

Agenda for a meeting of the Waikato District Council to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaaruawaahia on **MONDAY, 20 NOVEMBER 2023** commencing at **9.30am**.

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

The meeting will be opened with a karakia.

1. APOLOGIES AND LEAVE OF ABSENCE

2. CONFIRMATION OF STATUS OF AGENDA

3. DISCLOSURES OF INTEREST

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5. ACTIONS REGISTER

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8. EXCLUSION OF THE PUBLIC

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GJ Ion
CHIEF EXECUTIVE

TERMS OF REFERENCE

COUNCIL

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

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 funding requests not allowed for within budgets, in accordance with Significance & Engagement Policy parameters.
11. To approve any additional funding decisions required for the Watercare Services contract.
12. To approve development agreements as recommended by the Development Agreements Subcommittee where infrastructure is not allowed for within the Long Term Plan.
13. To receive six-monthly reports from each Community Board on its activities and projects.

To	Waikato District Council
Report title	Confirmation of Minutes
Date:	13 November 2023
Report Author:	Gaylene Kanawa, Democracy Manager
Authorised by:	Gavin Ion, Chief Executive

1. Purpose of the report

Te Take moo te puurongo

To confirm the minutes for meetings of the Waikato District Council held on:

- a. Monday, 9 October 2023 (ordinary); and
- b. Tuesday, 24 October 2023 (additional); and
- c. Wednesday, 1 November (extraordinary) 2023.

2. Staff recommendations

Tuutohu-aa-kaimahi

THAT the Waikato District Council confirms the minutes as a true and correct record for meetings held on:

- a. **Monday, 9 October 2023 (ordinary); and**
- b. **Tuesday, 24 October 2023 (additional); and**
- c. **Wednesday, 1 November (extraordinary) 2023.**

3. Attachments

Ngaa taapirihanga

Attachment 4A1 – CCL Minutes – 9 October 2023 (ordinary)

Attachment 4A2 – CCL Minutes – 24 October 2023 (additional)

Attachment 4A3 – CCL Minutes – 1 November 2023 (extraordinary)

Minutes for a meeting of the Waikato District Council held in the Council Chambers, 15 Gallileo Street, Ngaaruawaahia on **MONDAY, 9 OCTOBER 2023** commencing at **9.30am**.

Present:

Her Worship the Mayor, Mrs JA Church (Chairperson)
Cr C Beavis
Cr J Gibb
Cr M Keir
Cr P Matatahi-Poutapu (*from 10.04am, until 11.10am*)
Cr K Ngataki
Cr E Patterson
Cr M Raumati
Cr V Reeve
Cr L Thomson
Cr P Thomson
Cr T Turner
Cr D Whyte

Attending:

Mr GJ Ion (Chief Executive)
Mr TG Whittaker (Chief Operating Officer)
Ms M May (General Manager, Service Delivery)
Mr W Gauntlett (Acting General Manager, Community Growth)
Ms A Diaz (Chief Financial Officer)
Ms C Pidduck (Legal Counsel)
Ms K Ridling (Senior Solicitor)
Ms P Collins (Solicitor)
Dr M Hong (Principal Analyst)
Mr J Fuller (Senior Environmental Planner)
Mrs GJ Kanawa (Democracy Manager)

The Council and staff opened the meeting with a joint karakia.

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Ngataki/Reeve)

THAT the Waikato District Council accepts the apology from Cr C Eyre for non-attendance.

CARRIED

WDC2310/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Agenda Item 2

Resolved: (Crs L Thomson/P Thomson)**THAT the agenda and supplementary public excluded agenda for a meeting of the Waikato District Council held on Monday, 9 October 2023 be confirmed:**

- a. with all items therein being considered in open meeting with the exception of those items detailed at agenda items 8, which shall be considered with the public excluded; and
- b. notes a deputation from Synlait Limited will be heard following Item 4 [Confirmation of Minutes] on this agenda; and
- c. Item 6.3 [Papahua Reserve, Raglan] be withdrawn from the agenda to provide Ngaati Maahanga more time to consider the options in the report; and
- d. all reports be received.

CARRIED**WDC2310/02****DISCLOSURES OF INTEREST**

Agenda Item 3

Cr Raumati declared an interest in the Performance & Finance Strategy report – Te Nehenehenui Joint Management Agreement as the alternate member should Cr Turner not be available.

Her Worship the Mayor, noted the confirmation of minutes appointed her as a member to Momentum Trust.

CONFIRMATION OF MINUTES

Agenda Item 4

The report was received [*WDC2310/02 refers*] with no further discussion held.

Resolved: (Crs Beavis/Patterson)**THAT the Waikato District Council confirms the minutes as a true and correct record for meetings held on:**

- a. **Monday, 28 August 2023 (Ordinary); and**
- b. **Wednesday, 27 September 2023 (Extraordinary).**

CARRIED**WDC2310/03**

DEPUTATION

Mr Glenn Laing (Manufacturing Director) and Mr Jacob Deadman (Site Manager, Pookeno) spoke on behalf of Synlait Limited application for an increase to their tradewaste consent referred to under PEX Item 3.1 [Waters Governance Board Recommendations – 5 September 2023], and the following points were made:

- Mr Laing provided background on their request for an increase to their tradewaste consent capacity and the importance of this request for the continued growth of the facilities in Pookeno.
- It was noted that Synlait chose Pookeno as its location due to the close proximity to the farms they serviced as well as providing employment within a growing community.
- It was noted that they were at Stage 2 of their development and had previously indicated there would be a further two stages in the future expansions of the plant, which would require further discharge capacity.
- They believed they had negotiated a comprehensive development agreement to discharge to Council's wastewater treatment plant at Pukekohe, with the knowledge of future growth and additional discharge requirements (noting that new agreements would be required for each stage of growth).
- Council queried the level of employees from our District, where it was noted only approximately 20% of employees came from outside of the District.
- If Council decided not to grant the increased consent conditions, they would be restricted in development plans for future growth and could result in the plant moving out of the District, which also meant additional employment opportunities would be lost within the community.
- Council further queried Synlait's long-term commitment to the environment and ways of decreasing discharge over time. Synlait have an environmental strategy that focussed on reduction in water use and a reduction in their overall carbon footprint. However, a portion will always be required to be discharged to the Wastewater Treatment Plant in Pukekohe.
- If there is a seasonal effect, could this discharge for the plant based products to be moved to the off season. It was noted the plant based products do not have the seasonal peaks as per milk production.
- Council queried if the plant based products had a NZ base, but it was noted that not at this stage as they had to be approved suppliers from international clients, for which NZ suppliers were not currently on that list, other than for oil supplies.
- Synlait's master plan is to grow Stage 3 (around 40-45 jobs) within five (5) years and Stage 4 (further milk plant with similar growth). Overall the plant will grow to approximately 200 employees within ten (10) years and these stages will all include further discharge requirements to meet the volumes and demands coming from the business growth.

ACTIONS REGISTER

The report was received [WDC2310/02 refers] and no further discussion was held.

COMMITTEE REPORTS

Performance & Strategy Committee Recommendations – 11 September 2023

Agenda Item 6.1

Te Nehenehenui (previously Ngaati Maniapoto) Joint Management Agreement (P&S2309/04) & (P&S2309/05)

The report was received [WDC2310/02 refers] and no further discussion was held.

Resolved: (Crs Gibb/L Thomson)

- a. THAT the Waikato District Council approves the following recommendations of the Te Nehenehenui Joint Management Committee:**
- i. That, to discharge its responsibilities more effectively and efficiently, the Te Nehenehenui Joint Management Committee assumes the responsibilities of the Ngaa Wai o Waipaa Co-Governance Forum in addition to its own, and the membership structure of the Forum; in accordance with the law by taking all necessary actions including:**
 - 1. executing a joint management agreement between the six member agencies incorporating the responsibilities of the Committee and the Forum and the membership structure of the Forum.**
 - 2. approving the amended terms of reference for adoption by Te Nehenehenui Joint Management Committee incorporating provisions necessary to achieve the purposes of both the Committee and Forum under the Committee's name.**
 - 3. confirming the continuation of the current Co-Chairs and Deputy Co-Chairs until, and if, the member agencies indicate new appointments in accordance with the Terms of Reference.**
 - 4. the disestablishment of the Forum when all necessary actions to merge the Committee and the Forum are complete.**
- b. THAT the Waikato District Council:**
- i. approves the draft Te Nehenehenui Joint Management Agreement;**
 - ii. authorises Cr Tilly Turner (as Waikato District Council's elected representative on the previous Ngaa Wai o Waipaa Co-Governance Forum and, by default, Council's representative on the Te Nehenehenui Joint Management Agreement Committee) to sign the final agreement (including any subsequent amendments to the draft) on Council's behalf;**
 - iii. that the name of the Ngaa Wai o Waipaa Co-Governance Forum be changed to the Te Nehenehenui Joint Management Agreement Committee in Council's Governance Structure.**
- c. THAT the Waikato District Council:**
- i. appoints Cr M Raumati as Waikato District Council's alternate member in the event that Cr Turner cannot attend.**

CARRIED

WDC2310/04

Performance & Strategy Committee Recommendations – 11 September 2023

Agenda Item 6.1

Hearings and Deliberations for the proposed Dangerous, Affected and Insanitary Buildings Policy 2023 (P&R2310/06)

The report was received [WDC2310/02 refers] and no further discussion was held.

Resolved: (Crs Beavis/Ngataki)**THAT the Waikato District Council:**

- a. adopts the **Dangerous, Affected and Insanitary Buildings Policy 2023 (Option I)**, and
- b. revokes the **Dangerous, Affected and Insanitary Buildings Policy 2018**.

CARRIED**WDC2310/05****REPORTS**Zero Harm

Agenda Item 7.1

The report was received [WDC2310/02 refers] and the following discussion was held:

- The Chief Executive provided an overview of the dashboard, noting that most activities were green, some were amber, but none were red.
- Councillors noted the presentation on wellbeing from Jehan Cassinder was excellent and appreciated being invited to this session, where there was standing room only and a number of staff online also.
- It was noted that the result for reporting was amber, if we have achieved the mechanisms set out would there be no opportunity to continue reporting incidents? Council's Zero Harm approach has always encouraged reporting and it was a healthy sign of a good safety culture.
- The graphic on Page 32 was illegible and requested to be worked on for future reports, the Chief Executive explained the bowtie this was demonstrating, which could also be found on the windows outside the virtual hub.
- A query was raised whether Hakanoa campground was part of Council. Yes it was and both them and the Tuakau library had received the workplace violence refresher training courses.

ACTION: Graphs and pictures within the agenda to be more legible (larger) – Zero Harm to work on for future reports.

Submission to the Minister for the Environment on the Biodiversity Credit System for Aotearoa New Zealand, Discussion Document
Agenda Item 7.2

The report was received [WDC2310/02 refers] and the following discussion was held:

- Incredibly thorough submission and great focus on outcomes rather than actions.

ACTION: Submission to be finalised and submitted on behalf of Council as per the resolutions below.

Resolved: (Crs Keir/L Thomson)

That the Waikato District Council:

- approves the **Waikato District Council's** submission on the **BCS Discussion Document to the Ministry for the Environment (Attachment I)**; and
- delegates the **Chief Executive** the authority to finalise and submit the submission on behalf of the **Waikato District Council**.

CARRIED

WDC2310/06

Papahua Reserve, Raglan
Agenda Item 7.3

This item was withdrawn from the agenda [WDC2310/02 refers].

EXCLUSION OF THE PUBLIC

Agenda Item 8

Resolved: (Crs Beavis/P Thomson)

- 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
Item PEX 2 – Confirmation of Minutes for a meeting held on Monday, 28 August 2023 and Wednesday, 27 September 2023	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
Item PEX 3 – Actions Register		
Item PEX 4.1 – Waters Governance Board Recommendations – 5 September 2023		
Item PEX4.2 – Development Agreements Committee Recommendations – 6 September 2023		
Item PEX4.3 – Performance & Strategy Committee Recommendations – 11 September 2023		
Item PEX 5 – Chief Executive Issues		
Item PEX 6 – Mayoral Issues		

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
Item PEX 2 – Confirmation of Minutes for a meeting held on Monday, 28 August 2023 and Wednesday, 27 September 2023		Refer previous minutes for reasons for exclusion.

Minutes for a meeting of the Waikato District Council held in the Council Chambers, 15 Gallileo Street, Ngaaruawaahia on **TUESDAY, 24 OCTOBER 2023** commencing at **12.08pm**.

Present:

Her Worship the Mayor, Mrs JA Church (Chairperson)

Cr C Beavis

Cr C Eyre (Deputy Mayor)

Cr J Gibb

Cr M Keir

Cr P Matatahi-Poutapu

Cr K Ngataki

Cr E Patterson

Cr M Raumati

Cr V Reeve

Cr L Thomson (*via audio visual link*)

Cr P Thomson

Cr T Turner

Cr D Whyte

Attending:

Mr GJ Ion (Chief Executive)

Mr TG Whittaker (Chief Operating Officer)

Ms A Diaz (Chief Financial Officer)

Ms M May (General Manager Service Delivery)

Ms C Bailey (Finance Manager)

Mr W Durning (Mayoral Strategy Manager)

Ms E Saunders (Senior Democracy Advisor)

APOLOGIES AND LEAVE OF ABSENCE

There were no apologies.

CONFIRMATION OF STATUS OF AGENDA ITEMS

Agenda Item 2

Resolved: (Crs Ngataki/Whyte)**THAT the agenda and supplementary public excluded agenda for a meeting of the Waikato District Council held on Monday, 28 July 2023 be confirmed:**

- a. with all items therein being considered in open meeting with the exception of those items detailed at agenda items 6, which shall be considered with the public excluded; and
- b. in accordance with Standing Order 9.4 the order of business be changed with agenda item 4.1 [*Annual Report Adoption*] being considered after agenda item 5.2 [*Budget Reallocation for Raglan Beacon & Huntly Boiler Replacement*]; and
- c. the Council resolves that the following items be withdrawn from the agenda: (*PEX 3.1 – Strategic Land Acquisition – Raglan*); and
- d. all reports be received.

CARRIED**WDC2310/17****DISCLOSURES OF INTEREST**

Agenda Item 3

It was noted by Cr M Raumati that she would declare a non-financial interest in Agenda item 5.1.

REPORTSPapahua Reserve, Raglan

Agenda Item 5.1

The report was received [*WDC2310/17 refers*] and the following discussion was held:

- Ngaati Mahaanga was confirmed as being mana whenua.

Resolved: (Crs Keir/Turner)

That the Waikato District Council:

- a. **confirms the intention to enter into a Joint Management Agreement with Ngaati Maahanga for the governance of the Papahua Recreation Reserve.**
- b. **notes the following in the establishment of the Joint Management Agreement:**
 - i. **Ngaati Maahanga are mana whenua for the reserve and will be partners in its governance in recognition of the 1923 tuku whenua.**
 - ii. **The Papahua Recreation Reserve is to be governed in a manner consistent with the Raglan Coastal Reserves Management Plan and the Reserves Act 1977, or any subsequent renewal of these.**
 - iii. **A draft Joint Management Agreement be brought back to Council for review and endorsement.**

CARRIED

WDC2310/19

Budget Reallocation for Raglan Beacon & Huntly Boiler Replacement
Agenda Item 5.2

The report was received [WDC2310/17 refers] and the following discussion was held:

- It was noted that the cost of the boiler has increased by 30% since it was first looked at. The Service Delivery General Manager provided an overview of the Long Term Plan budget process.
- It was further noted that the Raglan Beacon issue started nearly 20 years ago and the Chief Executive provided clarity on the issues that have surrounded this project and why it has taken a significant amount of time.
- It was confirmed that the funding from Energy Efficiency & Conservation Authority (EECA) is completely capped and this needs to be used.

Resolved: (Crs Patterson/Gibb)

That the Waikato District Council:

- a. **approves the reallocation of 2023/24 budget allowance \$320,000 from account code 102271-9110-0000-00-25514 to complete the below projects for community:**
 - i. **100942-1590-0000-00-25514 for the Raglan Beacon Replacement project to the extent of \$120,000; and**
 - ii. **100628-1410-0000-00-25514 for the Huntly Aquatic Centre Boiler Replacement and the Huntly Aquatic Centre air handling unit replacement project to the extent of \$200,000.**

CARRIED

WDC2310/20

The meeting was adjourned at 12.45pm and reconvened at 3.45pm

COMMITTEE REPORTS

Performance & Strategy Committee Recommendations – 9 October 2023
Agenda Item 4.1

Annual Report (P&S2310/03)

The report was received [WDC2310/17 refers] and there was no further discussion.

Resolved: (Crs Gibb/Raumati)

THAT the Performance & Strategy Committee recommends to Council:

- a. that the audited 2022/23 Annual Report and Annual Report Summary be adopted, subject to any minor editorial updates and audit clearance.

CARRIED

WDC2310/18

EXCLUSION OF THE PUBLIC

Agenda Item 6

Resolved: (Crs Beavis/Reeve)

- a. **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
Item PEX 2.1 – Waters Governance Board Recommendations – 5 September 2023 & 10 October 2023	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
Item PEX 2.2 – Performance & Strategy Committee Recommendations – 6 September 2023		
Item PEX 3.1 – Strategic Land Acquisition, Raglan		

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
Item PEX 2.1 – Waters Governance Board Recommendations – 5 September 2023 & 10 October 2023	Refer previous minutes for reasons for exclusion.	
Item PEX 2.2 – Performance & Strategy Committee Recommendations – 6 September 2023	7(2)(c)(i)	To protect information that is subject to an obligation of confidence and to ensure the information avenue remains open, when it is in the public interest for it to do so.
Item PEX 3.1 – Strategic Land Acquisition, Raglan	Refer to Waters Governance Board agenda for reasons for exclusion.	
Item 5.1 - Approval of Initial Waka Kotahi Funding Bid	7(2)(h)	To enable commercial activities to be carried out without prejudice or disadvantage.
	7(2)(i)	To enable negotiations to carry on without prejudice or disadvantage.

CARRIED

WDC2310/21

Resolutions WDC231022 /-WDC2310/25 are contained in the public excluded section of these minutes.

There being no further business the meeting was declared closed at 3.51 pm.

Minutes approved and confirmed this day 2023.

JA Church
CHAIRPERSON

Unconfirmed

Minutes for an extraordinary meeting of the Waikato District Council held in the Council Chambers, 15 Gallileo Street, Ngaaruawaahia on **WEDNESDAY, 1 NOVEMBER 2023** commencing at **12.10pm**.

Present:

Her Worship the Mayor, Mrs JA Church (Chairperson) *(until 12.37pm, Item PEX2.1)*
Cr C Eyre (Deputy Mayor) *(assumed the Chair at 12.37pm, Item PEX 2.1)*
Cr C Beavis
Cr J Gibb
Cr M Keir
Cr P Matatahi-Poutapu
Cr K Ngataki
Cr E Patterson
Cr V Reeve
Cr L Thomson
Cr P Thomson
Cr T Turner

Attending:

Mr GJ Ion (Chief Executive)
Mr TG Whittaker (Chief Operating Officer)
Ms A Diaz (Chief Financial Officer)
Mr W Gauntlett (General Manager Community Growth)
Mrs C Pidduck (Legal Counsel)
Ms K Nicolson (Infrastructure Development Manager)
Mr P Henderson (Roading)
Mr P Edwards (Capex Delivery Consultant)
Ms H Coalter (Acting Growth & Analytics Manager)
Mr P Mwene (Infrastructure Development Manager)
Mrs GJ Kanawa (Democracy Manager)

The meeting was opened and immediately adjourned at 12.10pm to enable a Council briefing to be completed..

The meeting resumed at 12.34pm.

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Gibb/Ngataki)

THAT the apologies from:

- a. Councillor Raumati and Councillor Whyte for non-attendance be accepted.

CARRIED

WDC2311/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Agenda Item 2

Resolved: (Crs Eyre/Patterson)

THAT the agenda and supplementary public excluded agenda for a meeting of the Waikato District Council held on Wednesday, 1 November 2023 be confirmed:

- b. with all items therein being considered in open meeting with the exception of those items detailed at agenda item 4, which shall be considered with the public excluded; and
- c. all reports be received.

CARRIED

WDC2311/02

DISCLOSURES OF INTEREST

Agenda Item 3

There were no disclosures of interest.

EXCLUSION OF THE PUBLIC

Agenda Item 4

Resolved: (Crs P Thomson/L Thomson)

- a. 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:

To	Waikato District Council
Report title	Actions Register – November 2023
Date:	7 November 2023
Report Author:	Kaye Whitfield, Executive Assistant to Chief Executive
Authorised By:	Gavin Ion, Chief Executive

1. Purpose of the report **Te Take moo te puurongo**

To update the Council on actions arising from the previous Council meeting.

2. Staff recommendations **Tuutohu-aa-kaimahi**

That the Waikato District Council receives the Actions Register for November 2023.

3. Attachments **Ngaa taapirihanga**

Attachment 1 – Actions Register

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Waikato District Council - Actions Register
November 2023

Meeting Date	Item and Action	Person / Team Responsible	Status Update
09/10/23	Graphs and pictures within the agenda to be more legible (larger) – Zero Harm to work on for future reports.	Lynn Shirley	<ul style="list-style-type: none">• Noted
09/10/23	Submission to the Minister for the Environment on the Biodiversity Credit System for Aotearoa New Zealand, Discussion Document to be finalised and submitted on behalf of Council as per the resolutions resolved at the meeting.	James Fuller	<ul style="list-style-type: none">• Completed – submitted on 30 October.

To	Waikato District Council
Report title	Policy & Regulatory Committee Recommendations – 14 November 2023
Date:	Tuesday, 14 November 2023
Report Author:	Lynette Wainwright, Democracy Advisor
Authorised by:	Gaylene Kanawa, Democracy Manager

1. Executive summary

Whakaraapopototanga matua

The purpose of this report is to seek the Council's approval of the recommendation from the Policy & Regulatory Committee meeting held on Tuesday, 14 November 2023.

The Policy & Regulatory Committee agenda and attachments from the meeting held on Tuesday, 14 November 2023 can be found on the Council website via the following link:

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

2. Staff recommendations

Tuutohu-aa-kaimahi

Adoption of the Freedom Camping Bylaw 2023 (P&R2311/04)

That the Policy and Regulatory Committee:

- a. confirms that further consultation is not required under section 76 of the Local Government Act 2002;*
 - b. confirms, in accordance with Section 11 of the Freedom Camping Act 2011, that a bylaw is necessary in the Waikato District for one or more of the following purposes:*
 - i. to protect the area;*
 - ii. to protect the health and safety of people who may visit the area; and*
 - iii. to protect access to the area;*
-

- c. confirms, in accordance with Section 11 of the Freedom Camping Act 2011, that the bylaw is the most appropriate and proportionate way of addressing the perceived problem(s) in relation to each area;*
- d. confirms that the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990;*
- e. notes the changes made to the proposed Freedom Camping Bylaw 2023 (Attachment 1), as directed during deliberations by the Policy and Regulatory Committee on 16 October 2023; and*
- f. recommends to Council that the Waikato District Council Freedom Camping Bylaw 2023 (Attachment 2) is adopted; and*
- g. confirms that staff will need to amend reserve management plans to reflect the provisions of the Freedom Camping Bylaw 2023.*

THAT Waikato District Council:

- a. confirms that further consultation is not required under section 76 of the Local Government Act 2002;**
 - b. confirms, in accordance with Section 11 of the Freedom Camping Act 2011, that a bylaw is necessary in the Waikato District for one or more of the following purposes:**
 - i. to protect the area; and**
 - ii. to protect the health and safety of people who may visit the area; and**
 - iii. to protect access to the area.**
 - c. confirms, in accordance with Section 11 of the Freedom Camping Act 2011, that the bylaw is the most appropriate and proportionate way of addressing the perceived problem(s) in relation to each area; and**
 - d. confirms that the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990; and**
 - e. notes the changes made to the proposed Freedom Camping Bylaw 2023 (Attachment 1 of the Policy & Regulatory agenda report), as directed during deliberations by the Policy and Regulatory Committee on 16 October 2023; and**
 - f. that the Freedom Camping Bylaw 2023 (Attachment 2 of the Policy & Regulatory agenda report) is adopted; and**
 - g. confirms that staff will need to amend reserve management plans to reflect the provisions of the Freedom Camping Bylaw 2023.**
-

Appointment of Council's Representative on the Future Proof Hearings Subcommittee (P&R2011/05)

That the Policy and Regulatory Committee:

- a. *recommends to Council that Cr Carolyn Eyre (who is the Deputy Mayor and is also one of Waikato District Council's representative on the Future Proof Implementation Committee) be Waikato District Council's representative on the Future Proof Hearings Subcommittee; and*
- b. *recommends to Council that Cr Eugene Patterson (who is Council's alternate representative on the Future Proof Implementation Committee) be Cr Eyre's alternate should the latter not be able to discharge her duties.*

THAT Waikato District Council appoints:

- a. **Cr Carolyn Eyre (who is the Deputy Mayor and is also one of Waikato District Council's representative on the Future Proof Implementation Committee) be Waikato District Council's representative on the Future Proof Hearings Subcommittee; and**
- b. **Cr Eugene Patterson (who is Council's alternate representative on the Future Proof Implementation Committee) be Cr Eyre's alternate should the latter not be able to discharge her duties.**

Recommendation to Adopt – Significance and Engagement Policy (P&R2011/06)

That the Policy and Regulatory Committee recommends that Council:

- a. *adopts the Significance and Engagement Policy 2023 (Option One – Attachment 1), and*
- b. *revokes the Significance and Engagement Policy 2020 (Attachment 3).*

THAT Waikato District Council:

- a. **adopts the Significance and Engagement Policy 2023 (Option One – Attachment 1 of the Policy & Regulatory agenda report), and**
- b. **revokes the Significance and Engagement Policy 2020 (Attachment 3 of the Policy & Regulatory agenda report).**

3. Attachments

Ngaa taapirihanga

Link to Policy & Regulatory Open Agenda:

https://waisite.waikatodistrict.govt.nz/docs/default-source/meetings/agenda-2023/231114-p-r-agenda-open.pdf?sfvrsn=96536ac8_1

To	Waikato District Council
Report title	Zero Harm Update – November 2023
Date:	8 November 2023
Report Author:	Lynn Shirley, Zero Harm Manager
Authorised by:	Gavin Ion, Chief Executive

1. Purpose of the report

Te Take moo te puurongo

To provide Council with an update on the delivery of activities detailed in the Zero Harm Strategic Improvement Plan and overview current health and safety performance.

2. Executive summary

Whakaraapopototanga matua

- A review of performance against our Zero Harm Strategic Improvement Plan for Quarter 1 has been undertaken by the Executive Leadership Team.
- We continue to progress reviewing the risk control plan for Workplace Violence and developing the risk control plan Work-related Mental Wellbeing.
- While attempting to pole an aggressive dog in the road reserve, an Animal Control Officer (ACO) tripped and fell. The dog took this opportunity to rush at the ACO causing a puncture wound to the ACOs thigh.
- We have engaged an external consultant to undertake another independent review and risk assessment of our security control measures for managing the critical risk of workplace violence.

3. Staff recommendations

Tuutohu-aa-kaimahi

That the Waikato District Council receives the Zero Harm report for November 2023 and the Zero Harm Performance Dashboard for October 2023.

4. Background Koorero whaimaarama

Councils' zero harm culture is supported by a health and safety management system of policies, standards, requirements, and guidelines that are designed to support the elimination or management of risk and enable good practice.

5. Discussion Matapaki

Zero Harm Strategic Improvement Plan FY23/24 Progress

A quarterly update on the delivery of activities detailed in our FY23/24 Zero Harm Strategic Improvement Plan was recently shared with the Executive Leadership Team (ELT) and Safety Action Team (SAT).

All activity planned for Quarter 1 (Q1) has either been completed or is underway. Refer to Attachment 1.



Our People

Worker Engagement, Participation and Consultation

The Safety Action Team (SAT) continues to meet monthly. Key areas of focus for the SAT are currently:

- Supporting the organisation of Work Safe Home Safe 2024
- Developing tools to support SAT representative engagement and involvement
- Supporting the development of a digital field work risk assessment tool

Training continues for our SAT representatives with the following number of workers being trained to date in 2023.

Training course delivered	Number of workers trained
Health & Safety Rep Stage 1: Introduction to the HSR role	11
Health & Safety Rep Stage 2: Risk Assessment and Incident Investigation	7
Health & Safety Rep Stage 3: Workplace H&S Culture and Communication	4
Incident Causation Analysis Method (ICAM) Investigation Techniques	1

Effective Systems

Auditing and Assurance

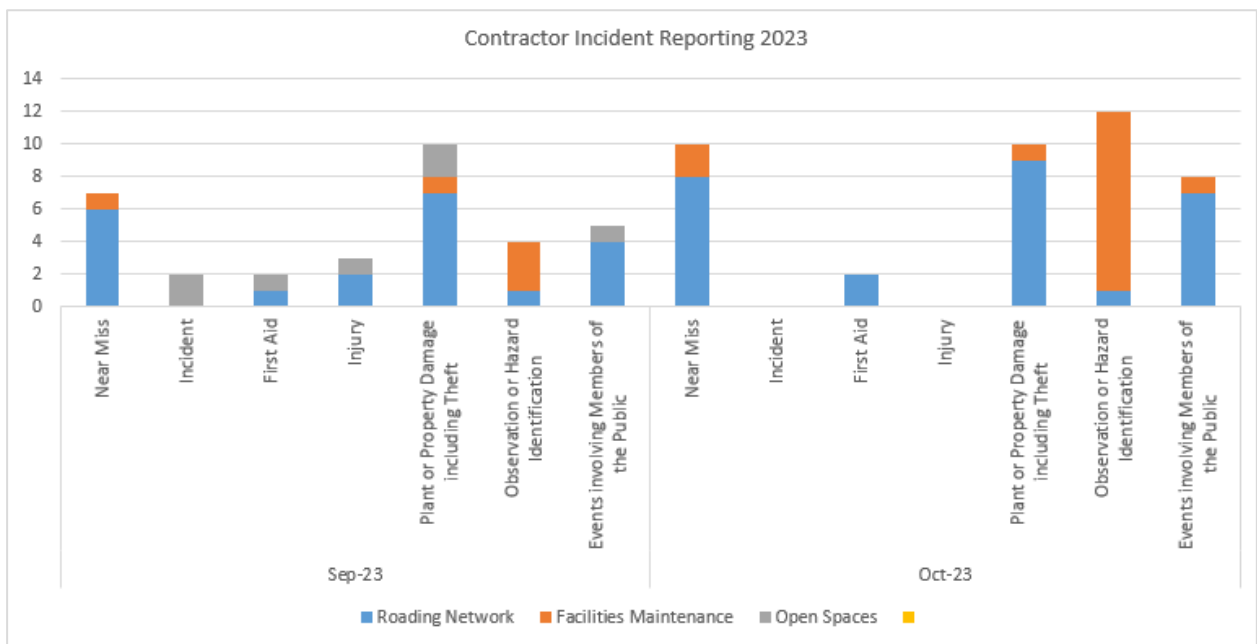
An audit on the recovery controls detailed in the On Road Driving critical risk control plan was completed last month by the Audit & Assurance Advisor. Three recommendations for improvement were identified and these are in the process of being implemented.

We are continuing to support the Animal Control team with implementation of improvement actions identified in the recent Critical Control Verification Assessment for the critical risk of Working with Animals.

Contractor Management

We have continued to progress the review of our ZHSMS Contractor Management Standard (which will be known going forward as our Health and Safety in Procurement Management Standard). We are currently trialling a new tool for undertaking a health and safety inspection of contracted work.

We have also progressed the development of a contractor incident dashboard based on the current contractual reporting that we receive from several of our Tier One contractors. The dashboard for September and October is illustrated below.



Events reported involving Members of the Public included:

- Members of the public not adhering to traffic management controls e.g. speeding through worksites
- Contracted workers being verbally abused by members of the public and'
- A member of the public bypassing site access controls.

Performance Reporting and Event Management

Council's Zero Harm performance across several health and safety metrics for September and October 2023 are shown below. The results for the period July 2022 to June 2023 are included for comparison.

Measures	July 22 to June 23	September and October 23 <i>(Annualised)</i>	Commentary
Events reported in BWare Safety Manager (<i>Lead</i>)	218	72 (216)	
Total Recordable Injuries (TRIs) e.g., Lost Time Injury, Restricted Work Injury or Medical Treatment Injury (<i>Lag</i>)	4	3	We had targeted a 50% reduction on the FY22/23 result. The TRIs were associated with the following activities <ul style="list-style-type: none"> • Slip and fall causing strain to knee while using public facilities in Auckland (Medical Treatment Injury) • Strain to achilles while crouching to restrain a dog for the vet (Medical Treatment Injury) • Poling aggressive dog in public (Lost Time Injury)
WorkSafe NZ Notifiable Events (<i>Lag</i>)	0	0	
First Aid Injury events (<i>Lag</i>)	18	9 (27)	3 minor first aid injuries associated with office equipment reported. One first aid injury associated with slip and fall on uneven ground while undertaking monitoring activity.
Serious Near Miss events (<i>Lead</i>)	3	0	
Near Miss events (<i>Lead</i>)	77	17 (51)	A slight reduction in near miss reporting has been noticed over the last couple of months. The Zero Harm team has and will continue to message the importance of reporting.
New Hazards (<i>Lead</i>)	81	35 (105)	24 new hazards identified during September and October
Zero Harm Engagement Conversations (<i>Lead</i>) KPI is >162 conversations per month or 1944 annually	2066	834 (2502)	A positive trend in the number of Zero Harm Engagement conversations being undertaken has continued in September and October.

The Lost Time Injury (LTI) recorded during October was associated with the critical risk of Working with Animals. While attempting to pole an aggressive dog in the road reserve, an Animal Control Officer (ACO) tripped and fell. The dog took this opportunity to rush at the ACO and latch onto them.

The ACO sustained a puncture wound to their thigh. First aid support was provided, and Police assistance was requested to assist with capturing the dog. The ACO sought external medical treatment and was certified unfit for work for one day. A Learning Team was formed, and an incident review was undertaken. Corrective actions and opportunities for improvement have been identified and loaded into BWare Safety Manager for tracking to completion.

The attached Zero Harm Dashboard (Attachment 2) illustrates safety performance for September and October 2023.

Critical Safety Risk Management

Workplace Violence

The review of the control plan for managing the critical risk of Workplace Violence is continuing. We have engaged an external consultant to undertake another independent review of our security control measures for managing this risk. This may include but is not limited to:

- External security, front counter/foyer security and office layout and access control
- Closed circuit television (CCTV) and alarm systems
- Mail handling and relevant emergency procedures
- Staff training

This work is planned to be undertaken across eleven of our library sites/offices in early December.

Mental Wellbeing at Work

The People and Capability and Zero Harm teams continue to meet on a fortnightly basis to progress the development of the Mental Wellbeing critical risk control plan. The team is progressing through identifying our existing and any other required controls for the following identified threats (hazards) that can create exposure to toxic work.

Potential threats (hazards) of a psychosocial nature to worker mental wellbeing (reference: ISO 45003 Psychological health and safety at work)		
Job security and precarious work	Working hours and working schedule	Organisational change management
Job specific demands	Job control and autonomy	Workload
Roles and expectations	Remote and isolated work	Working in extreme conditions
Interpersonal relationships	Work/life balance	Career development
Support	Recognition and reward	Equipment to complete tasks
Leadership	Supervision	Workplace conditions
Tools and other resources	Bullying, harassment, or victimisation	Organisational/workgroup culture

6. Attachments

Ngaa taapirihanga

Attachment 1 – Zero Harm Strategic Improvement Plan FY23/24 Version 2

Attachment 2 – Zero Harm Performance Dashboard October 2023

Vision (Mission)

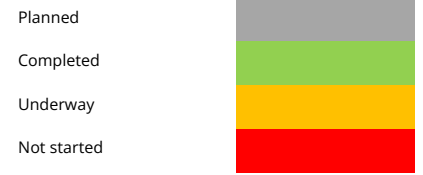
Mahi Tika Kaainga ora "Work Safe Home Safe"

We are committed to pursuing a culture of Zero Harm by eliminating or managing health, safety and wellbeing risks. We believe that:

- By looking after ourselves and others we will return home safe every day
- Health and safety is everyone's non-negotiable responsibility
- Work should only start when all safety critical controls are in place



KEY: Activities carried over from the previous financial year are highlighted in "Blue" Text
 Activities identified from recent external ISO45001 audit recommendations are highlighted in "Green"



Our Strategic Areas of Focus

- Our people are the solution to developing a healthy, safe and resilient workplace
- We will increase our leaders' health, safety and wellbeing capability to enable them to champion a strong health and safety culture across all areas of the organisation
- Our people and others will be supported to do their job safely every day
- We will have a continuous improvement mindset where we actively seek to learn and improve our culture, performance, systems and tools
- We will focus on what matters most and target risks which have the greatest potential to affect our people
- We will improve our understanding of our organisation's risk profile



"Work Safe, Home Safe " 2022/20223(Team Tactics)

Area of Focus	We will	Plan	Do	Check	Q1 July - Sept	Q2 Oct- Dec	Q3 Jan - Mar	Q4 Apr - June
Our People - Safety Leadership and Culture	Understand the health, safety and wellbeing needs of our People Leaders and provide them training and support to champion a strong health and safety culture	Develop and undertake Safety Leadership Survey with all People Leaders						
Our People - Safety Leadership and Culture	Embed a Positive Safety Leadership Training programme to enable People Leaders to better manage health, safety and wellbeing in their teams		Develop and commence delivery of Safety Leadership Training Programme					
Our People - Worker Engagement and participation	Empower our people to take responsibility for their health and safety, and to identify where improvements are required		Develop and deliver Work Safe, Home Safe 2024 event to the organisation					
Our People - Worker Engagement and participation	Empower our Safety Action Team (H&S) Representatives by enhancing the role and support provided	Develop SAT Rep Working Group to determine needs and consultation requirements of reps						
Effective Systems	Improve access to quality health, safety and wellbeing guidance, focussing on areas of highest risk		Continue to develop and update our Zero Harm Waisite content					
Effective Systems	Improve access to quality health, safety and wellbeing guidance, focussing on areas of highest risk		Continue to develop and implement our ZHSMS to meet the requirements of ISO45001					
Effective Systems	Improve access to quality health, safety and wellbeing guidance, focussing on areas of highest risk		Deliver emergency response training to all identified roles detailed in ERPs					
Effective Systems	Improve access to quality health, safety and wellbeing guidance, focussing on areas of highest risk		Develop and implement approved evacuation schemes for all Halls					
Effective Systems	Embed updated tools to support our people to record and manage incidents and risks		Implement and transition our people to using the updated version of BWare Safety Manager					
Effective Systems	Embed updated tools to support our people to record and manage incidents and risks			Review all Workgroup Hazard and Risk Registers				

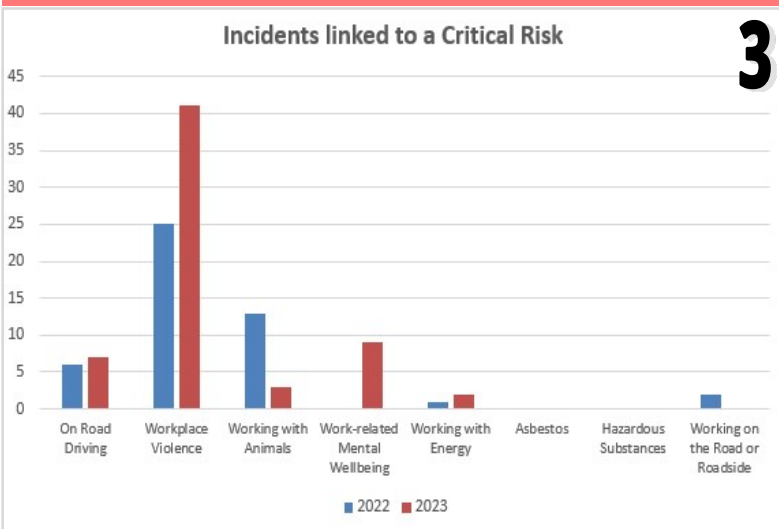
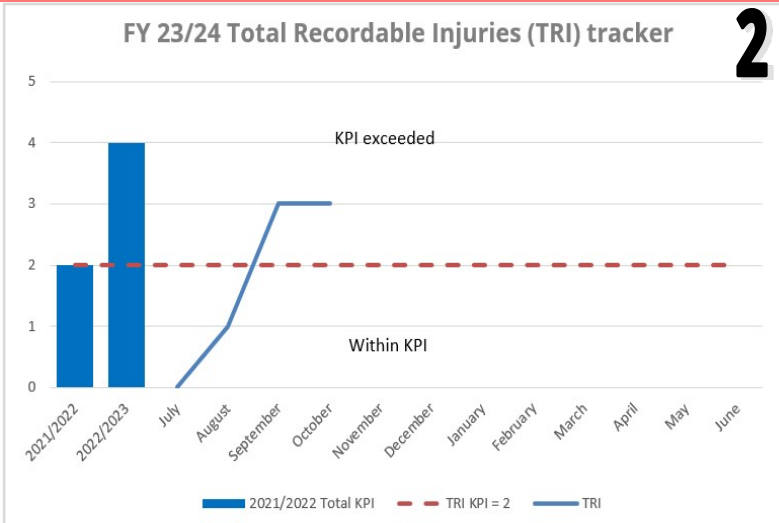
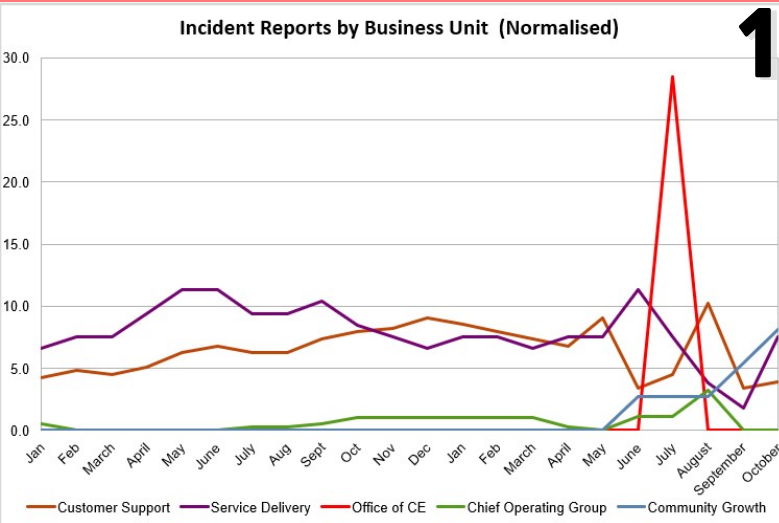
Zero Harm “Work Safe, Home Safe” Strategic Plan 2023/2024 And Key Performance Indicators (KPIs)

“Work Safe, Home Safe ” 2023/2024 (Team Tactics)								
Area of Focus	We will	Plan	Do	Check	Q1	Q2	Q3	Q4
Effective Systems	Provide guidance and support to our contract managers and external contractors to assist them to identify and manage risks		Revise and implement Contractor H&S management standard and associated tools					
Effective Systems	Empower our people to own health, safety and wellbeing processes , resources and the going improvement of these		Review existing Standard Operating Procedures and embed the use of SOPs					
Managed Risks	Improve our management of risks related to hazardous substances, workplace violence, on road driving, asbestos and working with animals.		Implement remaining Bowtie Controls for Hazardous Substances, Workplace Violence, Asbestos, On Road Driving and Working with Animals Critical Risks					
Managed Risks	Improve our management of risks related to working on the road or roadside		Implement Critical Risk Standard and Bowtie for Working on the Road or Roadside					
Managed Risks	Equip and support our people to manage the causes and consequences of fatigue, stress and other psychosocial hazards	Develop Critical Risk Standard and Bowtie for Mental Wellbeing at Work						
Managed Risks	Improve visibility of those risks that are critical, to ensure they are effectively controlled and the health, safety and wellbeing of our people and others within our workplace is protected.	Develop Critical Risk Assurance Framework for Safety Critical Controls						
Our Plan	Improve understanding of the Te Tiriti o Waitangi and our role as a partner of the treaty		All ZH team to attend Te Tiriti o Waitangi training					
Our Plan	Improve our focus on obtaining quality health and safety data to support our risk management activities.	Review and update existing data reporting to inform decision making once transition to new Bware platform is completed						

Our Measures	Target (+/- 15%)	Unit	Deadline	Status
Events reported in BWare Safety Manager (Lead)	> 180	Events reported	30th June 2024	
Total Recordable Injuries (TRIs) e.g., Lost Time Injury, Restricted Work Injury or Medical Treatment Injury (Lag)	< 2	TRI events	30th June 2024	Two confirmed TRI events (MTI CG and LTI Customer Support)
WorkSafe NZ Notifiable Events (Lag)	0	Events reported	30th June 2024	
First Aid Injury Events (Lag)	< 18	Events reported	30th June 2024	
Near Miss Events (Lead)	> 90	Events reported	30th June 2024	
New Hazards (Lead)	> 50	Hazards reported	30th June 2024	
Safety Engagement Conversations (Lead)	> 1950	Conversations recorded	30th June 2024	
ISO 45000 Internal Safety Management System Audit (Lead)	Compliant	ISO 45001 Audit Standards	30th June 2025	



Incident Management



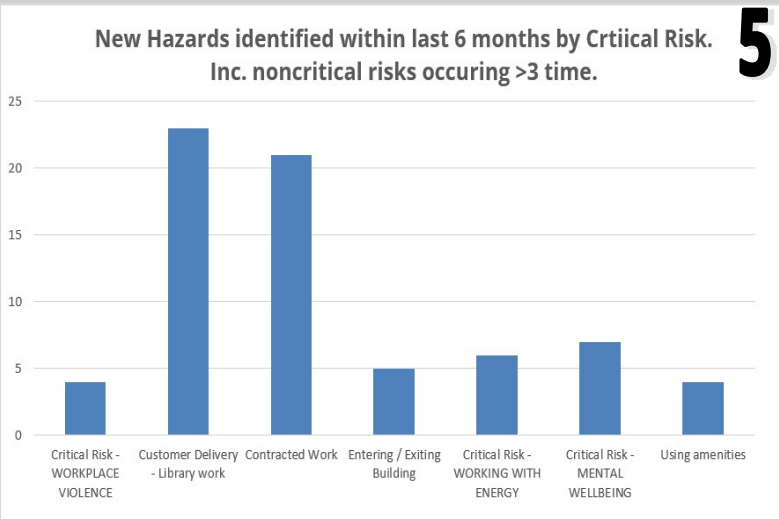
4 Top Nature of Injury - Year to date

- Burn/scald/irritation
- Bruising or crushing
- Laceration/cut/abrasion
- Sprain or strain

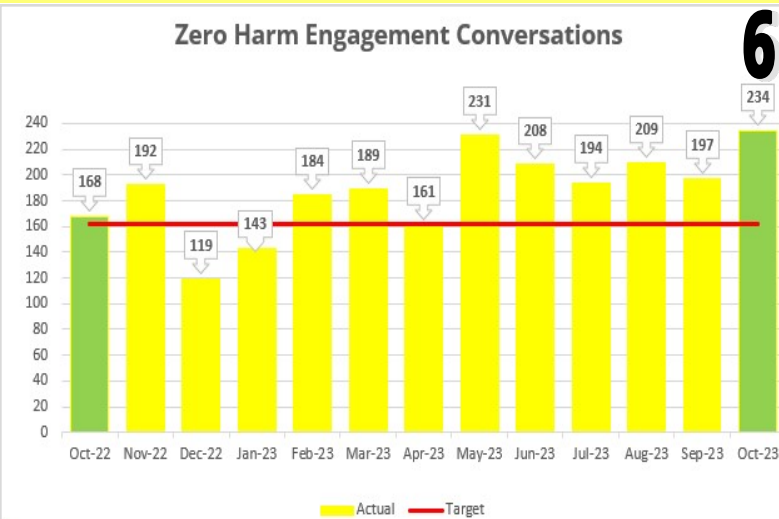
Top Mechanisms of harm - Year to date

- Chemicals or other substances
- Fall, trip or slip
- Hitting objects with part of body
- Being hit by moving objects

Hazard & Risk Management



Safety Leadership & Culture



Commentary

Graph 1 shows the volume of incidents (normalized) being reported in Bware Safety Manager by each business unit each month. A positive trend is noticed in the Community Growth business unit over the past three months.

Graph 2 shows the number of Total Recordable Injuries being recorded against our KPI target. Two injuries requiring medical treatment (physiotherapy) and one lost time injury have been record in the last two months.

Graph 6 shows a sustained positive trend over the last six months, with an average of 212 Zero Harm Engagement Conversations being recorded each month.

To	Waikato District Council
Report title	Joint Waikato Iwi, Chairs & Mayors Forum – Draft Terms of Reference and Draft Waikato Position Statement on Water Services
Date:	20 November
Report Author:	Gavin Ion, Chief Executive
Authorised by:	Gavin Ion, Chief Executive

1. Purpose of the report

Te Take moo te puurongo

The purpose of this report is to seek ratification of the attached draft Terms of Reference for the Joint Waikato Iwi, Chairs and Mayors Forum (**Draft ToR**) and draft position statement in relation to water services for the Waikato region (**Draft Position Statement**).

2. Executive summary

Whakaraapopototanga matua

The Mayoral Forum and Chairs of Waikato Iwi Organisations have met several times to determine if there is common ground around three waters services. As part of these conversations, it was discussed that the starting point would be to agree a Draft TOR and Draft Position Statement. The drafts are submitted for consideration by Council.

3. Staff recommendations

Tuutohu-aa-kaimahi

That the Waikato District Council:

- a. ratifies the draft Terms of Reference for the Joint Waikato Iwi, Chairs and Mayors Forum and Draft Position Statement on Waters Services.**
-

4. Background

Koorero whaimaarama

1. In the face of uncertainty around the political direction of water services reform, the Mayors and Chair of Waikato Councils and the Chairs of Waikato Iwi Organisations wish to provide collective leadership in respect of the water services needs of the Waikato region. To this end, the Chairs and Mayors have formed the Joint Waikato Iwi Chairs and Mayors Forum (**Forum**). The proposed terms of reference for the Forum are set out in the Draft ToR. It is noted that the membership has yet to be confirmed from an Iwi perspective and the Co-Chairs will not be appointed until the terms of reference are finalised.
2. The existence of the Forum places the Waikato in a strong position to represent Waikato interests to the incoming government. To ensure there is clarity on the position of Waikato's leaders, the Forum requested a working party to develop a draft position statement that clearly articulates the leaders' aspirations for water services for the region.
3. The Draft ToR and Draft Position Statement were developed over the course of August and September 2023 by the working party, with feedback and input from Forum members. The documents were approved in principle by the Forum members at a hui on 19 October 2023. As stated in the Draft Position Statement, this is stage one of the position statement development with the focus being on why change is required in relation to water services delivery across the Waikato and what outcomes the members agree need to be achieved in the context of any change.
4. It was agreed by the Forum that, where considered necessary by a member, that member would seek to have the Draft ToR and Draft Position Statement ratified by their organisation.
5. In the context of Waikato District Council, the Mayor has requested that the Draft ToR and Draft Position Statement be presented for ratification.

Next Steps

6. Ratification:

- 6.1. To the extent possible, those member organisations who wish to have the Draft ToR and Draft Position Statement ratified will attempt to do so before the next Forum meeting on 27 November 2023.
 - 6.2. Where ratification is not possible before 27 November, member organisations who wish to ratify the Draft ToR and Draft Position Statement will do so as soon as possible after 27 November.
 - 6.3. Once ratified, or whether a member considers ratification is not required, the member will agree the terms of reference and sign the position statement in their capacity as Mayor or Chair (as appropriate).
-

7. **27 November:** As stated in the document, the draft position statement constitutes stage one of the position statement development. Stage two envisages the focus moving to a proof of concept / business case setting out options for how water services delivery change could be implemented in the Waikato. At its 27 November hui, the Forum will reconvene to:

- 7.1. Confirm the outcome / status of the Draft ToR and Draft Position Statement (and whether it is appropriate for Co-Chairs to be appointed at this point in time).
- 7.2. Consider stage two of the position statement development, which will be progressed in parallel to the ongoing ratification of the Draft ToR and Draft Position Statement by those members who agree with the position statement.

5. Discussion and analysis

Taataritanga me ngaa tohutohu

As noted above, the intention is that the Draft ToR and Draft Position Statement provide the foundations for collaboration around the future of water services in the region.

5.1 Options

Ngaa koowhiringa

The options available to Council are:

- Ratify the Draft ToR and Draft Position Statement – this would indicate a willingness to participate in the discussions and not commit Council to any final outcome.
- Amend the draft ToR and Draft Position Statement – there may be changes that Council would like to see to the Drafts. This would then need to be agreed with all other partners.
- Do not support the Draft ToR and Draft Position Statement – there may be concerns which Council has or another approach is suggested.
- Decide to withdraw from the discussions – Council could decide not to collaborate or see value in the conversations.

The preferred option is to Ratify the Draft ToR and Draft Position Statement.

5.2 Financial considerations

Whaiwhakaaro puutea

There are no material financial considerations associated with the recommendations of this report. Should the discussions progress to looking at options, this would require funding and support, but we are not at that point yet.

5.3 Legal considerations

Whaiwhakaaro-aa-ture

There are no relevant legal requirements at this stage. The Draft ToR and Draft Position Statement do not bind Council to any course of action.

5.4 Strategy and policy considerations

Whaiwhakaaro whakamaaherehere kaupapa here

The Council has supported reform discussions and recognises the challenges of three waters affordability in the future. Supporting ongoing discussions and collaboration enable Council to evaluate other viable options to manage affordability.

5.5 Maaori and cultural considerations

Whaiwhakaaro Maaori me oona tikanga

This report is about building and strengthening our relationship with Waikato Iwi. It provides an opportunity for us to share and to collaborate to see if we can identify and work towards a mutually beneficial three waters future.

5.6 Climate response and resilience considerations

Whaiwhakaaro-aa-taiao

A key element of the discussion is the impact of three waters on our environment and our community. The aim of reform has been to improve the affordability, improving levels of service, effectiveness, and efficiency. This will lead to less impact on the environment and reduction in climate change impacts.

5.7 Risks

Tuuraru

There is a risk that the collaboration may not lead anywhere. It is important that to make progress, the coalition of the willing needs to be identified early. This may mean looking beyond the Waikato region.

Associated with the risk identified around willing partners are risks around timeframes and cost depending on how many partners are involved.

6. Significance and engagement assessment

Aromatawai paahekoheko

6.1 Significance

Te Hiranga

The decisions and matters of this report are assessed as of high significance, in accordance with the Council's [Significance and Engagement Policy](#).

The following criteria are particularly relevant in determining the level of significance for this matter:

- The degree to which the issue has a financial impact on Council or the rating levels (both targeted and general) of its communities. This relates to if the collaboration gains momentum and ultimately leads to combined water services with other councils (in some legal structure, for example – Council Controlled Organisation)
 - The proposal or decision could affect a large portion of the community.
-

- The likely impact on present and future interests of the community, recognising Maaori Tikanga (culture values) and their relationship to land and water.
- The proposal affects the level of service of a significant activity.
- The community interest is likely to be high.
- The likely consequences are controversial.
- There is more than one viable option.

6.2 Engagement

Te Whakatuutakitaki

At this stage, the engagement is with other Mayors and Iwi Chairs. Should the discussion gather momentum, other parties such as Community Boards and Community Committees, mana whenua, maraes and hapuu are likely to be consulted.

Highest level of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	At this stage, Councillors are involved in whether the Mayor should engage further with other Mayors, Chairs and Iwi Leaders.				

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

Planned	In Progress	Complete	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Internal
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Community Boards/Community Committees
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Waikato-Tainui/Local iwi and hapuu
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Communities
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Businesses
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (Please Specify)

7. Next steps Ahu whakamua

The Forum decision will be reported back to the December Council meeting.

8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and Committee's/Community Board's Terms of Reference and Delegations.	Confirmed
The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (<i>Section 5.1</i>).	Confirmed
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (<i>Section 6.1</i>).	High
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (<i>Section 6.2</i>).	Confirmed
The report considers impact on Maaori (<i>Section 5.5</i>)	Confirmed
The report and recommendations are consistent with Council's plans and policies (<i>Section 5.4</i>).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities (<i>Section 5.3</i>).	Confirmed

9. Attachments Ngaa taapirihanga

Attachment 1 – Position Statement - Waikato (Draft) Short form v.4

Attachment 2 – Terms of Reference - Joint Waikato Iwi, Chairs and Mayors Forum



Draft / Waikato Position Statement on Water Services

**Joint Waikato Iwi Chairs and Mayors Forum
October 2023**

DRAFT AND CONFIDENTIAL

Draft/ Waikato Position Statement on Water Services

Ki te kotahi te kākaho, ka whati; ki te kāpuia, e kore e whati

*When a reed stands alone it is vulnerable,
but a group of reeds together is unbreakable*

King Tawhiao

1. Introduction

- 1.1. This paper documents the joint position of the Waikato Mayors and Iwi Chairs regarding water services for the Waikato region.
- 1.2. This statement has been developed through the following process:
- (a) **7 August 2023:** the Waikato Mayors and Iwi Chairs formed a joint forum (**the Forum**) to work together and determine how best to protect the well-being of Waikato communities in the context of water services. The Forum requested a working party to prepare a draft position statement for the Forum's future consideration.
 - (b) **Mid-August 2023 – Late -September 2023:** the working party (comprising Council and Iwi Chief Executives) prepared a draft position statement.
 - (c) **Late September 2023 to Mid-October 2023:** the draft position statement was circulated to Forum members for consideration in advance of a 19 October Forum hui.
 - (d) **19 October 2023:** the current document was approved in-principle by the Forum as stage one of the position statement development and captures the agreed position of the Forum as to:
 - i. why change is required in relation to water services delivery across the Waikato; and
 - ii. what outcomes the members agree need to be achieved in the context of any change

Where considered necessary, members can seek to have this position statement ratified by their organisations. As noted above, this document constitutes stage one of the position statement development. The Forum will confirm whether stage two should be undertaken at its November 2023 hui. Stage two envisages the focus moving to a proof of concept / business case setting out options for how water services delivery change could be implemented in the Waikato, including proposed governance and financing arrangements.

2. The Waikato

- 2.1. The Waikato has many significant waterbodies, including taonga of national significance such as Taupō–nui–a–Tia (Lake Taupō), Te Awa o Waikato, and Tikapa Moana (Hauraki Gulf). These waterbodies support the cultural, social and economic wellbeing of not only Waikato communities but also, through water supplies from the Waikato River, the Auckland community.
- 2.2. The Waikato sits at the heart of the 'golden triangle', a strategically significant socio-economic zone between Hamilton, Auckland and Tauranga, the fastest-growing metropolitan centres in Aotearoa New Zealand. The region's growth is increasingly impacting on its rural communities which are also critical for supporting a number of nationally significant sectors that are based in the Waikato including tourism, market gardening, forestry and wood processing, dairy farming, mining, aquaculture and horse breeding.

3. Waikato Water Services needs

- 3.1. **Regulatory change:** Legislative frameworks around water services delivery are changing rapidly, with the establishment of an economic regulator (value for money) through the Commerce Commission and increasing quality regulation (health and environmental standards) through Taumata Arowai and changes to national planning instruments such as the National Policy Statement for Freshwater.
- 3.2. The new economic regulatory regime aims to drive efficient expenditure and pricing practices – it will require regulated suppliers to disclose certain information, directly govern service quality and set a strong efficiency challenge to drive lower prices for customers. The combined regulatory effect is intended to significantly improve the delivery of wastewater, water supply, and stormwater service but in a manner that is efficient and cost effective with increased accountability to customers.
- 3.3. In assessing water quality and quantity, there is an increased focus on Te Mana o Te Awa/Wai. In the context of the Waikato, this focus is enshrined in Treaty Settlements across the region. These set the foundation for a more strategic and results oriented approach to water services governance and delivery.
- 3.4. To deliver on the strategic and results orientated approach, and meet the requirements of increased regulation, there is a need:
 - (a) to design and implement an asset management and capital works programme across the region that will (over time) deliver on the strategic results-oriented approach sought
 - (b) for significant renewals expenditure and upgrades to several wastewater treatment plants
 - (c) to enhance the condition of certain water treatment plants to increase capacity and meet current and future levels of service
 - (d) to manage and monitor the critical link between planning for urban growth and funding water services infrastructure needs.
 - (e) to operate efficiently and prepare for the introduction of economic regulation
- 3.5. **Challenges to meet the change:** Under the status quo, there are significant financial constraints on the ability of Councils to meet current and future infrastructure needs for their communities. The change in water standards means that some existing assets will need to be renewed before the end of their useful lives. Also, as the population is forecast to continue growing, with the highest growth rates in urban centres, particularly Hamilton, Waikato and Waipa, there is (and will continue to be) a higher demand for services and so an ever-increasing need for investment in new infrastructure and sustainable water sources. In terms of maintaining the existing infrastructure, the Waikato region already has one of the highest lengths of water services networks assessed to be in poor to very poor condition across the motu (on the basis of information collated by the DIA NTU). In summary, significant investment is required in existing and new assets.

4. Iwi Views

- 4.1. Iwi have worked closely with the Crown to ensure active and relevant parts of their settlements are reflected in water services reform. For Iwi, partnership and equity in the reform process is important.
- 4.2. A key part is the recognition of Te Ture Whaimana as the primary direction-setting document for the Waikato River and activities within its catchment affecting the Waikato River is at the heart of the Waikato River Settlement.

- 4.3. The proposed Pare Hauraki settlement will result in a range of co-governance bodies in the Pare Hauraki rohe. This includes the establishment of the Waihou, Piako and Coromandel Catchment Authority (the WPCC Authority) to provide co-governance, oversight and direction for the management of the Coromandel, Waihou and Piako waterways.
- 4.4. In view of the clear relevance to, and inter-relationship of, the water services system (and associated water services infrastructure, planning, development and decision-making) with the region's waterbodies and their catchments, it is both appropriate and necessary for persons exercising functions and powers under all applicable water services statutes to give effect to Treaty settlement obligations.
- 4.5. Several challenges are presented to meet future water services needs of the Waikato:
- (a) Recognition of Iwi rights and interests in water including our Kaitiakitanga and Rangatiratanga
 - (b) Asset allocation including:
 - a. prioritisation of resources particularly those between rural and growth areas
 - b. management of water for areas where growth will occur around marae including papakainga housing
 - c. understanding of the extent and needs of marae not connected to a treated water supply and the costs of connection
 - (c) the need for equity of funding to assess and upgrade water supply for marae
 - (d) consideration of the impact of growth on waterways including discharge and water allocation
 - (e) access to clean, safe and sustainable drinking water
- 4.6. However, Iwi are also aware that there are significant opportunities for improved water quality, upgraded water supplies to marae and the ability to build Iwi capacity and capability in the water supply area.

5. Council Views

- 5.1. To meet the water services needs of the Waikato, there is a need to change delivery from the status quo so that:
- (a) there is the financial capacity to meet the increased investment that growth, renewals, maintenance and changing expectations of our communities requires
 - (b) there are business practices in place that support the delivery of water services in accordance with new economic regulatory requirements
 - (c) water services are more resilient to address climate change and environmental impacts, particularly increasing water scarcity and flooding events.
 - (d) a holistic approach is taken to delivering water services, including Te Mana o Te Wai and Te Mana o Te Tangata – waterways and communities' relationship with them
 - (e) there is the ability to leverage off economies of scale
 - (f) there is the human capital with the right skills and competency to deliver water services across the region

- (g) an approach is adopted which ensures maximum optimisation of investment and return is achieved

5.2. Any change must protect the strong relationships between Councils within the region, their Iwi partners and the relationships with the communities that are served.

6. Joint position

6.1. Based on the needs of the Waikato region set out in section 3 above, the Forum is of the view that any aggregation of Councils water services needs to achieve the following outcomes:

- (a) create scale and change to enable the significant investment required that is out-of-reach of individual councils alone
- (b) create the conditions to build and sustain a highly skilled and adaptable water workforce that can innovate and collaborate to drive outcomes for Waikato and is seen as world-leading
- (c) be customer-focused, leveraging new technologies, while also building customer awareness of their role in the water system and the value of water
- (d) ensure local voice is represented in critical decision-making around water investment and management across the region, including decisions in relation to water takes and water discharges
- (e) meet the expectations of key partners and stakeholders including those represented in Treaty settlements.

Agreement and signature

I confirm that I have read this position statement and agree to the contents of it in my capacity listed below:

Signatures [Noted: to be updated once membership of Forum confirmed]

Name	Office	Organisation	Signature	Name	Office	Organisation	Signature
Toby Adams	Mayor	Hauraki District Council		Kataraina Hodge	Chair	Raukawa Charitable Trust	
Paula Southgate	Mayor	Hamilton City Council		Peter Douglas	Chair	Te Nehenehenui Trust	
John Robertson	Mayor	Waitomo District Council		Evelyn Forrest	Chair	Te Arawa River Iwi Trust	
Len Salt	Mayor	Thames Coromandel District Council		Tuku Morgan	Chair	Waikato Tainui	
Adrienne Wilcock	Mayor	Matamata Piako District Council		John Bishara	Chair	Tūwharetoa Māori Trust Board	
Susan O'Regan	Mayor	Waipā District Council		David Taipari	Chair	Hauraki Māori Trust Board	
Max Baxter	Mayor	Ōtorohanga District Council					
David Trewavas	Mayor	Taupō District Council					
Gary Petley	Mayor	South Waikato District Council					
Jacqui Church	Mayor	Waikato District Council					
Pamela Storey	Chair	Waikato Regional Council					

DRAFT AND CONFIDENTIAL

Joint Waikato Chairs and Mayors Forum - Terms of Reference

Background

The health and wellbeing of water equals the health and wellbeing of communities. As representatives of their people, and the communities they serve, the Waikato Iwi leaders and Mayors of Councils have formed a joint forum to work together and determine how best to protect the well-being of Waikato communities in the context of water services (drinking water, wastewater and stormwater)

Purpose

To provide collective leadership in respect of the needs of the Waikato region in relation to water services

Objectives

- To agree on a position statement in relation to water services for the Waikato region so that the Waikato speaks with one voice.
- To further grow and develop the relationships between the members of the Forum so that they continue to work in partnership
- In the context of the ongoing water services reform, provide a governance forum that will consider and provide feedback / direction (as appropriate) to the government, DIA NTU and / or Regional Establishment Team
- Consider and recommend the preferred option for how water services could be delivered in the Waikato in a manner that is focussed on meeting the needs of the Waikato

Term

Until such time as the Forum passes a resolution to wind up the Forum

Frequency

The Forum will meet on a needs basis with the timing of each meeting that is convened to align with Mayoral Forum for the Waikato region

- The time will be 60 - 90 minutes (depending on the agenda)

Membership

Council Mayors	Iwi Chairs and appointed members
Hauraki District Council Mayor	Raukawa Charitable Trust, Chair
Hamilton City Council Mayor	Te Nehenehenui Trust, Chair
Waitomo District Council Mayor	Te Arawa River Iwi Trust, Chair
Thames Coromandel District Council Mayor	Waikato Tainui, Chair
Matamata Piako District Council Mayor	Tūwharetoa Māori Trust Board, Chair
Waipā District Council Mayor	Hauraki Māori Trust Board, Chair
Ōtorohanga District Council Mayor	TBC
Taupō District Council Mayor	TBC
South Waikato District Council Mayor	TBC
Waikato District Council Mayor	TBC
Waikato Regional Council Chair	

Quorum, alternates and attendees

- Quorum means the quorum of governance and will be met where 50% of the Iwi and Council members respectively are present (either in person or via audio and visual technology that enables them to communicate and participate effectively in the meeting)
- A list of alternates will be approved by the Forum so that when a member is unable to attend, their alternate can represent them at a Forum meeting (**Approved Alternate**)
- Approved Alternates will count towards the Quorum.
- Members may invite attendees (being CEOs and advisors in their organisations) to attend the Forum. Attendees will not count towards the Quorum unless they are Approved Alternates

Joint Waikato Chairs and Mayors Forum - Terms of Reference (Continued)

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Key Responsibilities - Members

- The Joint Co-Chairs of the Forum are [] and [].
- The Co-Chairs will
 - set the agenda for each forum meeting and will ensure the agenda and supporting materials are delivered to members in advance
 - make the purpose of each meeting clear to members and explain the agenda at the beginning of the meeting
 - ensure a Quorum is met and advise the Forum of any Approved Alternate in attendance at that meeting
 - keep the meeting moving by putting time limits on each agenda item
 - end each meeting with a summary of decisions, actions and escalations
- The members will work as leaders of the Waikato region and share information and encourage open discussion and debate.
- The members will conduct themselves in a manner that aligns with the purpose and furthers the objectives of this Forum.

Minutes, Notes, Decisions and Actions

- Agenda items and papers for discussion must be finalised by the Co-Chairs three days prior to the forum meeting. Papers must be submitted to the forum for consideration at least two working days in advance of the meeting itself.

Inputs and Papers

- Currently, administrative support for the Forum is provided by Co-Lab as a goodwill extension of the contract they have to provide administrative support for the Mayoral Forum. The contract in relation to the Mayoral forum will be extended to include this Forum and costs will be shared equally between the forum members.
- Co-Lab will be responsible for coordinating and producing the agenda for each meeting for Chair approval, scheduling meetings including inviting members, recording minutes that accurately reflect discussions and decisions, and maintaining forum records.

To	Waikato District Council
Report title	Exclusion of the Public
Date:	13 November 2023
Report Author:	Gaylene Kanawa, Democracy Manager
Authorised by:	Gavin Ion, Chief Executive

1. Staff recommendations Tuutohu-aa-kaimahi

a. 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
Item PEX 2 – Minutes for confirmation	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
Item PEX 3.1 – Chief Executive Performance Review Committee – Minutes for 19 September 2023 (For Information Only)		
Item PEX 3.2 – Infrastructure Committee – 8 November 2023		
Item PEX 4.1 – Roding Services Contract Review		
Item PEX 4.2 – Strategic Land Acquisition - Pookeno		

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
Item PEX 2 – Minutes	Refer previous minutes for reasons for exclusion.	
Item PEX 3.1 – Chief Executive Performance Review Committee – Minutes for 19 September 2023 (For Information Only)	7(2)(a)	To protect a person’s privacy.
Item PEX 3.2 – Infrastructure Committee – 8 November 2023	Refer to Infrastructure Committee agenda for reasons for exclusion.	
Item PEX 4.1 – Roading Services Contract Review	7(2)(i)	To enable negotiations to carry on without prejudice or disadvantage.
Item PEX 4.2 – Strategic Land Acquisition - Pookeno	7(2)(i)	To enable negotiations to carry on without prejudice or disadvantage.

2. Attachments

Ngaa taapirihanga

There are no attachments for this report.
