

Northland Regional Council Minutes

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

Tuhinga/Present:

Chairperson, Penny Smart

Councillors:

Terry Archer *(via audio-visual link)*

Justin Blaikie *(left meeting at 12.24pm during business with the public excluded)*

Jack Craw

Colin Kitchen *(via audio-visual link)*

Marty Robinson

Rick Stolwerk

Joce Yeoman *(via audio-visual link)*

I Tae Mai/In Attendance:

Full Meeting

Independent Financial Advisor *(via audio-visual link)*

Pou Taumatua - GM Corporate Services *(via audio-visual link)*

Pou Tiaki Taiao - GM Environmental Services

Deputy Pou Whakaritenga – Deputy GM Regulatory Services

Regional Harbourmaster *(via audio-visual link)*

Governance Specialist

Part Meeting

Barker Associates Northland Director

Barker Associates Senior Planner

Tumuaki - Chief Executive Officer *(via audio-visual link)*

Pou Tiaki Hapori - GM Community Resilience

Pou Manawhakahaere – GM Governance & Engagement

Human Resources Manager

Resource Management – Strategic Policy Specialist

Corporate Planner

Economist

Secretarial Note: The Chair declared the meeting open at 10.30am and proceedings commenced with the Tauāki ā roto by full council.

Ngā whakapahā/Apologies (Item 1.0)

Moved (Craw/Robinson)

That the apologies from Councillor Macdonald for non-attendance 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 - 28 June 2022 (Item 5.1)

Report from Chris Taylor, Governance Specialist

Moved (Stolwerk/Blaikie)

That the minutes of the council meeting held on 28 June 2022, be confirmed as a true and correct record.

Carried

Regional Software Holdings Limited's Transition (Item 6.1)

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

Moved (Robinson/Craw)

1. That the report 'Regional Software Holdings Limited's Transition' by Bruce Howse, Pou Taumatua – Group Manager Corporate Services and dated 4 July 2022, be received.
2. That council receives and approves the proposed changes to council's shareholding in Regional Software Holdings Limited, as a result of the transition, and as incorporated into the draft Shareholders' Agreement, Constitution and Shareholders' Resolution.
3. That council provides feedback on the Shareholders' Agreement, Constitution and Shareholders' Resolution to the Chief Executive Officer.
4. That council delegates authority to the Chief Executive Officer to sign the Shareholders' Agreement and Shareholders' Resolution (*subject to minor amendments*) on behalf of the council.

Carried

Secretarial Note: Feedback from council (as per resolution 2) was that an aggregate tenure of 12 years for directors was too long and that nine years would be more appropriate. Furthermore, that consideration be given to including declarations of conflict of interest into sections 15.1 and 15.2 of the 'Constitution of Regional Software Holdings Limited'.

IRIS Next Gen Collaborative Project (Item 6.2)

Report from Carol Cottam, Information Services and Technology Manager

Moved (Stolwerk/Robinson)

1. That the report 'IRIS Next Gen Collaborative Project' by Carol Cottam, Information Services and Technology Manager and dated 23 June 2022, be received.
2. That the Chief Executive Officer be delegated authority to sign the Partnership Agreement.

Carried

Regional Software Holdings Limited (RSHL) Board Appointments (Item 6.3)

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

Moved (Blaikie/Craw)

1. That the report 'Regional Software Holdings Limited Board Appointments' by Bruce Howse, Pou Taumatua – Group Manager Corporate Services and dated 16 June 2022, be received.
2. That council authorises the appointment of the Group Manager – Corporate Services as Director to the RSHL Board, effective from 1 October 2022.
3. That council authorises the appointment of the Information Services & Technology Manager as Alternate Director to the RSHL Board, effective from 1 October 2022.

Carried

Regional Software Holdings Limited's Statement of Intent (Item 6.4)

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

Moved (Blaikie/Kitchen)

1. That the report 'Regional Software Holdings Limited's Statement of Intent' by Bruce Howse, Pou Taumatua – Group Manager Corporate Services and dated 15 July 2022, be received.
2. That council notes the Regional Software Holdings Limited's Statement of Intent (*included as Attachment 1 pertaining to Item 6.4 of the 26 July 2022 council meeting agenda*).

Carried

Adoption of the Draft Freshwater Framework (Item 6.5)

Report from Justin Murfitt, Strategic Policy Specialist

Moved (Blaikie/Yeoman)

1. That the report 'Adoption of the Draft Freshwater Framework' by Justin Murfitt, Strategic Policy Specialist and dated 5 July 2022, be received.
2. That council adopt the Draft Freshwater Framework as its roadmap for freshwater management in Taitokerau.
3. That council authorise the Group Manager Environmental Services to make minor wording changes and to approve the final formatting and layout of the Freshwater Framework prior to publishing on the council website or otherwise publicly releasing it.

Carried

Secretarial Note: Appreciation was extended to all involved in the development of the Draft Freshwater Framework.

Adoption of the draft policies on the Remission and Postponement of Rates on Māori Freehold Land pertaining to the Kaipara and Whangārei districts, for consultation. (Item 6.6)

Report from Kyla Carlier, Corporate Strategy Manager

Moved (Robinson/Stolwerk)

1. That the report 'Adoption of the draft policies on the Remission and Postponement of Rates on Māori Freehold Land pertaining to the Kaipara and Whangārei districts, for consultation.' by Kyla Carlier, Corporate Strategy Manager and dated 11 July 2022, be received.
2. That council resolves to consult on the draft Policies on the Remission and Postponement of Rates on Māori Freehold Land pertaining to the Kaipara and Whangārei districts *(included as Attachment 2 pertaining to Item 6.6 of the 26 July 2022 council agenda)*, in accordance with section 82 of the Local Government Act 2002.
3. That council adopts the Statement of Proposal *(included as Attachment 1 pertaining to Item 6.6 of the 26 July 2022 council agenda)* on the draft Policies on the Remission and Postponement of Rates on Māori Freehold Land pertaining to the Kaipara and Whangārei districts for consultation.
4. That council delegates to the Group Manager Corporate Services the authority to make any changes to the Statement of Proposal for the consultation of the draft Policies on the Remission and Postponement of Rates on Māori Freehold Land pertaining to the Kaipara and Whangārei districts that may improve readability and compliance with the Local Government Act.

Carried

Secretarial Note: Clarification was provided that Far North District Council's rating policies had not changed since it adopted its Long Term Plan and hence were not included in the report.

Navigation Safety Bylaw Review (Item 6.7)

Report from Jim Lyle, Regional Harbourmaster and Michael Payne, Policy Specialist

Moved (Stolwerk/Craw)

1. That the report 'Navigation Safety Bylaw Review' by Jim Lyle, Regional Harbourmaster and Michael Payne, Policy Specialist and dated 15 June 2022, be received.
2. That the council determines under section 155(1) of the Local Government Act that a bylaw is the most appropriate way of addressing problems relating to the maritime safety in the region.
3. That the council adopt the report titled "Navigation Safety Bylaws: Review Report" and notes the staff recommendations that the overall form of the Northland Regional Council Navigation Safety Bylaw 2017 and Kai Iwi Lakes Navigation Safety Bylaw 2017 is generally appropriate but that amendments should be made to improve the substance of the Navigation Safety Bylaw 2017.
4. That amendments to Navigation Safety Bylaw 2017 and the required public consultation are delayed until the overarching maritime rule part 91 review is completed by Maritime NZ.

5. That the council determines under section 155(2)(b) of the LGA that the Northland Regional Council Navigation Safety Bylaw 2017 does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

Carried

Secretarial Note: An explanatory note to be added to the NRC website as to why the review of council's Navigation Safety Bylaw was being delayed.

Tangata whenua water advisory group membership (Item 6.8)

Report from Ben Lee, Planning and Policy Manager

Moved (Robinson/Yeoman)

1. That the report 'Tangata whenua water advisory group membership' by Ben Lee, Planning and Policy Manager and dated 5 July 2022, be received.
2. That council approve the appointment of Niki Conrad to the Tangata Whenua Water Advisory Group.

Carried

Tāiki ē NRC Te Tiriti Strategy and Implementation Plan (Item 6.9)

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

Moved (Robinson/Smart)

1. That the report 'Tāiki ē NRC Te Tiriti Strategy and Implementation Plan' by Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement and dated 8 July 2022, be received.
2. That the Tāiki ē (NRC Te Tiriti Strategy and Implementation Plan) be adopted by council (subject to any final minor, graphic, structural or grammatical changes or amendments recommended by the Chief Executive Officer).

Carried (with acclamation)

Secretarial Note: Appreciation was extended to all involved in the development of Tāiki ē which was described as 'a real taonga to take forward' and recognised the 'journey council has been on for the last decade'. The title 'acknowledges the partnership to give effect to Te Tiriti' and the collaborative spirit to 'deliver tangible outcomes'. It was a major achievement to be proud of.

Appointment of replacement members to the Climate Change Working Party and Joint Climate Change Adaptation Committee (Item 6.10)

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

Moved (Craw/Robinson)

1. That the report 'Appointment of replacement members to the Climate Change Working Party and Joint Climate Change Adaptation Committee' by Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement and dated 18 July 2022, be received.

2. That Lynette Wharerau and Mira Norris are appointed onto council's Climate Change Working Party as a Taitokerau Māori and Council Working Party (TTMAC) non-elected (tāngata whenua) members to replace Nora Rameka and Thomas Hohaia.
3. That Rowan Tautari be appointed as the alternate TTMAC representative on the Joint Climate Change Adaptation Committee and attend meetings on behalf of the lead representative, Rihari Dargaville, should he be unable to attend.

Carried

Health and safety report (Item 7.1)

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 13 July 2022, be received.

Carried

Secretarial Note: Appreciation was extended to the Human Resources Manager for their work in this field given the changing and challenging times faced by council.

Chair's Report to Council (Item 7.2)

Report from Penny Smart, Chair

Moved (Smart/Stolwerk)

That the report 'Chair's Report to Council' by Penny Smart, Chair and dated 15 July 2022, be received.

Carried

Chief Executive's Report to Council (Item 7.3)

Report from Malcolm Nicolson, Tumuaki - Chief Executive Officer

Moved (Stolwerk/Craw)

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

Carried

Secretarial Note:

- *The recently released national video regarding flood protection and 'resilient river communities' recognised NRC's work in true partnership with tangata whenua.*
- *EriksensGlobal's June 2022 report, which detailed the year end externally managed fund performance, was yet to be received.*
- *Appreciation was extended to staff and the other organisations involved in the completion of the National Kauri Protection Plan.*
- *A series of future councillor information sessions were being held to provide key information for anyone interested in standing in the local elections.*

Exceedance of Air Quality Standards (Item 7.4)

Report from Michael Payne, Policy Specialist

Moved (Stolwerk/Yeoman)

That the report 'Exceedance of Air Quality Standards' by Michael Payne, Policy Specialist and dated 6 July 2022, be received.

Carried

Secretarial Note: Confirmation to be provided whether air quality monitors were able to detect spray drift.

Receipt of Committee Minutes (Item 8.1)

Report from Chris Taylor, Governance Specialist

Moved (Stolwerk/Yeoman)

That the unconfirmed minutes of the:

- Audit and Risk Subcommittee Minutes – 29 June 2022.
 - Investment and Property Subcommittee Minutes – 29 June 2022.
 - Extraordinary Investment and Property Subcommittee Minutes – 6 July 2022.
- be received.

Carried

Secretarial Note: The Chair of each subcommittee provided a verbal update on key work programmes.

Working Party Updates and Chairpersons' Briefings (Item 8.2)

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

Moved (Robinson/Archer)

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

Carried

Kaupapa ā Roto/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 - 28 June 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.

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 - June 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).
9.4	Requests for Property Reinvestment Funding	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).
9.5	Regional Projects Reserve: Investment proposal for Mid North Water Scheme	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	Director Remuneration	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	Introduction of a New Fund Manager into the Long-Term Fund Investment Fund	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).

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

Carried

Secretarial Note: The meeting adjourned at midday and reconvened at 12.08pm to address business with the public excluded.

Whakamutunga (Conclusion)

The meeting concluded at 12.50pm.