

**MINUTES OF FAR NORTH DISTRICT COUNCIL  
EXTRAORDINARY COUNCIL MEETING  
HELD AT THE VIRTUALLY VIA MICROSOFT TEAMS  
ON TUESDAY, 14 DECEMBER 2021 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 (Member), Adele Gardner (Te Hiku Community Board Chairperson), Belinda Ward (Bay of Islands-Whangaroa Community Board), Shaun Clarke (Chief Executive Officer), William J Taylor, MBE (General Manager Corporate Services), Dean Myburgh (General Manager District Services), Andy Finch (General Manager Infrastructure and Asset Management), Darren Edwards (General Manager Strategic Planning and Policy)

**1 KARAKIA TIMATANGA / OPENING PRAYER**

His Worship the Mayor opened and commenced the meeting with a prayer.

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

There were no apologies or declarations of interest.

**3 NGĀ TONO KŌRERO / DEPUTATION**

10:05 am Justin Blaikie provided a Lindvart Park Presentation.

12:10 pm Pita Tipene on behalf of Northland Adventure Experience LTD.

**4 NGĀ KŌRERO A TE KOROMATUA / MAYORAL ANNOUNCEMENTS**

- COVID-19 Red Traffic Light system will be implemented in Northland on 15 December 2021 (Letter from Mayor Sheryl Mai read).
- Kerikeri ANZAC Day – Letter to be sent to the Community Boards.
- Pohutukawa Trees – Ahipara.
- Matauri Bay.
- Letter from Councillor Vujcich – Ngakahu Steering Group. Item 6.2 refers.

**5 CONFIRMATION OF PREVIOUS MINUTES**

**5.1 CONFIRMATION OF PREVIOUS MINUTES**

Agenda item 5.1 document number A3497795, pages 12 - 34 refers.

**RESOLUTION 2021/70**

Moved: Mayor John Carter

Seconded: Cr Rachel Smith

**That Council confirms as a true and correct record the minutes of the Council meetings as follows;**

- a) 14 October 2021 (Extraordinary)
- b) 4 November 2021

<b>In Favour:</b>	Mayor John Carter, Deputy Mayor Ann Court, David Clendon, Dave Collard, Felicity Foy, Mate Radich, Rachel Smith, Kelly Stratford, Moko Tepania and John Vujcich
<b>Against:</b>	Nil
<b>CARRIED</b>	

## 6 REPORTS

### 6.1 NEW RESERVE ACT LEASE TO RUSSELL TENNIS CLUB INCORPORATED

Agenda item 6.1 document number A3440072, pages 35 - 38 refers.

#### RESOLUTION 2021/71

Moved: Mayor John Carter

Seconded: Cr Kelly Stratford

#### That Council:

- a) approve a new ground lease be issued to the Russell Tennis Club Incorporated over part of the Local Purpose (community activities) Reserve, for approximately 1,500 square metres, being part of Allotment 2A Section 6 Town of Russell held in Record of Title NA61/226, vested in Far North District Council as a local purpose reserve by Section 26A Reserves Act 1977. The terms of the proposed lease shall be:
  - I. Term 33 years – maximum allowed for under the Reserves Act 1977
  - II. Rental \$110 pa – FNDC Fees and Charges Schedule 2021/22 – Community leases
- b) with further conditions negotiated and agreed upon by the General Manager Infrastructure and Asset Management and the Russell Tennis Club Incorporated.

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

**Against:** Nil

**CARRIED**

### 6.2 APPOINTMENT OF A COUNCIL STEERING GROUP TO DISCUSS THE FUTURE OF THE KAURI DAM WITH THE NGAKAHU WHENUA TRUST.

Agenda item 6.2 document number A3512603, pages 39 - 42 refers.

#### RESOLUTION 2021/72

Moved: Cr John Vujcich

Seconded: Cr Dave Collard

#### That Council;

- a) establish a steering group named Ngakahu Steering Group.
- b) appoint Crs Radich, Vujcich, Collard and Tepania to the Ngakahu Steering Group,
- c) request the steering group enter into discussions with Ngakahu Ngakohu Whanau Ahuwhenua Trust to
  - I. obtain and understand their aspirations and concerns regarding the future of the Dam and surrounding land,
  - II. identify mutually acceptable exit options.
- d) request the steering group report back to Council their findings and recommendations.
- e) move the corrected report be tabled.

<u>In Favour:</u>	Mayor John Carter, David Clendon, Dave Collard, Felicity Foy, Mate Radich, Kelly Stratford, Moko Tepania and John Vujcich
<u>Against:</u>	Deputy Mayor Ann Court
<u>Abstained:</u>	Cr Rachel Smith
<b>CARRIED</b>	

### 6.3 COMMITTEE RECOMMENDATIONS AND RESOLUTIONS - NOVEMBER 2021

Agenda item 6.3 document number A3472547, pages 43 - 60 refers.

#### RESOLUTION 2021/73

Moved: Mayor John Carter  
Seconded: Deputy Mayor Ann Court

#### That Council:

- a) approve the removal of the of Eucalyptus Trees along the boundary line walkway behind 121 & Lot 13 Waitotara Drive at an unbudgeted operational expenditure of \$27,000 plus GST
- b) approve the maintenance to the Eucalyptus trees along the Fairy Pools track and reserve posing potential immediate risk at an unbudgeted operational expenditure of \$10,000 plus GST
- c) revoke the Litter Infringement Policy 2017.
- d) adopts the provisions to infringe littering offences in the Far North District pursuant to Section 13 of the Litter Act 1979.
- e) agree that no infringement fee shall exceed \$400, as per Section 13 of the Act.
- f) agree infringement notices shall be served as per Section 14 of the Act.
- g) agree, in response to the consultation under 160 (3)(b)(ii), no amendments are to be made to the Solid Waste Bylaw.
- h) agree, under section 160 of the Local Government Act 2002 the Solid Waste Bylaw be continued without amendment.

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

**CARRIED**

## 7 INFORMATION REPORTS

### 7.1 CEO REPORT TO COUNCIL 1 SEPTEMBER 2021 - 31 OCTOBER 2021

Agenda item 7.1 document number A3489136, pages 61 - 83 refers.

#### RESOLUTION 2021/74

Moved: Mayor John Carter  
Seconded: Cr Mate Radich

**That the Council receive the report CEO Report to Council 1 September 2021 - 31 October 2021.**

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

**CARRIED**

## 7.2 EXTERNAL BORROWING REVIEW

Agenda item 7.2 document number A3486034, pages 84 - 90 refers.

### RESOLUTION 2021/75

Moved: Cr Felicity Foy  
Seconded: Cr Rachel Smith

**That the Council receive the report External Borrowing Review.**

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

Against: Nil

**CARRIED**

## 7.3 2021/22 TO 2023/24 ROADING CAPITAL AND RENEWALS WORK PROGRAMME

Agenda item 7.3 document number A3487138, pages 91 - 100 refers.

### RESOLUTION 2021/76

Moved: Mayor John Carter  
Seconded: Cr John Vujcich

**That the Council receive the report 2021/22 to 2023/24 Roothing Capital and Renewals Work Programme.**

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

Against: Nil

Abstained: Cr Mate Radich

**CARRIED**

The meeting was adjourned from 12:24 pm to 1.02 pm.

## 7.4 COMMUNITY BOARD UPDATES NOVEMBER 2021

Agenda item 7.4 document number A3400646, pages 101 - 124 refers.

### RESOLUTION 2021/77

Moved: Cr John Vujcich  
Seconded: Cr Moko Tepania

**a) That Council grant to the Kaikohe-Hokianga Community Board the delegated authority to negotiate the lease of the Council building on 11 Parnell Street Rawene.**

In Favour: Mayor John Carter, David Clendon, Dave Collard, Felicity Foy, Kelly Stratford, Moko Tepania and John Vujcich

Against: Deputy Mayor Ann Court and Mate Radich

Abstained: Cr Rachel Smith

**CARRIED**

### RESOLUTION 2021/78

Moved: Mayor John Carter  
Seconded: Cr John Vujcich

**That Council note the following Community Board minutes:**

**b) Kaikohe-Hokianga Community Board, 8 November 2021.**

**c) Te Hiku Community Board, 9 November 2021.**

**d) Bay of Islands-Whangaroa Community Board, 11 November 2021.**

<b><u>In Favour:</u></b>	Mayor John Carter, Deputy Mayor Ann Court, David Clendon, Dave Collard, Felicity Foy, Mate Radich, Rachel Smith, Kelly Stratford, Moko Tepania and John Vujcich
<b><u>Against:</u></b>	Nil
<b>CARRIED</b>	

## 7.5 COUNCIL ACTION SHEET UPDATE DECEMBER 2021

Agenda item 7.5 document number A3472600, pages 125 - 144 refers

<b>RESOLUTION 2021/79</b>	
Moved:	Mayor John Carter
Seconded:	Cr Rachel Smith
<b>That Council receive the report Action Sheet Update December 2021.</b>	
<b><u>In Favour:</u></b>	Mayor John Carter ,Deputy Mayor Ann Court, David Clendon, Dave Collard, Felicity Foy, Mate Radich, Rachel Smith, Kelly Stratford and John Vujcich
<b><u>Against:</u></b>	Cr Moko Tepania
<b>CARRIED</b>	

## 8 TE WĀHANGA TŪMATAITI / PUBLIC EXCLUDED

### RESOLUTION TO EXCLUDE THE PUBLIC

<b>RESOLUTION 2021/80</b>		
Moved:	Mayor John Carter	
Seconded:	Cr John Vujcich	
<p>a) That the public be excluded from the following parts of the proceedings of this meeting.</p> <p>b) That Council permit Ana Heremaia and Mike Shaw into the public excluded part of the meeting in relation to the Kaikohe Civic Hub Working Party Recommendations as members of the working party they will be better placed to answer any questions from the members.</p> <p>c) The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:</p>		
General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
<b>8.1 - Confirmation of Previous Minutes - Public Excluded</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>8.2 - Kaikohe Civic Hub Working Party Recommendations</b>	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	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

	<p>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>exist under section 6 or section 7</p>
<b>8.3 - Taumarere to Opua Cycle Trail Relocation Update</b>	<p>s48(2)(a)(i) - the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation where a right of appeal lies to any court or tribunal against the final decision of the Council in these proceedings</p>	<p>s48(2)(a)(i) - the exclusion of the public from the part of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation</p>
<b>8.4 - Contract Award - Contract 7/21/202 Construction of General Bridge Repairs 2021 - 24</b>	<p>s48(1)(b)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information the public disclosure of which would be contrary to the provisions of a specified enactment</p>	<p>s48(1)(b)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information the public disclosure of which would be contrary to the provisions of a specified enactment</p>
<b>8.5 - Community Board Public Excluded Minutes November 2021</b>	<p>s48(2)(a)(i) - the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation where a right of appeal lies to any court or tribunal against the final decision of the Council in these proceedings</p>	<p>s48(2)(a)(i) - the exclusion of the public from the part of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation</p>
<b>8.6 - Committee Public Excluded Resolutions - December 2021</b>	<p>s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p> <p>s7(2)(j) - the withholding of the information is necessary to prevent the disclosure or use of</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

	official information for improper gain or improper advantage	
<u>In Favour:</u>	Mayor John Carter, Deputy Mayor Ann Court, David Clendon, Dave Collard, Felicity Foy, Mate Radich, Rachel Smith, Kelly Stratford, Moko Tepania and John Vujcich	
<u>Against:</u>	Nil	
		<b>CARRIED</b>

**8.7 CONFIRMATION OF INFORMATION AND DECISIONS TO BE RELEASED IN PUBLIC**

<b>RESOLUTION 2021/81</b>	
Moved: Deputy Mayor Ann Court Seconded: Cr Rachel Smith	
<b>That Council confirms the information and decisions contained in the part of the meeting held with public excluded not be restated in public meeting as follows:</b>	
<b>That Council:</b>	
a)	Approve the award of Contract 7/21/202 - Construction of General Bridge Repairs 2021-24 to Steve Bowling Contracting Ltd. for a contract value of <b>\$REDACTED</b> and
b)	Delegates authority to the Chief Executive Officer to execute the associated document approvals:
i)	Contract signing
ii)	Supplier recommendation approval
iii)	PO approval
<u>In Favour:</u>	Mayor John Carter, Deputy Mayor Ann Court, David Clendon, Dave Collard, Felicity Foy, Rachel Smith, Kelly Stratford, Moko Tepania and John Vujcich
<u>Against:</u>	Nil
<b>CARRIED</b>	

**9 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER**

Cr Moko Tepania closed the meeting with a karakia.

**10 MEETING CLOSE**

The meeting closed at 3:31 pm.

The minutes of this meeting will be confirmed at the Council Meeting held on 24 February 2022.

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**CHAIRPERSON**