

## 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)**

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

**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)**

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.

### **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)**

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.

### **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:

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 Kaitāia 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 Kaitāia 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).

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

**Carried**

## Conclusion

The meeting concluded at 12.30pm.