

## Northland Regional Council Minutes

Meeting held in the Council Chamber  
36 Water Street, Whangārei  
on Tuesday 15 December 2020, commencing at 10.30am

### Present:

Chairperson, Penny Smart

Councillors:

Justin Blaikie

Jack Crow

Amy Macdonald

Marty Robinson

Rick Stolwerk

Joce Yeoman

### In Attendance:

#### Full Meeting

Independent Financial Advisor

Independent Audit & Risk Advisor

Chief Executive Officer

GM - Corporate Excellence

GM - Strategy, Governance and Engagement

GM – Regulatory Services

Finance Manager

Economic Policy Specialist

Governance Support Manager

#### Part Meeting

GM – Environmental Services

GM - Customer Services/Community Resilience

Strategic Projects and Building Facilities Manager

Biosecurity Manager

Biosecurity Manager – Partnerships and Strategy

Management Representative

Financial Accountant

Accounting Assistant – Treasury and Projects

Marketing and Communications Coordinator

Economic Policy Specialist

Biosecurity Officer – Team Support

The Chair declared the meeting open at 10.37am. Proceedings commenced with a karakia by Councillor Stolwerk.

## **Apologies (Ngā whakapahā) (Item 2.0)**

### **Moved (Macdonald/Blaikie)**

That the apologies from Councillor Kitchen for non-attendance be received.

**Carried**

## **Declarations of Conflicts of Interest (Nga whakapuakanga) (Item 3.0)**

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

## **Confirmation of Minutes - 17 November 2020 (Item 4.1)**

**ID: A1391257**

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

### **Moved (Yeoman/Robinson)**

That the minutes of the council meeting held on 17 November 2020 be confirmed as a true and correct record.

**Carried**

## **Receipt of Action Sheet (Item 4.2)**

**ID: A1392146**

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

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

That the action sheet be received.

**Carried**

## **Emergency Services Fund Update - Annual Reporting, Funding Uptake and Engagement and Promotion (Item 5.1)**

**ID: A1388853**

**Report from Tony Phipps, Group Manager - Customer Services - Community Resilience and Natasha Stubbing, Marketing and Engagement Manager**

### **Moved (Stolwerk/Craw)**

1. That the report 'Emergency Services Fund Update - Annual Reporting, Funding Uptake and Engagement and Promotion' by Tony Phipps, Group Manager - Customer Services - Community Resilience and Natasha Stubbing, Marketing and Engagement Manager and dated 23 November 2020, be received.
2. That council approves the distribution of the Emergency Services Fund Reserve as at the end of the financial year 2019/20 to the Emergency Services Fund recipients in direct proportion to the current allocation.

**Carried**

## **Managed Fund Recommendations and Marsden Maritime Dividend Proposal (Item 5.2)**

**ID: A1390888**

**Report from Simon Crabb, Finance Manager**

### **Moved (Blaikie/Yeoman)**

1. That the report 'Managed Fund Recommendations and Marsden Maritime Dividend Proposal' by Simon Crabb, Finance Manager and dated 27 November 2020, be received.
2. That the CEO is delegated authority to withdraw any excess Long Term Fund gains in Quarter 3 of the current financial year in line with a Eriksens Global recommendation, and place into Term deposits.
3. That any interim Marsden Maritime Holdings (MMH) dividend received in March 2021 is held in reserve and utilised in 2021/22 to contribute towards the IGR funding requirement, the shortfall in cruise ship revenue, and the financing of the new Enterprise System and held in the Short Term Fund.
4. That the Investment and Property Subcommittee terms of reference is amended to reflect the subcommittee's "delegated authority to approve all transfers between the Long-Term Fund and Short Term Fund, subject to the withdrawals being in accordance with the advice of council's Independent Investment Advisor and reported to the next council meeting".
5. That the Statement of Investment Policies and Objectives is amended to reflect council's intention to transition away from unethical investments over the next five years.

### **An amendment was moved (Smart/Stolwerk)**

1. That the report 'Managed Fund Recommendations and Marsden Maritime Dividend Proposal' by Simon Crabb, Finance Manager and dated 27 November 2020, be received.
2. That the CEO is delegated authority to withdraw any excess Long Term Fund gains in Quarter 3 of the current financial year in line with a Eriksens Global recommendation, and place into Term deposits.
3. That any interim Marsden Maritime Holdings (MMH) dividend received in March 2021 is held in reserve and utilised in 2021/22 to contribute towards the IGR funding requirement, the shortfall in cruise ship revenue, and the financing of the new Enterprise System and held in the Short Term Fund.
4. *That the Investment and Property Subcommittee terms of reference is amended to reflect the subcommittee's "delegated authority to approve the withdrawal of gains from the Long-Term Fund, subject to;*
  - a. the withdrawals being in accordance with the advice of council's Independent Investment Advisor;*
  - b. the withdrawals being reinvested to the Short-Term Fund, and;*
  - c. the withdrawals and reinvestment being reported back to the next council meeting".*
5. That the Statement of Investment Policies and Objectives is amended to reflect council's intention to transition away from unethical investments over the next five years.

### **The substantive motion was carried**

## **Financial Report to 30 November 2020 (Item 5.3)**

**ID: A1392727**

**Report from Vincent McColl, Financial Accountant**

**Moved (Stolwerk/Macdonald)**

That the report 'Financial Report to 30 November 2020' by Vincent McColl, Financial Accountant and dated 3 December 2020, be received.

**Carried**

*Secretarial Note:*

- *It was reported (in accordance with council's 'Treatment of Unbudgeted Expenditure Policy') that \$70k of unbudgeted expenditure had been drawn from the Forestry Equalisation Reserve to fund the Whangārei Urban Constituency by-election.*
- *The Independent Financial Advisor addressed the report; noting council's strong financial position and endorsing the prudent approach confirmed in Item 5.2.*

## **Northland Regional Pest and Marine Pathway Management Plan - Annual Report 2019-2020 (Item 6.1)**

**ID: A1388850**

**Report from Don McKenzie, Biosecurity Manager**

**Moved (Blaikie/Craw)**

1. That the report 'Northland Regional Pest and Marine Pathway Management Plan - Annual Report 2019-2020' by Don McKenzie, Biosecurity Manager and dated 23 November 2020, be received.
2. That council adopts the Biosecurity Annual Report as the record of actions undertaken during the 2019-2020 year and in accordance with the objectives of the Pest Management and Marine Pathway Management Plan 2017-2027.
3. That the Biosecurity Manager be delegated authority to make any minor design, editing, grammatical or accuracy amendments, prior to the Annual Report being published.

**Carried**

*Secretarial Note: Appreciation was extended to staff for 'an outstanding report' that would assist council in its Long Term Plan deliberations.*

## **Kaipara Moana Remediation Programme Deed of Funding (Item 6.2)**

**ID: A1389214**

**Report from Penny Pirrit, Northland Regional Council Management Representative and Jonathan Gibbard, Group Manager - Environmental Services**

**Moved (Yeoman/Macdonald)**

1. That the report 'Kaipara Moana Remediation Programme Deed of Funding' by Penny Pirrit, Northland Regional Council Management Representative and Jonathan Gibbard, Group Manager - Environmental Services and dated 24 November 2020, be received.

2. That the Proposed Deed of Funding ,included as **Attachment One** pertaining to Item 6.2 of the 15 December 2020 council agenda, be approved by council (subject to minor amendments).
3. That the role of the council as the recipient/banker in the proposed Deed be approved.

**Carried**

**It was further moved (Smart/Yeoman)**

4. That the Chair and the Chief Executive Officer be delegated the authority to negotiate the final detail of the Year 1 Annual Work Plan and any minor amendments to the proposed Deed of Funding that may arise prior to final signing of the Deed, provided those amendments do not materially change council's obligations under the Deed.

**Carried**

*Secretarial Note: Appreciation was extended to staff for progressing the new partnership entity and Deed of Funding which was 'huge for Northland and the Kaipara'.*

**Policy on the appointment of directors to council organisations (Item 6.3)**

**ID: A1391002**

**Report from Linda Harrison, Organisational Project Manager**

**Moved (Stolwerk/Yeoman)**

1. That the report 'Policy on the appointment of directors to council organisations' by Linda Harrison, Organisational Project Manager and dated 27 November 2020, be received.
2. That the revised Policy on the appointment of directors to council organisations be adopted, with the Chief Executive authorised to make any minor editorial changes if required.

**Carried**

*Secretarial Note: Staff to assess whether the Policy sufficiently addressed diversity and report back to the February 2021 council meeting.*

**Te Taitokerau Māori and Council Working Party - Nomination of New Member (Item 6.4)**

**ID: A1391576**

**Report from Auriole Ruka, Kaiwhakahaere Hononga Māori**

**Moved (Robinson/Yeoman)**

1. That the report 'Te Taitokerau Māori and Council Working Party - Nomination of New Member' by Auriole Ruka, Kaiwhakahaere Hononga Māori and dated 1 December 2020, be received.
2. That council confirms Te Waiāriki, Ngāti Takapari and Ngāti Korora hapū membership and their representatives Anamaera Kake and proxy Aorangi Kawiti as non-elected representatives on Te Taitokerau Māori and Council Working Party.

**Carried**

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

**ID: A1391223**

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

**Moved (Stolwerk/Macdonald)**

That the report 'Health and Safety Report' by Kelcie Mills, Health and Safety Advisor and dated 30 November 2020, be received.

**Carried**

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

**ID: A1391195**

**Report from Penny Smart, Chair**

**Moved (Smart/Yeoman)**

That the report 'Chair's Report to Council' by Penny Smart, Chair and dated 1 December 2020, be received.

**Carried**

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

**ID: A1391237**

**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 30 November 2020, be received.

**Carried**

*Secretarial Note: Staff to confirm availability of the results from the underwater survey of the Bay of Islands.*

## **Reporting on Long Term Plan 2018-2028 Performance Measures for Quarter One of the 2020/21 Year (Item 7.4)**

**ID: A1385361**

**Report from Robyn Broadhurst, Policy Specialist**

**Moved (Yeoman/Craw)**

That the report 'Reporting on Long Term Plan 2018-2028 Performance Measures for Quarter One of the 2020/21 Year' by Robyn Broadhurst, Policy Specialist and dated 12 November 2020, be received.

**Carried**

## **Northland Inc. Limited: First Quarter 2020/21 reporting against Statement of Intent 2020-2023 (Item 7.5)**

**ID: A1390337**

**Report from Darryl Jones, Economist**

**Moved (Stolwerk/Macdonald)**

That the report 'Northland Inc. Limited: First Quarter 2020/21 reporting against Statement of Intent 2020-2023' by Darryl Jones, Economist and dated 25 November 2020, be received.

**Carried**

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

**ID: A1391289**

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

**Moved (Yeoman/Stolwerk)**

That the unconfirmed minutes of the:

- Regional Transport Committee – 14 October 2020;
- Civil Defence Emergency Management Group – 18 November 2020;
- Investment and Property Subcommittee – 25 November 2020; and
- Kaipara Moana Remediation Joint Committee – 16 November 2020

and the confirmed minutes of the:

- Kaipara Moana Joint Committee – 09 October 2020; and
  - Kaipara Moana Joint Committee – 30 October 2020
- be received.

**Carried**

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

**ID: A1388796**

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

**Moved (Stolwerk/Yeoman)**

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.*

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

**Moved (Smart/Blaikie)**

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
9.1	Confirmation of Confidential Minutes - 17 November 2020	The public conduct of the proceedings would be likely to result in disclosure of information, as stated in the open section of the meeting -.
9.2	Receipt of Confidential Committee Minutes	The public conduct of the proceedings would be likely to result in disclosure of information, as stated in the open section of the meeting -.
9.3	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).
9.4	Australian Investment Review and Introduction of New Fund Managers into the Long Term Fund	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to prevent the disclosure or use of official information for improper gain or improper advantage s7(2)(j).
9.5	Sale of Industrial Area Properties	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).
9.6	Hannah Street Whangārei Property Demolition	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).
9.7	Vehicle purchase	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).
9.8	Oruku Landing Conference and Event Centre - Consideration for public consultation	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).
9.9	Appointment of Independent Financial Advisor	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).



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

**Carried**

*Secretarial Note: During business with the public excluded council also approved the Eriksens Global Managing Director to join proceedings for Item 9.4 only.*

## **Open Meeting**

### **Moved (Smart/Stolwerk)**

That the council resumes in open meeting.

**Carried**

## **Appointment of Independent Financial Advisor (Confidential Item 9.9)**

**ID: A1392780**

**Report from Bruce Howse, Group Manager - Corporate Excellence**

### **Moved (Smart/Yeoman)**

That the following resolutions pertaining to Confidential Item 9.9 be confirmed in open meeting:

1. That the report 'Appointment of Independent Financial Advisor' by Bruce Howse, Group Manager - Corporate Excellence and dated 4 December 2020, be received.
2. That Stuart Henderson be offered the role of Independent Financial Advisor.
4. That council acknowledge and thank Mr Copstick for his service to council in his role of Independent Financial Advisor.

**Carried**

## **Conclusion**

**The meeting concluded at 12.42pm.**