

AGENDA

Council Meeting

Membership:

Kahika - Mayor Moko Tepania - Chairperson

Kōwhai - Deputy Mayor Kelly Stratford

Cr Ann Court

Cr Felicity Foy

Cr Hilda Halkyard-Harawira

Cr Babe Kapa

Cr Penetaui Kleskovic

Cr Steve McNally

Cr Mate Radich

Cr Tāmati Rākena

Cr John Vujcich

Thursday, 13 February 2025

**Time: 10:00am
Council Chambers
Memorial Ave Kaikohe**

**Far North District Council
Ordinary Council Meeting**
will be held in the Council Chamber, Memorial Ave, Kaikohe on:
Thursday 13 February 2025 at 10:00 AM

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1 KARAKIA TIMATANGA / OPENING PRAYER

Ka tuku mātou kia kaha mai ngā māngai kua whiriwhirihia mō Te Kaunihera o Te Hiku o te Ika 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 Council discussions and decisions the representatives we have elected may govern the Far North District with imagination, skill and wisdom to achieve a fairer and more united Community that enhances the wellbeing of our district and solves the District's problems efficiently and effectively.

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

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive Officer or the 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.

[Elected Member - Register of Interests](#)

3 NGĀ TONO KŌRERO / DEPUTATIONS

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

4 NGĀ KŌRERO A TE KAHIKA / MAYORAL ANNOUNCEMENTS

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

5.1 CONFIRMATION OF PREVIOUS MINUTES

File Number: A5056459

Author: Marysa Maheno, Democracy Advisor

Authoriser: Aisha Huriwai, Manager - Democracy Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

The minutes are attached to allow Council to confirm that the minutes are a true and correct record of previous meetings.

TŪTOHUNGA / RECOMMENDATION

That Council confirm the minutes of the Council meeting held 12 December 2024 are a true and correct record.

1) TĀHUHU KŌRERO / BACKGROUND

Local Government Act 2002 Schedule 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) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The minutes of the meetings are attached.

Far North District Council Standing Orders Section 27.3 states that no discussion shall arise on the substance of the minutes in any succeeding meeting, except as to their correctness.

TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

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

3) 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.

ĀPITIHINGA / ATTACHMENTS

1. 2024-12-12 Council Minutes [A5015693] - A5015693 [↓](#) 

Hōtaka Take Ōkawa / Compliance Schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	This 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. 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 confirming minutes from 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 minutes to be confirmed as true and correct record, any interests that affect other people should be considered as part of the individual reports.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or the need for budgetary provision arising from this report
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

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**MINUTES OF FAR NORTH DISTRICT COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE TE AHU, CNR STATE HIGHWAY 1 AND MATHEWS AVENUE, KAITAIA
ON THURSDAY, 12 DECEMBER 2024 AT 10:02AM**

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

IN ATTENDANCE: Adele Gardner (Te Hiku Community Board Chairperson), Belinda Ward (Bay of Islands-Whangaroa Community Board Chairperson), Chicky Rudkin (Kaikohe-Hokianga Community Board Chairperson)(online), Kawiti Waetford (Kaiwhakawhiti Reo - Language Interpreter).

STAFF PRESENT: Guy Holroyd (Chief Executive Officer), Carla Ditchfield (Manager – Legal Services), Trent Blakeman (Group Manager – Delivery and Operations), Jacine Warmington (Group Manager – Strategic Relationships), Mary Moore (Manager – Infrastructure Services), Emma Healy (Chief of Staff), Charlie Billington (Group Manager – Corporate Services), Elizabeth Stacey (Senior Road Safety and Traffic Engineer), Aisha Huriwai (Manager – Democracy Services), Maria Bullen (Democracy Advisor), Tanya Proctor (Head of Infrastructure)(online), Ruben Garcia (Group Manager – Community and Engagement)(online), Shayne Storey (Team Leader – Policy and Bylaws), Esther Powell (Manager – Climate Action and Resilience), Roger Ackers (Group Manager – Planning and Policy).

1 KARAKIA TIMATANGA / OPENING PRAYER

At 10:02am, Kahika/Mayor Moko Tepania commenced the meeting with a karakia.

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

- There were no apologies.

At 10:05am, Cr Hilda Halkyard-Harawira arrived to the meeting.

3 NGĀ TONO KŌRERO / DEPUTATION

- There were no deputations.

4 NGĀ KŌRERO A TE KAHIKA / MAYORAL ANNOUNCEMENTS

- Today in the Maramataka is Hotu, which is a high energy phase.
- Acknowledged Cr Foy for bringing in crates of produce for Councillors and staff.
- Acknowledged that this is the last Council Meeting for 2024 and thanked the Elected Members for their mahi.
- Acknowledged the community Christmas events happening all around the Far North.
- Acknowledged the upcoming events including the Kaitāia Airport signing and the opening of Mangamuka Gorge.

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

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6.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 6.1 document number A5002689, pages 12 - 21 refers

RESOLUTION 2024/163

Moved: Cr Steve McNally
 Seconded: Kahika - Mayor Moko Tepania

That Council confirm the minutes of the Council meeting held 14 November 2024 are a true and correct record.

CARRIED

8.2 COMMUNITY BOARD MINUTES - NOVEMBER 2024

Agenda item 8.2 document number A5002685, pages 437 - 457 refers

RESOLUTION 2024/164

Moved: Kahika - Mayor Moko Tepania
 Seconded: Cr Tāmami Rākena

That Council note the following Community Board minutes:

- **19 November 2024 Te Hiku Community Board;**
- **21 November 2024 Bay of Islands-Whangaroa Community Board; and**
- **22 November 2024 Kaikohe-Hokianga Community Board**

CARRIED

6 HE PĀNUI WHAKAMŌTINI / NOTICE OF MOTION

5.1 NOTICE OF MOTION - CANCEL FLUORIDE TO PROTECT PUBLIC HEALTH

Agenda item 5.1 document number A5003619, pages 6 - 8 refers

MOTION

Moved: Cr Hilda Halkyard-Harawira
 Seconded: Cr Babe Kapa

That the Far North District Council cancel the fluoridation of Far North waters until local residents on town water supply agree to do so.

AMENDMENT

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

That council defers this decision to ensure that appropriate financial and legal advice can be provided and discussed in a workshop in the new year.

In Favour: Crs Moko Tepania, Kelly Stratford, Felicity Foy, Hilda Halkyard-Harawira, Babe Kapa, Steve McNally, Tāmami Rākena and John Vujcich

Against: Crs Ann Court, Penetaui Kleskovic and Mate Radich

The amendment became the substantive motion.

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RESOLUTION 2024/165

Moved: Kahika - Mayor Moko Tepania

Seconded: Cr Hilda Halkyard-Harawira

That council defers this decision to ensure that appropriate financial and legal advice can be provided and discussed in a workshop in the new year.

Against: Cr Ann Court

Abstained: Cr Mate Radich

CARRIED

5.2 NOTICE OF MOTION - PROMOTION & PROTECTION OF HE WAKAPUTANGA O TE RANGATIRATANGA O NŪ TIRENI & TE TIRITI O WAITANGI WITHIN THE AREAS OF THE FAR NORTH DISTRICT COUNCIL

Agenda item 5.2 document number A5008664, pages 9 - 11 refers

RESOLUTION 2024/166

Moved: Cr Hilda Halkyard-Harawira

Seconded: Cr Tāmati Rākena

That Council:

1. **future proof Tiriti gains made over the last 184 years, and in years to come, so that incoming governments cannot undermine local progress and cause unnecessary anxiety amongst 53% of its population;**
2. **adopt and embrace mutual and beneficial partnerships with Māori that uplift community wellbeing i.e. housing, incentives for health, education and sustainability industries within the area;**
3. **proactively heed the recommendations of the Waitangi Tribunal findings regarding matters that impact on the territories within Tai Tokerau i.e. Te Paparahi o Te Raki Stage 1 & 2 Reports;**

Against: Crs Ann Court, Steve McNally and Mate Radich

CARRIED

5.2 NOTICE OF MOTION - PROMOTION & PROTECTION OF HE WAKAPUTANGA O TE RANGATIRATANGA O NŪ TIRENI & TE TIRITI O WAITANGI WITHIN THE AREAS OF THE FAR NORTH DISTRICT COUNCIL

Agenda item 5.2 document number A5008664, pages 9 - 11 refers

RESOLUTION 2024/167

Moved: Cr Hilda Halkyard-Harawira

Seconded: Cr Tāmati Rākena

That Council:

4. **return all unused Council reserves to mana whenua expeditiously;**

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<p>5. uphold and maintain former and yet to come Iwi settlements, reparations agreements/ redress options and their evolving conditions;</p> <p>6. never approve resource consents or walking routes on wāhi tapu;</p> <p>7. by June 2025, commit formally in the Long-Term Plan to the restoration of moana, rivers and streams and adopt the wholesale ban on all sewage and hazardous waste dumping to the harbours, rivers and streams in Tai Tokerau;</p> <p>8. ensure 80% local procurement in all contracts to sustain Tai Tokerau businesses.</p> <p><u>In Favour:</u> Crs Hilda Halkyard-Harawira, Babe Kapa, Penetaui Kleskovic and Tāmami Rākena</p> <p><u>Against:</u> Kahika - Mayor Moko Tepania, Kōwhai - Deputy Mayor Kelly Stratford, Crs Ann Court, Felicity Foy, Steve McNally, Mate Radich and John Vujcich</p> <p style="text-align: right;">LOST</p>

7 NGĀ PŪRONGO / REPORTS

7.1 SETTING OF 2025 MEETING SCHEDULE

Agenda item 7.1 document number A4993990, pages 22 - 28 refers

<p>RESOLUTION 2024/168</p> <p>Moved: Kōwhai - Deputy Mayor Kelly Stratford Seconded: Kahika - Mayor Moko Tepania</p> <p>That Council:</p> <p>a) adopt the proposed 2025 calendar;</p> <p>b) note the 2025 reserve dates:</p> <ul style="list-style-type: none"> • January 28 • February 26 • March 5, 11, 25, 27 • April 1, 2, 4, 30 • May 1, 2, 22, 27, 28 • June 11, 18, 25 • July 9, 23, 24 • August 13, 19, 20, 26 • September 3, 10, 11, 17, 23 <p style="text-align: right;">CARRIED</p>

7.2 WAITANGI 2025 TEMPORARY ROAD CLOSURES

Agenda item 7.2 document number A4982563, pages 29 - 42 refers

<p>RESOLUTION 2024/169</p> <p>Moved: Kahika - Mayor Moko Tepania</p>

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Seconded: Cr Steve McNally

That Council approve the proposed temporary road closures to accommodate the safe operation of the Waitangi Day commemoration week event.

CARRIED

7.3 TEMPORARY ROAD CLOSURE - KERIKERI CRUZ'N THE BAYZ

Agenda item 7.3 document number A4851211, pages 43 - 46 refers

RESOLUTION 2024/170

Moved: Kahika - Mayor Moko Tepania

Seconded: Cr Steve McNally

That Council approve the proposed temporary road closure to accommodate the safe operations of the Kerikeri Cruz'n the Bayz event.

CARRIED

7.4 CONTROL OF EARTHWORKS BYLAW CONSULTATION

Agenda item 7.4 document number A4897747, pages 47 - 62 refers

RESOLUTION 2024/171

Moved: Kahika - Mayor Moko Tepania

Seconded: Cr John Vujcich

That Council:

- a) **approves, under section 160(3)(b)(ii) of the Local Government Act 2002, to consult on continuing the Control of Earthworks Bylaw without amendment in a manner that gives effect to the requirements of section 82 of the local government act 2002.**
- b) **approves, the Proposal for Consultation on the Control of Earthworks Bylaw, in attachment one, to be made publicly available for the purpose of the consultation.**
- c) **approves, the period for making written submissions on the proposal will be a minimum of 4 weeks.**
- d) **delegates authority to the Mayor to decide on the date of oral presentation/s of submissions.**
- e) **directs council staff to make all necessary logistical arrangements for people's verbal submissions to be heard in person in the council chambers or online via Microsoft Teams on the date decided by the mayor.**
- f) **authorises the Chief Executive to make minor changes to the Proposal for Consultation on the Control of Earthworks Bylaw to correct grammatical or spelling errors, or formatting.**

CARRIED

7.5 2024-27 NATIONAL LAND TRANSPORT PLAN (NLTP) OUTCOMES

Agenda item 7.5 document number A4952885, pages 63 - 83 refers

MOTION

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Moved: Cr Ann Court
 Seconded: Cr Hilda Halkyard-Harawira

That Council:

a) Receives the report dated 30th October – 2024-27 National Land Transport Plan outcomes
 b) Approves Option 1 for all recommended allocations of unsubsidised funding for:

i) Continuous Programmes Funding; and
 ii) Low-Cost Low Risk Investment Funding

AMENDMENT

Moved: Cr Felicity Foy
 Seconded: Cr Steve McNally

That Council approve works for unsubsidised funding for the following:

1 - tree trimming
 3 - REAP road safety
 4 - pothole prevention
 5 - road rehabilitation
 6 - school zones

and that more information be provided to a Te Koukou Committee workshop, for items 2, 7, 8, 9 and 10.

In Favour: Kōwhai - Deputy Mayor Kelly Stratford, Crs Felicity Foy, Hilda Halkyard-Harawira, Babe Kapa, Penetaui Kleskovic, Steve McNally, Tāmati Rākēna and John Vujcich
Against: Kahika - Mayor Moko Tepania and Cr Ann Court
Abstained: Cr Mate Radich

CARRIED

The amendment became the substantive motion.

RESOLUTION 2024/172

Moved: Kahika - Mayor Moko Tepania
 Seconded: Cr Felicity Foy

That Council approve works for unsubsidised funding for the following:

1 - tree trimming
3 - REAP road safety
4 - pothole prevention
5 - road rehabilitation
6 - school zones

and that more information be provided to a Te Koukou Committee workshop, for items 2, 7, 8, 9 and 10.

Against: Cr Ann Court

CARRIED

At 11:53am, the meeting adjourned and resumed at 11:58am.

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7.6 TRANSFER OF INDEPENDENTLY QUALIFIED PERSON'S (IQP'S)

Agenda item 7.6 document number A4934061, pages 84 - 103 refers

RESOLUTION 2024/173

Moved: Cr John Vujcich

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That Council approve the transfer of powers from the Far North District Council to Auckland Council to administer the Independently Qualified Person's register for Independently Qualified Person's working in our district.

CARRIED

7.7 DEVELOPMENT OF A LOCAL ALCOHOL POLICY

Agenda item 7.7 document number A4950769, pages 104 - 274 refers

RESOLUTION 2024/174

Moved: Kōwhai - Deputy Mayor Kelly Stratford

Seconded: Cr John Vujcich

That Council approves the development of a Local Alcohol Policy (LAP) for the district.

CARRIED

7.8 FUTURE OF SEVERELY AFFECTED LOCATIONS (FOSAL) PROPOSED BUYOUT & RELOCATION POLICY

Agenda item 7.8 document number A4975532, pages 275 - 285 refers

RESOLUTION 2024/175

Moved: Kahika - Mayor Moko Tepania

Seconded: Cr Ann Court

That Council:

- a) acknowledge that that there are no residential properties in the Far North District that meet the FOSAL criteria; and**
- b) does not adopt the Proposed FOSAL Buyout and Relocation Policy as there are no properties that meet the FOSAL criteria in the Far North.**

In Favour: Kahika - Mayor Moko Tepania, Crs Ann Court, Felicity Foy, Hilda Halkyard-Harawira, Penetaui Kleskovic, Mate Radich and John Vujcich

Against: Crs Kelly Stratford, Babe Kapa and Steve McNally

Abstained: Cr Tāmāti Rākena

CARRIED

7.9 APPOINTMENT TO EXTERNAL ORGANISATIONS

Agenda item 7.9 document number A4988098, pages 286 - 289 refers

RESOLUTION 2024/176

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

That Council appoint:

- a) **Councillor Rākena to Kaikohe Sportsville**
- b) **Councillors Kapa and Rākena as liaisons for Lake Ōmāpere Trust**
- c) **Kahika Moko Tepania as the alternate to Councillors Vujcich and Kleskovic to Joint Regional Economic Development Group**
- d) **Councillor Rākena to replace Councillor Foy as lead for Creative Communities.**
- e) **Councillor Foy to be added as an alternate to the Awanui River Working Group.**

Note: Cr Rākena has requested the FNDC website be updated to include a full list of Councillors portfolios, committees, community boards, under their profiles, alongside member reports. Kahika Moko Tepania to follow up at the February 2025 Council meeting.

CARRIED

7.10 PROGRESSING THE MULTI-AGENCY JOINT EMERGENCY COORDINATION CENTRE

Agenda item 7.10 document number A4997686, pages 290 - 384 refers

RESOLUTION 2024/177

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

That:

- a) **the report ‘Progressing the Multi-Agency Joint Emergency Coordination Centre’ by Ruben Garcia, Group Manager – Community & Engagement and dated 12 December 2024, be received.**
- b) **Council approve the Chief Executive entering into a Heads of Agreement with Northland Councils for a Multi-Agency Joint Emergency Coordination Centre (the Agreement), subject to him being satisfied that:**
 - i) **Council has complied with all statutory, regulatory (and policy) obligations that relate to the Agreement; and**
 - ii) **The Agreement includes any conditions deemed to be reasonable and appropriate in his view having taken legal or other professional advice, if required.**

CARRIED

7.11 REGIONAL DEAL TE TAI TOKERAU NORTHLAND

Agenda item 7.11 document number A5001582, pages 385 - 408 refers

RESOLUTION 2024/178

Moved: Cr Ann Court
 Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That Council:

- a) **endorse the preparation of a Regional Deal proposal for submission to central**

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<p>government.</p> <ul style="list-style-type: none"> b) agrees to collaborate with the other three local authorities, Kaipara District Council (KDC), Whangārei District Council (WDC), and Northland Regional Council (NRC) as a single “region” for the purpose of the Regional Deal. c) approves Northland Inc as the lead organisation responsible for coordinating the development of the Regional Deal proposal, with support from all four councils. d) approves the Joint Regional Economic Development Committee as the governance entity overseeing the development of the proposal. e) approves the amendment to the Joint Regional Economic Development Committee Terms of Reference as provided in Attachment 4 of this agenda item. f) agrees that the Chair of the Joint Regional Economic Development Committee be the spokesperson of the Regional Deal programme on behalf of the region. g) approves the registration form being submitted by Northland Inc. on behalf of Northland Local Authorities (by 18 December 2024), following review by the Chief Executive. h) notes that the Joint Regional Economic Development Committee may be required to meet outside of the normal council meeting cycle during the traditional Christmas recess period. i) notes that similar recommendations are being presented to KDC, WDC, and NRC at their December 2024 meetings to ensure regional alignment and collaboration. <p><u>Against:</u> Cr Tāmati Rākena and Cr Mate Radich</p>	<p>CARRIED</p>
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At 12:57pm, the meeting adjourned and resumed at 1:56pm.

7.12 SUBMISSION ON THE TREATY PRINCIPLES BILL

Agenda item 7.12 document number A5008393, pages 409 - 417 refers

<p>RESOLUTION 2024/179</p> <p>Moved: Cr Tāmati Rākena Seconded: Cr Hilda Halkyard-Harawira</p> <p>That the Far North District Council:</p> <ul style="list-style-type: none"> a) strongly opposes the Treaty Principles Bill b) makes a submission to the Justice Select Committee outlining the Far North District Council's strong opposition to the Bill c) delegate the Mayor and the Deputy Chair of the Te Kuaka Committee to give a verbal submission to the Justice Select Committee to support Council's written submission <p><u>In Favour:</u> Kahika - Mayor Moko Tepania, Kōwhai - Deputy Mayor Kelly Stratford, Crs Felicity Foy, Hilda Halkyard-Harawira, Babe Kapa, Steve McNally, Mate Radich, Tāmati Rākena and John Vujcich</p> <p><u>Against:</u> Cr Ann Court</p>		<p>CARRIED</p>
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7.13 ADOPTION OF FAR NORTH HOLDINGS STATEMENT OF INTENT FOR THE YEAR ENDED 30 JUNE 2025

Agenda item 7.13 document number A5013083, pages 418 - 433 refers

RESOLUTION 2024/180

Moved: Cr John Vujcich
 Seconded: Cr Steve McNally

That Council:

- a) adopts the Far North Holdings Limited Statement of Intent for the year ended 30 June 2025
- b) publishes the Far North Holdings Limited Statement of Intent for the year ended 30 June 2025 on its website within 1 month of adoption

CARRIED

8 NGĀ PŪRONGO TAIPITOPITO / INFORMATION REPORTS

8.1 REPORT ON THE INAUGURAL STATE OF THE FAR NORTH ADDRESS: OUTCOMES, INSIGHTS, AND FUTURE DIRECTIONS

Agenda item 8.1 document number A4997684, pages 434 - 436 refers

RESOLUTION 2024/181

Moved: Kahika - Mayor Moko Tepania
 Seconded: Cr Tāmati Rākena

That the Council receive the Report on the Inaugural State of the Far North Address: Outcomes, Insights, and Future Directions.

CARRIED

8.3 MAYOR AND COUNCILLOR'S REPORTS

Agenda item 8.3 document number A5002703, pages 458 - 499 refers

RESOLUTION 2024/182

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

That Council note the reports submitted by Kahika Moko Tepania, Kōwhai Kelly Stratford, Crs Hilda Halkyard-Harawira, Ann Court, Tāmati Rākena and Penetaui Kleskovic be received.

CARRIED

Attachments tabled at meeting

- 1 Member Report John Vujcich

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8.4 COUNCIL OPEN RESOLUTIONS UPDATE DECEMBER 2024

Agenda item 8.4 document number A5002693, pages 500 - 514 refers

RESOLUTION 2024/183

Moved: Cr Steve McNally

Seconded: Cr Tāmāti Rākena

That Council receive the report Council Open Resolution Update December 2024.

CARRIED

8.5 LOCAL WATER DONE WELL

Supplementary Agenda item 8.1 document number A5023095, pages 4 - 57 refers

RESOLUTION 2024/184

Moved: Kahika - Mayor Moko Tepania

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That Council LEAVE TO LIE the following:

1. confirm the three water service delivery options to be consulted on are:
 - a) Internal Business Unit (“status quo”);
 - b) Single Council-owned water organisation;
 - c) Multi-Council owned water organisation; and
2. request staff hold another workshop on the three options in January 2025 and provide a further report on the preferred option to the February 2025 Council meeting.

CARRIED

9 TE WĀHANGA TŪMATAITI / PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2024/185

Moved: Cr John Vujcich

Seconded: Kahika - Mayor Moko Tepania

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
9.1 - Confirmation of Previous Minutes - Public Excluded	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(h) - the withholding of the	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

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	<p>information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>exist under section 6 or section 7</p>
<p>9.2 - Facilities Management FNDC Swimming Pools</p>	<p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>9.3 - Options for the Future of 11 Matthews Avenue, Kaitāia</p>	<p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>9.4 - Disposal of land under Public Works Act: the Kaitāia waterwork known as Kauri Dam.</p>	<p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>9.5 - Moerewa Storm Water Improvements Contract Award</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>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>9.6 - Kaitāia Wastewater Treatment Plant Desludging Procurement</p>	<p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or</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</p>

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Ordinary Council Meeting Minutes

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	disadvantage, negotiations (including commercial and industrial negotiations)	of information for which good reason for withholding would exist under section 6 or section 7
9.7 - Options for Flood Affected Location	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons 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
9.8 - Council Public Excluded Open Resolutions Update December 2024	s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege 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
9.9 - Committee Recommendations and Resolutions - December 2024	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
<p>And that the following are permitted to remain in the Public Excluded part of the meeting:</p> <ul style="list-style-type: none"> • Community Board Chairs Adele Gardner, Belinda Ward and Chicky Rudkin • Kawiti Waetford Kaiwhakawhiti Reo – Language Interpreter <p style="text-align: right;">CARRIED</p>		

CONFIRMATION OF INFORMATION AND DECISIONS TO BE RELEASED IN PUBLIC

At the conclusion of the public excluded discussion, Council confirmed the following decision be restated in public meeting as follows:

Facilities Management FNDC Swimming Pools

That Council approve a variation to the 2020 Facilities Management Services Far North District Council Swimming Pools Contract to increase the value of the base management fee to Hapori Aquatics by \$REDACTED per annum bringing the base management fee to \$REDACTED per annum.

Options for the Future of 11 Matthews Avenue, Kaitāia

e) That council adopt the Kaitāia concept masterplan, the Kaitāia town centre retail strategy and the Kaitāia Parking Strategy.

Return of land under Public Works Act: the Kaitāia waterwork known as Kauri Dam.

That Council receives the report – return of land under Public Works Act: the Kaitāia waterwork known as Kauri Dam.

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CLOSING COMMENTS

- Kōwhai - Deputy Mayor Kelly Stratford acknowledged that it's been 25 years since the Hundertwasser toilets were built in Kawakawa, and noted that these have heritage status and receive 250k visitors per year.
- Cr Felicity Foy noted that next week council will have its Mangamuka announcement with the reopening of State Highway 10, and noted the Kaitāia Airport signing on Friday 13 December.
- Kahika Moko Tepania wished everyone around the Far North a Merry Christmas.

10 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

At 3:33pm, Cr Tāmati Rākena closed the meeting with a karakia.

11 MEETING CLOSE

The meeting closed at 3:33pm.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 13 February 2025.

.....
CHAIRPERSON

6 NGĀ PŪRONGO / REPORTS

6.1 MARITIME FACILITIES BYLAW - ANALYSIS OF SUBMISSIONS AND ADOPTION OF A NEW BYLAW

File Number: A4910501

Author: Dan Bowmar, Policy Advisor

Authoriser: Roger Ackers, Group Manager - Planning & Policy

TAKE PŪRONGO / PURPOSE OF THE REPORT

The purpose of this report is to seek approval from Council to adopt a new Maritime Facilities Bylaw under sections 145 and 146 of the Local Government Act 2002.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- The proposed new Maritime Facilities Bylaw (Bylaw) will replace the current Maritime Facilities Bylaw 2002 and the Mooring Charges Bylaw 2002
- On 07 April 2022 after a review of the Maritime Facilities and Mooring Charges Bylaws, Council approved the development of a new Maritime Facilities Bylaw, under sections 145 and 146 of the Local Government Act 2002.
- On 06 September 2022, the Council approved a proposal for the proposed new Bylaw to be released for public consultation. This consultation was put on hold by the CEO at the time.
- On 21 September 2023, the Council approved a new proposal for the proposed new Bylaw to be released for public consultation.
- Initial consultation on the proposal was from 12 October to 16 November 2023, with oral submissions heard on 09 July 2024
- Attachment 1 shows the recommended changes to the draft amended Bylaw in response to submissions.
- Attachment 2 shows recommended changes to the draft
- Attachment 3 is the final recommended new Bylaw.

TŪTOHUNGA / RECOMMENDATION

That Council:

- a) approve the recommendations in the staff report in attachment 1 that:**
 - i) the preliminary clause, clauses 4 to 10, clause 14 and clauses 19, 20, and 21, are amended to improve certainty and clarity**
 - ii) no changes are made to clauses 1 to 3, 11 to 13, 15 to 18, and 22 to 23**
- b) adopt the new Maritime Facilities Bylaw in attachment 3 under sections 145 of the Local Government Act 2002 and every other enabling power and authority**
- c) revoke the Maritime Facilities Bylaw 2002 and the Mooring Charges Bylaw 2002.**

1) TĀHUHU KŌRERO / BACKGROUND

On 08 February 2002, the Maritime Facilities and Mooring Charges Bylaws were adopted.

On 07 April 2022 (resolution 2022/18 refers), after a review of the two bylaws, Council approved the development of a new Maritime Facilities Bylaw, under sections 145 and 146 of the Local Government Act 2002.

On 06 September 2022 (resolution 2022/56 refers), Council approved a proposal for the proposed new Bylaw to be released for public consultation. This consultation was put on hold by the CEO at the time.

On 21 September 2023 (resolution 2023/113 refers), Council approved a new proposal for the proposed Bylaw to be released for public consultation.

The period during which people could make written submissions on the proposal was 12 October to 16 November 2023 while oral submissions were heard on 09 July 2024. Forty-two submissions were received in total - 36 written submissions (21 online and 15 by email) and 6 oral submissions.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Support for the proposed Bylaw

From 36 written submissions:

- 18 submitters (50%) supported the proposed Bylaw – 8 gave full support (22%) while 10 supported the Bylaw in part (28%)
- 11 did not support the Bylaw (31%)
- 7 were unsure (19%)

Reasons for supporting the proposed bylaw in part or in full were:

- Support for the principles and values of the proposed Bylaw (expressed in a submission representing approximately 80% of Ōpito Bay residents)
- The Bylaw is reasonable and fair (4 responses)
- Support for combining the two existing Bylaws (2 responses)

Concerns and queries:

1. General concerns regarding:

- Balance given to recreational users versus commercial users (5 responses)
- Enforcement of the Bylaw (4 responses)
- Removal of the rights of mooring holders (1 response)
- Re fees and charges (1 response)
- The maritime facilities should be privatised (1 response)

2. Concerns about Council's role regarding the proposed Bylaw

- Council does not have the authority to make the Bylaw (1 response)
- Duplication of the powers of Council and NRC (1 response)
- Suspicion about Council's hidden agenda (1 response)
- Who is responsible for improvements to maritime facilities? (1 response)

3. Concerns from commercial users

- Re the fee structure and fairness (4 responses)
- Needing clarity around implementation details (3 responses)
- Impact on small businesses and industries (3 responses)
- The regulatory burden (2 responses)
- Infrastructure maintenance and revenue use (1 response)
- Commercial access to the facilities (1 response)

4. Māori and Treaty Matters

- Treaty of Waitangi obligations (2 responses)

- Consultation and Inclusivity (2 responses)
- Māori rights and access (1 response)
- Free and accessible marine assets (1 response)
- Accountability and mitigation of harm (1 response)

5. Concerns that are wider than the proposed Bylaw

- Concerns about health and safety of the facilities (1 response)
- Council should use other methods of charging (1 response)
- Concerns about the Ōpito Bay ramp specifically (1 response on behalf of approximately 80% of Ōpito Bay residents)
- Concerns about the Windsor Landing ramp specifically (1 response)
- Need to take a broad view of a complex issue (1 response)
- Lack of investment (1 response)
- Rules for privately owned maritime facilities (1 response)
- Re 'further engagement' mentioned in the Proposal document (1 response)

Feedback on specific clauses in the Bylaw:

In addition to the general positive feedback and concerns summarised above, submitters commented or made suggestions on fifteen clauses in the draft Bylaw. This feedback is analysed in Attachment 1. The analysis resulted in two recommendations by Council staff to amend or delete these clauses to improve certainty and clarity:

1. Amendment to Clause 6(2) - Prohibition of unsafe practices on, under or about any maritime facility

- Clause 6(2) states "No persons shall engage in any activity or unsafe practice on, under or about any maritime facility"
- Staff agree with a submission that the word 'unsafe' should be included in this Clause as follows: "No persons shall engage in any **unsafe** activity or unsafe practice on, under or about any maritime facility"

2. Deletion of Clause 20 - Wastewater discharge

- Clause 20 states: "When berthing at, coming alongside or using any Maritime Facility the Master or owner of every Vessel must ensure that they have sealed all waste water discharge seacocks with the exception of bilge, refrigeration and engine cooling system discharge points and shall permit officers of the Northland Regional Council, Far North District Council or their agents to board Vessels at any time to inspect the Vessel and/or to check any discharges"
- A submission pointed out that this Clause is an overreach as rules and regulations are already enforced by Northern Regional Council and Maritime New Zealand
- Staff agree that it is unnecessary for this provision to be included in the Bylaw, as issues regarding discharges to water are already covered by the Resource Management Act 1991 and administered by Northern Regional Council and others.

COMPLIANCE WITH SECTION 155 OF THE LOCAL GOVERNMENT ACT

1) Bylaw is the most appropriate way to address the problem

A review by Allen and Clarke Policy and Regulatory Specialists Ltd, identified that a bylaw is the most appropriate way to address perceived problems regarding maritime facilities as there is no other regulatory instrument or method with which Council could use to manage and regulate the

maritime facilities under its jurisdiction. This was agreed by Council on 07 April 2022 for the purposes of section 155(1) of the Local Government Act 2002

2) Form of the Bylaw

If the recommended changes are agreed to, Council staff advise that the amended Maritime Facilities and Fees Bylaw in Attachment 3 is an appropriate form of bylaw for the purposes of section 155(2)(a) of the Local Government Act 2002.

3) Compliance with the New Zealand Bill of Rights Act 1990

As required by section 155(2)(b) of the Local Government Act 2002, before a local authority makes a bylaw, it must determine whether the proposed bylaw has any implications under the New Zealand Bill of Rights Act 1990.

Part 2 of the New Zealand Bill of Rights Act 1990 sets out twenty rights that are affirmed and protected, that may only be subject to reasonable limits that can be demonstrably justified in a free and democratic society. Section 155(2)(b) of the Local Government Act 2002 requires the Council to determine if the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

An assessment identified that Section 18: Freedom of Movement, may be impacted by the new bylaw in that the Council may limit access to maritime facilities according to commercial or recreational use and to ensure health and safety.

The purpose of the bylaw is to impose reasonable limitations on behaviour and access to maritime facilities to enhance the safety of the community and minimise the incidence of public disturbance. The provisions in the Proposed Maritime Facilities Bylaw are justified because they only limit the rights of individuals to the extent it is reasonable to do so, for other people's rights and freedoms to be maintained.

Therefore, any limitations on the right to freedom of movement are justified in accordance with the New Zealand Bill of Rights Act 1990.

IMPLEMENTATION PLAN

Next steps will include:

- Licensing Process for Commercial Operators
- Fees and Charges for Commercial Operators
- Communications with Commercial Operators and the Wider Public
- A Review of the Maritime Management Agreement to Ensure Alignment with the New Bylaw

Licensing Process for Commercial Operators

Far North Holdings Limited will have a Principal Policy Statement for the Commercial Use of Recreational Maritime Facilities document available for commercial operators. This policy aims to:

1. establish sustainable commercial use of the Council's recreational maritime assets where appropriate
2. ensure public access and enjoyment of these assets
3. ensure the fair and equitable use of recreational maritime assets by all users
4. ensure the safety and environmental integrity of all users.

This policy relates directly to commercial use over recreational assets.

The policy will cover:

- The scope and purpose of the policy
- Commercial use and fees
- Assessment criteria
- Fees and Charges
- Permitted use
- The application process
- Application review and processing
- Approval and conditions of use
- Payment and payment options

- Payment methods
- Use without approval

A Commercial Use of Recreational Maritime Facilities Application Form will also be available to commercial users as the initial part of the application process.

These documents will be available on the Far North Holdings Limited website and available to those that request it by email or phone. They will be outlined in clear and easy to understand language for commercial operators.

Fees and Charges for Commercial Operators

Commercial fees and charges will be set and consulted on in the fees and charges section of the Long-term Plan. Any fees or charges would be managed and collected by Far North Holdings Limited.

Recreational fees and charges will not be set in 2025. This may be looked at a later stage. As with the commercial fees, recreational fees and charges would need to be set and consulted on through the Long-Term Plan and these would be managed and collected by Far North Holdings Limited.

Swing mooring charges are levied and collected by Northland Regional Council. It is charged via the Navigation Safety Bylaw (Section 4) and charges are levied through Council's Fees and Charges.

Communications with Commercial Operators and the Wider Public

A communications plan will be developed once commercial fees and charges have been set and consulted on in the fees and charges section of the Long-term Plan.

This is to ensure that:

1. commercial operators are aware of what is expected with commercial licencing, fees, and charges
2. commercial operators know where to find relevant information and documentation for the application process
3. wharf wardens are made aware of what is happening
4. the wider public and made aware of what is happening.

TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

The new Maritime Facilities and Fees Bylaw in Attachment 3 can be made, under sections 145 and 146 of the Local Government Act 2002 because, following the changes recommended in the report in Attachment 1:

- a) A bylaw is the most appropriate way to address the problem; and
- b) The bylaw is an appropriate form of bylaw; and
- c) The bylaw provisions are reasonable limits on the rights in the New Zealand Bill of Rights Act 1990.

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

The operational costs for amending the bylaw are expected to be minimal (less than \$1,000 plus staff time and resources) and will be met from existing operational budgets.

Operational costs for implementing the bylaw, for example administrating the licensing process, will be managed by Far North Holdings Limited and offset by fees and charges.

ĀPITIHINGA / ATTACHMENTS

1. **Analysis of Submissions - A5060183**  
2. **Tracked Changes to Maritime Facilities Bylaw - A5060185**  
3. **Proposed Maritime Facilities Bylaw - A5060187**  

Hōtaka Take Ōkawa / Compliance Schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	In line with the Significance and Engagement policy the recommendation to make a new Bylaw is consistent with existing plans and policies. Therefore, the level of significance is low.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The Local Government Act, section 145, 146 and 155 apply to the decisions recommended in this report.
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 bylaw recommended in this report has 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.	Seeking the views and input of iwi in the development of bylaws is integral. Access to maritime facilities plays a part in ensuring the wellbeing of tangata whenua. Māori were given an opportunity to contribute during the engagement and consultation stage of the bylaw development process, and a number of submissions were made from a Māori perspective.
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).	Affected and interested parties who were included in the Bylaw development and consultation process included: <ul style="list-style-type: none"> • local residents affected by maritime facility use • commercial and recreational users of maritime facilities • Far North Holdings Ltd • Northland Regional Council
State the financial implications and where budgetary provisions have been made to support this decision.	The operational costs for amending the Bylaw are expected to be minimal (less than \$1,000 plus staff time and resources) and will be met from existing operational budgets.
Chief Financial Officer review.	This report has been reviewed by the Chief Financial Officer.

Analysis of submissions

Maritime Facilities Bylaw

1 Background

The Maritime Facilities and Mooring Charges Bylaws were made by Council on 02 August 2002.

On 07 April 2022 (resolution 2022/18 refers), after a review of the two bylaws, the Council approved the development of a new Maritime Facilities Bylaw, under sections 145 and 146 of the Local Government Act 2002.

On 06 September 2022 (resolution 2022/56 refers), the Council approved a proposal for the proposed new Bylaw to be released for public consultation. This consultation was put on hold by the CEO at the time.

On 21 September 2023 (resolution 2023/113 refers), the Council approved a new proposal for the proposed new Bylaw to be released for public consultation. The period during which people could make submissions on the proposal was 12 October to 16 November 2023. Oral submissions were delayed until 09 July 2024, due to the need to wait for an available time slot as Long-Term Planning hearings took precedence.

This report analyses the submissions and makes recommendations for amendments to the draft proposed Bylaw. A numbered list of people who made submissions is in the Appendix and these numbers are used to refer to the individual submissions in the body of this report.

Council staff from the following teams contributed to the analysis of the submissions:

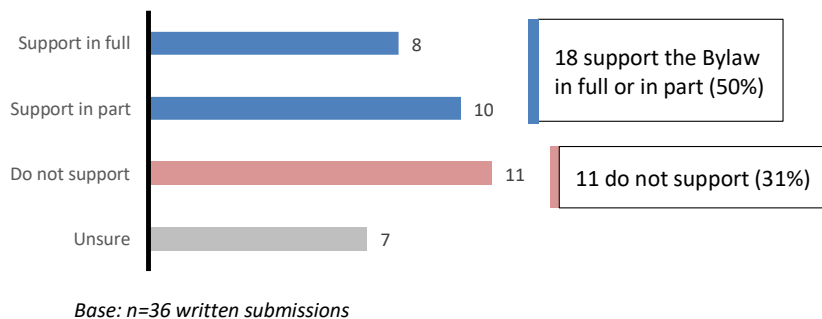
- Strategy and Policy
- Legal Services.

Staff from Far North Holding Limited also contributed to this analysis.

2 Summary of submissions

Forty-two submissions were received, thirty-six were written submissions (21 online and 15 by email) and six were oral submissions. The chart below shows the level of support for the proposed bylaw among the written submissions:

Figure 1 – Level of support for the proposed Bylaw



Six people who made written submissions asked to submit verbally to Council and were heard by Council on 09 July 2024. Three of these submitters supported the proposed Bylaw in part, two were fully opposed and one was unsure.

3 General feedback

The following feedback was received that is not related to specific clauses in the draft Bylaw.

3.1 General support for the proposed Bylaw

Submissions received

Support for the principles and values of the proposed Bylaw

Submission 29 (representing ~80% of Opito Bay residents) supported the Bylaw's principles and values but requested further consultation on specific plans for the Opito Bay ramp.

General support (reasons not specified)

General support was expressed in submissions 04, 06, 33, 41, and 42.

The Bylaw is reasonable and fair

Four submitters (06, 10, 19 and 22) who supported the Bylaw in full, made general comments that they support the proposed Bylaw as it is reasonable and will lead to fairer, more appropriate uses of maritime facilities.

Support for combining the two existing Bylaws

Submitters 22 and 28 supported combining the two existing bylaws into one new bylaw to facilitate streamlined charging, easier identification of non-compliance, and simplified enforcement.

Staff analysis

Re general supportive feedback

General feedback in support of the proposed Bylaw is that the proposed Bylaw is fair, reasonable, and practical, combining the two existing Bylaws into one Bylaw is appropriate, and the Bylaw will lead to appropriate use of maritime facilities.

Re request for further consultation re the Opito Bay ramp

Regarding plans for the Opito Bay ramp, the building of ramps is outside the scope of the Bylaw. However, staff have communicated the Opito Bay community's desire for input into plans for the Opito Bay road map.

Staff recommendation

Council staff recommend no changes in response to these submissions in support of the Bylaw.

3.2 Two main general concerns about the proposed Bylaw

Submissions received

Two main concerns expressed were as follows:

1) Concerns re enforcement of the Bylaw

- Lack of enforcement or policies to ensure commercial users can use facilities when needed (Submitters 12, 24).
- Lack of enforcement of the prohibition on people swimming and fishing from wharves (see section 4.2 re Clause 6(7) and section 4.2.3 re Clause 10) (Submitters 12,16)
- Submission 26 (from Opito Bay residents) questioned the Bylaw's enforceability and questioned how the council will monitor and enforce fees for vessels hired or chartered outside the Far North. They highlighted the lack of enforcement and fee collection under the existing bylaw.

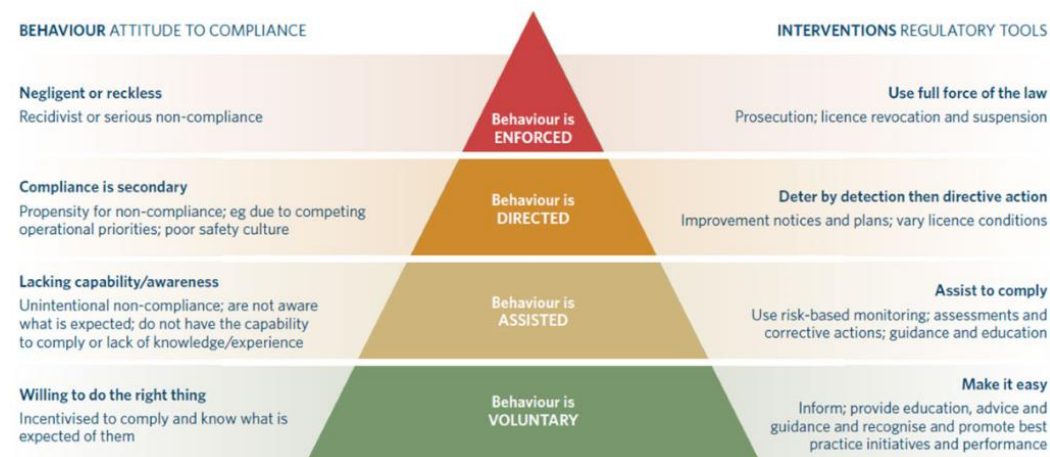
Staff analysis

Far North Holdings are responsible for management and administration and will call upon the monitoring team if and when they experience compliance issues that require enforcement.

This Bylaw is intended to address these issues. The use of licencing will enable Far North Holding to manage the use of facilities appropriately for each maritime facility and its users. This will be addressed further when reviewing each clause below.

Council will look to use the VADE approach for enforcement – see Figure 2 below:

Figure 2 – VADE approach to Compliance



Source: Report by the Environmental Services Monitoring and Compliance Team to the Regulatory Compliance Committee 08 September 2020

Using this model, “V” stands for **Voluntary compliance** where most people will comply through information and education. “A” stands for **Assistance to comply** where someone may be asked by a Council officer to comply with the Bylaw. “D” stands for **Directed enforcement** where the offender may receive a letter from Council noting a fine of up to \$20,000 for breaching the bylaw. “E” stands for **full Enforcement** where someone may be prosecuted or receive an injunction. Most enforcement activity by Council will always involve Voluntary and Assisted behaviour.

Staff recommendation

Council staff recommend no changes to the proposed Bylaw in response to these submissions about enforcement of the proposed Bylaw.

2) Balance between recreational versus commercial users

Submissions received

Re equity for commercial and recreational users

- Calls for equitable treatment of commercial and recreational users (Submitters 15, 22)
- Need for a balanced approach to ensure sustainable operations for both sectors (Submitters 22, 24)
- Concerns about prioritization of recreational over commercial use during peak times (Submitter 12).

Re Council’s response to complaints about commercial vessels

Concerns about Council not responding to complaints about commercial vessels (Submitter 21).

Staff analysis

Re equitable treatment of commercial and recreational users

This consultation has received submissions from both recreational and commercial users of maritime facilities. Council does not favour either group but rather intends the Bylaw to ensure shared and fair use for both recreational and commercial users. The intention of this Bylaw is to address providing fair, safe, shared use of maritime facilities for both recreational users and commercial operators.

Re having a balanced approach to ensure sustainable operations for both sectors

The Bylaw does not prioritise commercial over recreational use. The purpose of the Bylaw is to ensure a balance of all activities, both commercial and recreational.

Recreational and commercial sectors have different uses for the facilities. Far North Holdings Limited acts as the agent for the collection and distribution of any administrative fees associated with the maritime facility assets. One of the reasons for the bylaw is to better understand how many commercial operators are operating and from which facilities. Requiring commercial operators to make applications for use will enable Far North Holdings to understand the intended use of maritime facilities and to consider whether the equipment for each facility is appropriate and/or whether a modified or larger facility is required to operate from. Information from these applications will also indicate what facilities may need to be improved over time to ensure they are fit for purpose.

Currently, Council does not require recreational users of maritime facilities, including local ratepayers to pay fees for use. This will not change without further public consultation on the Maritime Facilities Bylaw.

Re Council not responding to complaints about commercial vessels

Council staff agree that not responding to complaints about commercial vessels is a concern. This concern has been shared with Far North Holdings who have systems in place to ensure that complaints are heard and responded to.

Staff recommendation

Council staff recommend no changes to the proposed Bylaw in response to these submissions about the balance between recreational versus commercial users.

3.3 Concerns about Council's role regarding the proposed Bylaw*Submissions received*

Three submitters (8, 26, 17) expressed concerns about Council's role:

Council does not have the authority to make the Bylaw

Submitter 08 stated that the Council has no legal basis to maintain facilities, demand fees, or to engage with the people of Northland in any way.

Duplication of the powers of Council and NRC

Submitter 26 also pointed out the duplication of the proposed Bylaw with the Northern Regional Council harbourmaster's existing powers.

Suspicion about Council's hidden agenda

Submitter 17 suspected a hidden agenda by Council, more regulation, more expense, and more restrictions.

Responsibility for improvements of maritime facilities

Submission 19 states *'it is not clear who is responsible or what steps will be taken to fix or enforce improvements'*.

*Staff analysis***Regarding the authority to make the Bylaw**

Under the Local Government Act, Council has broad powers to make bylaws under sections 145 and 146 of the Local Government Act 2002, including for the purposes of addressing public nuisance, public health and safety and offensive behaviour in public places.

Also, under section 150 of the Local Government Act 2002, Council may prescribe a fee or charge for permits, approvals, and consents provided for under a Bylaw. Any such fee must not provide for Council to recover any more than the reasonable costs incurred by the Council for the matter for which the fee is charged.

Regarding duplication of the powers of Council and NRC

Council Staff advise that there is no intent for the Council to duplicate the powers of Northland Regional Council. The intent of the proposed Bylaw is to support the Northern Regional Council harbourmaster's existing powers and to sit alongside the policies of Northland Regional Council.

Regarding suspicion about Council's hidden agenda

Council staff advise that there is no hidden agenda. The Bylaw intends to regulate the use of Council's maritime facilities to protect public health, prevent nuisance, and ensure safe use of maritime facilities. The Bylaw intends

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to impose reasonable limitations on behaviour and access. Costs associated with permits, approvals, and consents are to offset administration costs and to be put towards the future maintenance and development of maritime facilities in the Far North District.

Regarding responsibility for improvements of maritime facilities

Far North Holdings Limited holds the management contract from the Council for maritime facilities in the Far North. They will also assess the need for fixing or improving maritime facilities.

Staff recommendation

Council staff recommend no changes to the proposed Bylaw in response to these submissions about Council's role.

3.4 Other general concerns regarding the proposed Bylaw

Submissions received

Removal of the rights of mooring holders

Submitter 26 raised concerns about the removal of rights for mooring owners as ratepayers. They argued for retaining the Mooring Fees Bylaw.

Re fees and charges by weight limits and/or discharge of polluting material

Submitter 19 stated that they agree that commercial interests should pay to use the facilities but suggest weight limits and discharge of bio-matter pollution (e.g. oyster debris) and other fouling of ramps be factored into charges. However, locals who pay rates should not have additional charges for ramp use.

The maritime facilities should be privatised

Submission 03 stated *"Revoke the bylaws. Sell the maritime facilities, privatise."*

Staff analysis

Re removal of the rights of mooring holders

FNDC is responsible for 32 swing moorings. Swing mooring charges are levied and collected by Northland Regional Council. It is charged via the Navigation Safety Bylaw (Section 4) and charges are levied through Council's Fees and Charges.

There is no provision for free water or water services via FNDC maritime assets. None are provided other than historical provisions (Waipapa landing, Pukenui Wharf, Totara North, Kerikeri Basin). These have had historic provisions that are not 'maintained' by Far North Holdings Limited. Totara North water will be supplied with a charge as this comes from Far North Holdings Limited water tanks. The other sites are in kind until an effective control measure can be implemented.

The owner of a mooring can rent it out but the Harbourmaster can move them off. The Northland Regional Council Navigation Safety Bylaw only contracts (Licences) the mooring owner, not the renter (unless it is a mooring owned by the Northland Regional Council).

Re fees and charges by weight limits and/or discharge of polluting material

Regarding weight limits, Far North Holdings Limited advises they use a condition assessment not a structural rating for each maritime asset. There is a correlation between the condition of each asset and what activities vehicles and machinery are suitable for use on each asset.

Regarding the discharge of polluting material, this is discussed further in this report when reviewing clause 20 in Section 4. Staff agree that it is unnecessary for this provision to be included in the Bylaw, as issues regarding discharges to water are already covered by the Resource Management Act 1991 and administered by Northland Regional Council and others. Due to this, fees and charges relating to the discharge of polluting material is not appropriate to the Bylaw.

Re maritime facilities should be privatised

Council is not intending to sell or privatise the maritime facilities of the Far North District. Maritime facilities will continue to be managed by Far North Holdings Limited.

Staff recommendation

Council staff recommend that clause 20 be omitted from the Bylaw as discussed below in section 4.

No other changes are recommended by Council staff regarding these submissions.

3.5 Concerns from commercial users

Submitters 12, 15, 21, 22, 24, 38 expressed concerns around commercial operators. Submissions 24 (written submission) and 38 (oral submission) were from Leigh Commercial Fishermen's Association Incorporated, and submission 21 was from Electric Boat Co NZ Ltd.

Main themes from this feedback are listed below:

1) Re the fee structure and fairness*Submissions received*

- High costs already borne by commercial operators, including mooring fees (Submitters 12, 15)
- Potential for unfair or unrealistic fees for commercial users (Submitters 12, 22)
- Questions about fairness and monitoring of recreational user fees (Submitters 15, 24)
- Concern that current and proposed fees are seen as a revenue-generating "tax grab" (Submitters 12, 15).

*Staff analysis***Re high costs already borne by commercial operators, the potential for unfair or unrealistic fees for commercial users, and fairness and monitoring of recreational user fees**

The fees provisions under clauses 21 of the Bylaw allow for fees to be set under Council's Fees and Charges Schedule, which is standard practice. This allows fees to be reviewed as appropriate annually. Any fees so set must still comply with the cost recovery limitation provided for in section 150(4) of the Local Government Act 2002 i.e. costs charged can only involve the recovery of reasonable costs incurred by the Council.

Re current and proposed fees are a revenue-generating "tax grab"

Staff advise that current and proposed fees are to ensure appropriate funds are collected to cover maintenance and improvements to existing maritime facilities, and administration costs. They are not intended to be a revenue-generating "tax grab".

There is no intention for Council to collect fees and charges for recreational users currently. However, there are provisions in the Bylaw for these to be established in the future. This would need to go through the consultation process of the fees and charges section of the long-term plan if recreational fees and charges are to be established in the future.

Recreational users will be monitored and managed by Far North Holdings Limited and will be expected to display fair, safe, shared use of maritime facilities.

Staff recommendation

Council staff recommend no changes to the proposed Bylaw in response to these submissions.

2) Commercial Access*Submissions received*

- Limited access to wharves for commercial operators due to recreational users (Submitters 12, 24).

*Staff analysis***Re limited access for commercial users**

Council staff acknowledge that there will be limited access to wharves for commercial operators as restrictions (e.g. weight restrictions), necessary to each asset for safe use will impact on whether a commercial operator will be approved to use each maritime facility.

Maritime facilities are monitored and enforced by Far North Holdings Limited. Applications for use of maritime facilities will inform who can hold a license, who can use specific facilities (taking into consideration vehicles and equipment), and where bottlenecks are created with recreational usage.

Staff recommendation

Council staff recommend no changes to the proposed Bylaw in response to these submissions.

3) Clarity around implementation details

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Submissions received

- Vague language and lack of detail in the bylaw (Submitters 24, 38)
- Unclear processes for authorizations, such as handling dangerous goods or obtaining permits (Submitters 24, 38)
- Need for clarity on permit costs, renewal frequency, and commercial designation requirements (Submitters 22, 24).

*Staff analysis***Re vague language and lack of detail**

Council staff agree that the Bylaw should be clear and have relevant detail. This will be addressed later in this submission analysis report where each specific Bylaw clause is looked at in further detail.

Re unclear processes for authorisations, such as handling dangerous goods or obtaining permits

Council staff advises that authorization of dangerous goods is covered under the application for use and ensures that the user is complying with health and safety, and Maritime New Zealand requirements.

Re need for clarity on permit costs, renewal frequency, and commercial designation requirements

Council staff agree that clarity on permit costs, renewal frequency, and commercial designation requirements are required. These are not covered in the Bylaw as they will be addressed by the Annual Plan and the setting of fees within the fees and charges process, which has its own consultation process. This process will ensure clarity for commercial users.

4) Impact on small businesses and industries*Submissions received*

- Negative effects on small-scale food growers like oyster farmers (Submitter 15).
- Potential adverse impact on the Northland aquaculture industry due to restricted access (Submitter 22).
- Concerns that compliance burdens disproportionately affect small businesses (Submitter 15).
- Concerns that the proposed bylaw might hinder the provision of hard stand and anti-fouling services (Submitter 34).

*Staff analysis***Re negative effects on small-scale food growers and potential adverse impact on the Northland aquaculture industry due to restricted access**

The intent of this Bylaw is to ensure that all users of maritime facilities can do so safely and fairly. It is not the intent of the bylaw to favour one group over another group but to allowed shared use of facilities where appropriate to each maritime facility. Supporting businesses within the region is important to Council and ensures positive economic stability and growth.

Re the provision of hard stand and anti-fouling services

Hard stand and anti-fouling services are not an activity monitored or managed by the Far North District Council. Any such provision is way of approval from Northland Regional Council.

5) Infrastructure maintenance and revenue use*Submission received*

- Perceived inadequacy of funds collected (e.g., cruise ship docking fees) being used for maintaining maritime facilities (Submitter 15).

*Staff analysis***Re perceived inadequacy of funds collected and lack of investment in facilities**

As stated above, funds collected should be used for maintaining maritime facilities. This perceived inadequacy of funds is an issue that has been raised by Council, Far North Holdings, Commercial Operators and the public. The intent of this Bylaw is to ensure that all commercial operators are paying a fair rate for facility use and that this will contribute to the costs of maintaining facilities at the expected levels of service.

Northland Regional Council collects pilotage and booking fees for cruise ships as per their Bylaw and fees and charges.

Far North Holdings Limited collects a 'Pax Cap' (passenger capacity) fee from each cruise ship vessel, and a fee for use of the Place of First Arrival (PoFA) at Waitangi Wharf. To receive offshore craft, vessels, persons and cargo, an airport or a seaport must be approved as a PoFA under section 37 of the Biosecurity Act 1993.

6) Regulatory burden

Submissions received

- View that the bylaw introduces unnecessary compliance burdens (Submitters 12, 15)
- Frustration with perceived over-regulation of commercial maritime activities (Submitters 12, 15).

Staff analysis

Re unnecessary compliance burdens and perceived over-regulation of commercial maritime activities

Maritime facilities are monitored and enforced by Far North Holdings Limited. Applications for use of maritime facilities will inform who can hold a license, who can use specific facilities (taking into consideration vehicles and equipment), and where bottlenecks are created with recreational usage. Licenses for commercial operations will be looked at annually rather than each individual instance of use.

The Bylaw is more about regulating use that is inappropriate and unreasonable, and/or a risk to people or assets. Given the public nature of maritime facility assets, it is necessary to regulate this as it underpins the intent of the Bylaw.

Staff recommendation re commercial operators' feedback

Council staff recommend no changes to the proposed Bylaw in response to these submissions from commercial operators.

3.6 Māori and Treaty Matters

Submissions 10 and 13 addressed issues regarding Māori and Treaty of Waitangi. Five themes were generated from these submissions.

1) Treaty of Waitangi Obligations

Submission received

- Emphasis on addressing unresolved Treaty claims (e.g., Wai 49) before implementing new bylaws (Submitter 10)
- Need for the Bylaw to explicitly recognize and adhere to Te Tiriti o Waitangi (Submitter 13).

Staff analysis

Council staff recognise that the common marine and coastal area is accorded special status under the Marine and Coastal Area (Takutai Moana) Act 2011, including the ability to seek recognition/confirmation of protected customary rights and customary marine title.

A number of claims under the Marine and Coastal Area (Takutai Moana) Act 2011 are currently before the Courts. However, under the Marine and Coastal Area (Takutai Moana) Act 2011, structures such as wharves and other maritime facilities are specifically excluded from coverage and the ability of Council to regulate and potentially restrict the use of such structures is expressly confirmed.

Having sought legal opinion on the Bylaw, under the Marine and Coastal Area (Takutai Moana) Act 2011, structures in the common marine and coastal area such as maritime facilities are personal property and do not form part of the common marine and coastal area. The Act also recognises that public access to such structures can be subject to any "authorised prohibitions or restrictions" imposed under any enactment, including a bylaw.

Maritime facilities, even when located in the Marine and Coastal Area (Takutai Moana) Act 2011, do not come within the scope of the protections under the Marine and Coastal Area (Takutai Moana) Act 2011, and remain within the control of Council.

Staff recommendation

Council staff recommend no changes to the Bylaw wording in response to these submissions regarding Treaty of Waitangi obligations.

2) Māori Rights and Access

Submission received

- Recognition and protection of Māori rights as tangata whenua to access and use customary waterways, the foreshore, and the seabed (Submitter 13)
- Concern about potential discriminatory impacts of the Bylaw on Māori (Submitter 13).

Staff analysis

Section 11 of the Marine and Coastal Area (Takutai Moana) Act 2011 makes it clear that the special status of the common marine and coastal area does not prevent restrictions in the common marine and coastal area from being imposed under enactments, including bylaws. The Marine and Coastal Area (Takutai Moana) Act 2011 does not restrict Council's powers under the Local Government Act 2002, to make bylaws regulating the use of structures such as wharves and other maritime facilities located within the common marine and coastal area.

The Bylaw is intended to ensure the free use of facilities and protect customary rights so that one individual person cannot solely use the whole facility and prevent others using it. The Bylaw is intended to protect tangata whenua rights to have free and unobtrusive use.

Staff recommendation

Council staff recommend no changes to the Bylaw wording in response to these submissions regarding Māori rights and access.

3) Consultation and Inclusivity

Submission received

- Recommendation to consult the Waitangi Tribunal for guidance and timelines on Treaty settlements (Submitter 10)
- Call for greater consultation and inclusion of Māori perspectives in bylaw development (Submitter 13).

Staff analysis

Council addresses the importance of the views of Māori and highly values engagement with Māori as part of the decision-making process. This is outlined in Council's Te Pae Uta document.

Staff recommendation

Council staff recommend no changes to the Bylaw wording in response to these submissions regarding consultation and inclusivity.

4) Free and Accessible Marine Assets

Submission received

- Importance of ensuring free and equitable access to marine facilities like wharves, jetties, and ramps for Māori and local communities (Submitter 13)
- Highlighting how changes in local areas (e.g., Opua) have reduced accessibility and inclusivity for locals, especially children (Submitter 13).

Staff analysis

The Bylaw states that recreational users may be asked to pay fees for recreational use. Council is not asking for this. If this is to change, then further public consultation would be necessary to implement this. There are already existing bylaw charges fees for commercial use, so there is no change for recreational users. Fees and charges will be discussed as part of the Fees and Charges policy which is renewed annually.

Staff recommendation

Council staff recommend no changes to the Bylaw wording in response to these submissions regarding free and accessible marine assets.

5) Accountability and Mitigation of Harm

Submission received

- Criticism of the Bylaw's lack of information on its purpose and potential impacts on Māori (Submitter 13)
- Advocacy for proactive measures to prevent harm to Māori interests and rights (Submitter 13).

Staff analysis

The Bylaw is intended to ensure the free use of facilities and protect customary rights so that one individual person cannot solely use the whole facility and prevent others using it. The Bylaw is intended to protect tangata whenua rights to have free and unobtrusive use.

Staff recommendation

Council staff recommend no changes to the Bylaw wording in response to these submissions regarding accountability and mitigation of harm.

3.7 Concerns that are wider than the proposed Bylaw

Several broad concerns were raised, which were not directly about the proposed Bylaw:

1) Concerns about health and safety

Submission received

Submitter 19 expressed concerns around health and safety on and around maritime facilities. They suggest that commercial users make facilities unsafe. They state their ramp is damaged and the seabed churned up in the launching and retrieval zone, and that safety is compromised on the road by overweight vehicles using the ramp. The submitter requests that Council consider access and ease for use for disabled or one person launching.

Staff analysis

As discussed above, the application process is required for Far North Holdings to assess the use of maritime facilities by commercial users. This process will assess whether the maritime facilities are able to be safely utilised by commercial users and that the facilities are appropriate for the use required.

Safety of all users, including those who are disabled will be taken into consideration when assessing and implementing facility maintenance and improvement. Fees and charges are monitored and enforced by Far North Holdings Limited. Applications for use of maritime facilities will also inform the need for further infrastructure such as parking, public toilets, and rubbish collection.

Staff recommendation

Council staff recommend no changes to the Bylaw wording in response to these submissions.

2) Council should use other methods of charging

Submission received

Submission 26 (from Opito Bay residents) suggested Council should use alternative fair and proven methods of charging, such as coin-operated barriers or annual stickers.

Staff analysis

Council staff looked at various methods of charging used throughout New Zealand. In discussion with Far North Holdings Limited, this form of charging commercial operators has been identified as the most practical.

Staff recommendation

Council staff recommend no changes to the Bylaw wording in response to these submissions.

3) Concerns about the Opito Bay ramp

Submission received

Submission 26 (from Opito Bay residents) raised concerns about the lack of resource consent for the Opito Bay boat ramp and potential breaches of consent for other facilities.

Staff analysis

Far North Holdings Limited advises that Opito Bay is a unique scenario that will require a specific strategy to address long term. Far North Holdings Limited has been informed of these concerns and the view expressed by the submission will carry weight when the Long-Term Plan is next revised.

Staff recommendation

Council staff recommend no changes to the Bylaw wording in response to these submissions.

4) Concerns about the Windsor Landing ramp

Submission received

Submitter 35 raised concerns about the inadequate and dangerous condition of the Windsor Landing boat ramp.

Staff analysis

Far North Holdings Limited has been informed of these concerns and the view expressed by the submission will carry weight when the Long-Term Plan is next revised.

Staff recommendation

Council staff recommend no changes to the Bylaw wording in response to these submissions.

5) Need to take a broad view of a complex issue*Submission received*

Submitter 27 emphasised the need to consider social, cultural, environmental, and ecological impacts in all decisions. They highlighted the potential impact on roading infrastructure due to increased heavy vehicle traffic and call for location-specific plans developed in consultation with affected parties. They also stress the complexity of the issue and the need to address the needs and safety of all stakeholders.

Staff analysis

Council staff agree that maritime facilities have a broader socioeconomic impact. Managing this can be achieved through the Council's Long Term and Annual Plans and other strategies developed by the Council. However, in this case, the consultation covers a relatively narrow question around the wording of the bylaw.

Staff recommendation

Council staff recommend no changes to the Bylaw wording in response to these submissions.

6) Lack of investment*Submission received*

Submitter 15 said there has been a lack of investment in maintaining or improving wharves and ramps despite significant revenue.

Staff analysis

Perceived lack of investment in maritime facilities is outside the scope of the consultation on the wording of the proposed Bylaw but is part of the wider discussion regarding the future of these facilities.

Far North Holdings have been informed of this concern and the view expressed by the submission will carry weight when the Long-Term Plan is next revised.

Staff recommendation

Council staff recommend no changes to the Bylaw wording in response to these submissions.

7) Rules for privately owned maritime facilities*Submission received*

Submitter 20 questioned rules for privately owned maritime facilities and the impact of potential Council and/or Far North Holdings facility sales.

Staff analysis

The proposed Bylaw is concerned with maritime facilities owned by Far North District Council and not privately owned facilities. The Bylaw does not cover the selling or acquiring of private maritime facility assets.

Staff recommendation

Council staff recommend no changes to the Bylaw wording in response to these submissions.

8) Regarding 'further engagement'*Submission received*

Submitter 31 requested an explanation of the term 'further engagement' in the consultation proposal.

Staff analysis

It is expected that in the future Council may want to amend certain aspects of this Bylaw such as recreational fees. Further engagement and consultation with public is necessary whenever Council make decisions on bylaws.

Staff recommendation

Council staff recommend no changes to the Bylaw wording in response to these submissions.

4 Analysis and recommendations regarding the Bylaw wording

The following section analyses submissions made about specific clauses in the draft Bylaw and recommends how to address these submissions.

4.1 Clauses not referred to in submissions

No submissions were made about the following clauses in the draft Bylaw:

Part 1: Preliminary provisions

- Clause 1 Title

- Clause 2 Commencement
- Clause 3 Application
- Clause 4 Purpose
- Clause 5 Interpretation

Part 2: **Substantive provisions**

- Clause 9 Vessels Coming Alongside Wharves
- Clause 11 Cleaning Maritime Facilities
- Clause 14 Removal of Goods
- Clause 16 Closure of maritime facilities
- Clause 17 Requirement to Obey Council Signage
- Clause 19 Removal of Vessels

Part 4: **Enforcement**

- Clause 22 Offences

Part 5: **Savings and transitional provisions**

- Clause 23 Bylaw does not limit any other enactment

4.2 Submissions on substantive provisions (clauses 6 to 20)

Clause 6(1) - Nuisance on, under or about any maritime facility

Submissions received

Submitter 29 stated strong agreement with the Bylaw's purpose to protect public health, prevent nuisance, and ensure safe use of maritime facilities, the bylaw's aim to impose reasonable limitations on behaviour and access, and highlights the importance of preserving the serenity of seaside communities.

Submission 31 suggests addressing priorities and 'give way' rules at the specific facility level in individual ramp plans.

Staff analysis

Safety of all users (including 'give way' rules) will be taken into consideration when assessing and implementing specific plans for maritime facilities.

Staff recommendation

Council staff recommend no changes in response to these submissions.

Clause 6(2) - Prohibition of unsafe practices on, under or about any maritime facility

Submission received

Submission 23 suggests rewording to clarify that the prohibition applies to unsafe activities, not all activities.

Staff analysis

Council staff agree that a change of wording is required for clause 6(2) to make this clause clearer.

Staff recommendation

To improve clarity in clause 6(2), staff recommend inserting the word 'unsafe' before the words 'activity or unsafe practice'.

Tracked changes to the clause as recommended

6(2) No persons shall engage in any **unsafe** activity or unsafe practice on, under or about any maritime facility.

Clause 6(3) - Prohibition of intimidation, endangerment or obstruction of any other person in their use of any maritime facility

Submission received

Submission 29 expressed strong agreement with this clause.

Staff analysis

Staff agree that all people should feel safe when using maritime facilities.

Staff recommendation

Council staff recommend no changes in response to this submission.

Clause 6(7) - Prohibition of people fishing, swimming from, or engaging in any underwater swimming or underwater activities from or near any maritime facility while that maritime facility is being used

Submission received

Submission 16 questioned the enforceability of this clause and raised concerns about the lack of enforcement observed in relation to swimming and fishing from wharves.

Staff analysis

In order to manage clause 6(7), Council would look to use the VADE approach for enforcement (see the discussion in section 3.2)

Far North Holdings Limited advise that signage will outline prohibited unsafe and nuisance behaviour on maritime facility assets.

Staff recommendation

Council staff recommend no changes in response to this submission.

4.2.1 Clause 7 - Fees for the recreational use of maritime facilities

Submissions received

Submitter 19 agreed that commercial interests should pay to use facilities, suggested factoring in weight limits and pollution into charges, and proposed no additional charges for locals who pay rates

Submission 26 challenged the classification of users as solely commercial or recreational, and provided examples of vessels that fall outside these categories. They raised concerns about discrimination against public who hire vessels and argue that fees for commercial hire operators unfairly burden recreational users and create a disadvantage for local hire operators.

Submitter 26 also emphasised the role of maritime facilities as essential infrastructure and argued against relegating these facilities to purely recreational use. They questioned the prioritisation of recreational use over commercial use. They advocated prioritising commercial vessels due to the economic contributions of commercial users.

Staff analysis

Section 150 of the Local Government Act 2002 allows Council to prescribe a fee or charge for permits, approvals, consents provided for under a Bylaw. Any such fee must not provide for Council to recover any more than the reasonable costs incurred by the Council for the matter for which the fee is charged.

The fees provisions under clauses 7 and 21 of the Bylaw simply allow for fees to be set under Council's Fees and Charges Schedule, which is standard practice. This allows fees to be reviewed as appropriate annually. Any fees that are set must still comply with the cost recovery limitation provided for in section 150(4) of the Local Government Act 2002.

Staff recommendation

Council staff recommend no changes in response to these submissions.

4.2.2 Clause 8 - commercial operators

Submissions received

a) Support for Regulating Commercial Use

Submitters 29 and 31 agree with regulating commercial operators and requiring approvals to use maritime facilities, emphasizing the need for transparent processes and written approvals.

b) Development of Location-Specific Plans

Submitters 29 and 31 call for specific plans for each maritime facility, considering unique factors such as structural capacity, environmental impacts, safety, and current use patterns.

Balancing Recreational and Commercial Use

Submission 29 highlights the importance of balancing the needs of recreational and commercial users to ensure fair and efficient facility use.

Concerns About Practicality of Written Approvals

Submission 25 argues that requiring written approval for commercial operators is impractical and may impede safe operations.

c) Proposal for a Ramp Grading System

Submission 32 suggests implementing a grading system (A, B, C, D) to classify ramps based on various factors such as construction, safety, environmental impact, and congestion.

d) Input from Opito Bay Residents

Submissions related to Opito Bay (e.g., Submission 31, identified as "from Opito Bay residents") emphasize location-specific concerns, including the balance between recreational and commercial use and the need for tailored management plans.

Staff analysis

a) Support for regulating commercial use

The Bylaw does not prioritise commercial over recreational use. The purpose of the Bylaw is to ensure safe and appropriate use in the public landscape of the maritime facilities. Far North Holdings Limited are concerned with ensuring that maritime facilities will cope with whatever use is required. Each maritime facility will have specific loading specification and limits. Therefore, if a ramp or wharf is unable to cope with a particular commercial activity then a license will not be issued for that maritime asset.

b) Development of location-specific plans

One of the reasons for a license is to identify commercial activity, where and how it is occurring, and to then plan for future maritime facility development. These improvements will be outlined in future Long-Term Plans.

c) Proposal for a ramp grading system

Far North Holdings Limited advises that they do have a grading system for the maritime assets. However, it is a condition assessment not a structural rating. There is a correlation between the condition of each asset and what activities vehicles and machinery are suitable for use on each asset.

d) Input from Opito Bay Residents

As discussed above, Far North Holdings Limited advises that Opito Bay is a unique scenario that will require a specific strategy to address long term. Far North Holdings Limited has been informed of these concerns and the view expressed by the submission will carry weight when the Long-Term Plan is next revised.

Staff recommendation

Council staff recommend no changes in response to these submissions.

4.2.3 Clause 10 - berthing directions

Clause 10(2) states that no vessel shall remain berthed at any maritime facility, longer than is necessary to load or unload passengers or goods, provided that no vessel shall remain berthed at any wharf for more than 30 minutes without approval from Council or any authorised officer.

Submissions received

Submission 16 questions the enforceability of this clause and raises concern about the lack of enforcement observed related to swimming and fishing from wharves.

Staff analysis

To manage clause 10(2), Council would look to use the VADE approach for enforcement (See clause 6(7) and section 3.2).

Staff recommendation

Council staff recommend no changes in response to this submission.

6.2 INITIATION OF PUBLIC CONSULTATION ON THE GRANTING OF A GROUND LEASE OVER 36 RECREATION ROAD, KAIKOHE - SPORTSVILLE

File Number: A4961745

Author: Michelle Rockell, Team Leader - Property Management

Authoriser: Trent Blakeman, Acting Group Manager - Delivery and Operations

TAKE PŪRONGO / PURPOSE OF THE REPORT

To seek resolution from Council to initiate public consultation on the granting of a new ground lease over 36 Recreation Road, Kaikohe, Part Lot 3 DP 22327, and Lot 31 DP 10045, being recreation reserve under Section 54 Reserves Act 1977, to Kaikohe & Districts Sportsville Incorporated.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Kaikohe & Districts Sportsville Incorporated have managed Lindvart Park since 1 January 2018 under the management agreement with Far North District Council.
- A Reserve Management Plan over Lindvart Park was executed in July 2018.
- The Long Term Plan 2021-2031 included a contribution of \$3,226,493 for the construction of a new sporting facility to be located at Lindvart Park.
- On 24 August 2022, Kaikohe & Districts Sportsville obtained building consent from Far North District Council to build this new sporting facility. This facility, known as Papa Hawaiiiki, was opened to the public in April 2024 and is owned by Kaikohe & Districts Sportsville Incorporated.
- In April 2024 Kaikohe & Districts Sportsville Incorporated formally requested a new ground lease over the site occupied by the new sporting facility.
- The Reserves Act 1977 requires public consultation on the issuing of a lease over a Recreation Reserve.
- Public consultation for the Long Term Plan 2021-2031 occurred but was not specific about the new sporting facilities.
- At the time of writing this report, public consultation for the legal occupation of the Recreation Reserve has not occurred. This report seeks to ensure due process is followed under Section 54 Reserves Act 1977.
- This report was presented to Kaikohe – Hokianga Community Board on 25 October 2024 who passed the recommendation to Council.

TŪTOHUNGA / RECOMMENDATION

That Council:

- a) **commence the public consultation process on the granting of a new ground lease to kaikohe & districts sportsville incorporated, over approximately 485.7m² of land being lot 31 dp 10045 and 7,067.5m² of land being part lot 3 dp 22327, vested in far north district council as recreation reserve, located at 36 recreation road, kaikohe.**

the terms of the proposed lease shall be:

term: 30 years (10+10+10) – allowed for under the reserves act 1977

rental: \$121 plus gst for 2024/25 and reviewed annually in conjunction with the fnc fees and charges schedule.

- b) **appoint the kaikohe-hokianga community board to hear any submissions received in response to the consultation process and to make recommendations to council.**

1) TĀHUHU KŌRERO / BACKGROUND

The Kaikohe – Hokianga Community Board passed the following recommendation on 25 October 2024:

7.1 INITIATION OF PUBLIC CONSULTATION ON THE GRANTING OF A GROUND LEASE OVER 1 RECREATION ROAD, KAIKOHE - SPORTSVILLE

Agenda item 7.1 document number A4909284, pages 17 - 64 refers.

RESOLUTION 2024/109

Moved: Member Jessie McVeagh

Seconded: Deputy Chairperson Tanya Filia

That the Kaikohe – Hokianga Community Board recommend to Council:

- a) **that the public consultation process is commenced on the granting of a new ground lease to Kaikohe & Districts Sportsville Incorporated, over approximately 485.7m2 of land being Lot 31 DP 10045 and 7,067.5m2 of land being part Lot 3 DP 22327, vested in Far North District Council as recreation reserve, located at 36 Recreation Road, Kaikohe.**

The terms of the proposed lease shall be:

Term: 30 years (10+10+10) – allowed for under the Reserves Act 1977

Rental: \$121 plus GST for 2024/25 and reviewed annually in conjunction with the FNDC Fees and Charges Schedule.

- b) **is appointed to hear any submissions received in response to the consultation process and to make recommendations to Council.**

CARRIED

Lindvart Park Recreation Reserve is vested in Council and has been managed by Kaikohe & Districts Sportsville Incorporated as per the Management Agreement between the group and Far North District Council since being formalised on 1 January 2018.

Through the Management Agreement, Kaikohe and Districts Sportsville is responsible for preserving the park for public use by ensuring the ongoing maintenance and up-keep, club management and public access to Lindvart Park along with development of a strategic plan for improvement, development and enhancement of Lindvart Park.

Kaikohe & Districts Sportsville Incorporated exist to promote sport in Kaikohe and extend this area beyond to all outlying settlements for which Kaikohe is the main town centre, for example Hokianga.

The Long Term Plan 2021-2031 included a capital contribution of \$3,226,493 to the new Lindvart Park Kaikohe – Sportsville project. On 7 April 2022, Council resolved to re-affirm this contribution:

7.3 LINDVART PARK PAVILION, KAIKOHE PROJECT

Agenda item 7.3 document number A3641588, pages 82 - 86 refers.

RESOLUTION 2022/19

Moved: Cr John Vujcich

Seconded: Cr Ann Court

That Council:

- a) **Re-affirm the capital commitment of \$3,226,493 to the Lindvart Park Kaikohe – Sportsville project.**
- b) **Approve an increase in operational grant support to Sportsville of \$35,000 from year one of the 2024/2034 Long-Term Plan.**

In Favour: Mayor John Carter, Deputy Mayor Ann Court, David Clendon, Dave Collard, Felicity Foy, Mate Radich, Rachel Smith, Kelly Stratford, Moko Tepania and John Vujcich

Against: Nil

CARRIED

Note: that the CEO was asked to provide advice to the next meeting on how to ensure a consistent approach to the way that FNDC supports community facilities across the District, by way of operational grant

In August 2022, Far North District Council approved building consent to Kaikohe & Districts Sportsville Incorporated and the new sporting facility, known as Papa Hawaiiiki, was built and open to the public in April 2024. No formal discussions had been made in regard to a ground lease prior to this time.

The complex is owned by Kaikohe & Districts Sportsville Incorporated, who received funding from Ministry of Business, Innovation and Employment, Far North District Council, Northland Rugby Club, Foundation North, Department of Internal Affairs Lotteries and Grassroots to complete this build.

Papa Hawaiiiki consists of two indoor basketball courts, a meeting room and viewing platform on a mezzanine floor. The building has sprung wooden floors and is capable of hosting National basketball tournaments.

The complex aims to highlight a return of basketball to Kaikohe with a focus on developing basketball and other indoor sports, such as volleyball. The development of the complex has enabled the community (including the wider area of Hokianga) the ability to participate in sports that had previously been inaccessible due to lack of facilities or travel constraints.

Since the sports facility opened in April 2024, schools such as Kura Kaupapa o Kaikohe and Kaikohe Christian School, neither of which have school gymnasiums utilise the building during the day for enhancement of their wider curriculum. It has also been utilised in the evenings for teams participating in Badminton, Table Tennis, Basketball, Netball and Turbo Touch.

Kaikohe & Districts Sportsville Incorporated have received numerous enquiries for various events such as Matariki celebrations, Masters sports tournaments, youth days, kapa haka, fight nights and regional sport gatherings. Papa Hawaiiiki has the ability to accommodate these events where in the past there has been no facility available for these groups.

The facility is open 24/7, users are provided their own access swipe cards, catering for all abilities with wheelchair access to both floors.



Aerial view of proposed leased area in red.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The sporting facilities available at Lindvart Park prior to the construction of Papa Hawaiiiki were outdated and undersized. The construction of this new facility has given Lindvart Park a new lease of life and there has been an increase in members of the public utilising the facility since its inception.

As per the Reserves Act 1977 section 54, public consultation is required on the granting of a lease over recreation reserve.

Public Notification

Sections 119 and 120 of the Act require that before granting a lease the proposal must be publicly notified and all submissions/objections to the proposal are to be in writing and where requested, a submitter must be given the opportunity to appear before Council or a committee of Council, to speak to their objection/submission. Every submission/objection in relation to the proposal must be considered before proceeding with the proposal.

The options available for this site are:

Option 1 (recommended):

That Council:

- a) **commence the public consultation process on the granting of a new ground lease to Kaikohe & Districts Sportsville Incorporated, over approximately 485.7m² of land being Lot 31 DP 10045 and 7,067.5m² of land being part Lot 3 DP 22327, vested in Far North District Council as recreation reserve, located at 36 Recreation Road, Kaikohe.**

The terms of the proposed lease shall be:

Term: 30 years (10+10+10) – allowed for under the Reserves Act 1977

Rental: \$121 plus GST for 2024/25 and reviewed annually in conjunction with the FNDC fees and Charges Schedule.

b) appoint the Kaikohe – Hokianga Community Board to hear any submissions received in response to the consultation process and to make recommendations to Council.

Option 1 will allow Kaikohe & Districts Sportsville Incorporated to continue providing their service to the community.

Option 2:

- a. Decline Kaikohe & Districts Sportsville Incorporated request for a new ground lease
- b. Ask Kaikohe & Districts Sportsville Incorporated to remove any existing building(s) and associated assets from the reserve and reinstate the recreation reserve at their cost.

TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

Building Consent was given by Far North District Council to Kaikohe & Districts Sportsville Incorporated for the establishment of this building on 24 August 2022. Construction was completed in 2024, with the facility opening in April 2024.

Through this new sporting facilities, Kaikohe & Districts Sportsville Incorporated provide a beneficial service to the community, bringing life to the sporting world in Kaikohe and surrounding areas. Resolving to vacate the land (including removal of the building) will be detrimental to the Community, Whānau and Tamariki of the area.

As per the Reserves Act 1977, Council can grant exclusive leases to part or all of a reserve for a maximum term of 30 years.

Public Notice is a statutory requirement under Reserves Act for the leasing of a Recreation Reserve.

Public consultation will enable the Kaikohe – Hokianga Community Board and Council to assess the community's engagement with the Kaikohe & Districts Sportsville Incorporated proposal, albeit retrospectively. Public consultation gives the community the opportunity to put forward alternative options for the occupation of the building and/or the use of the site.




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

The Long Term Plan 2021-2031 included a capital contribution of \$3,226,493 towards the build of this facility, which was reaffirmed by Council in April 2022. A public access agreement will be noted within the proposed lease in order to establish Far North District Councils capital contribution as an intangible asset. This would be of the above amount and will be depreciated over time to provide for strategic asset renewals (structural areas and services). Any renewals required to the internal fit out would be directly funded by Kaikohe & Districts Sportsville Incorporated, or through additional grants or fund raising.

Far North District Council provided the group an annual operation grant of \$40,000 for the facility. This amount was increased by \$35,000 for a total of \$75,000 per annum at the April 2022 Council meeting to support ongoing operational costs. The capital contribution and total operational grant (inclusive of increase) were provided for and represented an increase in ward rate of \$4.70 per SUIP.

The lease will provide for the lessee to continue to be responsible for all ongoing maintenance of the associated land, including responsibility for the payment of all utility charges, rates and insurances.

ĀPITIHINGA / ATTACHMENTS

1. **Sportsville Management agreement final - A4909399** [↓](#) 
2. **Letter informing on request to lease - A4910316** [↓](#) 
3. **Record of Title Lot 31 - A4911100** [↓](#) 

Hōtaka Take Ōkawa / Compliance Schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	Medium
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	<p>FNDC Reserves Policy: The Policy supports a long-term lease being offered to community orientated groups wanting a permanent base.</p> <p>The Reserves Act 1977: Section 119 and 120 require that public consultation be initiated prior to the granting of a lease</p>
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 Kaikohe-Hokianga 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.
<p>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.</p> <p>State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.</p>	<p>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. It is important to notify tangata whenua in the Kaikohe locality of the lease proposal prior to the public consultation. Te Hono was approached to provide advice on who the main contacts were in the first instance.</p> <p>A letter (attached) was sent via email to Te Uri O Hua representatives to inform them of the requested lease. These representatives are mandated (within the hapū) under tikanga as a spokesperson/representative of Te Uri O Hua hapū, who are through whakapapa direct descendants of the tupuna who resided on the whenua until soon after it became an asset of the Crown/Council. At the time of writing this report a response has not been received. When this lease goes for public consultation, the information will be redistributed Te Uri O Hua representatives to seek feedback as part of the public consultation process.</p>

<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>Public consultation and Iwi consultation will be progressed as per the Reserves Act 1977 and the FNDC Engagement Policy. This will allow Council to identify any people or groups who may be affected or have interest in the matter.</p>
<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 appropriate community rent for the land is set by the FNDC Fees Charges Schedule.</p>
<p>Chief Financial Officer review.</p>	<p>The Chief Financial Officer has reviewed this report.</p>

6.3 INITIATION OF PUBLIC CONSULTATION ON DISPOSAL OF SECTIONS OF KERIKERI RESERVE

File Number: A4981808

Author: Robin Rawson, Parks & Reserves Planner

Authoriser: Roger Ackers, Group Manager - Planning & Policy

TAKE PŪRONGO / PURPOSE OF THE REPORT

To seek the approval of Council to initiate public consultation under the Reserves Act 1977 to consider possible revocation of areas of a reserve fronting Kerikeri Road and Morcom Lane (Lot 10 DP 62588) to facilitate the legalisation of an existing retaining wall on a neighbouring property (which has been built across the boundary and marginally into the reserve) by a boundary adjustment.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Council has received a request from Investore Property Limited to legalise the encroachments of an existing private retaining wall on the Woolworths Kerikeri supermarket property where it extends onto two parcels of Council owned land.
- One of the affected properties is held in a fee simple title and the other is a recreation reserve.
- Legalisation of the occupation of the wall is required for approval of a building consent to repair the wall and any required resource consent.
- In the short term a licence to occupy is adequate for gaining consents and undergoing work on the wall. This process can be completed via staff delegations.
- In the long term, revocation of a section of reserve to allow a boundary adjustment would provide greater certainty to the owner of the long-term occupation and would absolve Council from responsibility for the retaining wall structure.
- In accordance with the Reserves Act 1977, public consultation is required to consider revocation of a section of a reserve to allow a boundary adjustment by subdivision.
- On 24 October 2024, the Bay of Islands-Whangaroa Community Board expressed support for a licence to occupy as a short-term action, and the initiation of public consultation to consider revocation areas of the reserve underlying the retaining wall.
- Property staff will assess the effects of the encroachments on fee simple land and are delegated to approve licences to occupy.
- Council approval is required for revocation of a reserve.
- Council approval is required for sale of any Council land; and these options will be reported to Council for approval after public consultation and a hearing under the Reserves Act 1977, (should this be necessary).

TŪTOHUNGA / RECOMMENDATION

That Council:

- a) approve the initiation of a public consultation process under Section 24 of the Reserves Act 1977 to revoke small parts of Recreation Reserve (Lot 10 DP 62588 – owned by the Far North District Council) underlying an existing retaining wall owned by Woolworths Ltd;**
- b) appoint Bay of Islands-Whangaroa Community Board to hear any submissions received in response to the consultation processes and to make recommendations to the Council in respect of the reserve classification and revocation.**

1) TĀHUHU KŌRERO / BACKGROUND

Investore Property Limited has contacted Council to request landowner approvals to do necessary and high priority remediation work to existing retaining walls at the edges of their Kerikeri supermarket site (Woolworths) to stabilise the wall and prevent further movement that could result in failure of the wall. The footprint of existing walls has moved since construction and the walls extend into adjoining Council properties to the north-west and south-west with a maximum encroachment of 430mm (refer Appendix 1).

Investore Property Limited seeks agreement from Council for a course of action that will allow consents to be obtained and future works to take place to remediate the walls. Options to enable this work are considered in the following section. Investore Property Limited has stated that the completion of remediation works is expected to ensure that there is no further movement of the wall over the next 50 or more years. The building consent application to remediate the wall will need to demonstrate at least 50 year structural durability. e two Council properties that are the subject of this request are identified in Appendix 1. One is a fee simple title owned by Council that was purchased to help facilitate the future Kerikeri western ring bypass. It contains a residential building that is currently being used for short-term tenancies to FNDC transitional staff. The other property is a recreation reserve which is used for drainage and public access.

The Bay of Islands-Whangaroa Community Board approved the following resolution on 24 October 2024 (Alternate resolution 2024/1):

- a) Endorse the issuance of a LTO to allow remediation of the wall to begin.
- b) Approve the initiation of a public consultation process under Section 24 of the Reserves Act 1977 to revoke areas of reserve underlying an existing retaining wall.
- c) Agree to hear any submissions received in response to the consultation processes and to make recommendations to the Council in respect to the revocation.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

This section assesses possible Council responses to the request from Investore Property Limited and was prepared with contributions from Legal Services, Delivery and Operations and Property Management. It includes recommendations for actions to provide a short-term solution and a long-term solution.

	Options	Advantages, disadvantages, costs
1	Walls rebuilt outside of Council land	<ul style="list-style-type: none"> • No further action required from Council staff • Disruption to supermarket activities over long period • Expected temporary disruption to adjoining properties including Council properties greater than for other options because of extent of works • Council would have no legal responsibility for the rebuilt wall • Possible reputational risk to Council for not being more accommodating due to rebuilding costs to applicant (estimate \$1.5 million from applicant) and small impact on Council land.
2	Boundary adjustments after reserve revocation (recommended option for the long-term if supported by public consultation)	<ul style="list-style-type: none"> • Would result in the private retaining wall not being on Council owned land and providing wall owners with greater certainty • Council would be absolved from any responsibility in the event of failure of the wall as no part would be on Council land • Public notification needed under Section 24 of Reserves Act 1977 for revocation of (small) areas of land where the retaining walls are on reserve • Revocation and boundary adjustments requires approval from Council Elected Members

		<ul style="list-style-type: none"> • Applicant to pay resource consents costs, valuation, legal and survey costs, land purchase costs or equivalent.
3	Easements	<ul style="list-style-type: none"> • Provides an enduring legal right for structures to occupy land • Long-term solution that would legalise the retaining walls on Council land • Council could decide that public notification was not needed as structures largely underground and minimal encroachment • Council resolution needed for approval of reserve easement • Council liability would need to be addressed by easement agreement • Applicant to pay costs including \$476 application fee under current policy, additional valuation, legal and survey costs, land costs or equivalent.
4	Lease	<ul style="list-style-type: none"> • Provides a temporary right for structures to occupy land • Not consistent with Reserves Act 1977 – not a recreational activity and does not recognise long-term use • Public notification may still be needed • Not permanent and does not provide all parties assurance • A lease longer than 35 years requires subdivision consent • Council liability would need to be addressed by lease agreement • Applicant to pay \$484 application fee and other costs.
5	Licences to Occupy (recommended option for the short-term only, to accommodate building works)	<ul style="list-style-type: none"> • Provides a temporary right for structures to occupy land that can be rescinded at any time • Fast, can be completed by Council staff to plan for remediation works • Not consistent with Reserves Act 1977 – not a recreational activity and does not recognise long-term use • Not permanent and does not provide all parties assurance • Council remains affected – as a landowner. • Applicant to pay \$121 application fee • Property staff are delegated to consider and approve licences to occupy Council land.

Recommended Actions:

A licence to occupy, (option 5 – short term solution) would allow building and any other necessary consents to be obtained and works progressed however a boundary adjustment after reserve revocation (option 2- long term solution) would remove Council liability for remediation in the event of failure of the wall.

Transport issues

Council's Senior Transport Planner has discussed the plans of the retaining wall with the Consultant Engineer for the Kerikeri CBD Road Designation project and advises that:

'legalisation of this wall in the current location is not expected to constrain the location of any future road corridor. The current proposed road corridor is a high-level concept design from

2006 from which no degree of precision can be inferred. This is not the only road corridor option being considered. This matter presents the opportunity for Council to engage with a key stakeholder for the CBD road designation and ideally gain support for the concept even in principle and thus de-risk their future involvement in the RMA process.

If supported by public consultation, Council approval would be needed for reserve revocation to allow boundary adjustments for both the reserve land and fee simple property at 16 Butler Road.

Construction issues

In addition to legalisation of the occupation of sections of the wall, a construction works agreement is being considered that would need to be agreed to allow Woolworths to undertake the remediation works. This would be finalised by staff and cover practical matters including the following:

- Woolworths paying for alternative accommodation (for short term rentals at 16 Butler Road) during construction works.
- Planting within the reserve at the edge of the wall to be removed to allow for construction will need to be replanted when works are completed.
- Construction requirements including access.

Assessment against Policies

The criteria for the disposal of parks and reserves is outlined in Section 3 and Schedule 2 of the Council Parks and Reserves Policy. In this instance, the areas of reserve that are being considered for revocation are sufficiently small that the proposal is not inconsistent with this policy.

Next steps

Revocation of a reserve and property sale are at the discretion of Council; and these options will be reported to Council for decision after public consultation and a hearing under the Reserves Act 1977, (should this be needed).

TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

A boundary adjustment after reserve revocation is a suitable a long-term outcome as the private retaining wall would no longer be located on Council land. Revocation of reserve status of a section of the reserve and subsequent boundary adjustment would remove Council from any responsibility and potential liability regarding the building works associated with the retaining walls performed by Woolworths, as well as the wall itself once the works are completed. This option is consistent with the Reserves Act 1977.

A licence to occupy can be agreed as a temporary measure to gain necessary consents, facilitate repairs, revocable once a boundary adjustment is in place.

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

Staff time working with Woolworths to understand the issue, and look at potential solutions is not cost recoverable, as it was done outside any application process. Expenses to facilitate the reserve revocation and boundary adjustment will be charged to the applicant when application is lodged and processed for a licence to occupy, a reserve revocation for the purposes of a boundary adjustment, and a subdivision by boundary adjustment. Any areas of land subject to boundary adjustment and transferred to Woolworths will be valued, and reasonable compensation paid to Far North District Council. Council will be requiring that Woolworths pay the costs associated with undertaking the public engagement process on the reserve (e.g. public notice in a newspaper). If there is impact on Council tenants and a loss of revenue or costs incurred, that will also be considered through any agreement with Woolworths.

ĀPITIHANGA / ATTACHMENTS

1. **Kerikeri Reserve - A4877078** [↓](#) 
2. **Record of Title NA65D/309 (Council's Freehold Land) - A4924501** [↓](#) 
3. **Record of Title 566382 (Recreation Reserve) - A4924505** [↓](#) 

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
<p>State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy</p>	<p>Areas of reserve (if revoked) and fee simple land that would be involved in any future boundary adjustments are small, and sale will not prevent possible future plans for use of the remaining areas of Council properties. Failure to remove legal liability for wall failure where walls remain on Council land has potential with a small likelihood to result in unbudgeted financial expenditure. Overall, the level of significance to Council is assessed as being low. The boundary adjustment is very significant to Woolworths/Investore and there is potential reputational loss to Council if legalisation is not actioned.</p>
<p>State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.</p>	<p>The proposed revocation of reserve land will not affect use of the remaining area and is therefore not inconsistent with the Parks and Reserves Policy. Public consultation is required under the Reserves Act to assess applications for the revocation of recreation reserves.</p>
<p>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.</p>	<p>This issue is site specific. The Bay of Islands-Whangaroa Community Board has endorsed both a licence to occupy as an interim process and the public consultation required to consider the suitability of revocation of areas of reserve land.</p>
<p>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.</p> <p>State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.</p>	<p>Staff have met with and provided plans showing the occupation of the retaining wall to Ngāti Rēhia who have not raised concerns at this time.</p>
<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</p>	<p>Council's Infrastructure Asset and District Facilities Teams were consulted as stakeholders and have not expressed any concerns about the proposal. The public will have the opportunity to comment on the proposed reserve revocation.</p>

<p>– youth, the aged and those with disabilities).</p>	
<p>State the financial implications and where budgetary provisions have been made to support this decision.</p>	<p>Staff time so far is not recoverable. Expenses for processing any application will be charged to the applicant. Areas of land that may be transferred are small and land cost will be by valuation.</p>
<p>Chief Financial Officer review.</p>	<p>The Chief Financial Officer has reviewed this report.</p>

6.4 ANNUAL PLAN 2025/26**File Number: A5049955****Author: Angie Thomas, Acting Chief Financial Officer****Authoriser: Charlie Billington, Group Manager - Corporate Services****TAKE PŪRONGO / PURPOSE OF THE REPORT**

To seek approval to consult on the Annual Plan 2025/26 with the option for the community to provide feedback.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- The request is applied under the basis of section 95, (2A) of the Local Government Act 2002 as follows: Subsection (2) does not apply if the proposed Annual Plan does not include significant or material differences from the content of the Long Term Plan for the financial year to which the proposed Annual Plan relates.
- The council has as part of its Annual Plan (AP) process – reviewed all budgets pertaining to capital and operational spending and where applicable reductions have been applied.
- The rates increase is as published in the Three Year Long Term Plan (LTP) 2024-27 at 11.3%. The council will continue to look for savings and apply where practical.
- The proposed Annual Plan makes minor amendments to the capital works programme and operational budgets which do not trigger the council's Significant and Engagement Policy 2021 requirement to consult.
- Not reconsulting on issues already addressed in the LTP 2024-27 leads to cost savings for the ratepayer.
- Under the current LTP 2024-27, Council's main focus is repairing our transport network and to continue to make progress on weather related damage repairs.

TŪTOHUNGA / RECOMMENDATION

That Council approve to inform only on the Annual Plan 2025/26 and enable the community to provide feedback.

1) TĀHUHU KŌRERO / BACKGROUND

As part of the AP process, four workshops were held with elected members in preparing the annual plan.

These workshops reviewed all planned projects and operational budgets for the upcoming financial year, establishing the direction for the Council's work programmes. They also assessed any incomplete projects from the previous year, which are subsequently carried forward into the current year's programme.

On conclusion of this process, Council is to determine if public consultation is required.

Consultation

Consultation is when Councils publicly notify proposals, invite and receive written submissions from residents, and often hold hearings so submitters can speak to their feedback. Councils then deliberate on all submissions before making final decisions. This process is designed to provide transparency, accountability, and community involvement in local governance.

In the context of an AP, the requirement for consultation is met when issues or changes are made to a LTP (which has already undergone consultation), and those issues or changes meet the threshold of Council's Significance and Engagement Policy (attachment 1).

At the conclusion of the workshops on the 2025/26 AP, no issues were identified that met the threshold for formal consultation.

Inform Only

When consultation is not required, Council can elect to adopt an inform only approach. This approach involves providing clear, accessible information about the Council's plans or decisions without a structured submission process or formal hearings. In the context of an AP, Inform only is suitable when changes from the LTP are deemed minor and do not meet the Policy's significance thresholds.

The 2025/26 AP

On conclusion of AP workshops held with Elected Members, a budget was presented necessitating a 11.3% rates increase. This budget includes minor operating and capital changes to the published in the Three Year LTP 2024/27 was 11.3%, but the changes do not meet the threshold for consultation under the significance and engagement policy.

Council will continue to seek savings where feasible.

Other consultation

In 2025 several other consultations will be undertaken at the same time, seeking feedback on other important topics such as Te Pātukurea (Kerikeri-Waipapa Spatial Plan) and Local Waters Done Well. Adopting an inform only approach for the Annual Plan 2025/26 allows greater focus on these other consultations.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

- As outlined at the 10 December 2024 Annual Plan workshop, discussions were held regarding an inform only process on the already adopted LTP 2024-27 rate increase of 11.3%, or less if applicable noting any minor changes.
- Items raised to date have not been deemed significant under the Significance and Engagement Policy 2021, with proposed rates increases aligning with the Three Year Long Term Plan 2024-27.

Option 1 – inform only with the option for feedback (recommended option):

- Website only with the option to give feedback - March to April
- Hearings – not required
Deliberations – not required
Adoption of Annual Plan 2025/26 - 25th June 2025

Pros:

- Allows for public participation through feedback.
- Council is transparent on any minor changes from the LTP2024-27.
- Focus on other consultations.
- Reduced costs and resourcing as compared to consultation.

Cons:

- Less opportunity for the public to be able to provide feedback compared to consultation.

Option 2 – no consultation:

- Notify the community of the intent to adopt the annual plan – March
- Hearings – not required
- Deliberations – not required
- Adoption of Annual Plan 2025/26 – 25th of June 2025

Pros:

- Council is transparent on any minor changes from the LTP2024-27.

- Focus on other consultations.
- Reduced costs and resourcing as compared to consultation.
- Good practice to notify with the inclusion of any differences and why these are not significant or material. The proposed funding impact statement for the year and reference to levels of service for the year.

Cons:

- No opportunity for the public to provide feedback.

Option 3 – consultation:

- Consultation document adoption - February
- Public consultation with submissions - March to April
- Hearings for verbal submissions – April
- Deliberations – May
- Adoption of Annual Plan 2025/26 – 25th June 2025

Pros:

- Allows for greater ability for the public to participate in the annual plan process by providing submissions and attending hearings.
- Council is transparent on any minor changes from the LTP2024-27.

Cons:

- Reduced costs and resourcing as compared to other options.
- Need to be clear on what issue is being consulted on (this needs to include the impact on level of service, impact to the ratepayer and impact on debt)

TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATIONRecommendation for option 1.

By proceeding with Option 1, the public can participate by providing feedback on the proposed plans. No significant changes have been identified in the 2025/26 Annual Plan that would require a formal consultation process. This also reduces costs to ratepayers.

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

There are no additional budget requirements.

ATTACHMENTS

Nil

Hōtaka Take Ōkawa / Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

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.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	Low.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Local Government Act 2002 Significance and Engagement Policy 2021
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 Annual Plan 2025/26 process have budgets and information that pertain to Community Boards which have been considered through the workshops.
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.	Implications to Māori have been included in the LTP 2024-27 Te Mahi Tahī Me Te Māori which continues to be embedded in the Annual Plan 2025/26.
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 does not have any implications for persons identified in legislation.
State the financial implications and where budgetary provisions have been made to support this decision.	Financial implications are covered within operational budgets.
Chief Financial Officer review.	The Acting CFO wrote this report.

6.5 ADOPTION OF AMENDED DANGEROUS AND INSANITARY BUILDING POLICY

File Number: A5053227

Author: Shayne Storey, Team Leader - Policy & Bylaws

Authoriser: Roger Ackers, Group Manager - Planning & Policy

TAKE PŪRONGO / PURPOSE OF THE REPORT

To approve the adoption of the Dangerous and Insanitary Building Policy without amendment.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Under the Building Act 2004, Council must have a policy on dangerous and insanitary buildings.
- On 13 June 2024, following a review of the Dangerous, Insanitary, and Earthquake Prone Buildings Policy, Council resolved that the Policy continue with amendment and that the Dangerous and Insanitary Buildings Policy Statement of Proposal in be released for public consultation (Resolution 2024/82 refers)
- Consultation took place from 17 June to 17 July 2024 and oral submissions were heard on 3 December 2024.
- Council staff have analysed the submissions and recommend no changes to the draft amended Policy in response to these submissions (see attachment 1)
- Attachment 2 is the proposed final amended Policy for adoption.

TŪTOHUNGA / RECOMMENDATION

That Council makes the Dangerous and Insanitary Building Policy under section 132 of the Building Act 2004.

1) TĀHUHU KŌRERO / BACKGROUND

Section 131 of the Building Act 2004 (the Act) requires all councils to adopt a policy on dangerous and insanitary buildings. A review of the Policy identified that it did not align with current legislation, including a requirement to remove the earthquake prone section of the Policy. On June 13, 2024, Council determined the Policy should continue with amendment and approved the release of the Statement of Proposal for public consultation (Resolution 2024/82 refers).

The period during which people could make submissions on the Statement of Proposal was from 17 June to 17 July 2024. Thirty-five written submissions were received, with 31 received online and 4 via email. One person who made a written submission also made an oral submission, which was heard by the Council on 3 December 2024.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The report in Attachment 1 summarises the public submissions and recommends no change to the draft Dangerous and Insanitary Building Policy in response to these submissions.

If this recommendation is agreed to, Council staff advise that the amended Dangerous and Insanitary Building Policy in Attachment 2 is an appropriate form of policy for the purpose of section 132 of the Building Act 2004.

Of the 31 submissions received online, 79% supported the proposal to amend the policy to meet statutory requirements and 88% supported maintaining a reactive approach.

Several submitters acknowledged that maintaining public health and safety is a priority and that the proposed policy helps Council fulfil its legal obligations under the Building Act 2004. These submissions emphasise the importance of the policy in safeguarding the community.

One submitter praised the council's proactive approach to ensuring the well-being of the community, particularly regarding dangerous and insanitary buildings.

Another submitter noted that Far North residents should not be permitted to create and live in unsanitary and unprofessionally established housing, highlighting a concern about substandard housing in the district.

Content and form of the proposed policy

Council staff have addressed the content and form of the proposed policy by ensuring it:

- is certain (clear)
- has removed reference to earthquake prone buildings
- is consistent with relevant laws and legislation.

TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

The submissions indicate support for the policy's focus on public health and safety, as well as the Council's role in managing dangerous and insanitary buildings. No significant opposition to the policy was raised in these submissions.

The statutory requirements under section 132 of the Building Act 2004 regarding the adoption and review of a dangerous and insanitary building policy have been met.

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

The costs to implement the amended Policy will come from existing operational budgets. Staff do not expect the amendments to the policy to alter the existing operational expenditure regarding dangerous and insanitary buildings.

ĀPITIHINGA / ATTACHMENTS

1. **Analysis Report- Dangerous and Insanitary Buildings Policy - A5033476** [↓](#) 
2. **Draft Dangerous and Insanitary Buildings Policy - A4690023** [↓](#) 

Hōtaka Take Ōkawa / Compliance Schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	As retaining the status quo is consistent with existing policies, the level of significance as determined by the Significance and Engagement Policy is low
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Section 132 of the Building Act 2004 Section 83 of the Local Government Act 2002
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	The Policy has District wide relevance and is mostly operational in nature, therefore, the views of the Community Boards have not been sought
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.	The decision in this report is not significant nor does it relate to land and/or any body of water. The Policy is a statutory policy and mostly operational in nature. There is very limited scope for the community to influence the decisions in this report. The recommended option is to maintain the general approach of a reactive Policy.
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 Policy is a statutory policy and mostly operational in nature. There is very limited scope for the community to influence the decisions in this report. The recommended option is to maintain the general approach of a reactive Policy.
State the financial implications and where budgetary provisions have been made to support this decision.	The cost of implementing and consulting on the recommended option is minimal (less than \$1000) and will be met from existing operational budgets.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

6.6 REVIEW OF CLASS 4 GAMING AND TAB VENUE POLICY**File Number: A5053400****Author: Dan Bowmar, Policy Advisor****Authoriser: Roger Ackers, Group Manager - Planning & Policy****TAKE PŪRONGO / PURPOSE OF THE REPORT**

To seek approval for the continuation of the Class 4 Gaming and TAB Venue Policy

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Council is required to have a Class 4 gaming policy under section 101 of the Gambling Act 2003
- Council is also required to have a TAB venue policy under section 96 of the Racing Industry Act 2020
- On 03 August 2023, Council approved an amended Class 4 Gaming and TAB Venue Policy under section 102 of the Gambling Act 2003 and section 97 of the Racing Industry Act 2020 (Resolution 2023/92 refers)
- Council is required to complete a review of the policy every 3 years under section 102 of the Gambling Act 2003
- The Class 4 Gaming and TAB Venue Policy was due for review 09 February 2025. However, under subsection 102(6) of the Gambling Act 2003, it does not cease to have effect and remains in place while it is due for review
- The Policy has been reviewed by Council Staff following section 102 of the Gambling Act 2003 and section 97 of the Racing Industry Act 2020.

TŪTOHUNGA / RECOMMENDATION

That Council:

- a) agree the Class 4 Gaming and TAB Policy has been reviewed under section 102 of the Gambling Act 2003 and section 97 of the Racing Industry Act 2020**
- b) approve, under section 102 of the Gambling Act 2003 and section 97 of the Racing Industry Act 2020, the continuation of the Class 4 Gaming and TAB Venue Policy.**

1) TĀHUHU KŌRERO / BACKGROUND

Council is required to have a Class 4 gaming policy under section 101 of the Gambling Act 2003.

Council is also required to have a TAB venue policy under section 96 of the Racing Industry Act 2020.

This policy cannot prohibit Class 4 gaming and/or TAB gambling in the district but must address the location and number of Class 4 gaming venues and standalone TAB venues.

On 03 August 2023, Council approved the adoption of an amended Class 4 Gaming and TAB Venue Policy under section 102 of the Gambling Act 2003 and section 97 of the Racing Industry Act 2020 (Resolution 2023/92).

Under section 102 of the Gambling Act 2003, and section 97 of the Racing Industry Act 2020, Council is required to complete a review of a policy within 3 years after the policy is adopted and then within 3 years after each subsequent review is completed.

The Policy has been reviewed by Council Staff under section 102 of the Gambling Act 2003 and section 97 of the Racing Industry Act 2020 (See review report - Attachment 1).

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Staff have completed a separate report to capture the review of the Policy (Attachment 1). For further information please refer to the full report.

Council staff have reviewed the Policy to ensure that it:

- is certain (clear)
- consistently follows the intent of a sinking lid policy
- applies a sinking lid policy to both Class 4 gaming venues and standalone TAB venues
- is consistent with relevant laws and legislation.

The Far North District is more vulnerable to the detrimental effects of problem gambling. The current policy uses a sinking lid approach. This approach is working as the number of class 4 gaming venues in the District have decreased from 25 to 17, and the number of class 4 gaming machines in the District have decreased from 314 to 262 since implementation of the sinking lid policy. Therefore, a sinking lid policy is the most appropriate way to address the establishment of both Class 4 gaming and TAB venues in the Far North District.

Under section 102 of the Gambling Act 2003, when conducting a review of the Policy, the Council must consider whether to include a relocation policy. When considering a relocation policy, the Council must consider the social impact of gambling in high-deprivation communities in the Far North District.

A relocation policy (defined in section 101 of the Gambling Act 2003) is a policy setting out if and when the Council will allow a venue to replace an existing venue to which a class 4 venue licence applies.

The intent of the Act with regard to relocation policies is to support the movement of class 4 gaming venues to areas at less risk of gambling related harm such as away from sensitive sites or areas of high deprivation.

The Act states that when considering a relocation policy, the Council must specifically consider the social impact of gambling in high-deprivation communities within the district.

The current policy allows the relocation of Class 4 gaming machines under the following circumstances:

- a. Where two or more clubs, with existing licenses, may legally merge, at which time the maximum number of machines should not exceed 18, and the venue must be suitably located to meet the criteria of this Policy; or,
- b. Where a business which holds an existing Class 4 gaming license, wishes to relocate from its current premises to a new venue within the District, and take all or fewer of its existing machines to those new premises. Council will only consider such applications for relocations due to:
 - i. a natural disaster, fire or other damage to the present venue, or
 - ii. expiry of lease on present venue, or
 - iii. the building of a new premises or refurbishment of an existing building as a new venue.
- c. No machines may be left at the current venue.
- d. A new venue will not be considered if it is defined as a venue declared unfit under section 4 of the Gambling (Harm Prevention and Minimisation) Regulations 2004.
- e. Applications for relocation of machines to a new premise will be subject to public notification and referred to the relevant Community Board for consideration and comments, as well as other key interested parties (e.g., iwi/hapū, the Police, Te Whatu Ora).
- f. A new Class 4 gaming venue must not be within 100 metres of any other Class 4 gaming venue.
- g. A new Class 4 gaming venue must not be in a higher deprivation area than the existing venue.

- h. New Class 4 gaming venues shall be in Commercial, Industrial, General Coastal, Rural Living or Rural Production zones, or within sports clubs or public houses and shall be eligible for consent provided the venue is at least 100 metres from any Kindergarten, early childhood centre, school, place of worship, Marae, or other community facility, and 100 metres from any Residential, Coastal Residential, Coastal Living, or Recreational Activities zones.
- i. If it is not practicable to apply a 100 metre proximity policy, then the distance becomes a discretionary condition. The Council will then make the decision.
- j. Following the Waikiwi precedent, certain kinds of moves will not trigger the Council's relocation policy. If the relocation to a different site meets the following criteria, it may not be a change of venue:
 - a. the new building is in very close proximity to the existing site
 - b. the venue name will be the same
 - c. ownership and management of the venue will be the same
 - d. patrons and the public will regard it as the same venue.

Under section 101(4) of the Gambling Act, when considering the location for a relocated venue, the Council may have regard to the following matters:

- a) the characteristics of the district and parts of the district:
- b) the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities:
- c) the number of gaming machines that should be permitted to operate at any venue or class of venue:
- d) the cumulative effects of additional opportunities for gambling in the district:
- e) how close any venue should be permitted to be to any other venue:
- f) what the primary activity at any venue should be

The relocation policy maintains the intent of the 'sinking lid' policy by only allowing relocation when circumstances arise outside of the control of the owner of the business such as fire or other damage to the present venue.

If a class 4 venue changes site in line with the above requirements, it is not considered a new venue and therefore does not require a council consent, nor is it considered a relocation and it will not trigger the application of a council's relocation policy.

Council must have regard to the social impact and harm prevention of gambling within the district.

95% of the 17 class 4 venues in the Far North District are in areas of medium high and very high deprivation. The demographics of the Far North District mean that our communities are more vulnerable to the detrimental effects of problem gambling. A large proportion of the Far North District consists of the highest deprivation areas, and 50% of the population of the Far North is Māori. Both factors significantly increase the risk of gambling harm.

In 2022, the total money spent on class 4 EGMs in the Far North District was \$17.1 million, however only \$4.7 million was returned to the district in grants to community and sporting groups. The figures suggest that, overall, a significant amount of money is taken out of the district.

The policy reflects the social impacts of gambling in the Far North District and aligns with current legislation.

Next Steps

A review without amendment does not require consultation, under section 102 of the Gambling Act 2003. Therefore, Council is able to approve the continuation of the policy without consultation. Extensive consultation was undertaken in 2023 when amending the current policy.

The review report in Attachment 1 recommends a continuation of the Class 4 Gaming and TAB Venue Policy.

If Council approves a continuation of the policy without amendment, the policy will be due for the next review in 2028.

TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

Council staff advise that the Class 4 Gaming and TAB Venue Policy in Attachment 2 is an appropriate form of policy for the purposes of section 102 of the Gambling Act 2003 and section 97 of the Racing Industry Act 2020.

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

The operational costs for amending the policy are expected to be minimal (less than \$1,000 plus staff time and resources) and will be met from existing operational budgets.

ĀPITIHINGA / ATTACHMENTS

1. **Review of Class 4 Gaming and TAB Venue Policy Feb 2025 - A5055943** [↓](#) 
2. **Class 4 Gaming and TAB Venue Policy 2023 - A4327980** [↓](#) 

Hōtaka Take Ōkawa / Compliance Schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	The decision to review the Policy is of low significance as it does not involve the change of ownership or control of a strategic asset or other important asset, and it is not inconsistent with Council's plans and policies.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Sections 102 of the Gambling Act 2003, section 97 and 98 of the Racing Industry Act 2020 and sections 10 and 83 of the Local Government Act 2002 apply to the decision recommended in this report.
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 proposal has District wide relevance. The current policy already includes everything that is within Council's power to control and therefore Community Boards' views have not been sought.
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.	The decision in this report is not significant and does not relate to land and/or any body of water. However, Māori are significantly more likely than non-Māori to be negatively impacted by the harmful effects of gambling.
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).	<ul style="list-style-type: none"> • community groups concerned about class 4 gaming and TAB venues in their community • the gaming trust industry • Te Whatu Ora - Public Health Northland • social service organisations.
State the financial implications and where budgetary provisions have been made to support this decision.	The operational costs for amending the Bylaw are expected to be minimal (less than \$1,000 plus staff time and resources) and will be met from existing operational budgets.
Chief Financial Officer review.	This report has been reviewed by the Chief Financial Officer.

7 NGĀ PŪRONGO TAIPITOPITO / INFORMATION REPORTS

7.1 COMMUNITY BOARD MINUTES - DECEMBER 2024

File Number: A5070089

Author: Marysa Maheno, Democracy Advisor

Authoriser: Aisha Huriwai, Manager - Democracy Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide an overview of resolutions made by Community Boards with an opportunity for Chairpersons to speak with Council about pertinent discussions held at Community Board.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Minutes from Te Hiku and Bay of Islands-Whangaroa Community Board December 2024 meetings are attached for Council information.
- Kaikohe-Hokianga Community Board did not hold a meeting in December 2024.

TŪTOHUNGA / RECOMMENDATION

That Council note the following Community Board minutes:

- 17 December 2024 Bay of Islands-Whangaroa Community Board; and
- 17 December 2024 Te Hiku Community Board.

TĀHUHU KŌRERO / BACKGROUND

This report is to provide Council with an overview of resolutions made at Community Board meetings and for Community Board Chairpersons to raise any Community Board issues with Council.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

This is intended as an information report but shows on the agenda as a standard report to place it earlier on the agenda.

From time-to-time Community Boards may make recommendations to Council. This report is not considered to be the appropriate mechanism for Council to make a decision from a Community Board recommendation. Council could however move a motion to formally request a report on a particular matter for formal consideration at a subsequent meeting. The report would then ensure that Council have sufficient information to satisfy the decision-making requirements under the Local Government Act 2002 (sections 77-79).

The minutes presented to this meeting include recommendations to Council, which staff have requested be considered by Council for the June meeting.

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

There are no financial implications or need for budget provision in considering this report.

ĀPITIHINGA / ATTACHMENTS

1. 2024-12-17 Bay of Islands-Whangaroa Community Board Minutes - A5026683 [↓](#) 
2. 2024-12-17 Te Hiku Community Board Minutes - A5025054 [↓](#) 

7.2 FAR NORTH 2100 PROGRESS REPORT

File Number: A5059273

Author: Steve Rylands, Senior Policy Advisor

Authoriser: Roger Ackers, Group Manager - Planning & Policy

TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide a progress report on the implementation of Far North 2100 (FN2100).

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

Far North 2100 was adopted by Council in 2021. It is a strategy that is intended to realise the vision of “He Whenua Rangatira – A District of Sustainable Prosperity.” It is intended to set Council directions. It also sets the aspirations for the economic and social development of the region.

The implementation of Far North 2100 was intended to be undertaken through initiatives that are grouped under five “drivers of change”:

- putting the wellbeing of the communities and people first
- promoting resilient economic growth for sustainable prosperity
- active response to climate change
- connecting people, businesses, and places
- protect the natural environment for future generations.

Highlights of progress in implementing the FN2100 drivers of change include:

- promoting resilient economic growth through the adoption of Te Rerenga - Taitokerau Northland Economic Wellbeing Pathway
- the Climate Action Policy that sets adaptation, emissions reduction and climate-related risk management objectives
- commencement of the District Wide Spatial Strategy that enables the district to take a long-term spatial view of wellbeing, infrastructure objectives and growth
- the Proposed District Plan (PDP), which has mechanisms to protect indigenous vegetation and fauna, indigenous biodiversity, and versatile soils.

FN2100 is scheduled to be reviewed in 2025.

TŪTOHUNGA / RECOMMENDATION

That Council receive the report Far North 2100 Progress Report.

TĀHUHU KŌRERO / BACKGROUND

FN2100 was adopted by Council and published in 2021. It is a strategy that is intended to realise the vision of “He Whenua Rangatira – a district of sustainable prosperity.”¹ FN2100 was the culmination of consultation with the community extending back to 2014.

For the Council, it is intended to guide the direction of land-use, infrastructure and planning, by supporting the District Plan, the Long-Term Plan, and infrastructure plans. It is also an aspirational plan for the Far North. For the *District*, it provides guidance for “investment decisions, community development and our cultural identity.”²

¹ Far North 2100.

² ibid

FN2100 incorporates three strategic objectives:

- *Communities of Care* – social and cultural prosperity
- *Growth* – promoting economic prosperity
- *Stewardship* – Promoting environmental prosperity.

The implementation of FN2100 was to be undertaken through initiatives grouped under five “drivers of change”:

- putting the wellbeing of the communities and people first
- promoting resilient economic growth for sustainable prosperity
- active response to climate change
- connecting people, businesses, and places
- protect the natural environment for future generations.

FN2100 seeks to promote the Far North around its comparative advantages. It also seeks to diversify the economy so that the region is more resilient to economic shocks. The actions in FN2100 relate to both the core business of Council – e.g. spatial planning, and advocacy for the region.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

Staff have completed a separate report to capture the progress on FN2100 (Attachment 1). For further information please refer to the full report.

Highlights of Council Actions to Support FN2100

Putting the wellbeing of the communities and people first

Council staff have developed draft social, economic, environmental and cultural wellbeing indicators³.

Te Pae o Uta is a highlight for the Council. It is a wide-ranging strategy to create enablers across staff to respond more effectively to Māori and to empower communities, working collaboratively.

Promoting resilient economic growth

Te Rerenga Taitokerau Northland Economic Wellbeing Pathway is a comprehensive evidence and strength-based strategy that encompasses the collective aspirations of the Far North. Council endorsed the strategy at its 12 October 2024 Council meeting.

Council has actively participated in the Joint Regional Economic Development Committee, which is focussed on raising economic growth in the region.

Active response to climate change

Council has adopted a Climate Action Policy that sets adaptation, emissions reduction and climate-related risk management objectives.

Sustainability guidance is integrated into the procurement policy.

Council has published 2022-2023 footprint reports for Te Taitokerau Northland and Te Hiku o Te Ika Far North District.

Council disclosed climate change impacts, risks, opportunities and key work in the 2024-2034 Long Term Plan.

Te Tai Tokerau Climate Adaptation Strategy was adopted in 2022, and a regional work programme has been established.

³ The Government has announced its intention to remove references to wellbeing from the Local Government Act 2002. This briefing does not analyse the implications of that announcement for FN2100.

Council has developed a Community Adaptation Programme and started Stage One of the programme, Community Adaptation and Planning, in the Hokianga area.

Connecting people, business and places

Council has successfully implemented the “Nothing But Net” programme to break down barriers to accessing the internet for Far North communities.

The District Wide Spatial Strategy is a planning document that will look at 30 to 50 years into the future. It is focused on how the Far North should grow and function. It looks at how settlements, or selected locations, work together and how we connect with the wider region.

A high performing transport system is important for social connections and lifting productivity. It was identified as one of the actions in FN2100. Council has developed a Programme Business Case in conjunction with key stakeholders to support an Integrated Transport Strategy.

Scheduled Review

A review of FN2100 is scheduled for 2025. The review will be undertaken by Council staff, with targeted engagement with the community. This would allow staff to make informed recommendations to Council about the prerequisites for success for a refreshed FN2100. Subject to the outcome of this review, any amendments to FN2100 would be redeveloped through a codesign process with the community.

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

There are no budgetary implications from this report.

ĀPITIHINGA / ATTACHMENTS

1. **Far North 2100 Progress Report for Council - A5060374** [↓](#) 

7.3 CHIEF EXECUTIVES REPORT - PERIOD OCTOBER - DECEMBER 2024**File Number:** A5061108**Author:** Philippa Boye, Project & Facilities Coordinator**Authoriser:** Guy Holroyd, Chief Executive Officer**TAKE PŪRONGO / PURPOSE OF THE REPORT**

The purpose of this report is to provide Elected Members with an overview of key activities across the organisation for quarter two of the 2024/2025 financial year.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

The Chief Executive's report to Council presents an overview of activities that Council undertakes.

TŪTOHUNGA / RECOMMENDATION

That Council receive the report Chief Executives Report - Period October - December 2024.

TĀHUHU KŌRERO / BACKGROUND

The Chief Executive's report to Council is attached and covers a detailed overview of progress against Council's activities.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

This Report is for information only.

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

There are no financial implications or budgetary provision needed as a result of this report.

ĀPITIHINGA / ATTACHMENTS

1. CE Report to Council - 13 February 2025 (Oct-Dec) - A5070383 [↓](#) 

7.4 MAYOR AND COUNCILLOR'S REPORTS

File Number: A5056536

Author: Marysa Maheno, Democracy Advisor

Authoriser: Aisha Huriwai, Manager - Democracy Services

TE TAKE PŪRONGO / PURPOSE OF THE REPORT

This report is a mechanism to have open communication and transparency on activities undertaken by Councillors as elected representatives.

NGĀ TŪTOHUNGA / RECOMMENDATION

That Council receive the reports submitted by Kahika-Mayor Moko Tepania, Kōwhai-Deputy Mayor Kelly Stratford and Councillors Ann Court, Hilda Halkyard-Harawira, Babe Kapa, Steve McNally and John Vujcich.

TE TĀHUHU KŌRERO / BACKGROUND

Kahika-Mayor Tepania has reintroduced Council members reports as a mechanism to have open communication and transparency on activities undertaken by Councillors as elected representatives. Members reports are compulsory for Councillors.

TE MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

Members reports are attached for information.








REASON FOR THE RECOMMENDATION

To formally receive the Mayor and Councillor reports.

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. Kahika-Mayor Moko Tepania Member Report - A5067019 [↓](#) 
2. Kowhai-Deputy Mayor Kelly Stratford Members Report - A5070990 [↓](#) 
3. Cr Ann Court Members Report - A5067024 [↓](#) 
4. Cr Hilda Halkyard-Harawira Members Report - A5070776 [↓](#) 
5. Cr Babe Kapa Members Report - A5070752 [↓](#) 
6. Cr Steve McNally Members Report - A5070779 [↓](#) 
7. Cr John Vujcich Members Report - A5061600 [↓](#) 

7.5 COUNCIL OPEN RESOLUTIONS UPDATE FEBRUARY 2025**File Number: A5056497****Author: Marysa Maheno, Democracy Advisor****Authoriser: Aisha Huriwai, Manager - Democracy Services****TAKE PŪRONGO / PURPOSE OF THE REPORT**

To provide Council with an overview of outstanding Council and the previous term Committee decisions from 1 January 2020.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Open resolutions are a mechanism to communicate progress against decisions/resolutions.
- Open resolutions are also in place for all formal elected member meetings.

TŪTOHUNGA / RECOMMENDATION

That Council receive the report Council Open Resolution Update February 2025.

1) TĀHUHU KŌRERO / BACKGROUND

Any resolution or decision from a meeting is compiled on an open resolution status report, to capture actions triggered by Council decisions. Staff provide updates on progress against tasks that are not yet completed.

The open resolution report also includes outstanding actions from previous triennium committees.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The outstanding tasks are often multi-facet projects that take longer to fully complete. Where a decision differs to the recommendation of staff there may be unintended consequences or challenges that take longer for staff to work through.

TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION.

To provide Council with an overview of outstanding Council decisions from 1 January 2020.

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.

ĀPITIHINGA / ATTACHMENTS

1. **Open Resolution Report - A5072397** [↓](#) 

8 TE WĀHANGA TŪMATAITI / PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

RECOMMENDATION		
<p>That the public be excluded from the following parts of the proceedings of this meeting.</p> <p>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:</p>		
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
8.1 - Te Raupo Road Easement	<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)(g) - the withholding of the information is necessary to maintain legal professional privilege</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
8.2 - Kaitāia Wastewater Overflow Reduction Contract Award	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
8.3 - Emergency and Resilience Works Supplier Panel - Supplier Recommendation	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p>	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
8.4 - Confirmation of Previous Minutes - Public Excluded	<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)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or</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>disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	
<p>8.5 - Council Public Excluded Open Resolutions Update February 2025</p>	<p>s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

and that the Kaiwhakawhitireo Kawiti Waetford and Community Board Chairs remain in the public excluded part of the meeting.

9 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

10 TE KAPINGA HUI / MEETING CLOSE