

Agenda for a meeting of the Waikato District Council to be held via Audio Visual Conference on **MONDAY, 13 DECEMBER 2021** commencing at **9.30am**.

*Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute Council's decision or policy until considered.*

<b>1.</b>	<b><u>APOLOGIES AND LEAVE OF ABSENCE</u></b>	
<b>2.</b>	<b><u>CONFIRMATION OF STATUS OF AGENDA</u></b>	
<b>3.</b>	<b><u>DISCLOSURES OF INTEREST</u></b>	
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GJ Ion  
**CHIEF EXECUTIVE**

## TERMS OF REFERENCE AND DELEGATION

<b>Chairperson:</b>	His Worship the Mayor
<b>Deputy Chairperson:</b>	Deputy Mayor
<b>Membership:</b>	The Mayor and all Councillors
<b>Meeting frequency:</b>	Six weekly – or as required
<b>Quorum:</b>	Half of the members (including vacancies)

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### Purpose

1. To provide leadership to, and advocacy on behalf of, the people of the Waikato District.
2. To define and represent the total communities' interests, ensuring ongoing community and economic development, the effective stewardship of existing assets, sustainable management of the environment, and the prudent management of the communities' financial resources.

### Terms of Reference

The Council's terms of reference include the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body:

1. The power to make a rate.
2. The power to make a bylaw.
3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-Term Plan.
4. The power to adopt a Long-Term Plan, Annual Plan, or Annual Report.
5. The power to appoint a Chief Executive.
6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long-term Plan or developed for the purpose of the local governance statement, including the Council's Infrastructure Strategy.
7. The power to adopt a remuneration and employment policy.
8. The power to approve or amend the Council's Standing Orders.
9. The power to approve or amend the Code of Conduct for elected members, and consider any recommendations made in relation to a complaint lodged under the Code.
10. The power to appoint and discharge:
  - a. members (including chairpersons) of Council committees and subordinate decision-making bodies, subject to the Mayor's powers under section 41A Local Government Act 2002; and
  - b. elected member representatives on external organisations.
11. The power to establish a joint committee with another local authority or other public body, and appoint elected members as representatives on such committees or bodies.

12. The power to make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the Ombudsman's recommendation.
13. The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
14. The power to amend or replace the delegations in Council's Delegations Register (except where expressly permitted in the Delegations Register).

To exercise the following powers and responsibilities of Council, which the Council chooses to retain:

1. To approve a proposed policy statement or plan under the Resource Management Act 1991.
2. To approve changes to boundaries of the District under the Resource Management Act 1991 or any other legislation.
3. In respect of District Plan decisions:
  - a. To appoint independent commissioners to a panel for hearings of a Proposed District Plan;
  - b. To approve the recommendation of hearings commissioners on a proposed plan, plan change or variation (including private plan change); and
  - c. To approve a proposed plan or a change to a district plan under Clause 17, Schedule 1 of the Resource Management Act 1991.
4. To adopt governance level strategies, plans and policies which advance Council's vision and strategic goals (e.g. Hamilton to Auckland rail), other than where expressly delegated to a committee.
5. To approve Council's recommendation to the Remuneration Authority for the remuneration of elected members.
6. To approve the Triennial Agreement.
7. To approve resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
8. To approve any changes to the nature and delegations of any Council committees or subordinate-decision making bodies.
9. To approve the Local Governance Statement.
10. To approve any additional funding decisions required for the Watercare Services contract.
11. To receive six-monthly reports from each Community Board on its activities and projects.

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**Open Meeting**

<b>To</b>	Waikato District Council
<b>From</b>	Gavin Ion Chief Executive
<b>Date</b>	30 November 2021
<b>Prepared by</b>	Gaylene Kanawa Democracy Team Leader
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1301
<b>Report Title</b>	Confirmation of Minutes

**1. EXECUTIVE SUMMARY**

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To confirm the minutes of the Council meeting held on Monday, 1 November 2021.

**2. RECOMMENDATION**

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**THAT the Waikato District Council confirm the minutes of the meeting held on Monday, 1 November 2021 as a true and correct record.**

**3. ATTACHMENTS**

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Open Minutes – Ordinary meeting held on 1 November 2021

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Minutes for a meeting of the Waikato District Council held by Audio Visual Conference on **MONDAY, 1 NOVEMBER 2021** commencing at **9.31am**.

**Present:**

His Worship the Mayor, Mr AM Sanson (Chairperson)  
Cr AD Bech  
Cr JA Church  
Cr CA Eyre  
Cr JM Gibb  
Cr SL Henderson  
Cr SD Lynch  
Cr RC McGuire  
Cr FM McNally  
Cr JD Sedgwick  
Cr NMD Smith  
Cr LR Thomson  
Cr CT Woolerton

**Attending:**

Mr GJ Ion (Chief Executive)  
Mr TG Whittaker (Chief Operating Officer)  
Mr R MacCulloch (General Manager Service Delivery)  
Mrs S O’Gorman (General Manager Customer Support)  
Mr V Ramduny (Strategic Projects Manager)  
Ms L Shirley (Zero Harm Manager)  
Mr W Gauntlett (Growth and Analytics Manager)  
Ms M May (Community Connections Manager)  
Mr C Ahu (Open Spaces Team Leader)  
Ms J Bishop (Contracts and Partnering Manager)  
Mr R Bayer (Roading Team Leader)  
Mr G Bellamy (Senior Transportation Engineer)  
Mrs GJ Kanawa (Democracy Team Leader)

**APOLOGIES AND LEAVE OF ABSENCE**

**Resolved: (Crs Smith/Sedgwick)**

**THAT the apology from Cr Patterson for non-attendance (absent on Council business) be accepted.**

**CARRIED**

**WDC2111/01**

## **CONFIRMATION OF STATUS OF AGENDA ITEMS**

**Resolved: (Crs Eyre/Bech)**

**THAT the agenda for the meeting of the Waikato District Council held on Monday, 1 November 2021 be confirmed:**

- a) with all items therein being considered in open meeting with the exception of those items detailed at agenda item 8, which shall be considered with the public excluded;
- b) all reports being accepted; and
- c) in accordance with Standing Order 9.4 the order of business be changed with agenda item 7.1 – Zero Harm being considered after agenda item 4 – Confirmation of Minutes.

**CARRIED**

**WDC2111/02**

## **DISCLOSURES OF INTEREST**

His Worship the Mayor, AM Sanson and the Deputy Mayor, Cr Bech declared an interest in Item 7.3 - Submission on the draft updated Future Proof Strategy as they would be on the hearings panel.

## **CONFIRMATION OF MINUTES**

Agenda Item 4

**Resolved: (Crs Gibb/Smith)**

**THAT the following minutes for the Waikato District Council be confirmed as a true and correct record:**

- a) the ordinary meeting held on Monday, 20 September 2021;
- b) the extraordinary meeting held on Thursday, 28 September 2021, with the following amendment; and
  - i) Correction of error on page 30 of this agenda - The motion was put by a division and was not reflected in the unconfirmed minutes. Staff to include record of division and voting in the confirmed minutes.
- c) the extraordinary meeting held on Tuesday, 19 October 2021.

**CARRIED**

**WDC2111/03**

## **REPORTS**

### Zero Harm Update

#### Agenda Item 7.1

The report was received [*WDC2111/02 refers*]. The following discussion was held:

- Zero Harm engagement conversations – using new form, almost completed three (3) months worth and would be undertaking deeper analysis.
- Training – had to cancel a number of courses due to Covid alert levels, unlikely that any requiring face to face contact will only occur in 2022. Where possible we are looking to run courses online, recently held an asbestos awareness training online.
- Zero personal injuries in September as most staff were working remotely.
- Workplace violence critical risk review is nearly completed, at 80% completed, with five controls remaining.
- Focus had been Covid 19, team assisting the organisation with vaccine/role risk assessments being undertaken.
- Workplace violence – bullying/intimidation and excessive pressure genres were covered by policy, which is one of the controls in the overall strategy. However, from work being undertaken, we have identified a risk factor/threat with regard to mental wellbeing – so more work happening with this.
- Also looking to undertake a piece of work similar to Hamilton City Council – campaign around respect with organisation and customers, with how we would like to be treated.
- Ngaruawahia library had extra door for safety of staff but controls required for other libraries and front counters which was being worked through by Facilities team.
- Work on dealing with public and customers – some thought needs to be given to when we return to level 2 and our facilities open where we would need to consider vaccine passports being required to gain access to libraries/pools etc.
- Staff role is not to police contract tracing, mask wearing, vaccination passports as it could be confrontational and put staff at risk. We need to look at government requirements to ensure we have protocols/security controls in place without putting our staff at risk.
- Scheduled meeting with Mayor and Deputy Mayor regarding our approach to the vaccination policy and approach we are planning to take for Level 2.
- Raglan Community Board recently received a presentation from the organisers of the Soundsplash event and where the question of vaccination passports arose. Regular conversations with government agencies and there is little guidance being provided by relevant agencies.
- Part of the problem is government making announcements without the departments having anything in place to handle these queries and guidelines.
- District Licensing Committee would continue to challenge the size of the bar requested as part of this event to ensure they are complying with Covid restrictions.



- Consider utilising “click and collect system” at libraries as during lockdown it would be a highly supported practice by the community, perhaps it was also time for some new books in the libraries.
- Information coming through is really sparse – LGNZ had reconvened their Covid response unit to help local government to work through the issues and challenges with government decisions.
- Pools – coming into summer season a real issue is how we work around vaccine requirements and manage unvaccinated customers. Council approach to date is more aligned with how we look after our workers. Assessment of roles as to those that would be best suited to vaccinated staff.

**Action:** Council to receive summary of work relating to asbestos risks when it is completed.

**Resolved: (Crs Thomson/Lynch)**

**THAT the Waikato District Council notes the Zero Harm Update for October 2021.**

**CARRIED**

**WDC2111/04**

## **ACTION REGISTER**

Agenda Item 5

The report was received [*WDC2111/02 refers*]. The following discussion was held.

### Asbestos surveys

- 124 asbestos management surveys identified, with 27 having been completed. Might be some time before this update comes through.
- Request for some updated communication to hall committees in regard to questionnaire and assessment of works.
- Query as to where people could see which sites were being assessed, along with their priority, noting this perhaps should be on the Council website.
- Staff advised that funding had been provided in the Long-term Plan for three (3) years to complete surveys, with 96 remaining to be assessed – staff meeting that day to consider prioritisation, along with how the seismic assessments would be prioritised.

**Action:** Staff to provide updated communication with community halls on asbestos surveys being carried out and confirm to Councillors that correct details were held for each hall committee.

Livestock by-law

- Action completed as consultation period extended to the end of November, with no further extensions being provided.
- Federated Farmers had advised that as they could not host a public meeting due to Covid restrictions, feedback had been sought from members electronically, with anticipation that this feedback be formulated into their submission later next week.

Stormwater easement

- Stormwater easement – action completed with ongoing conversations and staff in communication with Cr Patterson on any design changes.

**Resolved: (Crs Thomson/Sedgwick)**

**THAT the Actions Register for October 2021 be noted.**

**CARRIED**

**WDC2111/05**

**COMMITTEE RECOMMENDATIONS**

Agenda Item 6

**Strategy & Finance Committee – 18 October 2021**

Agenda Item 6.1

The report was received [*WDC2111/02 refers*]. No discussion was held.

*Transfer of funds received from Hakarimata Restoration Trust to Waikato Environmental Protection Charitable Trust (S&F2110/06)*

**Resolved: (Crs Gibb/Bech)**

**THAT the Waikato District Council confirms that the \$18,000.00 held by Council in trust from the Hakarimata Restoration Trust be transferred to the Waikato Environmental Protection Charitable Trust.**

**CARRIED**

**WDC2111/06**

**Infrastructure Committee – 19 October 2021**

Agenda Item 6.2

The report was received [*WDC2111/02 refers*]. No discussion was held.

*Erosion at Ngarunui Beach affecting Surf Life Saving Tower and Public Toilet (INF2110/04)*

**Resolved: (Crs Eyre/Thomson)**

**THAT Waikato District Council approves the:**

- a) use of the Disaster Relief Fund reserve fund (IPG-16030-E0-1491-0122) for the removal and transportation of the Raglan Surf Lifesaving Club (RSLSC) Tower and Public Toilet Complex from Ngarunui Beach, including reinstatement works. The estimated value for these works is \$60,000 excluding GST;
- b) proposed removal of the Public Toilet Building from Ngarunui Beach to Sunset Beach, Port Waikato, using the District Wide Toilets budget (ITO-10000-C0-0000- 0000) for the re-siting works, which is estimated to be approximately \$40,000 excluding GST;
- c) funds set aside in the District Wide Toilets budget (ITO-10000-C0-0000-0000) to construct a toilet at Sunset Beach, be reallocated to the development of a new toilet block at Ngarunui Beach, to replace the one being removed / relocated.

**CARRIED**

**WDC2111/07**

*Whatawhata Rugby Club Building Demolition (INF2110/06)*

**Resolved: (Crs Eyre/Smith)**

**THAT Waikato District Council approves the:**

- a) use of funds from the General Accounting Reserve Fund (account code 1-999-9320) to demolish the Whatawhata Rugby Club building up to the value of \$32,000.00 excluding GST, and
- b) termination of the current ground lease with the Whatawhata Rugby Club, and if a new club building is erected, a new lease be entered into between Waikato District Council and the Whatawhata Rugby Club.

**CARRIED**

**WDC2111/08**

## **REPORTS**

### Schedule of Meetings 2022

#### Agenda Item 7.2

The report was received [*WDC2111/02 refers*]. The following discussion was held:

- Noted that the reserve dates of second and fourth Fridays of the month would still need to be reserved for hearings.
- Tamahere Community Committee had been moved to a Tuesday due to a public holiday on the Monday – their principle was to move it to the following Monday.
- DLC hearing dates to continue to December as they would be chaired by independent appointments during the elections.
- Noting that workshops may increase during 2022 due to the number of by-law reviews occurring.

**Resolved: (Crs Sedgwick/McGuire)**

**THAT the Waikato District Council adopts the proposed meeting schedule for 2022, noting that some minor changes will be made as per the discussion at the meeting.**

**CARRIED**

**WDC2111/09**

### Submission on the draft updated Future Proof Strategy

#### Agenda Item 7.3

Cr Smith assumed the Chair as the Mayor and Deputy Mayor have a conflict of interest in the item as they will be sitting on Future Proof Hearings. It was noted the Mayor and Deputy Mayor did not take part in discussion nor vote on this item.

The report was received [*WDC2111/02 refers*]. The following discussion was held:

- Submission covers the Hamilton to Auckland corridor and Hamilton-Waikato Metropolitan Spatial Plan initiatives and covers the requirements coming from the government in regard to urban development and urban growth agenda.
- Important to have bi-partisan approach and policy making to ensure solutions and policies benefit the region.
- Final submission would be signed off by Cr Patterson as Mayor and Deputy Mayor had a conflict as Future Proof committee members/alternates.
- No assurance that future proof would still have some standing considering the Local Government reform.
- In terms of future proof and the way it has been set up, central government has representation on the committee which ensures the relationship is an enduring one. Policies and processes directed was pointing towards regionalisation so puts us ahead of the game by having the Future Proof partnership.

- Morrinsville included in future proof but not on map – Morrinsville is a key transport link but not included on maps as not part of the Metro Spatial Plan.
- Ngaruawahia will have a future metro centre – primarily recognising proximity of Ngaruawahia to Hamilton and is part of the Tier 1 metro area and acknowledging their role in the economic corridor.
- Ngaruawahia identified as key growth area as part of the Waikato 2070 Plan, need to be mindful of government direction for more intensification if feasible, but we need to retain unique characteristics.
- The northern area of the district is not included in the future proof work at present, but workshop being held to determine what the strategy means for the north. Future proof area only goes as far as Ohinewai.
- Query around the land identified in Rotowaru for a strategic industrial node – noted that this is a long term strategic priority for Waikato-Tainui.

**Resolved: (Crs Eyre/Macguire)**

**THAT the Waikato District Council approves the submission on the draft updated Future Proof Strategy.**

**CARRIED**

**WDC2111/10**

Cr Smith vacated the Chair and the Mayor resumed the Chair.

Submission on Waka Kotahi NZ Transport Agency's proposals to set new speed limits on State Highway 1  
Agenda Item 7.4

The report was received [*WDC2111/02 refers*]. The following discussion was held:

- Community had concerns regarding the 80km/h speed limits on interchanges, which did not support safe pedestrian and cycle crossings. North/south solved but east/west remains unsolved and may not be resolved in the short term, but could ensure the safety of pedestrians be included in submission.

**Action:** Staff to update submission to advise 80km/h not appropriate for pedestrian/cycling safety and upgrades required to ensure the safety of pedestrians/cyclists.

- Public transport bus stops on the Tamahere interchanges, which was highly unusual for current 80km speed limit in this area – staff noted these two stops were actually going to be removed.
- Concern raised that 80km/h was the standard for all on/off ramps, roundabouts and t-intersections on highways and expressway – query whether this is appropriate in some areas and should be lower, dependent on the intersection.
- On-off ramps are in the control of Waka Kotahi and the adjustment speeds are deemed as safer for acceleration/deceleration between expressway on-off ramps and major intersections on state highways.

- For information - Hampton Downs to Bombay is due for upgrade to same standard, which includes barriers but is being hindered by funding constraints. Meremere and Oram Rd require overbridges – some time out before this work occurs.

**Resolved: (Crs Bech/Lynch)**

**THAT the Waikato District Council approves the updated submission to Waka Kotahi NZ Transport Agency’s regarding proposals to set permanent new speed limits on State Highway 1 Waikato Expressway, between Hampton Downs and Tamahere.**

**CARRIED**

**WDC2111/11**

**EXCLUSION OF THE PUBLIC**

Agenda Item 8

**Resolved: (Crs Thomson/Church)**

**THAT the public be excluded from the following parts of the proceedings of this meeting.**

**The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:**

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
<b>PEX 1 Receipt of Minutes</b>	<b>Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987</b>	<b>Section 48(1)(a)</b>
<b>PEX 2.1 Approval to Award – Tree Maintenance Services Contract 20/061</b>		

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item No.	Section	Interest
<b>PEX 1</b> <b>Receipt of Previous Minutes</b>	<b>Refer previous meeting</b>	<b>Refer to the previous Public Excluded reason in the agenda for that meeting.</b>
<b>PEX 2.1</b> <b>Approval to Award – Tree Maintenance Services Contract 20/061</b>	<b>7(2)(a)</b>  <b>7(2)(b)(ii)</b>	<b>(a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</b>  <b>(b) Protect information where the making available of the information:</b>  <b>(ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</b>

**CARRIED**

**WDC2111/12**

*Resolutions WDC2111/13 – WDC2111/15 are contained in the public excluded section of these minutes.*





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### **Open Meeting**

<b>To</b>	Waikato District Council
<b>From</b>	Gavin Ion Chief Executive
<b>Date</b>	1 December 2021
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	CCL2021; GOV1318
<b>Report Title</b>	Actions Register – November 2021

## **1. EXECUTIVE SUMMARY**

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Please find attached an update on the outstanding actions following the Council meeting in November 2021.

## **2. RECOMMENDATION**

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**THAT the Actions Register for November 2021 be received.**

## **3. ATTACHMENTS**

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Attachments:

- Action Register – November 2021

18  
**Waikato District Council – Action Register (Open)**

Date	Action	Team Responsible	Status
November 2021	<p><b><u>Zero Harm</u></b></p> <ul style="list-style-type: none"> <li>▪ Council to receive summary of work relating to asbestos risks when it is completed.</li>   <li>▪ Staff to provide updated communication with community halls on asbestos surveys being carried out and confirm to Councillors that correct details were held for each hall committee.</li> </ul>	Service Delivery	<ul style="list-style-type: none"> <li>▪ The asbestos risk assessment project is a three-year programme of works to assess the presence of, and risks associated, with asbestos in our facilities, as approved in the LTP. Staff are currently in the process of engaging a consultant to do this work. As soon as this engagement has been made and detail of the work programme have been finalised, this will be reported to Council.</li>   <li>▪ Approximately a year ago, a letter was sent out to Hall Committee chairs advising them of the asbestos assessment work required / being carried out by Council and clarifying how physical works should be managed at each site until this work is complete. At the time, the accuracy of the contact list was reviewed. As requested, staff will double check the accuracy of this list (as it is understood that some of the contacts may now have changed) and send out another copy of the earlier correspondence to ensure Hall Committees are adequately managing physical works between now and when the full risk assessment(s) are complete.</li> </ul>
November 2021	<p><b><u>Submission on Waka Kotahi NZ Transport Agency's proposals to set new speed limits on State Highway 1</u></b></p> <ul style="list-style-type: none"> <li>▪ Staff to update submission to advise 80km/h not appropriate for pedestrian/cycling safety and upgrades required to ensure the safety of pedestrians/cyclists.</li> </ul>	Service Delivery	<ul style="list-style-type: none"> <li>▪ Submission letter was amended with wording agreed that Waka Kotahi should consider the speed limits with regard to pedestrian safety at Tamahere Intersection.</li> </ul>

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### Open Meeting

<b>To</b>	Waikato District Council
<b>From</b>	Gavin Ion Chief Executive
<b>Date</b>	29 November 2021
<b>Prepared by</b>	Lynette Wainwright Democracy Advisor
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1301
<b>Report Title</b>	Policy & Regulatory Committee Recommendations

## I. EXECUTIVE SUMMARY

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The purpose of this report is to seek the Council's approval of the recommendations from the Policy & Regulatory Committee meeting of Wednesday, 24 November 2021, as set out below.

The Policy & Regulatory Committee Agenda and Unconfirmed Minutes from its meeting of Wednesday, 24 November 2021 can be found on the Council website:

<https://www.waikatodistrict.govt.nz/your-council/council-committees-boards/council-committees/policy&regulatory-committee>

## 2. RECOMMENDATIONS FROM THE POLICY & REGULATORY COMMITTEE

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Approval for Consultation: Proposed Waikato District Council Dog Control Bylaw and Policy (P&R2111/05)

**THAT, as required under Section 83 of the Local Government Act 2002, Council confirms that the Waikato District Council Dog Control Bylaw:**

- a) is the most appropriate form of Bylaw;
- b) is the most appropriate way of addressing the perceived problems; and
- c) confirms the Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 and that it is satisfied that the Bylaw can be justified as a reasonable limitation on people's rights and freedoms.

Adoption of the Gambling Venues Policy 2021 (P&R2111/06)

**THAT Council adopt the Gambling Venues Policy 2021 as set out in Attachment 2 of the Policy & Regulatory report.**

Revocation of Policies (P&R2111/08)

**THAT Council revoke the following policies with immediate effect:**

- a) **Halls and Community Centres Policy,**
- b) **Rural Halls (Operation and Election of Hall Committees) Policy,**
- c) **Rural Halls – Administration Services for – Policy,**
- d) **Town Halls – Administration Policy,**
- e) **Fencing of Council Reserves Land Policy,**
- f) **Footpath Prioritisation Policy,**
- g) **Reserves – Committees of Management Policy,**
- h) **Rural Road Lighting Prioritisation Policy,**
- i) **Trade Waste Agreements Policy,**
- j) **Trade Waste Bylaw Charging Policy, and**
- k) **Water Rates – Discontinuing Supply Policy.**

Proposed 2021 Amendments to the Schedules of the Waikato District Council Speed Limits Bylaw 2011 (P&R2111/09)

**THAT, as required under Section 83 of the Local Government Act 2002, Council confirms that the Proposed Amendments to the Schedules of the Waikato District Council Speed Limits Bylaw 2011:**

- a) **is the most appropriate form of Bylaw;**
- b) **is the most appropriate way of addressing the perceived problem;**
- c) **confirms the Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 and that it is satisfied that the Bylaw can be justified as a reasonable limitation on people’s rights and freedoms; and**
- d) **a public resolution is made in accordance with s16(2)(a)(i) to update the date of the Land Transport Rules.**

### **3. ATTACHMENTS**

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Nil

### Open Meeting

<b>To</b>	Waikato District Council
<b>From</b>	Gavin Ion Chief Executive
<b>Date</b>	7 December 2021
<b>Prepared by</b>	Matt Horsfield Democracy Advisor
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1301
<b>Report Title</b>	Strategy & Finance Committee Recommendations

## I. EXECUTIVE SUMMARY

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The purpose of this report is to seek the Council's approval of the recommendations from the Strategy & Finance Committee meeting of Monday, 29 November 2021 as set out below.

The Strategy & Finance Committee Agenda and Unconfirmed Minutes from its meeting of Monday, 29 November 2021 can be found on the Council website:

<https://www.waikatodistrict.govt.nz/your-council/council-committees-boards/council-committees/strategy-and-finance-committee>

## 2. RECOMMENDATIONS FROM THE STRATEGY & FINANCE COMMITTEE

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Recovery of Pokeno and Tuakau Water and Wastewater Service Connection and Authorisation Fees (S&F2111/04)

**THAT the Strategy & Finance Committee recommend that Council approves the inclusion of the Pokeno and Tuakau water and wastewater service connection and authorisations fees as follows:**

***Pokeno and Tuakau Service Connection and Authorisation Fees***

***The purpose of the service connection and authorisation fees is to recover the costs of connections to the water and wastewater treatment infrastructure from those persons undertaking development that the costs relate to.***

<b>Description</b>	<b>Charge 2021/2022 (\$ (incl. GST)</b>	<b>Charge 2022/2023 (\$ (incl. GST)</b>	<b>Charge 2023/2024 (\$ (incl. GST)</b>
<b>Pokeno and Tuakau service connection and authorisation fee - Water</b>	<b>\$2,666.72</b>	<b>\$2,880.00</b>	<b>\$3,110.00</b>
<b>Pokeno and Tuakau service connection and authorisation fee -</b>	<b>\$4,016.00</b>	<b>\$4,337.00</b>	<b>\$4,684.00</b>

### **3. ATTACHMENTS**

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Nil

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### **Open Meeting**

<b>To</b>	Waikato District Council
<b>From</b>	Gavin J Ion Chief Executive
<b>Date</b>	7 December 2021
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1301/ECM3311471
<b>Report Title</b>	Council Facilities Vaccination Certificate Policy under Government's Covid-19 Protection Framework

## **I. EXECUTIVE SUMMARY**

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The purpose of this report is to:

1. Inform the Elected Members of the legislative framework within which decisions regarding restricting public access to Council facilities to vaccinated persons will be considered; and
2. Decide on the requirements for COVID-19 Vaccination Certificates for entry into Council owned and operated facilities based on the risk assessment.

It is acknowledged that the COVID-19 landscape, and risks associated with transmission of the COVID-19 virus will need to be monitored and reviewed on a regular basis as the situation can change rapidly. As an example, the World Health Organisation (WHO) has identified a new 'variant of concern' named Omicron infiltrating countries around the world. The transmissibility of the Omicron variant and effectiveness of currently available vaccines against this variant was unknown at the time of writing this report.

It is within this context that a general delegation is being sought, particularly with the upcoming summer break, to the Chief Executive to make further decisions about access to facilities should this be considered necessary for the safety of staff and our community. The Chief Executive will make such decisions in consultation with the Mayor of the Waikato District Council and the Chairperson of Council's Infrastructure Committee.

In October 2021 the government announced the shift away from the elimination strategy under the current Alert Level System to a suppression strategy under the new COVID-19 Protection Framework. This shift will provide greater freedoms to those who are fully vaccinated.

New Zealand moved into the COVID-19 Protection Framework (also known as the ‘traffic light’ system) with effect from 11.59pm Thursday 2 December. The entire Waikato district moved to the ORANGE setting under this traffic light system. However, the COVID-19 restriction boundary between the Waikato and Auckland will remain in place until at least 15 December 2021.

Several settings classified as being “higher-risk” have been defined by government. These include:

- Hospitality.
- Events.
- Gatherings such as funerals and weddings.
- Close contact businesses; and
- Gyms.

Under the COVID-19 Protection Framework, businesses operating in higher-risk settings can choose whether they restrict entry/services to individuals who provide valid proof of vaccination or an exemption. There has been mixed messaging as to whether all staff working at businesses which may opt to restrict entry/services to COVID-19 Vaccination Certificate (CVC) holders (irrespective of their decision) will be subject to a vaccination mandate, or whether this will apply only to staff working in businesses which opt to restrict entry/services (and not to those that do not).

Businesses operating in higher-risk settings which opt not to restrict entry/services (i.e., allow unvaccinated public to enter/receive services) will be subject to greater restrictions in their operations under the various traffic light settings.

For businesses falling outside those defined as being higher risk, there is no express legal framework by which they can restrict access/service to fully vaccinated or exempt public. For these businesses, the decision to restrict access/service to public will not affect whether workers must be vaccinated to perform the work.

There are some ‘designated premises’ that are essentially essential services which cannot lawfully restrict entry/services based on vaccination status. These designated premises include supermarkets, dairies, pharmacies, petrol stations, public transport, health services, schools and various other central government provided facilities have been defined as designated premises. There may be others to come.

Waikato District Council is in the midst of a process to consider implementation of an employee vaccination policy. The consultation period recently closed with employee submissions being considered at the time of writing this report.

The Council employee policy proposes a policy as set out in the proposed policy consultation document “whereby all employees, including interns, students, volunteers, cadets, consultants, suppliers, and contractors are required to be fully vaccinated to enter our workplace and interact with our people.” For the time being, this requirement will not apply to visitors or members of the public with whom we engage, unless they are in a council venue where valid CVCs are required. The effective date of the proposed policy is 31 January 2022.

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This report recommends that entry into all Council venues and offices be allowed to those with a valid My Vaccine Pass only.

We are undertaking a separate process for elected representatives and those persons who undertake a statutory or similar role and will provide an update on this soon.

It is recommended that from a date agreed to by Elected Members that Council requires production of a valid CVC also known as 'My Vaccine Pass' for entry by the public to the following Council owned and/or operative premises:

- Swimming pools (and any associated gym and/or café)
- Woodlands Historic Estate (run by a Trust)
- The Raglan Kopua Holiday Park camp (My Vaccine Pass entry to come into effect on 20 December 2021)
- Lake Hakanoa Motor Caravan Park
- Libraries
- Community facilities – Council-run and leased halls
- Dog pounds
- All Council offices (including front office / Customer Service, Council Chambers and Committee Rooms)

Council directs that all its hall committees implement the My Vaccine Pass directive. All community boards will also be required to implement this directive when holding meetings in Council facilities.

In so far as outdoor community events taking place on Council land (parks and reserves) is concerned, the onus is on the organisers of such events for appropriate COVID-mitigation measures to be in place. Such outdoor community events will be subject to an additional COVID mitigation assessment as part of the health and safety approval process conducted by Council's Zero Harm team when applications for hosting such events are considered.

This report includes a draft policy for Council/Committee meetings requiring all 'in-person' participants at formal Council meetings and Committee meetings, Hearings and official Council Workshops to be fully vaccinated' and otherwise comply with Council Vaccination Policy for entering Council facilities.

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## 2. RECOMMENDATION

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**THAT the Waikato District Council resolves:**

- a) the production of a valid **My Vaccine Pass** is required for entry by the public to the following Council facilities:
    - i. **Swimming pools and associated gyms and cafes**
    - ii. **Woodlands Historic Estate (run by a Trust)**
    - iii. **Raglan Kopua Holiday Park camp**
    - iv. **All Council offices (including front office / Customer Service, Council Chambers and Committee Rooms)**
    - v. **Dog pounds**
    - vi. **Libraries**
    - vii. **Community facilities – Council-run and leased halls**
  - b) the requirement for the public to produce a valid **My Vaccine Pass** for entry into Council facilities comes into effect on (date to be inserted).
  - c) the requirement for the public to produce a valid **My Vaccine Pass** for the Raglan Kopua Holiday Park comes into effect on **20 December 2021**.
  - d) the requirement to provide a valid **My Vaccine Pass** applies to all community boards hosting meetings in Council facilities.
  - e) the Council notes that applications for outdoor community events taking place on Council land (parks and reserves) will be subject to an additional **COVID** mitigation assessment as part of the health and safety approval process conducted by Council's **Zero Harm** team. However, the onus is on the organisers of such events, and not Council, to ensure that appropriate **COVID**-mitigation measures are in place.
  - f) the Council adopts a policy (the **Governance COVID-19 Vaccination Policy**) for all 'in-person' participants at formal Council and Committee meetings, Hearings and official Council workshops requiring that participants be fully vaccinated whilst allowing those who are not vaccinated to attend such meetings, hearings and workshops via live audio and visual link.
  - g) the **Governance Covid-19 Vaccination Policy** for all 'in-person' participants at Council and Committee meetings, Hearings and official Council workshops shall apply from (date to be inserted). Participants will otherwise comply with **Council Vaccination Policy** for entering Council facilities.
  - h) the Council notes the process the Chief Executive is taking regarding a proposed policy for Covid 19 vaccinations for staff.
  - i) the Chief Executive, in consultation with the Mayor and Chair of the Infrastructure Committee, be delegated authority to make further decisions on restricting entry to all Council facilities should this be considered necessary for the safety of staff and the community.
  - j) these requirements for entering Council facilities be reviewed every 6 months.
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### 3. BACKGROUND

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#### COVID-19 Protection Framework

On 22 October 2021 the government announced the shift away from the elimination strategy under the Alert Level System to a suppression strategy under the new COVID-19 Protection Framework. The aim of this is to provide greater freedoms to those who are fully vaccinated whilst COVID-19 is prevalent in our society.

On 26 October 2021 the government announced that it would be introducing a range of measures to support businesses wishing to protect customers and staff through requiring vaccination. These measures included:

- The introduction of a mandate requiring that all workers at “higher-risk” businesses where entry was restricted to vaccinated patrons to also be fully vaccinated and.
- The provision of a clearer and simplified risk assessment process for employers to follow when deciding whether they can reasonably require vaccination for different types of work.

On 23 November 2021 the COVID-19 Response (Vaccinations) Legislation Bill (“the Bill”) was introduced and went through its first, second and third readings and went before the Committee of the Whole House. The Bill received Royal Assent on 25 November 2021 and came into force the day after Royal assent.

The purpose of the COVID-19 Response (Vaccinations) Legislation Act 2021 is to make vaccination a more prominent part of New Zealand’s COVID-19 response framework. It includes amendments to the following legislation:

- COVID-19 Public Health Response Act 2020; and
- Employment Relations Act 2000.
- The key relevant amendments to the COVID-19 Public Health Response Act 2020 are:
  - to allow the Minister to make an Order specifying work, or classes of work, that may not be carried by a worker unless they are vaccinated, exempt or an authorised person (work in the sectors defined as being “higher-risk”); and
  - to allow the Minister or Director-General to make an Order for the purpose of requiring persons to permit unvaccinated individuals to enter a place or receive a service (ensuring that unvaccinated individuals retain access to essential services).

This legislation introduced the COVID-19 Public Health Response Act 2020, the legislative mechanism by which Orders containing the detail (i.e., compliance dates for first and second doses of the vaccine) that Council is looking for, will be made.

The Covid-19 Public Health Response (Vaccinations) Amendment Order (No6) 2021 Order (released on 30 November 2021) that came into force on 3 December 2021 establishes a compliance date of 3 December 2021 for the first dose and 17 January 2022 for the second dose of the vaccine for affected persons working in settings where CVCs are required for people to enter a place or receive a service.

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## Health and Safety at Work Act 2015

Under the Health and Safety at Work Act 2015 (“the Act”) Council has a primary duty of care to ensure, so far as is reasonably practicable:

- the health and safety of workers while they are carrying out their work for or as directed by the Person Conducting a Business or Undertaking (PCBU).
- that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.
- the provision of a work environment that is without risks to health and safety; and
- the provision and maintenance of safe systems of work; and
- the provision of any information, training, instruction, or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking.

A PCBU who manages or controls a workplace, has a duty under the Act to ensure, so far as is reasonably practicable, that the workplace, the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person (public and workers included).

A duty imposed on a person under the Act requires that person to eliminate risks to health and safety so far as is reasonably practicable, and when it is not reasonably practicable to eliminate the risk, to minimise the risk so far as is reasonably practicable.

In informing the proposed position to be taken with workers, Council staff have undertaken detailed risk assessments measuring the risk posed by COVID-19 to each role through applying factors recommended by WorkSafe. This risk assessment was performed with the primary duty of care under the Health and Safety at Work Act 2015 and the non-negotiable of “Zero Harm in all we do” in mind.

Using a risk assessment tool involving the consideration of the following aspects:

- The number of people interacted with
  - Interacting with the public
  - Ease of contact tracing
  - Physical distancing
  - Length of interactions
  - Working with vulnerable people
  - Working on a marae
  - Assessing workplace risk vs non-work risk
  - Consideration given to whether any roles were “Government Mandated Vaccine Roles”
  - Entering private property
  - Workplace risk versus non work.
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It is within this context that the Chief Executive has proposed adopting a low-tolerance approach to the risk posed by COVID-19. The rationale in taking a low-tolerance approach and proposing that all workers be required to be fully vaccinated to attend Council sites can be summarised as follows:

- Council serves the community, and it is important to take every precaution to keep the community safe while community members are accessing Council's facilities and/or interacting with workers.
- Some roles are essential to the operation of the district and community functions, and it is vital to protect the individuals holding those roles from infection.
- Widespread infection could seriously impact continuity of essential services.
- Council has some workers captured by government mandates, some who are captured by government mandates pursuant to the recent legislative amendments, and some not captured by either. A consistent approach is logical, fair, and simpler administratively.
- Many Council facilities include elements of government mandated settings and settings not subject to a government mandate. It is counter-productive to have mandated vaccinated workers mixing with unvaccinated workers at the same facility.
- Public required to provide proof of vaccination to access a facility would have a reasonable expectation that all staff at the facility would be vaccinated, not just those working in a certain area within.
- There is a high level of interaction and collaboration between workers across different Council facilities. The same logic as applied within facilities should therefore be applied across facilities.

Central government has been clear in its messaging and its legislative approach that high vaccination rates are imperative to the continued fight against COVID-19 (to prevent the spread of the virus, reduce its effect on those who are infected and to reduce further variants of the virus). A low tolerance approach by Council aligns with this messaging and approach.

### **Wider legislative context**

It is also important to take into consideration the fact that the decisions made within the COVID-19 and health and safety legislative frameworks do not sit in a vacuum. There are tensions between legislation to enact the COVID-19 Protection framework, the rights of individuals (for example under the New Zealand Bill of Rights Act 1990), health and safety and employment law, and the nature of Council's role in providing services to the community under the Local Government Act 2002 and other legislation.

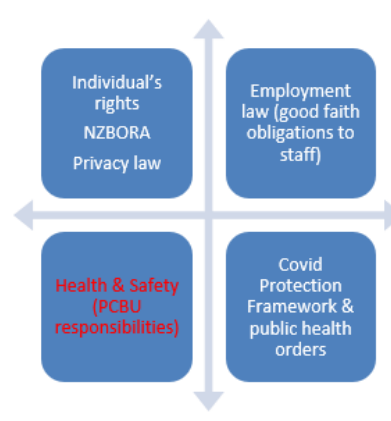
While balancing these considerations is not an easy process, the overriding consideration should be the health and safety of staff and our community in the context of the significant risk that COVID-19 presents, and that the proposed approach is a justified limit on the rights and freedoms of individuals given the risk that Covid-19 represents to the health and safety of the community.

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### Community Facilities legislative context



### Council workforce legislative context



Central Government Guidance with regards to public facilities was released on 26 November. Public facilities are defined as services at facilities provided by central or local government, that are open to the public for recreational, social, community or cultural activities or services, including museums, public galleries, libraries, recreation centres, swimming pools, and zoos. Membership facilities are not included. Event or gathering rules apply to any part of a facility that is hired for exclusive use.

It is important to note that many Council facilities include elements of government mandated settings and settings not subject to a government mandate, these are detailed in the attachments.

It appears that it is technically possible to alternate requiring a My Vaccine Pass from the public so long as the premises is cleaned between groups and the traffic light settings, we are operating under is signposted. The ability to switch also provides another option for facilities. At this stage this approach is not recommended due to the nature of our facilities, operational challenges, and safety of staff.

Central government has provided confirmation that services such as libraries, galleries, pools, and museums can require a My Vaccine Pass from the public. The restrictions are the same whether the My Vaccine Pass is required or not. Public transport is prohibited from requiring a My Vaccine Pass.

## 4. DISCUSSION AND ANALYSIS OF OPTIONS

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### 4.1 DISCUSSION

#### Council decision on facilities

It is for the Elected Members to decide on access requirements and any restrictions to be imposed to Council owned and operated facilities/services.

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The proposal for consideration is to require a vaccination certificate for entry into Council facilities as detailed further on in this report.

Elected Members will also need to consider when any decisions will take effect and the way that they will be implemented and enforced.

Staff are working to establish alternative methods of offering services to the community where possible, for those unable to access facilities in person, and for those who prefer a remote service.

A table outlining considerations for each Council facility is attached.

### **Risk assessment and other considerations**

Decisions on requiring a vaccination certificate for entry to Council facilities follows a risk-based approach. In preparing the recommendations for this report the primary consideration is the health and safety of our workforce and our community in the context of the significant risk that COVID-19 presents.

#### Assessment of probability

The Delta variant of COVID-19 is described by the New Zealand Ministry of Health as being a more infectious mutation of the virus. It is predicted that without any controls, the R-value would be between 5 and 6 – meaning that one infected person may infect up to 5 to 6 others. It has been described as “highly transmissible”.

The probability of infection taking hold when directly exposed to COVID-19 viral particles can vary from person to person, but there is enough anecdotal evidence to show that in the absence of other controls e.g., mask wearing, social distancing, and hygiene practices, there is a high probability of becoming infected when directly exposed to COVID-19. This is seen in the number of household infections that occur when those household members share a space with a COVID-19 positive person. There is also increasing evidence of infection occurring due to incidental exposure outside the home, as seen in MIQ facilities between rooms when doors have been opened.

The infectiousness has also been identified in the challenges associated with connecting some cases epidemiologically due to the transient nature of some of the exposure events. An example of this is the way in which the initial infection in this outbreak occurred, with no known direct exposure link, and the possibility of unidentified chains of infection.

On this basis, it is reasonably foreseeable that if a person is exposed to COVID-19 without any controls in place there is a high probability of infection as a result.

The likelihood of a person in the Waikato being exposed to COVID-19 will increase after the border restrictions with Auckland is lifted on 15 December 2021.

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### Assessment of consequence

The range of consequences for a person infected with COVID-19 is extremely broad and will depend on a myriad of factors. While some people may be completely asymptomatic for the duration of the infection, others may lose their life to the infection or its associated complications.

As of 1 December 2021, there have been over 5.22 million deaths associated with COVID-19 globally, with 44 in New Zealand.

While some individuals may recover from all COVID-19 symptoms within a few days (or not experience any at all), others will continue to struggle with lingering, and sometimes debilitating, effects for significant time after the infection has cleared.

As well as potentially serious consequences in respect of mortality and health (both long term and short term), which must be a primary consideration, there are also consequences of infection related to business continuity and the provision of important services to the community. Widespread infection of staff, or infection of people holding key or highly skilled roles could have a serious impact in this regard.

### Impact of existing controls

There are a broad range of controls already in place to prevent infection, and these are associated with levels within the established hierarchy of control from the lowest level of effectiveness through to the highest:

PPE CONTROL: THE USE OF FACE COVERINGS	Effectiveness: partially effective
ADMINISTRATIVE CONTROL: PHYSICAL DISTANCING.	Effectiveness: partially effective
ADMINISTRATIVE CONTROL: HYGIENE	Effectiveness: partially effective
ADMINISTRATIVE CONTROL: TESTING	Effectiveness: partially effective
ENGINEERING CONTROL: WORKPLACE DESIGN	Effectiveness: partially effective

### Impact of vaccination

According to the Ministry of Health, being fully vaccinated (currently described as two doses of the Pfizer vaccine) provides protection in three ways. The first is by minimising the likelihood of infection, and the second is that it reduces the seriousness of illness if infected. The third way it provides protection is that it helps to reduce the likelihood of transmission.

The effectiveness of two doses of the Pfizer vaccine provides 64% to 95% protection against symptomatic illness.

Two doses of the vaccine provide 90-96% protection against hospitalisation or severe illness due to Delta infection.

To understand the long-term efficacy and safety of the vaccine, participants in the clinical trials are being tracked for another two years after their second dose of the Pfizer vaccine.



There is still potential for infection to occur regardless of vaccination, however it is much less likely for serious illness or hospitalisation to be required and very unlikely for an infected person to pass away because of their infection.

#### Summary of risk assessment

The risk assessment has determined that there is a significant impact on risk reduction for potential consequences associated with the use of vaccination alongside other controls. Without vaccination we are reliant on existing control measures that may not be sustainable or realistic over time, as seen by extended lockdowns and other alert level restrictions.

Due to the potentially serious consequences associated with COVID-19, any level of risk, even low risk, needs to be addressed and reduced. A highly vaccinated environment would provide for a reduction in the seriousness of consequences if infected, would reduce likelihood of infection and would reduce likelihood of transmission if infected. Vaccination would offer the best mitigation of the risks presented by COVID-19 when combined with all other current controls in place.

#### Other considerations

Sitting alongside this are other considerations which are outlined below. More detail on these considerations for individual facilities will be provided in a separate attachment.

- Indoor/enclosed facilities vs. open air – ventilation has been shown to be a key factor in the risk of transmission of COVID-19
  - Essential workers – staff who are critical to the operation of our services need to be protected from the spread of the virus
  - Essential service – whether a service is considered essential will in some cases dictate whether a vaccine certificate can be required for entry to our premises
  - Under 12/vulnerable members of our community – currently those under 12 are not eligible for vaccination, and the vulnerable (immune compromised, co-morbidities, elderly) in our community are at greater risk of health problems even if they are vaccinated. These groups of our community make up a large proportion of those visiting and using our facilities.
  - Impact on KPIs, levels of service and ability to operate and provide services to community – Council has set its levels of service under the Long Term Plan, the decision on whether to require vaccination certificate for our facilities will impact the manner and extent to which our services can operate, as well as impact their ability to achieve revenue targets.
  - Stakeholder views – some limited engagement with stakeholders have taken place.
  - Other risks specific to the facility – some facilities have specific risks – for example, the pools where close contact, gym use and inability to use masks when in pools need to be considered, or our dog pounds – where transmission of COVID-19 to animals and animal welfare are a consideration.
  - Any challenges with operationalisation of traffic light framework
  - Alternative ways of accessing our services – staff have also considered the ability to offer services in a different way to the community.
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## Council Facilities

The Council facilities recommended for Council to consider whether to require visitors to have My Vaccine Passes as a condition of entry are:

- Swimming pools and associated gyms and cafes
- Woodlands Historic Estate (run by a Trust)
- The Raglan Kopua Holiday Park camp (noting that it has already been determined that the requirement to produce a valid My Vaccine Pass at the camp comes into effect on 20 December 2021)
- Lake Hakanoa Motor Caravan Park
- All council offices (including front office / Customer Service)
- Council Chambers
- Dog pounds
- Libraries
- Community facilities – Council-run and leased halls

Council directs that all its hall committees implement the My Vaccine Pass requirement. All community boards will also be required to implement this directive when holding meetings in Council facilities.

In so far as outdoor community events taking place on Council land (parks and reserves) is concerned, the onus is on the organisers of such events for appropriate COVID-mitigation measures to be in place. Such outdoor community events will be subject to an additional COVID mitigation assessment as part of the health and safety approval process conducted by Council's Zero Harm team. This will be done when applications for hosting such events are considered.

For completeness the following is also noted for Elected Members:

- Transportation hubs (including bus stops and railway stations) – Pursuant to the Covid-19 Public Health Response (Protection Framework) Order 2021 a person must not be denied access to certain designated premises on vaccination grounds. Designated premises include public transport services (excepting domestic air transport and the Cook Strait Ferry). On that basis it is recommended that in line with this Order bus stops or the railway station within the district are not subject to a vaccination certificate mandate.
  - Those booking parks and sports grounds will be expected to comply with the Covid Protection Framework and guidance from Sport Waikato on managing their activities. Recently released guidance also provides more detail on [outdoor community events](https://www.business.govt.nz/covid-19/covid-19-protection-framework/events/) (<https://www.business.govt.nz/covid-19/covid-19-protection-framework/events/>) where numbers are severely restricted if the My Vaccination Pass is not required. Any group booking a council site will be expected to comply with these requirements.
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- Leased premises – lease holders in general have exclusive long-term use of a site/building and will need to make their own decisions on how they operate. Staff also acknowledge that we have a wide range of lease holders, and some community groups may need further assistance to work through this issue.
- Parks/reserves/playgrounds (open air) – there are no plans to require vaccination certificates at these sites.
- Transfer stations, recycling, and organic waste centres – these locations will be subject to the respective operator’s position on Vaccination Certificates.
- Licence holders – work will be undertaken as needed with licence holders.
- The requirement to provide a valid My Vaccine Pass applies to all community boards using Council facilities for its meetings.

Official exemptions will also be accepted (noting that exemptions are currently expected to be valid for up to 6 months at a time, the same as My Vaccine Passes).

### **Council decision on access to the Council and Committee meetings**

2. Below is a draft policy for Council/Committee meetings for Council’s consideration:

*Proposed Governance level Covid-19 Vaccination Policy*

*The Governance Covid-19 Vaccination Policy shall apply from the date determined by Elected Members as per the Council meeting held on 13 December 2021.*

*All ‘in-person’ participants at formal Council meetings and Committee meetings, Hearings and official Council Workshops shall be fully vaccinated and otherwise comply with Council Vaccination Policy for entering Council facilities.*

*This includes but is not limited to:*

- *Maangai maaori.*
- *Elected members.*
- *Staff.*
- *Presenters.*
- *Visitors attending the meetings, hearings and Workshops described above.*
- *Media.*
- *Community board and community committee members.*

*To prove that a person is vaccinated they must show their My Vaccine Pass, or relevant exemption documents, together with appropriate photo ID, on request.*

*Attendance at those meetings that would otherwise be open to the public will be enabled by Council broadcasting live the audio and/or video of the meeting.*

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*Elected Members and Maangai (vaccinated or not) may attend any meeting that they would otherwise be entitled to attend by means of an audio link or audio-visual link to the proceedings as provided for in clause 25B of Schedule 7 of the Local Government Act 2002.*

*This policy will be reviewed prior to the expiry or repeal of the Epidemic Preparedness (COVID-19) Notice 2020.*

“Vaccinated” means:

- *Being fully vaccinated against Covid-19 as evidenced by a current, verifiable My Vaccine Pass (in electronic or print format).*
- *Having obtained an exemption from Covid-19 vaccination on medical grounds approved by the Director-General of Health.*

## **Timeframes**

Timeframes have been set for the completion of the staff consultation on the staff vaccination policy. Sitting alongside this are the key dates signalled by central government for the shift in to the Covid Protection Framework.

22 November	Consultation on Council staff vaccination policy begins
29 November	Government vaccination orders to support shift into Protection Framework
3 December	Consultation on Council staff vaccination policy closes
	National shift to Traffic Light System (red or orange) under the Protection Framework
13 December	Extraordinary Council meeting – facilities and council chambers vaccination policy decision
14 December	Staff vaccination policy released
15 December	Implementation of staff vaccination policy begins
(Date to be decided at the Council meeting of 13 December)	Operationalisation of decisions relating to the requirement of visitors to have My Vaccine Passes as a condition of entry to Council facilities completed
15 December	Auckland/Waikato COVID-restriction border opens – risk of COVID-19 spread increases
31 January 2022	Effective date of proposed staff policy

## **Operationalisation of any Council decision**

Staff will need to implement the Council decision to require vaccination certificates at Council facilities on the required date (noting that it has already been determined that this requirement will commence on 20 December 2021 for the Raglan Kopua Holiday Park).

## 4.2 OPTIONS

Staff have assessed that there are three options for the Council to consider in relation to each of its facilities.

- No vaccine mandate for any Council facilities. This option will elevate the risk of COVID-19 spreading.
- Vaccine mandate all Council facilities that are not defined as ‘designated premises’ where access must not be denied based on vaccination status under the COVID-19 Protection Framework. This option will offer a higher level of mitigation against the spread of COVID-19 and will have some cost implications associated with security requirements.
- Vaccine mandate some Council facilities as determined by the Council. This option will still enable COVID-19 to spread though not at the same elevated risk as not having a vaccine mandate at all.

## 5. CONSIDERATION

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### 5.1 FINANCIAL

Where the decision is to restrict entry/services to individuals who present proof of vaccination or an exemption the key financial considerations will be:

- Costs of compliance, such as the additional staffing resource to manage entry and requisite technology.
- Security.
- Costs in facilitating alternative ways of delivering the service (where possible and to the extent possible).
- Potential loss of revenue from unvaccinated patrons being excluded.
- Increased ability to maintain revenue by virtue of being able to operate with greater freedoms and capacity.
- Staff-related financial considerations e.g., increased cost of staff physical and mental ill health and absenteeism related to potential exposure and/or exposure to Covid19.

The key financial consideration where the decision is not to restrict entry/services will be the potential lost revenue due to the facility being closed or restricted in operating by virtue of the traffic light settings or lost revenue from community/patrons choosing not to use the service/attend the facility/hire venues due to concerns about health and safety.

### 5.2 LEGAL

The recommendations in this report comply with the Council’s legal requirements and government directives associated with the suppression of COVID-19.

Under the Health and Safety at Work Act 2015 (“the Act”) Waikato District Council has a primary duty of care to its staff as well as other persons as part of the conduct of its operations.

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### **5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT**

N/A.

### **5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS**

#### **Significance**

This matter is assessed as having a high degree of significance. This is because it involves a more than nominal alteration in the provision of a number of Council services, there is a high degree of public interest in vaccine mandate decisions, the decision impacts all users of Council facilities (the unvaccinated in particular, but the vaccinated will need to obtain and present a My Vaccine Pass which may be a technological challenge for some), and the impact on the unvaccinated will not be minor.

#### **Engagement**

Given the urgent need since the traffic light system has become operative and before the Auckland border re-opens, increasing the risk of transmission in the Waikato district, it is not possible to carry out the usual formal public consultation process. Elected members will have considerable knowledge of the views that their communities hold in relation to COVID-19 vaccines and vaccine mandates. This is likely to include the strength of feeling demonstrated by the various court cases brought against workplace mandates and the public protests mandates and other public health measures, and, on the other hand, the widespread uptake of the vaccine.

Input from stakeholders, including health authorities/providers, the disability community, civil liberties groups, and mana whenua, should be encouraged.

Elected members are being consulted on the subject matter as representatives of their communities and their obligations under the Health and Safety at Work Act 2015.

Unions have been consulted on the proposed staff vaccination policy.

## **6. CONCLUSION**

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As part of its obligations to help suppress the spread of COVID-19 under the COVID-19 Protection Framework and its obligations under the Health and Safety at Work Act 2015, it is recommended that that Council requires the production of a valid My Vaccine Pass for entry by the public to Council owned and/or operative premises as contained in this report.

This report further recommends that Council adopts a policy for all 'in-person' participants at formal Council meetings and Committee meetings, Hearings, and official Council Workshops and that the Chief Executive, in consultation with the Mayor and Chair of the Infrastructure Committee, be delegated authority to make further decisions on restricting entry to all Council facilities should this be considered necessary for the safety of staff and the community.

## **7. ATTACHMENTS**

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Attachment I: Council Facilities - Supporting Assessment.

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Traffic lights - operating with vaccination certificate	Traffic lights - operating without vaccination certificate	Indoor/enclosed facilities	Essential workers	Essential service	Under 12/Vulnerable guests	Impact on KPIs, LOS and ability to operate and provide services to community.	Stakeholder views (if known)	Other risks specific to the facility	Operationalisation of traffic light framework	Alternative ways of accessing our services	Draft recommendation	Other considerations, challenges, comments, gaps in information
<b>Pools</b>												
Pool - No limits (refer also to events) Gym - No limits	Pool - No limits Gym - up to 100 people, based on 1m distancing	Yes	Yes	No	Yes	The pools can continue to operate with some capacity limits with practical distancing practices and some modification to services such as swimming lessons. This is regardless of vaccination certificate requirements.  The associated gym (huntly) will have more restrictions placed on them if vaccination certificates are not required.	Belgravia implementing vaccination passes across Auckland	The facility has a high proportion of under 12/vulnerable people on site.  The nature of the activity means children are playing, this makes enforcing social distancing more challenging. There are pinch points around the facility - doors, changing rooms etc that make social distancing and compartmentalising areas challenging.	There is staff capacity to operate under the Covid Protection framework with a vaccination certificate mandate in place.  If no vaccination certificate mandate is in place and being enforced, the gym will need to closed under orange.	No	Recommend requiring vaccination certificates for entry at all traffic light settings	
(Refer also to events). Pool - Capacity limit based on 1 metre distancing for each zone e.g. 50m pool hall, 25 metre pool hall (face masks not required in pool halls or exercising) Gym - No limits	Pool - capacity limit based on 1 metre distancing for each zone e.g. 50m pool hall, 25 metre pool hall etc (face masks not required when swimming or exercising) Gym - closed	Facility contains a gym and other close contact activities - such as swim instructors.	Pool operations staff	No	High numbers of vulnerable and young people attend the facility.							
(Refer also to events). Pool - capacity limit based on 1 metre distancing for each zone e.g. 50m pool hall, 25 metre pool hall etc (face masks not required in pool halls or exercising) Gym - up to 100 people, based on 1m distancing	Pool - capacity limit based on 1 metre distancing for each zone e.g. 50m pool hall, 25 metre pool hall etc (face masks not required in pool halls or exercising) Gym - closed											
<b>Woodlands</b>												
You can run events and gatherings without number limits. You must sight all customers' My Vaccine Passes, and it is strongly recommended you verify.	Capacity limited to up to 100 people, based on 1m distancing, per defined space. Food and beverage service must be seated and separated. (other events)	Yes	No	No	Yes	TBA	Woodlands Trust - Unknown	Events have the potential to become super spreader events.	Council will work with governance to ensure appropriate support to operate if they need help implementing solutions e.g. security guards/technology.	No	Recommend requiring vaccination certificates for entry at all traffic light settings from .	N/A
No limits on numbers Face coverings are encouraged. You must sight all customers' My Vaccine Passes, and it is strongly recommended you verify.	Service on premises is limited to gatherings (private groups where attendees are known to each other) and restricted to up to 50 people per defined space. Face coverings are encouraged. Food and beverage service may be collected at counter and consumed in seating.	Hired rooms indoors, Café	N/A	N/A	Depending on the event they can attract young families, community groups to attend.							
An event or gathering may occur with up to 100 people and based on 1m distancing (whichever is the lesser) per defined space. Food and beverage service must be seated and separated (other events) Face coverings are encouraged. You must sight all customers' My Vaccine Passes, and it is strongly recommended you verify.	Only gatherings of up to 25 people per defined space can occur. Face coverings are encouraged.											
<b>Camps</b>												
No limits	No change	Yes	Yes	No	Yes	TBA	Camp board - Supportive of vaccination passes Annual site holders - varied	Not well contained, members of public can easily access sites	There is staff capacity to operate under the Covid Protection framework with a vaccination certificate mandate in place.	N/A	Recommend requiring vaccination certificates for entry at all traffic light settings from	
Public facilities may open with capacity limits based on 1m distancing. Face coverings are encouraged (except for those who are exempt).	No change	Shared facilities i.e. kitchen, laundry	N/A	N/A	Families with younger and school groups are make up a significant number of patrons							
Public facilities may open with capacity limits based on 1m distancing. Face coverings are encouraged (except for those who are exempt).	No change											
<b>Front of House/Customer service</b>												
No limits	No change	Yes	No	No	Yes	Rates, payments and enquiries (various i.e. consenting).  Some vulnerable customers come on site, customers tend to be older and prefer to interact in person.	No specific stakeholders.	If customer services are assessed as essential then we may be in conflict with any policy to require vaccination certificates in the building.	There is staff capacity to operate under the Covid Protection framework with a vaccination certificate mandate in place.  Staff could look at mobile eftpos/devices and socially distant transactions if required.	Customer Services has access to a range of remote services - Online, phone, email and social media.	Recommend requiring vaccination certificates for entry at all traffic light settings.	N/A
Public facilities may open with capacity limits based on 1m distancing. Face coverings are mandatory (except for those who are exempt).	No change	Building entrance, cross over with access to the rest of the municipal building for other staff.	N/A	Some aspects of this service could fall within the definition of essential - more guidance needed for the sector.								
Public facilities may open with capacity limits based on 1m distancing. Face coverings are mandatory (except for those who are exempt).	No change											

Traffic lights - operating with vaccination certificate	Traffic lights - operating without vaccination certificate	Indoor/enclosed facilities	Essential workers	Essential service	Under 12/Vulnerable guests	Impact on KPIs, LOS and ability to operate and provide services to community.	Stakeholder views (if known)	Other risks specific to the facility	Operationalisation of traffic light framework	Alternative ways of accessing our services	Draft recommendation	Other considerations, challenges, comments, gaps in information
<b>Council Chambers</b>												
No limits	No change	Yes	No	No	Yes	Access to governance and transparency is essential, currently all of the governance services can be accessed online.	Maangai Māori - Supportive of vaccination pass	N/A	There is staff capacity to operate under the Covid Protection framework with a vaccination certificate mandate in place.	The public, stakeholders, elected members and committee members can access all governance functions online via zoom and live streaming services.	Recommend requiring vaccination certificates for entry at all traffic light settings	N/A
Public facilities may open with capacity limits based on 1m distancing. Face coverings are mandatory (except for those who are exempt).	No change	Council chambers, councillor lounge and committee and meeting rooms	While not always defined as essential, key staff attend meetings.	While not essential in itself, ensuring Elected Members can continue to make critical decisions is essential (i.e. maintain a quorum).	While under 12s are not likely to attend, older and vulnerable people are.							
Public facilities may open with capacity limits based on 1m distancing. Face coverings are mandatory (except for those who are exempt).	No change											
<b>Pounds</b>												
No limits	No change	Yes	Yes	Yes	Yes	Impact on rehoming of animals	NA	NA	There is staff capacity to operate under the Covid Protection framework with a vaccination certificate mandate in place.	Interaction with public undertaken outside of facilities	Recommend requiring vaccination certificates for entry at all traffic light settings	N/A
Public facilities may open with capacity limits based on 1m distancing. Face coverings are mandatory (except for those who are exempt).	No change	Older buildings with small spaces.	N/A	N/A	Not frequent but possible							
Public facilities may open with capacity limits based on 1m distancing. Face coverings are mandatory (except for those who are exempt).	No change											
<b>Libraries</b>												
No limits	No change	Yes	No	No	Yes	Some may view aspects of this service as essential. Current guidance from central government does not define libraries as such. The libraries can offer a range of remote options for the service.	NA	N/A	There is staff capacity to operate under the Covid Protection framework with a vaccination certificate mandate in place.	The libraries have several options for remote access - eBooks click and collect	Recommend requiring vaccination certificates for entry at all traffic light settings	N/A
Public facilities may open with capacity limits based on 1m distancing. Face coverings are mandatory (except for those who are exempt).	No change	Yes	N/A	N/A	Programmes run for pre-school/school children. Vulnerable and older patrons well represented.							
Public facilities may open with capacity limits based on 1m distancing. Face coverings are mandatory (except for those who are exempt).	No change											
<b>Community Facilities - Council-run and leased (Halls)</b>												
No limits	No change	Yes	No	No	Yes	Community access and use may drop if there is concern regarding safety of the venue for vulnerable and young users.	Hall committees - many hall committees with various views User groups who book - clarity needed on who has responsibility to ensure compliance.	Staff are not present on site. Multiple user groups.	Council will work with committees to ensure appropriate support to operate if they need help implementing solutions	No	Recommend requiring vaccination certificates for entry at all traffic light settings	N/A
Public facilities may open with capacity limits based on 1m distancing. Face coverings are mandatory (except for those who are exempt).	No change	Halls, meeting spaces, kitchens and bathrooms.	N/A	N/A	Dependent on the event							
Public facilities may open with capacity limits based on 1m distancing. Face coverings are mandatory (except for those who are exempt).	No change											
<b>Outdoor community events</b>												
For events where My Vaccine Pass requirements can be implemented, such as a fair: No capacity limit. You must sight all customers' My Vaccine Passes, and it is strongly recommended you verify.	For outdoor community events with uncontrolled access, such as a public parade: Capacity limited to up to 100 people, based on 1m distancing, per defined space (i.e. 2m gap between groups).	No	No	No	Yes	N/A	Likely that many events will look to Council - for example access to use council reserves	Staff are not present on site to monitor compliance in many cases. Events have the potential to become super spreader events.	Event organisers will need to be responsible for compliance with the Covid Protection Framework. This may involve reduced numbers at events and/or additional cost in planning for compliance and implementation - e.g. security guards and fencing to control access to an event.	No	N/A	N/A
For events where My Vaccine Pass requirements can be implemented, such as a fair: No capacity limit You must sight all customers' My Vaccine Passes, and it is strongly recommended you verify.	For outdoor community events with uncontrolled access, such as a public parade: Restricted to 50 people per defined space (i.e. 2m gap between groups). Face coverings are encouraged.	N/A	N/A	N/A	Depending on the event they can attract young families, community groups to attend.							
For events where My Vaccine Pass requirements can be implemented, such as a fair: May occur with up to 100 people or based on 1m distancing (whichever is the lesser) per defined space (i.e. 2m gap between groups). Face coverings are encouraged. You must sight all customers' My Vaccine Passes, and it is strongly recommended you verify.	For outdoor community events with uncontrolled access, such as a public parade: Restricted to 25 people per defined space (i.e. 2m gap between groups). Face coverings are encouraged.											



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### **Open Meeting**

<b>To</b>	Waikato District Council
<b>From</b>	Gavin Ion Chief Executive
<b>Date</b>	1 December 2021
<b>Prepared by</b>	Lynn Shirley Zero Harm Manager
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1301
<b>Report Title</b>	Zero Harm Update

## **1. EXECUTIVE SUMMARY**

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The purpose of this report and its attachment is to provide an update on current health and safety performance. Council recognises that compliance is essential, but it aspires to achieve a sustainable zero harm culture, where everyone works safely and goes home safe every day.

Councils' zero harm culture shall be supported by a health and safety management system of policies, standards and procedures that eliminate or effectively manage risk and enable best practice.

## **2. RECOMMENDATION**

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**THAT the Zero Harm update for November 2021 be received.**

## **3. BACKGROUND**

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### **'Our People' - Safety Leadership and Engagement**

#### Zero Harm Engagement Conversations

The Chief Executive, Executive Leadership Team (ELT) and People Leaders continue to undertake Zero Harm Engagement Conversations.

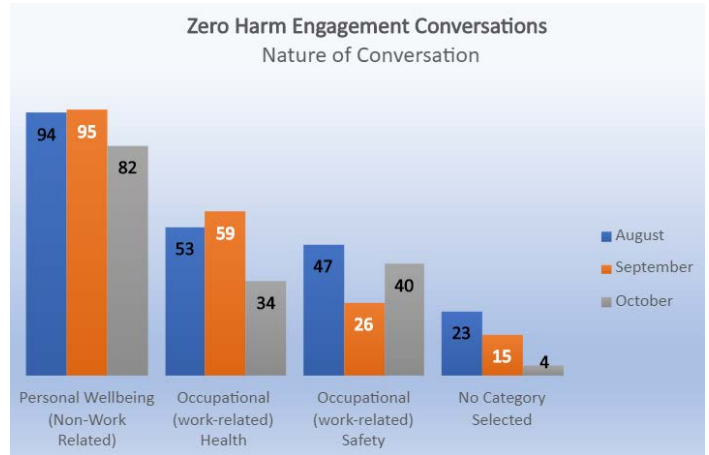
A total of 160 Zero Harm Engagement Conversations were recorded in BWare for October using the new form. This is an 18% decrease on the number recorded in September. The Zero Harm has recently reviewed and updated the Promapp process to reflect the new method of recording conversations. The team also continues to provide 1:1 coaching and support when and where required. Information on the process and expectations regarding undertaking Zero Harm Engagement Conversations has also been incorporated into the new People Leader Zero Harm Induction material.

The following graph illustrates the type (or nature) of Zero Harm Engagement Conversations undertaken in the past three months.

Analysis shows that 51% of the total conversations recorded are related to Personal Wellbeing.

The top three topics of these conversations were:

- Personal stress
- Personal health
- Relationships/family



**Disciplined Management Systems**

Health and Safety Training and Competency

As discussed last month the COVID-19 lockdown has significantly impacted the delivery of scheduled health and safety training. Recently delivered or planned health and safety training is summarised in the following table;

Training delivered or planned	Number of workers required to complete training	Number of workers trained
Asbestos Awareness Training (Self-paced online course delivered by Safety N Action)	11	5 out of 11 have completed to date. Training is required to be completed by 5 <sup>th</sup> December

Information, Training, Instruction and Supervision

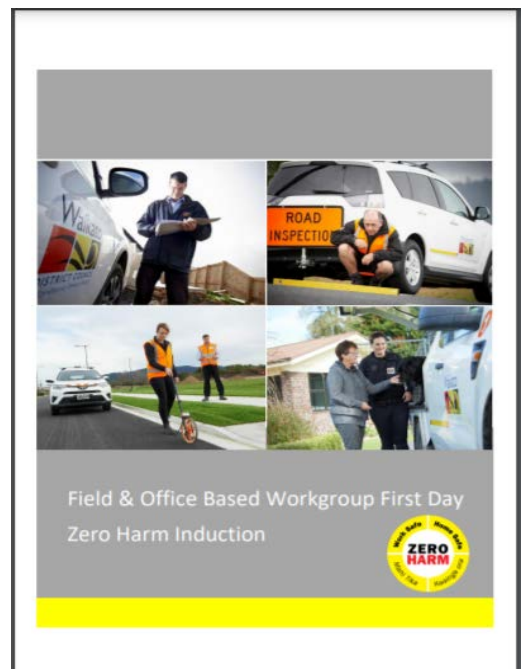
During July and August 2021, the Zero Harm team completed a review of Council’s existing health and safety induction programme for new, returning or transferring workers. The purpose of the review was to identify any opportunities to improve the existing induction programme and ensure that the correct information was being communicated to the right audience at the right time.

The review has resulted in number of modifications being made. Council’s Zero Harm Induction programme now consists of the following four components.

- Workgroup First Day H&S Induction
- Zero Harm Worker Induction or Zero Harm People Leader Induction
- Annual Zero Harm Refresher Induction

Two key changes that have been implemented are;

1. People Leaders are now responsible for delivering a Workgroup First Day H&S Induction to their new team member using a newly developed workbook
2. A Zero Harm People Leader Induction module is now delivered by the Zero Harm Manager. This is specifically targeted at supporting People Leaders to understand their health and safety responsibilities.



The Zero Harm team has been providing coaching and support to People Leaders to enable them to deliver the Workgroup First Day H&S Induction to new staff. The following is some feedback that has been received to date on the changes.

- *“Thank you it was good to cover all of this on the first day (simple and easy to follow)”*
- *“Thanks again for the session last week, it was informative and so well run”*
- *“Thank you for yesterday’s presentation, really enjoyed it and it was great to hear other people’s experience and different stories.”*

### Event Management

A total of 4 health and safety events were recorded in BWare Safety Manager during October 2021.

No personal injury events (Severity 2, 4, 5 or 6) occurred during October, and there was only one Near Miss (Severity 7) event reported.

The attached Zero Harm Dashboard illustrates safety performance for October 2021.

## **Managed Risks**

### COVID-19 Risk Management

During the month of October, the Zero Harm team has continued to support the Incident Management Team (IMT) response to the recent COVID-19 Delta outbreak. Primary focus has been on the development of a risk assessment tool and the completion of role-based risk assessments to determine the current workplace exposure risk to COVID-19. The risk assessment also sought to assess the effectiveness of control mechanisms, including the potential use of vaccination as a workplace control, on reducing risk to align as reasonably practicable with Council’s risk appetite.

The risk assessment process was used to identify if any risk factors are associated with the nature of the work that increase the risk of COVID-19 infection and transmission above the risk faced outside work. The risk assessment tool was developed based on guidance provided by WorkSafe NZ. Additional questions were added to the tool based on the nature of work undertaken by Council employees.

The risk assessments were undertaken with Council employees, and Safety Action Team (SAT) and Union representatives were also invited to participate in the process. When applying the risk assessment process teams were asked to collectively assess/score each of the risk factors based on a “Business as usual” situation e.g. no controls in place. This enabled the inherent risk of exposure to be identified.

To ensure consistent application of the Risk Assessment Tool, each risk assessment was facilitated by either the Zero Harm team, Emergency Management team or Risk Advisor. A total of 76 risk assessments were completed. The outcomes of the risk assessments were analysed and provided in a report to the Executive Leadership Team (ELT). The risk assessment report has been included as part of the Vaccination Policy Consultation pack sent to all Council staff.

## 4. DISCUSSION AND ANALYSIS OF OPTIONS

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### 4.1 DISCUSSION

This report is to assist Councillors with their due diligence requirements as Officers. The report should start the conversation and provide opportunities for Councillors to raise questions and discuss progress.

### 4.2 OPTIONS

Council could choose to accept the report or not. Council could ask for additional information if needed.

## 5. CONSIDERATION

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### 5.1 FINANCIAL

There are no direct financial requirements identified in this report.

### 5.2 LEGAL

This report is prepared as part of assisting Council to meet its duties in accordance with the Health and Safety at Work Act 2015 and associated regulations.

### 5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

Council has a Zero Harm Commitment (Policy) and Zero Harm Strategy which forms the basis of our health and safety philosophy and management system.

### 5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
		✓	Internal
	✓		Community Boards/Community Committees
			Waikato-Tainui/Local iwi
			Households
			Business
			Other Please Specify

Council engages with our Community Boards and Community Committees to ensure they are clear on their obligations. Council also undertakes audits and safety engagement conversations in relation to our contractors.

## **6. CONCLUSION**

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This report provides an update on our Zero Harm Safety Management System and monthly health and safety performance.

## **7. ATTACHMENTS**

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Zero Harm Performance Dashboard October 2021



# Zero Harm Performance Dashboard - October 2021



## Contractor Safety Management

## Key Take Outs

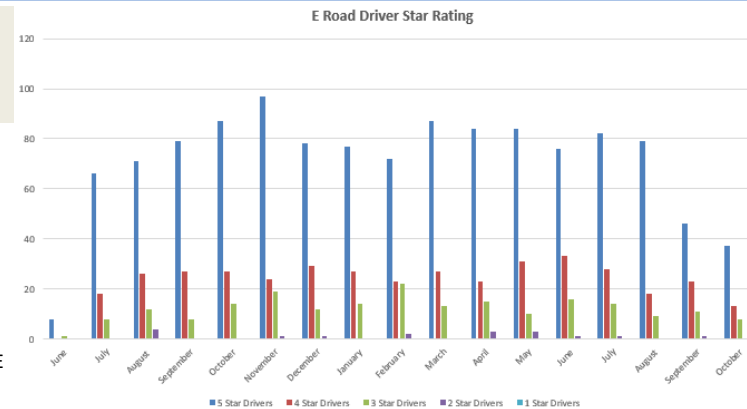
Contractor Safety Management Activity Undertaken by the Zero Harm Team and Contract Managers	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	
Contracted Work H&S Risk Assessment	4	3	3		7		3	2	3							4	
Contract Manager H&S Advice and Support					5			3	3	3	2					1	4
Contractor Site Visit or Inspection	1		9	2	11	1	2		4	15	15	3	1				2
Contractor Pre-Start or Tool Box Meeting			1		2					2	1	1				1	2
Contractor H&S Meeting			4	1	1	2	1	2		3		3		1	3	2	
Contractor Task or JSA Review and Approval	2	1	4	5			3	3	3	1		2	1			1	
Contractor Task or JSA Field Audit		1	2							1	1					1	
Contracted Work Safety Plan Review and Approval	4	3	2	1		2	3	2	2	4	1	2	1		2	3	
Contracted Work Safety Plan (SSSP) Field Audit				1					1	2	1	1					
Contracted Work End of Project H&S Review				1	1								1				

### A summary of key insights from October's Zero Harm Performance

- The impact of the recent COVID-19 Alert Level 3 lockdown in the Waikato can be seen in this months data
- A total of 4 events were reported in BWare during the months of October. This include one near miss report.
- No personal injury events were recorded in October.
- Zero Harm Engagement Conversation reporting has remained consistent despite lockdown. We now have three months of data in the new recording format.
- Contractor H&S management activities have continued to be undertaken with many project sites continuing to work at Alert Level 3.

## Critical Risk Management

Risk	Description	People Exposed	Risk Management Activities	Gaps/Improvements/Progress	Controls in Place	Controls to be Implemented	Level of Assurance	Incidents/Issues/Events
On Road Driving	Drivers and passengers of light vehicles driven on a public road or access way are at risk of sustaining potential serious injuries or becoming a fatality when involved in accidents or incidents with other vehicles, structures, animals or people. Light vehicles include cars and light trucks used by employees or contractors who either drive a company owned, leased or privately owned vehicle for work related purposes. Road crashes are one of the most common causes of work-related fatalities, injuries and absence from work and are responsible for significant numbers of bystander and commuter fatalities.	Workers (ours and contractors), members of the public	Pre-start visual inspections Monthly documented visual inspections Fleet coach on line driver training E Roads driver performance monitoring	Work is being progressed with Facilities Team on how to undertake documented monthly vehicle inspections	32	1	97%	Has now been 12 months since we implemented E Roads and the next risk review will include a review of performance data from E Roads



## Worker Engagement

Key items raised at Safety Action Team (SAT) meeting and other worker feedback

- Safety Action Team Representatives have been involved in completion of role-based COVID-19 exposure risk assessments
- A sub-set of the SAT Team continues to support the Work Safe Home Safe 2022 project team work.

### **Open Meeting**

<b>To</b>	Waikato District Council
<b>From</b>	Gavin Ion Chief Executive
<b>Date</b>	30 November 2021
<b>Prepared by</b>	Gaylene Kanawa Democracy Team Leader
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1301
<b>Report Title</b>	Schedule of Meetings 2022

## **I. EXECUTIVE SUMMARY**

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The purpose of this report is to rescind the November resolution adopting a schedule of meetings for 2022 and adopt an updated schedule.

Council adopted a schedule of meetings on 1 November for the 2022 year, however we have since noted that the Audit & Risk and Policy & Regulatory Committee needed to be moved from the scheduled days.

The Audit & Risk meetings have been moved to a Wednesday in the schedule to ensure they do not clash with Executive Leadership Team meetings (initially proposed for Thursdays) and the Policy & Regulatory meetings were set at least five weeks apart from Council meetings which was not ideal for consultation/bylaw processes and have now been moved by two weeks out, i.e. first proposed meeting was 25 January and will now be on 8 February.

The Council meetings have also needed to be rescheduled due to the issue of being within a week of the Infrastructure and Strategy & Finance meetings which would mean a number of supplementary agendas; therefore these have been moved out a week with the first Council meeting scheduled for Monday, 28 February.

The updated proposed schedule (Attachment 1) is substantially the same as the 2021 schedule, based on the following principles:

- A six-weekly meeting cycle is retained for the Council and its three principal committees (Strategy and Finance, Infrastructure and Policy and Regulatory). With the exception of the June meetings to ensure the Annual Plan is adopted within the necessary timeframes.
- It is noted that extraordinary meetings will be scheduled as and when required for the Policy and Regulatory Committee to consider by-law review hearings and deliberations.
- The second and fourth Friday will be blocked out for DLC and Dog Hearings, similar to 2020.



- The dates for the Audit & Risk Committee's and Co-Governance Joint Committee meetings with Waikato Tainui have been discussed with the independent chairperson and co-governance group and they see no obstacle to them proceeding as scheduled.
- The Waters Governance Board has confirmed its own meeting dates for 2022.
- Most Community Boards and Community Committees have confirmed their meeting dates as per the attached schedule.
- Workshops will continue to be scheduled to follow on from Council and principal committee meetings. The process for additional workshops will continue to be through requests to His Worship the Mayor, noting that the Executive Leadership Team are working with the organisation to ensure that these are well planned to reduce the number of ad-hoc workshops that we are currently experiencing.

## **2. RECOMMENDATION**

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**THAT the Waikato District Council rescinds the previous schedule adopted in November and adopts the updated 2022 Meeting Schedule in Attachment I of this report.**

## **3. ATTACHMENTS**

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Attachment I – Proposed Updated 2022 Schedule of Meetings – Council and Committees

## 2022 New Zealand Weekly Calendar.

WinCalendar	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>Dec 2021</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b> New Year's Eve	<b>1</b> New Year's Day	<b>2</b> Public Holiday
<b>Jan 2022</b>	<b>3</b> Week No 1	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
	<b>10</b> Week No 2	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>
	<b>17</b> Week No 3	<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>
	<b>24</b> Tamahere CC	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>
	<b>31</b> Auckland Anniversary	<b>1</b> WGB OTCB	<b>2</b> TKCC	<b>3</b> MMCC	<b>4</b>	<b>5</b>	<b>6</b> Waitangi Day
<b>Feb 2022</b>	<b>7</b> Week No 6	<b>8</b> P&R NCB PCC	<b>9</b> Raglan CB	<b>10</b> Easter Trading Policy Hearing	<b>11</b>	<b>12</b>	<b>13</b>
	<b>14</b> INF Taupiri CB	<b>15</b> CEPR Huntly CB	<b>16</b> S&F	<b>17</b> Speed Limit Bylaw Hearing	<b>18</b>	<b>19</b>	<b>20</b>
	<b>21</b> Week No 8	<b>22</b> Dog Bylaw Hearing	<b>23</b> Dog Bylaw Hearing	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>
	<b>28</b> Week No 9 Council	<b>1</b> Mardi Gras	<b>2</b> Audit & Risk TKCC	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
	<b>7</b> Week No 10 Tamahere CC	<b>8</b>	<b>9</b>	<b>10</b> D&F	<b>11</b>	<b>12</b>	<b>13</b>
<b>Mar 2022</b>	<b>14</b> Taranaki Anniversary	<b>15</b> WGB OTCB	<b>16</b>	<b>17</b> MMCC	<b>18</b>	<b>19</b>	<b>20</b>
	<b>21</b> Pokeno CC	<b>22</b> P&R NCB	<b>23</b> Raglan CB	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>
	<b>28</b> INF Taupiri CB	<b>29</b> Huntly CB	<b>30</b> S&F	<b>31</b>	<b>1</b>	<b>2</b>	<b>3</b> Daylight Savings Ends
	<b>4</b> Week No 14 Tamahere CC	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
<b>Apr 2022</b>	<b>11</b> Week No 15 Council	<b>12</b>	<b>13</b> JMA	<b>14</b>	<b>15</b> Good Friday	<b>16</b> Easter Saturday	<b>17</b>
	<b>18</b> Easter Monday	<b>19</b>	<b>20</b>	<b>21</b> CCS	<b>22</b>	<b>23</b>	<b>24</b>
	<b>25</b> Anzac Day	<b>26</b> OTCB WGB	<b>27</b>	<b>28</b> MMCC	<b>29</b>	<b>30</b>	<b>1</b>

WinCalendar	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
May 2022	2 Week No 18 TCC/PCC	3 P&R NCB	4 Raglan CB TKCC	5	6	7	8 Mother's Day
	9 Week No 19 INF/TCB	10 Huntly CB	11 S&F	12	13	14	15
	16 Week No 20	17	18	19	20	21	22
	23 Week No 21 Council	24	25	26	27	28	29
	30 Week No 22	31	1 Audit & Risk TKCC	2	3	4	5
Jun 2022	6 Queen's Birthday	7 WGB OTCB	8	9 MMCC	10	11	12
	13 Week No 24 CEPR/PCC/TCC	14 P&R NCB	15 Raglan CB	16 D&F	17	18	19
	20 Week No 25 TCB/INF	21 Huntly CB	22 S&F Extra Council	23	24	25	26
	27 Week No 26	28	29	30	1	2	3
Jul 2022	4 Week No 27 Council/TCC	5	6	7	8	9	10
	11 Week No 28	12	13	14	15	16	17
	18 Week No 29	19 WGB OTCB	20	21 MMCC	22	23	24
	25 Week No 30 PCC	26 P&R NCB	27 Raglan CB	28	29	30	31
Aug 2022	1 Week No 31 INF/TCC/TCB	2 Huntly CB	3 S&F/TKCC	4	5	6	7
	8 Week No 32	9	10	11	12	13	14
	15 Week No 33 Council	16	17	18	19	20	21
	22 Week No 34	23 P&R	24	25	26	27	28
	29 Week No 35	30 WGB OTCB	31 Audit & Risk	1 MMCC	2	3	4 Father's Day
Sep 2022	5 Week No 36 TCC/PCC	6 P&R NCB	7 RCB/TKCC	8	9	10	11
	12 Week No 37 TCB/INF	13 Huntly CB	14 S&F	15 D&F	16	17	18
	19 Week No 38	20	21 Int'l. Day of Peace	22 CCS	23	24	25 Daylight Savings Starts
	26 Council	27	28	29	30	1	2
Oct 2022	3 Week No 40 CEPR TCC	4	5 JMA	6	7	8	9

### **Open Meeting**

<b>To</b>	Waikato District Council
<b>From</b>	Gavin Ion Chief Executive
<b>Date</b>	7 December 2021
<b>Prepared by</b>	Gaylene Kanawa Democracy Team Leader
<b>Chief Executive Approved</b>	Y
<b>Reference/Doc Set #</b>	GOV1301
<b>Report Title</b>	Delegations to Chief Executive – Christmas/ New Year 2021-22

## **I. EXECUTIVE SUMMARY**

The purpose of the report is to seek the Council’s approval to a temporary, conditional extension of the Chief Executive’s delegations to enable urgent Council decisions to be made during the Christmas/New Year period. For the purpose of this report, the “Christmas/New Year period” is from Thursday, 24 December 2021 until Sunday, 16 January 2022.

The Epidemic Preparedness (COVID-19) Notice 2020 enables the Council (and its Committees) to hold meetings virtually, without the usual requirement that a quorum be physically present at a specified venue. If the Notice is not renewed beyond its current expiry date of 19 December 2021, and an urgent matter arises requiring a decision of the Council or a Committee over the Christmas/New Year period, then a meeting would need to be called requiring a quorum to be physically present. Alternatively, the decision will need to wait until such meeting could be called. This is likely to be practically and logistically difficult for both elected members and staff, and have potential adverse consequences for the Council (as an organisation).

As such, it is proposed that in that situation (i.e. the Notice is not renewed), Council delegates its responsibilities, duties and powers to the Chief Executive (except those that cannot be delegated) in respect of urgent matters for the limited festive period, subject to certain limitations and conditions. If the Notice is renewed (and therefore meetings could be convened virtually), it is proposed that the Emergency Committee be on ‘stand by’ should any urgent decisions be required during the Christmas/New Year period. Either way, any extended delegations would only apply for the restricted time period noted.

The recommendations in this report are to ensure there is an effective contingency plan in place in the event that urgent decisions need to be made on Council business during the Christmas/New Year period. It is Council’s decision whether to approve such a plan or retain the status quo. The purpose of the report is to seek the Council’s approval to a temporary, conditional extension of the Chief Executive’s delegations to enable urgent Council decisions to be made during the Christmas/New Year period. For the purpose of this report, the “Christmas/New Year period” is from Thursday, 24 December 2021 until Sunday, 16 January 2022.

## **2. RECOMMENDATION**

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**THAT the Waikato District Council:**

- a) except as otherwise recorded in this resolution, the Council extends the Chief Executive's current delegations (detailed in the Council's Delegations Register) to include all of Council's responsibilities, duties, and powers currently retained by the Council or delegated to the Council's standing Committees (except the District Licensing Committee), subject to the following conditions:
  - i. the extended delegations will have effect only:
    1. in the event that the Epidemic Preparedness (COVID-19) Notice 2020 ('Epidemic Notice') is not renewed beyond its current expiry date of 19 December 2021; and
    2. subject to (i)(1) above, for the period from Thursday, 24 December 2020 until Sunday, 16 January 2022;
  - ii. the extended delegations do not include a delegation of any Council responsibilities, duties or powers which are prohibited by law from delegation - including, without limitation, those set out in clause 32(1) of Schedule 7 to the Local Government Act;
  - iii. the Chief Executive may only exercise the extended delegations for those matters that cannot reasonably wait until the next Council or relevant Committee meeting;
  - iv. where reasonably practicable, the Chief Executive must, before exercising an extended delegation responsibility, duty or power, first consult with:
    1. the Mayor (or the Deputy Mayor, in the event that the Mayor is not available); and
    2. the Chairperson (or Deputy Chairperson, in the event that the Chairperson is not available) of the relevant Committee, which would otherwise have the delegated authority to determine the issue for which the Chief Executive is intending to exercise the extended delegations.
  - v. any decisions made and documents executed in exercising the extended delegations must be reported to the next meeting of Council or relevant Committee;
  - vi. the extended delegations may be revoked at any time by the Council or the Emergency Committee. In the event there is any inconsistency between this delegation and any other delegations made by the Council, this delegation takes precedence.
- b) notes and agrees that, in the event that the Chief Executive is not available, the Chief Operating Officer can exercise any of the extended delegations noted above, subject to the same conditions;

- c) temporarily amend the Emergency Committee's Terms of Reference and Delegations to remove the pre-requisite that a Council meeting is precluded due to a lack of quorum before an Emergency Meeting can proceed, provided that:
- i. the Epidemic Notice is renewed beyond its current expiry date of 19 December 2021;
  - ii. such amended Terms of Reference and Delegations shall apply only for the period from Thursday, 24 December 2021 until Sunday, 16 January 2022; and
  - iii. all Councillors be invited to any Emergency Committee (virtual) meeting convened during that period.

### **3. BACKGROUND**

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Annually a report is put to Council to seek the Council's approval to a temporary, conditional extension of the Chief Executive's delegations to enable urgent Council decisions to be made during the Christmas/New Year period. For the purpose of this report, the "Christmas/New Year period" is from Thursday, 24 December 2021 until Sunday, 16 January 2022.

It is anticipated that these delegations will work in conjunction with the Covid-19 Preparedness Notice, which is due to expire on 19 December 2021 and ensure there is an effective contingency plan in place in the event that urgent decisions can be made over the Christmas/New Year period.

### **4. DISCUSSION & ANALYSIS OF OPTIONS**

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#### **4.1 DISCUSSION**

During the Christmas/New Year period (i.e. from 24 December 2021 until Sunday, 16 January 2022), it is important that a process is in place to enable urgent decisions to be made, if required.

As a result of Covid-19, Council delegated all powers, responsibilities and duties (except those delegated to staff and which cannot be delegated under legislation) to the Emergency Committee, in the event that a full meeting of Council cannot proceed due to a lack of quorum. The Emergency Committee's membership and terms of reference are set out in the [Governance Structure](#), and it has a quorum of two members. In short, the Committee was established to enable urgent decisions to be made should a Council (or Committee) meeting not be able to take place.

The Epidemic Notice, issued and renewed by the Prime Minister because of the Covid-19 pandemic, amended legislation to enable local authorities to hold public meetings by audio/visual conference without requiring a quorum to be physically present at a specified venue. As such, there is currently more flexibility in how Council (or its Committees) holds its meetings. The Notice is due to expire on 19 December 2021 and at the time of this meeting it will not be known whether the Notice will be renewed again.

If the Notice is renewed, then it is suggested that the Emergency Committee could operate, remotely if required, to make urgent decisions during the Christmas/New Year period when it is likely that a validly constituted Council or Committee meeting may not be able to be called. This assumes there would be at least two members of the Emergency Committee available, if required, over this period.

If the Notice is not renewed, then it is recommended that the Chief Executive's delegations are extended to enable urgent decisions to be made, on behalf of the Council, during the same holiday period. This reflects the difficulty in convening a meeting (of Council or the Emergency Committee) where a quorum of members would need to be physically present at a specified venue.

The proposed temporary extended delegations for the Chief Executive are similar to the arrangement that the previous Council approved for the interregnum period at the end of the last triennium (i.e. before the current Council was sworn in).

Similar conditions would apply to the extended delegations, as detailed in the Recommendation section above. This is to ensure that these delegations only empower the Chief Executive to make such decisions as are necessary for the effective and efficient day-to-day conduct of Council's business during the period in question.

For example, the extended delegations do not include Council's responsibilities, duties or powers that cannot be delegated under legislation. The Chief Executive's current delegations are set out in [the Delegations Register](#).

## 4.2 OPTIONS

Option 1: No extended delegations to the Chief Executive during the holiday period (i.e. status quo)

The Council has the option of not delegating any of its responsibilities, duties and powers to the Chief Executive, during the noted holiday period. Should a Council or Emergency Committee meeting not then be able to be convened, this could prevent the Council from being able to make urgent decisions during this period and therefore restrict the ability for Council to undertake its business. This situation would be more likely if the Epidemic Notice is not renewed again. This option is not recommended.

Option 2a: Approve extended delegations to the Chief Executive – Epidemic Notice not renewed.

The Council has the option of delegating to the Chief Executive all of its responsibilities, duties and powers for the interim election period, except those set out in clause 32(1)(a) to (h) of Schedule 7 of the Local Government Act. Such delegation would be subject to the conditions and limitations detailed in the Recommendation section of this report, which are intended to limit the use of the extended delegations to the most urgent situations. The period in question is also relatively short, being 13 working days.

This option is recommended on the proviso that the Epidemic Notice is not renewed. In the event that the Epidemic Notice is renewed for a further three months, it is proposed the Emergency Committee, instead of the Chief Executive, take on the extended delegations for the same limited period. This contemplates that at least two Emergency Committee members would be available for a virtual meeting.

Option 2b: Approve extended delegations to the Chief Executive – Epidemic Notice renewed.

As an alternative option, Council could approve the Chief Executive extended delegations to apply regardless of whether the Epidemic Notice is extended or not. This would provide greater administrative certainty going into the Christmas/New Year period. However, given the low likelihood of the extended delegations being required and the importance that the elected governance bodies make the decisions for which they are normally delegated, where possible, it is suggested that this alternative option is not needed in the circumstances.

## 5. CONSIDERATIONS

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### 5.1 FINANCIAL

There are no material financial considerations in relation to the decision required in this report.

### 5.2 LEGAL

The recommended, conditional extended delegations to the Chief Executive comply with the requirements of the Local Government Act 2002 and Local Government Official Information and Meetings Act 1987. For clarity, the extended delegations do not include any responsibility, duty or power that cannot be delegated under legislation.

For clarity, it should also be noted that the extended delegations proposed do not extend to matters covered under the Civil Defence and Emergency Management Act 2002, which are dealt with separately by that legislation.

### 5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

There are no planning or policy implications.

### 5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Staff have considered the Council's Significance & Engagement Policy, and recommend that the matters in this report are of low significance. No consultation will be required and the Council's decision will be publicly available.

Planned	In Progress	Complete	
		✓	Internal
			Community Boards/Community Committees
			Waikato-Tainui/Local iwi (provide evidence / description of engagement and response)
			Households
			Business
			Other Please Specify



## **6. CONCLUSION**

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The Council is asked to consider arrangements to ensure the continued effective and efficient conduct of the Council's business during the Christmas/New Year period from Friday, 24 December 2021 until (and including) Sunday, 16 January 2022.

## **7. ATTACHMENTS**

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Nil

### **Open Meeting**

<b>To</b>	Waikato District Council
<b>From</b>	Clive Morgan General Manager Community Growth
<b>Date</b>	1 December 2021
<b>Prepared by</b>	Rachael Goddard Senior Advisor – Climate Action
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1318 / 3305352
<b>Report Title</b>	Climate Response and Resilience Policy Review

## **I. EXECUTIVE SUMMARY**

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In August 2020, the inaugural Climate Response and Resilience Policy was approved by Council. The policy has been updated to reflect changes resulting from the government's international agreements at the Conference of the Parties 26<sup>th</sup> Annual Summit (COP26) – this year's United Nations Climate Change Conference. Of significance were stronger committed targets and delivery on emissions reduction. Additional drivers for change are the anticipated adoption of the Climate Commission's Recommendations, alignment with other councils, a growing awareness and response of climate change, plus public expectations for council's leadership on climate action.

## **2. RECOMMENDATION**

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**THAT the Waikato District Council approves:**

- a) the updated **Climate Response and Resilience Policy (Attachment I)**; and
- b) the next policy review date of **December 2022**.

## **3. BACKGROUND**

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On 31 August 2020, the Policy and Regulatory Committee adopted the Climate Response and Resilience Policy (2020). The Policy aims to provide a basis for consistent, standardised, all-of-organisation approach to climate response and resilience by:

- Demonstrating and operationalising Council's commitment to take climate action.
- Assisting with decision-making and planning.
- Aligning the organisation with climate related legislation.
- Setting a framework for the delivery of the Climate Response and Resilience Action Plan and associated programmes and initiatives.

## 4. DISCUSSION AND ANALYSIS OF OPTIONS

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- At COP26, the United Nations Climate Change Conference, New Zealand [strengthened its pledge to cut net emissions from 30 percent to 50 percent](#) (Google: Government pledges 50 percent emission reduction by 2030) below 2005 levels by 2030 and to reduce methane emissions by 30 per cent by 2030.
- In addition, the Climate Change Commission's carbon cutting road map and recommendations are likely to be accepted by the New Zealand Government early next year.
- Public sector and crown entities in New Zealand are now either being 'encouraged' or 'directed' to track, certify and report on greenhouse gas emissions to achieve carbon neutrality by 2025.
- As the Government sets the draft carbon budget and roadmap next year, it is anticipated that more stringent reporting on CO<sub>2</sub>e emissions and target setting will be rolled out to other sectors, as evidenced already by the Government's Carbon Neutral Programme and climate-related disclosures being mandatory for 200 of New Zealand's biggest businesses by 2023.
- In order to achieve our international agreements and increased targets, more robust policies, plans and actions will be required.
- The policy update reflects these positions, anticipated outcomes and what is required of Council as a leader in the community.
- Staff Engagement Group (SEG) feedback has been sought on the policy updates. Comments are not available at this time.

### 4.1 OPTIONS

1. Option 1 – Approve the amended version with no further changes.
2. Option 2 – Approve with further amendments.

## 5. CONSIDERATION

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### 5.1 FINANCIAL

The implementation of the policy has no financial implications to Council.

### 5.2 LEGAL

There are no legal implications arising from the revision. However, it is worth noting that there may be mandated carbon emission target setting and more stringent reporting in the near future.

The Zero Carbon Act does not directly require action by local government at this stage. However, there are strong expectations that local government will assist with New Zealand's emissions targets. The Local Government Act already requires Council to promote the environmental, social, cultural and economic wellbeing of its communities. The Resource Management Act requires councils to have regard to the effects of climate change and a potential Climate Adaptation Act is likely to add more specific requirements in these areas.

### 5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

The revised policy aligns with the Climate Resilience and Response Plan and delivers on Liveable, Thriving and Connected Communities, by building resilience to climate impacts, informing, educating, supporting communities to reduce emissions. The policy connects to various internal policies, builds on existing work and links programmes and people across all levels of the organisation.

### 5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Cross team collaboration as part of the Climate Action Working Group and consultation with SEG.				

The following external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
		X	Internal
			Community Boards / Community Committees
			Waikato-Tainui / Local iwi (provide evidence / description of engagement and response)
			Households
			Business
			Other Please Specify

Climate Action Plan and associated programmes will include wider collaboration and consultation, both internally and externally.

## 6. CONCLUSION

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This report seeks approval of the updated Climate Response and Resilience Policy. It demonstrates leadership and an action focus while delivering on our obligations and requirements.

## 7. ATTACHMENT

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- I. Proposed revised Climate Response and Resilience Policy

# Climate Response & Resilience Policy

Policy Owner:	Rachael Goddard, Senior Advisor - Climate Action
Date approved:	TBC
Next review date:	Dec 2022
Document number:	2926096
Engagement required:	Executive Leadership Team, Councillors, SEG, Climate Action Group

## I Introduction

- 1.1 The Climate Response & Resilience Policy enables best practice behaviours through a proactive climate change and emissions reduction strategy, via the delivery of the Climate Action Plan in conjunction with Central Government legislation, LGNZ, and Waikato District Council's existing commitments.
- 1.2 Waikato District Council is committed to addressing climate change impacts locally now and for the future, by aligning operational decisions and policy positions that address greenhouse gas emissions reductions and risk management through appropriate mitigation and adaptation strategies.
- 1.3 Climate change incorporates a series of legal, indemnity, budgetary, asset management, infrastructure, planning, and environmental implications and obligations, which collectively require embedding in plans, policies, decision making, frameworks and deliverables to ensure climate change issues are adequately addressed.

## 2 Background

The Intergovernmental Panel on Climate Change's (IPCC) 6th report asserts that major climate changes are now inevitable and likely irreversible and will require a broad range of responses, including mitigation, behaviour change programmes and adaptation strategies. These approaches are inherently dependent on each other to address the long-term impacts, costs, and severity of climate change, in addition to aligning and delivering on Central Government's commitments and obligations to achieving carbon net zero by 2050 via international agreements.

Climate change impacts in the region such as sea level rise, erosion, land use, biodiversity loss, tourism, drought, storms etc will require proactive leadership and adequate tools and resources to assess and adapt, and to mitigate. Councils also have a leadership role to play in their communities.

Surveys by IAG (2021) report that 79% of New Zealanders agree that climate change is an important issue to them personally and 80% believe climate change will result in more extreme weather.

### 3 Purpose

This policy provides guidance on Council's responsibilities regarding climate change, including how the organisation undertakes actions that minimise the effects of Climate Change through:

- the reduction of greenhouse gas emissions
- target setting, reporting and benchmarking of greenhouse gas emissions
- the development of adaptation and mitigation measures
- the application of a climate lens across programmes, policies, plans and decision making

### 4 Definitions

Climate Adaptation	A response to climate change that seeks to moderate or avoid harm or exploit beneficial opportunities.
Council	The Waikato District Council as an organisation including Elected Members.
Climate Action Plan	A plan detailing steps (including specific projects, policies or planning processes) the organisation will develop and implement to achieve the climate action Strategy.
Climate Action Strategy	The overarching document outlining why and how best to achieve business objectives responding to climate change.
Climate Change	Climate change refers to a significant and extended change to the global climate, becoming increasingly severe over time and resulting in problems for life on earth. It includes global warming, changes to weather patterns, sea level rise, pollution, and extreme weather events.
Carbon Sequestration	The long-term storage of carbon dioxide or other forms of carbon to either mitigate or defer climate change.
Emissions	The production and discharge of substances that cause or exacerbate climate change, for example greenhouse gases like carbon dioxide, methane, and nitrous oxide.
Climate Hazard	A physical process or event that can harm human health, livelihoods, or natural resources including (but not limited to); tropical cyclones, thunderstorms, tornadoes, drought, rain, hail, snow, lightning, fog, wind, temperature extremes, air pollution, and climatic change.
Climate Mitigation	Efforts to reduce or prevent emission of greenhouse gases e.g. using new technologies and renewable energies, making older equipment more energy efficient, or changing management practices, consumers, business or community behaviours.

<p>Resilience</p> <p><i>NB: in terms of Waikato District Council climate change policy</i></p>	<p>An ability by the climate, community, built and natural environments to recover from setbacks; an ability which is enhanced by actions and strategies that change processes, practices and structures to prevent, reduce, and/or mitigate climate change severity and effects; and that increase preparedness for any unavoidable impacts.</p> <p>Examples of activities that show resilience include actions to reduce per capita greenhouse gas emissions, planning and preparing for reducing the impacts of climate change, action and advocacy to reduce waste and pollution and creating globally sustainable resource use, supporting business and land use activities that reduce impacts on climate change, as well as implementing processes and advocating to meet climate change mitigation requirements. New Zealand has agreed to such as the Kyoto Protocol, Paris Agreement and the United Nations Framework Convention on Climate Change (UNFCCC).</p>
<p>Risk</p>	<p>An uncertain event or condition that, if it occurs, has a positive or negative effect. Risks can occur from various sources (such as financial, reputation/image, environmental, etc.) and be relevant at either project, operational or strategic levels within the organisation. A risk is quantified in terms of likelihood (probability of occurrence) and consequence (impact).</p>
<p>Risk Assessment</p>	<p>Refers to the overall process of identifying, analysing and evaluating risks. It includes qualitative and, in some cases, quantitative assessment.</p>
<p>Risk Management</p>	<p>The culture, processes, coordinated activities and structures that are directed towards managing adverse effects. The risk management process involves communicating, consulting, establishing context, identifying, assessing and evaluating, treating, monitoring and reviewing risks.</p>
<p>Waikato District Council or WDC</p>	<p>The Waikato District Council as an organisation.</p>

## 5 Application

- 5.1 This policy applies to all elected members of Council, the Chief Executive Officer, and all employees. It is their responsibility to ensure that the policy is applied to inform decision making and planning when working with external parties including contractors, sub-contractors, agents, and intermediaries.
- 5.2 Effective policy implementation is achieved through Council's commitment to:
- a) Undertake necessary work to develop and maintain a robust understanding of Council's Greenhouse Gas Emissions (GHG) and those of our district, as well as potential climate related risks that require adaptation or mitigation
  - b) Implement initiatives to reduce Council's GHG emissions and to increase resilience through adaptation to climate related risks for Council and the district
  - c) Implement a Climate Action Plan that includes staged targets, goals, objectives, actions, and indicators for Council to improve performance
  - d) Develop and deliver internal and external engagement and behaviour change programmes to deliver on the policy and plan to assist to reach our targets

- e) Prioritise climate change and emissions reduction initiatives and actions by implementing organisational measures and specific targets through the LTP and annual planning processes
- f) Provide appropriate dedicated resources and funding for planning and delivering climate resilience (mitigation and adaptation) initiatives and actions

## 6 Relevant Council documents

<u>Conservation Strategy 2004</u>	<u>Leasing of Reserve Land Policy</u>
<u>Activity Management Policy</u>	<u>Procurement Entitlement &amp; Disposal of Council Vehicles Policy</u>
	<u>Procurement Policy</u>
<u>District Tree Policy</u>	<u>Strategic Land Acquisition &amp; Disposal Policy</u>
Notable Tree Policy	Reserves – Committees of Management Policy
Roadside Weed Spraying – No Spray Zones Policy	Trade Waste Bylaw Charging Policy
Waste Minimisation Plan 2018-2024	District Plan (Sustainable housing/consenting) and all stage 2 natural hazards and climate change
Natural Reserves Management Plan	Grass Verge Policy
Grazing Policy	Refuse Collection and Disposal
Lead Developer Fund (Water/ Wastewater) Policy	Street Lighting and Other Security/Amenity Lighting Policy
Pathway to a low-emissions future in New Zealand (External)	Reserve Contributions & Conservation Covenants

## 7 Central Government/International Agreements

Climate Change Response Act 2019 <https://environment.govt.nz/acts-and-regulations/acts/climate-change-response-amendment-act-2019/>

Paris Agreement <https://environment.govt.nz/what-government-is-doing/international-action/about-the-paris-agreement/>

Cop26 <https://www.beehive.govt.nz/release/nz-joins-global-initiative-tackle-methane>

UN Sustainable Development Goals <https://www.mfat.govt.nz/en/peace-rights-and-security/our-work-with-the-un/sustainable-development-goals/>

Climate Response and Resilience Policy 2021



## 8 Significance

- 8.1 As this Policy is an internal Council document, its review will not trigger external consultation under the Council's Significance and Engagement Policy, but internal consultation will be required.

## 9 Policy statements

The Local Government Position Statement on Climate Change (Appendix A) describes the approach to Climate Change in the local government area. Waikato District Council has aligned its policy statements to reflect that position statement within the context of our district. Therefore, we will:

- 9.1 Collaborate with other agencies, organisations, and the community to achieve a consistent understanding of environmental, social, cultural and economic opportunities and consequences of climate change in our communities including but not limited to those related to:
- a) Infrastructure (vertical and horizontal)
  - b) Waste Management
  - c) Public Transport
  - d) Regulatory function
  - e) Land Use
- 9.2 Collaborate with neighbouring Territorial Authorities, including Hamilton City Council, Waipa District Council, Waikato Regional Council, Auckland Council, Central Government, and other agencies to gather information, carry out research, develop strategies and processes, collaborate, and to clarify each agency's functions and responsibilities
- 9.3 Ensure that low emission, climate-resilient development is adopted as a key tenet into development and land-use decisions, in addition to associated end use impacts where practicable, including our district plans, annual plans, long term plans, urban design and development, building control, energy use, transport planning and waste management
- 9.4 Set emission reduction targets in line with Central Government and partner Council's commitments e.g. the Paris Agreement, UNSDGs, Glasgow Agreements, Waikato Regional Council
- 9.5 Incorporate emissions reduction targets into investment decisions that it makes on transport, fleet, procurement, waste management, buildings, water and energy use
- 9.6 Plan for and provide infrastructure which recognises and reduces the risk of hazards, such as floods, storms, and sea level rise including:
- a) Particular consideration to geographically vulnerable communities

- b) Renewal and relocation of coastal infrastructure (including future planning during insurance valuation)
- 9.7 Include the effects of climate change (adaptation) as part of all hazards assessments, and consider the emissions impact (mitigation), in decision making, including through sections in Council report templates
- 9.8 Plan for the impacts of climate change on Council's three waters infrastructure and services including:
- a) Factoring climate change projections into all freshwater investments and adapting management practices accordingly
  - b) Identifying change requirements in infrastructure investment including land use and green infrastructure, e.g. wetlands, rain gardens and swales
  - c) Considering future requirements for increased water storage solutions
  - d) Modifying building standards with consideration to water storage and increased efficiency of use
- 9.9 Promote and encourage the conservation and enhancement of natural environments to aid in emissions reduction (mitigation) and climate change effects (adaptation)
- 9.10 Strive for best practice in response to Climate Change - including but not limited to reducing greenhouse gas emissions and, where possible, encourage avoidance of risk rather than remedial measures
- 9.11 Provide information, education and deliver initiatives to support behaviour change
- 9.12 Accept that the dissemination of information regarding climate change can be emotive and communicate with communities and stakeholders in an empowering and considerate work manner

## 10 Policy review

- 10.1 This policy shall be reviewed annually from the date of adoption for the first two years, after which it will be reviewed at two yearly intervals or as otherwise required by the Chief Executive or Communications and Engagement Manager (Project Sponsor).

### **Open Meeting**

<b>To</b>	Waikato District Council
<b>From</b>	Clive Morgan General Manager Community Growth
<b>Date</b>	30 November 2021
<b>Prepared by</b>	Jim Ebenhoh Planning and Policy Manager
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1301 / 3305353
<b>Report Title</b>	Port Waikato Adaptive Management Planning – December 2021

## **I. EXECUTIVE SUMMARY**

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This report briefly summarises the past seven months progress on the Port Waikato Adaptive Management Planning project, which has been working towards a long-term Resilience Strategy in response to natural hazard risks. It recommends that Council continues to provide advice to the community around short and medium-term actions that can be taken to slow coastal erosion and that Council completes the actions relating to public assets such as the car park that it has committed to undertaking. It recommends that Council confirms it will not fund any further sand transfer trials or other physical works aimed at protecting public or private property at Sunset Beach in Port Waikato. It also recommends that work towards the long-term adaptive management plan (Resilience Strategy) be temporarily paused while Council works with the wider Port Waikato community on developing its Local Area Blueprint.

## **2. RECOMMENDATIONS**

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**THAT the Waikato District Council:**

- a) **endorses the ongoing provision of advice to the Port Waikato community on short and medium-term actions to slow coastal erosion at Sunset Beach, as well as completion of agreed actions relating to public assets such as the car park;**
- b) **confirms it will not directly fund any further sand transfer trials or other physical works aimed at protecting public or private property at Sunset Beach in Port Waikato; and**
- c) **agrees for work towards the long-term adaptive management plan to be temporarily paused until the Port Waikato Local Area Blueprint is completed.**

### 3. BACKGROUND

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A report to Council in December 2019 provided detailed background on coastal erosion issues at Port Waikato. In brief, Port Waikato has historically experienced cyclical coastal erosion; that is, there have been times of erosion followed by times of accretion. Council obtained consultant advice in 2014/15 that led to a subsequent decision to relocate the community hall when erosion reached the recommended 'trigger point' of 7.5 metres from the building.

The community continues to experience severe coastal erosion which has worsened rapidly in the past few years, particularly affecting public property and private properties at the southern end of Ocean View Road. A public information session hosted by Council in October 2019 at the Surf Lifesaving Club revealed the community's concern about a perceived lack of action by Council in relation to erosion hazards. Following that meeting, Council staff developed a coordinated approach to communication and activities relating to Port Waikato including car park maintenance, drainage, public toilets, signage and guidance on possible consent pathways relating to demolition, rebuild and relocation.

In addition to these immediate responses, Council also recognised the need to embark on a longer-term adaptive management planning process, in partnership with the community and other stakeholders, to develop a resilience strategy for Port Waikato in the face of various natural hazards. At its 7 December 2019 meeting, Council resolved that *'\$50,000 be approved from the Disaster Recovery Fund for independent facilitation and technical advice for an adaptive management planning process with the Port Waikato community, local iwi, other agencies and stakeholders in order to build resilience to natural hazards, noting that additional funding is likely to be required in future years and will also be sought from external sources.'* Dedicated funding for Adaptive Management Planning has been included in the 2021-2031 Long Term Plan (\$70,000 for the first three years, with inflation adjustments) to continue this project and eventually undertake similar projects with other communities.

The adaptive management planning process is summarised in the Co-Design Report approved by Council at its May 2021 meeting. The benefits of this approach include that it makes decisions now based on the best information currently available, while preserving flexibility for future decision-making to take place based on new and/or improved information. Various 'trigger points' can be programmed so that actions can be planned for when a specified event occurs (e.g. erosion to within a certain distance of a building) without needing to know today exactly when that might occur.

Adaptive management planning in the context of coastal erosion and flooding is **not** the same thing as 'managed retreat'; it provides for the full spectrum of options including defence, accommodation (e.g. raised floor levels), retreat and avoidance (e.g. not allowing subdivision or other intensification of land use in hazard areas).

Following the December 2019 Council resolution above, an independent facilitator (Traverse Environmental Ltd) was procured with the agreement of community members and a Port Waikato Resilience Group (PWRG) was set up including representatives from the Port Waikato Residents and Ratepayers Association, Waikato District Council, Waikato Regional Council and Department of Conservation.

After a delay arising from the initial 2020 COVID-19 lockdown, the PWRG began meeting regularly, approving terms of reference and an intended work programme which was summarised in the Co-Design report attached to the May 2021 Council report.

Achievements of the group to date in the past 18 months include:

- Commissioning a report on Port Waikato coastal hazards and potential options commissioned from Raglan-based eCoast, a report on groundwater issues and potential impact on erosion from Nature Based Solutions, both peer reviewed by Dr Terry Hume.
- Developing a Sunset Beach Interim Erosion Response Plan (IERP) including potential low-cost, no-consent or easily-consentable short-term options, as well as medium-term options with higher costs or consent requirements.
- Agreeing to future work on a longer-term adaptive management plan (Resilience Strategy).
- Endorsing the May 2021 Co-Design Report for the project, outlining intended deliverables of the various workstreams referred to above.
- Hosting representatives from the Department of Internal Affairs who summarised central government's work on natural hazard adaptation.
- Addressing issues relating to car park design, maintenance and function to minimise stormwater runoff.
- Arranging for future installation of fixed-camera monitoring of beach erosion conditions from various locations.
- Installation of signage advising people to keep off the eroding sand cliff.
- Installation by community of netting to help retain sand on the cliff.
- Trialling the transfer of 100 cubic metres (m<sup>3</sup>) of sand from the beach to the base of the cliff face adjoining the Sunset Beach car park, to see what benefit is provided for what duration.
- Obtaining quotes for larger amounts of sand transfer (e.g. 1000m<sup>3</sup>).
- Discussing consent / permit requirements for all options.

## **4. DISCUSSION AND ANALYSIS OF OPTIONS**

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### **4.1 DISCUSSION**

#### **Short / Medium-Term Options Including Sand Transfer**

Based on interest from PWRG community members in expanding the previous 100m<sup>3</sup> sand transfer trial to a higher volume, Council staff obtained a quote for 1000m<sup>3</sup> of sand transfer, which was approximately \$35,000 (plus consenting requirements).

Neither Council's staff nor Waikato Regional Council (WRC) staff believe we have a mandate to spend \$35,000 of District-wide (or region-wide) ratepayer funds on the 1000m<sup>3</sup> sand transfer, with no assurance that it would last very long.

The works would almost certainly need to be repeated with reasonable frequency to maintain any positive effect, with corresponding cost escalation. In addition, these works would go against Council's policy of managed retreat with respect to the public assets at Sunset Beach (i.e. the car park and community hub) – a policy recently also applied at Ngarunui Beach in Raglan.

The PWRG, at its meeting on 25 November, noted the cost and expressed some understanding of the reasons why Council would not fund this work, although the views vary across the group's members.

The PWRG has also expressed a desire for Council to continue smaller 100m<sup>3</sup> sand transfer trials, both in front of the car park and further along the beach in front of private property. The view of Council and WRC staff is that repeated 100m<sup>3</sup> trials are unlikely to be effective unless they are very frequent, in which case cumulative cost would quickly escalate. As with the potential 1000m<sup>3</sup> trial referred to above, Council staff do not believe we have a mandate to fund any sand trials in front of private property.

Some PWRG members have previously said that Council should declare a state of emergency and release significant sums for the various projects the community wants to undertake. Our understanding is that the current situation does not trigger a state of emergency, although it is understandably concerning for the owners of erosion-prone property.

In summary, so far sand transfer appears to be the only viable option to buy the community some time to work on a longer-term resilience strategy. However, based on experiences with the 100m<sup>3</sup> trial and the currently aggressive erosion cycle at Sunset Beach, it is unlikely to have lasting benefit for reasonable cost.

Staff recommend continuing to help the community in other ways, e.g. via advice on external funding sources, advice on consenting requirements and finishing the work underway on car park improvements, etc.

### **Local Area Blueprint and Long-term Adaptive Management Planning**

In response to community requests, Council is about to start a Local Area Blueprint process for Port Waikato and Gordonton to complement the Local Area Blueprints already adopted by 15 other communities. This process began in early December with communications and an online survey and will hopefully progress to in-person workshops in early 2022 depending on COVID-19 alert levels. The goal is to complete the Port Waikato Blueprint by the end of June 2022.

The current community members of PWRG, which are collectively endorsed by the Port Waikato Residents and Ratepayers Association as its 'Erosion Control Subcommittee', largely consists of Ocean View Road property owners. They have understandably been very focused on short-term actions, so the longer-term adaptive planning discussions have not yet progressed significantly.

It is proposed to pause the long-term planning project while the Local Area Blueprint is undertaken. This would focus Council's efforts on one long-term planning exercise at a time in Port Waikato. It could also provide an opportunity to obtain a wider range of views and possibly yield additional interested community members willing to engage on the longer-term planning project and potentially representing a more geographically diverse range of the community.

This proposal was endorsed by the PWRG at its 25 November 2021 meeting.

## 4.2 OPTIONS

### **Sand Transfer and Other Physical Protection Works:**

**Option 1 – Confirm that Council will not directly fund any further sand transfer trials or other physical works aimed at protecting public or private property at Sunset Beach in Port Waikato, but will instead continue to provide advice to the community on short and medium-term actions to slow coastal erosion at Sunset Beach, in addition to completing agreed actions relating to public assets such as the car park.**

*This is the recommended option.* It is financially prudent with respect to District-wide ratepayer contributions, while still providing non-financial support to the community to assist with their erosion control efforts.

**Option 2 – Explore a targeted rate for protection works, based on the various levels of benefits accruing to beachfront property owners and the wider community.**

This option has not yet been modeled but would likely need to be quite targeted, unless some level of benefit is allocated to properties beyond the immediate oceanfront. The advantages of a targeted rate include greater equity for ratepayers outside Port Waikato than using District-wide funding and a coordinated approach rather than ad hoc property-by-property protection efforts. The disadvantages include the need for extensive community consultation, significant administrative burden, the likelihood that any targeted rate would be mandatory for at least some property owners who would rather not invest in protection and the possibility that protective works are not likely to be effective beyond the short-term without a reversal of the current erosion cycle.

*This option is not recommended for those reasons.* It could be more efficient and fairer for interested owners to undertake any necessary protection work themselves rather than mandating it for all owners in an area via a targeted rate, as long as consenting / permitting issues are addressed to mitigate potential 'end effects' and other negative environmental outcomes.

**Option 3 – Provide funding for protective works from District-wide rates or other District-wide funding sources.**

*This option is not recommended, as the benefits are not seen as accruing District-wide.*

**Local Area Blueprint and Long-term Adaptive Management Planning**

**Option 1 – Agree for work towards the long-term adaptive management plan (Resilience Strategy) to be temporarily paused until the Port Waikato Local Area Blueprint is completed.**

*This is the recommended option.* It would allow Council to focus its efforts on the Blueprint process over the next several months, provide opportunity for the wider community to contextualise the coastal erosion issue within the overall community vision for Port Waikato and could reveal a diversity of views that might supplement those of the existing community working group. This option is also supported by the PWRG.

**Option 2 – Proceed with both the Local Area Blueprint and the long-term adaptive management plan (Resilience Strategy) in parallel.**

While this might appear to have the potential advantage making faster progress on the Resilience Strategy, it has the likely risks and disadvantages of stretching the capacity of key Council staff and community representatives involved in both processes, potential community confusion about the differences between the projects, challenges in folding learnings from one process into another simultaneously and the opportunity cost of not allowing for the possible identification through the Blueprint process of additional community members who would be interested in working on the Resilience Strategy from the start.

*This option is not recommended for those reasons.*

**Option 3 – Abandon the long-term adaptive management plan (Resilience Strategy) process altogether.**

*This option is not recommended, as commitments have been made by both Council and WRC to the community that we will assist them in working towards a sustainable future in the face of natural hazards – An approach that is strongly encouraged by national and regional policy and supporting guidance.*

The only potential advantage to this option might be cost savings, by not spending any more of the adaptive management planning budget in the 2021-2031 Long Term Plan. This would likely set a precedent meaning that other coastal communities, such as Raglan, would not receive Council assistance in their long-term resilience planning either.



## 5. CONSIDERATIONS

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### 5.1 FINANCIAL

There are no direct financial implications of this report, other than to slow the pace of expenditure for facilitation of this project while the Local Area Blueprint is undertaken. Council resolved to fund the initial phase of this work through \$50,000 from the Disaster Recovery Fund and has now included additional funding to complete this project in the 2021-2031 Long Term Plan (\$70,000 for the first three years of the LTP, with inflation adjustments).

### 5.2 LEGAL

There are no significant legal issues in relation to the decision requested today, although one community member of the PWRG has indicated they are seeking legal advice in relation to the erosion issues.

### 5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

The approach taken through this project is aligned with the New Zealand Coastal Policy Statement, the Waikato Regional Policy Statement and the proposed Waikato District Plan. All of which encourage a holistic, integrated approach to natural hazards and suggest looking at more options than just hard protection structures.

The approach is also consistent with Council's vision of Liveable, Thriving and Connected Communities, by proposing a collaborative process to promote the future viability of the Port Waikato community. It is also aligned with the following Community Outcomes:

- Supporting our communities: Kia tautoko ki a taatou Haapori
- Sustaining our environment: Kia toituu to taatou Taiao
- Working together with you: Kia mahi tahi taatou
- Providing value for money: Ka whai painga mo te puutea

The adaptive management planning process is inclusive by design and involves partnership with the Waikato Regional Council, central government, community representatives and local iwi (Ngaati Karewa, Ngaati Tahinga) - subject to their availability.

The decision not to defend the public assets at Sunset Beach against erosion is consistent with Council's previous policy decision to take a 'managed retreat' approach for the car park and adjacent community facilities. This approach has also been taken at Ngarunui Beach in Raglan. It does not imply a similar 'managed retreat' approach for **private** property; this will need to be discussed as part of the long-term adaptive planning process.

#### 5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

The Significance and Engagement Policy is not triggered by the decisions requested by this report, which largely confirms Council's policy as status quo. It should be noted, however, that some community members of the PWRG may have had higher expectations for Council funding of protective works than what would occur if this report's recommendations were approved.

The adaptive management planning process itself involves a high level of engagement over the life of the project, hopefully moving beyond collaboration to empowerment; that is, building community capacity and resilience.

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The decisions requested today have been informed by feedback from the PWRG, which has been summarised in this report; however, the decisions requested may not fully align with all the aspirations of all PWRG members.					

The following external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
	X		Internal
	X		Community Boards / Community Committees
	X		Waikato-Tainui / Local iwi (Waikato-Tainui has not yet been directly engaged but local iwi have been invited onto the PWRG)
	X		Households – through community reps
	X		Business – through community reps
	X		Other (central government, e.g. DIA and DoC)

There is no Community Board specifically for Port Waikato, but the wider Onewhero-Tuakau Community Board has representatives on the PWRG, as does the Port Waikato Residents and Ratepayers Association.

## 6. CONCLUSION

This project has reached a critical decision point. Providing clarity on what Council will and will not do in terms of the nature and scale of further expenditure for coastal erosion works is essential.

It is considered worthwhile to continue to facilitate a long-term adaptive planning response and provide advice on any short or medium-term actions the community wants to fund itself.

Pausing the long-term adaptive planning workstream during the Local Area Blueprint process would help Council to focus its efforts over the next several months, would allow the wider community to contextualise the coastal erosion issue within the overall community vision for Port Waikato and could reveal a diversity of views that might supplement those of the existing community working group.

## **7. ATTACHMENTS**

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- I. Nil

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### Open Meeting

<b>To</b>	Waikato District Council
<b>From</b>	G J Ion Chief Executive
<b>Date</b>	06 December 2021
<b>Prepared by</b>	A Diaz Chief Financial Officer
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1318/ 3310404
<b>Report Title</b>	Hukanui Golf Club Loan Request

## I. EXECUTIVE SUMMARY

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The Hukanui Golf Club (“the Club”) has requested that Council consider granting a loan of \$28,000 over a ten year period in order to support the completion of their water supply project. The formal request containing a cost estimate is attached. The Club is situated on Council land.

Details of their financial position were provided to Council. Staff have reviewed this information and are comfortable with the Club’s ability to repay the loan over the ten year term requested.

## 2. RECOMMENDATION

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**THAT the Waikato District Council:**

- a) **approves a Community Loan of \$28,000 over a term of ten years, with monthly repayments, be made available to the Hukanui Golf Club; and**
- b) **confirms section 6.4 of the Treasury Risk Management Policy will be used to determine the applicable criteria and interest rate to be applied.**

## 3. BACKGROUND

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The Club has historically sourced water from a surface well and pond. With lower rainfall and higher temperatures the ability to use the pond for irrigation purposes has diminished significantly, and in recent years the well has also failed. In order to secure water for irrigation of the course the Club needed to put down a new bore and install a rainwater collection system.

## **4. DISCUSSION AND ANALYSIS OF OPTIONS**

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### **4.1 DISCUSSION**

As outlined in the formal request the work required will allow the Club to complete the water supply project.

If the loan request is declined the Committee may not have the cashflow required to complete the project. It should be noted that the Club not only provides a golf course, but is also a recognised community facility in the area.

It is acknowledged that the Club would not be able to provide Council with security however a review of the Club's financial position, and the fund raising efforts they have demonstrated they are capable of and the financial acumen with which they are operating provides council with some assurances.

### **4.2 LOANS TO RELATED OR COMMUNITY ORGANISATIONS**

Section 6.4 of Council's Treasury Risk Management Policy stipulates that:

"The Council may grant loans to community organisations on a case-by-case basis subject to available funding and the appropriate security and repayment ability of the organisation. Priority will be given to those organisations on Council-owned land.

Each community organisation granted a loan will pay an appropriate administration fee determined as part of the loan application.

The Council prefers to loan funds to community organisations rather than provide financial guarantees to other financial institutions.

Any loans to related community organisations will be on a commercial basis. The interest rate used for such loans will be the budgeted internal loan rate plus a 1 per cent margin, to be renewed annually."

### **4.3 OPTIONS**

Option 1: Council can choose to approve the loan request as recommended in this report.

Option 2: Council can decline the loan request.

Option 3: Council could provide a loan at a lower level than that requested.

## **5. CONSIDERATION**

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### **5.1 FINANCIAL**

A \$28,000 loan over ten years will result in repayments (interest plus principal) of \$301.93 per month.

The Club has provided a spend to date and forecast spend for the project.

Initially, and as contained in the attachment, the Club had requested a loan of \$40,000. However, they have been successful in their WEL Energy Trust grant application (\$12,000 approved) which has reduced the loan requirement to \$28,000. Council staff have reviewed the loan repayment schedule with the Club Treasurer and are comfortable with the Club's ability to repay the loan.

Council's debt capacity is constrained in the outer years of the current Long Term Plan, so while the amount of this particular loan can be accommodated the ability to provide further support via community loans will be limited in the future.

## **5.2 LEGAL**

A formal loan agreement will be signed by both parties. Under the terms of the loan repayments will be required monthly. This schedule may be updated each year to reflect changes in interest rates in line with Council's Treasury Risk Management Policy.

## **5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT**

Council's Treasury Risk Management Policy allows for loans to be made to community organisations.

Requirements for these loans are:

- appropriate security and repayment ability;
- payment of an administration fee determined as part of the loan application; and
- the interest rate to be the budgeted internal interest rate plus 1% (being 5.36 % for 2021/22).

As mentioned previously, the Club would not be able to provide security.

## **5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS**

Council's Significance & Engagement Policy would not be triggered by this transaction, as such there is no requirement to consult with the Community.

## **6. CONCLUSION**

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It is recommended that the loan be extended to the Hall Committee over the term requested.

## **7. ATTACHMENTS**

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- A Formal loan request from Hukanui Golf Club
- B Photos of the project



HUKANUI GOLF CLUB INC

1550 Gordonton Road

Taupiri 3791

Phone: 07 824 3784

Email: hukanuigolf@xtra.co.nz

26<sup>th</sup> October 2021

Mr Allan Sanson  
Waikato District Council,  
Private Bag 544,  
Ngaruawahia 3742

Thank you Allan for visiting our Club on 23<sup>rd</sup> November 2021 to meet our President, Richard Riddell, Treasurer, Kevin Stowers and myself to discuss the Club's water supply issues. We are very grateful for the discretionary grant of \$2,000 + GST approved recently by WAIDC and the possibility of a Council loan. As requested by you we advise the following:

**General** - Hukanui Golf Club Incorporated was established in 1935 and is situated at 1550 Gordonton Road on land leased from the Waikato District Council. We are a community focused club providing a great asset to the Gordonton area and beyond with 260 members, reasonable membership fees and cater for almost all ethnicity/financial groups of all ages and abilities. As well as traditional golf we provide foot golf, host school holiday programmes, an annual event for Blue Light giving disadvantaged/troubled children a great day out, hold charity tournaments, annually donate to Blue Light, Prostrate Cancer, Pink Ribbon, Daffodil Day and Salvation Army. Our facilities are available for community/family and business social events, local organisation meetings etc. & 'park overs' for motor homes/caravans.

Discussions have commenced with Waikato Regional Council/ Waikato River Care re creating native plantings and walking tracks around the pond on the property which would be available for school groups, garden clubs, walking groups, art groups etc to enjoy and learn about the plants, bird life and general environment. When finished it will be a great asset to the community.

**Current situation** - Six years ago our Club was financially challenged but, with a focused Board, over the following years, managed to achieve a positive balance sheet as at 30/09/20.

At the end of 2020 we were in the process of employing a new Course Superintendent. As responsible employees, our Board considered the house on the Club's grounds he/she would reside in was of an unacceptable condition. It has been completely renovated and now meets the Healthy Home standards. The Club funded this project costing approx \$18,000 from its own funds, some donations of materials from members and with many hours of volunteer help.

Since the 1960's, the Club sourced water for both the Club house and Course Superintendent's house, from a surface well on the property, and for the course irrigation, from a pond. We use 40,000 litres of water per day. The water supply system was approx 60 years old and over the years had repairs and maintenance undertaken. In 2018 we replaced the well liner and in July this year, with funding of \$4,925 from a Lion Foundation grant and \$1,302 from Club funds, replaced the 30 year old irrigation pump which pumped water around the golf course, with a new pump. Installation was carried out by qualified trades' people. We purchased four 25,000, litre tanks from Club funds.

Over recent years with lower rainfall and greater evaporation during summer, the pond water was reducing faster than it could be replenished. Last summer we ran out of water altogether and had to buy it in even though we reduced the amount required to effectively irrigate the putting greens. This affected the greens adversely for our members and visitors and also our reputation as a great venue.

This year after discussions with a number of people experienced in rural water supply, successful remedial work was undertaken to clean the pond and increase its capacity. We then discovered our water supply to both the Club house and Course Superintendent's house had become contaminated. Investigations showed our well had given up. As the pond water is not suitable for human consumption and no longer a guaranteed source for course irrigation, the professional advice we were given was to put down a new bore, which we have done. It will provide sufficient water for all our needs and we will only use the pond as a backup for irrigation as we have to do at present. We are buying in three loads of water per month for the club house and dwelling at approximately \$300 per load plus GST. We have installed a system to collect water from the machinery shed roof, and when funds permit will do likewise with the Club house roofs. We have upgraded the filtration system to the Club house.

**Already funded by Club (All amounts are exclusive of GST):**

4 X 25000, litre water tanks	10,169.00
Cleaning of pond & positioning tanks	7,513.00
Upgrade of filtration system to Club House	2,001.00
Rainwater collection from machinery shed roof	828.00
Purchase of water since August 2021	1,174.00
Cleaning/disinfecting tanks	640.00
	<u>640.00</u>
	<u>\$22,325.00</u>

**Funds required to complete our water supply project (Excl of GST):**

Supply & install bore pump	5,500.00
“ “ “ filtration system (bore to tank)	9,757.00
“ “ “ “ “ (greenkeeper's dwelling)	2,639.00
Trench, supply & install electrical cable from irrigation pump shed to new bore, set up distribution board in pump shed and electrical 240v outlet at bore	3,832.00
Trench, supply & install pipe from bore to filter at implement shed and on to storage tank.	3,147.00
Supply & install rainwater collection system from Club House roofs.	1,250.00
Supply & install 5 fountain heads to aerate water in pond.	1,950.00
Benton & Sons drilling of bore	<u>11,107.00</u>
	<u>\$39,182.00</u>

Note that the drilling of the bore has already been completed, it has been paid for by a short term loan from a member.

Attached are our financial statements for the year ended 30th September 2021 that will provide you with the Club's financial position at that date.

We request that you provide the Club with a loan of \$40,000.00, on terms to be agreed. Our suggestion is probably a ten year loan, with monthly repayments of principal and interest.

Please note that we have also applied to WEL Energy Trust for a Quick response grant for \$15,000, our application will be considered at the Trustees' meeting on 30<sup>th</sup> November 2021.



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If you require any further information please contact Kevin Stowers our Treasurer, on 021 730 005 or by email to [blakestowers@xtra.co.nz](mailto:blakestowers@xtra.co.nz)

Alison Hutchins  
Course Committee/Funding  
HUKANUI GOLF CLUB INC





From bore to storage tanks.



From bore to Implement shed and first filtration system, then to tank supplying house & club house.



From tank to Club house where water will be collected from roof, piped to tank through filters & pumped to destinations.



Pond beside 18<sup>th</sup> Fairway near Gordonton Road.



Pond looking SW to North



Pond looking from North to SW





View from beside Club House looking NE.

### Open Meeting

<b>To</b>	Waikato District Council
<b>From</b>	Roger MacCulloch General Manager Service Delivery
<b>Date</b>	1 December 2021
<b>Prepared by</b>	Sarah Jones Senior Solicitor
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	CCL2021 / ECM # 3305751
<b>Report Title</b>	Tamahere Walkway

## I. EXECUTIVE SUMMARY

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The purpose of this report is to seek approval from Council for the legislative mechanism used to create legal rights of access (easements) over property for the purposes of a public walkway in the Tamahere gully network.

Waikato District Council (**WDC**) has entered into a Memorandum of Understanding with the Tamahere Mangaone Restoration Trust to establish walkways in the Mangaone, Mangaharakeke and Mangaonui gully network pursuant to the Trails Strategy 2016 and Tamahere Cycling Strategy 2016 (the **Tamahere Walkway**).

The Tamahere Walkway is proposed to cross over privately owned land and a reserve. The reserve is an esplanade reserve owned and administered by WDC, legally described as Lot 10 Deposited Plan 433664 (the **WDC Reserve**).

Prior to negotiations with private landowners commencing Council approval is required with regards to the legislative mechanism proposed to be used to register an easement over these properties. Such easements can be registered under the Public Works Act 1981 or the Walking Access Act 2008.

WDC staff recommend that as this project is a community led project funded and managed by WDC and because the walkway passes over multiple landholdings that, for this project, easements are granted over private property and that part of the WDC Reserve required for the walkway in favour of the Walking Access Commission pursuant to the Walking Access Act 2008, subject to WDC having Controlling Authority status over the Tamahere Walkway. This will ensure that the Tamahere Walkway is a continuous legal trail.

Selecting this option creates no additional risk or liability for WDC over easements made pursuant to the Public Works Act 1981 but offers benefits to WDC in the form of resources, enforcement, the ability to close walkways and liability limitations for landowners.

The decisions and matters of this report are assessed as of low significance, in accordance with WDC's Significance and Engagement Policy.

## **2. RECOMMENDATION**

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**THAT the Waikato District Council:**

- a) subject to the **Walking Access Commission** appointing the **Waikato District Council** to be the **Controlling Authority** for the **Tamahere Walkway** pursuant to sections 35 and 37 of the **Walking Access Act 2008** and on terms that protect the **Council** investment in the walkway:
  - i. approves negotiations with private landowners regarding the **Tamahere Walkway** proceeding on the basis that easements are to be granted in favour of the **Walking Access Commission** under the **Walking Access Act 2008**; and
  - ii. approves an easement being granted in favour of the **Walking Access Commission** under the **Walking Access Act 2008** over that part of the **WDC Reserve**, being **Lot 10 Deposited Plan 433664**, as may be required to define the public walkway (subject to agreement being reached with private landowners that will enable a continuous legal trail).
- b) That should any easements with landowners on the **Tamahere Walkway** not be able to be achieved by agreement, that the matter be reported back to **Council**.
- c) delegates to the **Chief Executive** the power to:
  - i. execute all documentation required to give effect to easements issued pursuant to the **Walking Access Act 2008** with respect to the **Tamahere Walkway**; and
  - ii. authorise **Waikato District Council** being appointed a **Controlling Authority** for the **Tamahere Walkway** and assuming the associated functions pursuant to sections 35 and 37 of the **Walking Access Act 2008**.

## **3. BACKGROUND**

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In June 2021, WDC entered into a Memorandum of Understanding (the **MoU**) with the Tamahere Mangaone Restoration Trust (the **Trust**) with the aim of working together to implement the walkways as identified in the 2016 Tamahere Cycling Strategy and the Trails Strategy 2016 for the Mangaone, Mangaharakeke and Mangaonui gullies in Tamahere.

The vision of these strategies is to create a safe, sustainable and well-planned network of trails provided in partnership with our communities' and to provide safe, connected and accessible routes for cyclists in the ward of Tamahere.

Since execution of the MoU the Walking Access Commission (the **WAC**) has approached the Trust and WDC about utilising the mechanisms provided by the Walking Access Act 2008 (the **WAA**) for easements over private property and the WDC Reserve with respect to the Tamahere Walkway, with the Council being the Controlling Authority for the walkway.

Attached is a map indicating the approximate proposed routes for the Tamahere Walkway.

## **4. DISCUSSION AND ANALYSIS OF OPTIONS**

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### **4.1 DISCUSSION**

The WAA and Public Works Act 1981 (the **PWA**) both provide legal mechanisms by which easements can be acquired over private land for the purposes of the Tamahere Walkway.

### **4.2 OPTIONS**

#### **Option 1A: Walking Access Act 2008 (Walkway declared over private properties and WDC Reserve to ensure a continuous legal trail)**

The WAC was established by the WAA and is a Crown entity under the Crown Entities Act 2004. The purpose of the WAC is to provide the public with free, certain, enduring, and practical walking access to the outdoors, so that the public can enjoy the outdoors.

The WAA sets out the requirements for walkways over public and private land.

#### *Declaration of Walkway over Private Land*

If the WAC considers that all or part of any private land should be made available for use as a walkway it may negotiate an agreement with the landowner for an easement, lease or purchase of the land to be used for the purposes of a walkway. The land remains in the ownership of the private landowner if the land becomes subject to a lease or easement.

In the case of the Tamahere Walkway this would involve negotiations with private landowners with regards to easements being placed over the part of their land granting legal right of access to the WAC and the public to use the land as a walkway. These negotiations would be carried out by the Trust with support from the WAC.

It is not possible to compulsorily acquire walkways under the WAA, therefore this approach will require all landowners along the walkway alignment to agree, to enable a continuous alignment.

Under the WAA the definition of private land includes “*any land that is held in fee simple by any person other than the Crown*”. Accordingly, the WDC Reserve is also private land for the purposes of the WAA.

If the WDC Reserve was to become part of the Tamahere Walkway, then an easement in favour of the WAC would also be placed over that part of the WDC Reserve required for the walkway.

The land subject to the easement is then declared a walkway pursuant to sections 26 to 32 of the WAA. This process involves registration of the easements, WAC assigning a name to the walkway after taking into account the view of mana whenua and any other organisation that has an interest in naming the walkway, publishing a notice in the gazette declaring the land subject to an easement a walkway and then registration of the same.

Once land is declared a walkway then the public may at any time, without charge, pass or repass over the walkway on foot.

Including the WDC Reserve as part of the Tamahere Walkway means:

- The Tamahere Walkway would be a continuous legal trail and subject to the same easement terms and conditions (as opposed to a legally disjointed trail with different terms of access under different pieces of legislation);
- WDC would be the Controlling Authority for the Walkway, however if this status was relinquished or removed then public access over the WDC Reserve with respect to the walkway would be managed by another Controlling Authority (further explained below);
- The Tamahere Walkway could be closed over the WDC Reserve without needing to close the whole WDC Reserve (if that is practical); and
- If the WDC Reserve is no longer owned/administered by WDC then public access is preserved, however this also means that should WDC no longer wish for the walkway to cross the WDC Reserve then this will involve negotiating an alternative route with the WAC.

#### *WAC Powers over Walkways*

The WAC is an independent body that enters into easement agreements with landowners for the purpose of public walkways under the WAA.

The WAC's powers in relation to walkways include:

- a) Making any arrangement it considers necessary or desirable to make a walkway reasonably accessible to members of the public;
- b) Promotion, supervision, or control of committees appointed, or organisations approved by the WAC for the establishment or enjoyment of walkways by the public;
- c) Monitoring Controlling Authorities in the exercise of their powers and performance of their functions (note the WAC has no powers to direct a Controlling Authority to carry out their role); and
- d) Enforcement (appointment and removal of enforcement officers).



### *Appointment of Controlling Authorities*

The WAC appoints Controlling Authorities for walkways pursuant to sections 35 to 37 of the WAA.

The functions of a Controlling Authority under the WAA with regards to the walkway include general promotion and maintenance (including erecting poles or markers, stiles or fences or other necessary structures), providing for the proper control and use of the walkway, and establishing required facilities and amenities (for which charges can be imposed).

Under section 35 of the WAA a department, local authority, public body or the Commissioner of Crown Lands can be appointed as a Controlling Authority. The WAC can also be appointed as a Controlling Authority, in the case of another body not being appointed.

Currently there is only one walkway in the Waikato District created under the WAA, being the Hakarimata Walkway. The Department of Conservation is the Controlling Authority for this walkway. In the Waikato Region Waitomo District Council, Waipa District Council and Matamata-Piako District Council have Controlling Authority status in respect of the walkways in their districts.

The WAC may at any time review an appointment and, if it thinks fit, revoke the appointment. WDC staff have been advised that to date WAC has not revoked Controlling Authority status and that this would only be done in extreme circumstances.

This report proposes that WDC is appointed the Controlling Authority for the Tamahere Walkway given the Tamahere Walkway is in the Waikato District and so that WDC funds to be spent on the Tamahere Walkway are protected.

### *Powers of Controlling Authorities*

A Controlling Authority has the power to do anything that is reasonably necessary or desirable to enable it to carry out its functions under the WAA.

In addition, a Controlling Authority has the ability under section 38 of the WAA to close a walkway for:

- a) safety reasons;
- b) during an emergency;
- c) for maintenance/development;
- d) at the request of the landowner adjoining the walkway; and
- e) if it considers the closure is necessary to comply with a condition imposed in relation to the walkway.

Such closures must be notified to the WAC in advance or immediately after closure, the public must be notified, and the Controlling Authority must not close a walkway for longer than it considers necessary.

### *Other beneficial features of the WAA*

#### Enforcement Officers

The WAC has the ability to appoint enforcement officers under section 43 of the WAA. Such enforcement officers can include WDC staff (by agreement). Enforcement powers include:

- a) Interfering to prevent an offence;
- b) Requiring a person whom he or she believes on reasonable grounds to be committing or about to commit an offence to stop doing an act; and
- c) Requiring personal details of the people outlined in (b) above.

#### Offences

There are a number of strict liability offences under section 54 of the WAA ranging from taking a plant through to erecting a structure on a walkway. If a person commits an offence under section 54, they are liable on conviction to a fine not exceeding \$5,000.

There are also offences requiring knowledge, intent or recklessness under section 56 of the WAA with regard to obstruction, endangerment, threat or intimidation to a person using the walkway. If a person commits an offence under section 56, they are liable on conviction for a fine not exceeding \$10,000.

There are also further penalties for continuing offences and higher penalties for body corporates. There is also the ability for the Court to sentence a person to community work.

A person convicted of an offence under the WAA is, in addition to the penalty for the offence, also liable for any loss, damage and expense arising from the offence including the full market value of anything removed from the walkway or land adjoining the walkway and reasonable costs of returning any animals or plants and repairing any damage done to the walkway/land adjoining the walkway.

#### Limitation of Liability

Section 66 of the WAA makes it clear that a landowner of private or public land is not liable for any loss or damage suffered by a person using the walkway unless the loss or damage is caused by the landowner's deliberate act or omission.

Notwithstanding the above, WDC would still have health and safety obligations under the Health and Safety at Work Act 2015 if WDC assumed the Controlling Authority role, however these obligations would not be any more onerous than the obligations WDC would have as a Grantee of an easement for a public walkway under the PWA.

### **Option 1B (Walking Access Act 2008 – Walkway declared over land in private ownership only (i.e., no easement over the WDC Reserve))**

This option is the same as Option 1A except that no easement is granted in favour of the WAC over that part of the WDC Reserve required for the walkway.

## **Option 2: Public Works Act**

Section 189 of the Local Government Act 2002 (the **LGA**) gives WDC the ability to acquire any land or an interest in land (easement) through the PWA. Section 190 of the LGA entitles owners having an interest in land acquired to full compensation as provided by the PWA. The PWA gives the framework for the acquisition of land and interests in land and addressing owners' rights.

Under the PWA WDC would be the Grantee on the easement instrument granting WDC access over the private land. The land subject to the easement remains in ownership of the landowner. WDC could also acquire the land under the PWA for the walkway.

WDC's obligations as Grantee would be negotiated with the landowner and in a public walkway situation would include public access, maintenance obligations etc. WDC's obligations as Grantee would be set out in the Easement Agreement and terms of the Easement Instrument.

The PWA would be used if WDC were seeking to purchase an interest in land. This is the statute that sets out landowners' rights when easements are being acquired by the Council, whether by agreement or through the compulsory process.

## **Recommended Option – Option IA**

WDC staff recommend Option IA (use of the WAA, with the walkway being declared over private land and the WDC Reserve) for the following reasons:

- The resources and assistance that would be provided by the WAC – WAC can assist WDC to ensure that there are consistent and clear communications with stakeholders and landowners and can offer assistance to the Trust with negotiations if required, it can also provide advice, support and networking with other trail builders and Councils;
- The WAC has funding grants available for track builders (territorial authorities cannot apply for these funds on their own they must apply in conjunction with a community organisation). Funding is typically for survey and legal costs and sometimes signage;
- There would be one continuous legal trail subject to the same easement terms and conditions;
- The costs for establishment of the easement are reduced as a template has been specially designed and approved by the Register General of Lands for creating public access under the WAA;
- The offences and enforcement powers under the WAA;
- Legislative powers WDC would have as a Controlling Authority; and
- Liability limitations for landowners.

The legislative obligations WDC would have as a Controlling Authority are no more than the obligations WDC would assume if the Tamahere Walkway was created via easements under the PWA.

Under this approach it is important to note that WDC would not be the requiring authority, so the PWA obligations and landowners' rights are not triggered.

From a health and safety perspective WDC is not taking on any further liability under the WAA as under all options it is responsible for ensuring that the walkway is safe for the public to use.

Should this option not be approved by the Council then WDC would pursue easements by agreement in the first instance under the PWA.

## **5. CONSIDERATION**

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### **5.1 FINANCIAL**

Pursuant to the MoU with the Trust WDC has agreed to pay the following with respect to the Tamahere Walkway:

- Physical works associated with the construction of the walkway including fencing of the non-stream easement boundary;
- Application fee;
- Surveying costs for each easement plan;
- Private landowners' reasonable legal costs incidental to the completion of the agreement to grant easement and registration of the easement instrument; and
- LINZ fees and registration charges.

These costs have been approved in the Long-Term Plan.

Proceeding with easements under the WAA would not expose WDC to any additional costs, in fact there is likely to be cost savings in the surveying and preparation of easement documentation together with less demand on staff time.

### **5.2 LEGAL**

The legal analysis of the mechanisms for registering easements over private property is outlined under the "Options" section of the report. As outlined above the recommended Option 1A creates no additional legal risk for WDC.

If the WAA is used, then there will need to be a variation to the MoU with the Trust to reflect agreement to the new process. WDC staff do not anticipate any resistance from the Trust as they are eager to have the WAC involved in this process.

Reserve Act 1977 requirements will also need to be adhered to in respect of any easement over the WDC Reserve.

### **5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT**

The development of the Tamahere Walkway aligns with the Trails Strategy 2016 and the Tamahere Cycling Strategy 2016.

### **5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS**

The decisions and matters of this report are assessed as of low significance, in accordance with WDC's Significance and Engagement Policy.

## **6. CONCLUSION**

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Negotiations with private landowners need to commence with regards to legal rights of access (easements) over their properties for the purpose of establishing the Tamahere Walkway. As this is a community led project over multiple parcels of land which WDC is funding and managing it is recommended that negotiations proceed on the basis these easements are created pursuant to the WAA with WDC having Controlling Authority Status over the Tamahere Walkway.

It is also recommended that an easement is granted in favour of the WAC over that part of the WDC Reserve required for the walkway if the easements over private property are secured, thereby creating a continuous legal trail.

## **7. ATTACHMENTS**

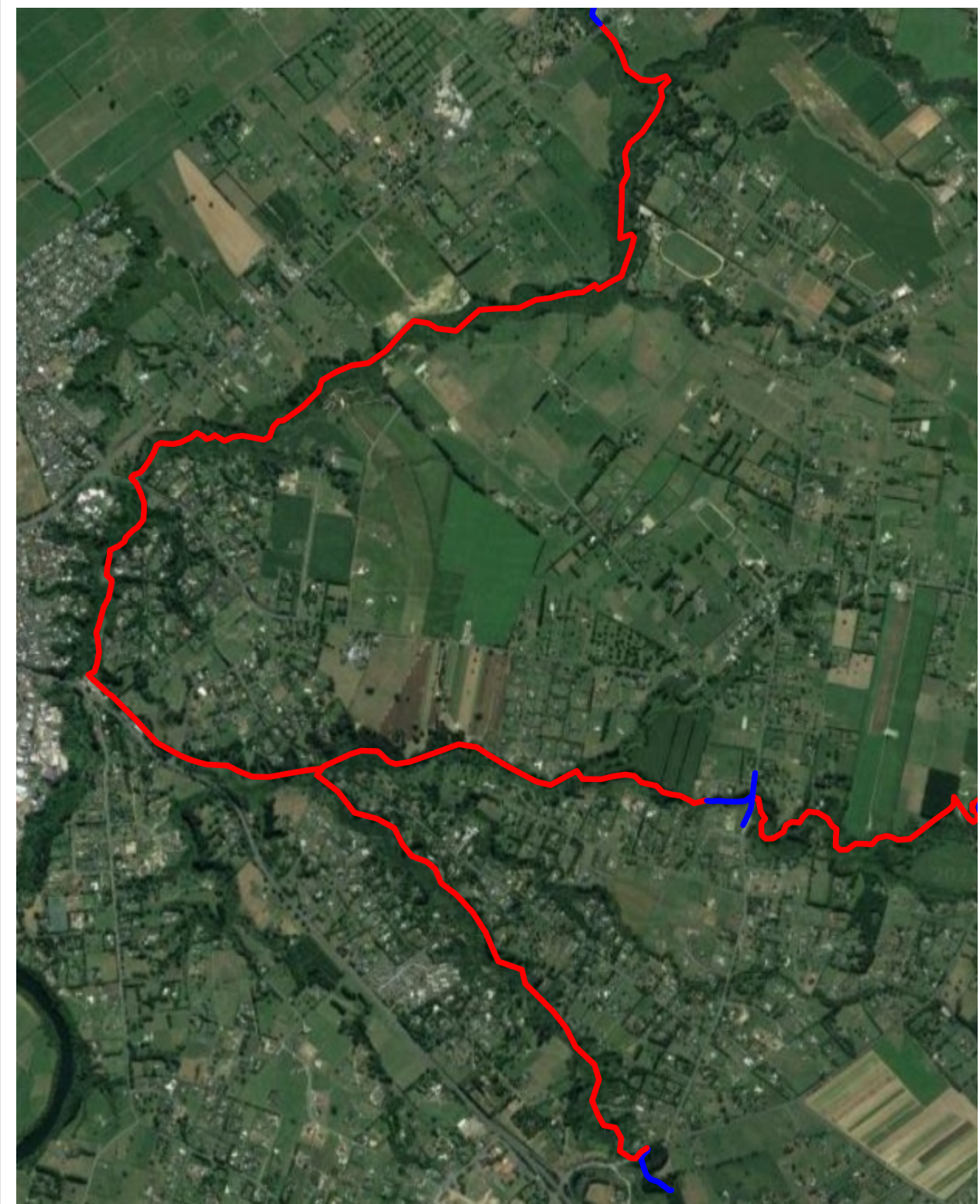
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Attachment I: Map indicating the approximate proposed routes for the Tamahere Walkway





Map - Approximate proposed route of Tamahere walkways



Aerial - Approximate proposed route Tamahere walkways

- Legend:
- Proposed walkways
  - Existing walkways

### Tamahere Walkways Project - Approximate proposed routes

In relation to the Tamahere Walkway Report

Dated 30/11/2021  
Not to scale



### Open Meeting

<b>To</b>	Waikato District Council
<b>From</b>	Gavin Ion Chief Executive
<b>Date</b>	7 December 2021
<b>Prepared by</b>	Gaylene Kanawa Democracy Team Leader
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1318
<b>Report Title</b>	Exclusion of the Public

## I. RECOMMENDATION

**THAT** the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<b>PEX 1</b> <b>Confirmation of Public Excluded Minutes – 1 November 2021</b>	<b>Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987</b>	<b>Section 48(1)(a)</b>
<b>PEX 2.1</b> <b>Infrastructure Committee Recommendations</b>		
<b>PEX 3.1</b> <b>Incorporating Social Procurement Principles Into Project Delivery</b>		

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<b>PEX 3.2</b> <b>C20/006 Delegated Authority Approval – Te Awa Cycleway</b>	<b>Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987</b>	<b>Section 48(1)(a)</b>

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item No.	Section	Interest
<b>PEX 1</b> <b>Confirmation of Public Excluded Minutes – 1 November 2021</b>	<b>Refer previous meeting</b>	<b>Refer to the previous Public Excluded reason in the agenda for that meeting.</b>
<b>PEX 2.1</b> <b>Infrastructure Committee Recommendations</b>	<b>Refer Infrastructure Meeting</b>	<b>Refer to Infrastructure Committee reasons in the agenda for that meeting on 1 December 2021.</b>
<b>PEX 3.1</b> <b>Incorporating Social Procurement Principles Into Project Delivery</b>	<b>7(2)(b)</b>	<b>Protect information where the making available of the information:</b> <b>(i) would disclose a trade secret, or</b> <b>(ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</b>



Item No.	Section	Interest
<b>PEX 3.2</b> <b>C20/006 Delegated Authority Approval – Te Awa Cycleway</b>	7 (2) (b)	Protect information where the making available of the information: (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or
	7 (2) (i)	enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
	7 (2) (j)	prevent the disclosure or use of official information for improper gain or improper advantage.