 2020 Kiwi Density Maps objective I.D A4328831*).

- spoke in opposition to the banning and restriction of the number of dogs, on properties in the Far North and on subdivisions via the resource management planning process.
- spoke in opposition to restrictions and banning of dogs on properties in or near kiwi location zones.

Recommendation from Cr McNally as follows:

That data regarding covenants of no dogs/cats be recorded via the resource consents processes going forward, through our property files team, as per the 2020 Kiwi Density Map tabled, collected retrospectively and going forward with a GIS Map overlaid, and made publicly available.

Rueben Taipari (Nga Hapu o Ahipara representative) regarding item 8.3 - 1 Wharo Way Ahipara & Pōhutukawa Tree (and Moringai) refers.

- The issue is not just about the tree but about it being a historical place and the last piece of land on the foreshore for the people of Ahipara, all the rest is in general title and million-dollar real estate.
- The damage done to the historical pōhutukawa is unacceptable. It is a tree of significance and needs to be put on the schedule and protected.
- That the land be purchased from the current owner
- That 1 Wharo Way Ahipara also be redesignated as a historical reserve.
- The Pohutukawa tree was cut down by Council directive and Council needs to fix it's processes.
- That a pou or plaque be laid on the whenua to show that Council and the people of Ahipara are working together.
- Suggests a hui be held with Council and his people in a more comfortable setting to speak about these issues.

4 NGĀ KŌRERO A TE KAHIKA / MAYORAL ANNOUNCEMENTS

- Technical issues in Chambers and with the livestreaming.
- Cr Foy joining meeting via Microsoft TEAMS.
- Introduced Kawiti Waetford, kaiwhakawhiti reo language interpreter.
- Māramataka is Rakau Matohi.
- Te Kuaka inaugural meeting Tuesday 8th August, 2pm
- Te Koukou Transport Committee will also be organised.
- Acknowledgement and thanks to Democracy Manager Aisha Huriwai who will be going on maternity leave and Casey Gannon for stepping into the role for a year.
- Several Councillors attended the Local Government New Zealand (LGNZ) annual conference and AGM in Christchurch. A new President and Vice President were voted in. They are Mayor Sam Broughton (Selwyn District Council and Chair of the Provincial Sector) and Mayor Campbell Barry (Hutt City). Looking forward to working with them.

5 TE WHAKAAETANGA O NGĀ MENETI O MUA / CONFIRMATION OF PREVIOUS MINUTES

5.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 5.1 document number a4293107, pages 6 - 25 refers

RESOLUTION 2023/87

Moved: Kahika - Mayor Moko Tepania

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That Council confirm the minutes of the Council meeting held 29 June 2023 as a true and correct record.

Abstained: Cr Babe Kapa

CARRIED

6 NGĀ PŪRONGO / REPORTS

6.1 COMMUNITY BOARD MINUTES - JULY 2023

Agenda item 6.1 document number A4299534, pages 65 - 85 refers

RESOLUTION 2023/88

Moved: Kahika - Mayor Moko Tepania

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That Council note the following Community Board minutes:

- a) 4 July 2023 - Te Hiku Community Board
- b) 5 July 2023 - Kaikohe-Hokianga Community Board
- c) 6 July 2023 - Bay of Islands-Whangaroa Community Board

CARRIED

6.2 MAYOR AND COUNCILLOR'S REPORTS

Agenda item 6.2 document number A4299637, pages 86 – 119 refers

RESOLUTION 2023/89

Moved: Kahika - Mayor Moko Tepania

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That Council:

- a) note the report dated June 2023 from Cr Felicity Foy which was omitted from the 1 June 2023 Council agenda.
- b) note the reports submitted to the 3 August 2023 meeting from Kahika – Mayor Moko Tepania, Kōwhai-Deputy Mayor Kelly Stratford and Councillors Ann Court, Hilda Halkyard-Harawira, Babe Kapa and Tāmāti Rākena.

CARRIED

Note: Councillors to revisit providing Mayor and Councillor reports for Council agendas as part of their mid-term Governance review.

6.3 FAR NORTH HOLDINGS LIMITED (FNHL) DIRECTOR APPOINTMENT EXTENSION

Agenda item 6.3 document number a4164159, pages 26 - 28 refers

RESOLUTION 2023/90

Moved: Kōwhai - Deputy Mayor Kelly Stratford

Seconded: Cr Penetaui Kleskovic

That Bill Birnie's appointment as Director to Far North Holdings Limited be extended for up to three months or until a replacement Director is appointed to the Board.

Against: Crs Babe Kapa, Steve McNally and Penetaui Kleskovic

CARRIED

6.4 PARKING STRATEGIC POLICY

Agenda item 6.4 document number A4164159, pages 29 - 48 refers

RESOLUTION 2023/91

Moved: Cr Hilda Halkyard-Harawira
Seconded: Cr Mate Radich

That Council approves, the development of a new Parking Strategy.

Abstained: Cr Steve McNally

CARRIED

Note: Cr McNally that future reports mention affected resourcing, timelines, staff costs, legislative requirements and work programme.

6.5 ADOPTION OF AMENDED CLASS 4 GAMING AND TAB VENUE POLICY

Agenda item 6.5 document number A4238583, pages 49 - 64 refers

RESOLUTION 2023/92

Moved: Cr Hilda Halkyard-Harawira
Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That Council:

- a) **Approves the recommendations in the staff report on Class 4 Gaming and TAB Venue Policy submissions and recommendations for consideration in attachment 1 that:**
 - i) **No changes are made to clauses 1, 2 (a, c, d, e, f, g, h & i), 3 and 4.**
 - ii) **Clause 2b(i) is amended by adding the words "A natural disaster," before "fire or other damage to the present venue"**
- b) **Makes the Class 4 Gaming and TAB Venue Policy under section 101 of the Gambling Act 2003 and section 96 of the Racing Industry Act 2020.**

Against: Crs Babe Kapa and Penetaui Kleskovic

CARRIED

7 NGĀ PŪRONGO TAIPITOPITO / INFORMATION REPORTS

7.1 COUNCIL ACTION SHEET UPDATE JULY 2023

Agenda item 7.1 document number A4293124, pages 120 - 137 refers

RESOLUTION 2023/93

Moved: Kahika - Mayor Moko Tepania
Seconded: Cr Mate Radich

That Council receive the report Council Action Sheet Update July 2023.

CARRIED

8 TE WĀHANGA TŪMATAITI / PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2023/94

Moved: Kahika - Mayor Moko Tepania

Seconded: Cr Tāmami Rākena

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

That Kawiti Waetford, kaiwhakawhiti reo language interpreter be allowed to remain in the meeting, and

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
<p>8.1 - Confirmation of Previous Minutes - Public Excluded</p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>8.2 - Community Board Public Excluded Minutes - July 2023</p>	<p>s48(2)(a)(i) - the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation where a right of appeal lies to any court or tribunal against the final decision of the Council in these proceedings</p>	<p>s48(2)(a)(i) - the exclusion of the public from the part of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation</p>
<p>8.3 - 1 Wharo Way Ahipara & Pōhutukawa Tree</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</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would</p>

	commercial position of the person who supplied or who is the subject of the information s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	exist under section 6 or section 7
8.4 - Kaikohe Wastewater Treatment Plant Desludging Procurement	s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	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
8.5 - Solid Waste Services Contract Procurement Plan	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	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
8.6 - Mangonui Waterfront Development- Long Vehicle Park and Mill Bay Jetty	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	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
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:

8.2 - Community Board Public Excluded Minutes - July 2023

That Council notes the Bay of Islands-Whangaroa Community Board Public Excluded minutes 6 July 2023.

8.3 - 1 Wharo Way Ahipara & Pōhutukawa Tree – all information, excluding the Tamaki Legal documents, and with amount redacted

That Council agree:

- a) If the late submissions relating to the protection of the pōhutukawa tree at 1 Wharo Way are rejected by the Proposed District Plan Hearing Panel, Council will determine whether a separate plan change should be undertaken to include this tree in the District Plan Notable Tree schedule, subject to the tree meeting the criteria for this protection and subject to available resources (staff and budget).
- b) to purchase the land 1 Wharo Way (Legal Description Lot 1 DP 381292)
- c) to authorise the CE or their nominee:

- i. to submit conditional offer and undertake negotiations for the purchase of the above property within the approved budget of **\$REDACTED**
- d) upon purchase of the title, that a private encumbrance/covenant be registered on the title to protect the pōhutukawa tree in perpetuity
- e) designate 1 Wharo Way (Legal Description Lot 1 DP 381292) as a Local Purpose reserve as Council does not have the authority to do so;
- f) classify 3 Wharo Way (Legal Description Lot 23 DP 381292) as a Local Purpose reserve pursuant to section 18 of the Reserves Act 1977.
- g) lay a plaque to commemorate Moringai’s historical significance to Nga Hapu o Ahipara to be placed on Council Reserve at 3 Wharo Way, Lot 23 DP 381292; and
- h) Te Kuaka – Te Ao Māori Committee and Ngā Hapu o Ahipara engage in the co-design of the co-management plan for the local purpose reserves.
- i) acknowledge receipt of correspondence by Tamaki Legal 2nd December 2022.

8.4 - Kaikohe Wastewater Treatment Plant Desludging Procurement – all information with amount redacted

That Council approve the engagement of sludge dewatering specialist Conhur Limited to dredge and dewater the Kaikohe WWTP main pond and dispose of between 2,145tDS and 2,875tDS of sludge to a maximum value of **\$REDACTED**.

9 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

10 MEETING CLOSE

The meeting closed with a karakia whakamutunga by Cr Rākena at 1:10 pm.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 24 August 2023.

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CHAIRPERSON