Northland Regional Council Minutes

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

Present:

Chairperson, Penny Smart
Councillors:
  John Bain
  Justin Blaikie
  Jack Craw
  Colin Kitchen
  Amy Macdonald
  Marty Robinson
  Rick Stolwerk

In Attendance:

Full Meeting
Chief Executive Officer
GM - Regulatory Services
Governance Support Manager

Part Meeting
Independent Financial Advisor
FNDC Chief Financial Officer
GM – Environmental Services
GM – Corporate Excellence
Maori Relationships Manager
Strategic Projects Manager
Compliance Monitoring Manager
Customer Services Manager
Strategy, Policy and Planning Manager
Communications Manager
Financial Accountant

The Chair declared the meeting open at 10.30am. Proceedings commenced with the council karakia delivered by Councillor Macdonald.

Public Forum

Mr Graham Milne, owner of a kiwifruit orchard, addressed the meeting and requested that council reconsider its charging regime for water rights.

Apologies (Ngā whakapahā) (Item 1.0)

Moved (Robinson/Blaikie)

  That the apologies from Councillor Yeoman 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.

**Health and Safety Report November 2019 (Item 3.0)**

*ID: A1265231*

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

**Moved (Stolwerk/Kitchen)**

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.

Carried

*Secretarial Note: A wellness report to be included in future (confidential) Human Resources reports to council.*

**Confirmation of Minutes - 6 November 2019 and 19 November 2019 (Item 4.1)**

*ID: A1266770*

Report from Chris Taylor, Governance Support Manager

**Moved (Blaikie/Stolwerk)**

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.

Carried

**Financial Report to 30 November 2019 (Item 5.1)**

*ID: A1266307*

Report from Vincent McColl, Financial Accountant

**Moved (Kitchen/Craw)**


Carried

*Secretarial Note: The Independent Financial Advisor addressed the report. It was noted that the financial situation of council was complex and the team were continually looking to refine reporting so that it focused on the data that was meaningful to council.*
Regional Rates Collection - Update to 30 September 2019 (Item 5.2)

ID: A1254276
Report from Simon Crabb, Finance Manager

Moved (Blaikie/Stolwerk)

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

Carried

Secretarial Note:

- FNDC Chief Financial Officer, Janice Smith, was in attendance and provided a verbal update on the work being undertaken by FNDC’s Te Hono team to address rates arrears.
- Further information was requested on what was being done to address rates arrears in the Kaipara.

Presentation of Culture Statement and Behaviours (Item 6.1)

ID: A1262399
Report from Kyla Carlier, Corporate Planning Manager

Moved (Stolwerk/Macdonald)

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 (pertaining to Item 6.1 of the 17 December 2019 council meeting agenda).

3. That a workshop be held in 2020 to discuss a culture statement for councillors.

Carried

Triennial Agreement 2019 - 2022 (Item 6.2)

ID: A1263095
Report from Chris Taylor, Governance Support Manager

Moved (Blaikie/Macdonald)


2. That the Chair be authorised to sign the Triennial Agreement on behalf of council.

Carried
Adoption of Codes of Conduct and Communications Protocol (Item 6.3)

ID: A1263424
Report from Linda Harrison, Organisational Project Manager

Moved (Macdonald/Stolwerk)

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 for elected and non-elected members (included as Attachment 1 and 2 respectively to Item 6.3 of the 17 December 2019 council meeting agenda) be adopted.

3. That the Northland Regional Council Communications Protocol (included as Attachment 3 pertaining to Item 6.3 of the 17 December 2019 council meeting agenda) be adopted.

Carried

Proposed Regional Plan - Resolving Appeals (Item 6.4)

ID: A1264649
Report from Ben Lee, Strategic Policy and Planning Manager

Moved (Blaikie/Kitchen)

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.

Carried

2020 Meeting Calendar (Item 6.5)

ID: A1264723
Report from Chris Taylor, Governance Support Manager

Moved (Bain/Macdonald)

1. That the report ‘2020 Meeting Calendar’ by Chris Taylor, Governance Support Manager and dated 29 November 2019, be received.

2. That the updated programme of meetings for 2020, as tabled at 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.

Carried
Appointment of Trustee to the Northland Events Centre Trust (Item 6.6)

ID: A1266282
Report from Jonathan Gibbard, Group Manager - Strategy, Governance and Engagement

Moved (Bain/Robinson)

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.

Carried

Resolving NIWA's Appeal on the Proposed Regional Plan for Northland (Item 6.7)

ID: A1265949
Report from Ben Lee, Strategic Policy and Planning Manager

Moved (Blaikie/Macdonald)

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.

Carried

Chair's Report to Council (Item 7.1)

ID: A1266497
Report from Penny Smart, Chair

Recommendation (Smart/Jack)

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

Carried

Secretarial Note: Councillor Smart was commended for her leadership in the new role as Chair of Council.
Chief Executive’s Report to Council (Item 7.2)

ID: A1264672
Report from Malcolm Nicolson, Chief Executive Officer

Moved (Stolwerk/Craw)

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

Carried

Secretarial Note: The original Compliance Monitoring and Enforcement Report prepared by Dr Marie Brown (December 2018) to be circulated to councillors.

Reporting on Long Term Plan 2018-2028 Performance Measures for Quarter One of the 2019/20 Year (Item 7.3)

ID: A1264337
Report from Kyla Carlier, Corporate Planning Manager

Moved (Stolwerk/Bain)

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.

Carried

Northland Inc. Limited: First Quarter 2019/20 Reporting Against Statement of Intent 2019-2022 (Item 7.4)

ID: A1264526
Report from Darryl Jones, Economist

Moved (Bain/Kitchen)


Carried

Business with Public Excluded (Item 8.0)

Moved (Smart/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:
<table>
<thead>
<tr>
<th>Item No.</th>
<th>Item Issue</th>
<th>Reasons/Grounds</th>
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<tbody>
<tr>
<td>8.1</td>
<td>Confirmation of Confidential Minutes - 6 November 2019 and 19 November 2019</td>
<td>The public conduct of the proceedings would be likely to result in disclosure of information, as stated in the open section of the meeting.</td>
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<tr>
<td>8.2</td>
<td>Human Resources Report</td>
<td>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).</td>
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<tr>
<td>8.3</td>
<td>Sale of Kaitāia Property</td>
<td>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).</td>
</tr>
<tr>
<td>8.4</td>
<td>Heads of Agreement with the National Institute of Water and Atmospheric Research Limited</td>
<td>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).</td>
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<td>8.5</td>
<td>Property Purchase for Kaitāia Flood Scheme Upgrade</td>
<td>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).</td>
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3. That the Independent Financial Advisor be permitted to stay during business with the public excluded.

Carried

Conclusion
The meeting concluded at 12.30pm.