

Memo

To: Blair King: CEO Far North District Council

Copy: Democracy Services: Far North District Council

From: Deputy Mayor Ann Court

Subject: NOTICE OF MOTION

23.1 Member may move revocation of a decision

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council, subordinate body, or community board. The notice must set out:

- a) The resolution or part of the resolution which the member proposes to revoke or alter;
- b) The meeting date when the resolution was passed;
- c) The motion, if any, which the member proposes to replace it with; and
- d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of the LGA 2022.

The Ordinary Council Meeting held Thursday 11 August 2022 at Te Ahu, Kaitaia considered the following item:

6.2 RANGITANE MARITIME DEVELOPMENT

File Number: A3799803

Author: Andy Finch, General Manager - Infrastructure and Asset Management

Authoriser: Blair King, Chief Executive Officer

TAKE PŪRONGO / PURPOSE OF THE REPORT

For Council to restate its commitment for the Rangitane Maritime Development.

TŪTOHUNGA / RECOMMENDATION

That Council:

- a) Confirms its support for the continued work to obtain Consent for the Maritime Facilities Development at Rangitane.
- b) Confirms its support for the resolution of and amendments to the NES-F definition and changes to the NRC RPS to support regionally significant maritime infrastructure (which includes Rangitane).
- c) Remains committed to the funding Agreement with MBIE and supports an approach to MBIE to continue its funding support as well for the period required to obtain Consent.
- d) Advises the Residents Association of its continued support of the development to enable them to decide on whether they relinquish their Consent to Council for the derelict jetty or not. If relinquished, the jetty will be rebuilt as per the funding agreement with MBIE.

The item was lost by majority vote.

I propose to move the following substitute motion at the Council Meeting to be held September 22nd, 2022, 10:00am in Council Chambers, Kaikohe.

Substitute Recommendation

That Council:

- a) Support the Maritime Facilities Development at Rangitane proceed through to the conclusion of the Resource Consent process.

Remains committed to the funding Agreement with MBIE and supports an approach be made to MBIE to continue its funding support for the period required to conclude the consenting process.

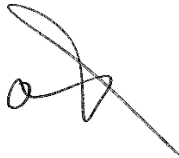
Moved by: Deputy Mayor Ann Court



Seconded by: Councillor Rachel Smith



Supported by: His Worship the Mayor John Carter



Support by: Councillor Felicity Foy



Dated at Kerikeri this 18th day of August 2022

Supporting Information

In moving this Notice of Motion to Council the member is conscious that Sections 77 – 82 of the Local Government Act 2002 must be satisfied.

- Section 77: Requirements in relation to decisions
- Section 78: Community views in relation to decisions
- Section 79: Compliance with procedures in relation to decisions
- Section 80: Identification of inconsistent decisions
- Section 81: Contributions to decision-making processes by Māori
- Section 82: Principles of consultation

The purpose of the Act at part 3(d) provides for local authorities to play a role in promoting the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach.

Concurrently New Zealand Coastal Policy Statement 2010 is a statutory document to which we are legally required to have regard. The relevant objectives are copied at the end of this report.

Schedule of supporting documentation

In support of the above the following documents and reports which have specific relevance to the Rangitane Maritime Development Project have been compiled. An electronic link has been circulated to all elected members:

1. Rangitane Reclamation and Boat Ramp Maritime Development Consultation Summary prepared by Alastair Wells dated 24 August 2021 including:
 - Consultation Register
 - Hapu Meeting Notes
 - Analysis of signatories by post code
 - Concept plan
2. Cultural Impact Assessments:
 - Proposed Rangitane Boat Ramp/Parking Reclamation prepared by Celia Witehira Te Runanga o Ngati Rehia, Ngati Hineira and Te Uri Taniwha
 - Rangitane Cultural Impact Assessment on the Proposed Maritime Development as commissioned by Te Runanga A Iwi O Ngapuhi

3. Ecological Report
4. The Far North District Council Boat Ramp Study. Reference pages 49-57
5. Draft Kerikeri Peninsular Community Development Plan – Rangitane dated January 2021
6. Far North District Council Long Term Plan Pages 81-82, 95-96
7. Community Petition in support of the project noting 2200+ signatures in support with 400+ residing within the Rangitane postcode area.
8. Pictorial map of Rangitane and immediate surrounds colour coded to indicate community views both opposing and in support of the application.
9. Statement from Richard Civil: Kaumatua and Kaitiaki of the Kerikeri River. (Te Awa o Nga Rangatira) and Kaitiaki of the Te Puna Mataitai.
10. Rangitane Recreation Associations timeline of events dated 16 August 2022.
11. Rangitane Recreation Associations membership list as at 16 August 2022.
12. Scope of works document.
13. Letters in support of the project

Budget

Funding sources:				
FNDC	\$	109,734.00		In 2020/21.
FNDC	\$	1,203,327	48%	In year 1 of proposed LTP
FNDC Ramp depreciation funds	\$	65,366		In year 2 of proposed LTP
PGF	\$	2,500,000	52%	Funding agreement said 2,450,000
FNDC Road Widening	\$	50,000		but total is 4,500,000 so 50k extra
Total	\$	3,928,427		2022-23 Annual Plan
Rangitane toilets	\$	205,400		new toilet for reserve
Total				
	\$	4,133,827		
Costs				
Consenting and design fees (to date)	\$	612,167.45		
expected RMA costs	\$	150,000.00		
contracted Toilet cost	\$	167,500.00		
construction costs (tendered to contractor)	\$	2,804,252.00		
Costs				
	\$	3,733,919.45		
Surplus for Boardwalks, road widening, footpaths, landscaping, road safety:				
	\$	399,907.55		

All projects that have been funded via the Provincial Growth Fund or Tourism Infrastructure Fund have a condition that any cost overruns are Councils. This is a standard clause and is not new to this Council.

Until such time as a project is fully consented (with conditions) and tendered it is impossible to accurately gauge the complete capitalized cost.

It is not until we reach the tender stage are costs fully disclosed. It is at this stage that Councillors are asked to reaffirm commitment to a project or abandon it as was the case with the Paihia Waterfront Project.

At this we are advised that the construction has been tendered and awarded (subject to consent) at \$2,804,251 which would be adjusted for inflation.

Any surplus of the budget of \$3,928,427 will be redirected to boardwalks, footpaths and landscaping.

Concluding Statement

The Far North District Council is proud to be community led. In order to satisfy they consultative requirements elected members must be satisfied that the requirements of the Local Government Act have been followed including consideration of the four well beings.

In my submission I put to my colleagues that there is unambiguous evidence of community support.

The project has the support of two Cultural Impact Statements which demonstrate ongoing commitment and support for the project by our local iwi/Hapu subject to conditions.

The funding for the project has been confirmed via the Long-Term Plan, Far North Holdings Limited and the Provincial Growth Fund.

The special consultative processes have been satisfied by the consultative provisions of the documents referenced in this report.

The one remaining unanswered question in the minds of my colleagues may be the environmental impact. As both the positive and adverse effects are required

to be considered, the only fair, impartial and transparent manner for this process to conclude is for the application to be heard before an expert panel in a public hearing where all parties will have the opportunity to put their case before a learned commission. The hearing will provide the opportunity for full public participation in the decision-making process.

I commend my colleagues to advance the project to the resource consent process.

New Zealand Coastal Policy Statement 2010

Objective 3

To take account of the principles of the Treaty of Waitangi, recognise the role of Tangata whenua as kaitiaki and provide for Tangata whenua involvement in management of the coastal environment by:

- recognising the ongoing and enduring relationship of Tangata whenua over their lands, rohe and resources;
- promoting meaningful relationships and interactions between Tangata whenua and persons exercising functions and powers under the Act;
- incorporating mātauranga Māori into sustainable management practices; and
- recognising and protecting characteristics of the coastal environment that are of special value to Tangata whenua.

Objective 4

To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;
- maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and
- recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.

Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;
- some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic, and cultural wellbeing of people and communities;
- functionally some uses and developments can only be located on the coast or in the coastal marine area;
- the coastal environment contains renewable energy resources of significant value;
- the protection of habitats of living marine resources contributes to the social, economic, and cultural wellbeing of people and communities;
- the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;
- the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and
- historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.