

Northland Regional Council Minutes

Meeting held in the Council Chamber
36 Water Street, Whangārei
on Tuesday 28 March 2023, commencing at 10.30am

Tuhinga/Present:

Chairperson, Tui Shortland
Councillors:
John Blackwell
Joe Carr
Jack Craw
Geoff Crawford
Peter-Lucas Jones (*via audio-visual link*)
Amy Macdonald
Marty Robinson
Rick Stolwerk

I Tae Mai/In Attendance:

Full Meeting

Independent Financial Advisor (*via audio-visual link*)
Tāhūhū Rangapū - Chief Executive Officer
Pou Taumatua - GM Corporate Services
Pou Whakaritenga - GM Regulatory Services
Pou Tiaki Hapori – GM Community Resilience
Pou Tiaki Taiao – GM Environmental Services
Translator
PA to the Chair
Governance Specialist

Part Meeting

Pou Tiaki Pūtaiao – GM Biosecurity
Pou Manawhakahaere - GM Governance and Engagement
Human Resources Manager
Finance Manager
Strategic Projects and Facilities Manager
Management Accountant
Financial Accountant
PA to the GM Community Resilience
PA to the GM Environmental Services
Te Hiku Media representative

The Chair declared the meeting open at 10.32am and proceedings commenced with the Tauāki ā roto by full council.

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.

Receipt of tabled reports (Item 4.0A)

Report from Chris Taylor, Governance Specialist

Moved (Robinson/Macdonald)

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

- Tabled Item 7.6: Tree Removal Funding in Response to Cyclone Gabrielle
- Tabled Item 7.7: Land management funding support in response to Cyclone Gabrielle

Carried

Confirmation of Minutes - Council Meeting 28 February 2023 and the Extraordinary Council Meeting held on 14 March 2023 (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 28 February 2023, and the extraordinary council meeting held on 14 March 2023 be confirmed as a true and correct record and that these be duly authenticated with the Chair's electronic signature.

Carried

Receipt of Action Sheet (Item 5.2)

Report from Chris Taylor, Governance Specialist

Moved (Robinson/Macdonald)

That the action sheet be received.

Carried

Update to the Statement of Investment Policy and Objectives (SIPO) - Removal of QuayStreet Income Fund (Item 6.1)

Report from Simon Crabb, Finance Manager

Moved (Carr/Stolwerk)

1. That the report 'Update to the Statement of Investment Policy and Objectives (SIPO) - Removal of QuayStreet Income Fund' by Simon Crabb, Finance Manager and dated 8 March 2023, be received.
2. That the Statement of Investment Policy and Objectives is updated to remove the QuayStreet Income fund and thereby replicate the document as outlined in Attachment 1 (*pertaining to Item 6.1 of the 28 March 2023 council agenda*).

Carried

Secretarial Note: It was acknowledged that this was a 'transitional change' prior to a full review of the SIPO in response to an independent assessment by PricewaterhouseCoopers.

Financial Report to 28 February 2023 (Item 6.2)

Report from Taka Skipwith, Financial Accountant

Moved (Stolwerk/Macdonald)

That the report 'Financial Report to 28 February 2023' by Taka Skipwith, Financial Accountant and dated 15 March 2023, be received.

Carried

Secretarial Note:

- *The Independent Financial Advisor addressed the report and noted that due to timing differences in revenue and expenditure there would be volatility in the quantum of the final surplus.*
- *During the month of February council's managed funds had lost \$137k (with approximately 36k relating to the Short Term Fund and the remainder relating to the Long Term Fund).*
- *The delays in the flood protection works were predominately due to the unfavourable weather conditions during Summer. Assurance was provided that the government funding for these projects would not be affected.*

Te Taitokerau Māori and Council Working Party - appointments (Item 7.1)

Report from Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement

Moved (Macdonald/Robinson)

1. That the report 'Te Taitokerau Māori and Council Working Party - appointments' by Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement and dated 14 March 2023, be received.
2. That council approves the appointment of Pita Tipene as Te Taitokerau Māori and Council Working Party iwi and hapū co-chair.
3. That council approves the appointment of Rowan Tautari as the alternate NRC's iwi and hapū representative onto the Joint Climate Change Adaptation Committee (JCCAC).
4. That council approves the appointment of Te Parawhau representative - Mira Norris and Kahukuraariki Trust Board representative - Geraldine Baker onto the Natural Resources Working Party.
5. That council approves the appointment of Te Parawhau representative Mira Norris, Patukeha representative Barb (Michelle) Elboz and Ngāti Rehia representative Nora Rameka onto the Biosecurity and Biodiversity Working Party.

Carried

Appointment process for Independent Tangata Whenua Experts for Investment and Property, and Audit and Risk subcommittees (Item 7.2)

Report from Auriolē Ruka, Pou Manawhakahaere - GM Governance and Engagement

Moved (Craw/Macdonald)

1. That the report 'Appointment process for Independent Tangata Whenua Experts for Investment and Property, and Audit and Risk subcommittees' by Auriolē Ruka, Pou Manawhakahaere - GM Governance and Engagement and dated 10 March 2023, be received.
2. That council commences recruitment for two Independent Tangata Whenua Experts for the Investment and Property Subcommittee, and the Audit and Risk Subcommittee.
3. That Te Taitokerau Māori and Council Working Party Co-Chairs, Councillor Robinson, Pita Tipene, Councillors Stolwerk and Jones, Chair Shortland and a Te Kahu o Taonui representative be appointed as the panel to shortlist and interview applicants for the Independent Tangata Whenua Expert roles for the Investment and Property and the Audit and Risk subcommittees and make a recommendation for appointment to council.
4. That council resolves to fund the costs of the two advisor roles 23/24 Financial Year from the Equalisation Reserve, up to a maximum of \$54,000.
5. That council recognises that a permanent funding source will need to be considered and confirmed as part of the Long Term Plan process.

Carried

Secretarial Note:

- *As part of the recruitment process, successful applicants would be required to sign a non-disclosure agreement.*
- *The interview panel had the flexibility to decide whether or not the same Tangata Whenua Experts sat on both the Investment and Property Committee and the Audit and Risk Subcommittee.*

Funding of S-Map Soil Project (Item 7.3)

Report from Ingrid Kuindersma, Policy Planner and Lester Bridson, Land Programme Manager

Moved (Blackwell/Jones)

1. That the report 'Funding of S-Map Soil Project' by Ingrid Kuindersma, Policy Planner and Lester Bridson, Land Programme Manager and dated 13 March 2023, be received.
2. That the 2021-2031 Long Term Plan S-Map funding, including all S-Map funding carried forward to the Land Management reserve, is used to map a reduced area covering approximately 20% of the region.

Carried

Secretarial Note:

- *Under the National Policy Statement for Highly Productive Land 2022 regional councils were required to map highly productive land. Concern was raised that government had withdrawn its funding support and careful consideration would need to be given whether council progressed any mapping beyond what had been funded through the Long Term Plan.*

- *The criteria and process for mapping would be presented to the Natural Resources Working Party.*

Fixed Term Organisational Development Advisor (Item 7.4)

Report from Beryl Steele, Human Resources Manager

Moved (Craw/Blackwell)

1. That the report 'Fixed Term Organisational Development Advisor' by Beryl Steele, Human Resources Manager and dated 14 March 2023, be received.
2. That council in principle approve transfer of \$97,500 each year for two years (2023/24 and 2024/25) from the Future Freshwater Improvement Fund (FIF) budget (funded from the Land and Freshwater Management rate) to the HR Budget (funded from the Council Services rate) to fund a fixed-term position to assist with implementing the OD Strategy.
3. That this movement be brought back to councils' attention as part of deliberations on the Annual Plan 2023/24.

Carried

Elected Members' Code of Conduct (Item 7.5)

Report from Nicola Hartwell, Legal Advisor (Corporate Policy Specialist)

Moved (Stolwerk/Macdonald)

1. That the report 'Elected Members' Code of Conduct' by Nicola Hartwell, Legal Advisor (Corporate Policy Specialist) and dated 20 March 2023, be received.
2. That council adopts the Elected Members' Code of Conduct (*included as Attachment 1 pertaining to Item 7.5 of the 28 March 2023 council agenda*) pursuant to clause 15 of Schedule 7 of the Local Government Act 2002, with the additional amendment as agreed at the meeting.

Carried

Secretarial Note: The agreed amendment to the Code of Conduct was to include an additional role to Section 4.2 Chairperson as follows, 'Facilitate a positive working relationship between elected members of Northland's four local authorities'.

Tree Removal Funding in Response to Cyclone Gabrielle (Tabled Item 7.6)

Report from Louisa Gritt, Group Manager - Community Resilience

Moved (Robinson/Stolwerk)

1. That the report 'Tree Removal Funding In Response To Cyclone Gabrielle' by Louisa Gritt, Group Manager - Community Resilience and dated 23 March 2023, be received.
2. That council approves the provision of up to \$500,000 funding for NRC contractors to remove windfall trees from rivers on a priority basis where these trees have the potential to cause damage to public infrastructure, and/or exacerbate flooding and/or erosion.

3. That council approves the source of funding of the \$500,000 funding from general funding sources (e.g. dividends, interest & rental income) that can be redeployed as a result of salary savings emerging across the organisation.
4. That should the current level of salary savings, and associated freed up general funding, cease to exist at year end then council approves the source of funding of the \$500,000 funding to come from gains (not investment capital) generated from the Regional Project reserved portion of the Long-Term investment fund (LTF).
5. That council approves the carry forward of any underspend of the \$500,000 funding from the 2022/23 financial year to the 2023/24 financial year to enable the tree removal works to be undertaken over two works seasons should this be required.

Carried

Secretarial Note: Management to advise elected members, prior to actioning any tree removal works, how the response would be promoted and also the operational implementation; including council's responsibilities, contractual arrangements and any legal implications of undertaking this role.

Land Management Funding Support in Response to Cyclone Gabrielle (Tabled Item 7.7)

Report from Ruben Wylie, Pou Tiaki Taiao | Group Manager Environmental Services

Moved (Macdonald/Craw)

1. That the report 'Land Management Funding Support in Response to Cyclone Gabrielle' by Ruben Wylie, Pou Tiaki Taiao | Group Manager Environmental Services and dated 24 March 2023, be received.
2. That council approves all unallocated Environment Fund (including Tangata Whenua and Catchment Fund) for the 2022/2023 financial year is made available to support landowners, marae, hapu, iwi in the following areas:
 - a) Rebuilding of riparian fencing damaged by Cyclone Gabrielle, including site preparation;
 - b) Funding engagement with whanau, marae and hapu through kaitiaki to better understand, and explore potential solutions for, their recovery needs to in the taiao.
3. That council approves that any unspent budget for the Tangata Whenua and Catchment Fund for the 2022/23 financial year is carried forward to the Environment Fund for the 2023/24 financial year and that the carry forward is made available for the activities described in Resolution 2.

Carried

Secretarial Note:

- *Appreciation was extended to the staff for their agile response to the severe weather event.*
- *Whilst the process would be as streamlined as possible it was signalled this would impact on 'business as usual'; the detail of which would be brought back to council.*

Chair's Report to Council (Item 8.1)

Report from Tui Shortland, Chair

Moved (Blackwell/Jones)

That the report 'Chair's Report to Council' by Tui Shortland, Chair and dated 14 March 2023, be received.

Carried

Chief Executive's Report to Council (Item 8.2)

Report from Jonathan Gibbard, Tāhūhū Rangapū - Chief Executive Officer

Moved (Blackwell/Craw)

That the report 'Chief Executive's Report to Council' by Jonathan Gibbard, Tāhūhū Rangapū - Chief Executive Officer and dated 13 March 2023, be received.

Carried

Secretarial Note:

- *The Chief Executive was issuing six monthly letters to the district councils regarding their wastewater treatment plant, water supply and stormwater resource consent and compliance status. The Natural Resources Working Party would also be undertaking a 'deep dive' into compliance processes.*
- *Council to further discuss housing as an urgent issue for Northland.*
- *The meeting adjourned at 12.22pm and reconvened at 12.54pm.*

Legislative compliance for the period 1 July 2022 to 31 December 2022 (Item 8.3)

Report from Nicola Hartwell, Legal Advisor (Corporate Policy Specialist) and Kyla Carlier, Corporate Strategy Manager

Moved (Carr/Robinson)

That the report 'Legislative compliance for the period 1 July 2022 to 31 December 2022' by Nicola Hartwell, Legal Advisor (Corporate Policy Specialist) and Kyla Carlier, Corporate Strategy Manager and dated 13 March 2023, be received.

Carried

Receipt of Committee Minutes (Item 9.1)

Report from Meloney Tupou, Māori Governance and Engagement Support Admin

Moved (Stolwerk/Macdonald)

That the unconfirmed minutes of the:

- Investment and Property Subcommittee Meeting – 22 February 2023
- Kaipara Moana Remediation Joint Committee Meeting – 27 February 2023

be received.

Carried

Working Party Updates and Chairpersons' Briefing (Item 9.2)

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

Moved (Macdonald/Robinson)

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

Carried

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

Moved (Stolwerk/Carr)

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 - 28 February 2023	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 - February 2023	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	Confidentiality Agreement	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).
10.5	Proposal for Property Redevelopment	The public conduct of the proceedings would be likely to result in disclosure of information, as stated in the open section of the meeting -, 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).

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

Whakamutunga (Conclusion)

The meeting concluded at 2.06pm.

Confirmed as a true and correct record 26 April 2023

A handwritten signature in black ink, appearing to read 'T Shortland', written in a cursive style.

Chair Tui Shortland