

## Northland Regional Council Minutes

Meeting held in the Council Chamber,  
36 Water Street, Whangārei  
on Tuesday 17 November 2020 , commencing at 10.30am

### Present:

Chairperson, Penny Smart

Councillors:

Justin Blaikie

Jack Craw

Colin Kitchen

Amy Macdonald

Marty Robinson

Rick Stolwerk

Joce Yeoman

### In Attendance:

#### Full Meeting

Chief Executive Officer

Independent Financial Advisor

Independent Audit & Risk Advisor

GM - Corporate Excellence

GM – Regulatory Services

Governance Support Manager

#### Part Meeting

GM – Environmental Services

GM - Strategy, Governance and Engagement

Biosecurity Manager

Strategic Projects and Facilities Manager

Resource Management – Strategic Policy Specialist

Policy Specialist – Water

Financial Accountant

The Chair declared the meeting open at 10.33am. Proceedings commenced with a karakia by Councillor Stolwerk.

### Apologies (Ngā whakapahā) (Item 1.0)

There were no apologies.

### 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 Reports (Item 3.0A)**

**ID: A1385841, A1385475**

**Report from Chris Taylor**

**Moved (Stolwerk/Macdonald)**

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

- Supplementary Item 6.1: Treasury Management Policy (with track changes); and
- Supplementary Item 6.3: Request for approval of unbudgeted expenditure to be funded from the COVID-19 Reinstatement Reserve.

**Carried**

## **Confirmation of Minutes - 20 October 2020 (Item 4.1) and Receipt of Action Sheet (Item 4.2)**

**ID: A1381776, A1381813**

**Reports from Chris Taylor, Governance Support Manager**

**Moved (Kitchen/Yeoman)**

1. That the minutes of the council meeting held on 20 October 2020 be confirmed as a true and correct record.
2. That the action sheet be received.

**Carried**

## **Financial Report to 31 October 2020 (Item 5.1)**

**ID: A1382399**

**Report from Vincent McColl, Financial Accountant**

**Moved (Blaikie/Stolwerk)**

That the report 'Financial Report to 31 October 2020' by Vincent McColl, Financial Accountant and dated 4 November 2020, be received.

**Carried**

*Secretarial Note: The Independent Financial Advisor addressed the report; noting that while council could by no means afford to be complacent, it was currently in a strong financial position and the 'gloomy impacts of Covid' had by and large not come to fruition.*

## **Amendments to Subcommittee and Working Party Terms of Reference (Item 6.1 and Supplementary Item 6.1)**

**ID: A1379680, A1385841**

**Report from Bruce Howse, Group Manager - Corporate Excellence and Chris Taylor, Governance Support Manager**

**Moved (Yeoman/Stolwerk)**

1. That the report 'Amendments to Subcommittee and Working Party Terms of Reference' by Bruce Howse, Group Manager - Corporate Excellence and Chris Taylor, Governance Support Manager and dated 27 October 2020, be received.
2. That the council changes the terms of reference of the Investment and Property and Audit and Risk subcommittees to increase meeting quorum from four to five members.
3. That council add the Independent Risk Advisor as a member of the Investment and Property subcommittee.
4. That council add the Chair of the Investment and Property subcommittee as a member of the Audit and Risk subcommittee, and alternate Councillor Craw of the Investment and Property Subcommittee change to full time member of the Investment and Property Subcommittee.
5. That council add the delegation to Investment and Property subcommittee that '*CEO to withdraw and invest funds held in term deposits being self-managed cash reserves*'.
6. That council add the delegation to Investment and Property subcommittee that '*Ensure there are no withdrawals from the Long Term Fund without the approval of council, other than for operational funding from gains made in the fund and as budgeted in accordance with the current Long Term Plan or Annual Plan*'.
7. That the Treasury Management Policy is updated, as per tracked changes shown in Supplementary Item 6.1 pertaining to the 17 November 2020 council meeting agenda.
8. That the revised Planning and Regulatory, Water and Land, Biosecurity and Biodiversity and Climate Change Working Party Terms of Reference (as detailed in **Attachment 2** pertaining to Item 6.1 of the 17 November 2020 council meeting agenda) be adopted.

**Carried**

*Secretarial Note: The Investment and Property Subcommittee to review the controls in the Statement of Investment Policy and Objectives to ensure they aligned with the Treasury Management Policy.*

## **Freshwater Management/Te Mana o Te Wai - Tāngata Whenua Water Advisory Group appointment of members (Item 6.2)**

**ID: A1380347**

**Report from Alison Newell, Policy Specialist**

**Moved (Yeoman/Blaikie)**

1. That the report 'Freshwater Management/Te Mana o Te Wai - Tāngata Whenua Water Advisory Group appointment of members' by Alison Newell, Policy Specialist and dated 28 October 2020, be received.
2. That the membership of the Tāngata Whenua Water Advisory Group be increased by three to a total of 15.

**Carried**

**Request for approval of unbudgeted expenditure to be funded from the COVID-19 Reinstatement Reserve (Item 6.3 and Supplementary Item 6.3)**

**ID: A1380445, A1385475**

**Report from Carol Cottam, Information Services and Technology Manager and Kathryn Lister, Biosecurity Officer - Marine**

**Moved (Stolwerk/Kitchen)**

1. That the report 'Request for approval of unbudgeted expenditure to be funded from the COVID-19 Reinstatement Reserve ' by Carol Cottam, Information Services and Technology Manager and Kathryn Lister, Biosecurity Officer - Marine and dated 28 October 2020, be received.
2. That the \$55,000 of unbudgeted expenditure from the Covid-19 Reinstatement Reserve be allocated to support the hiring of a fixed term Business Improvement Lead position.
3. That the \$98,000 of unbudgeted expenditure from the COVID-19 Reinstatement Reserve be allocated to support the continued Sabella eradication efforts at Ōpua.

**Carried**

**Northland Inc. Limited: Request to not hold an AGM for the 2019/20 financial year (Item 6.4)**

**ID: A1382077**

**Report from Darryl Jones, Economist**

**Moved (Stolwerk/Blaikie)**

1. That the report 'Northland Inc. Limited: Request to not hold an AGM for the 2019/20 financial year' by Darryl Jones, Economist and dated 3 November 2020, be received.
2. That council authorise the Chief Executive Officer to send a letter to Northland Inc. Limited informing them that council, as the 100% shareholder of Northland Inc., does not have any particular issues to discuss, comment on, or ask questions about at the annual general meeting for 2020 in accordance with Section 120 (5)(b) of the Companies Act 1993 and clause 13 of the Northland Inc. Limited constitution.
3. That the letter to Northland Inc. include a request to provide council with a list of the engagement sessions that were held in lieu of not holding the annual general meeting for 2020.

**An amendment was moved (Craw/Robinson)**

1. That the report 'Northland Inc. Limited: Request to not hold an AGM for the 2019/20 financial year' by Darryl Jones, Economist and dated 3 November 2020, be received.
2. That council authorise the Chief Executive Officer to send a letter to Northland Inc. Limited informing them that council, as the 100% shareholder of Northland Inc., does not have any particular issues to discuss, comment on, or ask questions about at the annual general meeting for 2020 in accordance with Section 120 (5)(b) of the Companies Act 1993 and clause 13 of the Northland Inc. Limited constitution.

3. That the letter to Northland Inc. include a request to provide council with a list of the engagement sessions that were held in lieu of not holding the annual general meeting for 2020 *and express council's expectation that community engagement will occur.*

**The substantive motion was carried**

**Interim appointments to address extraordinary vacancies (Item 6.5)**

**ID: A1382171**

**Report from Darryl Jones, Economist and Chris Taylor, Governance Support Manager**

**Moved (Stolwerk/Blaikie)**

1. That the report 'Interim appointments to address extraordinary vacancies' by Darryl Jones, Economist and Chris Taylor, Governance Support Manager and dated 3 November 2020, be received.
2. That the following interim appointments be confirmed:
  - a. That Councillor Stolwerk be appointed the Chair and Councillor Blaikie be appointed as the second council representative on the Regional Transport Committee.
  - b. That Councillor Blaikie be appointed as the third council member of the Whangarei District Council/Northland Regional Council - Whangārei Public Transport Working Party.
  - c. That Councillor Stolwerk or Councillor Crow or Councillor Blaikie be appointed the Chair of the Whangarei District Council/Northland Regional Council - Whangārei Public Transport Working Party.
  - d. That Councillor Smart be appointed the Chair of the Kaihū River Working Group.
  - e. That Councillor Blaikie be appointed to exercise council's shareholder vote at any shareholder meeting of Northland Inc. Limited.
  - f. That Councillor Justin Blaikie be appointed as the second council representative on the Regional Economic Development Service Delivery Working Party.
  - g. That Councillor Blaikie be appointed as Chair of the Regional Economic Development Service Delivery Working Party.
3. That all the appointments be reviewed at a time still to be determined following the swearing in of the new Whangārei Urban Constituency councillor.

**An amendment was moved (Smart/Crow)**

1. That the report 'Interim appointments to address extraordinary vacancies' by Darryl Jones, Economist and Chris Taylor, Governance Support Manager and dated 3 November 2020, be received.
2. That the following interim appointments be confirmed:
  - a. That Councillor Stolwerk be appointed the Chair and Councillor Blaikie be appointed as the second council representative on the Regional Transport Committee.
  - b. That Councillor Blaikie be appointed as the third council member of the Whangarei District Council/Northland Regional Council - Whangārei Public Transport Working Party.

- c. That *Councillor Stolwerk* be appointed the Chair of the Whangarei District Council/Northland Regional Council - Whangārei Public Transport Working Party.
  - d. That Councillor Smart be appointed the Chair of the Kaihū River Working Group.
  - e. That Councillor Blaikie be appointed to exercise council's shareholder vote at any shareholder meeting of Northland Inc. Limited.
  - f. That Councillor Justin Blaikie be appointed as the second council representative on the Regional Economic Development Service Delivery Working Party.
  - g. That Councillor Blaikie be appointed as Chair of the Regional Economic Development Service Delivery Working Party.
3. That all the appointments be reviewed at a time still to be determined following the swearing in of the new Whangārei Urban Constituency councillor.

**The substantive motion was carried**

*Secretarial Note: Appreciation was extended to councillors for picking up the additional workload.*

**Letter to Minister Mahuta - Māori representation (Item 6.6)**

**ID: A1383313**

**Report from Malcolm Nicolson, Chief Executive Officer**

**Moved (Craw/Yeoman)**

1. That the report 'Letter to Minister Mahuta - Māori representation' by Malcolm Nicolson, Chief Executive Officer and dated 6 November 2020, be received.
2. That council approve the drafting of a letter to Minister Mahuta supporting the commitment to amend the Local Electoral Act 2001 in relation to the establishment of local government Māori wards.
3. That the Chair is delegated authority to sign the letter to Minister Mahuta on behalf of council.

**Carried**

*(Councillor Blaikie abstained from voting)*

**Health and Safety Report (Item 7.1)**

**ID: A1381980**

**Report from Kelcie Mills, Health and Safety Advisor**

**Moved (Kitchen/Yeoman)**

That the report 'Health and Safety Report' by Kelcie Mills, Health and Safety Advisor and dated 3 November 2020, be received.

**Carried**

## **Chair's Report to Council (Item 7.2)**

**ID: A1381278**

**Report from Penny Smart, Chair**

**Moved (Smart/Stolwerk)**

That the report 'Chair's Report to Council' by Penny Smart, Chair and dated 2 November 2020, be received.

**Carried**

## **Chief Executive's Report to Council (Item 7.3)**

**ID: A1379390**

**Report from Malcolm Nicolson, Chief Executive Officer**

**Moved (Kitchen/Macdonald)**

That the report 'Chief Executive's Report to Council' by Malcolm Nicolson, Chief Executive Officer and dated 31 October 2020, be received.

**Carried**

*Secretarial Note:*

- *The cost of the underwater survey undertaken in the Bay of Islands to be ascertained to understand whether it was a cost effective way to gather data.*
- *Concerns regarding the increase in fatal accidents in the Far North to be raised with the Regional Transport Committee.*

## **Receipt of Committee Minutes (Item 8.1)**

**ID: A1382324**

**Report from Chris Taylor, Governance Support Manager**

**Moved (Stolwerk/Blaikie)**

That the unconfirmed minutes of the:

- Civil Defence Emergency Management Group – 8 September 2020
- Audit and Risk Subcommittee – 6 October 2020

be received.

**Carried**

## **Working Party Updates and Chairpersons' Briefing (Item 8.2)**

**ID: A1380973**

**Report from Chris Taylor, Governance Support Manager**

**Moved (Yeoman/Macdonald)**

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

**Carried**

*Secretarial Note:*

- *The Chairs of the respective working parties provided an update on the current priorities and work programmes for these subordinate bodies.*
- *Condolences were extended to the friends and whanau of Te Taitokerau Māori and Council Working Party member, Rudy Taylor, who had recently passed. Attention was drawn to 'Rudy's huge contribution to Taitokerau'.*

## **Working Group Updates (Item 8.3)**

**ID: A1382309**

**Report from Leah Porter, PA/Administrator Environmental Services**

### **Moved (Stolwerk/Yeoman)**

That the report 'Working Group Updates' be received.

### **Carried**

*Secretarial Note: Consideration to be given as to whether council's catchment groups required a review in light of the raft of new water related legislation.*

## **Business with Public Excluded (Item 9.0)**

### **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:

<b>Item No.</b>	<b>Item Issue</b>	<b>Reasons/Grounds</b>
9.1	Confirmation of Confidential Minutes - 19 May 2020	The public conduct of the proceedings would be like to result in disclosure of information, as stated in the open section of the meeting.
9.2	Human Resources Report	The public conduct of the proceedings would be like 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).
9.3	Land and Leaseholders' Easement and Covenant Requests	The public conduct of the proceedings would be like 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 carry out, without prejudice or disadvantage, commercial activities s7(2)(h).



9.4	Kaipara Service Centre	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).
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3. That the Independent Financial Advisors be permitted to stay during business with the public excluded and Argyle Estates Limited Development Manager be permitted to join business with the public excluded for Item 9.4 only.

**Carried**

## **Conclusion**

**The meeting concluded at 12.45pm.**