

AGENDA

Extraordinary 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



**Te Kaunihera
o Te Hiku o te Ika**
Far North District Council

Tuesday, 7 October 2025

Time: 10:00 AM

Council Chambers,

Memorial Ave, Kaikohe

Far North District Council
Extraordinary Council Meeting
will be held in the Council Chamber, Memorial Ave, Kaikohe on:
Tuesday 7 October 2025 at 9.00am

Te Paeroa Mahi / Order of Business

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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 confirmed 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: A5394236

Author: Amber Wihongi-Alderton, 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 25 September 2025 as 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. Council Minutes - 25 September 2025

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. |

Unconfirmed

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**MINUTES OF FAR NORTH DISTRICT COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVE, KAIKOHE
ON THURSDAY, 25 SEPTEMBER 2025 AT 10:06 AM**

- PRESENT:** Kahika - Mayor Moko Tepania, Cr Ann Court, Cr Felicity Foy, Cr Hilda Halkyard-Harawira, Cr Babe Kapa, Cr Penetaui Kleskovic, Cr Steve McNally, Cr Tāmati Rākena, Cr John Vujcich
- IN ATTENDANCE:** Chair Belinda Ward (Bay of Islands-Whangaroa Community Board), Chair Chicky Rudkin (Kaikohe-Hokianga Community Board Chair)
- STAFF PRESENT:** Jacine Warmington (GM - Strategic Relationships), Charlie Billington (GM – Corporate Services), Ruben Garcia (Acting GM – Delivery & Operations), Nicola Smith (Acting GM – Community & Engagement) , Tanya Proctor (Head of Infrastructure), Roger Ackers (GM – Policy & Planning), Rebecca Rowsell (Senior Solicitor), Margriet Veenstra (Manager – Property Information & Business Compliance), Ken Lewis (Manager – Communications & Engagement), Shayne Storey (Team Leader – Policy & Bylaws), Ken MacDonald (Chief Financial Officer), Stephen FitzHerbert (Community Board Coordinator), Leonie Wood (Team Leader – Rating Services) , Briar Macken (Manager – Strategy & Policy), Virginia Smith (Policy Advisor), Aisha Huriwai (Manager – Democracy Services), Marlema Baker (Democracy Advisor)
- STAFF ONLINE:** Amber Wihongi-Alderton (Democracy Advisor), Natasha Rmandic (Democracy Advisor), Cath Beaumont (Road Corridor Manager), Emma Healy (Chief of Staff), Gaynor Muller (Waste Minimisation & Sustainability Specialist), Fleur Beresford (Transport Customer Service Excellence Coordinator), Harley Alexander (Multimedia Strategy & Communications Advisor), Jonathan Fairclough (Manager – Property & Facilities Management), Lisa Nelson (Support Officer), Robin Rawson (Parks & Reserves Planner), Tammy Wooster (Manager – Integrated Planning), Trish Routley (Manager – Resource Consents). Maggie Thomas (EA to GM – Community & Engagement)

1 KARAKIA TIMATANGA / OPENING PRAYER

Kahika - Mayor Moko Tepania commenced the meeting with a karakia/prayer.

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

APOLOGIES

RESOLUTION 2025/112

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

That the apologies received from Cr Mate Radich & Te Hiku Community Board Chair Adele Gardner, and the apologies from Crs Ann Court and John Vujcich for early departure to attend a meeting, be accepted and a leave of absence granted.

CARRIED

Unconfirmed

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3 NGĀ TONO KŌRERO / DEPUTATION

There were no deputations for this meeting.

4 NGĀ KŌRERO A TE KAHIKA / MAYORAL ANNOUNCEMENTS

- Maramataka Māori – Ōuenuku.
- Acknowledgement of Mr Warren Pattinson who participated in raising awareness for Blue September Prostate Cancer Month and brought his hot rod into Kaikohe to support the kaupapa.
- Acknowledge the passing of Sir Tumu Te Heuheu Tukino IIIV in Ngāti Tūwharetoa.
- Acknowledge and thank Elected Members not seeking re-election:
 - Bay of Islands-Whangaroa Community Board Members:
 - Amy Slack, 3 years (1 term), Lane Ayr, 9 years (3 terms), Bruce Mills, 15 years (5 terms)
 - Kaikohe-Hokianga Community Board Members:
 - Trinity Edwards, 3 years (1 term), Harmonie Gundry, 3 years (1 term), Tanya Filia, 3 years (1 term)
 - Te Hiku Community Board Members:
 - Sheryl Bainbridge, 6 years (2 terms)
- Thanks and acknowledgement of retiring Councillor Materangatira Radich for 15 years (5 terms) of public service.

5 TE WHAKAAETANGA O NGĀ MENETI O MUA / CONFIRMATION OF PREVIOUS MINUTES**5.1 CONFIRMATION OF PREVIOUS MINUTES**

Agenda item 5.1 document number A5341408, pages 6 - 30 refers.

RESOLUTION 2025/113

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

That Council confirm the minutes of the Council meeting held 31 July 2025 and 28 August 2025 are a true and correct record.

CARRIED**6 NGĀ PŪRONGO / REPORTS****6.1 SOLID WASTE STRATEGY 2025-2050 AND WASTE MANAGEMENT AND MINIMISATION PLAN 2025-2031 - ANALYSIS OF SUBMISSION - ADOPTION**

Agenda item 6.1 document number A5333380, pages 31 - 112 refers.

RESOLUTION 2025/114

Moved: Kahika - Mayor Moko Tepania
 Seconded: Cr Penetaui Kleskovic

That Council:

- a) **approve the recommendations in the Solid Waste Strategy 2025–2050 & Waste Management and Minimisation Plan 2025–2031 Submissions Analysis Report in**

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Attachment 1 that recommends:**No changes to the draft Solid Waste Strategy 2025-2050.**

- ii) Amend line 10 of the WMMPs Introduction to rectify typographical errors to date references.
 - iii) Amend text in Initiative 1 - Table A of the WMMPs Action Plan to enable the phased implementation of a Contestable fund through a pilot programme in 2026
 - iv) Amend Table B of the WMMPs Action Plan to insert a new initiative to provide equity by committing engagement measures with community organisations that represent the Elderly, Disabled, and Rural stakeholders of the district
- b) adopt the Solid Waste Strategy 2025-2050 in Attachment 2 to this report.
 - c) adopt the Waste Management and Minimisation Plan 2025–2031 in Attachment 4 to this report that replaces the 2017 – 2023 Waste Management and Minimisation Plan.
 - d) authorise the Chief Executive to make any necessary minor drafting or presentation amendments to the Solid Waste Strategy 2025-2050 and the Waste Management and Minimisation Plan 2025–2031 to correct errors or omissions, or to reflect the decisions made by the Council prior to final publication and public release.

CARRIED**6.2 RATING RELIEF POLICY - ANALYSIS OF SUBMISSIONS AND ADOPTION OF AMENDED POLICY**

Agenda item 6.2 document number A5301273, pages 113 - 151 refers

RESOLUTION 2025/115

Moved: Cr John Vujcich

Seconded: Cr Hilda Halkyard-Harawira

That Council:

- a) approve the recommendation in the staff report on the Rating Relief Policy Analysis of Submissions in attachment 1 that no changes are made to the draft Policy
- b) adopt the Rating Relief Policy 2025 in attachment 2 under section 102 of the Local Government Act 2002.

CARRIED**6.3 REVIEW OF ALCOHOL CONTROL AREAS - PROPOSAL FOR PUBLIC CONSULTATION**

Agenda item 6.3 document number A5319418, pages 152 - 229 refers

RESOLUTION 2025/116

Moved: Cr Tāmati Rākena

Seconded: Kahika - Mayor Moko Tepania

That the Council, under section 147B of the Local Government Act 2002, approves consulting on:

- a) declaring three new permanent Alcohol Control Areas that will apply 24 hours a day, 7 days a week, all year round:

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- i) Waitangi
 - ii) Ōpua
 - iii) Lake Ngātu.
- b) amending five current permanent Alcohol Control Areas that will continue to apply 24 hours a day, 7 days a week, all year round:
- i) Kaitāia
 - ii) Kerikeri
 - iii) Waipapa
 - iv) Paihia
 - v) Kaikohe.
- c) adopts the Proposal in Attachment 3 to be released for public consultation to meet the requirements of section 82 of the Local Government Act 2002.
- d) approves the period for making written submissions on the proposal will be a minimum of 4 weeks and will take place after the local body elections.
- e) delegates authority to the Mayor to decide on the date of any oral presentation/s of submissions.
- f) authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the attached supporting documents to correct errors or omissions, or to reflect the decisions made by the Council prior to final publication and public release.

CARRIED

6.4 SIMSON PARK DOMAIN - PUBLIC CONSULTATION ON RESERVE CLASSIFICATION OF ADJOINING RESERVE AND DELEGATION FOR RESERVES ACT HEARINGS

Agenda item 6.4 document number A5338051, pages 230 – 236 refers.

RESOLUTION 2025/117

Moved: Kahika - Mayor Moko Tepania

Seconded: Cr Ann Court

That Council:

- a) approve the initiation of a public consultation process under Section 16(4) of the Reserves Act 1977 to classify Lot 35 DP 51470 as a recreation reserve.
- b) endorse the Bay of Islands-Whangaroa Community Board's decision to initiate a public consultation process under Section 41(6) the Reserves Act 1977 on the draft reserve management plan for Simson Park Domain.
- c) appoint the Bay of Islands-Whangaroa Community Board to hear any submissions received in response to the consultation process associated with the classification of Lot 35 DP 51470 and to make recommendations to the Council in respect of the Reserve Classification under section 16(1) of the Reserves Act 1977.
- d) appoint the Bay of Islands-Whangaroa Community Board to hear any submissions received in response to consultation associated with the development of a reserve management plan under section 41(6)(d) of the Reserves Act 1977.

CARRIED

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6.5 NEW GROUND LEASE TO KOHUKOHU BOWLING CLUB INCORPORATED OVER 22 BEACH ROAD, KOHUKOHU

Agenda item 6.5 document number A5342830, pages 237 - 243 refers.

RESOLUTION 2025/118

Moved: Cr John Vujcich

Seconded: Cr Hilda Halkyard-Harawira

That Council:

- a) approve a new ground lease to Kohukohu Bowling Club Incorporated, over approximately 2,555.4 square metres being Part Lot 2 DP 23934 and Pt Sec 81 Blk X Mangamuka SD, vested in Far North District Council as recreation reserve, located at 22 Beach Road, Kohukohu.
- b) approve the lease being for:
 - i. a term of 30 years (10+10+10) – allowed for under the Reserves Act 1977;
 - ii. an amount of \$124 plus GST for 2025/26, adjusted annually as per the Fees and Charges Schedule.
- c) authorise the Group Manager Delivery and Operations to negotiate the final terms and conditions of the lease and execute the lease on behalf of Council.

CARRIED*Kōwhai-Deputy Mayor Kelly Stratford joined the meeting online 10:30 am.***6.6 AMENDMENTS TO DELEGATIONS UNDER THE RESOURCE MANAGEMENT ACT 1991**

Agenda item 6.6 document number A5356626, pages 244 - 247 refers.

RESOLUTION 2025/119

Moved: Kahika - Mayor Moko Tepania

Seconded: Cr John Vujcich

That Council:

- a) approve the delegation of powers to specified staff under new and amended sections 92AA, 106A, 107G and 123B of the Resource Management Act 1991 as outlined in Attachment 1
- b) approve amendment of Council's Delegations Register to include the delegations outlined in Attachment 1, to take effect from 20 October 2025, being the day on which the amended provisions commence.

CARRIED*Kōwhai-Deputy Mayor Kelly Stratford, and Crs Felicity Foy, Hilda Halkyard-Harawira and Steve McNally did not participate the discussion and decision-making for item 6.7.*

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6.7 PROPOSED DISTRICT PLAN HEARING PANEL ELECTED MEMBER MAKE UP POST OCTOBER 2025 ELECTIONS

Agenda item 6.7 document number A5313676, pages 248 - 252 refers.

RESOLUTION 2025/120

Moved: Kahika - Mayor Moko Tepania

Seconded: Cr John Vujcich

That Council;

- a) **approves the following current elected members be re-appointed to the Proposed District Plan Hearing Panel as independent commissioners if they are not re-elected in October 2025 elections:**
- i) **Cr Felicity Foy**
 - ii) **Cr Kelly Stratford**
 - iii) **Cr Steve McNally**
 - iv) **Cr Hilda Halkyard-Harawira, and**
- b) **appoints if required one or more of the above persons to Council's Approved Commissioners with "Making Good Decisions" certification list if they are not re-elected in the October 2025 elections.**

In Favour: Kahika-Mayor Moko Tepania, Babe Kapa, Penetaui Kleskovic, Tāmati Rākena, John Vujcich.Against: Cr Ann CourtAbstained: Kōwhai-Deputy Mayor Kelly Stratford, Crs Felicity Foy, Hilda Halkyard-Harawira, and Steve McNally**CARRIED****6.8 TE KIRI WAIWAI O Papatūānuku - Whenua Māori Strategy**

Agenda item 6.8 document number A5371705, pages 253 – 291 refers.

RESOLUTION 2025/121

Moved: Kahika - Mayor Moko Tepania

Seconded: Cr Hilda Halkyard-Harawira

That Council;

- a) **approve Te Kiri Waiwai o Papatūānuku - Whenua Māori Strategy.**
- b) **delegate authority to the Chief Executive to make minor editorial corrections.**

Against: Cr Court

CARRIED**6.9 FAR NORTH TOWNS AND NAMES**

Agenda item 6.9 document number A5371729, pages 292 - 352 refers.

RESOLUTION 2025/122

Moved: Cr Tāmati Rākena

Seconded: Kahika - Mayor Moko Tepania

That Council:

- a) **approve the towns and place names for adoption by the New Zealand Geographic**

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Board.

- b) include Taipā and Mōtatau with the macronised spelling.

CARRIED

6.10 TEMPORARY ROAD CLOSURE REPORTS

Agenda item 6.10 document number A5350196, pages 353 - 365 refers.

RESOLUTION 2025/123

Moved: Kahika - Mayor Moko Tepania

Seconded: Cr John Vujcich

That pursuant to the Local Government Act 1974, section 342 and schedule 10 clause 11(e), the Council approves the temporary closure of specified roads to enable the safe operation of the following community and public events:

- a) Kerikeri Half Marathon - Saturday 22nd November 2025
- b) Kerikeri Street Party - Saturday 22nd November 2025
- c) Kaikohe Christmas Parade - Saturday 29th November 2025
- d) Paihia Christmas Parade - Friday 5th December 2025
- e) Northland Car Club Inc Car Sprints - Sunday 7th December 2025
- f) Waitangi Day 2026 - Tuesday 3rd – Friday 6th February 2026
- g) Cruzn the Bayz – Saturday 7th – Sunday 8th March 2026
- h) Mangōnuī Waterfront Festival - Saturday 28th March 2026
- i) Māngungu Treaty Commemorations 2026 - Thursday 12th February 2026
- j) Te Taenga Mai o Hōkūle'a - Friday 14th – Saturday 15th November 2025

CARRIED

Kōwhai-Deputy Mayor Kelly Stratford arrived at the meeting 11:14 am.

At 11:20am Kahika-Mayor Moko Tepania vacated the Chair, Kowhai-Deputy Mayor Kelly Stratford assumed the Chair.

Kahika-Mayor Moko Tepania returned at 11:23am and resumed the Chair.

6.10 CARRY FORWARDS FOR CAPITAL PROGRAMME 2024-25

Agenda item document number A5339513, supplementary agenda pages 6 - 28 refers.

MOTION

Moved: Cr Steve McNally

Seconded: Cr John Vujcich

That the Council

- a) approve the capital budgets identified in the report "Carry Forwards Capital Programme 2024-25" totalling \$106,578,407 be carried forward to the 2025-26 financial year, and

AMENDMENT

Moved: Cr Steve McNally

Seconded: Cr Hilda Halkyard-Harawira

- b) review all projects in carry forward budget to establish prioritised work plan and reorganise all carry forward projects to establish actual expenditure required annually.

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CARRIED

The amendment became the substantive motion.

RESOLUTION 2025/124

Moved: Kahika - Mayor Moko Tepania

Seconded: Cr John Vujcich

That Council

- a) approve the capital budgets identified in the report "Carry Forwards Capital Programme 2024-25" totalling \$106,578,407 be carried forward to the 2025-26 financial year, and
- b) review all projects in carry forward budget to establish prioritised work plan and reorganise all carry forward projects to establish actual expenditure required annually.

CARRIED

Cr Ann Court declared a conflict for item 6.11 and left the room

6.11 DISTRICT LICENSING COMMITTEE APPOINTMENTS

Agenda item document number A5312326, pages 29 - 38 refers.

RESOLUTION 2025/125

Moved: Kōwhai - Deputy Mayor Kelly Stratford

Seconded: Cr Babe Kapa

That Council:

- a) appoint Murray Clearwater as Commissioner/Chair of the District Licensing Committee;
- b) appoint John Thorne as Commissioner / Deputy Chair of the District Licensing Committee;
- c) the Committee members that become the pool from which the Chairperson/Commissioner allocates two members to attend District Licensing Committee hearings as required are Graeme Wright, Lisa McNab and Raniera Kaio.
- d) agree that the term of appointment of members of the District Licensing Committee is a period of five years.
- e) note the resignations from Martin Macpherson and Ann Court with thanks for their service.

CARRIED

Meeting adjourned at 11:45am and resumed at 12:06pm

Cr Court re-joined the meeting at 12.06pm

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7 NGĀ PŪRONGO TAIPITOPITO / INFORMATION REPORTS**7.1 ALCOHOL & REGULATORY LICENSING AUTHORITY ANNUAL REPORT 2024-2025**

Agenda item 7.1 document number A5332801, pages 366 – 382 refers.

RESOLUTION 2025/126

Moved: Cr Ann Court

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That the Council receive the report Alcohol & Regulatory Licensing Authority Annual Report 2024-2025.**CARRIED****7.2 COMMUNITY BOARD MINUTES - SEPTEMBER 2025**

Agenda item 7.2 document number A5341465, pages 383 - 408 refers.

RESOLUTION 2025/127

Moved: Kahika - Mayor Moko Tepania

Seconded: Cr John Vujcich

That Council note the following Community Board minutes:

- **2 September 2025 Te Hiku Community Board;**
- **4 September 2025 Bay of Islands-Whangaroa Community Board;**
- **5 September 2025 Kaikohe-Hokianga Community Board.**

CARRIED**7.3 COMMITTEE AND JOINT COMMITTEE MINUTES - SEPTEMBER 2025**

Agenda item 7.3 document number A5341476, pages 409 - 410 refers.

RESOLUTION 2025/128

Moved: Kahika - Mayor Moko Tepania

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That Council receive the report Committee and Joint Committee Minutes.**CARRIED****7.4 MAYOR AND COUNCILLOR'S REPORTS**

Agenda item 7.4 document number A5373088, pages 411 - 426 refers.

Cr Rākena tabled report document number A5397717

RESOLUTION 2025/129

Moved: Cr John Vujcich

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That Council note the reports submitted by Kahika Moko Tepania, Kōwhai Kelly Stratford, Cr Ann Court, Cr Hilda Halkyard-Harawira, Cr Babe Kapa and Cr John Vujcich and the report tabled by Cr Tāmati Rākena.**CARRIED**

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7.5 COUNCIL OPEN RESOLUTIONS AND ACTION POINTS UPDATE - SEPTEMBER 2025

Agenda item 7.5 document number A5341418, pages 427 - 427 refers.

RESOLUTION 2025/130

Moved: Kahika - Mayor Moko Tepania

Seconded: Cr Mate Radich

That Council receive the report Council Open Resolutions and Action Points Update September 2025.**CARRIED****8 TE WĀHANGA TŪMATAITI / PUBLIC EXCLUDED****RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION 2025/131**

Moved: Kahika - Mayor Moko Tepania

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

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 |
|---|---|--|
| 8.1 - 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 information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) | s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7 |
| 8.2 - Interim Arrangements to Manage the Transportation Services | 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 s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or | 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 |

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| | | |
|---|--|--|
| | disadvantage, negotiations (including commercial and industrial negotiations) | |
| 8.3 - Variation to Contract 7/24/27 SH12 Ōmāpere Stormwater Upgrades | 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 s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities | s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7 |
| 8.4 - Public Excluded Committee Minutes - September 2025 | s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) | s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7 |
| 8.5 - Council Public Excluded Open Resolutions September 2025 | 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 |
| 8.6 - Te Koekoeā - CCO Committee Recommendations | 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)(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 |

And that the Community Board Chairs Belinda Ward, Chicky Rudkin and Kaiwhakawhiti Reo Language Interpreter remain in the public excluded part of the meeting.

CARRIED

At the conclusion of the Public Excluded part of the meeting Council resolved as follows:

CONFIRMATION OF INFORMATION AND DECISIONS TO BE RELEASED IN PUBLIC**RESOLUTION 2025/132**

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

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Unconfirmed

Ordinary Council Meeting Minutes

25 September 2025

That Council confirms the decisions contained in the part of the meeting held with public excluded be restated in public meeting as follows:

8.2 Interim Arrangements to Manage the Transportation Services

That Council:

- a) Note that resolution 2025/64 (18 June 2025 Council meeting) to extend and vary the contractual terms with Hoskin Civil is no longer in effect due to the withdrawal of Hoskin Civil from delivering the interim Transportation Services.
- b) Note that Council’s Chief Executive subsequently engaged Stellar Projects Limited under separable portion 1 to support the provision of Transportation Services to enable the open tender process to be undertaken.
- c) Delegate authority to the Chief Executive to approve and award separable portions 2 and 3 to Stellar Projects Limited under the Interim Rooding Team Professional Services contract (PROC 916) to a total value of “redacted” to support the provision of Transportation Services as an interim solution.
- d) Note that Council will undertake an open tender process to select an appropriate external Professional Services provider for a period of 3 + 2 years to deliver Council’s Transportation Services.

8.3 Variation to Contract 7/24/27 SH12 Ōmāpere Stormwater Upgrades

That Council:

- a) increase the total value of the contract, including variations, from “redacted” to “redacted” to cover Engineer to Contract approved overspend of “redacted”, and
- b) delegate authority to the Chief Executive Officer (or nominee) to approve further spend up to “redacted” when endorsed and approved by the Engineer to Contract.

8.6 Te Koekoeā - CCO Committee Recommendations

Information and decisions relating to this item will be released in the near future, once confirmation is received from those affected.

Against: Cr Ann Court
Abstained: Cr Penetaui Kleskovic

CARRIED

9 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

Kahika - Mayor Moko Tepania closed the meeting with a karakia.

10 MEETING CLOSE

The meeting closed at 1:12pm.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 7 October 2025.

.....
CHAIRPERSON

6 NGĀ PŪRONGO / REPORTS

6.1 LAND DRAINAGE BYLAW - ANALYSIS OF SUBMISSIONS AND ADOPTION OF AMENDED BYLAW

File Number: A5391007

Author: Dan Bowmar, Policy Advisor

Authoriser: Roger Ackers, Group Manager - Planning & Policy

TAKE PŪRONGO / PURPOSE OF THE REPORT

To seek adoption of the amended Land Drainage Bylaw.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- There are four land drainage districts in the Far North, all situated in Te Hiku Ward: Kaitiāia, Motutangi, Waiharara and Kaikino.
- The Local Government Act 2002 gives Council the power to make bylaws to regulate the use and management of these drainage assets.
- On 03 October 2019 (Resolution 2019/37 refers), the Land Drainage Bylaw 2019 was made, replacing the Land Drainage Bylaw 2009.
- On 24 September 2024 (Resolution 2024/134 refers), the Land Drainage Bylaw 2019 was reviewed by Council under Section 158 of the Local Government Act 2002 and Council approved the Land Drainage Bylaw 2019 to continue with amendment.
- Section 160 (3)(a) of the Local Government Act 2002 requires that Council consult with the public when amending a bylaw.
- On 31 July 2025 (Resolution 2025/91 refers), Council approved the proposed Land Drainage Bylaw to be released for public consultation to meet the requirements of section 82 of the Local Government Act 2002.
- The consultation was open for a period of four weeks, from 05 August 2025 to 02 September 2025.
- The Te Hiku Community Board considered this report at their meeting held 30 September 2025 and resolved to leave the report to lie on the table, with the following recommendations to Council¹:
Te Hiku Community Board request consideration that the updated Land Drainage maps, and a list of drains, be escalated to Council for inclusion in the District Plan, and;
Council staff develop a process for written approvals, required under the Bylaw, including recording of all decisions from Council.
- Staff are actively considering the feedback provided from Te Hiku Community Board. In the interim, approval of the bylaw is recommended based on the following rationale.
 - i. updated maps can be added to the schedules of the bylaw by resolution post adoption of the bylaw.
 - ii. the development of processes and procedures that guide and direct Council operational staff are completed as part of the implementation of the bylaw.
 - iii. while submissions to the Proposed District Plan have been received on the land drainage areas and heard by the Proposed District Plan Hearings Panel, there is no certainty at this stage of the process as to whether new rules will be introduced into the Plan, either through the Hearing Panel recommendations or an appeal. Due to this uncertainty no timeframe can be given as to having the matter regulated under the RMA if that is Council's

¹ At the time of writing this report the minutes of the Te Hiku Community Board meeting had not been confirmed.

preference. It may also be determined that a separate plan change is required, which will take significant time plus we would have to demonstrate it's more appropriate to regulate under the RMA. It is also not certain, given government direction, that Council will be able to undertake a plan change.

TŪTOHUNGA / RECOMMENDATION

That Council:

- a) **approve the recommendation in the staff report in attachment 1 that:**
 - i. **clause 9.1 is amended to improve certainty and clarity;**
- b) **adopt the amended Land Drainage Bylaw in attachment 3 and its schedule in attachment 4 under section 145 and section 146(b)(iv) of the Local Government Act 2002, Part 29 of the Local Government Act 1974, the Land Drainage Act 1908, and every other enabling power and authority.**
- c) **Staff report to the Te Hiku Community Board on the implementation of the Bylaw.**
- d) **Staff explore the inclusion of land drainage areas and rules via a District Plan.**

1) TĀHUHU KŌRERO / BACKGROUND

- There are four land drainage districts in the Far North, all situated in Te Hiku Ward: Kaitāia, Motutangi, Waiharara and Kaikino
- The Local Government Act 2002 gives Council the power to make bylaws to regulate the use and management of these drainage assets
- On 03 October 2019 (Resolution 2019/37 refers), the Land Drainage Bylaw 2019 was made, replacing the Land Drainage Bylaw 2009
- On 24 September 2024 (Resolution 2024/134 refers), the Land Drainage Bylaw 2019 was reviewed by Council under Section 158 of the Local Government Act 2002 and Council approved the Land Drainage Bylaw 2019 to continue with amendment
- Section 160 (3)(a) of the Local Government Act 2002 requires that Council consult with the public when amending a bylaw
- On 08 July 2025 (Resolution 2025/65 refers), Te Hiku Community Board recommended to Council to approve the draft proposal to be released for public consultation to meet the requirements of section 82 of the Local Government Act 2002
- On 31 July 2025 (Resolution 2025/91 refers), Council approved the proposed Land Drainage Bylaw to be released for public consultation to meet the requirements of section 82 of the Local Government Act 2002
- From 05 August to 02 September 2025, the consultation was open for a period of four weeks.
- On 30 September 2025 Te Hiku Community Board reviewed the draft amended Land Drainage Bylaw and left it to lie on the table.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Below is a summary of the submissions received. A full analysis of submissions is in attachment 1.

Support for the proposed Bylaw

Thirty-four written submissions were received online and via email:

- 22 submitters (65%) supported the proposed Bylaw – 10 gave full support (30%) while 12 supported the Bylaw in part (35%)
- 8 did not support the Bylaw (24%)
- 4 were unsure (12%)

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

- Support for the principles and values of the proposed Bylaw (expressed through Te Rūnanga o Te Rarawa's submission).
- The proposed amendments provided clearer responsibilities, improved enforcement roles, and gave greater clarity for citizens and agents to help avoid disputes and misinterpretation (5 submissions).
- Proposed amendments reflect changes to legislation (2 submissions).
- Proposed amendments enhance Council's ability to protect wetland and drainage areas (1 submission).
- The proposed Bylaw protects the productivity of rural land (1 submission).
- The draft Bylaw protects wetlands, drainage areas and rural land as flooding is becoming more frequent due to climate change, with the amendments being overdue. (3 submissions).

Concerns and queries:**1. General concerns regarding the amended Bylaw**

- The current Bylaw is already sufficient (1 submission)
- The proposed Bylaw does not fairly reflect the realities of farming operations (1 submission)
- Drainage impacting on areas of natural wetlands (4 submissions)

2. Concerns about Council's role

- Council's role in implementing the amended Bylaw (11 submissions)
- Contractor oversight and maintenance standards (2 submissions)
- Timeliness and responsiveness of Council (1 submission)
- Transparency, practicality, and ratepayer confidence (1 submission)
- Accountability and use of targeted rates (1 submission)
- Lack of respect for Drainage Committees (2 submissions)
- Council action and inaction leading to flooding and blockage issues (5 submissions)

3. Māori and Treaty Matters

- Te Tiriti o Waitangi obligations and iwi engagement (3 submissions)
- Cultural practices and customary land use (1 submission)
- Support for the proposed Bylaw with conditions for implementation (expressed through Te Rūnanga o Te Rarawa's submission)
- Equity and cost-sharing for Māori land blocks (1 submission)

4. Requests for clarification of the draft Bylaw

- Bylaw enforceability and legal clarity (3 submissions)
- Rating boundaries and equity (1 submission)
- FNDC processes for written approvals (1 submission)

Feedback on specific clauses in the Bylaw:

In addition to the general positive feedback and concerns summarised above, submitters commented or made suggestions on twelve of the clauses and also on the Schedules in the draft Bylaw. This feedback is analysed in Attachment 1. The analysis resulted in one recommendation by Council staff to amend a clause to improve certainty and clarity:

1. Amendment to Clause 9. Removal of Obstructions

- Clause 9.1 states “The Council may require the removal of any growth or other obstruction that is or is likely to obstruct the free flow of any water in any watercourse - and in default thereof Council may do the work required and recover the cost thereof from such owner or owners.”
- Staff recommend the following note be added to explain the circumstances under which a resource or building consent is required:

In addition to any consent required under this Bylaw, a resource consent under the Resource Management Act 1991 or a building consent under the Building Act 2004 may be necessary for any works undertaken under clauses 6 to 15 of this Bylaw. Further advice should be sought to any works involved any discharge to water, excavations or landfill or the construction of structures.

COMPLIANCE WITH SECTION 155 OF THE LOCAL GOVERNMENT ACT**1) Bylaw is the most appropriate way to address the problem**

A bylaw is still the most appropriate way of addressing the problems of Land Drainage. Amendment to clause 9.1 of the Bylaw will make it more certain (clear).

2) Form of the Bylaw

If the recommended changes are agreed to, Council staff advise that the amended Land Drainage 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 civil and political rights that may only be subject to reasonable limits that can be demonstrably justified in a free and democratic society.

The rights or freedoms under the Bill of Rights Act potentially affected by the Bylaw are likely to be:

1. the rights to freedom of movement in relation to the restriction of access to the land drainage channels for people, vehicles and stock.
2. the right to be secure against unreasonable search or seizure, whether of the person, property, or correspondence or otherwise

Limitations on these rights must be no more than is reasonably necessary to achieve the purpose of the Bylaw. The Bylaw limits these rights only to the extent that they create a danger to health and safety or a nuisance to others or the public generally.

The proposed amended bylaw may give rise to implications for the right to be secure against unreasonable search or seizure, whether of the person, property, or correspondence or otherwise (section 21 of the New Zealand Bill of Rights Act 1990). This is because the bylaw gives the Council powers to enter private land to inspect parts of the drainage system. However, the bylaw provisions are fully within the scope of powers the Council already has under sections 171 to 174 of the Local Government Act 2002 and section 332 of the Resource Management Act 1991. Therefore, the bylaw provisions will be reasonable limits on the rights in the New Zealand Bill of Rights Act 1990.

Therefore, the Bylaw does not raise any implications under and is not inconsistent with the Bill of Rights because any limitations of rights are justified.

IMPLEMENTATION PLAN

Next steps will include:

- Continued implementation of land drainage asset inspection
 - Continued implementation of land drainage asset maintenance
 - Continued implementation of compliance management as required, including the development of procedures, processes, forms and education of staff on the enforcement of the Land Drainage Bylaw
 - Research and planning into and creation of accurate schedules including:
 - Maps illustrating the boundaries of Land Drainage Areas in the Far North District
 - Maps illustrating the targeted rating areas in the Far North District
 - Maps of each Land Drainage Compartment with accompanying tables which show the length of drainage in each land drainage compartment (e.g., Puckeys Outfall Compartment)
 - Maps illustrating the flow of stormwater flowing into each drainage area in the Far North District
 - Maps that illustrate the area of the Kaimaumau Reserve and other Outstanding natural Landscapes as identified by the Department of Conservation
 - New schedules are to be adopted by Council resolution as they are developed by the Infrastructure team
 - Continued development of the relationship between Council, through the Infrastructure Team and:
 - The Land Drainage Board
 - The Land Drainage Committees
 - Iwi and hapu
 - Landowners within drainage rated areas
 - Department of Conservation
 - Northern Regional Council
- to ensure:
- Appropriate consultation on land drainage matters
 - Appropriate cultural perspective on land drainage matters
 - Appropriate respect be given to those that live the practical implications of land drainage in the Far North District
 - Accuracy of mapping and data on land drainage assets
 - Maintenance is being consistently and appropriately undertaken
 - Council support community engagement and education around land drainage assets
 - Enhanced interagency coordination of land drainage assets
 - Monitoring and evaluation of environmental outcomes in the Far North District.

TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

The amended Land Drainage 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 bylaw is the most appropriate way to address the problem; and
- The bylaw is an appropriate form of bylaw; and
- 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.

ĀPITIHINGA / ATTACHMENTS

1. **Analysis of Submissions - Land Drainage Bylaw - September 2025 - A5351375** [↓](#) 
2. **Tracked Changes for Land Drainage Bylaw - September 2025 - A5351371** [↓](#) 
3. **Final Land Drainage Bylaw - September 2025 - A5351373** [↓](#) 
4. **Final Schedule 1 Land Drainage Maps - Land Drainage Bylaw - September 2025 - A5351393** [↓](#) 

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 continue the Land Drainage Bylaw with amendment will have little effect on the financial thresholds, ratepayers, specific demographics, or levels of service. The recommendation 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. | <ul style="list-style-type: none"> • Land Drainage Bylaw 2019 • Local Government Act 2002 • New Zealand Bill of Rights Act 1990 • Far North District Council – Te Pae Ata – Three-Year Long-Term Plan 2024-2027 (Section 7 – Wai Ua me Hapuwai Stormwater and Drainage) • Land Drainage Act 1908 • Interpretation Act 1999 • Legislation Act 2019 • Resource Management Act 1991 |
| State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought. | This issue has relevance within Te Hiku Ward. Engagement has been undertaken with Te Hiku Community Board to further understand the issues and problems relating to Land Drainage. On 08 July 2025 (Resolution 2025/65 refers), Te Hiku Community Board recommended to Council to approve the draft proposal to be released for public consultation to meet the requirements of section 82 of the Local Government Act 2002. |
| 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. | Engagement with iwi and hapū occurred through submissions from representatives of Te Wānanga o Te Rangi Aniwaniwa, Te Rūnanga o Te Rarawa and Te Hiku to ensure appropriate amendments are made to the Bylaw. Māori are kaitiaki of the land and are therefore an important voice in issues of Land Drainage. |

| | |
|--|--|
| State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi. | |
| 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>All interested parties were given an opportunity to share their views and preferences including:</p> <ul style="list-style-type: none"> • Te Hiku Community Board • Land Drainage Board • Land Drainage Committees • affected landowners • Infrastructure and Compliance Group subject matter experts • Iwi and hapū. • Forest and Bird • DOC |
| 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. | The Chief Financial Officer has not reviewed this report. |



Te Kaunihera
o Te Hiku o te Ika
Far North District Council

HE ARA TĀMATA
CREATING GREAT PLACES
Supporting our people

Analysis of Submissions

Land Drainage Bylaw

September 2025

1 Background

There are four land drainage districts in the Far North, all situated in Te Hiku Ward: Kaitāia, Motutangi, Waiharara and Kaikino. The Local Government Act 2002 gives Council the power to make bylaws to regulate the use and management of these drainage assets.

On 03 October 2019 (Resolution 2019/37 refers), the Land Drainage Bylaw 2019 was made, replacing the Land Drainage Bylaw 2009.

On 24 September 2024 (Resolution 2024/134 refers), the Land Drainage Bylaw 2019 was reviewed by Council under Section 158 of the Local Government Act 2002 and Council approved the Land Drainage Bylaw 2019 continuing with amendment.

Section 160(3)(a) of the Local Government Act 2002 requires that Council consult with the public when amending a bylaw.

On 08 July 2025 (Resolution 2025/65 refers), Te Hiku Community Board recommended that Council approve the draft proposal in attachment 4 to be released for public consultation to meet the requirements of section 82 of the Local Government Act 2002.

On 31 July 2025 (Resolution 2025/91 refers), Council approved the proposed Land Drainage Bylaw to be released for public consultation to meet the requirements of section 82 of the Local Government Act 2002.

From 05 August to 02 September (a four-week period), consultation was open to receive written submissions.

This report analyses the submissions and makes recommendations for amendments to the Land Drainage 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.

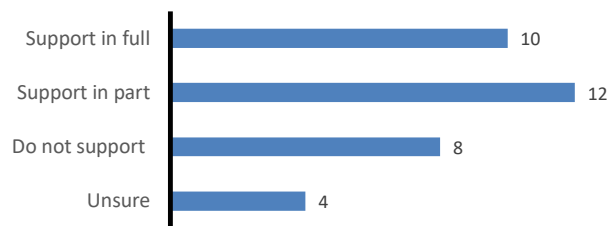
Council staff from the following teams contributed to the analysis of the submissions:

- Strategy and Policy
- Infrastructure
- Compliance
- Legal Services.

2 Summary of submissions

Thirty-four written submissions were received (27 online and 7 by email). The chart below shows the level of support for the proposed Bylaw among the written submissions:

Figure 1 – Level of support for the amended the Land Drainage Bylaw



Base: n=34 written submissions

In total:

- 65% of written submissions fully or partly supported the amended Bylaw (22 submissions)
- 35% did not support or were unsure (14 submissions).

No verbal submissions were received by Council.

3 General feedback

3.1 General support for the amended Bylaw

Submissions received

Ten submissions fully supported the amended Land Drainage Bylaw (submissions 1, 4, 5, 6, 7, 8, 13, 15, 16, 21), and twelve submissions partly supported the amended Land Drainage Bylaw (submissions 9, 14, 20, 23, 24, 26, 27, 28, 30, 31, 32, 33).

Reasons for supporting the amended Bylaw

Support the Bylaw in principle

Submission 28 expressed support for the Bylaw in principle, “Te Runanga o Te Rarawa supports the kaupapa of protecting our water and drainage networks as water management is critical to our collective wellbeing.”

Support for the amendments to the Bylaw

Several submissions said that the amendments provided clearer responsibilities, improved enforcement roles, and gave greater clarity for citizens and agents to help avoid disputes and misinterpretation.

Submission 28 commented, “It defines who is responsible for maintenance, repairs, and obstruction removal. This avoids disputes between mana whenua, neighbours or with council.”

Submission 28 also stated, “Having a clear Bylaw makes it easier for responsible landowners to comply. It protects them from being unfairly lumped with those doing things the wrong way.”

This was backed up by Submission 7 who said, “Clarifying authorised agents is good.”

As did Submission 8 who responded, “I like the added clarification the amendments provide - no room for misinterpretation.”

Submissions 4 and 5 commented that all amendments made sense and the Bylaw looks suitable.

Amendments reflect changes to legislation

Submission 6 stated, “The amendments appear to be clarifying the role of the enforcement officer and updating the plan to include the 2019 regulations.”

Submission 21 supported the Bylaw as, “The amendment updates to more recent legislation and refers to authorised persons.”

Protection of wetland and drainage areas

The updated Bylaw was also praised for enhancing council’s ability to protect wetland and drainage areas.

Submission 16 stated, “Increased ability for council operatives to maintain protection of wetland and drainage areas [are] good for all.”

Protection of rural land

Submission 32 supported the Bylaw as it is, “Critical for farm production, horticulture etc. and brings in the revenue for the month. Important to keep productivity on rural land.”

Drainage action overdue

Submission 1 commented, “Drainage action is long overdue in the Far North- but other areas in the mid North could also benefit from some attention. We live in the Awanui flood plain- so appreciate the efforts to keep drains, culverts and floodgates clear in the north.”

Submission 13 and 15 discussed flooding. They suggested that flooding is becoming more frequent due to climate change and needs constant updates and that the amended Bylaw would improve water control and stop flooding.

Staff analysis

The submissions provided general support for the amended Land Drainage Bylaw, acknowledging improvements in clarity regarding responsibilities, enforcement, and compliance, with several contributors highlighting the fairness, necessity, and sense of the proposed amendments. Submitters mentioned that the amended Bylaw protects wetlands, drainage areas and rural land, with the amendments being overdue.

Staff recommendation

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

3.2 General concerns about the amended Bylaw

Submissions received

Five of the submissions received did not support the amended Bylaw, and four submitters were unsure whether they were in support.

Reasons for concerns

Existing Bylaw is sufficient

Submission 3 believed that the existing Bylaw is already sufficient.

Concern Bylaw does not fairly reflect the realities of farming operations

Submission 33 supported the continuation of the Land Drainage Bylaw but believed several amendments and clarifications are urgently required before adoption. “The Bylaw in its current form does not fairly reflect the realities of farming operations or the responsibilities of FNDC as managers of the drainage schemes.”

Concerns re wetlands

Several submitters were concerned about drainage impacting on areas of natural wetlands.

Submission 29: “Drainage needs to have consideration of necessary wetlands as storage of CO2. At present it looks as if drainage is there to keep the flood prone land dry as pastures.”

Submission 18 and 19 both commented that they are not very familiar with the area, where the land drainage is presently applied. However, they strongly requested refraining from any draining of natural wetlands, which are “extremely important ecological features to reduce climate change.”

Submission 22 points out that whatever work is carried out in the Motutangi Drainage area, has a direct impact on the endangered Kaimaumau Wetlands. The Kaimaumau wetlands is a critical wetland as it is the only one like it in the world and is vital to the ecology of the native wildlife and endangered plants

An extensive submission was received from Forest and Bird (Submission 24). The key issues they raised were:

- Wetland Degradation: Over 90% of NZ wetlands have been lost; Kaimaumau is one of the few remaining large freshwater wetlands.
- Legal Non-Compliance: The Motutangi Drainage District overlaps with the Kaimaumau wetland reserve, managed by DOC.
- Drainage activities in this area are likely prohibited under the National Environmental Standards for Freshwater (Regulations 52 & 53).
- The area is also regulated under the Far North District Council's Operative and Proposed District Plans.

They state that wetlands in the Far North has ecological significance:

- third largest freshwater wetland in the North Island at 4183.7 hectares.
- Holds significant biodiversity:
 - Habitat for at least 14 threatened plant species and 9 threatened fauna, including bittern, fernbird, Northland green gecko, and black mudfish.
 - Contains rare and endemic wetland vegetation types and orchid assemblages.
- Landscape Status: Classified as an Outstanding Natural Landscape in both District Plans.
- International Importance: Under consideration for RAMSAR status.

Forest and Bird request amendments to clause 4.3 of the Bylaw: and the maps in the Bylaw Schedule.

Staff analysis

Eight submissions expressed either opposition or uncertainty toward the amended Bylaw, with one submitter considering the existing Bylaw sufficient.

The amendments to the Bylaw are aimed to protect water flow and prevent flooding or environmental degradation. However, there are mixed views on whether the amendments will protect the wetlands or not. Several submissions raised strong concerns about the ecological importance of protecting natural wetlands from drainage due to their role in carbon storage and climate change mitigation, including an extensive submission from the Royal Forest and Bird Society.

Other comments above are supportive. Rural land in the drainage areas is seen as a productive asset.

The protection of the wetlands is the responsibility of NRC who have issued consents for the drainage channels.

Staff recommendation

Strengthening clause 4.3 of the Bylaw and amending drainage district mapping will be looked at further in section 4.

Council staff recommend that through implementation of the Bylaw, Council enhance interagency coordination of land drainage assets:

- Establish formal consultation protocols with the Department of Conservation (DOC) for any proposed drainage activities near or within protected reserves.
- Coordinate with the Northland Regional Council to ensure consistency in resource consent processes and enforcement.

Council staff also recommend that Council support community engagement and education around land drainage assets:

- Provide clear guidance to landowners and stakeholders on the implications of the Bylaw and national regulations.

- Promote awareness of the ecological and cultural significance of the Kaimaumau wetland, including its potential RAMSAR status.

Council staff recommend that Council work with the Land Drainage Board and Committees, other drainage rated land owners, iwi and Hapu, NRC, and DOC to monitor and evaluate environmental outcomes in the Far North District

- Implement a monitoring framework to assess the impact of drainage activities on wetland health and biodiversity.
- Use this data to inform future policy updates and ensure compliance with national and international conservation standards.

3.3 Concerns about Council's role regarding the amended Bylaw

Submissions received

Concerns regarding Council's role

Several submitters voiced concerns over Council's role in implementing the amended Bylaw (submissions 2, 10, 11, 12, 13, 14, 17, 28, 30, 32, and 33).

Submission 28 suggests that council discretion can feel opaque, stating that "Council "may impose such conditions as it thinks fit" in multiple clauses. This open-ended discretion could feel arbitrary or inconsistent without clear guidelines or communication."

Submission 2 doubts the decisions made by Council as they have corrupt councillors who use these things to their own advantages and will do whatever they want regardless. They also suggest conflict of interest with people on the drainage committee.

Submission 28 advocates for clarity and flexibility. They, "seek that Council exercises its powers in a way that recognises responsible landowners, rural realities, and cultural values."

Contractor oversight and maintenance standards

Submission 11 finds Council, "incapable of remedial works," and sees, "capital from ratepayers is wasted on an overstaffed council wages and salaries."

Submission 30 highlights serious deficiencies in the ongoing maintenance of the Okohine Stream, pointing to:

- Poor timing of operations, such as spraying during high tide, which leads to ineffective treatment and environmental runoff
- Incomplete work, resulting in blocked drains
- Excessive costs, including machine work necessitated by a failed spray programme and instances of machine cleaning being billed at double the stated price
- Ineffectiveness, with outcomes such as overgrowth and erosion persisting despite interventions.

These issues reflect a lack of contractor accountability, quality control, and strategic planning in maintenance operations. To improve these issues, they recommend that Council:

- Implement a twice-yearly automatic spraying programme
- Require formal approval of work programmes and contractors
- Introduce a sign-off process to confirm that work has been completed to an acceptable standard.

Timeliness and responsiveness of Council

Submission 14 expressed concern about the practicality of relying on FNDC to address drainage issues in a timely manner. It notes that some repairs are urgent and pose safety risks and that Council should adopt a proactive approach to drainage management rather than reactive or delayed responses.

This submission underscores the need for operational agility and local responsiveness, particularly in rural or high-risk areas.

Transparency, practicality, and ratepayer confidence

Submission 33 supports the necessity of a Land Drainage Bylaw but stresses that it must be:

- Enforceable, with clear mechanisms for compliance
- Transparent, especially in how targeted rates are used and how decisions are made
- Practical, recognising the realities of farming and rural land management.

This submitter criticised the presentation of the draft Bylaw to the public without adequate mapping or clarification, describing it as sloppy and burdensome for ratepayers. The expectation is that Council staff should deliver a clear, workable, and implementation-ready Bylaw, not one that requires the public to identify and resolve gaps themselves.

Respect for Drainage Committees

Both Submission 30 and Submission 33 emphasized the critical role of local Drainage Committees in managing water infrastructure.

Submission 30 highlights that these committees contribute voluntary, farm-specific expertise, and should be treated as partners in decision-making.

Submission 33 notes that despite their decades of experience, Drainage Committees' input is often overlooked or disregarded, leading to decisions that may not reflect local realities or priorities.

The submitter recommends that Council formally integrate Drainage Committees into the Bylaw's governance framework, particularly in contractor oversight and work planning and prioritization.

Ensure that committee advice is respected and acted upon, not sidelined, thereby reinforcing community trust and leveraging local knowledge for more effective infrastructure management.

Council action and inaction leading to flooding and blockage issues

Further submissions raise concerns over Council's action or inaction resulting in flooding and drainage asset blockage issues.

Submission 12 questions why landowners are subject to a Bylaw when councils have failed to maintain drains and rivers, criticises ongoing inaction despite repeated feedback, and calls for FNDC to be held accountable rather than shifting responsibility onto landowners.

They also express Wells Road residents' frustration that blocked culverts and obstructions in the river are causing persistent flooding, large puddles, and encroachment onto the roadside. Drainage assets require maintenance, and in some instances, replacement.

Submission 10 states that the river in Victoria Valley regularly floods and that landowners get no assistance to clear debris out of the river.

Residents of Valley Hall and Pamapurua, noted that willows originally planted and maintained by council are now dying and blocking the river, combined with pine debris from upstream, causing flooding into nearby homes. They stress that clearing the river requires heavy machinery beyond farmers' capacity and urgently request assistance.

Submission 17 says that for years, flooding on Broadwood Awarua Road near the Herekino one-lane bridge and further towards Roma Road from Kaitaia has made access impossible, yet FNDC has long been aware of the issue and taken no action.

Submission 13 has commented that because of the new NRC flood maps, houses that were safe but near a river are now in flood zone. They ask if anything can be done to help the affected homeowners who can no longer sell their houses.

Submission 32 opposes the Bylaw if it can be used by FNDC to ensure the Drainage Area continues to operate as they have done in the past.

Staff analysis

The submissions collectively call for:

- Enhanced accountability in the use of targeted rates
- Improved contractor management through clear standards and local oversight
- Formal recognition and integration of Drainage Committees in decision-making processes.

Implementing these recommendations would strengthen the governance of drainage infrastructure, improve service delivery, and ensure that public funds are used effectively and equitably.

Council staff are aware that the implementation of a maintenance programme has been an issue in the past. Council staff have been advised that a spraying and maintenance programme that includes all FNDC-managed drainage assets is being carried out currently. The Land Drainage Committees and Te Hiku Board have acknowledged that this is currently being implemented and are monitoring progress to ensure that continues to be done appropriately over time.

Staff acknowledge the decades of experience and knowledge of the local Drainage Committees and their role in managing water infrastructure. They have been consulted throughout the Bylaw review process and input from those with roles within the Drainage Committees are represented in the feedback received via submissions as part of this consultation process. This feedback is appreciated and respected.

The amendments to the Bylaw are aimed to protect water flow and prevent flooding or environmental degradation.

Decisions on targeted rates and the use of targeted rates is not part of the scope of this Bylaw. This should be dealt with through the RMA, annual plan and operational plan.

Infrastructure are responsible for carrying out the maintenance plan for land drainage. Staff advise that this has been reestablished this year in consultation with the Te Hiku Community Board, Drainage Committees, and drainage rated land owners. The amendments to the Bylaw are aimed to protect water flow and prevent flooding or environmental degradation.

Staff advise that most of the concerns raised in this section are related to operational issues and are issues with the implementation of the Bylaw, rather than the wording of the Bylaw itself.

Staff recommendation

Staff recommends that Te Hiku Community Board, the Drainage Board and Committees, drainage rated land owners, iwi, hapu, and DOC, be informed of any actions being taken in the implementation of the Bylaw to ensure an inclusive and collaborative approach.

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

3.4 Māori and Te Tiriti matters

Submissions received

Submissions 25–28 collectively call for a transformative and culturally responsive approach to land drainage governance. Embedding Te Tiriti principles, protecting customary rights, and ensuring equity and ecological integrity are essential to building a modern, inclusive, and sustainable drainage system. Incorporating these recommendations would enhance the Bylaw's legitimacy and strengthen relationships between Council and tangata whenua.

Te Tiriti o Waitangi obligations and iwi engagement

Submissions 26 and 27 strongly advocate for the embedding of Te Tiriti o Waitangi obligations in all aspects of drainage governance. Key recommendations include:

- Iwi as decision-making partners: Amendments must ensure that mana whenua are engaged from the outset and at all levels of planning, implementation, and review.
- Respect for mātauranga Māori: Submission 26 calls for the recognition of Māori knowledge systems in drainage design and ecological restoration.
- Collaborative governance: Submission 27 emphasizes the need for robust and open consultation with iwi to ensure sustainable outcomes for whānau, whenua, and te taiao.

Submission 25 expresses concern that these principles are not reflected in the review document, and urges the Council to explicitly incorporate the following into the Bylaw:

- Te Tiriti obligations and Iwi engagement
- Fish-passage compliance
- Wetland protection and nature-based solutions
- Fair cost-sharing for Māori land blocks

Cultural practices and customary land use

Submission 28 raises concerns about potential conflicts between the draft Bylaw and Māori cultural practices:

- Cultural planting and taonga species (e.g., mahinga kai) near waterways may be unintentionally restricted under current Bylaw provisions.
- Customary land use rights and historical entitlements are not acknowledged, particularly for Māori landowners modifying land around drains.

To address these issues, Submission 28 recommends:

- Cultural use provisions: Explicit protections for culturally significant plantings and land features.
- Regular engagement: Annual dialogue with iwi, hapū, and landowners to ensure the Bylaw remains responsive and transparent.

Support for the Bylaw with conditions

Te Rūnanga o Te Rarawa (Submission 28) supports the intent of the Bylaw—particularly the protection of water and drainage networks—but stresses that implementation must:

- Recognize responsible landowners
- Reflect rural realities
- Respect cultural values and practices
- This reflects a desire for a collaborative and flexible framework, rather than a rigid or punitive approach.

Equity and Cost-Sharing for Māori Land Blocks

Submission 26 highlights the disproportionate drainage rates faced by Māori landowners due to historic land alienation and collective ownership structures. It recommends:

- Fairer cost-sharing mechanisms
- Subsidised rates or targeted financial support to prevent undue compliance burdens.

Staff analysis

The concerns regarding potential conflicts with cultural practices highlight the need for the Bylaw to be sensitive to cultural values, particularly where land and water management intersect with tikanga Māori and kaitiakitanga (guardianship).

It is important in the implementation of the Bylaw to ensure compliance is culturally appropriate and strengthen relationships between Council and tangata whenua.

Decisions of which property is rated and how much is outside the scope of the Bylaw whose aim is to inform the properties that are within the drainage rated areas. Ratings are set by the Finance team through the Annual Plan.

Staff recommendation

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

However, staff recommend that local iwi and hapu be informed of any actions being taken in the implementation of the Bylaw to ensure an inclusive and collaborative approach.

The key actions of recognising and protecting culturally significant land uses, ensuring customary rights are not unintentionally infringed, and establishing ongoing dialogue with Māori communities to support shared water management goals, will also be carried out during the implementation of this Bylaw.

3.5 Requests for Clarification

Submissions received

Bylaw Enforceability and Legal Clarity

Submissions 31, 32 and 33 raise concerns about the enforceability of the proposed Land Drainage Bylaw and the lack of clarity around FNDC's internal responsibilities:

Submission 31 questioned whether the Bylaw is enforceable by FNDC, who within FNDC would be responsible for enforcement, and whether a legal opinion exists to confirm its enforceability and weight if challenged.

Submission 32 sought clarification that the Bylaw can be used and enforced within the land drainage areas identified in the maps.

Submission 33 reiterated the need for clarity on enforcement responsibilities and asks whether FNDC has obtained legal advice confirming the Bylaw's enforceability. It also raised concerns about potential liability for risks (e.g., fire, pest, erosion) arising from mandatory ungrazed buffer zones.

They recommend that FNDC should provide a clear legal opinion on the enforceability of the Bylaw. The Bylaw should explicitly identify which FNDC roles or departments are responsible for enforcement and FNDC should clarify its liability position regarding unintended consequences of mandated land management practices.

Rating Boundaries and Equity

Submission 31 highlighted inconsistencies in the rating boundaries within the Kaitaia area. Some properties are rated outside the mapped boundaries, while others within the boundaries are not rated.

The submission calls for a review of rating categories and per-hectare charges, suggesting this be aligned with the ongoing review of the Management Plan. They recommend that Council conduct a comprehensive review of land drainage area boundaries, particularly in Kaitaia to reassess rating categories and charges to ensure fairness and alignment with actual service delivery.

Council should integrate this review with the Management Plan currently in progress to ensure consistency and transparency.

FNDC Processes for Written Approvals

Submission 31 raises concerns about the lack of a defined process for obtaining written approvals required under the Bylaw.

The submission notes that no current process exists, and questions who within FNDC is responsible for managing approvals. It calls for the Bylaw to include a clear, documented process for:

Submitting applications.

- Making decisions.
- Recording changes to drainage areas.
- Reference is made to Clause 7.2, which applies to private drains, but the concern extends to broader approval requirements.

The submitter recommends that Council should embed a transparent and accessible approval process within the Bylaw, including:

- Defined roles and responsibilities

- Timeframes for decision-making
- Documentation and publication of all approvals and changes.

This process should apply consistently across all approval types, not just private drains.

Submission 33 raises the question that while the draft Bylaw requires written approvals for various activities, it does not specify how these approvals are to be obtained. This lack of clarity risks undermining the enforceability and fairness of the Bylaw.

They recommend introducing a transparent application process that includes:

- Defined timeframes for decision-making
- Clear fee structures
- Explicit decision rights
- A requirement for FNDC to document and publish all approvals and changes.

This would ensure consistency, accountability, and accessibility for affected landowners.

Need for Embedded Application Pathways

Submission 31 supports the above by explicitly stating that a process to apply for written approvals should be part of the Bylaw. This reinforces the need for procedural clarity and integration within the legislative framework itself, rather than relying on external or ad hoc mechanisms.

Concerns About Administrative Burden

Submission 28 expresses concern that requiring written Council consent for every private drain connection, crossing, or alteration could impose excessive red tape, particularly for long-standing rural landowners who have historically managed their land responsibly.

They recommend introducing streamlined consent processes for:

- Small-scale works
- Low-risk properties.

This would help balance the need for regulatory oversight with the practical realities of rural land management, reducing unnecessary administrative burden while maintaining environmental and infrastructural safeguards.

Staff analysis

Legal Clarity

The submissions collectively call for:

- Legal and procedural clarity regarding the Bylaw's enforceability and FNDC's internal responsibilities
- Equitable rating practices, supported by accurate mapping and transparent categorisation
- A formalised approval process that is clear, consistent, and documented.

Addressing these concerns will improve the Bylaw's credibility, ensure fair treatment of ratepayers, and support effective implementation by FNDC.

Staff advises that this confusion relates to a fundamental misunderstanding of the purpose of the Land Drainage Bylaw. The purpose of the Bylaw as set out in clause 4.1 is to regulate land drainage assets within the land drainage areas. Although it puts landowners on notice that other regulatory provisions in the RMA and Building Act may apply (at clauses 4.3 and 19 for example) it does not have anything to do with consenting under either of those statutory provisions.

In relation to land drainage the power of the Bylaw, as set out in section 146(1)(b)(iv) of the Local Government Act 2002, is managing, regulating and protecting the use of land, structures and infrastructure associated with land drainage.

In the Bylaw, as per the definition in clause 5.1, the ‘Council’ means the Far North District Council wherever it occurs.

FNDC processes for written approvals

The prohibition on drainage works without Council consent in clause 7.1 does not refer to either resource or building consent, but to the consent of Council as the authority responsible for the drainage channels affected by those connections. Consents under the RMA or the Building Act are dealt with by the appropriate authorities outside of the Bylaw and may or may not be required depending on the nature and extent of the physical works. It would be beyond the scope of an explanatory note to explain the circumstances under which a resource or building consent might be required. However, it may be useful to add a note to clause 9.1 that simply states:

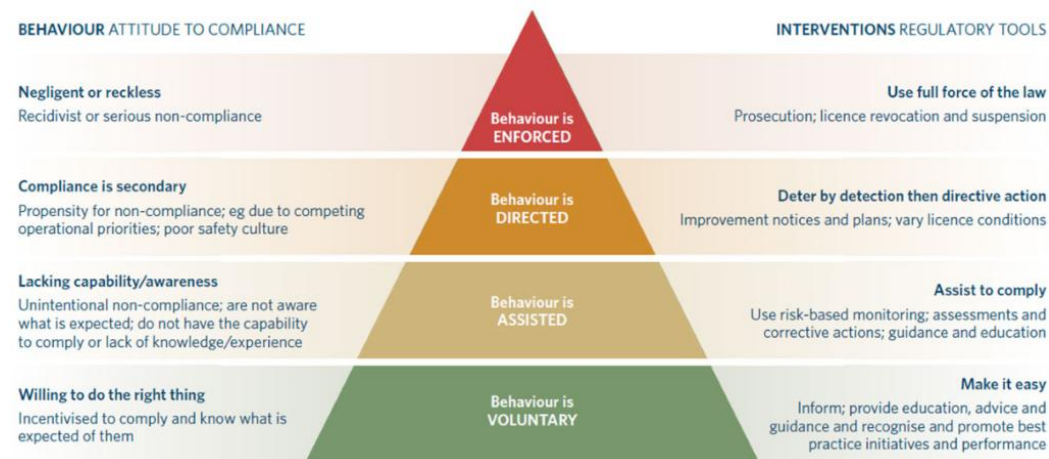
“In addition to any consent required under this Bylaw, a resource consent under the Resource Management Act 1991 or a building consent under the Building Act 2004 may be necessary for any works undertaken under clauses 6 to 15 of this Bylaw. Further advice should be sought to any works involved any discharge to water, excavations or landfill or the construction of structures.”

Bylaw enforceability

Staff advise that Council call upon the monitoring team when they experience compliance issues that require enforcement. This Bylaw is intended to address these issues.

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

Figure2 – 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.

Rating boundaries and equity

Although ratings boundaries will be shown on maps within the schedules of the Bylaw, ratings areas are established under the RMA. As these ratings areas are updated through the RMA, they will be consequently updated on the maps within the Bylaw Schedules.

6.2 UTU WHAKAWHANAKE DEVELOPMENT CONTRIBUTIONS POLICY - ANALYSIS OF SUBMISSIONS - ADOPTION OF POLICY

File Number: A5347004

Author: Virginia Smith, Policy Advisor

Authoriser: Roger Ackers, Group Manager - Planning & Policy

TAKE PŪRONGO / PURPOSE OF THE REPORT

To adopt the Utu Whakawhanake Development Contributions Policy 2025.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Council must have a policy on development contributions under section 102 of the Local Government Act 2002.
- On 16 December 2021 Council resolved to develop a new Development Contributions Policy.²
- On 31 July 2025 Council adopted the draft Utu Whakawhanake Development Contributions Policy 2025 for public consultation.³
- Public consultation was completed between 1 August 2025 and 31 August 2025.
- Staff have completed an analysis of the 257 submissions received and are recommending three changes to the draft Utu Whakawhanake Development Contributions Policy 2025, and a recommendation for public understanding consideration.
- This report provides an overview of the Submission Analysis Report and recommendations found in Attachment 1.
- Council has now fulfilled its statutory consultation requirements and may proceed to decide whether to adopt the Utu Whakawhanake Development Contributions Policy 2025 (Attachment 2).

TŪTOHUNGA / RECOMMENDATION

That Council:

- a) **Approves the recommendations in the Utu Whakawhanake Development Contributions Policy 2025 Submissions Analysis Report in Attachment 1 that recommends:**
 - i) **Replace the text in Part F, Clause 32.3 to clearly articulate that the exemption for Māori land is land status based.**
 - ii) **Amend Part G, Clause 34.4 to clarify that exemptions for housing developments on Māori land support the principals of Te Ture Whenua Maori Act 1993.**
 - iii) **Include wording to Part H, Clause 40.3.c to provide certainty and increase transparency about collected development contributions.**

² Far North District Council. (24 February 2022). Confirmation of Previous Meeting Minutes held on 16 December 2021. *Resolution 2021/76 on the Reintroduction of Development Contributions in the Far North District in Alignment with the 2024-34 Long Term Plan*. [Council Meeting minutes]. Far North District Council. [Infocouncil](#)

³ Far North District Council. (28 August 2025). Confirmation of Previous Meeting Minutes held on 31 July 2025. *Resolution 2025/94 on the Development Contributions Policy Statement of Proposal*. [Council Meeting minutes]. Far North District Council. [Infocouncil](#)

- iv) **Delaying the commencement of the Utu Whakawhanake Development Contributions Policy 2025 to 1 July 2026 in response to submissions and this analysis.**
- b) **Adopts the Utu Whakawhanake Development Contributions Policy 2025 in Attachment 2 to this report.**
- c) **Resolves to delay the commencement date of the Utu Whakawhanake Development Contributions Policy 2025 to 1 July 2026.**
- d) **Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the Utu Whakawhanake Development Contributions Policy 2025 to correct errors or omissions, or to reflect the decisions made by the Council prior to final publication and public release.**

1) TĀHUHU KŌRERO / BACKGROUND

Under section 102 of the Local Government Act 2002 (LGA), Council must have a policy on development or financial contributions.

On 31 July 2025, Council was presented with the draft Utu Whakawhanake Development Contributions Policy 2025 (Policy) for public consultation consideration. The agenda report⁴ detailed the timeline and events that delayed the development of the Policy between now and when Council resolved to make a new Policy at its meeting held on 16 December 2021⁵.

On 31 July 2025, Council adopted the Statement of Proposal for the draft Policy with public consultation completed between 1 August 2025 and 31 August 2025.

This report presents an overview of the Utu Whakawhanake Development Contributions Policy 2025 submission analysis, found in Attachment 1 and corresponding amendments and recommendations for Council to adopt the amended Utu Whakawhanake Development Contributions Policy 2025 with delayed commencement date of 1 July 2025.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Council received 257 written submissions on the draft Policy during the public consultation period between 1 August 2025 and 31 August 2025. A summary of submissions is provided below. The full analysis of submissions is in Attachment 1.

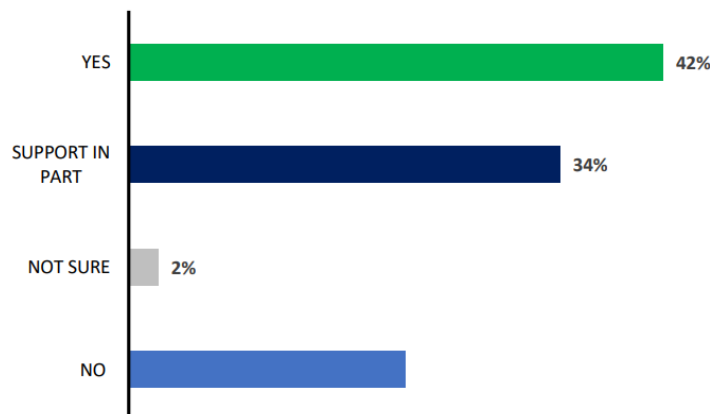
Summary of submissions received

- 108 submitters answered “Yes” that they supported the draft Policy,
- 87 respondents supporting “In part” and
- 56 submitters replied “No” they did not support the draft Policy, with
- 6 submitters selecting the “Not sure” option.

⁴ Far North District Council. (31 July 2025). *Agenda report item 6.6 on Development Contributions Policy Statement of Proposal*. [Council Meeting minutes]. Far North District Council. [Infocouncil](#)

⁵ Far North District Council. (24 February 2022). *Confirmation of Previous Meeting Minutes held on 16 December 2021. Resolution 2021/76 on the Reintroduction of Development Contributions in the Far North District in Alignment with the 2024-34 Long Term Plan*. [Council Meeting minutes]. Far North District Council. [Infocouncil](#)

Figure 1: Support for the proposed Utu Whakawhanake Development Contributions Policy



Base: 257 submissions

Trend 1: Support for development contributions as Fair

Support for development contributions as a fair mechanism is strongly reflected across submissions, with 142 submitters emphasising that developers should bear the primary responsibility for funding the growth-related infrastructure their projects necessitate, rather than existing ratepayers.

The report recommends that no changes be made to the draft Policy in response to submissions made on this theme.

Trend 2: Opposition due to increased costs and development deterrent

66 submitters highlight concerns that DCs will increase housing, business, and development costs, with fears that this will further dampen an already 'soft' building growth market in the Far North.

Specifics include potential reductions in overall supply, cost burdens for first-home or family developers, regional competitiveness, and equity impacts for rural dwellers receiving limited services.

52 of the 66 submitters recommended a range of mitigations to address the concerns raised about increased costs and development deterrent.

Analysis of the submitter recommendations found that they were either already addressed in the draft Policy, out of the Policy's scope, or not compliant with the requirements of the LGA at this time.

The report recommends that no changes be made to the draft Policy in response to submissions made on this theme.

Trend 3: Exemptions for Māori land and papakāinga developments

21 submitters explicitly support the exemption, with 31 strongly opposing the exemptions for Māori land.

Supporters of the exemption view it as essential for advancing Māori housing aspirations, with emphasis that the exemption is based on land status and how it supports intergenerational wellbeing.

Those opposed to the exemption argue that it is unfair and with some claiming it to be discrimination. Others believed that it risks community division and could be challenged legally if not clearly justified by the land's legal status. Three submitters provided a recommendation to reduce DCs for housing on Māori land to 50% through remissions, as they were concerned with the potential revenue loss that could occur from accumulative developments and overall demand on infrastructure.

The report recommended two changes to Part F, Clause 32.2 and Part G, Clause 34.4 as a result of the feedback. The changes aim to enhance public understanding and mitigate risk of legal and reputational challenge, by more clearly articulating that the exemption is land status based, and reflective of statutory principles.

Trend 4: Geographic Equity – spending and catchment ring-fencing

15 submissions request confirmation that DC funds are spent in the area they are collected.

Although the Policy does in fact do this, through its Schedule of Assets, the report concurs that there is no specific provision to provide the public with certainty.

The report recommends amending clause 40.3.c of the Policy to include a provision that guarantees funds collected in the catchment area will only be spent on infrastructure capital projects for the corresponding service and catchment.

Trend 5: Transitional and ‘grandfathering’ assurances requested

31 submitters spoke about previously paying for development contributions prior to the 2015 Development Contributions Policy and sought assurances that they would not be charged again under the Development Contributions Policy.

7 of the 31 submitters specifically requesting delayed implementation or protection for projects planned before the adoption and commencement of the Policy.

The Policy includes ‘credits’ to prevent double charging for those who have already paid. Delaying the Policy’s start date is suggested as a simple way to give developers advance notice and encourage them to submit applications before new fees apply.

A delayed commencement date was assessed as part of the analysis (Attachment 1) for its impact on Council’s Financial Strategy, Revenue and Financing Policy and by default the Long Term Plan (as these documents form part of it). It was found that:

- the Revenue and Financing Policy and Financial Strategy must explicitly provide for DCs under section 101A and 103 of the LGA; and
- section 104(4) determines that an amendment to the Revenue and Financing Policy will require a section 83 LGA special consultation process.

Staff then considered Policy effectiveness and efficiency within this scope and found that delaying the commencement of the Policy until 1 July 2026 to align with the Annual Plan (AP) review is the most cost effective and efficient option.

Commencing the Policy on 1 July 2026 aligns the Policy with the AP review cycle, allows time for more information and planning in response to central government’s development levy regime, the Waters CCO, helps address concerns such as ‘cost shock’ and provides time to educate the public about DCs.

The report recommends delaying commencement of the proposed Policy to **1 July 2026** in response to submissions and this analysis.

Trend 6: Clarity of Policy wording and calculations

19 submitters directly referenced policy wording, ease of understanding, need for examples and or an online calculator to improve Policy clarity, and public comprehension.

The report acknowledges the concerns raised by submitters who found the Policy overly lengthy and difficult to interpret. While the statutory requirements necessitate a high level of detail and technical content, introducing an online calculator, as suggested by submitters and in use by other councils, along with practical scenario examples would address most of the accessibility and comprehension challenges identified in the feedback.

The report recommends no changes to the proposed Policy in response to submissions made on this theme. The report does recommend Council invest in an online calculator to assist developers to understand their DC obligation under the Policy in response to these submissions

Trend 7: Exemption or remission for non-profit and charitable organisations

1 submitter has requested exemptions or remissions for these organisations. Unfortunately, exemptions must be consulted on before they can be included into the Policy. Where Council wishes to advance strategic community objectives, such as supporting non-profit or charitable initiatives, these can and should be achieved through distinct, transparent mechanisms (e.g., offsetting or direct grants or partnership agreements) rather than through difficult to measure remissions of DCs. (Part D, Clause 25.1.b) Staff recommendation Council staff recommend no changes to the draft Policy.

The report recommends that no changes be made to the draft Policy in response to submissions made on this theme.

Options

| Option | Advantages | Disadvantages |
|---|---|---|
| 1. Status quo (Keep the Development Contributions Policy 2015) | <ul style="list-style-type: none"> No additional resource commitment or change. | <ul style="list-style-type: none"> Does not align with Councils previous decisions Growth infrastructure will continue to be paid by ratepayers Will not be seen as a good use of Council resources. |
| 2. Adopt the amended Policy in Attachment 2 (Recommended option) | <ul style="list-style-type: none"> Is supported by most of the submissions received during consultation Is more equitable that considers intergenerational fairness Provides the District with a more sustainable funding mechanism Aligns with Council's strategic documents, objectives and directions Provides DC revenue certainty for Council's future financial forecasting Provides strong indicators to developers and ratepayers Aligns with Councils previous decisions. | <ul style="list-style-type: none"> Does not remedy all of submitters concerns raised during consultation Could result in a loss of DC revenue. |
| 3. Make further amendments to the Policy | <ul style="list-style-type: none"> Provides an opportunity to further consider and engage with various submitters to investigate and check achievability of their suggestions. | <ul style="list-style-type: none"> Will delay collection of DCs Potential confusion and uncertainty for staff, public, and stakeholders Risk of misaligning related programmes and funding across Council's decisions. |

Staff recommend Option 2 – Adopt the amended Policy in Attachment 2.

TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

The recommendation is option 2 because it reflects clear support from submitters, demonstrating public confidence in the Policy's fairness and its capacity to distribute growth infrastructure costs more appropriately between developers and ratepayers.

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

Adopting the Utu Whakawhanake Development Contributions Policy 2025 will create a new revenue for the Far North District Council through development contribution fees, with minimal additional costs due to existing operational capacity and budget provisions. Initial and ongoing costs are already covered, due to current systems and operational capacity.

Any future resource needs, such as an online calculator or increased staffing, will be considered through the Annual Plan process.

Overall, the Policy is fiscally responsible, operationally feasible, and will align with Council's strategic financial plans, policies and direction.

ĀPITIHINGA / ATTACHMENTS

1. **Attachment 1 Utu Whakawhanake Development Contributions Policy 2025 Analysis of Submissions - A5351484** [↓](#) 
2. **Attachment 2 Utu Whakawhanake - Development Contributions Policy 2025 FINAL - A5351488** [↓](#) 
3. **Attachment 3 tracked changes Draft Utu Whakawhanake - Development Contributions Policy 2025 - A5351486** [↓](#) 

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 Policy has been assessed under the Significance and Engagement Policy as Medium significance. Public consultation is considered appropriate to inform Council's decision making. It has been through a section 83 public consultation process. |
| 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 FN 2100 Te Pae Tata – Three Year Long Term Plan 2024-2027 Infrastructure Strategy Te Pātukurea – Kerikeri Waipapa Spatial Plan Financial policies of Council. |
| 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, so the views of 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. | Seeking the views and input of Hapū/Iwi in the development of policy is integral, and Māori have been given an opportunity to contribute during the consultation stage of the draft Utu Whakawhanake – Development Contributions Policy 2025 proposal. |
| 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). | Interested and affected parties include but are not limited to developers and ratepayers. |
| State the financial implications and where budgetary provisions have been made to support this decision. | From relevant Policy implementation team budgets. LTP. |
| Chief Financial Officer review. | The Chief Financial Officer has not reviewed this report. |

7 NGĀ PŪRONGO TAIPITOPITO / INFORMATION REPORTS

7.1 TE PAE O UTA - ANNUAL REVIEW

File Number: A5389582

Author: Jacine Warmington, Group Manager - Strategic Relationships

Authoriser: Guy Holroyd, Chief Executive Officer

TAKE PŪRONGO / PURPOSE OF THE REPORT

The purpose of this report is to provide Council with an overview of the year's performance against the Te Pae o Uta - Te Ao Māori Framework. It evaluates progress made since adoption and implementation, measures outcomes achieved, and highlights areas where further development is required.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Te Pae o Uta was formally adopted by Council in September 2023, alongside the adoption of the Te Reo and Tikanga Policy. This signalled a clear commitment towards embedding Te Ao Māori into the Council's operations, governance, and service delivery.
- The implementation phase commenced on **1 July 2024**, with the framework becoming the guiding mechanism for advancing Māori outcomes across the organisation. This report provides the first comprehensive assessment of progress, outlining achievements, challenges, and future priorities in strengthening cultural responsiveness and delivering on the aspirations of Te Pae o Uta.
- To further strengthen the relationship with FNDC, Pou Herenga Tai Twin Coast Cycle Trail Trust have embraced the opportunity to use the Te Pae o Uta framework and set their six goals to be achieved in this financial year 2025-2026.

TŪTOHUNGA / RECOMMENDATION

That Council:

- a) receive the report "Te Kaunihera o Te Hiku o te Ika – Key Performance Report: Ka tae ki Te Pae o Uta"**
- b) receive the Pou Herenga Tai Twin Coast Cycle Trail Trust six Te Pae o Uta goals.**

TĀHUHU KŌRERO / BACKGROUND

The Far North District Council (FNDC) adopted the Te Pae o Uta Framework in the Council hui (resolution 2023/8 dated 7 September 2023). The overall principles for council in respect of the Te Pae o Uta are to:

- **Recognise** He Whakaputanga o te Rangatiratanga o Nu Tirenī (Declaration of Independence) and Te Tiriti o Waitangi (Te Tiriti o Waitangi) as the founding covenants of Te Tai Tokerau and Aotearoa respectively;
- **Acknowledge** the importance of relationships both tangible and intangible e.g. Ngā Atua, Whenua, Mauri ō Te Wai, Taiao (Oranga Taiao, Oranga Tangata);
- **Focus** on the pursuit of excellence in the Te Ao Māori space;
- **Ensure** that valuing Te Ao Māori requires staff to understand key Māori concepts and practices;
- **Uphold** kōrero tuku iho at FNDC by recognising Iwi and Hapū kōrero.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

1. Key Performance Report

This Key Performance Report provides a comprehensive overview of how Te Pae o Uta is being embedded across Council. The report demonstrates performance against 161 goals, highlights significant achievements, outlines partnerships with iwi and hapū, and shows how Te Pae o Uta aligns with the Long-Term Plan and Council's strategic priorities. The report also identifies challenges and areas for improvement, reports on resourcing and investment, and sets the direction for 2026 and beyond. The report covers the following:

- Progress and impact achieved through Te Pae o Uta
- Building cultural capability and strengthening partnerships
- Departmental performance and organisational highlights
- Resources invested and priorities for the next phase

2. Pou Herenga Tai Trust

Pou Herenga Tai (Twin Coast Cycle Trail) has a service level agreement with Far North District Council. The Twin Coast Cycle Trail, one of New Zealand's 22 Ngā Haerenga Great Rides, is a key contributor to regional development in the Far North. Pou Herenga Tai is committed to ensuring Māori participation in the development and future management of the trail. Kaimahi from Pou Herenga Tai have successfully completed Te Pae o Waho Level 1 to improve their cultural capability within their organisation. The trust has developed their Te Pae o Uta goals for the period 1 July 2025-30 June 2026. Please see below:

This financial year 2026 Statement of Performance outlines the strategic goals and measurable actions for the Pou Herenga Tai - Twin Coast Cycle Trail Charitable Trust (PHTTCCT) in alignment with Te Pae o Uta and the Far North District Council (FNDC).

The purpose of this paper is to provide the FNDC Māori Te Pae o Uta team with a clear view of the Trust's intended outcomes and performance metrics for the upcoming financial year.

The strategic intent of PHTTCCT is to uphold the trail's bicultural, historic, and scenic identity as the one Great Ride in Northland/Te Tai Tokerau, while strengthening its relationship with FNDC through visible action and partnership with tangata whenua.

| Goals | Actions | Metrics |
|---|--|--|
| Tū Kotahi – Strengthen Hapū and Iwi Participation | <ul style="list-style-type: none"> - Recognise the mana whenua representation of the trust. - Formalise Hapū and Iwi engagement protocols for trail development and maintenance. - Investigate integration of Iwi Hapū Environmental Management Plans into trail planning, with engagement of mana whenua | <ul style="list-style-type: none"> - Allow them to lead engagement in their rohe, or support trail trust and other trustees. - Number of formal hapū/iwi signed. - Inclusion of environmental plans in trail development documents. |

| | | |
|--|---|---|
| | <ul style="list-style-type: none"> representatives on the Trust as first priority. - Review engagement policies to include mana whenua, marae, and hapū resourcing and consultation. | <ul style="list-style-type: none"> - Annual review of engagement policy completed. |
| Whanake Tahī – Build Cultural Capability | <ul style="list-style-type: none"> - Deliver Te Ao Māori orientation for all trail staff and contractors. - Install bilingual signage and cultural interpretation panels. - Promote Te Reo Māori – o te kāinga in trail communications and events. | <ul style="list-style-type: none"> - Number of mana whenua marae partnerships formed. - % of contracts awarded to Māori providers. - % of Māori owned business in the official partner’s programme. - Number of rangatahi engaged in trail-related roles. |
| Kōkiri Tahī – Empower Māori Communities | <ul style="list-style-type: none"> - Partner with whānau, mana whenua, marae for tourism, events and trail activations. - Support and develop Māori tourism business and development. - Prioritise Māori businesses in procurement and service delivery. - Support rangatahi employment and leadership through the trail initiatives. | <ul style="list-style-type: none"> - Number of mana whenua and marae partnerships formed. - % of contracts awarded to Māori providers. - % of Māori owned business in the official partner’s programme. - Number of rangatahi engaged in trail-related roles. |

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

Activities are undertaken within existing group budgets, a full overview will be provided in the Key Performance Report.

ĀPITIHINGA / ATTACHMENTS

1. Te Pae o Uta Annual Review - 2025

8 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

9 TE KAPINGA HUI / MEETING CLOSE