

Northland Regional Council Minutes

Meeting held in the Council Chamber
36 Water Street, Whangārei
on Tuesday 27 September 2022, commencing at 10.30am

Tuhinga/Present:

Chairperson, Penny Smart

Councillors:

Terry Archer

Justin Blaikie

Jack Crow

Colin Kitchen

Amy Macdonald

Marty Robinson

Rick Stolwerk

Joce Yeoman

I Tae Mai/In Attendance:

Full Meeting

Deloitte Limited representatives (x2)

Independent Financial Advisor

Tumuaki - Chief Executive Officer (*current*)

Tumuaki – Chief Executive Officer (*incoming*)

Pou Taumatua - GM Corporate Services

Pou Whakaritenga - GM Regulatory Services

Pou Tiaki Pūtaiao - GM Biosecurity

Human Resources Manager

Governance Specialist

Part Meeting

Contracted Advisor

Pou Tiaki Hapori – GM Community Resilience

Pou Tiaki Taiao - GM Environmental Services

Pou Manawhakahaere – GM Governance & Engagement

Finance Manager

Policy and Planning Manager

Strategic Projects and Facilities Manager

Corporate Strategy Manager

Financial Accountant (*via audio-visual link*)

Management Accountant

Financial Accountant

Corporate Planning Specialist

Kaiwhakahaere Honongā Māori

Personal Assistant – Community Resilience

Property Officer

Secretarial Note: The Chair declared the meeting open at 10.37am and proceedings commenced with the Tauāki ā roto by full council. The meeting then observed a minutes silence to honour the passing of Her Majesty the Queen.

Ngā whakapahā/Apologies (Item 1.0)

There were no apologies.

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 - 23 August 2022 (Item 5.1)

Report from Meloney Tupou, Māori Governance and Engagement Support Admin

Moved (Stolwerk/Craw)

That the minutes of the council meeting held on 23 August 2022, be confirmed as a true and correct record.

Carried

Receipt of Action Sheet (Item 5.2)

Report from Chris Taylor, Governance Specialist

Moved (Kitchen/Macdonald)

That the action sheet be received.

Carried

Financial Report to 31 August 2022 (Item 6.1)

Report from Vincent McColl, Financial Accountant and Taka Skipwith, Financial Accountant

Moved (Stolwerk/Yeoman)

That the report 'Financial Report to 31 August 2022' by Vincent McColl, Financial Accountant and Taka Skipwith, Financial Accountant and dated 15 September 2022, be received.

Carried

Adoption of the 2022 Annual Report (Item 6.2)

Report from Simon Crabb, Finance Manager

Moved (Stolwerk/Yeoman)

1. That the report 'Adoption of the 2022 Annual Report' by Simon Crabb, Finance Manager and dated 6 September 2022, be received.
2. That the council's audited Annual Report and financial statements for the year ended 30 June 2022 be adopted pursuant to section 98(3) of the Local Government Act 2002.
3. That the Chief Executive Officer and the Chair be authorised to sign the 2022 Annual Report compliance statement and letter of representation, and the letters of

representation in relation to the: 2021/22 debenture trust deed report, and 2021/22 stock register report.

4. That the Chief Executive Officer be authorised to make any minor editorial and presentation changes to the 2022 Annual Report and Summary Annual Report if required.
5. That the Chief Executive Officer be authorised to approve the release of the 2022 Summary Annual Report pursuant to section 98(4) of the Local Government Act 2002.

Carried

Secretarial Note:

- *The Deloitte Limited Partner addressed the report (as the appointed auditor on behalf of the Office of the Auditor General). It was stated that the Annual Report was 'in good shape to sign off' with no unadjusted differences or disclosure deficiencies. Deloitte made two observations:*
 1. *That council's investment assets had grown significantly and it 'may be time to take a belts and braces approach to get a third party review'. This could form part of council's internal audit programme.*
 2. *That all council investments should report on internal control requirements; in line with council's Statement of Investment and Policy Objectives (SIPO).*
- *Appreciation was extended to Deloitte for the 'time and expertise added to the process'. In turn Deloitte extended appreciation to NRC staff and council's Independent Financial Advisor for delivering 'high quality material' on time.*

Change to start date for incoming Chief Executive Officer (Item 7.1)

Report from Beryl Steele, Human Resources Manager

Moved (Blaikie/Robinson)

1. That the report 'Change to start date for incoming Chief Executive Officer' by Beryl Steele, Human Resources Manager and dated 15 September 2022, be received.
2. That the incoming Chief Executive Officer's start date is brought forward to 1 October 2022 with him starting directly after the current Chief Executive Officer's contract finishes.

Carried

Tangata Whenua Water Advisory Group - replacement members (Item 7.2)

Report from Alison Newell, Policy Specialist

Moved (Yeoman/Macdonald)

1. That the report 'Tangata Whenua Water Advisory Group - replacement members' by Alison Newell, Policy Specialist and dated 18 August 2022, be received.
2. That Sheila Taylor and Celia Witehira be appointed as members of the Tangata Whenua Water Advisory Group.

Carried

Mātauranga Māori Freshwater Framework (Item 7.3)

Report from Ben Lee, Planning and Policy Manager and Jason Donaghy, Natural Resources Monitoring Manager

Moved (Robinson/Blaikie)

1. That the report 'Mātauranga Māori Freshwater Framework' by Ben Lee, Planning and Policy Manager and Jason Donaghy, Natural Resources Monitoring Manager and dated 7 September 2022, be received.
2. That the Mātauranga Māori Freshwater Framework will address:
 - a. the involvement of tangata whenua in councils environmental monitoring (as set out in action 7, *Tāiki e*)
 - b. the support of tangata whenua with their freshwater monitoring (as set out in action 8, *Tāiki e*)
 - c. the involvement of tangata whenua in compliance monitoring (as set out in action 9, *Tāiki e*)
 - d. the support of tangata whenua to undertake on-the-ground activities to improve te mana o te wai.
3. That the following process is followed for developing the Mātauranga Māori Freshwater Framework:
 - a. Consultancy services are employed to assist with preparing the framework
 - b. Staff work with the Māori Technical Advisory Group (MTAG) to refine the scope of the request for proposals for consultancy services and to determine the criteria for selecting the successful consultant.
 - c. A group consisting of three MTAG members (to be determined by MTAG) provide advice to council staff on the award of the consultancy services. The MTAG members to be paid a meeting allowance (in accordance with the Non-elected Members Meetings Allowance Policy) for the meeting where advice is provided to council staff.
 - d. The award of the consultancy services be undertaken by at least two senior council staff in accordance with council procurement procedures.
 - e. The endorsement and adoption process for the framework be as follows:
 - i. MTAG endorses it to TTMAC
 - ii. TTMAC endorses to council
 - iii. Council adopts.

Carried

Delegations for decisions for resolving appeals on the Proposed Regional Plan for Northland (Item 7.4)

Report from Michael Payne, Policy Specialist

Moved (Kitchen/Craw)

1. That the report 'Delegations for decisions for resolving appeals on the Proposed Regional Plan for Northland' by Michael Payne, Policy Specialist and dated 7 September 2022, be received.

2. That in the period between 7 October 2022 and 1 February 2023, council delegates to the Chief Executive Officer the authority to make decisions on the Proposed Regional Plan for Northland, in relation to appeals before the Environment Court.

Carried

Secretarial Note

- *Appreciation was extended to the Planning and Policy Team for their efforts to get the Proposed Regional Plan for Northland to its current status.*
- *Councillor Yeoman, who was finishing her tenure with council, was acknowledged for her expertise and valuable input into the process.*

Water Resilience Fund - Long Term Plan Year 2 and 3 Allocations (Item 7.5)

Report from Tony Phipps, Contracted Advisor

Moved (Craw/Macdonald)

1. That the report 'Water Resilience Fund - Long Term Plan Year 2 and 3 Allocations' by Tony Phipps, Contracted Advisor and dated 9 September 2022, be received.

Carried

It was further moved (Blaikie/Yeoman)

2. That council approves the Water Resilience Fund grant to Te Roroa Development Group: up to \$150,000 in 2022-23 for Kaihu Wai Inu Pai.

Carried

It was further moved (Blaikie/Robinson)

3. That council approves the Water Resilience Fund grant to Te Puna Aroha Putea Whakapapa (Charitable Trust); up to \$230,000 in 2022-23 for Otiria Te Kaha o te Wai.

Carried

It was further moved (Craw/Stolwerk)

4. That council approves the Water Resilience Fund grant to Te Kotahitanga E Mahi Kaha Trust: up to \$260,000 (\$120,000 in 2022-23 and \$140,000 in 2023-24) for Waima and Tautoro Community Water Proposal.

Carried

Secretarial Note:

- *Te Kotahitanga E Mahi Kaha Trust Operations Manager was in attendance and extended appreciation to council for its continued support of the Waima and Tautoro Community Water Proposal.*
- *There was merit in council confirming funding in advance as it provided certainty for providers, particularly those with projects spanning multiple financial years, and also allowed sufficient lead time for set up by providers.*

It was further moved (Stolwerk/Robinson)

5. That council approves the Water Resilience Fund grant to Te Runanga o Ngāti Hine: up to \$225,000 in 2023-24 for Tanks A Lot.

Carried

Electric Car Charging Expansion and Vehicle Purchasing Policy (Item 7.6)

Report from Phil Heatley, Strategic Projects and Facilities Manager and Glen McKenzie, Vehicle Fleet Coordinator

Moved (Stolwerk/Blaikie)

1. That the report 'Electric Car Charging Expansion and Vehicle Purchasing Policy' by Phil Heatley, Strategic Projects and Facilities Manager and Glen McKenzie, Vehicle Fleet Coordinator and dated 10 September 2022, be received.
2. That up to \$80,000 + GST of unbudgeted capital expenditure is approved to fund the expansion of Water Street Office's electric vehicle charging capacity.
3. That, as a variation to council's Procurement Policy, Hubands Energy be approved as the preferred contractor for the electric vehicle charging expansion
4. That the purchase policy for the Chairperson's vehicle, including the maximum vehicle purchase value, is to match the determination set by the Remuneration Authority under the Remuneration Authority Act 1977.
5. That the maximum purchase value for the Chief Executive Officer's vehicle is to match the maximum vehicle purchase value for the Chairperson's vehicle.

Carried

Secretarial Note: It was suggested that NRC should share its experience in the use of electric vehicles and charging stations with the Te Taitokerau Māori and Council working party given the benefits it could provide to remote communities, marae and schools that were impacted by rising fuel costs.

Minor Amendment to Regional Pest Plan (Item 7.7)

Report from Don McKenzie, Pou Tiaki Pūtaiao - GM Biosecurity and Raymond Tana, Biosecurity Specialist - Freshwater Pests

Moved (Craw/Macdonald)

1. That the report 'Minor Amendment to Regional Pest Plan' by Don McKenzie, Pou Tiaki Pūtaiao - GM Biosecurity and Raymond Tana, Biosecurity Specialist - Freshwater Pests and dated 14 September 2022, be received.
2. That council approves a minor amendment to the Pest Plan by council resolution under the Biosecurity Act 1993 section 100(g) (4) to add "Cyprinus rubrofasciatus, commonly known as Asian Koi carp" to the Pest Plan where it is appropriate.
3. That the council approves a minor amendment to the Pest Plan by council resolution under the Biosecurity Act 1993 section (g) (4) to add the name "European Koi carp" alongside the species name *Cyprinus carpio* where it is appropriate.

Carried

NRC Tiriti Organisational Review (Te Tiriti Health Check) (supplementary Item 7.8)

Report from Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement and Kim Peita, Māori Relationships Manager

Moved (Robinson/Yeoman)

1. That the report 'NRC Tiriti Organisational Review (Te Tiriti Health Check)' by Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement and Kim Peita, Māori Relationships Manager and dated 15 September 2022, be received.
2. That council receive the final report and recommendations of the Te Tiriti Organisational Review (Te Tiriti Health Check) prepared by Buddle Findlay and Whaia Legal (subject to any final minor, graphic, structural or grammatical changes or amendments recommended by the Chief Executive Officer).

Carried

Secretarial Note: Appreciation was extended to all involved in the development of the Te Tiriti Health Check' which was described as a 'leading edge piece of work' and would provide an invaluable platform for the next council to 'continue on this journey with vigour'.

Chair's Report to Council (Item 8.1)

Report from Penny Smart, Chair

Moved (Smart/Stolwerk)

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

Carried

Chief Executive's Report to Council (Item 8.2)

Report from Malcolm Nicolson, Tumuaki - Chief Executive Officer

Moved (Yeoman/Stolwerk)

That the report 'Chief Executive's Report to Council' by Malcolm Nicolson, Tumuaki - Chief Executive Officer and dated 31 August 2022, be received.

Carried

Secretarial Note: The Chief Executive Officer, who was finishing his tenure with council, expressed his 'immense pride in the work delivered by staff' and extended appreciation to elected members for their support. In turn the Chief Executive was acknowledged for his 'foresight in what has been achieved' and the delivery of services and infrastructure which would put Te Taitokerau in good stead going forward.

Residents' survey results to year end 30 June 2022 (Item 8.3)

Report from Kyla Carlier, Corporate Strategy Manager

Moved (Macdonald/Stolwerk)

That the report 'Residents' survey results to year end 30 June 2022' by Kyla Carlier, Corporate Strategy Manager and dated 27 July 2022, be received.

Carried

Chief Executive Officer's Key Performance Indicators - final report (Item 8.4)

Report from Kyla Carlier, Corporate Strategy Manager

Moved (Yeoman/Stolwerk)

That the report 'Chief Executive Officer's Key Performance Indicators - final report' by Kyla Carlier, Corporate Strategy Manager and dated 19 September 2022, be received.

Carried

Secretarial Note: It was acknowledged that the ongoing impacts of Covid-19 had compromised achieving some targets. However, there was agreement that they were exceptional results given the challenging circumstances.

Receipt of Committee Minutes (Item 9.1)

Report from Meloney Tupou, Māori Governance and Engagement Support Admin

Moved (Stolwerk/Kitchen)

That the unconfirmed minutes of the:

- Kaipara Moana Remediation Joint Committee 15 August 2022.
- Joint Climate Change Adaptation Committee 29 August 2022.
- Civil Defence Emergency Management Group Committee 6 September 2022.

be received.

Carried

Secretarial Note:

- *Attention was drawn to the significant work being progressed and the learnings being generated through the Kaipara Harbour Remediation Committee; the impact of which was described as 'monumental' for Northland.*
- *The Whangārei Mayor, Councillor Kitchen and the GM – Community Resilience, who were all finishing in their current roles, were acknowledged for their contribution to Civil Defence Emergency Management in Northland.*

Working Party Updates and Chairpersons' Briefings (Item 9.2)

Report from Sally Bowron, Strategy, Governance and Engagement Team Admin/PA

Moved (Blaikie/Macdonald)

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

Carried

Secretarial Note: The Chair/Co-Chair of each of the working parties provided a concluding update for the triennium.

Closing remarks

- Being the last council meeting the Chair reflected on the triennium which had been both busy and disruptive with Covid-19 leading to a new way of working. Council was acknowledged for its 'professional and patient' approach and its achievements over the three years. Appreciation was extended to the contribution of all councillors during this time, with special acknowledgement of those standing down.
- The Chief Executive congratulated council on the 'huge and positive effect' it had made on the organisation, the region and the wider sector. Council was acknowledged for its 'exceptional leadership' and it was stressed that the 'unity and collaboration of council cannot be overstated'. The incoming Chief Executive was also acknowledged.

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

Moved (Stolwerk/Macdonald)

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 - 23 August 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	Human Resources Report - August 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).
10.3	Purchase of Whangārei CBD Properties	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), 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).
10.4	Progressing an Investment Property Redevelopment	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), 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).
10.5	Nomination of Directors to Marsden Maritime Holdings Limited	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).
10.6	Independent Director Nomination	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).
10.7	Bonus Payment	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 Financial Advisor be permitted to stay during business with the public excluded.

Carried

Secretarial Note: The meeting adjourned at 12.22pm and reconvened at 12.35pm to address business with the public excluded.

Whakamutunga (Conclusion)

The meeting concluded at 12.59pm.