

**MINUTES OF FAR NORTH DISTRICT COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE
ON WEDNESDAY, 26 FEBRUARY 2020 AT 10.01 AM**

PRESENT: Mayor John Carter (HWTM), Cr Ann Court, Cr David Clendon, Cr Dave Collard, Cr Felicity Foy, Cr Mate Radich, Cr Rachel Smith, Cr Kelly Stratford, Cr Moko Tepania, Cr John Vujcich

IN ATTENDANCE: Mike Edmonds (Kaikohe-Hokianga Community Board Chairperson), Adele Gardner (Te Hiku Community Board Chairperson), Belinda Ward (Bay of Islands-Whangaroa Community Board), Louis Toorenborg (Kaikohe-Hokianga Community Board Member), Frank Owen (Bay of Islands-Whangaroa Community Board Member)

STAFF PRESENT: Shaun Clarke (Chief Executive Officer), Andy Finch (General Manager Infrastructure and Asset Management), Dean Myburgh (General Manager District Services), William J Taylor, MBE (General Manager Corporate Services), Darrell Sargent (General Manager Strategic Planning and Policy)

1 PRAYER

Cr Stratford commenced the meeting with a prayer.

2 APOLOGIES AND DECLARATIONS OF INTEREST

Cr Stratford declared a perceived conflict regarding Agenda Item 6.6: Te Hononga Hundertwasser Kawakawa Square Loan.

Cr Smith declared a conflict regarding Supplementary Public Excluded Agenda Item 8.5: Contract Negotiation with CBEC Regarding Swimming Pools Operations and Maintenance Contract and signalled she would withdraw from the meeting for that item.

3 MAYORAL ANNOUNCEMENTS

- THE MAYOR EXPLAINED THAT HE HAD APPOINTED DEPUTY MAYOR COURT TO THE EXECUTIVE REVIEW COMMITTEE AND AS CHAIRPERSON, UNDER HIS MAYORAL POWERS (*CLAUSE 3, S41A LGA 2002*)
- THE MAYOR ADVISED THAT LOCAL GOVERNMENT NEW ZEALAND HAVE RECENTLY INITIATED THEIR REMIT PROCESS AND FOR MEMBERS TO BE MINDFUL OF POTENTIAL REMITS FOR DEVELOPMENT.

4 DEPUTATIONS

1. Andrew Riddell and Jane Banfield from SeaChange – Advocating for Single Transferable Voting instead of First Past the Post.
2. John Tilton – Raised concerns with freedom campers and sought Council's assistance to monitor freedom camping and enforce existing bylaws.

5 MAYORAL ANNOUNCEMENTS CONTINUED

- Dog pound and animal welfare concerns from the community – The Mayor thanked member of the public Leoni Exel for her feedback.
- Thanked staff for their work on working on solutions to help solve the water shortages throughout the district.
- Thanked the public for their continued efforts to conserve water consumption.

- Shared that his vehicle had been damaged recently.
- Had received a lovely home made card and biscuits from Lilah Smith.
- Announced that there would be an extraordinary Council meeting held on 10 March to adopt the Annual Plan Consultation document and discuss a report for Te Pu o te Wheke, and an additional extraordinary meeting 3 March to consider the items presented to this meeting under supplementary agenda, except for the item listed in the next section of these minutes.

4 MAJOR ITEMS NOT ON THE AGENDA

RESOLUTION 2020/1

Moved: Mayor John Carter

Seconded: Cr John Vujcich

That Council:

- a) resolves to consider the item Contract Negotiation with CBEC regarding Swimming Pools Operations and Maintenance Contract
- b) not on the agenda as a notice of motion was planned as CBEC signed the contract wishing to renegotiate the provisions of the bond.
- c) Cannot be delayed because the time period for the provision of the bond will expire prior to Council's next meeting, unless Council accepts or varies the bond.

That Council:

- a) resolves to consider the item Emergency Drought Response
- b) not on the agenda due to the extreme circumstances arising from the drought, this report seek \$2m dollars over and above the PGF funding,
- c) cannot be delayed because an urgent decision is required so that we can effectively manage the drought response.

CARRIED

5 CONFIRMATION OF PREVIOUS MINUTES

5.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 5.1 document number A2848581, pages 12 - 30 refers.

RESOLUTION 2020/2

Moved: Mayor John Carter

Seconded: Cr John Vujcich

That Council confirms the minutes of the Council meeting held 19 December 2019 as a true and correct record with the following amendments;

1. Page 5, Item 6.2 Appointment of Elected Members on behalf of Far North District Council;
*"That Council confirm the following appointments;
Mayoral Taskfor for Jobs – Cr Smith and Cr Tepania in a job-sharing role".*
2. Page 10, Resolution to Adjourn meeting moved by Mayor Carter and Cr Court be removed.

3. Page 10, Item 8.1 an amendment was moved by Cr Smith and seconded by Cr Tepania that was then carried

“That Council;

a) appoint Cr Ann Court as Chair of the District Licensing Committee

b) appoint Cr Kelly Stratford as Deputy Chair of the District Licensing Committee

and

c) the remaining committee members become the pool from which the Chairperson allocates 2 members to attend the District Licensing Committee hearings as required.

.CARRIED

6 REPORTS

6.1 ADDITIONAL CAPITAL CARRY FORWARDS - JUNE 2019

Agenda item 6.1 document number A2843027, pages 31 - 36 refers.

RESOLUTION 2020/3

Moved: Mayor John Carter

Seconded: Cr Moko Tepania

That Council;

a) approve the additional capital budgets for Water of \$250,749.12 and Wastewater of \$301,812.35 as identified in the attachment “Water and Wastewater Projects CFWD 2018_2019”; and

b) approve the amount totalling \$552,561.47 be carried forward from 2018/19 to the 2019/20 financial year to enable the completion of these projects.

CARRIED

6.2 ADOPTION OF PROPOSED FEES AND CHARGES FOR 2020/21 FOR CONSULTATION

Agenda item 6.2 document number A2845020, pages 37 - 79 refers.

During discussion the meeting requested the minutes include the following notes:

- a) That the dog after-hours impounding fee will be clarified to show the fee will include the relevant impounding fee, with an addition for after hours service.
- b) Paihia Village Green Fees are set by Focus Paihia
- c) The removal of fees for overdue library books is for youth and children only.

RESOLUTION 2020/4

Moved: Mayor John Carter

Seconded: Cr Kelly Stratford

That Council adopt the Statement of Proposal and the Proposed Schedule of Fees and Charges for 2020/21 and proceed to public consultation.

CARRIED

Councillors Foy and Stratford recorded their votes against the motion.

6.3 ADDITIONAL APPOINTMENT OF WARD COUNCILLOR TO BAY OF ISLANDS-WHANGAROA COMMUNITY BOARD AND KAIKOHE-HOKIANGA COMMUNITY BOARD

Agenda item 6.3 document number A2822989, pages 80 - 82 refers

RESOLUTION 2020/5

Moved: Cr John Vujcich

Seconded: Mayor John Carter

That the Council

- a) appoint Councillor Rachel Smith as a member of the Bay of Islands-Whangaroa Community Board.**
- b) appoint Councillor Moko Tepania as a member of the Kaikohe-Hokianga Community Board.**

.CARRIED

Deputy Mayor Court, Councillors Smith and Stratford recorded their votes against the motion.

6.4 FINANCIAL DELEGATION TO THE CEO

Agenda item 6.4 document number A2845834, pages 83 - 84 refers

RESOLUTION 2020/6

Moved: Deputy Mayor Ann Court

Seconded: Cr Kelly Stratford

That Council increase the financial delegation to the Chief Executive Officer from \$500,000 to \$1,000,000 with immediate effect for items that are already within the Long Term Plan and within budget.

CARRIED

Councillor Vujcich recorded his vote against the motion.

6.5 TERMS OF REFERENCE FOR THE EXECUTIVE REVIEW COMMITTEE - DELEGATED AUTHORITY TO PROCURE INDEPENDENT PROFESSIONAL SERVICES

Agenda item 6.5 document number A2850439, pages 85 - 90 refers

RESOLUTION 2020/7

Moved: Cr John Vujcich

Seconded: Cr Ann Court

That Council authorise the Executive Review Committee to procure professional services to the value of \$15,000 in any single procurement. Any single procurement above \$15,000 will require a recommendation to Council from the Committee.

CARRIED

6.6 TE HONONGA HUNDERTWASSER KAWAKAWA SQUARE LOAN

Agenda item 6.6 document number A2843103, pages 91 - 94 refers

RESOLUTION 2020/8

Moved: Cr Kelly Stratford
Seconded: Mayor John Carter

That Council;

- a) rescind the previous resolution – item 1.12a) made in May 2018, to loan the Hundertwasser Park Charitable Trust \$160,000 and instead;
- b) approve the deduction of up to \$160,000 from the dividend due from Far North Holdings, based on the 30 June 2020 financial results, for the development of a Town Square/Atea in Kawakawa on the 'old library' site.

CARRIED

Councillor Stratford left the meeting at 12:09 pm and returned at 12:13 pm.

6.7 DELIBERATIONS HOUHORA HEADS MOTOR CAMP LEASE

Agenda item 6.7 document number A2827687, pages 95 - 99 refers

RESOLUTION 2020/9

Moved: Cr John Vujcich
Seconded: Mayor John Carter

That:

- a) Council, subject to S54 of the Reserves Act 1977 grants a lease on Lot 1 & 2 DP 402482 Identifier 408100, to the current lessee Houhora Heads Motor Camp Limited and that the term of the leases shall be:
 - Initial Term: 21 years
 - Right of Renewal: One further term of 21 years
- b) Council authorises the General Manager Infrastructure & Asset Management to negotiate final terms and conditions for such lease, which shall be on industry practise commercial terms, at market rent and in accordance with Council policy #5020 - Council-Owned Campgrounds.
- c) an additional clause be added to the lease agreement, stating that no further temporary living places (structures), as referred to in the Camping Grounds Regulations Act 1985, shall be erected without landlord approval, which shall not be unreasonably withheld.
- d) Council transfers ownership of its remaining improvements to the lessee for \$1.00 and writes off the book value against retained earnings.
- e) Far North District Council, in its role as administering body of the Houhora Heads recreation reserve and as the delegate for the Minister of Conservation, subject to the provisions of the Reserves Act 1977, grants and consents to a new lease of the Houhora Heads recreation reserve being Lot 1 & 2 DP 402482, Identifier 408100 and comprising approximately 6.38ha of land to Houhora Heads Motor Camp Limited
- f) that the term of the lease shall be:
 - i) Term: 21 years plus one Right of Renewal of 21 years
 - ii) Area: Approximately 6.38ha being Lot 1 & 2 DP 402482 - Identifier 408100 as

highlighted on the aerial plan attached as Attachment 2.

- iii) **Further Terms & Conditions: standard industry practise commercial terms, at market rent to be determined by valuation.**

CARRIED

Meeting adjourned at 12:14 pm and resumed at 12:50 pm.

Cr Kelly Stratford left the meeting at 12:52 pm, and returned at 1:00 pm.

7.0 INFORMATION REPORTS

7.1 LEVEL OF SERVICE KPI QUARTER 1 AND 2 PERFORMANCE REPORT

Agenda item 7.1 document number A2850402, pages 102 - 120 refers

RESOLUTION 2020/10

Moved: Mayor John Carter

Seconded: Deputy Mayor Ann Court

That the Council receive the report Level of Service KPI Quarter 1 and 2 Performance Report .

CARRIED

7.2 BUILDING CONSENT AUTHORITY ACCREDITATION

Agenda item 7.2 document number A2850421, pages 121 - 122 refers

RESOLUTION 2020/11

Moved: Cr John Vujcich

Seconded: Mayor John Carter

That the Council receive and read the report Building Consent Authority Accreditation.

CARRIED

8.0 MAJOR ITEM NOT ON THE AGENDA

8.1 EMERGENCY DROUGHT RESPONSE

Supplementary agenda item 1.1 document number A2848071, pages 5 - 7 refers

MOTION

Moved: Cr John Vujcich

Seconded: Cr Dave Collard

That Council:

- a) Authorise the Chief Executive Officer to take necessary actions to support communities in the provision of water; and
- b) Approve additional budget of up to \$2,000,000, over and above the \$2,000,000 from Provincial Growth Fund funds, to enable the Chief Executive Officer to provide necessary support and secure water supplies across the District.

AMENDMENT

Moved: Cr Rachel Smith

Seconded: Cr Kelly Stratford

That Council:

- b) Approve additional budget of up to \$5,000,000, over and above the \$2,500,000 from Provincial Growth Fund funds, to enable the Chief Executive Officer to provide necessary support and secure water supplies across the District.
- c) Require the CEO to report weekly on the state of risk and financial impact of the crisis.

CARRIED

Councillor Radich abstained from voting.

The amendments became the substantive motion.

RESOLUTION 2020/12

Moved: Cr John Vujcich

Seconded: Cr Dave Collard

That Council:

- a) **Authorise the Chief Executive Officer to take necessary actions to support communities in the provision of water; and**
- b) **Approve additional budget of up to \$5,000,000, over and above the \$2,500,000 from Provincial Growth Fund funds, to enable the Chief Executive Officer to provide necessary support and secure water supplies across the District.**
- c) **Require the CEO to report weekly on the state of risk and financial impact of the crisis.**

CARRIED

Councillor Radich abstained from voting.

9 PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2020/13

Moved: Mayor John Carter

Seconded: Cr John Vujcich

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	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

	<p>disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	
8.2 - Te Pu o Te Wheke Operational Underwrite	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
8.3 - Bay of Islands Sports Field Development - Kerikeri	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	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 - CEO KPI Performance Report Quarter 2	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	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 - Contract Negotiation with CBEC regarding Swimming Pools Operations and Maintenance Contract	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	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

	<p>subject of the information</p> <p>s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority</p> <p>s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p>	
CARRIED		

At the conclusion of business held with the public excluded the meeting confirmed that the decisions and information contained in the part of the meeting held with the public excluded was not to be restated in public meeting, and resumed in open meeting.

10 RESOLUTION TO HOLD AN EXTRAORDINARY COUNCIL MEETING

RESOLUTION 2020/14

Moved: Mayor John Carter

Seconded: Cr John Vujcich

That an extra-ordinary Council meeting be scheduled 3 March 2020 from 11 am to consider the following items:

- 1. Consideration of Community Board Chairpersons at Committee Meetings**
- 2. Proposed Changes to the Formal Meeting Calendar**
- 3. CEO Report to Council 01 November 2019 – 31 December 2019**
- 4. Contract Negotiation with CBEC regarding Swimming Pools Operation and Maintenance Contract**
- 5. Otawa Road Bridge N28 – Tender Evaluation Recommendation**

CARRIED

11 MEETING CLOSE

The meeting closed at 4:47 pm.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 8 April 2020.

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CHAIRPERSON