

**MINUTES OF FAR NORTH DISTRICT COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE
ON THURSDAY, 25 OCTOBER 2018 AT 10:00 AM**

- PRESENT:** Mayor John Carter (HWTM), Cr Tania McInnes (Deputy Mayor), Cr Ann Court, Cr Felicity Foy, Cr Dave Hookway, Cr Colin (Toss) Kitchen, Cr Sally Macauley, Cr Mate Radich, Cr John Vujcich, Cr Kelly Stratford (video-conference)
- IN ATTENDANCE:** Mike Edmonds - Chairperson Kaikohe-Hokianga Community Board, Terry Greening - Chairperson Bay of Islands-Whangaroa Community Board, Adele Gardner - Chairperson Te Hiku Community Board, Rachel Smith - Member Bay of Islands-Whangaroa Community Board, Shaun Reilly - Member Kaikohe-Hokianga Community Board
- STAFF PRESENT:** Shaun Clarke - Chief Executive Officer, Samantha Edmonds - General Manager - Corporate Services, Andy Finch - General Manager - Infrastructure & Asset Management, Dean Myburgh - General Manager - District Services, Darrell Sargent - General Manager - Strategic Planning & Policy, Jaime Dyhrberg - Executive Officer, George Swanepoel - In-House Counsel, Janice Smith - Chief Financial Officer, Glenn Rainham - Manager - Alliances, Richard Edmondson - Manager - Communications, Sheryl Gavin - Manager - Corporate Planning and Engagement, Greg Wilson - Manager - District Planning, Michelle Sharpe - Manager - District Administration (Acting), Paul Carr - Manager - Infrastructure Project Delivery, Andrew McPhee - Senior Policy Planner, Rachael Pull - Specialist Planner, Makarena Dalton - Policy Planner, Robert Willoughby - Community Development Advisor, Alice Astell - Property Legalisation Officer, Kate Barnes - Governance Support Team Leader, Kim Hammond - Meetings Administrator, Maryn Ashby - Meetings Administrator, Melissa Wood - Meetings Administrator

1 PRAYER

2 APOLOGIES AND DECLARATIONS OF INTEREST

Nil

3 DEPUTATION

David Senior and Aya Morris representing Disability Action Group spoke regarding the updating of their strategic plan, building a relationship with elected members and development of an app for accessible tourism.

Kath Adams representing Oruru and Inland Valleys Association spoke regarding the deferral of work in the Long Term Plan for the Oruru Hall and delivered the deputation.

Dave Collins representing Kerikeri Squash Club spoke regarding the Kerikeri Squash Club and their preference for upgrade of the Domain.

Michelle Boag representing Māori Carbon Foundation spoke regarding the Māori Carbon Foundation.

Neil Cook representing Northland Transport Agency spoke regarding Road Maintenance and Renewals Contracts - Update.

At 10:50 a.m., Cr Tania McInnes left the meeting. At 10:50 a.m., Cr Tania McInnes returned to the meeting.

At 10:53 a.m., Cr Felicity Foy left the meeting. At 10:55 a.m., Cr Felicity Foy returned to the meeting.

At 10:55 a.m., Cr Dave Hookway left the meeting. At 10:56 a.m., Cr Dave Hookway returned to the meeting.

At 10:58 a.m., Cr Dave Hookway left the meeting. At 11:01 a.m., Cr Dave Hookway returned to the meeting.

At 11:03 a.m., Cr Dave Hookway left the meeting. At 11:06 a.m., Cr Dave Hookway returned to the meeting.

4 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

RESOLUTION 2018/23

Moved: Mayor John Carter

Seconded: Cr Colin (Toss) Kitchen

That Council confirm the minutes of the Council meeting held 30 August 2018 are confirmed as a true and correct record, subject to the following amendments:

- a) Adele Gardner – Chairperson of Te Hiku Community Board, Mike Edmonds – Chairperson of the Kaikohe-Hokianga Community Board and Terry Greening – Chairperson of the Bay of Islands-Whangaroa Community Board, were in attendance of the Council meeting.**
- b) Item 15 – Confirmation of Decisions and Information in Open meeting – ii Item 2.2 – Mayor/Elected Member Indemnity – Cr Foy and Vujcich requested their vote against the motion be recorded**

.CARRIED

5 STRATEGIC PLANNING AND POLICY GROUP

7.3 COMMISSIONER RECOMMENDATIONS ON SUBMISSIONS TO PRIVATE PLAN CHANGE 22 - INLET ESTATE LIMITED

RESOLUTION 2018/24

Moved: Mayor John Carter

Seconded: Cr Ann Court

That pursuant to Section 37 of the Resource Management Act, the time period be extended for the receipt of submissions in order to accept as valid the submission from Fredrick Walter Terry;

And that pursuant to Clauses 29 and 10 of Schedule 1 of the Resource Management Act 1991:

- a) The Proposed Plan Change 22 to the Far North District Plan be approved with modifications; and**
- b) Those submissions and further submissions which support the Proposed Plan**

Change be accepted to the extent that the Plan Change is approved with modifications; and

- c) Those submissions and further submissions which seek further changes to the Proposed Plan Change be accepted to the extent that the Plan Change is approved with modifications; and**
- d) Except to the extent provided above, all other submissions and further submissions are rejected.**

CARRIED

Cr Felicity Foy declared a conflict of interest in relation to this item

At 11:14 a.m., Cr Felicity Foy left the meeting. At 11:16 a.m., Cr Felicity Foy returned to the meeting.

At 11:27 a.m., Terry Greening left the meeting. At 11:28 a.m., Terry Greening returned to the meeting.

5 MAYORAL ANNOUNCEMENTS

- Adjourning of Beach Board
- Maromaku Sports – Terry Greening provided an update
- Staff shortage in rest homes
- Coopers Beach – currently going through consent
- Sportsville Kaikohe/Lindvart Park - Cr Vujcich provided an update
- Mangonui Board Walk – Cr Kitchen provided an update
- Tourism Grant – Cr McInnes provided an update
- Paihia Liquor – His Worship the Mayor and Terry Greening meeting with those involved
- Panguru flooding – work is currently being completed
- Building permit processing – Dr Dean Myburgh provided an update to the online application and aligning of processes with other Councils
- Opononi subdivision
- Green Waste – Cr Macauley provided an update on the green waste project at Opononi/Omapere project that is up and running again, Communications have advertised this
- Three Waters – Central Government has re-established the small subsidy for this scheme. His Worship the Mayor is working with Local Government New Zealand
- Operation Flootation – launch was held at Coopers Beach
- Majestic Princess – came into Paihia and was provided with a welcome at Waitangi

At 11:43 a.m., Cr Tania McInnes left the meeting. At 11:45 a.m., Cr Tania McInnes returned to the meeting.

At 11:46 a.m., Adele Gardner left the meeting. At 11:47 a.m., Adele Gardner returned to the meeting.

6 BAY OF ISLANDS-WHANGAROA COMMUNITY BOARD

5.1 LEASE OF PART KORORIPO-KERIKERI BASIN RECREATION RESERVE - THE PEAR TREE RESTAURANT

RESOLUTION 2018/25

Moved: Mayor John Carter
Seconded: Cr Tania McInnes

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 2054m² 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:

- a) Term: 5 years**
Rent: Commercial rate to be determined by valuation
Right of Renewal: One further term of 5 years if no alternative need identified
Area: To be approximately 2054m² of the land contained in CFR NA836/15 as shown on the attached aerial plan (A2157837)
- b) The Blacksmith Cottage be excluded from the leased area if required by Heritage New Zealand**
- c) Legal (vehicular) access be provided from the Pear Tree Restaurant to Kerikeri Road**
- d) Request that Council prioritise the development of a Reserve Management Plan in partnership with the Kororipo Heritage Park Management Group**

CARRIED

Against: Cr Dave Hookway

At 11:59 a.m., Cr Ann Court left the meeting. At 12:02 p.m., Cr Ann Court returned to the meeting.

7 DISTRICT SERVICES GROUP

6.1 MUSEUM @ TE AHU COLLECTION MANAGEMENT POLICY

RESOLUTION 2018/26

Moved: Mayor John Carter
Seconded: Cr Colin (Toss) Kitchen

That Council approves the Collection Management Policy for Museum @ Te Ahu (MATA).

CARRIED

6 STRATEGIC PLANNING AND POLICY GROUP CONTINUED

7.1 DISTRICT PLAN UPDATE

RESOLUTION 2018/27

Moved: Cr Tania McInnes
Seconded: Cr John Vujcich

That the Council receive the District Plan Update report.

CARRIED

Cr Felicity Foy declared a conflict of interest in relation to this item

At 12:04 p.m., Cr Felicity Foy left the meeting. At 12:05 p.m., Cr Felicity Foy returned to the meeting.

7.2 ADOPTION OF THE LINDVART PARK RESERVE MANAGEMENT PLAN**MOTION 2018/28**

Moved: Mayor John Carter

Seconded: Cr John Vujcich

That the Council, pursuant to its powers under section 41 of the Reserves Act 1977, adopt the amended Lindvart Park Reserve Management Plan 2018.

AMENDMENT

Moved: Cr Dave Hookway

Seconded: Cr Felicity Foy

That the Council, pursuant to its powers under section 41 of the Reserves Act 1977:

a) adopt the amended Lindvart Park Reserve Management Plan 2018

b) support the provision of drinking water fountains.

The amendment became the substantive motion

RESOLUTION

Moved: Cr Dave Hookway

Seconded: Cr Felicity Foy

That the Council, pursuant to its powers under section 41 of the Reserves Act 1977:

a) adopt the amended Lindvart Park Reserve Management Plan 2018

b) support the provision of drinking water fountains.

CARRIED

Cr Sally Macauley declared a conflict of interest in relation to this item

Cr Dave Hookway declared a conflict of interest in relation to this item

Attachments tabled at meeting

1 Northland District Health Board submission

Item - 7.3 Commissioner Recommendations on Submissions to Private Plan Change 22 - Inlet Estate Limited - has been moved to another part of the document.

7.4 MANA WHAKAHONO-Ā-ROHE/IWI PARTICIPATION ARRANGEMENTS WITH HAPŪ OR HAPŪ COLLECTIVE**RESOLUTION 2018/29**

Moved: Cr Tania McInnes

Seconded: Cr John Vujcich

That the Council may initiate Mana Whakahono-ā-Rohe with a hapū or collective of hapū only after it has established a relationship with that hapū or collective of hapū.

CARRIED

Against: Cr Dave Hookway

Cr Felicity Foy declared a conflict of interest in relation to this item

The meeting was adjourned from 12:50 pm to 1:13 pm

7.5 DISTRICT TRANSPORT STRATEGY

MOTION 2018/30

Moved: Mayor John Carter

Seconded: Cr Ann Court

That the Council:

- a) Approves the proposed Project Governance Structure to guide and support the development of the District Transport Strategy
- b) Appoints one Councillor from each ward to the Project Board:
 - i) Councillor _____ as the Te Hiku ward representative
 - ii) Councillor _____ as the Bay of Islands-Whangaroa ward representative
 - iii) Councillor _____ as the Kaikohe-Hokianga ward representative

AMENDMENT

Moved: Cr Ann Court

Seconded: Cr Tania McInnes

That the Council:

- a) Approves the proposed Project Governance Structure to guide and support the development of the District Transport Strategy
- b) Appoints Councillors from each ward to the Project Board:
 - i) Councillor Foy as the Te Hiku ward representative
 - ii) Councillors Court and Hookway as the Bay of Islands-Whangaroa ward representatives
 - iii) Councillor Vujcich as the Kaikohe-Hokianga ward representative
- c) Appoints the Mayor to the Project Board.

The amendment became the substantive motion

RESOLUTION

Moved: Cr Ann Court

Seconded: Cr Tania McInnes

That the Council:

- a) **Approves the proposed Project Governance Structure to guide and support the development of the District Transport Strategy**
- b) **Appoints Councillors from each ward to the Project Board:**
 - i) **Councillor Foy as the Te Hiku ward representative**
 - ii) **Councillors Court and Hookway as the Bay of Islands-Whangaroa ward representatives**
 - iii) **Councillor Vujcich as the Kaikohe-Hokianga ward representative**
- c) **Appoints the Mayor to the Project Board.**

CARRIED

Against: Cr Ann Court

7 NOTICE OF MOTION

NOTICE OF MOTION - COUNCILLOR FOY

MOTION

Moved: Cr Felicity Foy

Seconded: Cr John Vujcich

That the Council undertake a rating review in time for the annual plan 2019/20. For the avoidance of doubt the annual plan 2019/20 preparation and deliberations should include a review of all aspects of rating.

In Favour: Crs Felicity Foy, Dave Hookway, Mate Radich, John Vujcich and Kelly Stratford

Against: HWTM John Carter, Tania McInnes, Ann Court, Colin (Toss) Kitchen and Sally Macauley

The Mayor used his casting vote and the motion was **LOST**

8 CORPORATE SERVICES GROUP

8.1 TAURANGA PARK HOLIDAY PARK RESERVE LEASE

RESOLUTION 2018/31

Moved: Mayor John Carter

Seconded: Cr Sally Macauley

That the Far North District Council:

- a) **In its role as administering body of the Tauranga Bay recreation reserve and in its role as the delegate of the Minister of Conservation, subject to the provisions of the Reserves Act 1977, grants and consents to a new lease of the Tauranga Bay recreation reserve being Lot 1 DP 69081 and comprising approximately 3.8445ha of land contained in CFR N25A/1353 to Wupi Investments Limited and that the term of the lease shall be:**
- i) **Term: 21 years plus one Right of Renewal of 21 years**
 - ii) **Area: Approximately 3.8445ha being Lot 1 DP 69081 and contained in CFR N25/1353 as highlighted blue on the aerial plan attached as Attachment 1.**
 - iii) **Further Terms & Condition: on standard industry practise commercial terms, at market rent to be determined by valuation as per the draft lease attached as Attachment 2.**

CARRIED

8.2 REVISED PROCUREMENT POLICY

RESOLUTION 2018/32

Moved: Mayor John Carter

Seconded: Cr Ann Court

That Council adopts the revised FNDC Procurement Policy – Procuring Goods and Services.

CARRIED

8.3 COUNCIL CALENDAR OF MEETINGS 2019

MOTION 2018/33

Moved: Mayor John Carter

Seconded: Cr John Vujcich

That Council adopts the proposed schedule of Formal Far North District Council meetings for 2019 (A2216027).

AMENDMENT

Moved: Mayor John Carter

Seconded: Cr John Vujcich

That Council adopts the proposed schedule of Formal Far North District Council meetings for 2019 (A2216027) subject to any changes made at the workshop on 14 November 2018.

The amendment became the substantive motion

RESOLUTION

Moved: Mayor John Carter

Seconded: Cr John Vujcich

That Council adopts the proposed schedule of Formal Far North District Council meetings for 2019 (A2216027) subject to any changes made at the workshop on 14 November 2018.

CARRIED

8.4 APPOINTMENT OF COMMUNITY BOARD CHAIRS TO COUNCIL COMMITTEES

RESOLUTION 2018/34

Moved: Cr Colin (Toss) Kitchen

Seconded: Cr John Vujcich

That Council 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” and:

- a) resolves to appoint the Community Board chairs to the Infrastructure Network Committee and the Audit, Risk & Finance Committee with full participating rights including voting rights.**

In Favour: Crs Felicity Foy, Dave Hookway, Colin (Toss) Kitchen, Sally Macauley, Mate Radich, John Vujcich and Kelly Stratford

Against: Crs John Carter, Tania McInnes and Ann Court

CARRIED

8.5 ADOPTION OF THE ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2018**RESOLUTION 2018/35**

Moved: Cr John Vujcich

Seconded: Cr Colin (Toss) Kitchen

That Council adopt the Annual Report for the year ended 30 June 2018 with any minor editorial changes arising as a result of audit.

CARRIED**Attachments tabled at meeting**

- 1 Page Changes to the Annual Report and Independent Auditors Report

9 CHIEF EXECUTIVE OFFICER**9.1 CHIEF EXECUTIVE OFFICER'S REPORT - AUGUST SEPTEMBER 2018****RESOLUTION 2018/36**

Moved: Cr John Vujcich

Seconded: Cr Mate Radich

That the Council receive the report Chief Executive Officer's Report - August September 2018.

CARRIED

At 2:32 p.m., Mayor John Carter left the meeting, Deputy Mayor McInnes took the Chair. At 2:33 p.m., Mayor John Carter returned to the meeting.

At 2:41 p.m., Cr Mate Radich left the meeting.

10 PUBLIC EXCLUDED**RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION 2018/37**

Moved: Mayor John Carter

Seconded: Cr John Vujcich

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

- a) 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
1.1 - Confirmation of Previous Minutes - Public Excluded	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

	disadvantage, commercial activities	of information for which good reason for withholding would exist under section 6 or section 7
1.2 - Coopers Beach Christian Youth Camp Remission	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
1.3 - Special resolution of the sole shareholder of Far North Holdings Ltd (the Company) under sections 32(2), 107(2) and 122 of the Companies Act 1993 (Act)	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
1.4 - Ulrich Family Trust v Far North District Council and Others	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
1.5 - Kerikeri Pavilion Project Update	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

Against: Cr Dave Hookway – Kerikeri Pavilion Project Update being presented during the Public Excluded section of this meeting

Ann Court requested her concerns be noted in regards to the Kerikeri Pavilion

- b) That Andy Nock – Far North Holdings Limited be permitted to remain at this meeting to present a presentation after the public has been excluded, because of his knowledge as the Chief Executive Officer of Far North Holdings Limited which will be of assistance to the matter to be discussed.**
- c) That Adele Gardner - Chairperson Te Hiku Community Board; Mike Edmonds - Chairperson Kaikohe-Hokianga Community Board; and Terry Greening - Bay of Islands-Whangaroa Community Board; Rachel Smith – Member of Bay of Islands-Whangaroa Community Board be permitted to remain at this meeting after the public has been excluded, because of their knowledge of local wards and activities. This knowledge, which will be of assistance in relation to the matters to be discussed, is relevant to that matter because they advocate for and represent local community views.**

CARRIED

At 2:45 p.m., Cr Mate Radich returned to the meeting.

At 2:47 p.m., Cr Tania McInnes left the meeting.

RESOLUTION 2018/38

Moved: Mayor John Carter

Seconded: Cr Sally Macauley

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.

Item 1.3 Special Resolution of the Sole Shareholder of Far North Holdings LTD (The Company) Under Sections 32(2), 107(2) and 122 of the Companies Act 1993 (Act)

RESOLUTION 2018/39

Moved: Mayor John Carter

Seconded: Cr Mate Radich

That Council:

a) **Resolve to amend the Constitution of the Company (FNHL) to allow the issuance of non-participating redeemable preference shares as follows:**

Delete existing clause 7.1 and replacing it with the following:

7.1 Subject to the prior approval of the Shareholders by ordinary resolution or by agreement of all entitled persons under section 107(2) of the Act, the Board may issue shares at any time, to any person and in any number it thinks fit, which:

7.1.1 rank equally with, or in priority to, existing Shares;

7.1.2 have deferred, preferred or other special rights or restrictions, whether as to voting, distributions or otherwise;

7.1.3 confer special, limited or conditional voting rights;

7.1.4 do not confer voting rights; or

7.1.5 are redeemable at the option of the holder or the Company in accordance with section 68 of the Act, and any such action will not be treated as affecting the rights attached to existing shares."

Insert new clauses 7.3 and 7.4:

"7.3 Power to redeem

(a) The Company may redeem any share which is issued as redeemable (pursuant to the terms of issue and in accordance with the Act).

(b) Subject to the terms of any issue, section 71 and consent in writing from all shareholders, where redeemable shares may be redeemed at the option of the Company the Company need not exercise the option for all holders of such shares but may exercise such option in relation to one or more of such holders.

7.4 Shares that are redeemed by the Company are deemed to be cancelled immediately on redemption.

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

TABLED DOCUMENTS

RESOLUTION 2018/40

Moved: Mayor John Carter

Seconded: Cr Felicity Foy

That the Council notes the additional papers:

- a) Speaking notes from Kath Adams - Oruru and Inland Valleys Association Incorporated**
- b) Business Plan for Oruru and Inland Valleys Association Incorporated**
- c) Petition - Help get Swamp Palace Oruru Community Hall re-opened**
- d) Speaking notes from Dave Collins - Kerikeri Squash Club**
- e) Northland District Health Board - Submission to the Far North District Council on Consultation Document for the Long Term Plan 2018 - 2028**
- f) Page changes to the Annual Report**

CARRIED

11 MEETING CLOSE

The meeting closed at 4:09 pm.

The minutes of this meeting will be confirmed at the Ordinary Council meeting to be held on 13 December 2018.

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CHAIRPERSON