

Northland Regional Council Minutes

Meeting held remotely
on Wednesday 23 March 2022, commencing at 10.30am

Tuhinga/Present:

Chairperson, Penny Smart

Councillors:

Terry Archer

Jack Craw

Amy Macdonald

Marty Robinson

Rick Stolwerk

Joce Yeoman

I Tae Mai/In Attendance:

Full Meeting

Independent Audit & Risk Advisor

Independent Financial Advisor

Tumuaki - Chief Executive Officer

Pou Taumatua - GM Corporate Services

Pou Tiaki Taiao - GM Environmental Services

Pou Whakaritenga - GM Regulatory Services

Pou Manawhakahaere – GM Governance and Engagement

Poutiaki Hapori – GM Community Resilience

Poutiaki Pūtaiao – GM Biosecurity

Human Resources Manager

PA/Admin Support Governance and Engagement

Part Meeting

Finance Manager

Financial Accountant

Corporate Strategy Manager

Policy Specialist, Planning and Policy

Policy Specialist (Freshwater), Planning and Policy

Climate Change Manager

Policy Specialist, Corporate Strategy

Emergency Management Recovery Specialist

Secretarial Note:

- *The Chair declared the meeting open at 10.31am and proceedings commenced with a karakia.*
- *Due to the current Covid-19 restrictions and the meeting being conducted fully remotely, proceedings were livestreamed in order to be open to the public.*
- *It was advised that the update from the Biosecurity and Biodiversity Working Party meeting on 23 February 2022 had been omitted from the published agenda (in relation to Item 9.2 'Working Party Updates and Chairpersons' Briefings') and had been circulated prior to the meeting.*

Ngā whakapahā/Apologies (Item 1.0)

Moved (Smart/MacDonald)

That the apology from Councillor Blaikie for non-attendance be received.

Carried

Moved (Craw/MacDonald)

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

Carried

Secretarial Note: The apology for Councillor Kitchen was addressed at Item 6.1 when it was confirmed the councillor was at an emergency call out.

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 22 February 2022 (Item 5.1)

Report from Chris Taylor, Governance Specialist

Moved (Craw/Stolwerk)

That the minutes of the council meeting held on 22 February 2022, be confirmed as a true and correct record.

Carried

Receipt of Action Sheet (Item 5.2)

Report from Chris Taylor, Governance Specialist

Moved (Robinson/Macdonald)

That the action sheet be received.

Carried

Financial Report to 28 February 2022 (Item 6.1)

Report from Vincent McColl, Financial Accountant

Moved (Stolwerk/Yeoman)

That the report 'Financial Report to 28 February 2022' by Vincent McColl, Financial Accountant and dated 7 March 2022, be received.

Carried

Secretarial Note: The Pou Taumatua - GM Corporate Services provided a verbal update which encompassed the following key points:

- *The original financial result contained in Item 6.1 of the February council agenda presented a net surplus after transfers from/(to) reserves of \$7.26M for the year to the end of February 2022.*

When compared to the corresponding budget, this represented a \$760K better than budget variance. This result did not include any returns from council's managed fund investments.

- *The EriksensGlobal monthly report for February was received Wednesday 16 March (after the agenda was published) and overall, the funds experienced a monthly negative return for the month of February of (\$565k). Noting this is a non-realised monthly loss.*
- *For the eight months of the financial year so far, the investment funds had now incurred a (\$118k) loss (comparison: Jan 2022 YTD was 447k positive)*
- *After adjusting the financial report to reflect the actual February losses, the YTD surplus after reserve transfers has reduced from \$7.26m to \$6.69m which now represents a variance of \$195K better than the YTD budget.*
- *As the overall YTD variance continued to be better than budget, there had been no need at this stage of the year to book any transfer from the OPEX reserve.*

Regional Rates Collection - update to 31 December 2021 (Item 6.2)

Report from Simon Crabb, Finance Manager

Moved (Archer/Robinson)

That the report 'Regional Rates Collection - update to 31 December 2021' by Simon Crabb, Finance Manager and dated 2 March 2022, be received.

Carried

Councillor appointment to Waiharara Fire - Recovery Governance Group (Item 7.1)

Report from Jenny Calder, Emergency Management Recovery Specialist

Moved (Stolwerk/Archer)

1. That the report 'Councillor appointment to Waiharara Fire - Recovery Governance Group' by Jenny Calder, Emergency Management Recovery Specialist and dated 10 March 2022, be received.
2. That council approves the appointment of a Northland Regional Council (NRC) representative onto the Councillor appointment to Waiharara Fire - Recovery Governance Group
3. That the council approves the appointment of Councillor Kitchen to represent Northland Regional Council (NRC) Councillor appointment to Waiharara Fire - Recovery Governance Group.

Carried

Secretarial Note: This was a temporary arrangement for which Councillor Kitchen would not be receiving any financial assistance. Appreciation was extended to Councillor Kitchen for taking on the role.

Adoption of the Draft User Fees and Charges 2022/23 and approval to consult (Item 7.2)

Report from Robyn Broadhurst, Policy Specialist

Moved (Stolwerk/Yeoman)

1. That the report 'Adoption of the Draft User Fees and Charges 2022/23 and approval to consult' by Robyn Broadhurst, Policy Specialist and dated 23 February 2022, be received.
2. That council adopts the Statement of Proposal and the Draft User Fees and Charges 2022/23 (*included as Attachment 1 pertaining to Item 7.2 of the 23 March 2022 council agenda*) for the purposes of consultation, pursuant to section 150 of the LGA, and that this be carried out in conjunction with consultation on the Annual Plan 2022/23.
3. That council delegates to the Group Manager – Corporate Services the authority to make any necessary minor formatting, typographical and administrative changes to the Statement of Proposal and Draft User Fees and Charges 2022/23 prior to formal public consultation.

Carried

Adoption of the Annual Plan 2022/23 Supporting Information for consultation (Item 7.3)

Report from Robyn Broadhurst, Policy Specialist

Moved (Yeoman/Macdonald)

1. That the report 'Adoption of the Annual Plan 2022/23 Supporting Information for consultation' by Robyn Broadhurst, Policy Specialist and dated 23 February 2022, be received.
2. That council adopts the Annual Plan 2022/23 Supporting Information 'Annual Plan 2022/23 Supporting information document' (*included as Attachment 1 pertaining to Item 7.3 of the 23 March 2022 council agenda*), for consultation, pursuant to sections 95 and 95A of the LGA.
3. That council delegates to the Group Manager – Corporate Services the authority to make any necessary minor formatting, typographical and administrative changes to the supporting information prior to formal public consultation.

Carried

Adoption of the Annual Plan 2022/23 Consultation Document and approval to consult (Item 7.4)

Report from Robyn Broadhurst, Policy Specialist

Moved (Stolwerk/Yeoman)

1. That the report 'Adoption of the Annual Plan 2022/23 Consultation Document and approval to consult' by Robyn Broadhurst, Policy Specialist and dated 23 February 2022, be received.

2. That council adopts and approves the Annual Plan 2022/22 Consultation Document *(included as Attachment 1 pertaining to Item 7.4 of the 23 March 2022 council agenda)* for consultation pursuant to sections 82, 95 and 95A of the Local Government Act 2002.
3. That council delegates to the Group Manager – Corporate Services the authority to make any necessary minor formatting, typographical, and administrative changes to the Consultation Document prior to formal public consultation.

Carried

Strategic Intent 2021-2040 - Te Taitokerau Māori and Council Working Party (Item 7.5)

Report from Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement; Jonathan Gibbard, Pou Tiaki Taiao – Group Manager Environmental Services and Ben Lee, Planning and Policy Manager

Moved (Craw/Robinson)

1. That the report 'Strategic Intent 2021-2040 - Te Taitokerau Māori and Council Working Party' by Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement; Jonathan Gibbard, Pou Tiaki Taiao – Group Manager Environmental Services and Ben Lee, Planning and Policy Manager and dated 7 March 2022, be received.

Carried

It was further moved (Craw/Robinson)

2. That council endorse:
 - a. The Te Taitokerau Māori and Council Working Party (TTMAC) Strategic Intent 2021-2040 be acknowledged and recognised as the intent for TTMAC as it reflects the kaupapa of a Tiriti based partnership and the key 'whaingā' or outcomes as articulated by the tangata whenua members of TTMAC.
 - b. Setting up a subgroup to develop a council strategic intent and implementation plan with the objective of both being endorsed by TTMAC and adopted by council.
 - c. That council confirm three councillors; Cr Robinson, Chair Smart, Cr Macdonald, with Cr Craw as a reserve, to be on the subgroup making recommendations on the Council Strategic Intent and implementation plan with the objective of endorsement and adoption.
 - d. TTMAC tangata whenua members Pita Tipene, Lynette Wharerau, Nora Rameka, Mira Norris and Mike Kake to be on the subgroup.
 - e. Commissioning consultants to assist the subgroup with the development of the implementation plan and review of the Strategic Intent.

Carried

Tangata Whenua Water Advisory Group: Terms of Reference and Budget (Item 7.6)

Report from Alison Newell, Policy Specialist

Moved (Yeoman/Robinson)

1. That the report 'Tangata Whenua Water Advisory Group: Terms of Reference and Budget' by Alison Newell, Policy Specialist and dated 18 November 2021, be received.
2. That council approve the Terms of Reference for the Tangata Whenua Water Advisory Group.
3. That council approve bringing forward \$111,000 from 2022-23 Te Mana o Te Wai budget via the Equalisation Reserve for implementing the Tangata Whenua Water Advisory Group workplan, with any unspent funds remaining at the end of the financial year being carried over.
4. That Lynette Wharerau be appointed as a proxy for the three TTMAC representatives for the Tangata Whenua Water Advisory Group.

Carried

NRC & Marsden Maritime Holdings (MMH) MOU (Item 7.7)

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

Moved (Stolwerk/Craw)

1. That the report 'NRC & Marsden Maritime Holdings(MMH) MOU' by Bruce Howse, Pou Taumatua – Group Manager Corporate Services and dated 1 March 2022, be received.
2. That council supports the MOU (*included as Attachment 1 pertaining to Item 7.7 of the 23 March 2022 council agenda*) between NRC and MMH relating to selection, nomination, and remuneration of Directors of MMH.
3. That the NRC Chair be the council signatory to the MOU.

Carried

Equalisation Reserve Floor (Item 7.8)

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

Moved (Stolwerk/Craw)

1. That the report 'Equalisation Reserve Floor' by Bruce Howse, Pou Taumatua – Group Manager Corporate Services and dated 1 March 2022, be received.
2. That council supports the introduction of a floor to the Equalisation Reserve of a closing balance of \$250,000 in any given year.

Carried

Renewable Energy Zones. (Supplementary Item 7.9)

Report from Victoria Harwood, Pou Tiaki Hapori - GM Community Resilience

Moved (Macdonald/Stolwerk)

1. That as permitted under section 46A(7) of the Local Government Official Information and Meetings Act 1987 the supplementary report 'Renewable Energy Zones.' by Victoria Harwood, Pou Tiaki Hapori - GM Community Resilience and dated 10 March 2022, be received.
2. That the Draft Joint Submission on Renewable Energy Zones (*included as Attachment 2 pertaining to Item 7.9 of the 23 March 2022 supplementary council agenda*) is approved by council.
3. That the council delegates to the Chair the authority to finalise the submission in conjunction with the Far North, Whangarei, and Kaipara district council mayors, to reflect any further elected member feedback.

Carried

Joint Climate Change Adaptation Committee Terms of Reference (Item 7.10)

Report from Tom Fitzgerald, Climate Change Manager

Moved (Macdonald/Robinson)

1. That the report 'Joint Climate Change Adaptation Committee Terms of Reference' by Tom Fitzgerald, Climate Change Manager, and dated 16 March 2022, be received.
2. That the Joint Climate Change Adaptation Committee Terms of Reference (*included as Attachment 1 pertaining to Item 7.10 of the 23 March 2022 council agenda*) be adopted.

Carried

Secretary Note: A report regarding the discharge of committees and working parties to be brought to the April 2022 council meeting.

Health and safety report (Item 8.1)

Report from Beryl Steele, Human Resources Manager

Moved (Yeoman/Macdonald)

That the report 'Health and safety report' by Beryl Steele, Human Resources Manager and dated 3 March 2022, be received.

Carried

Chair's Report to Council (Item 8.2)

Report from Penny Smart, Chair

Moved (Smart/Robinson)

That the report 'Chair's Report to Council' by Penny Smart, Chair and dated 7 March 2022, be received.

Carried

Chief Executive's Report to Council (Item 8.3)

Report from Malcolm Nicolson, Tumuaki - Chief Executive Officer

Moved (Archer/Craw)

That the report 'Chief Executive's Report to Council' by Malcolm Nicolson, Tumuaki - Chief Executive Officer and dated 28 February 2022, be received.

Carried

Secretarial Note: The following corrections were noted to the Chief Executive Officer's Report to Council:

- *The Pou Tiaki Taiao - Group Manager Environmental Services, had been appointed as the new Land Management Special Interest Group (SIG) Sponsor*
- *The table on p 248 of the agenda should be entitled Bus Link stats for February 2022 (revenue ex GST), not January 2022.*

Legislative compliance reporting for the period 1 July - 31 December 2021 (Item 8.4)

Report from Kyla Carlier, Corporate Strategy Manager

Moved (Yeoman/Stolwerk)

That the report 'Legislative compliance reporting for the period 1 July - 31 December 2021' by Kyla Carlier, Corporate Strategy Manager and dated 23 February 2022, be received.

Carried

Receipt of Committee Minutes (Item 9.1)

Report from Chris Taylor, Governance Specialist

Moved (Macdonald/Yeoman)

That the unconfirmed minutes of the:

- Kaipara Moana Remediation Joint Committee – 21 February 2022.
be received.

Carried

Secretarial Note:

- *The record of actions pertaining to the Water and Land Working Party - 1 March 2022 and Planning and Regulatory Working Party - 1 March 2022 had incorrectly been included in Item 9.1 and were addressed appropriately as part of Item 9.2, 'Working Party Updates and Chairpersons' Briefings'.*
- *Representatives from the Kaipara Moana Remediation Joint Committee provided a verbal update on key priorities and workstreams.*

Working Party Updates and Chairpersons' Briefings (Item 9.2)

Report from Chris Taylor, Governance Specialist

Moved (Smart/Robinson)

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

Carried

Secretarial Note: Item 9.2 also included an update from Biosecurity and Biodiversity Working Party meeting held on 23 February 2022 which had been omitted from the agenda and circulated separately.

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

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:

Item No.	Item Issue	Reasons/Grounds
10.1	Confirmation of Confidential Minutes - Council Meeting 22 February 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	HR 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).
10.3	Investment Property Leaseholder Exit Discussions	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).

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

Carried

Whakamutunga (Conclusion)

The meeting concluded at 11.55am