

**MINUTES OF FAR NORTH DISTRICT COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE RED CROSS BUILDING, 14 BUTLER ROAD, KERIKERI  
ON THURSDAY, 30 AUGUST 2018 AT 10.01 AM**

**PRESENT:** Mayor John Carter (HWTM), Cr Tania McInnes (Deputy Mayor), Cr Ann Court, Cr Felicity Foy, Cr Colin (Toss) Kitchen, Cr Sally Macauley, Cr Mate Radich, Cr John Vujcich, Cr Kelly Stratford, Adele Gardner, Mike Edmonds, Terry Greening.

**IN ATTENDANCE:** Shaun Clarke (Chief Executive Officer), Samantha Edmonds (General Manager - Corporate Services), Andy Finch (General Manager - Infrastructure & Asset Management), Dean Myburgh (General Manager - District Services), Sheryl Gavin (Acting General Manager - Strategic Planning & Policy)

**STAFF PRESENT:** Jaime Dyhrberg - Executive Officer; George Swanepoel - In-House Counsel; Bill Lee - Community Policy and Development Manager; Glenn Rainham - Manager - Alliances; Darren Edwards - Manager - Compliance and Resource Consents; Roger Ackers - Manager - Strategy Development (from 11.33 am); Richard Edmondson - Manager - Communications; Tanya Nowell - Team Leader - Infrastructure Programmes; Tammy Wooster - Senior Policy Planner (from 11.31 am); Emma Pilkington - Senior Policy Advisor (from 11.31 am); Warren Ure - Procurement Specialist (from 12.06 pm); Kate Barnes - Governance Support Team Leader; Maryn Ashby - Meetings Administrator; Kim Hammond - Meetings Administrator.

**1 PRAYER**

**2 APOLOGIES AND DECLARATIONS OF INTEREST**

**RESOLUTION 2018/1**

Moved: Mayor John Carter

Seconded: Cr Tania McInnes

**That apologies from Cr Dave Hookway be received and accepted.**

**Councillor Foy declared a conflict of interest in relation to item 16.1 – Final Consideration of proposed Far North District Plan Change 18 – Genetically Modified Organisms.**

**CARRIED**

**3 DEPUTATION**

- Representative's (Yewon Hwang, Dr Lily George and Nora Rameka) from Earth Citizen Wellness Centre, Kerikeri.
- Dallas Williams representing Ngati Kaharau me Ngati Hau Hapu ki Omanaia.

#### 4 MAYORAL ANNOUNCEMENTS

- Letter received from Airforce Squadron – 6, asking to use Kerikeri Airport as their base.
- Maori Land Rating - His Worship the Mayor and Councillor Stratford continue to work with land owners.
- Request for the Blues Preseason Game to be played in Kaikohe.
- Development Contributions.
- Email received from Leonie Exel in regards to the Dog Shelter/Pound.
- Update on the Provincial Growth Fund - Manea: Footprints of Kupe.
- Northland Inc.
- Opononi Stormwater.
- Roding - School Road, Totara North.
- Mangonui Boardwalk.
- Kerikeri Pavilion.
- Dog Policy and Bylaw Consultation.

#### 5 CONFIRMATION OF PREVIOUS MINUTES

##### 5.1 CONFIRMATION OF PREVIOUS MINUTES

**RESOLUTION 2018/4**

Moved: Mayor John Carter

Seconded: Cr Colin (Toss) Kitchen

**That Council confirm the minutes of the Council meeting held 28 June 2018 as a true and correct record.**

**CARRIED**

#### 6 NOTICE OF MOTION

##### 6.1 NOTICE OF REVOCATION - PREVIOUS RESOLUTION OF THE COUNCIL MEETING 22 JUNE 2017 - MAROMAKU NETBALL COURTS

**RESOLUTION 2018/5**

Moved: Mayor John Carter

Seconded: Cr Kelly Stratford

**That Council rescind the following part of the resolution passed at the Council meeting held 22 June 2017:**

***“THAT in accordance with Policy 2105 Council enter into an agreement for undertaking a community project with the Maromaku community to provide for the upgrade of Maromaku Netball Courts”.***

**CARRIED**

**7 BAY OF ISLANDS-WHANGAROA COMMUNITY BOARD****SUSPENSION OF STANDING ORDERS****RESOLUTION 2018/6**

Moved: Cr Kelly Stratford

Seconded: Cr Felicity Foy

**A motion was moved that Council suspend Standing Orders: 3.5 – Rules of Debate in order to allow members to freely discuss item 7.1.**

**CARRIED****RESUMPTION OF STANDING ORDERS****RESOLUTION 2018/7**

Moved: Mayor John Carter

Seconded: Cr Tania McInnes

**A motion was moved that Council resume Standing Orders.**

**CARRIED****7.1 LEASE OF PART KORORIPO-KERIKERI BASIN RECREATION RESERVE - THE PEAR TREE RESTAURANT****RECOMMENDATION 2018/8**

Moved: Mayor John Carter

Seconded: Cr John Vujcich

a) That the Far North District Council, pursuant to its powers under sections 53(1)(h) and 54(1)(d) of the Reserves Act 1977, grants a new lease of part of the Kororipo-Kerikeri Basin recreation reserve comprising approximately 2054m<sup>2</sup> of the land contained in CFR NA836/15, to the existing tenant Pear Tree Kerikeri Limited and that the terms of the lease shall be:

Term: 5 years

Rent: Commercial rate to be determined by valuation

Area: To be approximately 2054m<sup>2</sup> of the land contained in CFR NA836/15 as shown on the attached aerial plan (A2157837)

Right of Renewal: no right of renewal

b) Subject to all concept plans being approved by Kororipo Stone Store Basin Management Group.

**LOST****AMENDMENT**

Moved: Mayor John Carter

Seconded: Cr John Vujcich

That Council refer the matter "Lease of part Kororipo-Kerikeri Basin Recreation Reserve – The Pear Tree Restaurant" back to the Bay of Islands-Whangaroa Community Board for consideration.

**RESOLUTION**

That Council refer the matter “Lease of part Kororipo-Kerikeri Basin Recreation Reserve – The Pear Tree Restaurant” back to the Bay of Islands-Whangaroa Community Board for consideration.

**CARRIED**

## **8 KAIKOHE-HOKIANGA COMMUNITY BOARD**

### **8.1 ROAD NAMING SECTION OF STATE HIGHWAY 12, OPONONI OMAPERE**

**RESOLUTION 2018/9**

Moved: Cr Colin (Toss) Kitchen

Seconded: Cr John Vujcich

The Kaikohe-Hokianga Community Board recommends that Council

- a) Pursuant to Council’s Road Naming and Property Addressing Policy #2125, the section of State Highway 12 commencing 100m east of the Opononi Wharf and ending at Signal Station Road be renamed ‘Hokianga Harbour Drive’, as per map (A2125323).
- b) The renaming to ‘Hokianga Harbour Drive’ takes effect from 1st May 2019.

**CARRIED**

### **8.2 OPONONI BOWLING CLUB - LEASE PROPOSAL**

**RESOLUTION 2018/10**

Moved: Cr Mate Radich

Seconded: Cr Sally Macauley

The Kaikohe-Hokianga Community Board recommends that Council

- a) Pursuant to its powers under section 12(2) of the Local Government Act 2002, consents to;
  - i) the termination of the 1989 lease between the Council and the Opononi Bowling Club;
  - ii) a lease, of a portion of the land described as Lot 1 DP52947 and marked “A” on the plan attached, to the Opononi Bowling Club for clubrooms and for the purpose of playing bowls; and
  - iii) a lease, of a portion of the land described as Lot 1 DP52947 and marked “B” on the plan attached, to the Hokianga Coastguard for a shed to be used to store the Coastguard rescue boat.
- b) and that the terms of the lease to the Opononi Bowling Club and the lease to the Hokianga Coastguard shall be;
 

Term	10 years
Renewal term	10 years
Annual rental	\$100.00 plus GST for each lease
Rent review	On renewal
- c) and that in making this decision the Council notes that it has taken into account the requirements of section 138 of the Local Government Act 2002 (regarding restrictions

on disposal of parks), and section 82 of the Local Government Act 2002 (regarding principles of consultation), and has concluded that no consultation is necessary beyond that which was involved in seeking a recommendation from the Kaikohe-Hokianga Community Board which itself represents and has knowledge of local community views.

- d) and that necessary action is taken in reviewing the revised rating requirements for the land.

**CARRIED**

## **9 GOVERNANCE AND STRATEGIC RELATIONSHIPS COMMITTEE**

### **9.1 COMMUNITY BOARD CHAIRS AND COUNCIL COMMITTEES**

#### **RECOMMENDATION 2018/11**

Moved: Mayor John Carter

Seconded: Cr Kelly Stratford

The Governance and Strategic Relationships Committee recommends that Council:

- a) revokes the resolution of 28 February 2018: That Council appoints the Community Board chairs to the Infrastructure Network Committee and Audit, Risk, Finance Committee with speaking but not voting rights.
- b) instructs the Infrastructure Network Committee and Audit, Risk, Finance Committee to allow the attendance of Community Board Chairpersons at their meetings with speaking rights, not voting rights.

**LOST**

## **10 DISTRICT SERVICES GROUP**

### **10.1 BAY OF ISLANDS WATCHDOG GROUP PETITION TO COUNCIL**

#### **RESOLUTION 2018/12**

Moved: Mayor John Carter

Seconded: Cr Mate Radich

**That Council endorses the response to the petition presented by the Bay of Islands Watchdog Group on 28 June 2018.**

**CARRIED**

## **11 STRATEGIC PLANNING AND POLICY GROUP**

### **11.1 FINAL CONSIDERATION OF PROPOSED FAR NORTH DISTRICT PLAN CHANGE 18 - GENETICALLY MODIFIED ORGANISMS**

#### **RESOLUTION 2018/13**

Moved: Cr Ann Court

Seconded: Cr Tania McInnes

**That Council pursuant to Clauses 17 and 20 of Schedule 1 of the Resource Management Act**

**1991:**

- a) approves Plan Change 18 – Genetically Modified Organisms;
- b) sets the operative date of 19 September 2018;
- c) publically notifies the plan change and operative date.

**CARRIED**

Councillor Foy declared a conflict of interest and abstained from voting.

**11.2 PROPOSED ALCOHOL CONTROL BYLAW 2018 FOR CONSULTATION****RESOLUTION 2018/14**

Moved: Mayor John Carter

Seconded: Cr Mate Radich

**That Council:**

- a) Determines that in accordance with section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the perceived problems.
- b) Adopts the Statement of Proposal – Alcohol Control Bylaw 2018 for consultation (Attachment 1).

**CARRIED**

Councillor Court requested her vote against be recorded.

**11.3 AMENDMENTS TO THE COMMUNITY GRANTS POLICY AND PROCESS FOR ALLOCATION OF EVENTS FUNDING****RESOLUTION 2018/15**

Moved: Mayor John Carter

Seconded: Cr John Vujcich

**That Council:**

- a) agrees the amendments to the Community Grant Policy 2017.
- b) agrees the Events Funding Process.

**CARRIED**

Councillor McInnes requested her vote against be recorded.

At 11.55 a.m. Cr Tania McInnes left the meeting. At 11:57 a.m., Cr Tania McInnes returned to the meeting.

**12 CORPORATE SERVICES GROUP****12.1 ELECTED MEMBER REPORT - ROAD CONTROLLING AUTHORITIES FORUM 27 JULY 2018****RESOLUTION 2018/16**

Moved: Cr Ann Court

Seconded: Cr Colin (Toss) Kitchen

**That Council note the report entitled “Elected Member Report - Road Controlling Authorities Forum 27 July 2018”.**

**CARRIED**

At 12.10 p.m. Cr Kelly Stratford left the meeting. At 12.12 p.m. Cr Kelly Stratford returned to the meeting.

### **13 CHIEF EXECUTIVE OFFICER**

#### **13.1 MAJOR ITEM NOT ON THE AGENDA**

##### **RESOLUTION 2018/17**

Moved: Cr John Vujcich

Seconded: Cr Tania McInnes

**That Council:**

- a) resolves to consider the item not on the agenda Chinese Economic Development Visit.**
- b) notes the item was not on the agenda because Council received the itinerary from Far North Holdings Limited who are coordinating the visit.**
- c) notes the report cannot be delayed because the trip takes place before the next Council meeting on 25 October 2018.**

**CARRIED**

#### **13.2 CHINESE ECONOMIC DEVELOPMENT VISIT**

##### **RESOLUTION 2018/18**

Moved: Cr John Vujcich

Seconded: Cr Ann Court

**That the Council approve Mayor Carter and Councillor Macauley to visit China in October 2018 for the purpose of continuing to build and develop further relationships with other Chinese interest groups.**

**CARRIED**

**13.3 MAJOR ITEM NOT ON THE AGENDA****RESOLUTION 2018/19**

Moved: Mayor John Carter

Seconded: Cr Kelly Stratford

**That Council:**

- a) resolves to consider the item not on the agenda “Blues Preseason Game Proposal”.**
- b) notes the item was not on the agenda as the issue was not brought to Council attention until 27 August.**
- c) notes the report cannot be delayed because the Blues need a decision from Council before the next scheduled Council meeting.**

**CARRIED**

**13.4 BLUES PRESEASON GAME PROPOSAL****RESOLUTION 2018/20**

Moved: Cr Ann Court

Seconded: Mayor John Carter

**That the Council delegate the decision on potentially underwriting a preseason rugby game between the Blues and Chiefs franchises on 2 February 2019 to the Audit, Risk, and Finance Committee.**

**CARRIED**

**13.5 CEO REPORT TO COUNCIL (JUNE-JULY 2018)****RESOLUTION 2018/21**

Moved: Mayor John Carter

Seconded: Cr Mate Radich

**That Council notes the Chief Executive Officer’s Report - Period: 1 June – 31 July 2018.**

**CARRIED**

The meeting was adjourned from 12.45 pm to 1.10 pm.

**14 PUBLIC EXCLUDED****RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION 2018/22**

Moved: Mayor John Carter

Seconded: Cr 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:



<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<b>1.1 - Confirmation of Previous Minutes - Public Excluded</b>	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
<b>2.1 - Mayor/Elected Member Indemnity</b>	s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege	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
<b>2.2 - Specialist Panel for District Plan Review</b>	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
<b>2.3 - Supplier Recommendation for the Rawene - Omanaia Water Treatment Plant to Broadspectrum NZ Limited</b>	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

**CARRIED**

**15 CONFIRMATION OF DECISIONS AND INFORMATION IN OPEN MEETING****RESOLUTION 2018/23**

Moved: Cr Tania McInnes

Seconded: Cr Ann Court

**That Council**

**a) confirms that the following decisions contained in the part of the meeting held with the public excluded are to be restated in public meeting.**

**i. Item 2.4 – Supplier Recommendation for Rawene – Omanaia Water Treatment Plant to Broadspectrum NZ Limited.**

**RESOLUTION 2018/7**

Moved: Mayor John Carter

Seconded: Cr Ann Court

**That Council:**

- a) Approves the award of the Rawene-Omanaia Water Treatment Plant Construction tender to Broadspectrum NZ Limited for the amount of *REDACTED*.**
- b) Delegates to the Chief Executive Officer, the authority to execute the contract.**
- c) Delegates to the Chief Executive Officer, the authority to execute contract variations to the maximum value of the contract contingency sum being *REDACTED*.**

**CARRIED**

**ii. Item 2.2 – Mayor/Elected Member Indemnity**

**RESOLUTION 2018/8**

Moved: Cr Tania McInnes

Seconded: Cr Mate Radich

**That Council indemnify Far North District Council Mayor, John Carter and Elected Members, in accordance with section 43 of the Local Government Act 2002 in relation to any finding made by the Court against the Mayor and Elected Members unless the Mayor and Elected Members is found to have acted in bad faith.**

**b) confirms that the remaining decisions and information contained in the part of the meeting held with the public excluded are not to be restated in the public meeting.**

**CARRIED**

Against: Crs Felicity Foy and John Vujcich

**CARRIED****16 TABLED DOCUMENTS****RESOLUTION 2018/24**

Moved: Cr Ann Court

Seconded: Cr Tania McInnes

**That the Council notes the additional papers:**

- 1. Earth Citizen organisation. Presentation to FNDC – 30<sup>th</sup> August 2018.**
- 2. Chinese Economic Development Visit report.**
- 3. Blues Preseason Game Proposal report for Kaikohe as a venue.**

**CARRIED**

## **17 MEETING CLOSE**

**The meeting closed at 1.52 pm.**

**The minutes of this meeting will be confirmed at the Ordinary Council meeting to be held on 25 October 2018.**

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**CHAIRPERSON**