

Northland Regional Council Minutes

Meeting held in the Council Chamber
36 Water Street, Whangārei
on Tuesday 26 April 2022, commencing at 10.30am

Tuhinga/Present:

Chairperson, Penny Smart

Councillors:

Terry Archer
Justin Blaikie
Colin Kitchen
Marty Robinson
Rick Stolwerk
Joce Yeoman
Amy Macdonald

I Tae Mai/In Attendance:

Full or Part Meeting

Individual Financial Advisor
Tumuaki - Chief Executive Officer (*via audio-visual link*)
Pou Taumatua - GM Corporate Services
Pou Tiaki Taiao - GM Environmental Services
Pou Whakaritenga - GM Regulatory Services
Pou Tiaki Hapori - GM Community Resilience
Pou Tiaki Pūtaiao – GM Biosecurity
Pou Manawhakahaere – GM Governance & Engagement
Land Programme Manager
Climate Change Manager
Governance Specialist

Secretarial Note:

- *Due to the current Covid restrictions, proceedings were livestreamed in order to be open to the public.*
- *The Chair declared the meeting open at 10.30am and proceedings commenced with the Tauāki ā roto by full council. The Chair extended appreciation to both councillors and staff for their ability to adapt while working remotely.*
- *The current GM Environmental Services, Jonathan Gibbard, was acknowledged for his appointment as the next Chief Executive Officer; the role commencing 1 October 2022.*

Ngā whakapahā/Apologies (Item 1.0)

Moved (Stolwerk/Archer)

That the apologies from Councillor Craw for non-attendance and Councillor Macdonald for early departure be received.

Carried

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

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

Confirmation of Minutes - Council Meeting 23 March 2022 and Extraordinary Council Meeting 12 April 2022 (Item 5.1)

Report from Chris Taylor, Governance Specialist

Moved (Yeoman/Stolwerk)

That the minutes of the council meeting held on 23 March 2022 and the extraordinary council meeting held on 12 April 2022 be confirmed as a true and correct record.

Carried

Receipt of Action Sheet (Item 5.2)

Report from Chris Taylor, Governance Specialist

Moved (Stolwerk/Macdonald)

That the action sheet be received.

Carried

Financial Report to 31 March 2022 (Item 6.1)

Report from Vincent McColl, Financial Accountant

Moved (Blaikie/Yeoman)

That the report 'Financial Report to 31 March 2022' by Vincent McColl, Financial Accountant and dated 11 April 2022, be received.

Carried

Secretarial Note: The EriksensGlobal monthly report for March had not been received at the time of the meeting. Therefore there was no up to date information available regarding the performance of council's Long Term Fund.

Continuity over council recess (Item 7.1)

Report from Chris Taylor, Governance Specialist

Moved (Kitchen/Macdonald)

1. That the report 'Continuity over council recess' by Chris Taylor, Governance Specialist and dated 13 April 2022, be received.

Carried

It was further moved (Stolwerk/Yeoman)

2. That in the period between the day following the Electoral Officer's declaration until the new council is sworn in for the 2022-2025 triennium, the council delegates to the Chief Executive Officer the authority to make decisions over and above the Chief Executive's normal delegations in respect of urgent matters, except those responsibilities, duties

and powers specifically excluded in terms of clause 32(1)(a)-(h) of Schedule 7 of the Local Government Act 2002.

3. That any instances where the Chief Executive Officer exercises powers, in accordance with 2 above, shall be presented to the first ordinary meeting of the incoming council for ratification.

Carried

It was further moved (Robinson/Macdonald)

4. That, for the avoidance of doubt the following subordinate bodies be deemed not to be discharged on the coming into office of the council elected at the October 2022 triennial elections;
 - i. The Civil Defence Emergency Management Group (in accordance with section 12(2) of the Civil Defence Emergency Management Act 2002);
 - ii. Te Oneroa-a-Tōhē Beach Board (in accordance with section 62(2)(b) of the Te Hiku Claims Settlement Bill); and
 - iii. The Kaipara Harbour Remediation Committee, the Joint Regional Economic Development Committee and the Joint Climate Change Adaptation Committee (in accordance with their Terms of Reference adopted by all founding members).
5. That the Te Taitokerau Māori and Council Working Party (TTMAC) be deemed not to be discharged on the coming into the office of the council elected at the October 2022 triennial elections.
6. That the Māori Technical Advisory Group (MTAG) and its members be deemed not to be discharged on the coming into office of the council elected at the October 2022 triennial elections; subject to endorsement by TTMAC at its 12 May 2022 meeting.
7. That the Tangata Whenua Water Advisory Group (TWWAG) and its members (including the three TTMAC representatives) be deemed not to be discharged on the coming into office of the council elected at the October 2022 triennial elections; subject to endorsement by TTMAC at its 12 May 2022 meeting .

Carried

2022 Local Body Triennial Elections (Item 7.2)

Report from Chris Taylor, Governance Specialist

Moved (Blaikie/Yeoman)

1. That the report '2022 Local Body Triennial Elections' by Chris Taylor, Governance Specialist and dated 30 March 2022, be received.
2. That the report '2022 Triennial Election' by Dale Ofoske, NRC Electoral Officer, and dated 10 March 2022, be received.
3. That the 'Local Authority Elections 2022 – Election Protocols for Elected Members' be noted.

Carried

It was further moved (Yeoman/Blaikie)

4. That council resolves for the 2022 triennial election to adopt the alphabetical order of candidate names on voting documents (*in accordance with Regulation 31 of the Local Electoral Regulations 2001*).

Carried

Audit Fee Proposal For Year Ending 30 June 2022 and 30 June 2023 (Item 7.3)

Report from Bruce Howse, Pou Taumatua – Group Manager Corporate Services

Moved (Kitchen/Macdonald)

1. That the report 'Audit Fee Proposal For Year Ending 30 June 2022 and 30 June 2023' by Bruce Howse, Pou Taumatua – Group Manager Corporate Services and dated 5 April 2022, be received.
2. That council approve the **base** audit fees of \$156,300 for FY22 and a further \$15k in audit fees for the Enterprise Project implementation workstream.
3. That council approve the **base** audit fees of \$178,800 for FY23 and a further \$25k in audit fees for the Enterprise Project implementation workstream.
4. That council agree in principle to the approach outlined in the Deloitte proposal for the setting of audit fees for FY24 and FY25 (*included as Attachment 1 pertaining to Item 7.3 of the 26 April 2022 council agenda*).
5. That council approve the NRC Chair to sign the audit engagement letter with Deloitte on behalf of council for the FY22 audit.

Carried

Secretarial Note:

- *Appreciation was extended to all involved in negotiating the fee structure with Deloitte.*
- *Attention was drawn to the fact that council was approving the base audit fees and there would be further charges for any additional work or professional disbursements.*

Future Harbour Remediation Business Case (Item 7.4)

Report from Ruben Wylie, Land Management Programme Manager

Moved (Blaikie/Stolwerk)

1. That the report 'Future Harbour Remediation Business Case' by Ruben Wylie, Land Management Programme Manager and dated 11 April 2022, be received.
2. That council approve the allocation of \$300,000 from the Equalisation Reserve to fund the development of a Harbour Remediation Business Case, to be commenced during the 2023/2024 financial year.
3. That, prior to undertaking the Harbour Remediation Business Case, staff present an options assessment to council in order to gain council approval to confirm which harbour(s) will be subject to the business case and the scope and purpose.

Carried

New Land Management Approach (Item 7.5)

Report from Ruben Wylie, Land Management Programme Manager

Moved (Macdonald/Yeoman)

1. That the report 'New Land Management Approach' by Ruben Wylie, Land Management Programme Manager and dated 12 April 2022, be received.
2. That council approve revisions to the Environment Fund criteria set out in this report by:
 - a. ceasing to support stock exclusion activities as and when they become statutory requirements, with the exception of fencing wetlands and where mitigation measures exceed what is required by regulation;
 - b. adopting revised mitigation treatments as set out in Table 1 in Item 7.5 of the 26 April 2022 council agenda.
3. That council approve the new Catchment Funding to be included in the general Environment Fund and that the additional funding is made available for:
 - a. general Environment Fund grants;
 - b. supporting tangata whenua and catchment groups for those activities set out in Table 2 in Item 7.5 of the 26 April 2022 council agenda.
4. That council acknowledges that there are no additional staff resources to deliver the new Catchment Funding and that this will therefore be advanced as resources become available.
5. That council approve the co-funding of 70% of the total project value for approved Environment Fund grant applications on Māori freehold land (as defined in Te Ture Whenua Māori Act 1993).
6. That council approve that, provided council's overall year end budget is in surplus, all unallocated Environment Fund budget, including new Catchment Funding, is to be retained within the Land Management Reserve.
7. That council approve the funding of multi-year Environment Fund projects with approval for any associated budget carry-forwards to be delegated to the Chair and that any multi-year projects are capped at a maximum term of three years.
8. That council approve the following Environment Fund financial delegations to the Chair, with allocation above those thresholds requiring a council decision:
 - a. \$40,000 maximum for any single year allocation.
 - b. \$20,000 maximum per year for any multi- year allocation.
9. That council approve transitional arrangement for all Northland Regional Council priority catchment groups by:
 - a. Continuing to support Priority Catchment Groups over the 2022/2023 financial year with a focus to enable them to become self-governing;
 - b. Discontinuing on-going funding support at the conclusion of the 2021/2022 financial year.
10. That properties located in the area administered by the Kaipara Moana Remediation Programme will not be eligible for grant funding or land management services that duplicate the functions of the Kaipara Moana Remediation Programme.

11. That staff review the new Land Management Approach and report to council by December 2023, with the opportunity to make any adjustments and refinements.

Carried

Request to Carry Forward Operating Expenditure Budget for S-Map (Item 7.6)

Report from Ruben Wylie, Land Management Programme Manager and Lester Bridson, Far North Land Manager

Moved (Kitchen/Macdonald)

1. That the report 'Request to Carry Forward Operating Expenditure Budget for S-Map' by Ruben Wylie, Land Management Programme Manager and Lester Bridson, Far North Land Manager and dated 12 April 2022, be received.
2. That council approve the transfer of LTP Year 1 and 2 budget allocations for S-Map to the Land Management Reserve, provided council's year end budget is in surplus.

Carried

Council submission on ETS changes - retrospective approval (Item 7.7)

Report from Justin Murfitt, Strategic Policy Specialist

Moved (Yeoman/Stolwerk)

1. That the report 'Council submission on ETS changes - retrospective approval' by Justin Murfitt, Strategic Policy Specialist and dated 12 April 2022, be received.
2. That council retrospectively approve the attached submission on the discussion document: Managing exotic afforestation incentives.

Carried

Secretarial Note: Appreciation was extended to staff and councillors for the 'huge amount of work' required to prepare submissions in response to central government proposals.

Adoption of Te Tai Tokerau Climate Adaptation Strategy (Item 7.8)

Report from Tom Fitzgerald, Climate Change Manager

Moved (Macdonald/Yeoman)

1. That the report 'Adoption of Te Tai Tokerau Climate Adaptation Strategy' by Tom Fitzgerald, Climate Change Manager and dated 13 April 2022, be received.
2. That council adopt the attached Te Tai Tokerau Climate Adaptation Strategy, and Appendices.

Carried

Secretarial Note: Appreciation was extended to all involved in getting the Te Tai Tokerau Climate Adaptation Strategy to the point of adoption by the four Northland councils, whilst acknowledging the 'work is just beginning'.

Health and Safety Report (Item 8.1)

Report from Beryl Steele, Human Resources Manager

Moved (Kitchen/Stolwerk)

That the report 'Health and Safety Report' by Beryl Steele, Human Resources Manager and dated 21 April 2022, be received.

Carried

Secretarial Note: An audit was currently being undertaken on NRC's work with contractors given this was one of the top risks to the organisation.

Chair's Report to Council (Item 8.2)

Report from Penny Smart, Chair

Moved (Smart/Yeoman)

That the report 'Chair's Report to Council' by Penny Smart, Chair and dated 12 April 2022, be received.

Carried

Secretarial Note: Appreciation was extended to the Chair for her work on behalf of council.

Chief Executive's Report to Council (Item 8.3)

Report from Malcolm Nicolson, Tumuaki - Chief Executive Officer

Moved (Blaikie/Macdonald)

That the report 'Chief Executive's Report to Council' by Malcolm Nicolson, Tumuaki - Chief Executive Officer and dated 1 April 2022, be received.

Carried

Secretarial Note:

- *The rivers team were acknowledged for their work to resolve the flooding issues in Taumārere.*
- *An invitation had been extended for council to visit the NIWA Kingfish site works.*
- *The new Kaipara Service Centre was highlighted as a successful collaborative project with Kaipara District Council.*
- *Concerns regarding FENZ's 'holistic' approach of setting fire bans across all of Northland to be relayed back through the Civil Defence Emergency Management Group.*
- *Attention was drawn to significant progress being made by the Piroa Brynderwyns Landcare Group.*

Receipt of Committee Minutes (Item 9.1)

Report from Chris Taylor, Governance Specialist

Moved (Stolwerk/Robinson)

That the unconfirmed minutes of the:

- Te Oneroa-A-Tōhē Board - 18 February 2022
- Civil Defence Emergency Management Group Meeting Minutes - 1 March 2022
- Joint Climate Change Adaptation Committee - 7 March 2022
- Joint Regional Economic Development Committee - 11 March 2022
- Audit and Risk Subcommittee – 30 March 2022
- Investment and Property Subcommittee – 30 March 2022
- Regional Transport Committee - 5 April 2022

be received.

Carried

Kaupapa ā Roto/Business with Public Excluded (Item 10.0)

Moved (Smart/Robinson)

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
10.1	Confirmation of confidential minutes - Council Meeting 23 March 2022 and Extraordinary Council Meeting 12 April 2022	The public conduct of the proceedings would be likely to result in disclosure of information, as stated in the open section of the meeting.
10.2	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.
10.3	Human Resources Report - March 2022	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).
10.4	Summary Report on the Kensington Crossing Redevelopment Project	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).

10.5	Private Equity Consideration	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).
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3. That the Independent Financial Advisor be permitted to stay during business with the public excluded.

Carried

Secretarial Note: The meeting adjourned at 11.28am and reconvened at 11.33am to address business with the public excluded.

Whakamutunga (Conclusion)

The meeting concluded at 12.03pm.