

AGENDA

Council
Tuesday 17 December 2019 at 10.30am

Northland Regional Council Agenda

Meeting to be held in the Council Chamber
36 Water Street, Whangārei
on Tuesday 17 December 2019, commencing at 10.30am

Recommendations contained in the council agenda are NOT council decisions. Please refer to council minutes for resolutions.

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<p>ACC - Accident Compensation Corporation</p> <p>ALGIM - Association of Local Government Information Management</p> <p>AMA - Aquaculture Management Area</p> <p>AMP - Asset Management Plan/Activity Management Plan</p> <p>AP - Annual Plan</p> <p>BOI - Bay of Islands</p> <p>BOPRC - Bay of Plenty Regional Council</p> <p>CAPEX - Capital Expenditure (budget to purchase assets)</p> <p>CBEC - Community, Business and Environment Centre</p> <p>CDEM - Civil Defence Emergency Management</p> <p>CEG - Co-ordinating Executive Group – Northland Civil Defence management team</p> <p>CEO - Chief Executive Officer</p> <p>CIMS - Co-ordinated Incident Management System (emergency management structure)</p> <p>CMA - Coastal Marine Area</p> <p>CPCA - Community Pest Control Areas</p> <p>CRI - Crown Research Institute</p> <p>DHB - District Health Board</p> <p>DOC - Department of Conservation</p> <p>DPMC - Department of Prime Minister and Cabinet</p> <p>ECA - Environmental Curriculum Award</p> <p>ECAN - Environment Canterbury</p> <p>EECA - Energy Efficiency Conservation Authority</p> <p>EEZ - Exclusive Economic Zone</p> <p>EF - Environment Fund</p> <p>ELT - Executive Leadership Team</p> <p>EMA - Employers and Manufacturers Association</p> <p>EOC - Emergency Operations Centre</p> <p>EPA - Environmental Protection Authority</p> <p>ETS - Emissions Trading Scheme</p> <p>FDE - Farm Dairy Effluent</p> <p>FNDC - Far North District Council</p> <p>FNHL - Far North Holdings Limited</p> <p>FPP - First Past the Post – voting system for NRC elections</p> <p>GE - Genetic Engineering</p> <p>GIS - Geographic Information System</p> <p>GMO - Genetically Modified Organism</p> <p>HSNO - Hazardous Substances & New Organisms Act</p> <p>HBRC - Hawke's Bay Regional Council</p> <p>HEMP - Hapū Environmental Management Plan</p> <p>Horizons - Brand name of Manawatu-Wanganui Regional Council</p> <p>HR - Human Resources</p> <p>HSWA - Health and Safety at Work Act 2015</p> <p>IEMP - Iwi Environmental Management Plan</p> <p>IPPC - Invited Private Plan Change: a process to allow Aquaculture Management Areas to be established</p> <p>IRIS - Integrated Regional Information System</p> <p>KDC - Kaipara District Council</p> <p>KPI - Key Performance Indicator</p> <p>LATE - Local Authority Trading Enterprise</p> <p>LGA - Local Government Act 2002</p> <p>LGNZ - Local Government New Zealand</p> <p>LGOIMA - Local Government Official Information and Meetings Act 1987</p> <p>LGOL - Local Government Online</p> <p>LTP - Long Term Plan</p> <p>LTFS - Long Term Financial Strategy</p> <p>MCDEM - Ministry of Civil Defence & Emergency Management</p> <p>MFE - Ministry for the Environment</p> <p>MHWS - Mean High Water Springs</p> <p>MMH - Marsden Maritime Holdings Limited</p> <p>MNZ - Maritime New Zealand</p> <p>MBIE - Ministry of Business, Innovation and Employment</p> <p>MOH - Ministry of Health</p>	<p>MOT - Ministry of Transport</p> <p>MPI - Ministry for Primary Industries</p> <p>MSD - Ministry of Social Development</p> <p>NCMC - National Crisis Management Centre</p> <p>NES - National Environmental Standards</p> <p>NDHB - Northland District Health Board</p> <p>NZRC - New Zealand Refining Company (Marsden Point)</p> <p>NGO - Non-Governmental Organisation</p> <p>NIF - Northland Intersectoral Forum</p> <p>NINC - Northland Inc.</p> <p>NIWA - National Institute of Water and Atmosphere</p> <p>NORTEG - Northland Technical Advisory Group</p> <p>NPS - National Policy Statement</p> <p>NZCPS - New Zealand Coastal Policy Statement</p> <p>NZTA - New Zealand Transport Agency</p> <p>NZQA - New Zealand Qualifications Authority</p> <p>NZWWA - New Zealand Water and Wastes Association</p> <p>OPI - Opportunity for Improvement</p> <p>OSH - Occupational Safety & Health</p> <p>OSPRI - Operational Solutions for Primary Industries</p> <p>PCBU - Person Conducting Business or Undertaking</p> <p>PDF - Portable Document Format</p> <p>PPE - Personal Protective Equipment</p> <p>RAP - Response Action Plan</p> <p>RAQP - Regional Air Quality Plan</p> <p>RCP - Regional Coastal Plan</p> <p>RFI - Request for Information</p> <p>RFP - Request for Proposal</p> <p>RTC - Regional Transport Committee</p> <p>RLTS - Regional Land Transport Strategy</p> <p>RMA - Resource Management Act 1991</p> <p>RMG - Resource Managers Group (Regional Councils)</p> <p>RMZ - Riparian Management Zone</p> <p>ROI - Return on Investment</p> <p>RPMP - Regional Pest Management Plan</p> <p>RPMS - Regional Pest Management Strategy</p> <p>RPS - Regional Policy Statement</p> <p>RSG - Regional Sector Group</p> <p>RSHL - Regional Software Holdings Ltd</p> <p>RTO - Regional Tourism Organisation</p> <p>RWASP - Regional Water and Soil Plan</p> <p>SIPO - Statement of Investment Policy and Objectives</p> <p>SITREP - Situation Report</p> <p>SMF - Sustainable Management Fund</p> <p>SOE - State of Environment (or) State Owned Enterprise</p> <p>SOLGM - Society of Local Government Managers</p> <p>SPARC - Sport & Recreation New Zealand</p> <p>STV - Single Transferable Vote</p> <p>SWAG - Surface Water Allocation Group</p> <p>SWPA - Sustainable Water Programme of Action</p> <p>TAG - Technical Advisory Group</p> <p>Tier 1 - Site level plan or response for an oil spill</p> <p>Tier 2 - Regional level plan or response to an oil spill</p> <p>Tier 3 - National level plan or response to an oil spill</p> <p>TLA - Territorial Local Authority – City & District Councils</p> <p>TMP - Treasury Management Plan</p> <p>TOR - Terms of Reference</p> <p>TPK - Te Puni Kōkiri (Ministry of Maori Development)</p> <p>TUANZ - Telecommunications Users Association of NZ</p> <p>UNISA - Upper North Island Strategic Alliance</p> <p>WDC - Whangarei District Council</p> <p>WHHIF - Whangarei Harbour Health Improvement Fund</p> <p>WRC - Waikato Regional Council</p> <p>WSMP - Workplace Safety Management Practices</p> <p>WWTP - Wastewater Treatment Plant</p>
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TITLE: Health and Safety Report November 2019

ID: A1265231

From: Andree James, Health and Safety and Human Resources Advisor and Beryl Steele, Human Resources Manager

Executive Summary

This report provides an overview of Health & Safety activity during the month of October 2019. There were two incidents of note this month, one in the Mangonui Harbour and the other, a power cut that affected all the northern region for half a day, both featured in newspapers neither posed a threat as protocols were followed and risk minimised appropriately.

Recommendation

That the report 'Health and Safety Report November 2019' by Andree James, Health and Safety and Human Resources Advisor and Beryl Steele, Human Resources Manager and dated 2 December 2019, be received.

Health and Safety Statistical Data:

Jan – Dec 2018 vs Jan – Nov 2019

Period	Injury Related					Hazards				
	Loss time Injury (LTI)	Accident Work (ACC W)	Accident Not Work (ACC NW)	Medical Treatment Incident (MTI)	First Aid Treatment Incident (FTI)	No Medical Treatment Incident (NMTI)	Near Miss	Hazard (HAZ)	Incident (INC)	Security (SEC)
2018	7	8	0	2	4	0	13	35	17	6
2019	1	20	1	0	2	1	18	15	8	1
November	0	2	1	0	0	0	5	2	2	1

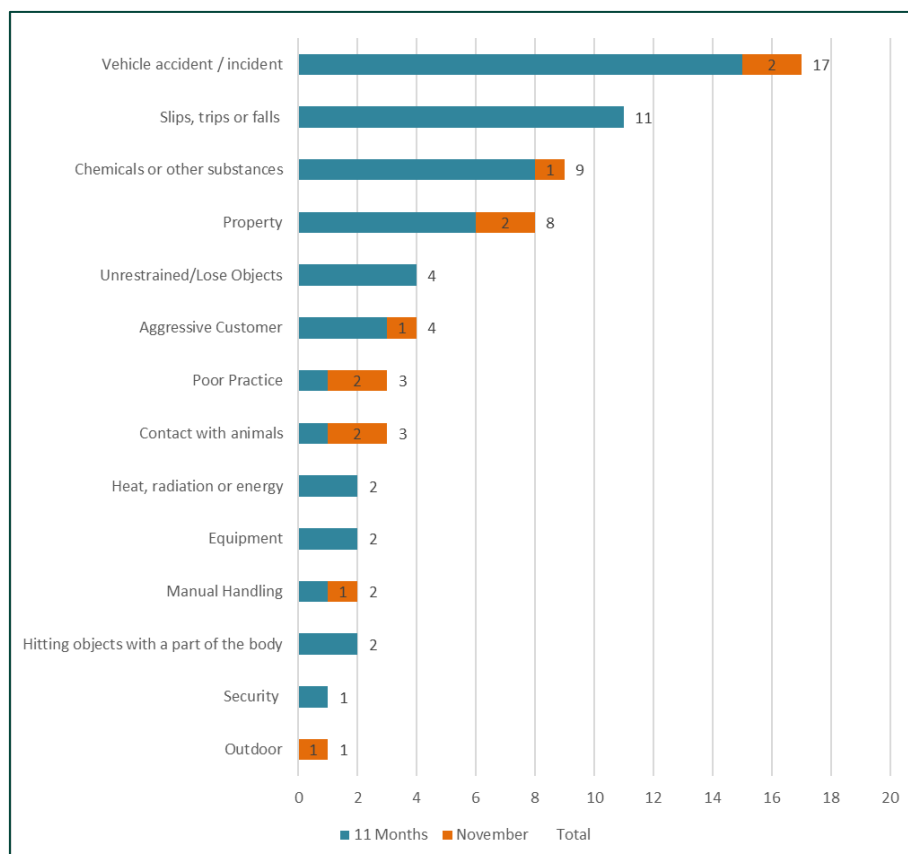
Events of interest

- The Mangonui Harbour incident involved a member of the public who had been issued a 6 week-notice to remove a sunken vessel. On enforcement he became aggressive, Police assistance was requested and then later the Armed Defenders Squad, who arrested the gentleman. The Harbour Master's report will provide more information. Our people have been debriefed and are fine.
- A power cut in the Northland region meant one employee was trapped in the lift for 5 minutes. He was able to follow emergency procedures but before he could implement them the generator powered up.

Notifiable events

Nil

Northland Regional Council's top ten reported items from Nov 2018-Nov 2019



Completed training for November 2019

Training Completed November 2019	Pax
First Aid	1
Test and Tag Training	6
Traffic Controller Level 1 (TC)	1
Site Traffic Management Supervisor (STMS)	1
Grand Total	9

Forecasted training for December 2019

Training Forecasted December 2019	Pax
Chemical Handling and Storage	1
Fire Extinguisher Suppression	16
Driver Safety	21
Grand Total	51

The difference between the November-December numbers are:

- After the initial roll out of TC and STMS we were at the final stages of completing identified individuals
- First Aid training occurs when expiries are due; and
- December training is new initiatives based on priorities hence higher numbers.

12 month list of priorities

Priority	Task	Status	Completed
1	Accreditation	On track	December 2020
2	Tag and Test	On track	January 2020
3	Council Induction	Completed	Completed
4	Training Records	Action plan in place will take longer than anticipated	January 2020
5	H&S Reports	Completed	Completed
6	Risk Register	On track	January 2020
7	Traffic Management Plan	On track	February 2020 (may change due to regulatory changes)
8	HSNO	On track	March 2020
9	Contract Management and Volunteers	On track	January 2020
10	First Response Review	Not started	June 2020
11	NRC H&S Management Development Programme	Not started	January 2020
12	Dept Specific Inductions	Not started must complete the others first	June 2020
13	Safe Guard Award	Dependant on accreditation components	May 2020
1.a	ELT Interactions Action Plan	On track for 2020	February 2020
1.b	ELT Top 10 Risk Action Plan	On track for 2020	January 2020

Traffic Management Regulatory changes

Traffic Management programmes will be changed from attending either the Traffic Controller Programme that allows us to work near the roads and Site Traffic Management Supervisor that allows us to write Traffic Management Plans up to a pathway competence-based training programme that potentially means all TC's and STMS's will need to be re-trained.

Emergency simulations

The Reception panic button simulation was conducted. The Customer Service Manager is to provide an improvement plan implementing a two-alarm programme. One to call people towards reception for assistance which is the existing plan, and one to ensure people stay away.

Wellness

Results for the Wellness Survey from November were shared at the 'End of Year' staff meeting. Sixty out of 100 reported stress as a factor. Forty out of 100 have requested more information on stress. A 'Wellness Hub' has been added to Express to provide more information. This topic has been escalated to ELT. The Wellness Committee will also take ownership of relevant initiatives. The next committee meeting will schedule additional actions to incorporate into the Wellness programme, Health & Safety will drive this.

Attachments/Ngā tapirihanga

Nil

Authorised by Group Manager

Name: Dave Tams
Title: Group Manager, Corporate Excellence
Date: 09 December 2019

TITLE: Confirmation of Minutes - 6 November 2019 and 19 November 2019

ID: A1266770

From: Chris Taylor, Governance Support Manager

Recommendation

That the minutes of the extraordinary council meeting held on 6 November 2019 and the council meeting held on 19 November 2019 be confirmed as a true and correct record.

Attachments/Ngā tapirihanga

Attachment 1: Extraordinary Council Minutes - 6 November 2019 [↓](#) 

Attachment 2: Council Minutes - 19 November 2019 [↓](#) 

Authorised by Group Manager

Name: Chris Taylor

Title: Governance Support Manager

Date: 11 December 2019

Extraordinary Council Meeting
6 November 2019

Northland Regional Council Minutes

Meeting held in the Council Chamber
36 Water Street, Whangārei
on Wednesday 6 November 2019, commencing at 9.30am

Present:

Deputy Chairperson, Justin Blaikie

Councillors:

Jack Craw
Colin Kitchen
Amy Macdonald
Marty Robinson
Rick Stolwerk
Joce Yeoman

In Attendance:

Full Meeting

Chief Executive Officer
GM – Strategy, Governance and Engagement
GM - Environmental Services
Governance Support Manager

Part Meeting

Independent Financial Advisor
NINC GM Investment and Infrastructure
GM - Corporate Excellence
Strategic Projects Manager
Biosecurity Manager
Biosecurity Manager – Partnerships & Strategy
CDEM Manager
CDME Group Recovery Manager
CDEM Public Information Manager
CDEM Officer – Welfare
CDEM Advisor
Media Specialist
Strategic Policy Specialist
Māori Cultural Advisor
Economist

The Chair declared the meeting open at 9.32am and proceedings commenced with a karakia by the Cultural Māori Advisor.

Secretarial Note: It was announced that the NRC Biosecurity Manager – Partnerships and Engagement, Kane McElrea, had won the Emerging Leader Award at the NZ Biosecurity awards and that the GIS Officer, Rebecca Norman, had won the ALGIM award for Excellence in Innovation for the CDEM Dashboard.

Extraordinary Council Meeting
6 November 2019

Apologies (Ngā whakapahā) (Item 1.0)

Moved (Blaikie/Robinson)

That the apologies from Councillors Smart and Bain for non-attendance be received.

Carried

Declarations of Conflicts of Interest (Nga whakapuakanga) (Item 2.0)

It was advised that councillors should make declarations item-by-item as the meeting progressed.

Secretarial Note: The Chief Executive Officer advised that Item 3.3: Local Government New Zealand National Council Elections: Call for Nominations Regional Sector and Zone One had been withdrawn (as per Standing Order 9.9). This was on the grounds that there were only enough nominees to fill the vacant positions and LGNZ had announced the results.

Receipt of tabled item: RMA Amendment Bill - council submission (Item 2.0A)

ID: A1256803

Report from Sally Bowron, PA/Team Admin Strategy, Governance and Engagement

Moved (Yeoman/Craw)

That as permitted under section 46A(7) of the Local Government Official Information and Meetings Act 1987 the following tabled report be received:

- RMA Amendment Bill – council submission.

Carried

Declaration by Colin Kitchen (Item 3.1)

ID: A1253432

Report from Malcolm Nicolson, Chief Executive Officer

Moved (Stolwerk/Macdonald)

That the report 'Declaration by Colin Kitchen' by Malcolm Nicolson, Chief Executive Officer and dated 25 October 2019, be received.

Carried

Secretarial Note: The Deputy Chairperson invited elected member Colin Kitchen to step forward, read the declaration out loud and sign the declaration document. The Deputy Chairperson then witnessed the declaration with his signature. Councillor Kitchen addressed the meeting, acknowledging the contribution of previous councillors, the current council and the CDEM Team (which he had been involved with for the previous ten years).

ID: A1257000

2

Extraordinary Council Meeting
6 November 2019

Northland Inc. Limited Annual Report for the Year Ending 30 June 2019 (Item 3.2)

ID: A1251322

Report from Darryl Jones, Economist and Simon Crabb, Finance Manager

Moved (Yeoman/Stolwerk)

1. That the report 'Northland Inc. Limited Annual Report for the Year Ending 30 June 2019' by Darryl Jones, Economist and Simon Crabb, Finance Manager and dated 21 October 2019, be received.
2. That council authorise Malcolm Nicolson, Chief Executive Officer, send a letter to Northland Inc. Limited informing them that council, as the 100% shareholder of Northland Inc., does not require them to hold an annual meeting of shareholders in 2019.

Carried

Secretarial Note: Northland Inc. Limited (NINC) GM Investment and Infrastructure addressed the meeting; tendering the apologies of the NINC Chief Executive and advising that the NINC GM Business Innovation and Growth had been awarded a commendation for the Kai Ora Fund project at the EDNZ Conference 2019.

Local Government New Zealand National Council Elections: Call for Nominations Regional Sector and Zone One (Item 3.3)

ID: A1251509

Report from Chris Taylor, Governance Support Manager

This item was withdrawn.

Secretarial Note: The meeting adjourned at 9.48am and reconvened at 9.54am to ensure elected members had sufficient time to read the tabled report.

RMA amendment Bill - council submission (Tabled Item 3.4)

ID: A1256543

Report from Justin Murfitt, Strategic Policy Specialist

Moved (Yeoman/Kitchen)

1. That the report 'RMA amendment Bill - council submission' by Justin Murfitt, Strategic Policy Specialist and dated 5 November 2019, be received.
2. That council approves the draft submission on the Bill (Attachment 1) and authorised the Chief Executive Officer to lodge the submission on behalf of council (incorporating amendments agreed at the meeting).

Carried

ID: A1257000

3

Extraordinary Council Meeting
6 November 2019

Business with Public Excluded (Item 4.0)

Moved (Blaikie/Stolwerk)

1. That the public be excluded from the proceedings of this meeting to consider confidential matters.
2. That the general subject of the matters to be considered whilst the public is excluded, the reasons for passing this resolution in relation to this matter, and the specific grounds under the Local Government Official Information and Meetings Act 1987 for the passing of this resolution, are as follows:

Item No.	Item Issue	Reasons/Grounds
4.1	Land at 8 Kensington Avenue Whangarei	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h) and the withholding of which is necessary to enable council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) s7(2)(i).

3. That the Independent Financial Advisor be permitted to stay during business with the public excluded.

Carried

Conclusion

The meeting concluded at 10.34am.

Council Meeting
19 November 2019

Northland Regional Council Minutes

Meeting held in the Council Chamber
36 Water Street, Whangārei
on Tuesday 19 November 2019, commencing at 10.30am

Present:

Chairperson, Penny Smart

Councillors:

John Bain
Justin Blaikie
Jack Craw
Colin Kitchen
Amy Macdonald
Marty Robinson
Rick Stolwerk
Joce Yeoman

In Attendance:

Full Meeting

Chief Executive Officer
GM – Strategy, Governance and Engagement
GM - Environmental Services
GM - Corporate Excellence
GM - Regulatory Services

Part Meeting

Finance Manager
Organisational Project Manager
Community Engagement Manager
Financial Accountant
Resource Scientist – Coastal
Economist
Management Accountant
Assistant Management Accountant
Natural Hazards Advisor
Cultural Māori Advisor
Accounts Receivable Officer
Governance Support Manager

The Chair declared the meeting open at 10.30am. The Māori Cultural Advisor was in attendance and presented the Statement of Intent (Tauāki ā roto), a form of karakia, developed specifically for council.

Public Forum (Item 0.0)

Moved (Smart/Yeoman)

That a public forum be permitted (*as per Standing Order 14*).

Carried

ID: A1261452

1

Council Meeting
19 November 2019

Secretarial Note:

- *As per standing order 14.14 the Chair waived the requirement for five days' notice and permitted two speakers from the group 'Extinction Rebellion Whangārei' to address council for a period of up to five minutes.*
- *Catherine Murupaenga-Ikenn and Rosie Warner spoke on behalf of 'Extinction Rebellion Whangārei'; calling on the regional council to declare a climate emergency.*
- *Council undertook to workshop this matter further.*

Apologies (Ngā whakapahā) (Item 1.0)

The apologies from Independent Financial Advisor, Geoff Copstick, were noted.

Declarations of Conflicts of Interest (Nga whakapuakanga) (Item 2.0)

It was advised that councillors should make declarations item-by-item as the meeting progressed.

Receipt of Supplementary and Tabled Reports (Item 2.0A)

ID: A1261411 and A1259953

Reports from Sally Bowron, PA/Team Admin Strategy, Governance and Engagement, and Dave Tams, GM – Corporate Excellence

Moved (Kitchen/Stolwerk)

That as permitted under section 46A(7) of the Local Government Official Information and Meetings Act 1987 the following supplementary and tabled reports be received:

- Supplementary Item 6.1: Confirmation of Governance Structure, Membership and Councillor Portfolios
- Confidential Tabled Item 8.2: Independent Member Appointments

Carried

Health & Safety Report - October 2019 (Item 3.0)

ID: A1255255

Report from Andree James, Health and Safety and Human Resources Advisor and Beryl Steele, Human Resources Manager

Moved (Craw/Stolwerk)

That the report 'Health & Safety Report - October 2019' by Andree James, Health and Safety and Human Resources Advisor and Beryl Steele, Human Resources Manager and dated 31 October 2019, be received.

Carried

Working Party Updates and Chairpersons' Briefings (Item 4.1)

ID: A1256984

Report from Sally Bowron, Strategy, Governance and Engagement Team Admin/PA

Moved (Robinson/Macdonald)

That the report 'Working Party Updates and Chairpersons' Briefings' be received.

Carried

ID: A1261452

2

Council Meeting
19 November 2019

Approval to open an Australian currency bank account with ASB (Item 5.1)

ID: A1254254

Report from Simon Crabb, Finance Manager

Moved (Blaikie/Bain)

1. That the report 'Approval to open an Australian currency bank account with ASB' by Simon Crabb, Finance Manager and dated 29 October 2019, be received.

Carried

It was further moved (Bain/Stolwerk)

2. That an Australian currency bank account is opened with ASB Bank Limited.

Carried

Financial Report to 31 October 2019 (Item 5.2)

ID: A1256762

Report from Vincent McColl, Financial Accountant

Moved (Bain/Blaikie)

That the report 'Financial Report to 31 October 2019' by Vincent McColl, Financial Accountant and dated 5 November 2019, be received.

Carried

Confirmation of Governance Structure, Membership and Councillor Portfolios (Supplementary Item 6.1)

ID: A1257595

Report from Chris Taylor, Governance Support Manager, and Linda Harrison, Organisational Project Manager

Moved (Bain/Stolwerk)

1. That the report 'Confirmation of Governance Structure, Membership and Councillor Portfolios' by Chris Taylor, Governance Support Manager and Linda Harrison, Organisational Project Manager and dated 7 November 2019, be received.
2. That Northland Regional Council establishes the following committee, subcommittees and working parties:
 - a. Investment and Property Subcommittee
 - b. Audit and Risk Subcommittee
 - c. Water and Land Working Party
 - d. Climate Change Working Party
 - e. Te Taitokerau Māori and Council Working Party
 - f. Biosecurity and Biodiversity Working Party
 - g. Whangārei Public Transport Working Party
 - h. Planning and Regulatory Working Party
 - i. Regional Land Transport Committee

ID: A1261452

3

Council Meeting
19 November 2019

3. That the governance structure established at this meeting be reviewed for effectiveness and possible improvements after six months of operation.
4. That the council appoints the councillor and independent membership to its subcommittees, working parties and joint committees – including the appointment of the Chairperson as ex-officio to all subcommittees and working parties, as set out in the body of this report and attachments.
5. That the Chairperson of each subcommittee, working party and joint committee report to council monthly on their activities.
6. That the Chairperson and Deputy Chairperson of the Regional Transport Committee invite nominations for a representative from each district council and from the NZ Transport Agency, then from these nominations, be delegated the power to identify up to ten (10) required independent appointments to that committee, subject to those persons being suitably qualified and subject also to council's approval at its next subsequent meeting.
7. That the delegations to, and terms of reference included in this report and relevant attachments be approved for the:
 - a. Investment and Property Subcommittee
 - b. Audit and Risk Subcommittee
 - c. Water and Land Working Party
 - d. Climate Change Working Party
 - e. Te Taitokerau Māori and Council Working Party
 - f. Biosecurity and Biodiversity Working Party
 - g. Whangārei Public Transport Working Party
 - h. Planning and Regulatory Working Party
 - i. Regional Transport Committee
8. That the council appoints councillors to the following Working Groups in the following roles:

Memberships / Delegation	Councillor
Doubtless Bay Catchment Working Group	Cr Kitchen Community member Chair
Mangere Catchment Working Group	Cr Yeoman Community Member Chair
Ngunguru Catchment Working Group	Cr Macdonald Community Member Chair
Poutō Catchment Working Group	Cr Smart Community Member Chair
Waitangi Catchment Working Group	Cr Robinson Community Member Chair
Whangārei Catchment Working Group	Cr Craw Community Member Chair
Whangārei Heads Pest Management Working Group	Cr Macdonald
Kāeo-Whangaroa River Working Group	Cr Robinson as Chair
Kaihū River Working Group	Cr Bain as Chair

ID: A1261452

4

Council Meeting
19 November 2019

Kerikeri River Working Group	Cr Yeoman as Chair
Ruakākā River Working Group	Cr Stolwerk as Chair
Taumāreire River Working Group	Cr Blaikie and Community Member as Co-Chairs
Urban Whangārei Working Group	Cr Craw as Chair
Awanui River Working Group	Cr Kitchen as Chair

9. That the council confirms the following appointments and delegations to the entities listed in Attachment 1:

Memberships / Delegation	Councillor
Appeals on Regional Plan	Cr Yeoman
Inter council working party on genetically modified organisms risk evaluation and management	No appointment until Regional Plan finalised.
Kaipara Moana Working Party	Crs Smart & Yeoman. Noting that this may become a formalised body post settlement in 2020.
Northland Conservation Board	Shared across council (constituent councillor to attend meeting based on location).
Northland Sports Facilities Plan (Sport Northland)	Cr Stolwerk
Shareholder representative for Northland Marsden Maritime Holdings Ltd (delegating all necessary authority to represent the council's interest including but not limited to exercising council's vote at Annual General Meetings and giving effect to council's shareholder resolutions).	Cr Smart
Shareholder representative for Northland Inc Ltd (Delegating all necessary authority to represent the council's interest including but not limited to exercising the council's vote at Annual General Meetings and giving effect to council's shareholder resolutions)	Cr Bain
Shareholder representative on Regional Software Holdings Ltd. (Delegating all necessary authority to represent the council's interest including but not limited to exercising the council's vote at Annual General	Cr Smart

ID: A1261452

5

Council Meeting
19 November 2019

<i>Meetings and giving effect to council's shareholder resolutions)</i>	
Upper North Island Strategic Alliance (UNISA)	Cr Smart
Zone one (LGNZ)	Cr Smart Alternate councillor – Cr Yeoman.

10. That the appointments detailed in recommendation 9 above, endorses that all councillors attending meetings of these entities constitutes as the local authority's business. Hence appointed members can claim vehicle and travel time allowances.
11. That based on the allocation of responsibilities outlined in the body of this report and Attachment 1 "Proposed New Governance Structure for the 2019-2022 Triennium", that the pool for higher duties allowance of \$580,951 be fully allocated as follows:
 - a) That the Deputy Chair receives a higher duties allowance of \$7,500; bringing the Deputy Chair total salary to \$79,181.
 - b) That remaining councillors receive a higher duties allowance of \$17,971, each bringing councillors total salary to \$71,681. This is based on the underpinning principle of council that additional duties will be apportioned in such a manner that there will be an equitable workload between councillors.
12. That the higher duties allocation set out above (supplemented by the appropriate supporting information), will be provided to the Remuneration Authority by 20 November 2019.

Carried

Secretarial Note: A correction was noted to the body of the report that Councillor Robinson was a member of the Climate Change Working Party (replacing Councillor Blaikie).

Meeting Dates for the remainder of 2019 (Item 6.2)

ID: A1256388

Report from Chris Taylor, Governance Support Manager

Moved (Kitchen/Craw)

1. That the report 'Meeting Dates for the remainder of 2019' by Chris Taylor, Governance Support Manager and dated 4 November 2019, be received.
2. That the programme of meetings for the remainder of 2019 be adopted (*as amended at the meeting*).

Carried

Secretarial Note: The amendments included the Regional Transport Committee to meet on 16 December 2019 (instead of 2 December as detailed in the report) and that council's subcommittees/working parties would not meet until the New Year.

ID: A1261452

6

Council Meeting
19 November 2019

Retrospective approval for council submissions (Item 6.3)

ID: A1256675

Report from Justin Murfitt, Strategic Policy Specialist

Moved (Yeoman/Blaikie)

1. That the report 'Retrospective approval for council submissions' by Justin Murfitt, Strategic Policy Specialist and dated 5 November 2019, be received.
2. That council retrospectively approve the submissions attached to this item.

Carried

Secretarial Note: Appreciation was extended to staff involved in collating the submissions given the level of technical detail and tight timeframes.

Manea Footprints of Kupe - Agreement regarding the fulfilment of a condition of funding (Item 6.4)

ID: A1256810

Report from Darryl Jones, Economist

Moved (Stolwerk/Blaikie)

1. That the report 'Manea Footprints of Kupe - Agreement regarding the fulfilment of a condition of funding' by Darryl Jones, Economist and dated 5 November 2019, be received.
2. That the condition requiring the funding agreement to contain an undertaking that Manea will be held in perpetuity for the benefit of the local community and that should it ever be sold into private ownership that council will be refunded its \$500,000 funding allocation is considered satisfied by the text contained in **Attachment 1** pertaining to agenda item 6.4 of the council meeting held on 19 November 2019.

Carried

Chief Executive's Report to Council (Item 7.1)

ID: A1254379

Report from Malcolm Nicolson, Chief Executive Officer

Moved (Stolwerk/Macdonald)

That the report 'Chief Executive's Report to Council' by Malcolm Nicolson, Chief Executive Officer and dated 31 October 2019, be received.

Carried

ID: A1261452

7

Council Meeting
19 November 2019

Business with Public Excluded (Item 8.0)

Moved (Smart/Yeoman)

1. That the public be excluded from the proceedings of this meeting to consider confidential matters.
2. That the general subject of the matters to be considered whilst the public is excluded, the reasons for passing this resolution in relation to this matter, and the specific grounds under the Local Government Official Information and Meetings Act 1987 for the passing of this resolution, are as follows:

Item No.	Item Issue	Reasons/Grounds
8.1	Human Resources Report	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(a).
8.2 Tabled	Independent Member Appointments	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(a).

Carried

Conclusion

The meeting concluded at 12.04pm.

TITLE: Financial Report to 30 November 2019

ID: A1266307

From: Vincent McColl, Financial Accountant

Executive Summary / Whakarāpopototanga

This report is to inform council of the year to date (YTD) financial result to November 2019. Council has achieved a YTD surplus after transfers to and from reserves of \$2.77M, which is \$311K favourable to budget (\$14K lower than last month).

Recommendation / Ngā mahi tūtohutia

That the report 'Financial Report to 30 November 2019' by Vincent McColl, Financial Accountant and dated 5 December 2019, be received.

Report

SUMMARY OPERATING RESULTS			
	000's ACTUAL YTD	000's BUDGET YTD	000's VARIANCE YTD
Revenue (including other gains)	\$ 22,948	\$ 22,129	\$ 820
Expenditure	\$ 18,943	\$ 19,902	\$ 959
NET (COST)/SURPLUS BEFORE TRANSFERS FROM/(TO) RESERVES	\$ 4,005	\$ 2,227	\$ 1,778
Transfer From (To) Special Reserves	\$ (1,238)	\$ 230	\$ (1,468)
NET (COST)/SURPLUS AFTER TRANSFERS FROM/(TO) RESERVES	\$ 2,767	\$ 2,457	\$ 311

Revenue

Year to date revenue is \$22.9M, which is \$820K or 3.7% above budget.

YTD REVENUE VARIANCE INDICATORS BY REVENUE TYPE			
	FAV / (UNFAV)		Commentary
	\$	%	
Rates	\$48,861	0.4%	
User Fees and Sundry	\$153,557	5.9%	<ul style="list-style-type: none"> Higher than budgeted consent monitoring fees of \$121K Unbudgeted prosecution income of \$111K Partially offset by: <ul style="list-style-type: none"> Lower than budgeted bus fare box revenue of \$90K
Grants and Subsidies	(\$420,762)	(15.5%)	<ul style="list-style-type: none"> Lower than budgeted FIF subsidies of \$76K offset by lower than budgeted expenditure Lower than budgeted Water Storage project subsidies of \$328K offset with lower than budgeted expenditure Lower than budgeted SHARP subsidies of \$231K offset with lower than budgeted expenditure Offset by: <ul style="list-style-type: none"> Higher than budgeted subsidies for GIS shared services of \$99K Higher than budgeted NZTA subsidies of \$45K
Investment Interest Income	\$3,433	2.9%	
Investment Property Income	(\$13,998)	(1.2%)	
Dividend Income		0.0%	
Short Term Fund Gains	\$18,348	44.1%	<ul style="list-style-type: none"> Actual October YTD returns as per Eriksens Global of 0.7% (2.1% annually) are lower than the budgeted 1.58% (4.75% annually). Gains here remain greater than budgeted because the Short Term Fund had a higher balance than budgeted.
Property Reinvestment Fund Gains	\$422,274	256.0%	<ul style="list-style-type: none"> Actual October YTD returns of 3.3% (9.9% annually) are higher than the budgeted 1.73% (5.2% annually).
Infrastructure Investment Fund Gains	\$281,865	80.0%	<ul style="list-style-type: none"> Actual October YTD returns of 3.0% (9.0% annually) are higher than the budgeted 1.64% (4.92% annually)
Community Investment Fund Gains	\$291,139	110.0%	<ul style="list-style-type: none"> Actual October YTD returns of 4.0% (12.0% annually) are higher than the budgeted 1.78% (5.33% annually).
Long Term Fund Gains (est. Nov 19)	\$38,346	20.0%	<ul style="list-style-type: none"> Estimate accrued for November gains
Short Term Fund Gains (est. Nov 19)	(\$3,423)	(10.0%)	<ul style="list-style-type: none"> Estimate accrued for November gains
Total	\$819,640	3.7%	

During November the transition from four funds to two funds was largely completed. As such the above table shows historical gains for the four older funds and an estimate of gains accrued for the two newer funds. The performance of these funds in aggregate is \$1,048,549 higher than budgeted.

Expenditure

Year to date expenditure is \$18.9M, which is \$959K or 4.8% below budget.

YTD EXPENDITURE VARIANCE INDICATORS BY COUNCIL ACTIVITY			
	FAV / (UNFAV)		Commentary
	\$	%	
Regulatory Services	\$141,129	5.3%	• Lower than budgeted salary costs within this group and other accumulated small variances
Environmental Services	\$22,495	0.5%	• Lower than budgeted FIF project expenditure of \$19K offset by lower than budgeted income • Lower than budgeted SHARP expenditure of \$203K offset by lower than budgeted income Partially offset by: • More than budgeted biosecurity materials for resale of \$105K partially offset by higher than budgeted resale income.
Governance and Engagement	\$593,794	13.2%	• Lower than budgeted Water Storage project expenditure of \$247K offset by lower than budgeted income • Lower than budgeted economic development grants of \$250K offset with lower than budgeted transfers from the Investment and Growth Reserve. This relates to the Footprints of Manea project.
Customer Service and Community Resilience	\$102,091	3.3%	• Accumulated small variances within this group
Corporate Excellence	(\$144,278)	(4.8%)	• Higher than budgeted IT expenditure of \$126K • Higher than budgeted internal interest expenses of \$27K relating to a higher balance of the sporting facilities rate reserve than budgeted.
CEO Office	\$243,840	12.3%	• Lower than budgeted operational expenditure on the Kensington Redevelopment project of \$132K • Lower labour charged via timesheeting to the CEO department than budgeted of \$121K
Total	\$959,070	4.8%	

Note that across council there is a \$343K favourable salaries variance predominantly due to delays in the recruitment of positions identified in the LTP and AP and the time to fill vacancies. Some of these have associated external funding.

Transfers to reserves

For the year to date there has been a net transfer **to** reserves of \$1.24M compared to a budgeted net transfer **from** reserves of \$230K. This is predominantly due to:

- \$990K higher than budgeted transfers to externally managed fund reserves representing reinvestment of gains above budgeted levels.
- \$268K lower than budgeted transfers from the Investment and Growth Reserve due to economic development grants not occurring as budgeted.
- \$59K higher than budgeted transfers to the Whangārei and Far North bus reserves due to higher NZTA subsidies than budgeted.

Capital Expenditure

Actual capital expenditure year to date of \$1.59M is \$476K lower than budgeted capital expenditure of \$2.06M. At this stage there is anticipated to be carry forwards requested for the Awanui Flood Infrastructure and the Kaipara Service Centre capital projects but the monetary value of any carry forwards is not yet known.

Attachments/Ngā tapirihanga

Nil

Authorised by Group Manager

Name: Dave Tams
Title: Group Manager, Corporate Excellence
Date: 11 December 2019

TITLE: Regional Rates Collection - Update to 30 September 2019

ID: A1254276

From: Simon Crabb, Finance Manager

Executive summary/Whakarāpopototanga

The three district councils administer the collection of the regional council rates on our behalf. The purpose of this report is to provide an update on the collection of this year's current rates and the rate arrears owing to the regional council by each district council.

Recommendation

That the report 'Regional Rates Collection - Update to 30 September 2019' by Simon Crabb, Finance Manager and dated 29 October 2019, be received.

Background/Tuhinga

Table one over the page presents a full reconciliation of councils' 2019/20 current rates and rate arrears that have been collected by each district council in the three months to 30 September 2019, and the outstanding amounts that remain to be collected.

Far North District Council (FNDC)

The Far North District Council has collected 25.3% of our current year rates (2018 27.3%).

\$181,597 (2018 \$137,932) of rate arrears has also been collected in the past three months resulting in a closing total rate arrears balance (excluding current year rates) still to be collected of \$3,682,653. Māori freehold land (MFL) accounts for \$2,693,895 of the total rate arrears balance.

Attachment 1 is the revenue and collections report provided by Far North District Council outlining the actions they have in place to collect outstanding rate arrears.

Kaipara District Council (KDC)

The Kaipara District Council has collected 28.2% (2018 27.9%) of our current year rates.

\$137,190 (2018 \$104,903) of rate arrears has also been collected in the past three months resulting in a closing total rate arrears balance of \$758,750.

Whangarei District Council (WDC)

The Whangarei District Council has collected 38.0% of our current year rates (2018 39.0%). \$80,569 (2018 \$80,342) of rate arrears has also been collected during the past three months resulting in a closing rate arrears balance of \$266,391.

When rates are received from the district councils they are deposited into council's Short Term Investment Fund. When council receives a lower level of rating revenue, it can result in a reduced level of returns derived from the Short-Term Investment Fund.

Table one. Sept' 19	Far North District Council TOTAL	Kaipara District Council	Whangarei District Council	TOTAL
Current Year Rates				
Full Year Rate Strike	\$12,238,448	\$5,387,435	\$17,513,431	\$35,139,314
plus penalties added	\$48,923	\$19,349	\$17,331	\$85,603
less discounts applied	\$0	\$0	-\$74,477	-\$74,477
less rates & penalty remissions	-\$321,857	-\$24,311	-\$420,094	-\$766,262
less rates & penalty writeoffs	\$0	-\$253	-\$10,232	-\$10,485
less postponed rates & other adjustments	-\$33,515	\$0	-\$8,262	-\$41,776
Total Current Year Rates	\$11,931,999	\$5,382,220	\$17,017,697	\$34,331,917
Current Year Rates Collected (YTD)				
Current rates collected	-\$3,015,052	-\$1,513,928	-\$6,468,080	-\$10,997,060
Current rate penalties collected	-\$7,463	-\$6,178	-\$2,490	-\$16,131
Total Current Year Rates Collected	-\$3,022,515	-\$1,520,106	-\$6,470,570	-\$11,013,191
Current Rates YTD Collection Rate	25.3%	28.2%	38.0%	32.1%
Balance of Current Rates remaining to be collected during year	\$8,909,484	\$3,862,114	\$10,547,127	\$23,318,726
Rate Arrears				
Opening Rate Arrears	\$3,883,714	\$818,954	\$324,738	\$5,027,406
plus rate arrear penalties added	\$0	\$77,789	\$23,316	\$101,105
less rate & penalty remissions	-\$15,757	\$0	-\$1,095	-\$16,852
less rate & penalty write offs	-\$1,057	-\$768	\$0	-\$1,825
less postponed rates & other adjustments	-\$2,650	-\$35	\$0	-\$2,685
Total Rates Arrears	\$3,864,251	\$895,940	\$346,959	\$5,107,150
Rate Arrears Collected (YTD)				
Rate arrears collected	-\$171,261	-\$106,908	-\$77,823	-\$355,992
Rate arrear penalties collected	-\$10,336	-\$30,282	-\$2,746	-\$43,364
Total Rate Arrears Collected	-\$181,597	-\$137,190	-\$80,569	-\$399,356
Rate Arrears YTD Collection Rate	4.7%	15.3%	23.2%	7.8%
Balance of Rate Arrears outstanding and remaining to be collected	\$3,682,653	\$758,750	\$266,391	\$4,707,793

Attachments/Ngā tapirihanga

Attachment 1: 2019/20 Q1 Far North District Council (FNDC) Rates Revenue and Collections Report [↓](#)



Authorised by Group Manager

Name: Dave Tams
Title: Group Manager, Corporate Excellence
Date: 07 November 2019

MEETING: FINANCE COMMITTEE – NORTHLAND REGIONAL COUNCIL

Name of item: REVENUE AND COLLECTIONS QUARTERLY REPORT as at 13 September 2019

Author: Margriet Veenstra, Manager - Transaction Services

Date of report: 26/09/19

Document number: A2712536

Executive Summary

The purpose of the report is to provide quarterly reporting to Northland Regional Council on action taken to collect current rates and rate arrears, and to provide information on how collection is tracking against targets.

1) Background:

This document has been prepared to highlight the actions taken by Far North District Council for the collection of the Northland Regional Council's rates and to reduce the monies outstanding. This report is prepared as at the end of the first quarter of the financial year 2019/20.

2) Discussion and options

General Title arrears update:

- Continuing on from last rating year, there are 64 properties currently with an external Law Firm to proceed with legal action.
 - Properties have been divided into groups as per Land Use.
 - Group 1 is at court stage, group 2 has been served and group 3 has received letters. Legal files and papers are being prepared for groups 4 & 5 and Council is compiling all documents for groups 6, 7 and 8.
 - \$100k in outstanding debt (FNDC & NRC) has been collected as a direct result.
 - 3 properties are paid in full, 6 have a Deed of Settlement agreement in place.
 - 4 properties are with the District Court awaiting a hearing date.
- Collation of records for Abandoned Land properties is also in progress. The next step is to pass details to Council, Community Groups, iwi and Maori Land Court for feedback.
- Debt Management team participated in a Continuous Improvement workshop which identified 33 actions of which 17 have been scheduled to be completed by January 2020. Some of the actions for rates & water include:
 - Negotiate a Direct Debit switch/set up offer for owners with ASB
 - Improve accuracy of owner contact details and introduce track & trace
 - Create new chasing letter templates and improve current customer letters
 - Increase awareness of instalment due dates and payment options
- First phase of the Mortgage Demand process to commence for 144 properties in October. Another 400 have been identified for the second phase.
- The Maori Enabling Team has been disestablished, to be replaced by a newly formed Te Hono team. The Te Hono team is in the early stages of establishment but the

intention is to utilise their relations and development initiatives to bring iwi to the table and open communications about payment of rates for Maori Freehold Land.

- Ongoing promotion of the Internal Affairs Rates Rebates Scheme in day to day communications with Ratepayers.

Collection Data

An analysis of the arrears, by collection status, is included in the following table. Arrears are the debt outstanding at the beginning of the 2019-20 financial year, together with arrears on rates for the 1st quarter as at 13 September 2019.

Arrears Collection Type Analysis Q1 2019-20						
Collection Type	Arrears \$			% of collection type to Total debt to be collected		
	General Title	Maori Freehold Land	Total	General Title	Maori Freehold Land	Total
Direct Debits (repay arrears within 2 years or REP)	27,028	1,717	28,746	2%	0%	1%
Direct Debits other (not under REP)	14,940	18,672	33,612	2%	1%	2%
Other Payment Arrangements	16,751	318	17,069	2%	0%	1%
External Collection Agency	0	0	0	0%	0%	0%
Abandoned Land	55,317	1,929	57,245	6%	0%	3%
Legal	86,309	3,412	89,721	9%	0%	5%
Deceased	49,632	12,691	62,322	5%	0%	3%
Liquidation	2,069	0	2,069	0%	0%	0%
Mortgage	212,588	0	212,588	21%	0%	11%
Total under above arrangements	464,634	38,739	503,374	47%	1%	24%
Balance to be collected by Other means	524,124	2,655,156	3,179,279	53%	99%	76%
Total Debt to be collected	988,757	2,693,895	3,682,653	100%	100%	100%

Of the total number of accounts marked as 'Balance to be collected by other means':

- For 51%, the arrears balance is made up of last year's rates only. New initiatives to be introduced as part of continuous improvement actions.
- For 27%, the arrears balance is made up of the last two years. These either require further action by Council Debt Management, Rates or Legal team or are waiting to be referred for Legal proceedings
- For the remaining 22%, the arrears balance is split across a number of years. These have received Final Demand letters and are waiting to be referred for Legal proceedings once the first groups have been completed

Council's remission policies

Council's remission policies are designed to recognise the unique nature of the Far North with its significant areas of unoccupied Maori freehold land. Overall the policies address issues of financial hardship and the protection of areas of land with particular conservation or community values. The following table shows the instance of remissions for each policy and the financial impact of these remissions.

Policy Name	Number Remissions Granted Year to date			
	2020		2019	
	Qty	\$value	Qty	\$value
Maori Freehold Land Remissions	603	\$ 152,895.85	712	\$180,346.37
Charitable or Community Organisations	56	\$ 15,090.53	54	\$ 14,747.14
Remission of Postponements	0	\$ -	20	\$ 11,246.32
Contiguous Properties	474	\$ 105,998.18	402	\$ 85,453.73
Properties partly in District	1	\$ 147.88	1	\$ 139.76
Conservation Property	228	\$ 63,482.01	225	\$ 59,204.74
School Sewerage Remission	0	\$ -		
Excess Water Remissions	0	\$ -		
Total	1,362	337,614	1,414	351,138

TITLE: Presentation of Culture Statement and Behaviours

ID: A1262399

From: Kyla Carlier, Corporate Planning Manager

Executive summary/Whakarāpopototanga

During the recent councillor retreat the Group Manager – Corporate Excellence presented the organisation's newly developed culture statement and behaviours to the council.

Council identified with the statement and behaviours, and expressed interest in adopting these as their own. The culture statement and behaviours are presented to council here, on behalf of the organisation's culture group, for adoption and use as the guiding principles of the culture and behaviours that council wish to foster.

Recommendation

1. That the report 'Presentation of Culture Statement and Behaviours' by Kyla Carlier, Corporate Planning Manager and dated 21 November 2019, be received.
 2. That council notes the culture statement and behaviours adopted by staff and included as **Attachment 1**.
 3. That a workshop be held in 2020 to discuss a culture statement for councillors.
-

Background/Tuhinga


Council's Organisational Development (OD) team recently completed an organisational development strategy. A key stream of work in this strategy directed the definition and development of culture within the organisation. The OD team, tasked with kicking off this initiative on behalf of the Executive Leadership team, opted to start at grass-roots level by inviting the entire body of staff to participate in a session on 'ideal culture' at the last all-staff meeting in July, which was well received.

The resulting information was collated and workshopped over six meetings, by a diverse subgroup comprising the OD team and non-management representatives from across all of council's groups of activities. The outcome was a draft culture statement and list of cultural behaviours that the group believed reflected the breadth of feedback offered at the all staff meeting, and would be meaningful and owned by their teams. They were developed by the people, for the people.

The draft statement and behaviours were presented to ELT who made only very minor changes, and gave their approval for the new cultural statement and behaviours to be launched across the organisation. This process is now underway.

The culture group are pleased that council identified so closely with their definition of good organisational culture and behaviours, and present these now for council to use however they see fit.

Attachments/Ngā tapirihanga

Attachment 1: Culture and behaviours [↓](#) 

Authorised by Group Manager

Name: Dave Tams
Title: Group Manager, Corporate Excellence
Date: 26 November 2019

Culture statement

We work together with integrity, courage and pride for a thriving Taitokerau.

Behaviours

- | | |
|---------------------------|--|
| Listen | - with curiosity, respect and an open mind |
| Kotahitanga | - collaborate, mentor and share to achieve more together |
| Choose positivity | - be optimistic, and see the opportunities in the challenges |
| Whanaungatanga | - embrace the diversity of our people and celebrate our common interests |
| Do the right thing | - be fair, use common sense and show manaakitanga |
| Own it | - stand by our decisions, celebrate our success and acknowledge our mistakes |
| Learn and improve | - growth through reflection and innovation |

TITLE: Triennial Agreement 2019 - 2022

ID: A1263095

From: Chris Taylor, Governance Support Manager

Executive summary/Whakarāpopototanga

The purpose of this report is to present the draft Triennial Agreement for council consideration. The Local Government Act 2002 requires Northland's four local authorities to enter into a Triennial Agreement, post 2019 elections, and no later than 1 March 2020. The Triennial Agreement, attached to this report, has been drafted through the Mayoral and CEOs' Forums and was workshopped with council on 26 November 2019.

Council approval is now sought for the Chair to sign the agreement on behalf of council.

Recommendations

1. That the report 'Triennial Agreement 2019 - 2022' by Chris Taylor, Governance Support Manager and dated 29 November 2019, be received.
2. That the Chair be authorised to sign the Triennial Agreement on behalf of council.

Background/Tuhinga

Section 15, Local Government Act 2002 (LGA), requires Northland's four local authorities to enter into a Triennial Agreement, post 2019 elections (and by no later than 1 March 2020).

The Triennial Agreement sets out the protocols for communication and co-ordination amongst the Northland councils during the three year term. It also represents the shared desire of local government in the Northland region to work together, maximise efficiency and promote well-being in their respective communities. It recognises a significant level of formal and informal co-operation already exists between the Northland councils.

An agreement under section 15 of the LGA must include:

- (a) protocols for communication and co-ordination among the local authorities; and
- (b) a statement of the process by which the local authorities will comply with section 16 in respect of proposals for new regional council activities; and
- (c) processes and protocols through which all local authorities can participate in identifying, delivering, and funding facilities and services of significance to more than one district.

An agreement under section 15 may also include:

- (a) commitments by local authorities within the region to establish or continue one or more joint committees or other joint governance arrangements to give better effect to one or more of the matters referred to in subsection (2); and
- (b) the matters to be included in the terms of reference for any such committees or arrangements, including any delegations.

The draft triennial agreement (included as **Attachment 1**) seeks to build on last term's agreement, and the collaborative work committed to by all councils during that term. In particular, the draft seeks to confirm:

- Commitment to continued collaboration through the Northland | Forward Together Strategic Planning Workshop and associated One Voice Advocacy Programme.
- Establishment and mandate of the Northland Mayoral Forum and Chief Executives' Forum. Including logistics surrounding selection of chairperson, meeting frequencies and secretarial support.
- Recognition and commitment to the Relationship Agreement between the Mayoral Forum and the Iwi Chairs.
- CEO mandate and commitment to the Iwi Local Government Agencies Chief Executives Forum.
- Acknowledgement of the roles and functions of Northland's statutory joint committees.
- Logistics regarding regional representation on Local Government New Zealand zone meetings and the Upper North Island Strategic Alliance; and how related information is disseminated across the Northland councils.
- A process for councils to engage and communicate with one another during Resource Management Act plan development processes.
- The process the regional council will follow, should it decide to deliver significant new activity.

It is anticipated the Triennial Agreement will be signed at the next Northland Mayoral Forum on 24 February 2019.

Considerations

1. Options

No.	Option	Advantages	Disadvantages
1	Council approves the Triennial Agreement be signed in its current form.	<ul style="list-style-type: none"> • Confirms NRC's firm commitment to work collaboratively with all the Northland councils. • Approval will enable the Triennial Agreement to be signed by the 1 March 2020 statutory deadline. 	<ul style="list-style-type: none"> • Although the agreement was workshopped with council there may be further amendments that would enhance the intent of the document.
2	Council requests further amendments to the Triennial Agreement.	<ul style="list-style-type: none"> • Council can ensure the Triennial Agreement accurately reflects its intent. 	<ul style="list-style-type: none"> • Additional negotiations with the district councils would be necessary to ensure agreement. • This may put pressure on the councils' ability

			to sign the Agreement by 1 March 2020.
3	Council does not approve the signing of the Triennial Agreement.	<ul style="list-style-type: none"> None apparent 	<ul style="list-style-type: none"> This could be damaging to NRC's relationship with the district councils. Council would need to enter into a statutory mediation process should it not agree to signing a Triennial Agreement by 1 March 2020.

The staff's recommended option is Option 1 to approve the Chair signing the Triennial Agreement on behalf of council.

2. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council's Significance and Engagement Policy because it is part of council's day to day operational activities. This does not mean that this matter is not of significance to Māori and/or individual communities, but that council is able to make decisions relating to this matter, and as outlined in this report, without undertaking further consultation or engagement.

3. Policy, risk management and legislative compliance

The decisions within this report are consistent with council's legislative requirements as specified in section 15 of the Local Government Act 2002.

Further considerations

4. Community views

The community has expressed their view through numerous avenues that they expect Northland local authorities to work together as efficiently and effectively as possible to advance the best interests of Northland. This Agreement is one vehicle by which to further outline and confirm how this will occur.

5. Māori impact statement

The Triennial Agreement is specific regarding Northland councils' commitment to be inclusive and enhancing relationships with Māori.


6. Financial implications

All financial implications of this agreement are accounted for within existing council budgets.

7. Implementation issues

If council elects to make changes to, or not sign, the Triennial Agreement then there may be logistical issues meeting the 1 March 2020 statutory deadline.

Attachments/Ngā tapirihanga

Attachment 1: Draft Triennial Agreement 2019-2022 [↓](#) 

Authorised by Group Manager

Name: Jonathan Gibbard

Title: Group Manager - Strategy, Governance and Engagement

Date: 29 November 2019



TRIENNIAL AGREEMENT

**Far North District Council, Kaipara District Council, Whangarei District Council, and
Northland Regional Council**

1. Purpose of the Triennial Agreement

The parties to this agreement commit to working for the good governance of their district or region by acting collaboratively to ensure that issues in common occurring within or impacting on the region are discussed openly and unnecessary duplication avoided. A Triennial Agreement is required by, and is made pursuant to, Section 15 of the Local Government Act 2002.

2. Commitment to a Consensus Approach

The parties:

- Acknowledge the benefits to the communities of Northland of the four councils working together in a consistent manner and wherever possible, with a united voice.
- Respect that at times our different roles and responsibilities may cause the parties to have different positions.
- Agree to endeavor to reach a consensus position on matters of common interest.
- Agree that our remaining differences will not detract from our commitment to work together cooperatively and maintain constructive relationships.

3. Communication and Co-ordination

Parties agree to communicate and co-ordinate their activities and be responsible for¹:

- Notification of major policy discussions which may have implications beyond the boundaries of the decision-making authority;
- Application of a “no surprises” policy whereby early notification is given between local authorities concerning significant policy or programmes before public announcements are made;
- Progressing issues agreed to by the Mayoral Forum;
- Sharing resources wherever possible to gain improved efficiency, effectiveness and increased levels of customer service;
- Abiding by group decisions, subject to the relevant authority’s decision making processes; and
- Working together in the best interests of the people of Northland. Emphasis is to be placed on building credible and enduring relationships with all Northland local authorities, the neighbouring authority of Auckland and central government.

4. Framework for Regional Leadership

The parties acknowledge the progress made towards greater local authority collaboration in Northland and the benefits this provides for the region. Parties agree to continue their commitment to the collaborative working relationship through the following joint local authority forums, committees and regional representation².

4.1 Regional Leadership

a) Northland|Forward Together Strategic Planning Workshop

The Northland|Forward Together Strategic Planning Workshops are a collaborative forum of all elected members from the four councils. The purpose of these workshops is to provide an opportunity for elected members to meet, discuss and seek agreement on high level strategic governance priorities and direction for the region.

¹ Pursuant to Section 15(2)(a) of the Local Government Act 2002

² Pursuant to Section 15(2)(c) of the Local Government Act 2002

In 2015 the document called **Northland|Forward Together** (Tai Tokerau | Kokiri Ngatahi) was developed. This document sets out a vision, goals and objectives for greater local authority collaboration and identifies priorities to investigate the potential for improved shared services, centers of excellence and joint procurement. This document sets the platform for the councils' ongoing collaborative relationship and further regional leadership (the document was ratified by all four councils).

The Northland|Forward Together Strategic Planning Workshops enable the Northland councils to monitor, review and update the vision, goals and objectives of Northland|Forward Together. The Northland Mayoral Forum, Chief Executives Forum and working parties are established on a case-by-case basis to support the implementation of the Northland|Forward Together work programme.

b) Northland Mayoral Forum

The purpose of the Northland Mayoral Forum is to provide a forum for the Chair and Mayors of the four councils of Northland to provide regional leadership and seek local authority alignment on key strategic governance priorities for the region and its communities and address any governance issues of the day.

A core role of the Northland Mayoral Forum is to provide governance leadership, oversight and direction to drive the Northland|Forward Together work programme and priorities. Each party is responsible for reporting progress back to their respective governance bodies and seeking council approval where decisions are outside existing council decisions or management delegations.

For the avoidance of doubt, while the Mayoral Forum provides an opportunity for the Chair and Mayors to provide regional leadership and seek strategic alignment, the forum has no delegated authority to make decisions or commit council resources. Any agreements which fall outside previous council decisions or management delegations, are made on the understanding that these agreements need to be approved by respective council resolutions before any agreements can be confirmed.

c) Northland Chief Executive Forum

The purpose of the Northland Chief Executives Forum is to provide a vehicle through which the four councils of Northland can support the work of the Northland Mayoral Forum, progress implementation and monitoring of the Northland|Forward Together programme, work on operational projects of common interest and benefit, share knowledge and consider any shared services arrangements.

d) Te Kahu O Taonui (Iwi Chairs)

The Relationship Agreement entered into between the Northland Mayoral Forum and Te Kahu O Taonui (Iwi Chairs) outlines the commitment to work together and invest in an intergenerational relationship that is based on mutual respect, is enduring and provides continuity through a shared vision, purpose and goals for mutually beneficial outcomes.

The parties acknowledge that the Relationship Agreement does not require the parties to perform any particular action or bind them to a specific outcome, but rather to work together in mutual good faith and reasonableness. The Agreement also acknowledges that, in signing the Agreement, it does not undermine or minimise any existing or future relationships and agreements between local authorities and iwi / hapū but rather seeks to strengthen and support those relationships.

It is acknowledged that Whangarei District Council has not signed the Relationship Agreement and is therefore not a party to the Agreement.

e) Iwi Local Government Agencies Chief Executives Forum

The purpose of the ILGACE Forum is to provide a forum where local government Chief Executives and iwi Chief Executives can seek opportunities to work collaboratively to address issues and progress projects for the betterment of Tai Tokerau / Northland.

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4.2 Joint Committees

f) NRC Regional Transport Committee³

The purpose of the Regional Transport Committee is prescribed in the Land Transport Management Act 2003 and includes the preparation, for Northland Regional Council approval, of a Regional Land Transport Plan and Regional Public Transport Plan for Northland, to monitor and review progress towards the adoption and implementation of these plans and to provide the regional council with any advice and assistance, as requested, in relation to regional council's transport responsibilities.

Membership of this committee includes one representative nominated by each district council and two members from the regional council appointed as Chair and Deputy Chair (and their alternates).

g) Northland CDEM Group⁴

The Northland Civil Defence Emergency Management Group (CDEM) is established as a joint standing committee of Northland councils and is responsible for the conduct of the CDEM functions of the Group, setting the strategic direction via the CDEM Group plan, approving annual work programmes, conducting joint management of civil defence events and monitoring and reporting on progress.

Membership of this committee includes one representative (and their alternate) nominated by each of the local authorities.

4.3 Representation and Communication

h) LGNZ Zone 1 Representation

Zone meetings provide an opportunity for councils to provide information and advice and highlight issues and concerns affecting Northland with the National Council. It also provides an opportunity to receive sector information and advise the National Council in dealing with national issues. In making appointments to LGNZ National Council, parties will consider the need to provide for rotational representation.

i) UNISA

The Upper North Island Strategic Alliance (UNISA) comprises Auckland Council, Bay of Plenty Regional Council, Northland Regional Council, Waikato Regional Council, Hamilton City Council, Tauranga City Council and Whangarei District Council. These seven parties have committed to a long-term collaboration for responding to and managing a range of inter-regional and inter-metropolitan issues.

UNISA has agreed to regularly update all the territorial authorities from the Upper North Island following each Governance Group meeting, with each of the regional councils taking responsibility for communicating with the territorial authorities in their region. The Northland Regional Council will provide regular updates and reports through the Mayoral Forum and CEO Forum with each territorial authority responsible for updating their own governance bodies.

³ Established pursuant to Part 2, Section 105(2) and (6) of the Land Transport Management Act 2003.

⁴ Pursuant to Section 12 of the Civil Defence Emergency Management Act 2002 and Schedule 7, Clause 30 of the Local Government Act 2002.

5. One Voice Advocacy Programme

The One Voice Advocacy Programme was established as part of the Northland | Forward Together initiative, with the aim of coordinating and aligning local authorities collective voice both to inform our local community and, through communication with Wellington, at a national level on key regional issues.

6. Regional Policy Statement⁵ and Regional/ District Plans (RMA)

This part of the Agreement applies to the regional council when reviewing or changing the Regional Policy Statement or regional plans and also applies to district councils when reviewing or changing district plans, under the Resource Management Act (RMA)⁶.

When reviewing or changing their plans, all councils will operate on the principle of 'no surprises' -whereby early and meaningful consultation across all stages of plan development will occur. The party promoting the plan shall initiate and manage the agreement actions, and four stages of interaction and consultation, as outlined in [Appendix 1](#). Early notice will be given over any disagreements between councils concerning policy or programmes, and prior to any critical public announcements being made.

The parties agree that respective staff who represent the region / district on any national working groups will report directly or indirectly to the Chief Executive Forum on the activities and decisions of those groups.

7. New Regional Council Activities

Under Section 15(2)(b) of the Local Government Act, a Triennial Agreement must include a statement of the process for consultation on proposals for new regional council activities. The Northland Regional Council will follow the process outlined in Section 16 of the Local Government Act 2002.

8. Meeting Times and Servicing the Triennial Agreement

- The Northland| Forward Together Strategic Planning Workshops will occur three times a year, with the location and hosting to be rotated between the parties (hosting council sets the agenda and chairs the forum).
- The Northland Mayoral Forum and CEO Forum will meet quarterly, with the location and hosting to rotate between the parties.
- The Chair for the Mayoral Forum and CEO Forum will be selected at their respective inaugural meetings and remain in place for the triennium unless otherwise agreed. When appointing a Chair consideration will be given to the need to rotate the chair role between parties.
- The Northland Regional Council will provide secretarial services and media support to the Northland Mayoral Forum and CEO Forum.
- In the event of a disagreement over the terms of this Triennial Agreement, the parties agree to refer the issue of disagreement to mediation for non-binding resolution. If no agreement on a mediator is forthcoming a mediator will be appointed by the President of the Auckland District Law Society.

⁵ Under Section 3A of the First Schedule of the Resource Management Act, a Triennial Agreement must include agreement on the consultation process to review or change a policy statement.

⁶ Where this Agreement refers to 'Plan', read also plan or policy statement change and variation.

AUTHORITY

This agreement is signed on _____, by the following on behalf of their respective authorities.

Mayor

Mayor

Mayor

Chair



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Appendix 1: RMA Regional Policy Statement and Regional/ District Plans

The Agreement, and this appendix for RMA RPS and plans, aims to:

- ensure good practice and early consultation between councils during plan preparation, changes and review;
- avoid possible misunderstandings of respective roles and statutory obligations;
- clearly define when comments and/or submissions by either party are appropriate; and
- establish an agreed process to be followed, including expectations and timeframes.

There are four stages of interaction and consultation:

- pre-plan
- draft plan (a matter of best practice rather than legally required)
- notified plan
- appeal to Environment Court.

1. Pre Plan

In this stage, all parties will take full advantage of the opportunity to fully understand each other's position, provide initial assessments of issues or matters likely to be of concern and explore techniques and methods to achieve the desired outcomes.

This phase will focus on significant points of difference. Effort will be spent on resolving these differences. Minor points of difference will not get in the way of the parties dealing with the significant ones.

Once the reasons for the plan are understood and the areas of difference are established then the parties will decide if further progress can be made to resolve these differences and a process and timeframe to move forward will be established and these matters will be recorded.

2. Draft Plan

When a plan reaches **a draft stage** and **before it has been approved for notification by council** for formal statutory consultation, it shall be forwarded to councils in the region for their comment (i.e. this phase occurs before public notification of a proposed Plan). This stage may be formal or informal. (It can occur alongside consultation with the wider community.)

A presentation to affected councils on the draft plan will, where possible, occur.

Council comments on a draft plan will usually be:

- discussed with or reported to the council, and
- represent the organisational view.

To avoid confusion, and for transparency, comment should include a summary of any positions reached in pre-consultation. Comments should relate to policy implications (and assuming the above process has been followed) they should highlight the points of difference already identified. Comments should clearly distinguish between significant and more general matters.

Comments by the regional council or district councils on other councils' plans should be clearly referenced to the council's LTP and/or any relevant policy or operational document (including existing or emerging growth strategies and models). All comments made should explain the impacts on the council in terms of cost, practicality, necessity and reasonableness in sufficient detail to be credible and stand scrutiny, i.e. in such a way that the feedback can be used in a section 32 RMA analysis. In making comments councils should also highlight how the plan can meet the relevant council's statutory functions and responsibilities while addressing or taking on board the submitting council's comment.

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Matters not resolved at this stage are likely to be the subject of formal submissions. Unless the draft plan changes significantly, no new issues would be expected to arise once the plan is notified.

Senior managers of the councils involved will review the position reached and satisfy themselves that the procedural requirements have been followed and all reasonable steps have been taken to resolve matters still in dispute. If a senior manager, in consultation with their Chief Executive Officer, is not satisfied then the matter may be escalated to the council's respective governance level.

Stage 3 Notification

Submissions in opposition from a party should not be a surprise and should relate only to significant matters already commented on, unless the plan has been materially changed between draft and notification.

A second tier manager will carefully review any submission prior to its approval to ensure:

- it is well founded in terms of policy or other relevant criteria
- it is a significant matter on its own or gives rise to significant implications for the council in carrying out its responsibilities and/or implementing its policy
- it specifies a means of relief that is appropriate.

All district council submissions (except further submissions) on a change to the RPS submissions to the new regional plan will be approved by the relevant council.

All regional council submissions (except further submissions) on proposed (new) district plans will be approved by the regional council (time permitting).

Given that significant matters are involved to justify a submission, relevant staff are expected to appear at the hearing.

Stage 4 Environment Court

By this stage every effort will have been made to resolve significant differences efficiently and cost effectively.

Mediation will be used where parties genuinely wish to find common ground. At times a Court decision will be preferred or will be necessary, for example where a point of law or a difference of professional opinion is at issue.

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TITLE: Adoption of Codes of Conduct and Communications Protocol

ID: A1263424

From: Linda Harrison, Organisational Project Manager

Executive summary/Whakarāpopototanga

The purpose of this report is to present the revised Northland Regional Council's Codes of Conduct and Communications Protocol for formal consideration and approval.

Recommendation(s)

1. That the report 'Adoption of Codes of Conduct and Communications Protocol' by Linda Harrison, Organisational Project Manager and dated 26 November 2019, be received.
2. That the revised Northland Regional Council Codes of Conduct, distributed under separate cover for elected and non-elected members, be adopted.
3. That the Northland Regional Council Communications Protocol, distributed under separate cover be adopted.

Background/Tuhinga

Codes of Conduct

Clause 15 of Schedule 7 of the Local Government Act requires each local authority to adopt a Code of Conduct. Once adopted, all elected members are required to comply by the Code. Adopting a new Code of Conduct requires a vote in support of the amendment of not less than 75% of the members present. If this threshold is not met, then the current Code will stand.

The existing Code of Conduct was reviewed both by the outgoing council last triennium and the new council at a workshop on 12 November 2019. In addition, the code was benchmarked against the latest LGNZ recommendations and subsequently reviewed by Simpson Grierson. Key changes included:

- Specific references to the use of social media;
- The use of external independent investigators in both the preliminary and full investigation stages with expected timeframes added to each stage of the process;
- The right of those involved in a complaint to "put their case" to the council in person has been replaced with the right to provide written comment on the investigator's draft report prior to it being presented to council.

A skeleton of the Code of Conduct for elected members was drafted for use by non-elected members who on occasion sit on the same committee, sub-committee or working party as councillors. There was a benefit seen in having elected and non-elected members being expected to apply the same basic standards of behaviour in the exercise of their duties.

Communications Protocol

The Communications Protocol (referenced in the Code of Conduct) provides practical advice to assist elected members and staff to manage a range of communications functions and roles.

The protocol sets out general principles to identify the appropriate spokesperson for media enquiries and statements; signoff procedures for council publications; and guidelines for attendance at events. The draft protocol was workshopped with council on 27 November 2019.

The matters are now set down for discussion.

Considerations

1. Options

No.	Option	Advantages	Disadvantages
1	Adopt the new Codes of Conduct and Communications Protocol.	Council will have up to date codes and protocol that are reflective of best practice.	Nil
2	Elect not to adopt the new Code of Conduct and / or Communications Protocol.	Nil	The current code and protocol, not reflective of best practice, will remain in place.
3	Elect to further amend the new codes and / or protocol before adoption.	This may give council the opportunity to further tailor the code and / or protocol to their needs.	Nil – the current code and / or protocol will remain in place until the new ones are adopted.

The staff's recommended option is to adopt the new Codes of Conduct and Communications Protocol (option 1).

2. Significance and engagement

In relation to section 79 of the Local Government Act 2002, these matters are part of the normal day-to-day operation of council and hence deemed to be of low significance under council policy.

3. Policy, risk management and legislative compliance

There are no policy or legislative requirements relevant to this decision.

Further considerations

Community expectations of council have been taken into consideration during the development of these policies. There are no known financial nor implementation issues associated with this decision.

Attachments/Ngā tapirihanga

Attachment 1: NRC Code of Conduct for Elected Members - 2019-2021 triennium (tracked changes)



Attachment 2: NRC Code of Conduct for Non-elected Members - 2019-2021 triennium (A1237854) tracked changes



Attachment 3: 2019 Communications Protocol FINAL



Authorised by Group Manager

Name: Jonathan Gibbard

Title: Group Manager - Strategy, Governance and Engagement

Date: 04 December 2019



Northland Regional Council

Code of Conduct Elected Members

Adopted on the 17 December 2019

1.1 Document approval

Date	Section amended	Approved By
26 March 2019	Amendment of numbering in Appendix B (admin error)	Governance Support Manager
<u>4 October 2019</u>	<u>Update using LGNZ latest best practice guidelines</u>	<u>Governance Support Manager</u>
<u>17 December 2019</u>	<u>List changes supported by new council</u>	<u>Governance Support Manager</u>

1. Introduction

This Code of Conduct (the Code) sets out the standards of behavior expected from elected members in the exercise of their duties. Its purpose is to:

- enhance the effectiveness of the local authority and the provision of good local government of the Northland region;
- promote effective decision-making and community engagement;
- enhance the credibility and accountability of the local authority to its communities by ensuring the council operates in an open and transparent fashion; and
- develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviors agreed in this Code.

2. Scope

Clause 15 of Schedule 7 of the Local Government Act requires each local authority to adopt a code of conduct. Once adopted, all elected members are required to comply with the code.

The Code provides guidance on the standards of behavior that are expected from all members of the Northland Regional Council. The Code is both internally and externally focused designed to deal with the behaviour of members towards:

- each other;
- the Chief Executive and staff;
- the media; and
- the general public.

It is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities

This Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the council's Standing Orders.

3. Values

The Code is designed to give effect to the following values:

1. **Regional interest:** members will serve the best interests of the people within the region as a whole, ~~not the constituency or affiliation that elected them and discharge their duties conscientiously, to the best of their ability.~~
2. **Public trust:** members, in order to foster community confidence and trust in their council, will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
3. **Ethical behaviour:** members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of any such behavior.
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, ~~or disability or political affiliations.~~ Members will respect the impartiality and integrity of officials.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by this Code of Conduct, and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to ensure they fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the council operates, including a regular review and assessment of the council's collective performance.
9. **Transparency:** Members should be as open as possible about their actions and those of council, seek opportunities to actively engage with the community and explain the reasoning behind actions and decisions.
10. **Regional Stewardship:** ~~Once elected, members' primary duty is to the interests of the entire region, not the constituency that elected them.~~
11. **Prudent financial management:** Members will ensure that council uses resources prudently and maximize the return to the community for lawful purposes, and ensure that the council maintains sufficient resources to meet its statutory obligations to both present and future generations.

These values complement, and work in conjunction with, the principles of s.14 of the LGA 2002 and the governance principles of s.39 of the LGA 2002.

4. Role and responsibilities

Good governance requires clarity of roles and respect between those charged with responsibility for the leadership of the council and those responsible for advice and the implementation of council decisions. The key roles are:

4.1 Members

The role of the governing body includes:

- representing the interests of the people of the Northland region;
- developing and adopting plans, policies and budgets;
- monitoring the performance of the council against stated goals and objectives set out in its long term plan;
- providing prudent stewardship of the council's resources;
- employing and monitoring the performance of the chief executive; and
- ensuring the council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

4.2 Chairperson

As one of the elected members the Chairperson shares the same responsibilities as other members of council. In addition to this the Chairperson has the following roles:

- Presiding member at council meetings. The Chairperson is responsible for ensuring the effective conduct of business during meetings (as detailed in Standing Orders);
- Advocate on behalf of the region. This role may involve promoting the region, representing its interests at national and other forums and networking to facilitate the progress of regional priorities;
- Communicate regional council direction and progress on priority projects;
- Provide leadership and feedback to other elected members on teamwork and ~~chairman~~Chairpersonship of meetings;
- Spokesperson (as outlined in Section 6 – Media contact)

4.3 Chief executive

The role of the Chief Executive includes:

- implementing the decisions of the council;
- ensuring that all responsibilities delegated to the Chief Executive are properly performed or exercised;

- ensuring the effective and efficient management of the activities of the local authority;
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- providing leadership for the staff of the council; and
- employing staff on behalf of the council (including negotiation of the terms of employment for those staff).
- primary point of contact between the council and independent investigators in the case of investigating a complaint made under this code of conduct. (Complaint process is outlined in Appendix A).

Under s.42 of the LGA 2002 the Chief Executive is the only person *directly* employed by the council itself. All concerns about the performance of an individual member of staff must, be referred to the Chief Executive.

5. Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public.

5.1 Relationships between members

Given the importance of relationships to the effective performance of the council, members will conduct their dealings with each other in a manner that:

- maintains public confidence;
- is open and honest;
- is courteous;
- is focused on issues rather than personalities;
- avoids abuse of respects meeting procedures by not using tactics; such as using a pattern of unnecessary notices of motion and/or repetitious points of order; and
- values positive relationships by not being avoids aggressive, offensive, subversive or abusive conduct, including the use of disrespectful, racist, sexist or malicious actions and/or language.

Any failure by members to act in the manner described in s. 6.1 represents a breach of this Code. Any concerns about a members behaviour should be raised with the Chief Executive.

Please note: Nothing in this section of the Code is intended to limit robust debate within the council as long as it is conducted in a respectful and insightful manner.

5.2 Relationships with staff

An important element of good governance involves the relationship between the council and its Chief Executive. Members will respect arrangements put in place to facilitate this relationship, and:

- channel all directions to staff through the Chief Executive;
NB: This does not apply when councillors are working directly with staff by virtue of an assigned delegation on a specific matter such as a regional plan or strategy.
- raise any concerns about employees, officers or contracted officials with the Chief Executive;
- raise any concerns about the performance or behaviour of the Chief Executive with the Chairperson
- make themselves aware of the obligations that the council and the Chief Executive have as employers and observe those requirements at all times, such as the duty to be a good employer;
- treat all employees with courtesy and respect and must not publicly criticise any employee or staff in general;
- observe any protocols put in place by the Chief Executive concerning contact between members and employees;
- avoid doing anything which might compromise, or could be seen as compromising, the impartiality of an employee.

Commented [LH1]: Amendment following council workshop

Any failure by members to act in the manner described above represents a breach of this Code. **Please note:** Elected members should be aware that failure to observe this portion of the Code may compromise the council's obligations to be a good employer and consequently expose the council to civil litigation.

5.3 Relationship with the public

Given that the performance of the council requires the trust and respect of individual citizens, members will:

- interact with members of the public in a fair, respectful, equitable and honest manner;
- be available to listen and respond openly and honestly to community concerns;
- represent the views of citizens and organisations' accurately, regardless of the members own opinions on the matters raised.
- consider all points of view or interests when participating in debate and making decisions;
- treat members of the public in a courteous manner; and

Commented [LH2]: New LGNZ best practice Guidelines

- act in a way that upholds the reputation of the local authority.

Any failure by members to act in the manner described above represents a breach of this Code.

5.4 Relationships with Ministers of the Crown

It is important that the council presents a professional and cohesive front to central government in order to most effectively represent the Northland region. To enable this members will:

- Gain the approval of council before directly ~~contact~~approaching a Minister of the Crown;
- Maintain and support the council's collective position as opposed to an elected member's own personal view;

5.4• Put the needs of the council and region first, not the constituency or affiliation that elected them.

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6. Public communications and mediaContact with the media

The media, including social media, plays an important role in keeping citizens and communities informed, through investigation and reporting on the business of council, its plans, policies, decisions and operations. ~~The protocols that apply to elected members are the same whether talking to the media, speaking at a meeting or using social media.~~ In order to fulfil this role, the media needs access to accurate and timely information about council. From time to time individual members will be approached for comment on a particular issue, either on behalf of the council or as an elected member in their own right. The following provides guidance for elected members when dealing with all forms of the media, ~~whether it be traditional or social.~~

6.1 Contact with mediaAuthorised spokespersons

Operational questions should be referred to the Chief Executive ~~or the Media Specialist~~. Governance-related questions should be referred to the Chairperson or the member with the appropriate delegated authority as outlined in the ~~Communications Protocol~~.

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As a minimum, any approach from the media should be discussed with the ~~Chairman~~Chairperson and CEO in the first instance. The Communications Manager/Media Specialist should also be informed.

6.1.1 Council or Committee decisions

The ~~Chairman~~Council Chairperson or Deputy ~~Chairman~~Chairperson (in that order) are the authorised spokespersons for all council decisions unless:

- The ~~Chairman~~Chairperson or Deputy ~~Chairman~~Chairperson delegate this authority to another person; or
- The decision is directly related to a council committee or major project where an authorised spokesperson has already been approved by the ~~Chairman~~Chairperson or Committee ~~Chairman~~Chairperson.

6.1.2 **Committee and sub-committee and working party decisions**

The ~~Committee~~ Chair or Deputy Chair (in that order) of any ~~council~~-committee ~~or sub-committee or working party~~ is the authorised spokesperson for their specific ~~committee activities decisions~~, including those later ~~adopted approved~~ by council, unless ~~the Committee Chair and Deputy Chair delegate~~ this authority ~~is delegated~~ to another person.

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6.1.3 **Major projects**

The authorised spokesperson for all major projects will be identified in the Project Communications Plan, taking into consideration:

- If an authorised spokesperson has already been identified by council or a council committee ~~or working party~~
- If the project has a clear link to any councillor's portfolio, e.g. if they are the Chair or a member of a relevant committee or working party
- If the project is predominantly based in any councillor's constituency

The identification of authorised spokespeople in a communications plan must be discussed with the ~~Chairperson and/Chairman relevant Group Manager and~~ or Chief Executive Officer before the plan is approved.

The ~~Chairman~~Chairperson is the authorised spokesperson on any matter not covered by the above circumstances i.e. the subject matter does not relate to a council or committee decision or a major project (that has a communication plan). The ~~Chairman~~Chairperson may delegate this role as appropriate.

6.2 **Personal view on council business**

Elected members are free to express a personal view in the media, including social media, provided the following protocol is observed:

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- Comments by members on their personal perspective, views or opinions (as opposed to communication of council matters in an official capacity) should be clearly identified as not being the views of the council;
- If a council decision has been made on the subject, comments should reflect the collective position of the council;
- Comments about matters that are under consideration by the council, or are otherwise a matter of public debate, should present the issues accurately in an even-handed ~~and non-partisan way~~ and not be misleading;
- Comments by members of their personal perspective, views or opinions (as opposed to communication of council matters in an official capacity) should:
 - Be clearly identified as such; and
 - Be confined to matters that are relevant to the role of local authorities

6.3 **Social Media**

Elected members are responsible for the preparation, posting and management of their own content on their own social media channels. Social media posts about other members, council staff or the public must be consistent with section 5 of this code. The council's Social Media Policy applies to elected members, staff and contractors.

It must be made clear that any views are their own opinions as an individual not those of council. It is important to ensure comments do not indicate that members have come to a conclusive view on a matter coming before council, prior to fully considering the proposal and related issues. Members must not do any of the following:

- Pre-empt official council announcements or post any confidential council information;
- Breach the privacy of other elected members or officials;
- Purposefully misrepresent the views of the council or the views of the other members;
- Reply to comments in a way that doesn't show respect or misrepresents council;
- Post content, comment or reply to comments in a way that could be perceived as offensive, humiliating, threatening, defamatory or intimidating to other elected members, officials or members of the public;
- Post content about council that may be misleading or deceptive; or
- Use council social media channels for the purposes of electioneering. When using their own social media channels to campaign for an election, the same requirements in regards to authorisation apply to social media as to other campaign tools such as signs and publications.

Commented [LH3]: From new LGN best practice guidelines

See council's Communications Protocol and Appendix B for further social media guidelines for elected members.

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6.4 Non-council communications

Due to their position, elected members may be contacted for their views or participation outside of official council channels, for example opinion pieces/columns in local newspapers.

Keeping in mind the previous protocols, elected members have the right to comment but must clearly state whether the view being expressed is that of council collectively or their personal opinion.

Any non-council communication in the public arena, for example in the media or on social media platforms, should be clearly identified as such, particularly if you choose to identify yourself as a councillor, e.g. Cr Joe Bloggs. We advise a by-line similar to the following be inserted stating:

"The following is not a council sponsored publication/communication and is the personal opinion of Cr Joe Bloggs."

Please doElected members ***may*** not use the council logo as part of any non-council communication.

6.5 General standards

- Comments in the media must observe the other requirements of the Code; for example, comments should not disclose confidential information, criticise, or compromise the impartiality or integrity of staff; and

- Media comments should not be misleading and must be accurate within the bounds of reasonableness.
- You are accountable for any comments you make.

Failure by members to meet the standards above represents a breach of this Code.

Note: For more detailed information and guidance on council's communications policies and procedures please refer to council's Communications Protocol.

7. Information

Access to information is critical to the effective performance of a local authority and the level of public trust felt by the public.

7.1 Confidential information

In the course of their duties members will occasionally receive information that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

7.2 Information received in capacity as an elected member

~~Members will disclose to other members and, where appropriate the Chief Executive, any information received in their capacity as an elected member that concerns the council's ability to give effect to its responsibilities~~

~~Members may occasionally receive information from external parties which is pertinent to the ability of council to properly perform its statutory duties. Where this occurs, and the information does not contravene the privacy of natural persons, the member will disclose such information to other members and /or the Chief Executive as soon as practicable.~~

Members who are offered information on the condition that it remains confidential will inform the provider of the information that it is their duty to disclose the information and will decline the offer if that duty is likely to be compromised.

Any failure by members to act in the manner described above represents a breach of this Code.

Commented [LH4]: From new LGNZ best practice guidelines

Please note: Failure to observe these provisions may impede the performance of the council by inhibiting information flows and undermining public confidence. It may also expose the council to prosecution under the Privacy Act and/or civil litigation.

8. Conflicts of Interest

Elected members will maintain a clear separation between their personal interests and their duties as elected members in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA) – the provisions of the Act are summarised in **Appendix BA**.

Members will not participate in any council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse contracts with the authority or has a pecuniary interest. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive *immediately*. Members may also contact the Office of the Auditor General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

Please note: Failure to observe the requirements of the LAMIA could potentially invalidate the decision made, or the action taken, by the council. Failure to observe these requirements could also leave the elected member open to prosecution (see **Appendix BA**). In the event of a conviction, elected members can be ousted from office.

9. Register of Interests

Members shall annually make a declaration of interest. These declarations are recorded in a Register of Interests maintained by the council. The declaration must include information on the nature and extent of any interest, including:

- a) any employment, trade or profession carried out by the member or the members' spouse for profit or gain;
- b) any company, trust, partnership etc. for which the member or their spouse is a director, partner or trustee;
- c) the address of any land in which the member has a beneficial interest within the jurisdiction of the local authority; and

- d) the address of any land owned by the local authority in which the member or their spouse is:
 - a tenant; or
 - the land is tenanted by a firm in which the member or spouse is a partner, a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee:
- e) any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the Chief Executive)

Please note: Where a member's circumstances change they must ensure that the Register of Interests is updated as soon as practicable.

10. Ethical behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly, members will:

- claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the council developed in accordance with that determination;
- not unduly seek to influence any council employee or member outside of councils normal processes.
- not influence, or attempt to influence, any council employee or member in order to benefit their own, or families personal or business interests;
- only use the council resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and
- not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. ~~The offer or receipt of substantial gifts, including special occasion goodwill gifts must be reported to the Chief Executive. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.~~
- Working meals and social occasions should be undertaken in an appropriate manner.

Any failure by members to comply with the provisions set out in this section represents a breach of this Code.

Commented [LH5]: Clarification from LGNZ new best practice guidelines

10.1 Undischarged bankrupt

In accordance with clause 15(5) of Schedule 7 (LGA 2002) any member who is an "undischarged bankrupt" will notify the Chief Executive prior to the inaugural meeting or as soon as practicable after being declared bankrupt. The member will also provide the chief executive with a brief explanatory statement of the circumstances surrounding the member's adjudication and the likely outcome of the bankruptcy.

11. Creating a supportive and inclusive environment

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- Attending post-election induction programmes organised by the council for the purpose of facilitating agreement on the council's vision, goals and objectives and the manner and operating style by which members will work.
- Taking part in any assessment of the council's overall performance and operating style during the triennium.⁴
- Taking all reasonable steps to ensure they possess the skills and knowledge to effectively fulfill their Declaration of Office and contribute to the good governance of the Northland region.

12. Breaches of the Code

Members must comply with the provisions of this Code (LGA 2002, schedule 7,s(4)).

All complaints (whether internal or external) that the Code has been breached by the behavior of a member, will be considered in a manner that is consistent with the following principles.

12.1 Principles:

The following principles will guide any processes for investigating and determining whether or not a breach under this Code has occurred:

- that the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the breach complained about;
- that the roles of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- that the concepts of natural justice and fairness will apply in the determination of any complaints made under this Code. This requires, conditional on the nature of an alleged breach, that affected parties:

⁴ ~~A self-assessment template is provided in the Guidance to this Code.~~

- have a right to know that an investigation process is underway;
- are given due notice and are provided with an opportunity to be heard;
- have a right to seek appropriate advice and be represented; and
- have their privacy respected.

12.2 Complaints

This section should be read in conjunction with the detailed complaints process (including timeframes) outlined in **Appendix A**.

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Before making a complaint, members are encouraged to resolve the matter by discussion with the member alleged to have committed the breach.

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All complaints (whether external or internal) made under this Code must be made in writing ~~and forwarded~~ to the Chief Executive ~~setting out the alleged breach of the code and providing corroborating evidence.~~ On receipt of a complaint the Chief Executive must ~~forward the~~ complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to warrant a full investigation.² The independent investigator may dismiss or terminate a complaint from a member of the public on grounds that include that the complaint is frivolous, vexatious or has been adequately resolved.

12.3 Investigation, advice and decision

The process, following receipt of a complaint, will follow the steps outlined in **Appendix A**. Different independent investigators will conduct the preliminary assessment of a complaint and the full investigation to ensure both a robust and impartial result that council can consider with confidence.

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12.4 Materiality

An alleged breach under this Code is material if, in the opinion of the independent investigator conducting the preliminary assessment, it would, if proven, bring a member or the council into disrepute or, if not addressed, reflect adversely on the council or another member of the council.

13. Penalties and actions

Where a complaint is determined to be material, upheld and referred to the council, the nature of any ~~penalty or resulting~~ action will depend on the seriousness of the breach.

² On behalf of the Council the Chief Executive will, shortly after the start of a triennium, prepare, in consultation with the Chairperson, a list of investigators for this purpose of undertaking a preliminary assessment. The Chief Executive may prepare a list specifically for his or her council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators.

13.1 Material breaches

In the case of material breaches of this Code the council may require one of the following as a consequence:

1. a letter of censure to the member;
2. a request (made either privately or publicly) for an apology;
3. a vote of no confidence in the member;
4. removal of certain council-funded privileges (such as attendance at conferences);
- 4-5. Removal of responsibilities and relevant remuneration such as committee / working party Chairperson, deputy chairperson or portfolio responsibilities;
- 5-6. restricted entry to council offices, such as no access to staff areas (where restrictions may not previously have existed);
- 6-7. limitation on any dealings with council staff so that they are confined to the chief executive or identified senior manager only;
- 7-8. suspension from committees or other bodies; or
- 8-9. an invitation for the member to consider resigning from the council.

Commented [LH6]: Amendment following council workshop

Commented [LH7]: From new LGNZ best practice guidelines

A council or committee may decide that a penalty will not be imposed where a respondent agrees to one or more of the following:

- attend a relevant training course; and/or
- work with a mentor for a period of time; and/or
- participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- tender an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

13.2 Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements administered by other agencies, then the complaint will be referred to the relevant agency. For example:

- breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under the LAMIA);
- breaches which result in the council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s.44 of the LGA 2002 which may result in the member having to make good the loss or damage); or

- breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

13.3 Breaches of the Code during meetings

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It is expected that compliance with the provisions of this Code during a meeting shall be dealt with by the Chairperson of that meeting, within Standing Orders, at the time the breach arises. This responsibility will fall to the CEO if the Chairperson is in breach of this Code during a meeting. This applies to meetings of council, committees, sub-committees and working parties.

If an elected member believes that an alleged breach of the Code has not been dealt with adequately by the Chairperson at a meeting, they may initiate the complaint procedure outlined in section 13.2 and Appendix A.

13.4 Protected Disclosure

Commented [LH8]: Amendment following council workshop

Elected members and staff are viewed and protected equally under the Protected Disclosures Act 2002. The process to report serious wrongdoing in any aspect of council operations is for councillors to notify the Chief Executive or Chairperson in the first instance, or one of the council's Disclosure Officers. More information can be found in Appendix C and the council's Policy on Reporting Serious Wrongdoing.

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14. Review

Once adopted, a Code of Conduct continues in force until amended by the council. The Code can be amended at any time but cannot be revoked unless the council replaces it with another Code. Once adopted, amendments to the Code require a resolution supported by 75 per cent of the members of the council present at a council meeting where the amendment is considered.

Council may formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be considered by the council in regard to potential changes for improving the Code.

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Appendix AB: Process for the determination and investigation of complaints

Step 1: Chief executive receives complaint

Within 2 working days of receiving a complaint, the Chief Executive will acknowledge receipt in writing and refer the complainant to the process for dealing with complaints as set out in the Code.

Within 5 working days the Chief Executive will:

- On receipt of a complaint under this Code the Chief Executive will refer the complaint and corroborating evidence to an investigator selected from a panel agreed at the start of the triennium for preliminary assessment. The Chief Executive will also:
 - inform the complainant that the complaint has been referred to the independent investigator and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
 - inform the respondent that a complaint has been made against them, the name of the investigator refer them to the process for dealing with complaints as set out in the code.

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Step 2: Investigator makes preliminary assessment

Within 20 working days of On receipt of a complaint, the investigator will provide written preliminary assessment of whether:

1. the complaint is frivolous or without substance and should be dismissed;
2. the complaint is outside the scope of the Code and should be redirected to another agency or process;
3. the complaint is upheld but non-material; or and
4. the complaint is material and a full investigation is required.

In making this assessment, the investigator may make whatever initial inquiry is necessary to determine the appropriate course of action, although investigations will need to be within whatever budgetary constraints have been set in the contract for service or approved by the Chief Executive. To For clarify, the investigator has full discretion to dismiss any complaint which, in their view, is frivolous, without substance or fails to meet the test of materiality.

Commented [LH8]: From new LGNZ best practice guidelines.

On receiving the investigator's preliminary assessment the Chief Executive will:

1. where an investigator determines that no further action is required because a complaint is frivolous or without substance, inform the complainant and respondent directly in writing and inform other members (if there are no grounds for confidentiality) of the investigator's decision;

2. in cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform both the complainant and respondent in writing of the action.
3. If the ~~subject of a~~ complaint is upheld but and found to be non-material the investigator will, if appropriate, recommend a written course of action appropriate to the breach, such as;
 - that the respondent seek guidance from the Chairperson;
 - that the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters leading to the complaint.

In all cases, the investigators written report must set out the reasoning for the assessment made.

Commented [LH9]: From new LGNZ best practice guidelines.

The Chief Executive will advise both the complainant and the respondent in writing of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and the council.

The preliminary assessment of a breach deemed to be non-material will only be presented to the full council if the Chief executive and Chairperson do not agree on which recommendations, if any, are to be actioned.

4. If the ~~subject of a~~ complaint is upheld and found to be material the Chief Executive will inform the complainant and respondent in writing. The investigator will then prepare a report for the council setting out:
 - the reasons why the allegation has been upheld;
 - why it is material; on whether the complaint is upheld and if so the seriousness of the breach and
 - recommended next steps.

Commented [LH10]: From new LGNZ best practice guidelines

Step 3: Actions where a breach is found to be material

Following receipt of a preliminary assessment report finding that a breach is material, within 5 working days the Chief Executive will:

- Refer the complaint, corroborating evidence and preliminary assessment report to an investigator selected from a panel agreed at the start of the triennium for full assessment.

Note: The investigators conducting the preliminary assessment and full investigation are not to be the same person.

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Within 20 working days of receipt of the preliminary assessment and accompanying information, the independent investigator will:

In preparing that report the investigator may:

- consult with the complainant, respondent and any affected parties;

- undertake a meeting/hearing with relevant parties (if appropriate); and/or
- request or refer to any relevant documents or information; and
- Provide a written draft report on the breach, the seriousness of the breach and any recommended actions for resolving the breach for council consideration. -

The Chief Executive will share the full draft investigation report with the complainant and respondent under strict confidentiality. They will be invited to reply in writing within 10 working days as to whether they agree with the findings and whether they wish to make a written submission to the council when they are considering the full investigation report. Both parties will be advised that this is the sole opportunity for their comments on the incident and investigation to be presented to council. They will not be provided with an additional opportunity to address the council in person. Submissions will be provided to the investigator who will consider and amend the draft investigation report at their discretion within 5 working days should new evidence come to light during the submission process.

The complainant and respondent must not disclose or discuss the draft investigation report with any person other than the Chief Executive, (or if the complaint concerns the Chief Executive, the Chairperson) and/or their professional advisor prior to the Council meeting being held to determine the outcome of the complaint process.

On receipt of the investigator's report the Chief Executive will prepare a report for the council, who will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The Chief Executive's report will include the full report prepared by the investigator.

Step 4: Council Process for consideration of the investigator's full investigation report

On receipt of the full investigation report and any submissions from the complainant and/or respondent, the Chief Executive will prepare an item for inclusion in the formal agenda of the next council meeting to consider the findings and determine whether or not any further action is required. The Chief Executive's report will include the full investigation report and any submissions from the complainant and/or respondent.

Depending upon the nature of the complaint and alleged breach, the investigator's full investigation report will generally be considered by the full council, excluding the complainant, respondent and any other 'interested' members.

The council will consider the Chief Executive's report in open meeting, except where the alleged breach concerns matters that justify the exclusion of the public, such as the misuse of confidential information or a matter that would otherwise be exempt from public disclosure under s.48 of the LGOIMA, in which case it will be a closed meeting.

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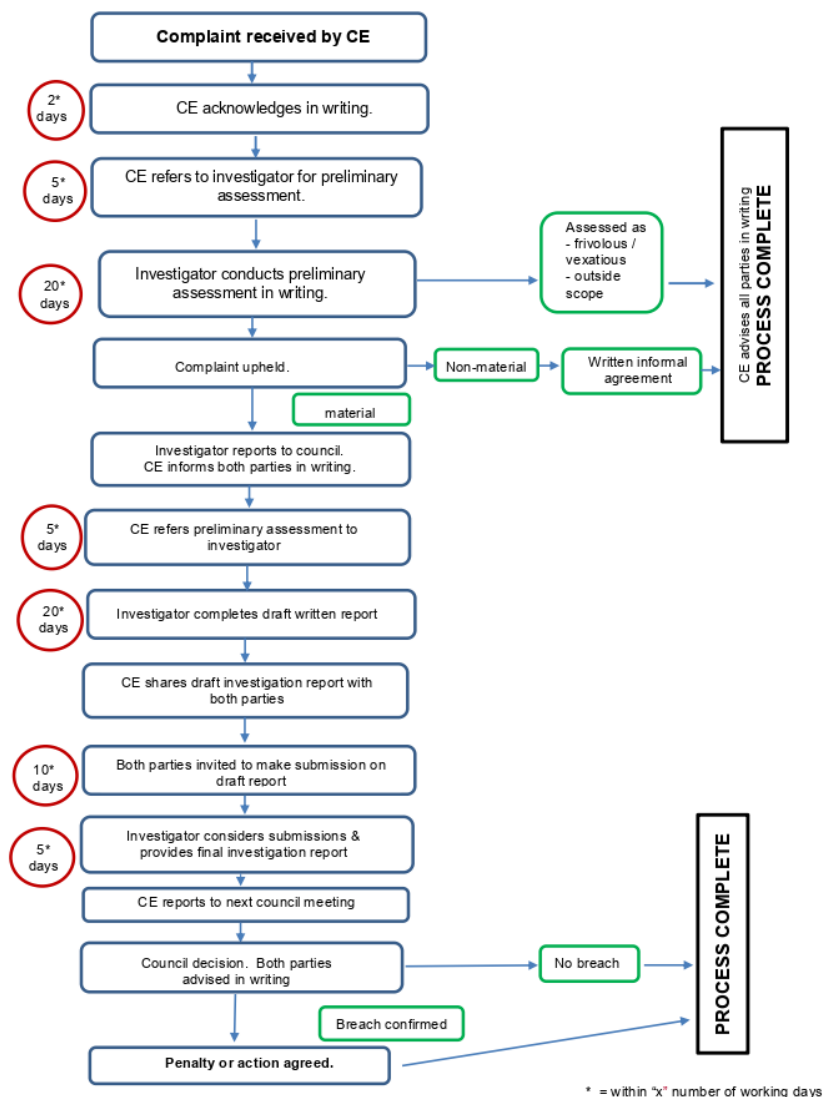
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~~Before making any decision in respect of the investigator's report the council will give the respondent an opportunity to appear and speak in their own defense.~~ Members with an interest in the proceedings, including the complainant and the respondent, may not take part in any ~~other~~ part of these proceedings.

~~Any consequences. The form of penalty that might be applied~~ will depend on the nature of the breach and may include actions set out in section 13.1 of this Code.

Complaints procedure flowchart



Appendix B: Guidelines on the personal use of social media

The following principles are designed to help members when engaging in personal or unofficial online communications that may also refer to your council.

1. Adhere to the Code of Conduct and other applicable policies.

Council policies and legislation, such as LGOIMA and the Privacy Act 1993, apply in any public setting where you may be making reference to the council or its activities, including the disclosure of any information online.

2. You are responsible for your actions.

Anything you post that can potentially damage the council's reputation will ultimately be your responsibility. You are encouraged to participate in social media but in doing so you must exercise sound judgement and common sense.

3. Be an "advocate" for compliments and criticism.

Even if you are not an official online spokesperson for the council, you are one of its most important advocates for monitoring the social media landscape. If you come across positive or negative remarks about the council or activities online that you believe are important, you are encouraged to share them with the appropriate people at council.

4. Let the subject matter experts respond to negative posts.

Should you come across negative or critical posts about the council or its activities you should consider referring the posts to the council's authorised spokesperson, unless that is a role you hold, in which case consider liaising with your communications staff before responding.

5. Take care mixing your political (council) and personal lives.

Elected members need to take extra care when participating in social media. The public may find it difficult to separate personal and council personas. Commenting online in any forum, particularly if your opinion is at odds with what council is doing, can bring you into conflict with the code should it not be clear that they are your personal views.

6. Never post sensitive and/or confidential information

This includes material such as confidential items, public excluded reports and / or commercially sensitive information. Such disclosure will contravene the requirements of this code.

7. Elected members social media pages should be open and transparent.

When commenting on matters related to the local authority, no members should represent themselves falsely via aliases or differing account names. Neither should they block any post on any form of social media that they have control over unless there is clear evidence that the posts are actively abusive. We recommend that members should have a clear "Terms of Use" statement that outlines what is acceptable in terms of comments from the public. Blocking constructive debate or feedback can be seen as bringing the council into disrepute.

Appendix CA: Legislation bearing on the role and conduct of elected members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of elected members. The full statutes can be found at www.legislation.govt.nz.

The Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and the council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests a person is deemed to be "concerned or interested" in a contract or interested "directly or indirectly" in a decision when:

- a person, or spouse or partner, is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- a person, or their spouse or partner, is involved in a company that is "concerned or interested" in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a person is potentially "concerned or interested" in a contract or have a pecuniary interest in a decision, such as where a contract is between an elected members' family trust and the council.

Determining whether a pecuniary interest exists

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned." (OAG, 2001)

In deciding whether you have a pecuniary interest, members should consider the following factors.

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the Chairperson or other person to determine if they should discuss or vote on an issue but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek legal advice. Where uncertainty exists members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention needs to be recorded in the meeting minutes. (Further requirements are set out in the council's Standing Orders.)

The contracting rule

A member is disqualified from office if he or she is "concerned or interested" in contracts with their council if the total payments made, or to be made, by or on behalf of the council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the council (or committee of the council) while disqualified.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Members should focus be on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- members' statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a "closed mind"); and
- members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

Local Government Official Information and Meetings Act 1987

Meetings

The Local Government Official Information and Meetings Act 1987 (LGOIMA) sets out a list of meetings procedures and requirements that apply to local authorities and local/community boards. Of particular importance for the roles and conduct of elected members is the fact that the Chairperson has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- create a disturbance or a distraction while another councillor is speaking;
- be disrespectful when they refer to each other or other people; or
- use offensive language about the council, other members, any employee of the council or any member of the public.

See Standing Orders for more detail.

Official Information

LGOIMA also contains rules relating to the disclosure of information held by a local authority to the public on request. The underlying principle of LGOIMA is that information should be made available unless there is good reason to withhold disclosure. There are a number of grounds for withholding disclosure, principally contained within Sections 6 and 7 of this Act.

The obligations of LGOIMA are binding on elected members and apply to the disclosure of information by a member in respect of any information held by that member (in his or her capacity as a member) to a member of the public.

Secret Commissions Act 1910

Under this Act it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to council.

If convicted of any offence under this Act a person can be imprisoned for up to two years, and/or fines up to \$1000. A conviction would therefore trigger the ouster provisions of the LGA 2002 and result in the removal of the member from office.

Crimes Act 1961

Under this Act it is unlawful for an elected member (or officer) to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of council; and
- use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

These offences are punishable by a term of imprisonment of seven years or more. Elected members convicted of these offences will automatically cease to be members.

Financial Markets Conduct Act 2013

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places elected members in the same position as company directors whenever council offers stock to the public.

This Act prohibits trading in listed securities (broadly shares or bonds) by an information insider. Typically, this is called insider trading, and the prohibitions include no trading (buying or selling) by the insider, no disclosing to others likely to trade, and no encouraging of trading by others (even if the information itself is not disclosed).

Inside information is not just information about listed securities held by the council (for example Marsden Maritime Holdings) or listed company investments. It can include information about companies with which council is dealing (for example advance notice of an application for a consent that suggests a big development is planned).

Inside information is material information not generally available to the market; and which the person knows or should reasonably to know was material information not generally available and would have a material effect on the price of the quoted stock.

The source of information, the motive of the councillor, and whether he or she makes no profit is irrelevant.

The rules are enforced by the Financial Markets Authority and it is assiduous about protecting the integrity of the stock market. Enforcement is most likely to be against the individual councillor or councillors, not the council.

There are some technical exceptions. One that can be relevant is for redemption of managed investment products in managed investment schemes.

There are some defences, for example the use of blind trusts, but generally councillors should avoid any conduct that means they are likely to need to rely on the exceptions or defences. Councillors are encouraged to take expert advice personally at an early stage if they suspect an insider trading situation may arise.

The Local Government Act 2002

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles. Provisions directly relevant to this Code include:

Personal liability of members

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s.44 LGA 2002, it is found that one of the following applies:

- a) money belonging to, or administered by, a local authority has been unlawfully expended; or
- b) an asset has been unlawfully sold or otherwise disposed of by the local authority; or
- c) a liability has been unlawfully incurred by the local authority; or
- d) a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- a) without the member's knowledge;
- b) with the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- c) contrary to the manner in which the member voted on the issue; and

- d) in circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situation members will also be responsible for paying the costs of proceedings (s.47 LGA 2002).

Protected Disclosures Act 2000 (PDA)

Under the PDA, the definition of an employee of a public sector organisation (PSO) includes elected members of a local authority. Elected members (as "employees") who disclose information about a serious wrongdoing by the council are protected from civil or criminal liability that might arise from such a disclosure and from retaliatory action against the elected member.

Serious wrongdoing under the Act includes unlawful or irregular use of funds or resources; conduct that risks public health and safety; conduct that risks the maintenance of law; conduct that constitutes an offence; oppressive, improper discriminatory conduct; and gross negligence or gross mismanagement by a public official.

Protection under the PDA applies where the employee has information about a serious wrongdoing; a reasonable belief that the information is true or likely to be true; the employee wishes to have the matter investigated; and that employee desires protection under the Act.

The council has a Policy on Protected Disclosures (insert link) which applies to employees and elected members. The default position for elected members requires a disclosure to be made to the Chief Executive or Chairperson. If the member considers the Chief Executive or Chairperson may be involved in serious wrongdoing, the matter can also be escalated to an "appropriate authority". Appropriate authorities are defined in the Act and include the Commissioner of Police, the Controller of the Auditor General and the Parliamentary Ombudsman.

Health & Safety at Work Act 2015 (HSWA)

HSWA came into force on 4 April 2016. Its focus is the protection of workers and other people against harm to their health, safety and welfare by eliminating or minimizing risks at workplaces.

The HSWA places obligations on four duty holders – a person conducting a business or undertaking (PCBU); officers of a PCBU; workers; and other people at a workplace. Council as a PCBU holds the primary duty of care under the HSWA ie. To ensure so far as is practicable, the health and safety of its workers and of other workers whose activities council influences or directs.

Each elected member is an "officer" (being a person occupying a position in a body corporate that is comparable with that of a director of a company), responsible under HSWA for exercising due diligence to ensure that the Councils is meeting its health and safety responsibilities under HSWA. The Chief Executive and ELT are also officers under the HSWA.

The due diligence duty of officer supports the primary duty of care owed by a PCBU – placing duties on individuals whose decisions significantly influence the activities of a PCBU, therefore influencing whether the PCBU meets its statutory duties.

Unlike the Chief Executive and ELT, elected members are not required to be directly involved in the day to day management of health and safety. They are however, still required to take reasonable steps to understand council's operations and health and safety risks, and to ensure that they are managed so that the organisation meets its legal obligations under the HSWA.

This duty does not extend to ensuring that a CCO complies with HSWA, unless the elected member is also an "officer" of that CCO.

Taking "reasonable steps" required each elected member to exercise the care, diligence and skill a reasonable officer would exercise in the same circumstances, taking into account matters including the nature of council's business, and the elected members position and nature of his / her responsibilities.

Most officers can be convicted of an offence for failing to meet their due diligence obligations, whether or not a PCBU is convicted of that offence. Elected members however, when acting in the capacity of an elected member of the council are expressly exempted from prosecution.



Northland Regional Council

Code of Conduct Non-elected members

Adopted on 17 December 2019

1.1 Document approval

Date	Section amended	Approved By
17 December 2019 XYZ date 2020	Creation of a separate Code of Conduct for non-elected members	Governance Support Manager

1. Introduction

This Code of Conduct (the Code) sets out the minimum standards of behavior expected from non-elected members of Northland Regional Council (NRC) committees, sub-committees and working parties in the exercise of their duties. Its purpose is to:

- enhance effectiveness and the provision of good local government in Northland;
- promote community engagement;
- enhance the credibility and accountability of NRC to its communities by ensuring that committees, sub-committees and working parties operate professionally; and
- develop a culture of mutual trust, respect and tolerance.

By accepting a position on a NRC committee, sub-committee or working party, all non-elected members agree to abide by the minimum standards outlined in this code.

2 Relationships

This section of the Code sets out agreed standards of behaviour between elected and non-elected members, staff, and the public.

2.1 Relationships between members

All members will conduct their dealings with each other in a manner that:

- maintains public confidence;
- is open and honest;
- is courteous;
- is focused on issues rather than personalities;
- respects meeting procedures by not using tactics such as using unnecessary notices of motion and/or repetitious points of order; and
- values positive relationships by not being aggressive, offensive, subversive or abusive including disrespectful, racist, sexist or malicious actions and/or language.

Any failure by members to act in the manner described above represents a breach of this Code. Any concerns about a members behaviour should be raised with the Chairperson of the committee, sub-committee or working party in the first instance and then with the Chief Executive.

Please note: Nothing in this section of the Code is intended to limit robust debate as long as it is conducted in a respectful and insightful manner.

2.2 Relationships with staff

An important element of good governance involves the relationship between the Chief Executive and wider council staff. All members will respect arrangements put in place to facilitate this relationship, and:

- channel all directions to staff through the Chief Executive;
- raise any concerns about employees, officers or contracted officials with the Chief Executive;
- make themselves aware of the obligations that the council and the Chief Executive have as employers and observe those requirements at all times, such as the duty to be a good employer;
- treat all employees with courtesy and respect and not publicly criticise any employee or staff in general;
- observe any protocols put in place by the Chief Executive concerning contact between members and employees;
- avoid doing anything which might compromise, or could be seen as compromising, the impartiality of an employee.

Any failure by members to act in the manner described above represents a breach of this Code.

3. Contact with the media (including social media)

The protocols that apply to all members (elected and non-elected) are the same whether talking to the media, speaking at a meeting or using social media. The council's Social Media Policy applies to all members, staff and contractors. The following provides guidance for all members when dealing with the media.

3.1 Authorised spokespersons

The Chairperson or Deputy Chairperson (in that order) of any committee, sub-committee ~~or working party~~ is the authorised spokesperson for their specific activities, including those later adopted by council, unless this authority is delegated to another person or reserved to the full council.

Commented [LH1]: Amendment following council workshop

3.2 Personal view on council business

All members are free to express a personal view in the media provided the following protocol is observed:

- Comments by members on their personal perspective, views or opinions should be clearly identified as not being the views of the council or any committee, sub-committee or working party;
- If a council decision has been made on the subject, comments should respect ~~reflect~~ the collective position of the council;
- Comments about matters that are under consideration by the council or any committee, sub-committee or working party, or are otherwise a matter of public

Commented [LH2]: Amendment following council workshop

debate, should present the issues accurately in an even-handed non-partisan way and not be misleading.

3.3 General standards

Comments in the media must observe the other requirements of the Code; for example:

- Comments should not disclose confidential information, criticise or compromise the impartiality or integrity of other members (elected and non-elected) or staff;
- Media comments should not be misleading and must be accurate within the bounds of reasonableness;
- You are accountable for any comments you make; and
- Please do not use the council logo as part of any non-council communication.

Failure by members to meet the standards above represents a breach of this Code.

4. Information

In the course of their duties members may occasionally receive information that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

Please note: Failure to observe these provisions may impede the performance of the council, committee, sub-committee or working party by inhibiting information flows and undermining public confidence. It may also expose the council to prosecution under the Privacy Act and/or civil litigation.

5. Ethical behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly, members will:

- claim only for legitimate expenses;
- not unduly seek to influence any council employee or member outside of councils normal processes;
- not influence, or attempt to influence, any council employee or member in order to benefit their own, or families personal or business interests;
- only use council resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any personal interests; and
- not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. The offer or receipt of substantial gifts, including special occasion goodwill gifts must be reported to the Chief Executive.

- Working meals and social occasions should be undertaken in an appropriate manner.

Any failure by members to comply with the provisions set out in this section represents a breach of this Code.

6. Breaches of the Code

All complaints (whether internal or external) that the Code has been breached by the behavior of a member should be directed in writing to the Chairperson of the committee, sub-committee or working party. If the complaint concerns the Chairperson, it should be directed to the Chief Executive. Complaints will be considered in a manner that is consistent with the following principles.

- that the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the breach complained about;
- that the concepts of natural justice and fairness will apply in the determination of any complaints made under this Code. This requires, conditional on the nature of an alleged breach, that affected parties:
 - have a right to know that an investigation process is underway;
 - are given due notice and are provided with an opportunity to be heard;
 - have a right to seek appropriate advice and be represented; and
 - have their privacy respected.
- compliance with the provisions of this Code during a meeting shall be dealt with by the Chairperson of that meeting, within Standing Orders, at the time the breach arises.
- If a member believes that an alleged breach of the Code has not been dealt with adequately by the Chairperson at a meeting, they may initiate the complaint procedure by directing their complaint in writing to the Chief Executive.

7. Review

This code represents the minimum standard of behavior of all non-elected members accepting a position on a Northland Regional Council committee, sub-committee or working party. This code can be added to by direction of the subordinate body as they see fit to most effectively operate within their particular Terms of Reference.



Communications Protocol

For NRC staff and elected members

Date: November 2019

Author: Tamara Lee, Communications Manager

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Please note: This protocol should be read in conjunction with the following NRC documents:

- Code of Conduct for Elected Members
- Social Media Policy
- Media policy

Communications Protocol

In order to manage council's communications and ensure the appropriate people are involved in the development and sign-off on council communications, the following protocols have been developed to provide clarity and ensure communication requests are managed promptly and effectively.

The following communications protocol aims to provide practical advice for both staff and governance to effectively and efficiently manage a range of communications functions and roles.

The protocol has been developed in line with the guiding principles outlined in the *"Good Practice for Managing Public Communications by Local Authorities 2004"* guidelines produced by the Controller and Auditor-General. Below are some excerpts that provide context for the following protocol (abridged).

Guiding principles

Principle 1: A council can lawfully, and should, spend money on communications to meet a community's (or a section of a community's) justifiable need for information about the council's role and activities.

Principle 2: Communications should be consistent with the purpose of local government and in the collective interests of the communities the council serves.

Principle 3: Communications should comply with any applicable council policies and guidelines as to process (including authorisation) and content.

Principle 4: Communications on council policies and decisions should reflect the collective position of the council.

Principle 5: Communications on council business should always be clearly attributed to the council as the publisher.

Principle 6: Factual and explanatory information should be presented in a way that is accurate, complete, fairly expressed and politically neutral.

Principle 7: Communications about matters that are under consideration by the council, or are otherwise a matter of public debate, should present the issues in an even-handed and non-partisan way.

Principle 8: If engaging in public debate with an interest group or a section of the community, a council should use the news media (rather than a council funded publication) and designated spokespersons (rather than professional communications advisers) unless there is justification for not doing so.

Principle 9: If the council's Communications Policy permits them, elected members may communicate their personal perspective, views or opinions (as opposed to communication of council matters in an official capacity), provided such communications are:

- clearly identified as such; and
- confined to matters that are relevant to the role of local authorities.

Principle 10: Politically motivated criticism of one elected member by another is unacceptable in any council-funded communication.

Principle 11: Care should be exercised in the use of council resources for communications that are presented in such a way that they raise, or could have the effect of raising, an elected mMember's personal profile in the community (or a section of the community). In permitting the use of its resources for such communications, the council should consider equitable treatment among all elected members.

Principle 12: A local authority must not promote, nor be perceived to promote, the re-election prospects of a sitting elected member. The use of council resources for re-election purposes is unacceptable and possibly unlawful.

Principle 13: A council's communications policy should also recognise the risk that communications by or about elected members, in their capacities as council spokespersons during a pre-election period, could result in them achieving electoral advantage at the ratepayers' expense. The chief executive officer (or his or her delegate) should actively manage the risk in accordance with the relevant electoral law.

Authorised spokespersons¹

Council decisions

The Council Chairperson or Deputy Chairperson (in that order) are the authorised spokespeople for all council decisions unless:

- The Chairperson and Deputy Chairperson delegate this authority to another person; or
- The decision is directly related to a committee or major project where an authorised spokesperson has already been approved by the Chairperson or Committee Chairperson.

Committee and sub-committee decisions

The Chair or Deputy Chair (in that order) of any committee or sub-committee is the authorised spokesperson for their specific activities, including those later adopted by council, unless this authority is delegated to another person.

Major projects

The authorised spokespeople for all major projects will be identified in the project communications plan, taking into consideration:

- If an authorised spokesperson has already been identified by council or a council committee;
- If the project has a clear link to any councillor's portfolio, e.g. if they are the chairperson or a member of a relevant committee or working party;
- If the project is predominantly based in any councillor's constituency.

The identification of the authorised spokespeople in a communications plan must be discussed with the Chairperson and/or Chief Executive Officer before the plan is approved.

The Chairperson is the authorised spokesperson on any matter not covered by the above circumstances i.e. the subject matter does not relate to a council or committee decision or a major project (that has a communication plan). The Chairperson may delegate this role as appropriate.

Contact with the media

The Media Specialist or Communications Manager can provide advice and support to councillors in dealing with media enquiries – please refer to the Media Policy for more information.

Where a councillor is approached by the media, and is not the authorised spokesperson as outlined above, the enquiry should be referred to the Chief Executive, for operational questions, the Chairperson for governance-related questions, or the authorised spokesperson as outlined above. The Communications Manager/Media Specialist should also be advised.

¹ The authorised spokesperson refers to all official council communication channels, including: media releases or media interviews; other print media; video; radio; NRC social media platforms etc. In most cases, where an authorised spokesperson has been identified for one channel, they will be the spokesperson for all other channels. For example, the elected member quoted in a media release, might be asked to talk on the radio, or appear in a video.

Sign-off procedures

General sign-off protocols

In general, all communications will include a quote from an elected member who is the authorised spokesperson.

Wherever possible, given time constraints and availability of the elected member, a high-quality photo of the elected member which is relevant to the story, will accompany the communication. If sourcing a photo of the elected member is not appropriate, or achievable, it is still desirable to source an appropriate image which makes the story stand out.

If an authorised spokesperson or elected member is not available or does not respond to requests within 24 hours and there is a deadline to meet, the next authorised spokesperson, the Chairperson, Deputy Chairperson, or CEO may be approached to be quoted and approve the release.

If any content is considered, by the relevant Group Manager or Communications Manager, to be inaccurate, controversial or inappropriate, this should first be discussed with the elected member. If the matter is not resolved to the satisfaction of the Group Manager or the elected member, then the matter should be elevated to the Chairperson for a decision.

In general, unless otherwise agreed, the communications team retains editorial control of council communications including content, style, brand, layout, length and distribution channels. All external publications where an elected member is quoted or included should be viewed by the Chairperson, or Deputy Chairperson, or CEO (in that order) before it is distributed. The Chairperson has the final approval on all articles featuring an elected member.

Media releases

Media releases are prepared on a regular basis to advise, inform and educate the public about council decisions, business, services and issues. The underlying reason for producing a media release is that it be 'newsworthy' and of value to its intended audience. There should also be a reasonable expectation that it will be published by the external media.

Wherever possible, an elected member should be quoted in all media releases. A relevant high-quality photo of the elected member should accompany the media release.

From time to time, where a media release is urgent, and/or only contains highly technical material, elected members may not be included. Council staff or other experts will be quoted and an appropriate photo sourced. This will be by exception and will be approved by the Chairperson or CEO.

Sign off must be received from the Chairperson and appropriate Group Manager or the CEO for any media release of a technical nature.

Tō Tātou Taitokerau - Our Northland

This quarterly publication is designed as a vehicle for good news stories across the region and is distributed widely.

The feature is printed in a range of community papers across the region. An abridged version is also distributed electronically via mailing lists. Stories are promoted via social media with links back to the online stories section on the NRC website, where the full-length versions are loaded. The process is:

- The communications team seeks story ideas at least two months prior to publication.
- Story ideas are compiled with featured articles prioritised by the communications team.
- The proposed story list is then sent to the Group Manager SGE, Chief Executive and Chair for sign off before the final stories are completed.
- Once designed, Group Manager SGE, Chair and Chief Executive are provided with the laid-out version for final approval before it goes to print.

Operational material

Any operational materials (print or online) containing technical information only, which is not of a political or controversial nature, will not require an authorised spokesperson or sign-off by governance.

Technical content will be developed by staff experts and approved by the group manager, or the CEO.

Council events

Throughout the year, council participates in a range of official and community events where a councillor's presence will be sought. The following process is based on the *"authorised spokesperson and sign-off procedures"* section.

Formal invitations

Formal invitations to events will normally be received by the Chairperson's or the CEO's office and will be managed by them. The Chairperson will forward invitations to any relevant councillors as and when required. Attendance at events will be reported in the Chairperson's monthly report, which is included in the council agenda.

Attendance at sponsored events and business awards

Council sponsors a number of awards throughout the year, namely the Westpac Northland Business Awards, Ballance Farm Environment Awards and Māori Business Awards.

Council receives a limited number of tickets as part of its sponsorship and these will be offered to the most relevant elected members in consultation with the Chairperson (in line with the authorised spokesperson procedure above).

If you are a recipient of these tickets and are unable to attend for any reason, please advise the Marketing and Engagement Manager as soon as possible so the tickets can be offered to another party. These tickets are valuable, and the cost cannot be recouped after the event.

General events attended by council

Council participates in several community events throughout the year, including A & P shows, boat shows, garden safari etc, which require paid entry. Council receives a limited number of tickets for these which will be offered to the most relevant elected members in consultation with the Chairperson (in line with the authorised spokesperson procedure above).

If you would like to attend the event in an official capacity, you may purchase tickets and claim reimbursement. The claim will need to be approved by the Chairperson, so please check before buying them.

Enviroschools and environmental leaders fund events

Throughout Northland, we have more than 110 schools and kindergartens participating in our Enviroschools programme and our Environmental Leaders Fund provides funding to Northland schools to complete environmental projects in line with council objectives.

The attendance of a councillor at events recognising the progress and accomplishments of our Enviroschools is highly valued by the schools involved and is also a great opportunity for councillors to engage with Northland students, teachers and whānau.

All councillors are requested to attend school events in their constituencies throughout the year and their attendance at these events is always appreciated. The Enviroschools Regional Coordinator will engage directly with councillors as these opportunities arise.

Elected members: non-council communications

Due to their position, elected members may be approached for their views or participation outside official council channels, for example through an opinion piece/column in a local paper. As a minimum, any approaches relating to media should be discussed with the Chairperson and CEO in the first instance, and the Communications Manager/Media Specialist should be advised.

All councillors are accountable for any comments they make.

As outlined in the “Public communications and media” section (s6) of the NRC Code of Conduct - elected members are free to communicate publicly in their own right, but must state clearly whether the view being expressed is a collective council view or the individual member’s personal opinion.

Any non-council communications in the public arena, for example in the media or on social media platforms, should be clearly identified as such, particularly if an elected member chooses to identify him or herself as a councillor by name, eg Cr Joe Bloggs. We advise a by-line similar to the following be inserted stating:

“The following is not a council sponsored publication/communication and is the personal opinion of Cr Joe Bloggs.”

Elected members may not use the council logo as part of any non-council communications.

Other individual communications

Elected members may choose to market or promote themselves or their opinions, or proactively engage with their communities through individual channels or communications, for example: an individual social media platform or privately organised speaking engagements or events.

Once again – all councillors are accountable for any comments they make.

Please keep in mind the communications principles and protocols outlined in these guidelines and also in any other relevant policies, for example the Social Media Policy as found on Big Tin Can.

Public criticism or debate

As a representative of council, individual elected members may receive negative comments and coverage in the media or other public channels. For example, if operating on social media they may encounter ‘trolls’; or letters to the editor may contain negative comments about council, elected members or staff.

If these comments are a personal attack on a councillor, it can be tempting to enter into a public debate or argument. This is generally not advisable as it reinforces and/or legitimises the original comments and adds heat to the debate.

We strongly recommend that councillors have a strategy to deal with this behaviour and take time to consider their response rather than acting in the heat of the moment. Any reaction should be measured but firm and should always adhere to the standards of behaviour set out in the Code of Conduct.

Please discuss any issues with the Chairperson, Deputy Chairperson or CEO before reacting publicly. The Communications or Online Services teams are also available to assist in these situations.

Confidentiality

Confidential information may not be disclosed by any member of council, including elected representatives and staff members. If you are unsure of the confidential status or nature of any information or decision, please seek immediate clarification from the CEO.

Any breach of confidentiality may result in disciplinary action. For more information, elected members should refer to Council's Code of Conduct.

TITLE: Proposed Regional Plan - Resolving Appeals

ID: A1264649

From: Ben Lee, Strategic Policy and Planning Manager

Executive summary/Whakarāpopototanga

Council is in the process of resolving appeals on the Proposed Regional Plan (the Plan). This includes formal Environment Court mediations, informal negotiations with appeal parties and ultimately an Environment Court hearing for any matters that cannot be resolved.

Through the mediations and negotiation council needs to be able to review and make decisions on whether to accept changes to the decisions version of the Proposed Regional Plan.

Council decided at the 16 July 2019 meeting:

That Councillor Yeoman and the Group Manager – Strategy, Governance and Engagement be delegated the ability to make decisions on council's behalf for resolving appeals on the Proposed Regional Plan for Northland that are generally aligned with the direction already set by council.

It means any significant departure from the direction already set by council needs to come back to a full council meeting for consideration.

The appeals on the plan are being worked through Environment Court assisted mediations. Through the appeals process, it is necessary to make nimble decisions to maintain momentum and keep up with the Environment Court schedule. Currently, this would require full council to meet formally, at very short notice, to provide direction and decisions relating to these proceedings. It would also mean all councillors would need to come up to speed with the specific technical details of relevant Plan provisions, background and appeals needing a council decision.

Rather than having to come back to full council for decisions, it is recommended a more efficient and effective approach is to delegate this role to a subset of councillors. However, the risk of delegating to a smaller number of councillors is that any decision made may not reflect the wider view of council.

It is suggested that these be the four councillors on the Planning and Regulatory Working Party as this is the working party that deals with planning matters. A delegation to four councillors provides a good balance of nimble decision making while minimising risk of decisions not reflecting the wider council view. It is also recommended that any decision by the four councillors must be unanimous. If it is not unanimous then the decision will revert back to council.

Recommendation(s)

1. That the report 'Proposed Regional Plan - Resolving Appeals' by Ben Lee, Strategic Policy and Planning Manager and dated 29 November 2019, be received.
2. That councillors Yeoman, Kitchen, Blaikie and Macdonald be delegated the authority to make decisions on council's behalf for resolving appeals on the Proposed Regional Plan for Northland that are not generally aligned with the direction already set by council, except for decisions on appeals relating to the inclusion of provisions for managing genetically modified organisms.
3. That a decision made by Councillors Yeoman, Kitchen, Blaikie and Macdonald in accordance with the delegation under Resolution (2), must be unanimous.

Considerations

- The options analysis below relates to the number of councillors delegated the ability to make decisions on council's behalf for resolving appeals on the Proposed Regional Plan, for any significant departure from the direction already set by council.

No.	Option	Advantages	Disadvantages
1	Delegate to four councillors	Reasonably nimble decision-making process to resolve appeals. Provides the ability for decision makers to confer with one another to ensure decisions are appropriate and reflect wider view of council.	Decision-making process not as nimble as option 2. Low risk of decisions that wider council does not support.
2	Delegate this responsibility to two councillors	Nimble decision-making process to resolve appeals.	Greater risk (compared to options 1 and 3) of decisions that wider council does not support because only two councillors involved.
3	No delegation (full council consideration)	Ensures all councillors are evenly involved and decisions reflect the view of council.	Decision making is the least nimble of all the options and council may struggle to keep pace with the Environment Court schedule to resolve appeals. All councillors will need to come up to speed with the specific technical details of the relevant Plan provisions, background and appeals.

The staff's recommended option is 1 as it provides the best balance of nimble decision making and minimising risk of decisions not reflecting the wider council view.

2. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council's Significance and Engagement Policy, because it has previously been consulted on, is provided for in council's Long Term Plan, and is part of council's day-to-day activities. As the Proposed Regional Plan has been prepared under the Resource Management Act 1991, it is subject to the Schedule 1 process, which involves a robust and thorough public consultative process.

Being of low significance under council's Significance and Engagement Policy does not mean that this matter is not of significance to tangata whenua and/or individual communities, but that council is able to make decisions relating to this matter without undertaking further consultation or engagement.

3. Policy, risk management and legislative compliance

The preparation and development of the Proposed Plan (including the current appeals phase) is subject to various sections of the Resource Management Act 1991, including sections 30, 32, and Schedule 1. Procedurally, the decisions being recommended are consistent with the relevant sections of the Resource Management Act.

Being a purely administrative matter Community Views, Māori Impact Statement, Financial Implications, and Implementation Issues are not applicable.

Attachments/Ngā tapirihanga

Nil

Authorised by Group Manager

Name: Jonathan Gibbard
Title: Group Manager - Strategy, Governance and Engagement
Date: 05 December 2019

TITLE: 2020 Meeting Calendar
ID: A1264723
From: Chris Taylor, Governance Support Manager

Executive summary/Whakarāpopototanga

This report has been prepared following council's confirmation of the governance structure and membership for the 2019- 2022 triennium (at its November meeting). The report presents for council's consideration a schedule of meetings for 2020 and concludes with the recommendation that it resolves to hold meetings as detailed in the report.

Recommendations

1. That the report '2020 Meeting Calendar' by Chris Taylor, Governance Support Manager and dated 29 November 2019, be received.
 2. That the programme of meetings for 2020¹, as detailed in Attachment One pertaining to Item 6.5 of the 17 December 2019 council meeting, be adopted.
 3. That the meetings calendar be reviewed for effectiveness (in conjunction with the governance structure review) in six months' time.
-

Background/Tuhinga

The Local Government Act 2002, Schedule 7, Clause 19, contains general provisions for the calling of meetings. In particular there is provision [Clause 19(6)] for the local authority to adopt a schedule of meetings that:

- may cover any future period that the local authority considers appropriate; and
- may be amended.

Previously council has found that setting an annual schedule of meetings has been an efficient way to plan for meetings listed for that period.

Note that the meetings schedule is a fluid document, with the flexibility to change, add and delete meetings as required to ensure maximum efficiency. Councillors will be informed in advance of changes to the calendar, with as much notice as possible.

To give context as to how the schedule was prepared:

BASE PRINCIPLES

- In the first instance align meeting commitments for councillors travelling significant distances.
- Align meetings with similar membership and areas of focus to make the most efficient use of councillor time.
- Weeks where there is a TTMAC commitment on a Thursday there is no Tuesday meetings to prevent three consecutive days.

¹ At the time of writing the report, meeting dates had not been confirmed for the WDC/NRC Whangārei Public Transport Working Party or Te Oneroa a Tōhē Board.

<ul style="list-style-type: none"> Subcommittee meetings are in the afternoon so there is no restriction on time (which has been an issue in the previous triennium). 	
MEETING TYPE:	RATIONALE:
Council	<ul style="list-style-type: none"> Meets the third Tuesday of the month; consistent with the previous triennium.
Investment and Property Subcommittee, and the Audit and Risk Subcommittee	<ul style="list-style-type: none"> To meet quarterly in accordance with expected workload. Note this subcommittee may need to meet at short notice for efficiency.
Civil Defence Emergency Management Group (CDEM) and Regional Transport Committee (RTC)	<ul style="list-style-type: none"> To meet quarterly and to be held, where possible, on the second Wednesday of the month to avoid TLA commitments. The Climate Change Working Party and Biosecurity and Biodiversity Working Party to meet on the same day as CDEM due to membership and for efficient use of councillor time.
Te Taitokerau Māori and Council Working Party (TTMAC)	<ul style="list-style-type: none"> Continue to be held on the second Thursday of the month to provide consistency for Māori representatives (approved by Co-Chair Robinson). Monthly commitments alternate between formal meetings and on marae hui.
Planning and Regulatory Working Party	<ul style="list-style-type: none"> To meet monthly in accordance with expected workload. Meets on same day as Water and Land Working Party due to synergies of membership and focus areas. Naturally aligns to meet on the same day as the Investment and Property Subcommittee and Audit and Risk Subcommittee due to the common membership of the NRC Te Hiku councillor who must travel the farthest.
Water and Land Working Party, the Climate Change Working Party and Biosecurity and Biodiversity Working Party	<ul style="list-style-type: none"> To meet quarterly in accordance with expected workload.

Considerations

Options

No.	Option	Advantages	Disadvantages
1	Adopt the proposed schedule.	<ul style="list-style-type: none">Councillors have a schedule to work to and are able to plan their commitments in advance.Having a schedule in place manages the expectations of the public, council officers and other interested parties.	<ul style="list-style-type: none">None apparent. The calendar is a fluid document and can always be amended if required.
2	Do not adopt the proposed meeting schedule	<ul style="list-style-type: none">None apparent	<ul style="list-style-type: none">Neither council, council officers or the public have a schedule to work/refer to.

The staff's recommended option is Option 1 that council adopt the meeting schedule.

2. Significance and engagement

The scheduling of meetings is part of normal day to day operations of council, hence when assessed against council policy is deemed to be of low significance.

3. Policy, risk management and legislative compliance

The Local Government Act 2002, Schedule 7, Clause 19, refers to the calling of meetings, and requires that a 'local authority must hold the meetings that are necessary for the good government of its region or district'.

Further considerations

4. Community views

In order for council to be transparent and manage the expectations of the community there is merit having a meeting schedule in place and publicly available.

5. Māori impact statement

Nil

6. Financial implications

Nil

7. Implementation issues

It is anticipated that council will undertake a six month review of its governance structure (June/July 2020). At that time there would be merit reviewing the meeting schedule and its effectiveness following implementation.

Attachments/Ngā tapirihanga

Attachment 1: Draft NRC Meeting Calendar 2020 [↓](#) 

Authorised by Group Manager

Name: Jonathan Gibbard

Title: Group Manager - Strategy, Governance and Engagement

Date: 29 November 2019

Northland Regional Council meetings and events calendar 2020

	January	February	March	April	May	June
Sunday			1			
Monday			2			1 Queen's Birthday
Tuesday			3 Council Workshop (NRC)			2 Council Workshop (NRC)
Wednesday	1 Public Holiday		4 Back up for council workshop	1 Back up for council workshop		3 Back up for council workshop
Thursday	2 Public Holiday		5	2		4
Friday	3		6	3	1	5
Saturday	4	1	7	4	2	6
Sunday	5	2	8	5	3	7
Monday	6	3 CE Forum (KDC) NTA	9	6	4 CE Forum (NRC) NTA	8
Tuesday	7	4 Council Workshop (NRC)	10 NO COUNCIL WORKSHOP (TTMAC)	7 NO COUNCIL WORKSHOP (TTMAC)	5 Council Workshop (NRC)	9 NO COUNCIL WORKSHOP (TTMAC)
Wednesday	8	5 Back up for council workshop	11 CEG CDEM BIOSECURITY / BIO DIVERSITY WP	8 RTC Optional Half Day council workshop?	6 Back up for council workshop	10 RTC Optional Half Day council workshop?
Thursday	9	6 Public Holiday	12 TTMAC (M)	9 TTMAC (H)	7	11 TTMAC (H)
Friday	10	7	13	10 Good Friday	8	12
Saturday	11	8	14	11	9	13
Sunday	12	9	15	12	10	14
Monday	13	10	16	13 Easter Monday	11	15
Tuesday	14	11 NO COUNCIL WORKSHOP (TTMAC) RTC	17 Council Workshop (NRC) MNC Workshop	14 Council Meeting (NRC)	12 NO COUNCIL WORKSHOP (TTMAC)	16 Council Meeting
Wednesday	15	12 Optional Half Day council workshop?	18 Back up for council workshop	15 Back up for council workshop	13 Council Workshop (NRC)	17 CEG CDEM BIOSECURITY / BIO DIVERSITY WP
Thursday	16 CE Strategic Session	13 CEO	19	16	14 TTMAC (M)	18
Friday	17	14	20	17	15	19
Saturday	18	15	22	18	16	20
Sunday	19	16	22	19	17	21
Monday	20	17	23	20	18	22
Tuesday	21	18 Council Meeting (NRC)	24 Council Meeting (NRC)	21 Council Workshop (NRC)	19 Council Meeting (NRC)	23 Council Workshop (NRC) MNC Workshop
Wednesday	22	19 Back up for council workshop	25 PLAN/REGULATORY WP AUDIT/RES SC	22 Back up for council workshop	20 Back up for council workshop	24 PLAN/REGULATORY WP AUDIT/RES SC
Thursday	23	20	26	23 CEO	21	25
Friday	24	21	27	24 WDC citizen ceremony	22	26 WDC citizen ceremony
Saturday	25	22	28	25 Anzac Day	23	27
Sunday	26	23	29	26	24	28
Monday	27 Northland Anniversary	24 Mayoral Forum (KDC)	30	27	25 Mayoral Forum (NRC)	29
Tuesday	28 Council Workshop (NRC)	25 Council Workshop (NRC)	31 Northland Strategic Planning Workshop (NRC)	28 Council Workshop (NRC)	26 Council Workshop (NRC)	30 Council Workshop (NRC)
Wednesday	29 PLAN/REGULATORY WP WATER/LAND WP	26 PLAN/REGULATORY WP INVESTMENT/PROPERTY SC		29 PLAN/REGULATORY WP WATER/LAND WP	27 PLAN/REGULATORY WP INVESTMENT/PROPERTY SC	
Thursday	30	27		30	28	
Friday	31	28 WDC citizen ceremony			29	
Saturday		29			30	
Sunday					31	
Monday						

Northland Regional Council meetings and events calendar 2020

July	August	September	October	November	December
				1	
				2	
				3	
1		1		4	1
2		2		5	2
3		3		6	3
4		4		7	4
5	1	5	1	8	5
6	2	6	2	9	6
7	3	7	3	10	7
8	4	8	4	11	8
9	5	9	5	12	9
10	6	10	6	13	10
11	7	11	7	14	11
12	8	12	8	15	12
13	9	13	9	16	13
14	10	14	10	17	14
15	11	15	11	18	15
16	12	16	12	19	16
17	13	17	13	20	17
18	14	18	14	21	18
19	15	19	15	22	19
20	16	20	16	23	20
21	17	21	17	24	21
22	18	22	18	25	22
23	19	23	19	26	23
24	20	24	20	27	24
25	21	25	21	28	25
26	22	26	22	29	26
27	23	27	23	30	27
28	24	28	24	31	28
29	25	29	25		29
30	26	30	26		30
31	27	31	27		31

TITLE: Appointment of Trustee to the Northland Events Centre Trust

ID: A1266282

From: Jonathan Gibbard, Group Manager - Strategy, Governance and Engagement

Executive Summary / Whakarāpopototanga

This paper seeks to re-appoint Mr Alistair Wells as the Northland Regional Council (NRC) representative on the Northland Events Centre Trust (NECT).

Recommendation(s)

1. That the report 'Appointment of Trustee to the Northland Events Centre Trust' by Jonathan Gibbard, Group Manager - Strategy, Governance and Engagement and dated 5 December 2019, be received.
2. That Mr Alistair Wells be re-appointed to the Northland Events Centre Trust as the Northland Regional Council representative to 30 June 2020.

Background / Tuhinga

At its July meeting council agreed to request Whangarei District Council (WDC) remove NRC requirement to appoint a Trustee on to the NECT. This was communicated to WDC in August, however, the amendments to the NECT Deed has not happened yet. NRC therefore still holds the requirement to appoint a Trustee onto NECT.

WDC has requested that NRC extend its appointed Trustee until 30 June 2020 to allow further time to amend the NECT Deed.

NRC's current appointment onto the NECT is Mr Alistair Wells. Mr Wells was initially appointed to the Board of Trustees in 2011 and has been re-appointed by NRC until 31 December.

The maximum period a Trustee can serve is 12 consecutive years.

Considerations

1. Options

No.	Option	Advantages	Disadvantages
1	Re-appoint Mr Wells to the Board of Trustees of NECT	NRC fulfils its obligation to appoint a Board Trustee	Nil
2	Do not re-appoint Mr Wells to the Board of Trustees of NECT	Nil	NRC does not fulfil its obligation to appoint a Board Trustee

The staff's recommended option is Option 1, to re-appoint Mr Wells for the period from expiry of his term, being 31 December 2019, until 30 June 2020. This will allow further time for WDC to amend the NECT Deed and ensure NECT has a full complement of Trustees.

2. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council's Significance and Engagement Policy because it has previously been consulted on and provided for in council's Long Term Plan and/or is part of council's day to day activities. This does not mean that this matter is not of significance to tangata whenua and/or individual communities, but that council is able to make decisions relating to this matter without undertaking further consultation or engagement.

3. Policy, risk management and legislative compliance

This decision is in alignment with the specifications set out in the NECT – Deed of Trust, to which NRC is still a signatory.

Further considerations

Being a purely administrative matter, Community Views, Māori Impact Statement, Financial Implications and Implementation Issues are not applicable.

Attachments/Ngā tapirihanga

Nil

Authorised by Group Manager

Name: Jonathan Gibbard
Title: Group Manager - Strategy, Governance and Engagement
Date: 05 December 2019

TITLE: **Resolving NIWA's Appeal on the Proposed Regional Plan for Northland**

ID: A1265949

From: Ben Lee, Strategic Policy and Planning Manager

Executive summary/Whakarāpopototanga

The purpose of this report is to seek delegation from council to engage an independent planning consultant to consider NIWA's appeal to the Environment Court regarding the decision by council to not include permitted activity rules in the Proposed Regional Plan for Northland for their discharge of sea water, aquaculture wastewater and stormwater.

Council is considering investing in NIWA's Bream Bay aquaculture facility. The investment creates the potential for bias or an alleged conflict of interest. If council accepted NIWA's proposed permitted activity rule for sea water and aquaculture wastewater and stormwater, there is a risk that council could be accused of letting its decision be influenced by the prospect of financial gain/loss. There are no RMA section 274 parties to the appeal.

If council disagrees with the proposed rule sought by NIWA and defends the Decisions version of the Plan, there is no real risk that bias would be alleged. However, if council is likely to change its position then legal advice is that it should take active steps to guard against allegations of bias. That is, council should engage an independent planning consultant to consider the appeal and make a recommendation to council based on RMA requirements (potentially including an RMA section 32AA analysis). The recommendation should form the basis for a council decision on the appeal and no regard should be had to the council investment.

It is important to note that at this stage our (planning and policy staff) recommendation is to not change the council's position. However, NIWA will be providing new technical information in the interests of supporting its appeal. That information may prompt us to change our view, in which case the independent planning consultant should be engaged.

Recommendation(s)

1. That the report 'Resolving NIWA's Appeal on the Proposed Regional Plan for Northland' by Ben Lee, Strategic Policy and Planning Manager and dated 4 December 2019, be received.
2. That council engage an independent planning consultant to consider NIWA's appeal to the Environment Court regarding the decision by Northland Regional Council to not include a rule in the Proposed Regional Plan for Northland permitting the discharge of sea water, aquaculture wastewater and stormwater, and make recommendations to council, if staff consider there is merit in council changing its decision.

Considerations

1. Options

No.	Option	Advantages	Disadvantages
1	To engage an independent planning consultant to consider and make a recommendation to council on NIWA's appeal.	Reduces the potential for an allegation of bias after a council decision on the appeal.	Small monetary cost.
2	To not engage an independent planning consultant to consider and make a recommendation to council on NIWA's appeal.	None	There is potential for an allegation of bias after a council decision on the appeal.

The staff's recommended option is option 1.

2. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is not considered significant because the matter is part of normal operations of council.

3. Policy, risk management and legislative compliance

Further considerations

Being largely an administrative matter, Community Views, Māori Impact Statement, Financial Implications and Implementation Issues are not applicable.

Attachments/Ngā tapirihanga

Nil

Authorised by Group Manager

Name: Jonathan Gibbard

Title: Group Manager - Strategy, Governance and Engagement

Date: 11 December 2019

TITLE: Chair's Report to Council

ID: A1266497

From: Penny Smart, Chair

Purpose of Report

This report is to receive information from the Chair on strategic issues, meetings/events attended, and correspondence sent for the month of November 2019.

Recommendation

That the report 'Chair's Report to Council' by Penny Smart, Chair and dated 5 December 2019, be received.

Strategic issues

Kia ora Koutou and greetings

The NRC Council triennium has started very well. A lot of councillor time has been spent in an induction process that has been of benefit to the returning and new councillors alike.

I would like to take this opportunity to welcome the four new councillors and to thank and acknowledge the work of the non-returning councillors from the last triennium.

The new council took part in a two-day retreat where we had an opportunity to get to know each other and learnt about our roles from our CEO Malcolm Nicolson and the NRC executive leadership team. In a follow on from the retreat the 2019 -22 Governance Structure has been finalised which has seen some change, in that we now have a Climate Change Working Party and an even representation on our Working Parties of members of NRC's Tai Tokerau Maori Advisory Committee.

The Climate Change Working Party will oversee the council's climate change activities and make recommendations on climate change matters.

The entire governance structure is available on the NRC website.

I had the privilege and pleasure of attending the end of year NRC staff meeting where all staff were acknowledged and recognised for their huge commitment, achievements and ongoing progress on our Long Term Plan goals. As councillors and staff, we are all looking forward to hitting the ground running in 2020.

I would like to wish all staff, councillors, tangata whenua partners, environmental partners, and Northland communities a very merry and safe Christmas and New Year.

Nga mihi Penny Smart

Meetings/events attended

During this period, I attended the following meetings/events/functions:

- Meetings attended with the council's CEO, Malcolm Nicolson:
 - Regional Sector Meeting held in Wellington.
 - Meeting with Shane Reti and Matt King – Upper North Island Supply Chain Report.
 - Northland Mayoral Forum held at Far North District Council.
 - Initial meet and greet with Predator Free 2050 Ltd and NRC.
 - Regional Software Holdings AGM by videoconference.
 - Meeting with Mr and Mrs Schwartzfeger.
- Northland Chamber of Commerce Business Awards.
- Meeting with New Zealand Defence Force - meet and greet and update on future naval base study.
- Mayors/Chair only briefing prior to Northland Mayoral Forum.
- Catch up meeting with Pita Tipene.
- Catch up meeting with Trevor Griffiths.
- Meeting with Mike Fuge and Greg McNeill, Refining NZ.
- Attended the Friends of the Matakohe Museum Christmas function.

Attachments/Ngā tapirihanga

Nil

TITLE: Chief Executive's Report to Council

ID: A1264672

From: Malcolm Nicolson, Chief Executive Officer

Recommendation

That the report 'Chief Executive's Report to Council' by Malcolm Nicolson, Chief Executive Officer and dated 30 November 2019, be received.

7.2.1 HIGHLIGHTS

Predator Free Taitokerau

Predator Free Taitokerau is an ambitious project, initially working to control and eradicate predators (possums, rats and mustelids) from Whangārei Heads, the surrounding landscape, and urban environment (Whangārei Predator Free).

To achieve this ambitious vision of a Predator Free Taitokerau, we are building on the existing pest control work and projects being done by organisations, local iwi and hapū, community groups, and individuals in the area.

To help accelerate the project we are working with Predator Free 2050 Ltd to secure funding from Predator Free 2050's Provincial Growth Fund round. Council staff are continuing to work closely with local iwi and hapū, community and project partners to develop detailed operational plans to secure up to \$6M towards the project from Predator Free 2050 Ltd.

Aims of the Whangārei Predator Free project (approximately \$18M over five years) are:

- Remove possums from over 9,000 ha at Whangārei Heads
- Intensively control possums over 20,000 ha to prevent reinvasion to Whangārei Heads.
- Intensively control / remove mustelids over 60,000 ha
- Intensively control / remove rodents at priority sites
- Develop urban predator control programmes in Whangārei City to increase engagement in pest control

7.2.2 CEO'S OFFICE

Council Property Update

A Sale & Purchase Agreement to sell a Whangārei Industrial Area property has settled. It is the last of the Port Road (Okara end) properties to sell.

ARCO Group Ltd, Head Contractor for the redevelopment at 8 Kensington Avenue, are ahead of schedule. Demolition is complete, construction is on track. Sale of Childcare land has been Council-approved, and the deposit paid in.

The Kaipara Service Centre developed design is complete, with Council considering the project design, budget and KDC lease at this meeting.

Current Legal Proceedings

Department	Description	Status
Consent decision appeal	Replacement consents for, and new consents for an expansion of, Doug's Ōpua Boat Yard in Walls Bay, Ōpua.	No further progress to report.

Department	Description	Status
Consent decision appeal	Replacement discharge consents for East Coast Bays Wastewater Treatment Plant (Taipā)	Court assisted mediation has been tentatively set for March 2020. Date to be finalised.

7.2.3 CORPORATE EXCELLENCE

Fund Transition

Throughout November finance staff worked in conjunction with EriksensGlobal (Council's independent investment advisors) to convert Council's four externally-managed investment funds into two, with a view to reducing the fees and complexity associated with four funds.

The cash required for the Kensington development project over the next 12 months has been moved out of the Property Reinvestment Fund and combined with the cash required for Council's day-to-day operations to create the new Short Term Fund (STF).

The Community Investment Fund (CIF) and Infrastructure Investment Fund (IIF) have been merged with the remaining Property Reinvestment Fund (PRF) to create the new Long Term Fund (LTF).

Both the STF and LTF are governed by a Council-approved Statement of Investment Policy and Objectives (SIPO). The SIPOs set out Council's principles, goals, risk tolerance levels and return expectations regarding the investment of assets within each fund.

Fraud Declaration

I am not aware of any fraud nor am I investigating any incidence or suspected incidence of fraud at this time.

Regional Software Holdings Limited

Regional Software Holdings Limited (RSHL) indicated in the annual report a need to undertake a reinvestment in the IRIS product to ensure that solution and technology remains current and fit for purpose. RSHL has identified that development of the roadmap for the next generation of IRIS (IRIS NG) is a strategic priority.

A Request for Expressions of Interest (REOI) has been published through the Government Electronic Tendering Service (GETS) seeking responses from suitably qualified providers to partner with RSHL for the delivery and maintenance of a fully integrated, modular and digitally enabled platform for the regional council sector. There are ten councils participating in the REOI process in some capacity.

7.2.4 REGULATORY SERVICES

CONSENTS IN PROCESS

During November 2019, a total of 81 decisions were issued. These decisions comprised:

- Moorings 3
- Coastal Permits 16
- Air Discharge Permits 0
- Land Discharge Permits 6
- Water Discharge Permits 0
- Land Use Consents 32
- Water Permits 16
- Bore Consents 8

The processing timeframes for the November 2019 consents ranged from:

- 217 to 3 calendar days, with the median time being 28 days;
- 142 to 3 working days, with the median time being 20 days.

Thirty-six applications were received in November 2019.

Of the 112 applications in progress at the end of November 2019:

- 47 were received more than 12 months ago (most awaiting further information from the applicant);
- 15 were received between 6 and 12 months ago (most awaiting further information from the applicant);
- 50 less than 6 months.

Appointment of Hearing Commissioners

No commissioners were appointed in November 2019.

Consents Decisions and Progress on Notified Applications in Process, Objections and Appeals

The current level of notified application processing activities at the end of November 2019 is (by number):

- Applications Publicly/Limited Notified During Previous Month 0
- Progress on Applications Previously Notified 3
- Hearings and Decisions 2
- Appeals/Objections 2

COMPLIANCE MONITORING

The results of compliance monitoring for the period 1 – 30 November 2019 (and year-to-date figures) are summarised in the following table and discussed below.

Classification	Total	Full compliance	Low risk non-compliance	Moderate non-compliance	Significant non-compliance	Not exercised during period
Air discharges	27	18	2	2	4	1
Coastal permit	50	39	7	2	0	2
Discharge permit	118	97	6	8	5	2
FDE - Discharge permit	100	72	0	11	15	2
FDE - Permitted activity	29	24	0	2	1	2
Land use consent	34	28	4	2	0	0
Water permit	88	47	33	5	0	3
Total	446	325	52	32	25	12
Percentage		72.9%	11.7%	7.2%	5.6%	2.7%
YTD	3904	2883	383	287	172	179
Percentage		73.8%	9.8%	7.4%	4.4%	4.6%

Coastal

The majority of consents monitored during the reporting period related to coastal structures, and coastal discharges from municipal sewage treatment plants and industrial sites. Staff are working with Refining NZ to review the receiving environment monitoring programme.

Water, Waste, Air and Land Use (WWALU) Compliance Monitoring

Several staff attended the Environmental Compliance Conference held in Christchurch on 12-14 November. The council's Environmental Monitoring Officer – Land & Water, Zivana Pauling, represented NRC in a panel discussion on the monitoring of the National Environmental Standards for Plantation Forestry (NES-PF). The session was well attended and there was some good discussion around the monitoring approaches being taken by different councils. Through the conference, several other councils expressed an interest in developing a NES-PF working group across the North Island. WWALU staff are keen to lead this and will look to set this up in 2020.

- *Aupōuri Groundwater Monitoring*

Baseline monitoring of the 17 water take consents in the Aupōuri aquifer is being carried out. Irrigation cannot commence until Irrigation Scheduling Plans (ISPs) are approved and trigger levels to protect the groundwater resource have been set. There is a lot of work involved in collaboration with other agencies and experts before the ISPs can be approved and the trigger levels set.

- *Air Monitoring*

The WWALU team responded to a large number of smoke and odour complaints through November as people in the community made the most of the fine weather prior to the commencement of the restricted fire season. However, smoke and odour complaints generally do not decrease much with fire restrictions in place due to a lack of understanding by the general public in regard to what a fire permit allows.

Compliance staff were invited to attend a helicopter spray demonstration on a rural property in Kamo recently. A Northland helicopter operator demonstrated the spray effects from a range of nozzles that are available for use in spraying activities, allowing staff to observe how changes in spray nozzles, direction of spray and helicopter speed affected the spread of the substance being sprayed (in this case water with dye added). The demonstration will significantly help staff assess spraydrift incidents.

- *Land Use*

A sediment and erosion control training course was organised and facilitated by WWALU staff in November. The training opportunity was made open to other council teams, a small number of contractors, and our colleagues from the district councils. Feedback from those attending was that the course was beneficial, and it helped to strengthen relationships and knowledge across organisations and teams.

- *Waste Management*

Six incidents involving the discharge of hazardous substances and 23 enquiries regarding contaminated land were received and responded to and 321.9 kg of hazardous waste was disposed of during the reporting period.

A national project to investigate vulnerable landfills is underway. The project was initiated by the Regional Sector in conjunction with the Ministry for the Environment, LGNZ and the Department of Conservation, and will assess the risk to existing and historic landfills from extreme weather events and climate change.

Tonkin & Taylor Limited (T&T) has been engaged to develop a nationally applicable screening tool and details of landfill information held by NRC has been provided to T&T.

Farm Dairy Effluent (FDE) Monitoring

The following is a summary of the FDE monitoring for the current season to date, with tables comparing this season's and last season's results. Reporting has been completed for 804 farms (97%).

- Consented FDE discharges*

A total of 609 consented farms have been visited and reported on (97%).

Full Compliance		Moderate Non-Compliance		Significant Non-Compliance	
This Year	Last Year	This Year	Last Year	This Year	Last Year
394	386	128	157	87	97
65%	60%	21%	25%	14%	15%

- Non-consented FDE discharges*

A total of 195 non-consented farms have been visited and reported on (96%).

Full Compliance		Moderate Non-Compliance		Significant Non-Compliance	
This Year	Last Year	This Year	Last Year	This Year	Last Year
140	138	27	30	28	43
72%	66%	14%	14%	14%	20%

Overall, the number of farms which were fully compliant with regional rules and/or resource consent conditions was 66%. This is a 5% improvement on last year. The overall significant non-compliant rate for all farms is 14%, which is a 2% improvement on last year.

Environmental Incidents

There were no incidents recorded during the reporting period that resulted in a significant environmental impact.

ENFORCEMENT

Abatement notices, infringement notices and formal warnings

The following enforcement actions were taken during the period:

Nature of Offence	Infringement Notice		Abatement Notice		Total*	
	No. Offences	No. Notices	No. Offences	No. Notices	No. Offences	No. Notices
Burning & smoke nuisance	2	2	8	11	9	13
Earthworks/land use	3	3	3	3	3	6
Farm dairy effluent	13	21	18	20	22	41
Hazardous substances, spills and refuse	0	0	2	2	2	2
Illegal activity in coastal marine area	3	6	0	0	3	6
Other water discharge	0	0	3	4	3	4
Sediment	0	0	2	2	2	2
Sewage	1	1	1	2	2	3
Total	19	33	36	44	42	77

**An infringement notice and an abatement notice may be issued for the same offence. This means that in the above table, Column 5 (Total No. Offences) is not necessarily the sum of Column 1 (Infringement Notice No. Offences) + Column 3 (Abatement Notice No. Offences).*

Other Enforcement

- *Dumping and burning of demolition waste, Kaikohe*

The remaining company involved in this offending pleaded guilty before the scheduled jury trial in November 2019. Sentencing is set for 20 December 2019 in the Whangārei District Court.

- *Enforcement Order – Paihia wastewater treatment plant*

Following a pre-hearing conference/settlement conference held on 4 March 2019, the Environment Court issued Enforcement Orders against the Far North District Council (FNDC) on 20 March 2019. The orders set out milestones to complete an upgraded wastewater treatment plant. FNDC has met the first four milestones – achieving the fourth one ahead of schedule.

- *Farm dairy effluent – Maungakaramaea*

Charges have been laid against a farm owner and his company as well as the farm manager, for offences which occurred in September 2018. The farm has a poor history of compliance with regional rules for animal effluent disposal. All parties have intimated guilty pleas. Sentencing was scheduled for 9 December 2019 in the Whangārei District Court, however this date is no longer available and a new date has yet to be arranged.

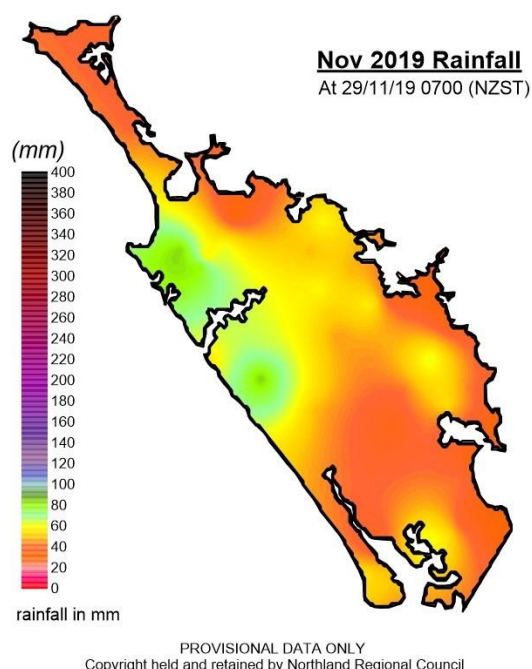
- *Farm dairy effluent – Maromaku*

Charges have been laid against a farm owner, his company and a farm manager for offences which occurred in September 2018. The farm has a poor history of compliance with regional rules for animal effluent disposal. The company has entered guilty pleas, while the remaining parties pleaded not guilty. A case review hearing was held on 14 August 2019. A hearing date has been scheduled for January 2020.

HYDROLOGY

Rivers / Rain Situation

- November started and ended very dry, with a spell of rain in the middle as a trough moved across the country. The November 2019 map below shows that most of the region had about 40mm of rain. Northland catchments typically receive 50-75mm of rain in November, with 90mm of rain falling in high country sites. Please note due to the report deadline the monthly median map could not be produced.
- Flow recession analysis of our long-term flow recorders indicate the rivers could reach Mean Annual Low Flow by early December 2019 and recede down to 1:5 year Design Drought flows by the beginning of January 2019. MetService has forecast December 2019 to be a dry month.



Hydrology Projects

- Equipment at the Tarawhataroa at Puriri Place site in Kaitiāia has been upgraded with radio telemetry as a backup flood station for the new Redan Road station.

- An IOT (internet of things) sensor has been installed at Porotī Springs to replace the manually downloaded standalone sensor that was there previously. The data is now automatically transmitted via the new IOT telemetry system.
- Six sensors have been installed, four for the Water Storage and Use project mentioned previously, one for Avocado consents monitoring in the Kaimaumau wetland (mentioned previously) and this new one in Porotī Springs.
- Hydrology staff have been training members of the Natural Resources Data Team in rainfall data processing.

Water Storage and Use Project

- Telemetered sensors were installed to record the water level in Lake Ōmāpere and in its outlet, and in the Koponui River and Wairoro Rivers near Kaikohe. Flow gaugings are being carried out in the outlet and the river sites routinely to build a flow record.

NATURAL RESOURCES DATA

- Coordinating LAWA requests (key dates for delivery across May to December 2019):
 - LAWA Recreational Swimming dataset – the review of updated overall bacterial risk grades was delivered in November 2019.
 - LAWA Groundwater Quality Module – trend and state results have been reviewed for Northland. The module is expected to go-live in early December 2019.
- Implementation of the biological database (KiECO) will start in early December 2019. A consultant will be assisting the Natural Resources Data team on 2 and 3 December 2019. The full implementation project is expected to take about a year to complete.
- Survey 123 for electronic data collection – further work is still required in connecting the spatial and environmental databases before the final release to field operation teams. The expected starting date is December 2019 with the collection of electronic field measurements for the Recreational Swimming Water Quality Programme.

NATURAL RESOURCES SCIENCE

Drought project background and update

- The Northland drought monitoring and prediction system (NDMDS) is designed to better monitor and provide early warning of drought conditions and the resulting water shortage for Northland. This enables the council to improve the drought-coping capacity. Various data sources and types, methodologies and techniques will be employed in this system focusing on meteorological, hydrological, agricultural, socioeconomic and environmental droughts.
- A meteorological drought Standardized Precipitation Index (SPI) was developed for Northland which will mainly be used to characterize drought conditions due to the lack of rainfall. This index has been exhibited as a good drought indicator over the past three years at the regional level. The severity, duration and spatial extent of a meteorological drought event are presented in the form of GIS maps, highlighting the areas at most risk on monthly basis. This work was published in NZ Hydrology Society (HydroSoc) e-current (52) 2017 and presented at the Annual Hydro Conference in the same year.
- This year, the council starts investigating the relationship between meteorological droughts and stream flow, with reference to a flow monitoring site within eight selected catchments. The Hydrological drought Standardized Discharge Index (SDI) is introduced alongside with the conventional drought low flow threshold approach, one-in-five-year low flow (Q5). Hydrological droughts are well portrayed using SDIs with change in severity from month to month. The significant relationship between SPIs and SDIs indicates the direct and immediate impacts of meteorological drought on hydrological drought in those study catchments. This work has been

published in NZ HydroSoc e-current (56) 2019 and will be presented at the Annual Hydro Conference next month.

- Investigation of other NDMS components as well as improvement of its current components will be the next stages of work. Assessment of drought impacts on different water use sectors and their economic and environmental benefits will also take place when appropriate.

Freshwater quality modelling project and update

- The National Policy Statement for Freshwater Management (NPS-FM) requires regional councils to identify freshwater quality values and set limits for associated freshwater quality attributes within all freshwater management units in their regions. In order to achieve the freshwater objectives, the NPS-FM also requires regional councils to establish and operate a freshwater quality accounting system, to ensure the necessary information is available for setting limits to target attributes and achieve the target attributes states.
- Northland has an extensive river network and dispersed lakes and underlying aquifer systems. These water bodies have varying water quality as a result of complex geology, topography, soil and differing land-use. NRC is seeking modelling services to predict over time the current water quality state in the region's rivers; and to predict effects of different catchment interventions, including stock exclusion, good management practices, land use, constructing wetlands on the water quality state.

Freshwater microplastic

- Little is known about microplastic pollution in Northland, or indeed New Zealand. Plastic fragments degrade over time and eventually break up into many fragments smaller than 5mm. Any plastic fragment of less than 5mm is deemed microplastic. Microplastic can be mistaken as food and ingested by marine animals or organisms as small as zooplankton. If ingested, microplastic can block the gastrointestinal tracts of organisms which tricks them to believing they are full then leading to starvation.
- The council is currently helping a student from NorthTec in collecting microplastic samples from 12 recreation sites that include 11 highly used sea beaches and an outstanding dune lake (Lake Taharoa). This is a collaborative project with NorthTec, NIWA and ESR.

The council is also having discussions with NIWA to get involved in developing a national protocol for collecting microplastic in freshwater bodies and has recently been invited by NIWA to contribute to an international study on the accumulation of microplastics in freshwater lakes.

Air quality

- Ambient PM₁₀ monitoring results for October 2019 for the Whangārei and Marsden Point airsheds and Kawakawa township show that compliance was met with the National Environmental Standards for Air Quality. PM_{2.5} monitoring results for Whangārei were within the Ambient Air Quality Guideline value.
- Council's CO₂-e (carbon dioxide equivalent) emission for 2019 until October is 323.67 tonnes, which is 3.56 % (i.e. 11.13 tonnes) higher than for the same period in 2018. The increase is mainly contributed by increased air travel and vehicle use in 2019. However, council's electricity consumption is down by 26.07 percent for the same period, thanks to new LED lights and air conditioning units.

COASTAL / WATER QUALITY FIELD OPERATIONS

- After numerous complaints regarding the loss of plastic pegs from oyster farms, letters were sent to all farmers raising the issue and advising the industry that it needs to find an alternative to plastic pegs by March 2020. The pegs are used to secure oyster bags to farm structure, but many are dislodged during rough weather and float ashore littering the neighbouring coastline.

- Coastal water quality sampling of the Whangārei, Bay of Islands and Kaipara Harbours and southern estuaries (Mangawhai, Waipū and Ruakaka) was carried out.
- The monthly river water quality, priority catchment, and periphyton sampling programmes were undertaken.

7.2.5 ENVIRONMENTAL SERVICES

LAND MANAGEMENT

Farm Plan and Environmental Fund Update

Farm Environment Plans 2019/2020		Environment Funds 2019/2020	
FEP's Commenced 2019/20	FEP's Completed 2019/20	No of Environment Funds Granted	Amount Granted
67	57	147	\$1,010,765*

*This includes MfE fund proportion of Hatea projects.

Hātea Project

Extending the length of the project another six months (until 30 September 2020) has been verbally approved by MFE, to allow time to spend all the allocated funds. There is approximately \$30,000 left unallocated and landowner uptake of fencing money has virtually reached saturation.

We aim to spend the final funds on two or three smaller planting projects undertaken by contractors, so the extended timeframe ensures there is time within the next planting season to achieve this.

We're waiting on a trend analysis report from our WQ scientist based on the 5-years of monitoring data we now have. This analysis will be provided to MFE for the final milestone reporting at the end of the financial year.

Waimā Waitai Waioira – Freshwater Improvement Fund

Objective	Status
Te Kawa Waioira	The lead researcher has been appointed through a tender process. Te Ahukaramū Charles Royal. The oral and documentary researchers are being interviewed next week.
Farm Environment Plans	3 further FEPs have been completed in the catchment this month, bringing the annual total to 16.
Landowner grants	No further allocation or spending since last month
Communications and engagement	The recent NZARM conference proved a positive experience for the project and the partners to promote our mahi. Many professionals from around the country were impressed with our mana enhancing agreement and research around mātauranga.
Water quality monitoring	Our mātauranga monitoring pilot field work has been postponed until March to ensure it is planned and aligned well with everyone's objectives. We have been scoping the use of the Te Wai Māori App that was developed by Manaaki Whenua for recording of mātauranga indices.

Sustainable Hill Country and Regional Priorities

Milestones	Status
Research	
A: Coastal erosion buffers	An NRC working group has been formed from teams already working in the coastal space (land management, coastcare, natural resources science, hazard management). A draft project plan has been developed.
B: Mature poplar/willow	Reviewing output from previous Hill Country Erosion Fund (HCEF) project. Project plan to be developed following this.
Farm Environment Plans	
	112 required in 2019-20 year. 50 complete, 62 to go. Due to delays with contract finalisation for MPI (SHaRP project), staff didn't commence work until late October which had a flow on effect of less farm plans being completed than predicted. There is a moderate risk that due to efund commitments in the second half of the financial year we will not meet our FEP target for 2019/20, however we expect to make this up in the next financial year.
Stakeholder Engagement	
	Two field days are an annual deliverable. Marketplace concept coupled with review of existing publications and preparation of new material (publications and website) underway. Engagement strategy in development.
Land Treatments	
A: Retirement fencing	\$84k to be allocated to retirement fencing in 2019-20. Applications are being submitted. Prioritisation methodology in development.
B: Contractor capacity development	List of contractors prepared. Training requirements to be determined.

BIODIVERSITY

CoastCare

Far North Kaitiaki beach rangers have completed training and will start patrols on 1 December. One NRC vehicle has been provided for the programme, on a charge-back agreement.

A CoastCare social media campaign is underway, with a focus on the importance of people keeping off the dunes from the groups working to protect them.

FIF Dune Lakes Project

Objective	Status
Aquatic weed and pest fish control	Aquathol K herbicide has now arrived in NZ for use in September 2020. Pest fish operations are planned to occur between December and late March, covering five lakes.
Fencing	The last incomplete fence-shifting project is being pursued at Lake Ngatu due to the property being offered for sale. This will allow the seller to avoid an encroachment caveat for the sale, making the new fence more palatable.
Sediment and nutrient mitigation	Drains at Lake Ngatu and Waihopo have been assessed and projects to remedy sediment and nutrients are underway for work in FY 2020/21. Far North District Council are now partnered into the initiative.
Māori Lakes Strategy	Planning is underway for a second iwi wānanga in January to further progress the strategy.

BIODIVERSITY

Applications for the Terrestrial Environment Fund have been prepared for the November delegated authority meeting and the fund has been fully subscribed. Several biodiversity plans for Top 150 wetlands and other private property with high biodiversity values have been completed or are in progress. Two site visits for wetland fencing and restoration projects were carried out; one property contiguous with the top wetland # 8 Manganui Wetland Complex.

BIOSECURITY

Incursion – Exclusion Species *Houttuynia cordata*

A new site of the exclusion species *Houttuynia cordata* was found at a Whangārei site by Biosecurity Pest Plant staff. The initial site was well contained and plants removed by staff, however, subsequent investigation has located two additional small sites within the same extensive property that appears to be related to the first. Staff are continuing to trace the origins of these infestations and undertake wider surveillance. There is only one other known site of this species in the region, which is under active management.



Infestation of exclusion species *Houttuynia cordata*

Mycoplasma bovis Response

Council's Biosecurity Incursion Management Officer was called upon to assist the *Mycoplasma bovis* response as an Incident Control Point Manager for approximately two days per week over the last eight weeks. This was because of an unexpected surge in suspicious bulk milk test results in September. Council involvement with this phase of *M. bovis* response has now concluded and all farms managed by our staff were put through a testing regime and have subsequently been declared free of *M. bovis*.

Overall, only 3% of suspicious bulk milk tests progress to a farm being declared positive for *M. bovis*, but the testing is critical to the ongoing success of the response. The Government, along with the dairy and beef industries maintain that eradication of the disease is possible as there is only one strain present indicating a single source of infection. Latest updates can be found at the link below:

<https://www.mpi.govt.nz/protection-and-response/responding/alerts/mycoplasma-bovis/>

BIOSECURITY PARTNERSHIPS

Kiwi Coast Trust – Northland Regional Council Partnership Highlights

- *Kiwi Coast Far North Coordinator:* Lesley Baigent has been appointed as Far North Coordinator thanks to a Foundation North grant. More information is available at <https://kiwicoast.org.nz/meet-lesley-baigent-the-new-kiwi-coast-far-north-coordinator/>.
- *Bay of Islands Pastoral and Industrial Show:* The Kiwi Coast display stand at the show was very successful fielding many enquiries. The show also featured a pest competition with the Young Farmers Club.



Kiwi Coast crew at the Bay of Island Pastoral and Industrial Show

Piroa-Brynderwyn High Value Area Highlights

- **Community Trapping Workshop:** Over 60 keen landowners attended the second annual Piroa-Brynderwyn pest control workshop held in Mangawhai on Sunday 24 November. The workshop was jointly organised and supported by Piroa-Brynderwyns Landcare, Kiwi Coast and council staff. The main emphasis of the workshop was on protection of the blossoming kiwi population originating from kiwi releases in Marunui over the last four years. Kiwi are now spreading out through the Brynderwyn range with sightings many kilometres from the release site.

Tutukaka High Value Area Highlights

- **Released Kiwi:** The kiwi released in October are doing well and exploring the Tutukaka area thoroughly. The released birds are monitored regularly and are an effective demonstration to the local community of the benefits of community pest control.
- **Trapping:** Local trappers are moving in to their busy period over the summer months with predator trap check frequency increasing.
- **Weed Control:** The SWAT (Specialist Weed Action Team) have continued with their regular weed blitzes, with the latest event targeting sweet pea bush in Kowharewa Bay, Tutukaka.

Whangārei Heads High Value Area

- **Backyard Kiwi:** Kiwi chicks have recently been translocated from the Whangārei Kiwi Sanctuary to Matakoho-Limestone Island (a Kiwi crèche). It will not be long before they are big enough (1,300 gm) to be released into places such as Whangārei Heads where effective predator control is in place.



One of the kiwi chicks translocated to Matakoho-Limestone Island

- **Funding Applications:** The Weed Action Whangārei Heads group has been successful in their application to the Department of Conservation Community Conservation Fund, which will enable them to expand their volunteer and support work on Conservation estate.
- **Public Awareness Activities:** The Whangārei Heads Weed Action group continue with their awareness campaign including:
 - Roadside signage - this is community led communication and not responsibility of council, signage is created and approved by weed action committee
 - Weed focused articles in the *Onerahi Orbit* and *Whangārei Heads Newsletter*.
 - **Weed Calendar 2020** – this calendar, developed by the Weed Action group, is made available to the community (through local sponsorship) for a gold coin donation. Each month provides information on how to spot and control seasonally chosen weeds.



More than just a pretty picture, the Weed Action Whangārei Heads 2020 Calendar is a go-to guide for seasonal weed control.

Western Northland High Value Area Highlights

- *Community Pest Control Area (CPCA) Activities:* CPCA's in Western Northland have been moving forward with pest control in their respective project areas.
 - *Maunganui Bluff CPCA:* Te Roroa have begun their consultation with adjoining land owners about possum control at the Bluff.
 - *Kaitiaki Kiwi CPCA:* Thanks to council funding, predator control has been extended to the coast at Waipoua River mouth to protect nesting shore birds, particularly the New Zealand Dotterel (tūturiwhatu). Five dotterel nests have been found so far and are being monitored by Kauri Coast Dotterel Watch.
 - *Wekaweka Landcare CPCA:* The landcare have completed a bait station fill and top-up.
- *Predator Control in South Hokianga:* Council staff are continuing to work alongside Reconnecting Northland and the He Ripo Kau initiative to support the efforts of iwi, hapū, and landowners to establish predator control in South Hokianga.
- *Kai Iwi Lakes Pest Control:* The possum and rodent control operation has been completed for the year. The Taharoa Domain Manager and surround local land owners are reporting a significant decrease in number of possums being caught in and around the lakes.

Community Pest Control Area Trapper Audits and Inspections

Audit of trapping contractors in community pest control areas is in process. The audit will ensure that all trappers are operating at a high standard and traps are being maintained to ensure effective predator control programmes. Health and safety checks are included as part of this routine inspection.

Bream Head Buffer Community Pest Control Area

This newly established Community Pest Control Area aims to support and extend pest control onto private land adjoining the Bream Heads scenic reserve. Approximately 370 ha of privately owned land is now being intensively controlled to reduce predator incursions within the Bream Heads reserve. This Community Pest Control Area is managed and coordinated in partnership with Bream Head Conservation Trust.

Kiwi Link CPCA Highlights

- *Kiwi Activity:* Kiwi are moving through all parts of the Kiwi Link area. This activity is creating much excitement for the local land owners who have worked hard to control predators. In particular, one local kiwi (called Doug) has moved from Pātāua North through the Hancock Forest and is now residing within the rohe of Tāheke Landcare.
- *Possum and Rat Workshop:* The Kiwi Link groups held a possum and rat workshop during the month that was well attended by Mt Tiger locals.

Community Pest Control Non-Target Incidents

Council staff have completed an investigation into the accidental death of non-target species at two community pest control area (CPCA) programmes. Two heifers and three dogs have accidentally died in two separate incidents in CPCAs north of Whangārei. Staff are now implementing recommendations to improve community pest control area operations.

KAURI DIEBACK

Management Plans

Kauri dieback management plans continue to be developed for all positive sites as well as those that are identified as medium – high risk sites. All site occupiers receive advice and a basic management plan about how to best protect their kauri and forest from kauri dieback and other diseases.

Regional Surveillance Programme

Staff are in the process of contacting land owners with unhealthy kauri identified on their property from previous aerial surveillance to undertake site inspections and soil testing.

Warawara Hygiene Station

Staff are assisting Te Rarawa, the Department of Conservation, and the Ministry for Primary Industries in the design of a vehicle and boot cleaning station at the entrance to the Warawara forest.

Community Engagement

- *Whangaruru Cultural Festival:* Staff attended the festival, and provided hygiene supplies as well as information to local community.
- *Freedom Campers:* 3000 kauri dieback brochures have been supplied to Whangārei District Council for distribution to freedom campers over the summer period.
- *Warawara Kaitiaki Komiti:* Members of the Warawara Kaitiaki were educated about best practice biosecurity hygiene at a bush walk in Maungatāpere.
- *Northland Pig Hunting Club:* The final club competition of the year was held on 17 November. Council continues to sponsor prizes as well as providing hygiene equipment and advice to this target group.
- *Enviroschools Expo:* Kauri dieback staff participated in a two-day EnviroSchools expo that hosted over 100 students from various schools. The team were complimented on the content and delivery of their kauri dieback focused activities.



*Hands on learning at the EnviroSchools Expo.
Students learn about Phytophthora agathidicida (left) and vehicle hygiene (right).*

MARINE BIOSECURITY

Hull Surveillance Programme

The 2019/2020 Hull Surveillance Programme surveyed 356 vessels in the month to 21 November 2019. There were seven incidents of *Sabella spallanzanii* (Mediterranean fanworm) found on hulls in the Bay of Islands and Whangaroa. All of these vessels were cleaned of marine pests within five working days either in-water by the dive contractor or by owner directed haul outs. Council staff work closely with all vessels that are found to harbour a marine pest, educating them on our rules and best practice for keeping their vessel clean. Regular press releases are made to keep communities informed, as well as regular attendance by council staff at public forums such as boat shows and pest ID workshops.

Table 1: Hull Surveillance Programme Results (30/10/2019 – 21/11/2019)

2019/2020 Hull Surveillance Programme Results 30/10/19 – 21/11/19	Total this month	Total YTD
Pathways Plan Compliance		
Number of vessels surveyed this month	356	546
% Pathways Plan Compliance*	46%	45%
Vessels found with Marine Pests		
<i>Sabella spallanzanii</i> (fanworm)	7	8
<i>Styela clava</i> (clubbed tunicate)**	93	149
<i>Undaria pinnatifida</i> (Japanese kelp)	0	0
<i>Eudistoma elongatum</i> (Australian droplet tunicate)	0	2
<i>Pyura doppelgangera</i> (sea squirt)	0	0

* This is the percentage of vessels surveyed that complied with the acceptable level of 'light fouling' as defined in the Marine Pathways Plan. Trends in compliance are monitored and goals are currently centred around education.

** *Styela clava* is widely distributed throughout all the major ports of New Zealand and has been present for many years.

Motukaroro Reotahi Marine Reserve Survey

Marine biosecurity staff and other council volunteers gathered with local groups passionate about Whangārei's marine environment (including NorthTec, Experiencing Marine Reserves, Patuharakeke, and Ocean Spirit) to survey the marine reserve at Reotahi on 5 November.

A snorkel survey was run to identify any invasive marine species present, and with permission from the Department of Conservation 30+ Mediterranean fanworm were removed from the reserve.

A single juvenile *Undaria pinnatifida* (an invasive Japanese kelp) was also found, which represents a range extension into Whangārei Harbour. The Marine Biosecurity team is working with Biosecurity NZ and the Department of Conservation to determine the best response to this range extension. Collaborating with community groups and partners is invaluable as we all work together to protect Northland's unique and high value marine environments.



Volunteers came from many local groups for the Reotahi Marine Reserve Survey

eDNA study in Tutukaka Harbour

Marine Biosecurity staff, along with two cadets currently training with Environmental Services and Maritime, collected extensive water samples from Tutukaka Harbour this month. The samples were then filtered in the laboratory in preparation for molecular analyses to be conducted by research colleagues at the Cawthron Institute in Nelson. This sampling is part of a medium Envirolink advice grant awarded to investigate the use of environmental DNA (eDNA) as a tool for the early detection of marine pest species, potentially present in very low densities.

Biosecurity New Zealand's Marine High-Risk Sites Surveillance Survey

The national Marine High Risk Sites Surveillance Survey, contracted to the National Institute of Water and Atmospheric Research spent a week in Ōpua Marina/Waikare Inlet this month and Marine Biosecurity staff joined them on the water. As part of the survey, 67 Mediterranean

fanworm (4–41 cm tube length) were removed and disposed of, aiding the eradication efforts for this pest species in Ōpua.

PEST PLANTS

Eradication Plants

The Whangārei regime of the mile-a-minute program was completed, and the inspection work for yellow flag iris is ongoing over the flowering period. A significant new site of yellow flag iris in the sMangawhai/Te Ārai area was found by biosecurity staff and control planning is underway.

Nassella inspections were undertaken for the Taupō Bay and Whananaki management sites. All sites except one remain in the long-term surveillance category (no plants in excess of 10 years), with one active site remaining at Taupō Bay, where two juvenile plants were removed.

PEST FISH

The summer schedule for freshwater pest fish work has been finalised, including the Freshwater Improvement Fund Dune Lake project work in partnership with the Biodiversity team. This work includes contracts for koi eradication at a management site in Pahi, and grass carp removal at Lake Swan.

Discussions are also underway with the Department of Conservation for further jointly managed pest fish contract work.

A new turtle trap has been acquired and is now being trialled in combination with lures and baits by Biosecurity Officers. The trap will hopefully prove to be a useful tool for dealing with increasing reports of wild turtles.

RIVERS

LTP Projects

Rivers	Comments
Awanui	Opex works are approximately 15% complete. Capex works expected to start mid-December, contingent on archeological authority and Resource Consenting. Landowner engagement progressing for overall scheme.
Matangirau	Works scheduled to start late November for river benching.
Kawakawa – Taumārere	Iwi approval for works to start late Feb or early March for Turntable Hill channel works.
Whangārei	Woods Road Flood wall is approximately 95% complete. Asbuilts complete. Hotmix of driveway surfaces to complete job.
Panguru	Detailed design finalised. Archaeological assessment complete. The final modelling report is complete. Draft resource consent complete. 17 of 18 affected landowners have given written consent for works. Tender awarded to KCL Civil.
Kaihū	Helicopter and Boat Spraying to start in December. Longreach digger work is underway. Quotes from contractors regarding tree removal job in Kaihū River were received.

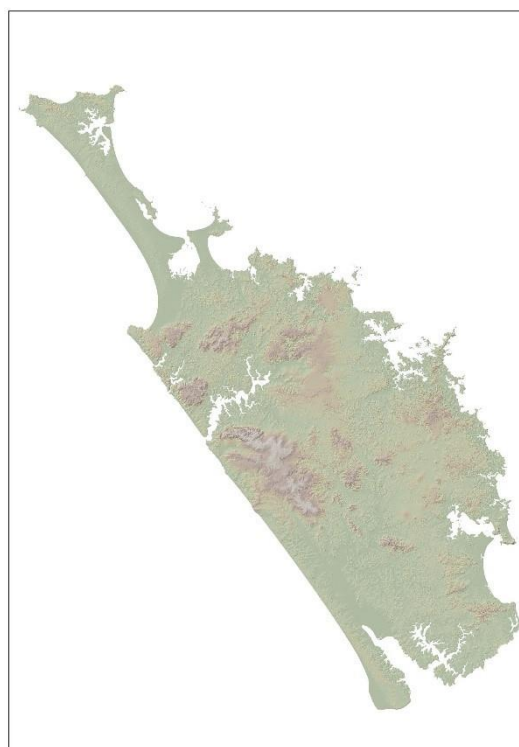
NATURAL HAZARDS

Work Streams	Status	Comments
Awanui Flood Model	95%	Calibration of the hydrological model is completed and peer reviewed. Flood maps incorporating the scheme design are expected to be completed by December 2019. DHI has completed status-quo models and currently completing scheme design models.

Work Streams	Status	Comments
Coastal erosion flood mapping	Planning phase	Proposal received from Tonkin and Taylor, and in final stages of approval. The project, involves updating erosion lines at the 30 existing erosion sites, mapping 10 new sites and mapping erosion across the entire Northland Coastline.
Coastal flood hazard mapping	Planning phase	Request for proposal currently in draft form and expected to advertised as open tender late November. The project will involve coastal flood hazard mapping for entire coastline, at a range of sea level rise scenarios, to be used for regulatory hazard maps and climate change adaptation planning.
Region-wide flood mapping	Planning phase	Tender documents are in preparation. A quote request will be issued in December 2019. We are getting in touch with a consultancy in Australia to get an estimate of the work involved and the necessary requirements to prepare the input data.
Kerikeri Model	95%	Near completion to release online. Model runs are completed and are being reviewed for release early next year.

Northland Light Detection and Ranging (LiDAR) Capture

- Capture is completed. Latest processing progress reported at 95% complete.
- RPS Australia Asia Pacific remain confident for pre-December delivery for final datasets.
- Preliminary dataset delivered 1/11/2019. NRC to undertake further QA/QC and liaise with RPS as required.
- Forestry dataset received 12/11/2019. QA/QC analysis undertaken and meeting with stakeholder arranged to discuss delivery formats etc.



Screenshots of the Northland LiDAR dataset – Tutumoe (left) & Northland (right)

Climate Change Response

Staff from the joint councils adaptation group met on 18th November at NRC, with Māori relationships managers and communication teams from all councils also in attendance. A Māori technical advisory group has been suggested to support the development of the regional adaptation

strategy. A timeframe for the regional adaptation strategy has been developed, coordinating with council LTP timeframes.

Northland climate change risk assessment under development by NRC; Stage one 75% complete; Stage 2 in data collation and methodology development phase. NRC to coordinate GIS-based risk analysis which will then inform the Regional Adaptation Strategy and associated LTP work program, due August 2020. Māori engagement process being developed in conjunction with Māori Relationship managers, MTAG and Te Huinga. Communications plan in development.

Governance of the group has been discussed. Currently the joint adaptation group reports to the CE forum. NRC staff on the group report to the Climate Change Working Party. It is proposed that the entire group report to an Inter-Council Standing Committee if established.

7.2.6 STRATEGY, GOVERNANCE AND ENGAGEMENT

PROPOSED REGIONAL PLAN

Mediation on appeals relating to Council's decisions on the Proposed Regional Plan (excluding GE/GMOs) that started in September continued over November and into early December. The mediation process is managed by the Environment Court, and involves all appellants and those registered as interested parties. Council is required to provide a progress report to the Environment Court and appellants/interested parties by 13 December 2019.

With regards to GE/GMOs, there was one appeal (lodged by Whangārei District Council and Far North District Council) against the Council's decision to not include provisions governing the release of GMOs in the coastal marine area. Council has recommended that it be set down for mediation in the new year – the Court has yet to confirm this (at the time of writing).

The costs for addressing appeals on the Proposed Regional Plan are tracking higher than budgeted. It is estimated that by the end of the financial year the costs will exceed budget by about \$65,000. This is as a result of higher than anticipated costs for legal fees (in particular) and consultants.

NATIONAL INITIATIVES

Climate Change Response (Emissions Trading Reform) Amendment Bill

The Government has released the Climate Change Response (Emissions Trading Reform) Amendment Bill (the Bill). This Bill amends the principal Act relating to the Emissions Trading Scheme (ETS). The changes proposed would refine the system for auctions of NZUs, establish a cost containment reserve to manage the supply and price of NZUs, mandate phase down of industrial allocations, introduce average accounting for forestry and a new permanent forest activity.

It also gives effect to recent decisions to price agricultural livestock emissions at farm level, and fertiliser emissions at processor level, from 2025 on the basis that the government and agricultural sector will work collaboratively to develop methods to measure, manage and price farm emissions (including recognition of on-farm mitigation such as small plantings, riparian areas and natural cover). Given these changes have been well signalled, are considered to improve the current regime and have been generally supported by council in the past, staff do not consider a submission on the Bill is warranted. Submissions close 17 January 2020. A copy of the Bill is available here:

<http://legislation.govt.nz/bill/government/2019/0186/latest/d9470768e2.html>

Landfill levy

The Government has released a discussion document setting out a range of options to minimise the amount of waste disposed to landfill, including:

- increase levies on municipal landfills
- extend levies to other types of landfill
- apply a different levy to different types of landfill to reflect the different environmental and social costs of disposal.

Regulations under the Waste Minimisation Act would enable levies to increase over time until a review in 2023. Revenue from the increased levies would be directed to territorial local authorities for waste minimisation purposes with the remainder allocated to waste minimisation projects through a contestable fund. The proposal is generally in line with a 2018 Local Government New Zealand (LGNZ) remit. Submissions close 3 February 2020. Staff recommend council does not submit on this proposal given it largely aligns with the LGNZ remit and that waste to landfill is primarily a district council issue. The discussion document is available here: <https://www.mfe.govt.nz/sites/default/files/media/Waste/reducing-waste-a-more-effective-landfill-levy-consultation-document.pdf>

ECONOMIC DEVELOPMENT

Investment and Growth Reserve – Projects Report

Project	November update	Future developments/ reporting
Resources Enterprise Limited (REL)	Continue to work with lawyers and REL on repayment of money owed.	Continue to work with lawyers and REL on repayment of money owed.
Northland Water Storage and Use	Consultant working on supply and storage assessment, first-round of drop-in days held, further meetings of Project Steering Group and Project Advisory Group held.	Conclude supply and storage assessment, including initial costings; undertake second round of drop-in days in command areas; development of commercial case.
Manea Footprints of Kupe	Funding Agreement signed, conditions precedent to the first payment met, first payment instalment of \$250,000 paid.	Follow progress of project development through quarterly reports. Second payment due at 50% completion milestone.
Hundertwasser Art Centre (Whangārei)	Monthly progress report for October received. Second payment instalment of \$500,000 made as project has reached 50% completion milestone.	Follow progress of project development through monthly reports. Third payment due at practical completion.
Te Hononga / Kawakawa Hundertwasser Park Centre	Third payment instalment of \$100,000 made as building framing has been completed.	Follow progress of project development through reports. Fourth and final payment due at project completion.
Extension 350	Payment for quarter 2 2019/20 made.	Continue receiving progress reporting and invoicing as per funding agreement.
Extended Regional Promotion	Nothing to report.	Next report due for first six-months 2019/20 due in February.
Twin Coast Cycle Trail (TCCT)	Nothing to report.	Awaiting further progress report on remaining four easements to complete funding commitment.

Investment and Growth Reserve – Project Development funding by Northland Inc

No Project Development funding requests received from Northland Inc.

ONLINE CHANNELS

Wind and Wave Data Online – Wind and wave data from the maritime buoy in the Bay of Islands is now available on the website. <https://www.nrc.govt.nz/waves>

Most popular content on Facebook – Announcing ‘Heads Up Adventures’ as the 2019 winner of our Northland Regional Council Environmental Excellence Award live from the Northland Ballance Environmental Awards. The post reached more than 7,000 people and engaged with over 300.

*Reach – number of unique people who saw the post

*Engaged – number of people who ‘reacted’, commented or shared the post

Key Performance Indicators	Jul-19	Aug-19	Sep-19	Oct-19	*Nov-19
WEB					
# Visits to the NRC website	23,200	25,900	27,400	23,500	25,300
E-payments made	24	16	17	12	8
# subscription customers (cumulative)	1,202	1,153	1,156	1,159	1,160
SOCIAL MEDIA (CUMULATIVE)					
# Twitter followers	1,460	1,471	1,477	1,486	1,488
# NRC Facebook fans	8,756	8,955	9,001	9,053	9,131
# NRC Overall Facebook Reach	167,300	203,100	160,100	128,300	72,900
# NRC Engaged Daily Users	9,264	11,300	9,956	8,900	8,842
# CDEM Facebook fans	17,000	17,000	17,100	17,100	17,200
# CDEM Overall Facebook Reach	66,400	21,400	49,300	44,200	68,000
# CDEM Engaged Daily Users	6,317	2,154	2,652	3,626	6,752
# Instagram followers	853	890	925	960	977

* November 2019 report was for 29 days

ENVIROSCHOOLS / EDUCATION

Te Ngahere – 2019 Enviroschools Expos held

On 6 and 15 November, the 2019 Enviroschools Expos were held at Tahi NZ near Whangārei and Lodore Farm near Kerikeri, respectively. Themed ‘Te Ngahere’, this year’s Expo action stations included: Courageous Kauri, Pesky Plants, Annoying Animals and Wonderful Wildlife. More than 200 people from 17 primary schools took part in the hands-on learning. Crs Robinson and Yeoman both took part in the Expos.

Enviroschools celebrations

During November, Kerikeri Primary School, Mairtown Kindergarten and Portland School all celebrated achieving the Bronze stage on their Enviroschools sustainability journey. Crs Yeoman (Kerikeri) and Stolwerk (Portland) officiated at the celebrations.

School communities facilitated

In addition to the ‘Te Ngahere’ events, during November 30 school and early childhood communities were visited by Enviroschools facilitators.

MARKETING AND ENGAGEMENT

Westpac Northland Business Excellence Awards

Council again sponsored the Environmental Excellence Award. Heads Up Adventures Ltd was the 2019 winner of the Northland Regional Council Environmental Excellence Award and Maungatapere Berries and Whangarei Top 10 Holiday Park and Motels were finalists. The Westpac Northland Business Excellence Supreme Award went to Maungatapere Berries.

Kerikeri Garden Safari

The biosecurity pest plants team had a display at a prominent garden in the annual Kerikeri Garden Safari. The display focused on pest plants, primarily eradication and exclusion plants and the ‘Plant Me Instead’ booklet.

Bay of Islands P and I Show

Our display focused on biosecurity pest animals, pest plants, land management and boat safety. As usual pest animals and weeds were popular topics and staff were busy providing information. There were a number of enquiries on where to access Tradescantia BioControl beetles and how the Wild GINGER BioControl is progressing. Land management fielded up to 25 enquiries with a lot of questions on what to plant adjacent streams and waterways. Paul Quinlan from Tanes Tree Trust joined the team with his complementary advice. Maritime ran a lifejacket competition and had a number of enquiries regarding moorings.

Councillor Marty Robinson attended and interacted with staff and the public.

MĀORI ENGAGEMENT

Putea Māori - Funding for Māori

- The IHEMP fund was advertised with a positive response from four applicants.
- The Tū i te Ora scholarships have gone live online for Māori aimed at recognising and supporting students to undertake study, research or training aligned to our mission: working together to create a healthy environment, strong economy and resilient communities. We are offering four scholarships worth \$3000 each (2 targeted for Māori students).

<https://www.nrc.govt.nz/your-council/work-with-us/funding-and-awards/tu-i-te-ora-scholarships/>

Te Pou Huarahi – A culturally competent organisation

- Three workshops held with Biosecurity, CDEM teams and a ‘working with Māori’ induction of new staff in the last six months
- Speed Te Reo Māori practice sessions continue to be held weekly teaching basic karakia, waiata and pronunciation
- Councillors attended a Treaty of Waitangi workshop held at Motatau marae facilitated by Aaron Taikato who has worked ten years for DoC developing cultural competency frameworks for DoC staff.



Councillors and Executive Leadership Team with Aaron Taikato at Motatau marae for Treaty of Waitangi Training as part of Councillors induction programme.

LOCAL GOVERNMENT OFFICIAL INFORMATION (LGOIMA) REQUESTS

Month	LGOIMA requests received 2018/19	LGOIMA requests received 2019/20
July	15	15
August	20	22
September	7	16
October	5	29
November	10	11
December	9	
January	11	

Month	LGOIMA requests received 2018/19	LGOIMA requests received 2019/20
February	15	
March	9	
April	12	
May	19	
June	11	
TOTAL LGOIMA REQUESTS RECEIVED	143	93
Total LGOIMA requests not responded to within 20 working days*	1	1

7.2.7 CUSTOMER SERVICE – COMMUNITY RESILIENCE

CUSTOMER SERVICES

Telephone Inbound Call Statistics & Enquiries

	November 2019	Target
Call volume via Customer Services	2,513	
Conversion rate	99.1%	>95%
Average wait time	4 sec	
Calls answered in under 30 sec	98.1%	>90%

Call volumes continue to be erratic and there have been far fewer phone enquiries this November compared to the previous year.

Our new system coped well with the power outage on 27 November. The Uninterruptible Power Supply (UPS) maintained service until the generator kicked in. All calls to regional offices were answered in Water St. The only call lost was one in progress at the time of the incident.

A significant number of calls were relating to the fire status and burn permits. We recently made improvements to the 'Outdoor Burning' section on our website, however, this doesn't appear to have reduced the number of calls with many people choosing to phone for confirmation of the procedure.

Satisfaction Monitoring

- Feedback Cards, Compliments and Complaints*

Feedback cards have been included with compliments and complaints, as appropriate.

Compliments received	Total
Service provided by a specific person <ul style="list-style-type: none"> K McGuire - Consents D Lawrence - Biosecurity / Customer Services T Bullock - Biosecurity P Graham - Biosecurity 	4
Overall service <ul style="list-style-type: none"> Rivers 	5
Total compliments recorded	9
Complaints received	Total
Standard of service provided <ul style="list-style-type: none"> Transport - bus service 	5

<ul style="list-style-type: none"> • Transport - Total Mobility (3x) • Monitoring 	
Disagree with decision or process	1
<ul style="list-style-type: none"> • Maritime 	
Lack of information or communication	2
<ul style="list-style-type: none"> • Transport - bus service 	
Staff / contractor behaviour or attitude	1
<ul style="list-style-type: none"> • Consents 	
Total complaints recorded	9

Two of the Total Mobility complaints relate to taxis not showing up and the other was a taxi refusing to take a short fare.

One bus complaint was because of black smoke and the other two related to changes to bus timetables not being effectively communicated.

The complaint against Monitoring was raised by an irate customer who wanted to speak to someone about swim water quality at a time when no subject experts were available.

The Maritime and Consents complaints are still open and under investigation. These were received within the current week and have been sent an initial acknowledgement. All other complaints have been investigated, responded to, and where appropriate actioned.

CIVIL DEFENCE EMERGENCY MANAGEMENT

The first meeting of the new triennium for the Northland CDEM Group was held on Monday 25 November. Councillor Stolwerk was appointed as the CDEM Group chair, and the joint committee is made up of Mayor Mai - Whangārei District Council, Mayor Smith - Kaipara District Council; and Councillor Collard - Far North District Council. The Coordinating Executive Group also re-appointed Tony Phipps as the CEG Chair.

The process to establish the National Emergency Management Agency (NEMA) is in its final stages, with the date of establishment and name of interim Chief Executive to be announced in the near future. Once NEMA is stood up, any references to MCDEM should be read as references to NEMA.

The establishment of NEMA is phased. Phase 1 is about establishing NEMA as a legal entity and transitioning MCDEM into NEMA. The organisational strategy, design and operating model will be developed and implemented during 2020 in phase 2 – with input from the sector.

Interviews have been completed for the second intake of candidates for the Emergency Management Assistance Team and the results of the psychometric testing are currently being considered with the intent of confirming candidates by the start of December. The second course will run 16-28 February 2020 in Wellington. Northland has one new applicant and a current member on the team.

On 24 November, between 6pm and 7pm, the annual nationwide test for Emergency Mobile Alert occurred. The alert was widely advertised in advance and there has been positive engagement from media through TV, radio and online. Early indications are that the alert was successfully transmitted to all parts of the country with cell-phone coverage. More detailed analysis will be provided on the uptake.

Tsunami information boards continue to be installed at coastal locations. An additional 30 boards will be installed in the coming months.

A short table top exercise based upon the GIS viewer was held to develop the understanding of the capability of the viewer with the CDEM professionals.

A detailed plan is being developed for the review of the Northland CDEM Group plan over the next 12 months. Group plans have a 5-year lifespan and the next iteration will involve a substantial review and rewrite.

The Multi agency Coordination facility project is also progressing with an initial project group meeting planned for mid-December with key stakeholders and partners.

TRANSPORT

Regional Transport Committee

The first Regional Transport Committee (RTC) meeting of the new local government triennium is scheduled for 16 December 2019. At this meeting, regional council, district councils and NZ Transport Agency formally Elected Members and Alternate Members will be introduced.

At the time this report was compiled, no formal notification has been received from any of the above bodies as to who their elected representatives are.

Government Policy Statement 2021/2027

There has been no update from the Ministry of Transport during the month of November 2019 as to when the Draft Government Policy Statement (GPS) is to be released. The original release date provided was December 2019 but this may well move to early in 2020.

The timely release of the GPS will be critical to ensure both Regional Land Transport Plans and Regional Passenger Transport Plans are completed within the prescribed period.

Regional Land Transport Plan and Regional Passenger Transport Plan

The national review into the compilation of Regional Land Transport Plans continues. This review is being undertaken by regional councils and unitary authorities in conjunction with the Ministry of Transport and NZ Transport Agency. This is an ongoing workstream and will continue for the foreseeable future. Council staff are actively involved in this review which provides opportunities for improvement including better alignment with central and local government processes i.e. Government Policy Statement, NZTA 10 year plan (Arataki), the Transport Agency Investment Proposal, councils Asset Management Plans and Long Term Plans.

Preparatory work on both the Regional Land Transport Plan and the Regional Passenger Transport Plan has commenced. A detailed report on the legislative requirements and the process to be undertaken for both plans will be tabled at the December 2019 Regional Transport Committee meeting.

PASSENGER TRANSPORT ADMINISTRATION

Total Mobility

Total Mobility (TM) figures are reported one month in arrears, due to the required information being unavailable at the time of the agenda deadline.

	Total Clients	Monthly Actual Expend	Monthly Budgeted Expend	Monthly Variance	Year/Dat Actual Expend	Year/Date Budgeted Expend	Annual Variance
Oct 2019	1,553	\$20,865	\$25,000	-\$4,135	\$81,344	\$100,000	-\$18,656

Workshop with TOs and Community groups– (Transport for the elderly and people with disabilities, Kaipara)

On Tuesday 5 November, staff conducted a workshop with representatives from agencies and transport operators in the Kaipara District. Approximately twenty-three people attended the workshop to identify and agree on the transport challenges that elderly and people with disabilities within the Kaipara District are currently facing. Overall the workshop was well received with a positive outcome.

Workshop Disability Action Group (Mid North/Far North)

On Tuesday, 12 November 2019, staff attended the Disability Advisory Group workshop in Kerikeri, facilitated by FNDC staff. The workshop looked at the long-term strategic goals for the Group. NRC/NTA staff continue to advocate for a Total Mobility scheme in the Far North.

Total Mobility Coordinators meeting

On Tuesday, 19 November 2019, staff attend the TM Coordinators meeting in Wellington and presented the first draft of the proposed new national Total Mobility card. Northland has taken the lead in designing the Card. The design was well received with further feedback being requested by other councils.

Total Mobility working group meeting

The last Total Mobility™ working group meeting for 2019 was held on Thursday 28th November 2019 with representatives from the various agencies and the current transport operators.

The meeting gave unanimous approval to the application received from a prospective service provider in Whangārei.

The meeting was extremely positive in all respects and capped off a year of hard work by staff.

Buses

On 15 November 2019, The Chair of the Northland Council Regional received a letter from the Minister of Transport. The Minister advised that in September 2019, a Bill was progresses through the house amending the Local Government Act 2002 which:

“... allows regional councils to transfer one or more of their responsibilities, including their public transport functions, to local authorities. This transfer would have to be made by agreement between the local authorities concerned. Both organisations would also have to be satisfied that the benefits of any transfer would outweigh and negative impacts of the transfer ...”

The Bill was enacted in October 2019.

This matter will be tabled at the Joint WDC-NRC Whangārei Public Transport Working Party meeting scheduled for 16 December 2019 for discussion.

BusLink Operational Statistics

October 2019 (revenue ex GST)	Actual	Budget	Variance	Year/Date Actual	Year/Date Budgeted
City Link Passengers	29,045	29,331	-286	125,238	120,702
CityLink Revenue	\$38,488	\$39,597	-\$1,109	\$161,937	\$162,948
Mid North Link Passengers	122	168	-46	696	636
Mid North Link Revenue	\$440	\$840	-\$400	\$2,654	\$3,180
Hokianga Link Passengers	51	84	-33	235	318
Hokianga Link Revenue	\$498	\$1,095	-\$597	\$2,284	\$4,147
Far North Link Passengers	583	620	-37	2,191	2,357
Far North Link Revenue	\$1,431	\$1,713	-\$282	\$5,512	\$6,681
Bream Bay Link Passengers	94	30	64	226	84
Bream Bay Link Revenue	\$606	\$108	\$498	\$1,395	\$302

CityLink Electronic Ticketing System

On Monday 18 November 2019, the new Tag On – Tag Off “BEE” Card on the CityLink Bus Service went live. Early indications are that the system is working well. Staff continue to work hard to ensure as smooth an implementation as possible.

CityLink Bus Service

The reduction in fares approved by council in October 2018 continues to provide positive results as passenger numbers exceed budget and the farebox revenue has increased to close to budget.

It is important to note that passenger numbers will show a marked decrease over the December 2019 and January 2020 due to the reduced number of operating days over the festive period coupled with schools closing for a six-week holiday period.

Road Safety Update

The main causes of crashes in Northland are currently being addressed by road safety related education, advertising and enforcement, and are as follows:

- Drink/Drug Driving;
- Speed;
- Restraints;
- Distractions;
- Fatigue;
- Motorcycle safety;
- Young and high-risk drivers; and
- Road conditions.

These are identified in the Regional Road Safety Action Plan and supported by data from the evidence-based Northland Road Safety Issues annual report.

In 2020, New Zealand is due to have a referendum regarding the legal use of cannabis. The outcome of this referendum could potentially have far reaching implications regarding road safety outcomes.

Driver training courses for young drivers seeking car licences and potential heavy vehicle drivers, of which there is a concerning shortage of trained drivers, have continued through December 2019. The number of driver mentoring programmes is gaining popularity across the region. This programme compliments alternative interventions by Police when apprehending drivers without licences or in breach of their licences and is designed to assist offenders in becoming compliant.

The current Northland road deaths stands at 28 (32 YTD 2018), and nationally at 303 deaths (341 YTD in 2018). Twenty one of those deaths have occurred on State Highway roads.

A detailed report on regional road safety will be tabled at the 18 December 2019 Regional Transport Committee meeting.

Regional Road Deaths Statistics – 2019 & 2018 Comparison Year to Date

Location	YTD 2019	YTD 2018
Far North	11	12
Whangārei	10	15
Kaipara	7	5
Northland	28	32
National	303	341

A successful Driver Reviver/Fatigue Stop was held on the Friday before Labour Weekend. Approximately 200 motorists stopped to refresh and receive road safety promotional material. Four more stops are planned before peak holiday periods up to Anzac weekend. A Truck Education and Health Stop took place on 6 November southbound on SH1 at Uretiti. It was well received by approximately 180 trucks that were stopped by the Police CVST. About 80 drivers took advantage of health checks being provided by St John Ambulance staff.

Motorcycle Safety - 93 motorcycle riders from throughout Northland have attended subsidised ACC "Ride Forever" training programmes since 1st July 2019.

MARITIME

Four cruise ships called to the Bay of Islands.

Fifteen incidents were received for November, including five oil spills of minor nature, and the usual offences. A more serious incident occurred in Mangounui, involving a sunken vessel declared a wreck by the Harbour Master. Maritime staff arrived with divers and police to remove the vessel and were met with strong resistance from the owner, resulting in the armed offenders squad having to forcibly arrest him. The sunk vessel was then removed and destroyed. The same owner owns a number of other vessels which still have to be resolved.

Maritime staff have been working with the owner of another sunk vessel at Pahi, Kaipara harbour. The vessel sank on 16 November, and has been successfully removed by the owner, with assistance from our local Harbour Warden, who has also assisted with resolving a number of other derelict vessels in the harbour.

The Deputy Harbour Master alongside North Tugz pilots and Maritime New Zealand (MNZ) were scheduled to hold a presentation regarding harbour safety to Refinery NZ (RNZ) staff. The presentation was aimed at those RNZ employees who commute across the harbour in response to several near misses involving kayakers. The presentation was postponed due to power outages, and has been re scheduled for 9 December.

The "No Excuses" campaign has started with MNZ Maritime Officers accompanying staff on harbour patrols. The rubbish barge is planned and prepared for this summer in the Bay of Islands, with an extended season following requests last year.

The hydrographic survey equipment is now commissioned, and initial survey work was carried out in the Bay of Islands (Waitangi) and Whangārei (Hātea River).

Mooring tagging has resumed with Waikaraka, Tameterau and Jacksons Bay fields now completed.

The Group Manager, Customer Service & Community Resilience and the Deputy Harbour Master met with Fire and Emergency New Zealand (FENZ) regarding the establishment of a Local Advisory Committee. The aim of the committee is to ensure that the service provided by FENZ is in alignment with the needs of the community.

The council vessels are all operating without fault. Rolling maintenance of ATON is on-going, and the maritime team provided on water monitoring services to other departments. The New Zealand Maritime Pilots Association Annual conference was attended by the Harbour Master and Deputy Harbour Master. A project to upgrade 30 pile moorings in the Kerikeri inlet is progressing, and is now expected to be carried out towards the end of January.

Attachments/Ngā tapirihanga

Nil

TITLE: Reporting on Long Term Plan 2018-2028 Performance Measures for Quarter One of the 2019/20 Year

ID: A1264337

From: Kyla Carlier, Corporate Planning Manager

Executive summary/Whakarāpopototanga

This report presents the results of council's Long Term Plan key performance indicators for the first quarter of the 2019/20 financial year.

Recommendation

That the report 'Reporting on Long Term Plan 2018-2028 Performance Measures for Quarter One of the 2019/20 Year' by Kyla Carlier, Corporate Planning Manager and dated 28 November 2019, be received.

Background/Tuhinga

The Long Term Plan 2018-2028 comprises 51 key performance indicators that measure aspects of council's service provision across five activity groupings:

- Governance and engagement
- Regulatory services
- Environmental services
- River management
- Customer services and community resilience

Each performance measure provides a snapshot of the activity's performance.

The frequency of reporting against the measures varies, with the majority being reported on annually at the end of the financial year, and about 20% reported biannually (beginning quarter 2).

Five of the performance measures are reported on every quarter, and their results for quarter 1 are presented here. It should be noted that for some quarterly measures the end of year result may comprise an average of the quarterly results, which may result in an overall achievement or non-achievement that differs from an individual quarter.

Of the five performance measures reported on, two have achieved their targets for the quarter, two have not achieved their targets for the quarter, and one is tracking to achieve the end of year target.

1.1 Governance

1.1.1 Maintain effective, open and transparent democratic processes.

100% of official information requests that are responded to within 20 working days.

94% - Not achieved

53 official information requests were received during the quarter, and 50 of these were responded to within 20 working days.

	Of the three that were not responded to within the required timeframe, two were the result of technical faults in the workflow, and one was one day late.
Elected members attend council meetings 90% of the time.	91% - Achieved There were 33 attendances out of 36 opportunities to attend, over four meetings.
1.3 Communication and engagement	
1.3.2 Promote effective community engagement	
Number of subscribers to online and social media channels increases by 25% annually.	5% (year to date) – on track for end of year target. Total number of online subscribers is 17,105.
2.3 Monitoring (compliance monitoring)	
2.3.2 Efficient and effective response to and resolution of reported environmental incidents	
80% of environmental incidents with more than minor effects reported to the Environmental Hotline are resolved within 30 working days.	67% - Not achieved Of three incidents with more than minor adverse effects two were resolved within 30 working days. The third one was beyond the control of NRC, but all appropriate steps were taken by NRC.
2.4 Monitoring (State of the environment monitoring)	
2.4.3 Monitor the standard of ambient air quality in Northland	
100% of air sheds meet the national air quality environmental standards.	100% - Achieved

Attachments/Ngā tapirihanga

Nil

Authorised by Group Manager

Name: Jonathan Gibbard

Title: Group Manager - Strategy, Governance and Engagement

Date: 04 December 2019

TITLE: Northland Inc. Limited: First Quarter 2019/20 Reporting Against Statement of Intent 2019-2022

ID: A1264526

From: Darryl Jones, Economist

Executive summary/Whakarāpopototanga

Council has received the first quarter report for the 2019/20 financial year from Northland Inc. Limited against the Key Performance Indicators (KPIs) in its Statement of Intent 2019-2022 (**Attachment 1**). Staff have assessed the information provided for the 16 KPIs. Reporting for two is not possible at this early stage (Investment recommendations are accompanied by a robust business case, and Client satisfaction score for Māori businesses). A few others are behind target, but these are expected to catch-up in quarters two and three as they are seasonally driven. The value of the two high impact projects totals \$97 million.

Recommendation

That the report 'Northland Inc. Limited: First Quarter 2019/20 Reporting Against Statement of Intent 2019-2022' by Darryl Jones, Economist and dated 28 November 2019, be received.

Background/Tuhinga

Not relevant.

Attachments/Ngā tapirihanga

Attachment 1: Northland Inc. Limited reporting against SOI - Quarter 1 2019/20 

Authorised by Group Manager

Name: Jonathan Gibbard

Title: Group Manager - Strategy, Governance and Engagement

Date: 02 December 2019

Northland Inc reporting against SOI – 1 July 2019 – 30 June 2020

*Work program area	How we measure	2018/19 result	2019/20 Target	2019/20 Actual Sept 19	% of target	Comment	GAR
Investment and PGF	Percentage of IGR business case decisions (by the Board) made within 90 days of receiving application	100%	100%	100%			
	Number of inward delegations hosted	4	4	0		None this quarter	
	Investment recommendations are accompanied by a robust business case	100%	100%	n/a			
	Number and value of high impact projects that are implemented	3	3	2			
Māori Economic Development	Number of unique Māori businesses assisted	33	50	20	40%		
	Number and value of high impact projects that are implemented	1	1	0	0%		
	Value of NZTE and Callaghan Innovation grant funding facilitated for Māori businesses	\$56,350	\$25,000	\$44,782	179%		
	Client satisfaction (Net Promoter Score for Māori businesses)	Not Available	75% (NPS 50)				
Engagement Collaboration and Visibility	Number of unique businesses assisted (by TA and industry)	263	230	57	25%	RBP	
	Value of NZTE and Callaghan Innovation grant funding facilitated	\$842,672	\$1M	\$153,020	15%		
	Client satisfaction (as measured by Net Promoter Score)	91% (NPS 53)	90% (NPS 50)	100% (NPS100)			

Northland Inc reporting against SOI – 1 July 2019 – 30 June 2020

*Work program area	How we measure	2018/19 result	2019/20 Target	2019/20 Actual Sept 19	% of target	Comment	GAR
	Orchard occupancy rate	84.2%	85%	84.01%			
Regional promotion and tourism	visitor spend from target markets	\$1,115M	\$1,175M	\$1,121M	95%	12 month rolling forecast	
	Value of industry investment in regional promotion activity	\$418,538	\$350,000	\$2,004	1%	Activity is seasonal, majority of activity is expected to be in Q2 and Q3	
	Equivalent Advertising Value achieved from destination marketing	\$28.2M	\$16.5M	\$1.38M	8%	Activity is seasonal majority of activity is expected to be in Q2 and Q3	
	RTO Net Promoter Score: 6 or less are detractors, 7-8 neutral, 9,10 are promoters. NPS subtracts % detractors from % promoters.	44	45	43			

TITLE: Business with the Public Excluded

Executive Summary

The purpose of this report is to recommend that the public be excluded from the proceedings of this meeting to consider the confidential matters detailed below for the reasons given.

Recommendations

1. That the public be excluded from the proceedings of this meeting to consider confidential matters.
2. That the general subject of the matters to be considered whilst the public is excluded, the reasons for passing this resolution in relation to this matter, and the specific grounds under the Local Government Official Information and Meetings Act 1987 for the passing of this resolution, are as follows:

Item No.	Item Issue	Reasons/Grounds
8.1	Confirmation of Confidential Minutes - 6 November 2019 and 19 November 2019	The public conduct of the proceedings would be likely to result in disclosure of information, as stated in the open section of the meeting -.
8.2	Human Resources Report	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(a).
8.3	Sale of Kaitaia Property	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h) and the withholding of which is necessary to enable council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) s7(2)(i).
8.4	Heads of Agreement with the National Institute of Water and Atmospheric Research Limited	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to protect information where the making available of the information would disclose a trade secret s7(2)(b)(i), the withholding of which 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 s7(2)(b)(ii) and the withholding of which is necessary to enable council to carry out, without prejudice or disadvantage, commercial activities s7(2)(h).
8.5	Property Purchase for Kaitaia Flood Scheme Upgrade	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which 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 s7(2)(b)(ii) and the withholding of which is necessary to enable council to

		carry out, without prejudice or disadvantage, commercial activities s7(2)(h).
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3. That the Independent Financial Advisor be permitted to stay during business with the public excluded.
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Considerations

1. Options

Not applicable. This is an administrative procedure.

2. Significance and Engagement

This is a procedural matter required by law. Hence when assessed against council policy is deemed to be of low significance.

3. Policy and Legislative Compliance

The report complies with the provisions to exclude the public from the whole or any part of the proceedings of any meeting as detailed in sections 47 and 48 of the Local Government Official Information Act 1987.

4. Other Considerations

Being a purely administrative matter; Community Views, Māori Impact Statement, Financial Implications, and Implementation Issues are not applicable.