

Agenda for a meeting of the Waikato District Council to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **MONDAY, 22 FEBRUARY 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.

The meeting will be opened with a karakia

1. APOLOGIES AND LEAVE OF ABSENCE

2. CONFIRMATION OF STATUS OF AGENDA

3. DISCLOSURES OF INTEREST

4. CONFIRMATION OF MINUTES

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6.1 Policy & Regulatory Committee

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GJ Ion
CHIEF EXECUTIVE

TERMS OF REFERENCE AND DELEGATION

Chairperson:	His 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 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.

Open Meeting

To	Waikato District Council
From	Gavin Ion Chief Executive
Date	22 February 2021
Prepared by	Brendan Stringer Democracy Manager
Chief Executive Approved	Y
Reference #	GOV1301
Report Title	Confirmation of Minutes

I. EXECUTIVE SUMMARY

To confirm the minutes of:

- a meeting held on Monday, 14 December 2020; and
- an emergency meeting held on Monday, 21 December 2020.

2. RECOMMENDATION

THAT the minutes of a meeting of Waikato District Council held on Monday, 14 December 2020 be confirmed as a true and correct record of that meeting;

AND THAT the minutes of an emergency meeting of Waikato District Council held on Monday, 21 December 2020 be confirmed as a true and correct record of that meeting.

3. ATTACHMENTS

Open Minutes – 14 December 2020

Open Minutes (Emergency) – 21 December 2020

Minutes of a meeting of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **MONDAY, 14 DECEMBER 2020** commencing at **9.32am**.

Present:

His Worship the Mayor, Mr AM Sanson (Chairperson)
 Cr AD Bech
 Cr JA Church
 Cr CA Eyre
 Cr JM Gibb
 Cr SD Lynch [*until 11.47am and then from 11.56am in the public excluded session*]
 Cr RC McGuire
 Cr FM McInally
 Cr EM Patterson
 Cr JD Sedgwick
 Cr NMD Smith [*until 11.04am and then from 11.08am in the public excluded session*]
 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 C Morgan (General Manager Community Growth)
 Ms A Diaz (Chief Financial Officer)
 Mr J Ebenhoh (Planning & Policy Manager)
 Mr V Ramduny (Strategic Projects Manager)
 Mr J Quinn (Communications, Engagement and Marketing Manager)
 Dr M Davey (Analytics Manager)
 Mr C Bailey (Finance Manager)
 Mr N Wells (Strategic Property Manager)
 Mr T Pipe (Environmental Health Team Leader)
 Ms M Russo (Corporate Planning Team Leader)
 Mr B Stringer (Democracy Manager)

Ms E O’Dwyer (Waikato Times)

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Woolerton/Sedgwick)

THAT an apology be received from Cr Henderson.

CARRIED

WDC2012/06

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs Church/Sedgwick)

THAT the agenda for a meeting of the Waikato District Council held on Monday, 14 December 2020 be confirmed and all items therein be considered in open meeting with the exception of those items detailed at agenda item 8 which shall be considered with the public excluded;

AND FURTHER THAT in accordance with Standing Order 9.12 the Council resolves that the following items be added as late items to the agenda as noted by His Worship the Mayor:

- *Item 7.2 - Presentation of the Annual Report & Summary 2019/20;*
- *Item 7.4 - Population, Household and Land Supply Capacity Report – December 2020*
- *Item 2.6 (Public Excluded Agenda) - Amendments to the Development Agreements for the provision of infrastructure at Northgate Business Park at Horotiu;*

AND FURTHER THAT the Council resolves that the following item be withdrawn from the agenda, noting it will be presented in early 2021:

- *Item 7.3 - Waters Governance Board – LTP Recommendation*

CARRIED

WDC2012/07

DISCLOSURES OF INTEREST

Crs Gibb and Sedgwick advised members that they would each declare a non-financial conflict of interest in relation to item 2.5 in the Public Excluded agenda [*Variations to Contracts for Proposed District Plan Hearings Panel members*].

CONFIRMATION OF MINUTES

Resolved: (Crs McInally/Thomson)

THAT the minutes of a meeting of the **Waikato District Council** held on **Monday, 2 November 2020** be confirmed as a true and correct record of that meeting.

CARRIED

WDC2012/08

Resolved: (Crs Patterson/Gibb)

THAT the minutes of an emergency meeting of the **Waikato District Council** held on **Wednesday, 2 December 2020** be confirmed as a true and correct record of that meeting.

CARRIED

WDC2012/09

ACTION REGISTER

Agenda Item 5

The Chief Executive confirmed that there would be a workshop in February to continue discussions on mana whenua clusters.

Resolved: (Crs Lynch/Sedgwick)

THAT the report from the **Chief Executive** be received.

CARRIED

WDC2012/10

COMMITTEE RECOMENDATIONS**Policy & Regulatory Committee**

Agenda Item 6.1

Consultation Approval for the Waikato District Council Keeping of Animals Bylaw
(P&R2011/06)

Resolved: (Crs Sedgwick/Lynch)

THAT Council confirms that the **Waikato District Council Keeping of Animals Bylaw** is the most appropriate form of bylaw;

AND THAT Council confirms the **Waikato District Council Keeping of Animals 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.

CARRIED

WDC2012/11

Approval for Revocation of Policies
(P&R2011/07)

Resolved: (Crs Sedgwick/Lynch)

THAT Council approves the policies, listed below, be revoked with immediate effect:

- **Temporary Road Closures and Events on Roads and Banners.**
- **Code of Conduct 2013 - Council and Community Committees.**
- **Leasing - Rural Halls.**

CARRIED

WDC2012/12

Adoption of the Proposed Alcohol Control Bylaw
(P&R2011/08)

Resolved: (Crs Sedgwick/Gibb)

THAT Council adopt the Proposed Alcohol Control Bylaw 2020 (as detailed in Appendices 1, 2 and 3 attached to the Committee report (Item 6.7 in the Policy & Regulatory Committee Agenda)).

CARRIED

WDC2012/13

Cr Smith abstained from voting.

Infrastructure Committee

Agenda Item 6.2

Adoption of Woodlands Estate Historic Reserve Management Plan (INF2011/06)

Resolved: (Crs Patterson/Smith)

THAT Council adopts the draft Woodlands Estate Historic Reserve Management Plan (Attachment 2 to the Committee report) and Concept Plan (Attachment 3 to the Committee report, Item 5.4 Infrastructure Committee Agenda).

CARRIED

WDC2012/14

Waikato District Alliance GAIN Share Distribution (INF2011/07)**Resolved: (Crs Patterson/Church)****THAT Council distribute the WDA GAIN share of \$151,945 as follows:**

- **Tuakau Pavers Project \$151,945.**

CARRIED**WDC2012/15**Inorganic Kerbside Collection (INF2011/10)**Resolved: (Crs Patterson/Eyre)****THAT Council agrees to consult with the public, as part of the Long Term Plan 2021-31, on whether to continue to deliver the Inorganic Kerbside Collection service after July 2021 (Option 2 in the Committee report – Item 5.8 Infrastructure Committee Agenda).****CARRIED****WDC2012/16**Name of the Railway Station at Huntly (INF2011/11)**Resolved: (Crs Patterson/Thomson)****THAT Council approves that the railway station at Huntly be named the Raahui Pookeka/Huntly station.****CARRIED****WDC2012/17****REPORTS**Zero Harm Update
Agenda Item 7.1

The Zero Harm Manager summarised the report, and highlighted and responded to questions on the following matters:

- Data on staff training undertaken would be provided in future reports.
- Process for critical risk reviews was being refined going forward.
- Waters' operations investigation report received - feedback provided to Watercare, which has responded on the additional actions it would take
- Elected members encouraged to report to Zero Harm any health & safety incident observed while they undertake their Council duties. If it relates to contracted works, Zero Harm/staff would contact the contractor and launch an investigation.
- Key take outs on Dashboard – clarification of process for dealing with corrective actions.

- Solid waste truck incident and whether contracted road works was a contributing factor – Zero Harm still awaiting investigation report; Roding Team working with the Alliance on this matter.
- Reasons for speeding incidents – Zero Harm met with E-Roads team for the first time recently; more in-depth analysis now possible.

Resolved: (Crs Gibb/Woolerton)

THAT the report from the Chief Executive be received.

CARRIED

WDC2012/18

Presentation of the Annual Report & Summary 2019/20
Late Agenda Item 7.2

Resolved: (Crs Sedgwick/Gibb)

THAT the report from the Chief Financial Officer be received.

CARRIED

WDC2012/19

The Finance Manager spoke to the report and provided the background to the Annual Report and recent discussions with Audit NZ. The following matters were highlighted and discussed:

- The following sentence in the staff report and the Annual Report was included in error and would be removed from the final version of the Annual Report:
“This variance against budget relates mainly to lower personnel costs, delayed depreciation and amortisation costs along with lower contractor spend tied to our ability to progress work programmes during level four lockdown.”
- Qualified audit report in relation to verification of data for response times to two waters’ callouts during the financial year.
 - Council’s approach was no different than previous years. Staff noted their concern with the relatively late notification of this issue.
 - Letter sent from Mayor Sanson and Chair of the Audit & Risk Committee to the Office of the Auditor-General stating Council’s concerns with Audit NZ’s qualification. Audit NZ had subsequently advised it could not complete its audit clearance until the matter was resolved. Staff were not confident that Audit NZ would alter its position in relation to the qualification.
 - Issue discussed with Audit NZ director at recent Audit & Risk Committee meeting, at which Committee members queried the materiality of the qualification.
 - Consequences of a qualified audit opinion and learnings taken from the situation.
 - Subsequent conversations with the OAG in relation to changes to the LTP process to ensure Council could meet any changed requirements in terms of audit.

Staff advised that an extraordinary Council meeting would be required to adopt the Annual Report and Summary once the above matter had been resolved with Audit NZ and its audit opinion was completed.

Waters Governance Board – LTP Recommendation
Agenda Item 7.3

This item was withdrawn from the agenda [ref WDC2012/07].

Population, Household and Land Supply Capacity Report – December 2020
Late Agenda Item 7.4

The Analytics Manager summarised, and provided background to, the staff report. In response to questions, the following matters were discussed:

- Shortage of planned ‘infrastructure ready’ land for growth in some areas – additional land likely to be required beyond that already contemplated in the Proposed District Plan and Council’s Waikato 2070 Growth Strategy. An update was expected in the first half of 2021 to assist with future projections.
 - Variables which can adversely affect the number of homes being built from that which was planned.
 - Shortfall issue extends over all of the District.
 - Deferred zoning compared to future zoning methods.
 - Possible amendment to District Plan could be required in the future to address shortage. The changes that have taken place since the Proposed District Plan was drafted in 2016/17 were noted.
 - The data in the attached report would be provided to the Commissioners for the Proposed District Plan, which they could take into account within the parameters of the submissions received.
- Ohinewai and Huntly statistical information – no current statistical area for Ohinewai.
- The model behind the reported numbers took account of regional/sub-regional migration, including patterns from Auckland into Waikato District.
- Constraints for rural development reflected in central government and Council policies.

Resolved: (Crs Church/Bech)

THAT the report from the General Manager of Community Growth be received.

CARRIED

WDC2012/20

Climate Response and Resilience Action Plan
Agenda Item 7.5

The Planning & Policy Manager summarised the report and referred to the earlier workshop held with elected members. In response to questions, the following matters were discussed:

- Both compliance and leadership were drivers behind the Plan.
 - Collaboration and co-operation were embedded in the Plan.
 - Action Plan addressed both corporate and community needs.
- Collaboration with other councils had focussed more on Hamilton City Council and other neighbouring councils to the south of the District to date.
- Means of measuring the 'supply chain' for waste and emissions.

Resolved: (Crs Sedgwick/McInally)

THAT the report from the General Manager Community Growth be received.

CARRIED

WDC2012/21

Resolved: (Crs Bech/Sedgwick)

THAT Council approve the Climate Response and Resilience Action Plan (2020): Part One: Framework, as attached to the staff report;

AND FURTHER THAT Council endorse the Climate Response and Resilience Action Plan (2020): Part Two: Prioritised Actions, as attached to the staff report, as a starting point for Council's consolidated climate-related action programme.

CARRIED

WDC2012/22

Pensioner Housing – Service Delivery Review
Agenda Item 7.6

Resolved: (Crs Patterson/Sedgwick)

THAT the report from the General Manager Service Delivery be received.

CARRIED

WDC2012/23

The Strategic Property Manager summarised the report and work undertaken over the last four years. He highlighted, and responded to questions on, the following matters:

- Recommended service delivery options proposed better than the current model.
- Consultation undertaken with the pensioner housing tenants, attended by Mayor Sanson and respective ward councillors. Overall positive feedback received and tenants encouraged to make submissions during the formal public consultation.

- Intention of staff recommendation was to put a preferred option from Council with the public consultation as part of the Long Term Plan.

Resolved: (Crs Smith/Church)

THAT Council agrees that the Pensioner Housing activity and assets (described in the Schedule) be included in the 2021-31 Long-Term Plan Consultation Document;

AND THAT Council recommends Option 4 (in the staff report) as the preferred option for delivery of the Pensioner Housing service, which is to exit the activity and transfer the assets (listed in the Schedule) to a sympathetic social housing provider (including Community Housing Providers, Kainga Ora, or other Government Agency) with the stipulation that:

- **The properties continue to be used for social housing, and;**
- **All existing tenants remain in their homes, and;**
- **Rental remains within affordable limits.**

AND FURTHER THAT the Chief Operating Officer be delegated authority to execute all relevant documentation to give effect to this resolution.

SCHEDULE

First An estate in fee simple comprising all that land contained in Record of Title 288326 South Auckland Land Registry legally described as Lot 6 Deposited Plan 371156 comprising 1654 square metres more or less and physically located at **1 Paul Reeves Court, Ngaruawahia** (8 units).

Second An estate in fee simple comprising all that land contained in Record of Title SA600/22 South Auckland Land Registry legally described as Part Allotment 1 Parish of Taupiri and Defined on Deposited Plan 6783 comprising 3693 square metres more or less and physically located at **61 Hakanoa Street, Huntly** (14 units).

Third An estate in fee simple comprising all that land contained in Record of Title NA29D/1405 North Auckland Land Registry legally described as Lot 2 Deposited Plan 74134 comprising 674 square metres more or less and physically located at **26 Henderson Avenue, Tuakau** (4 units).

Fourth An estate in fee simple comprising all that land contained in Record of Title NA1077/37 North Auckland Land Registry legally described as Lot 18 and Part Lot 20 Deposited Plan 10578 comprising 2026 square metres more or less and physically located at **5 Jellicoe Avenue, Tuakau** (8 units).

CARRIED

WDC2012/24

Adoption of the Significance and Engagement Policy
Agenda Item 7.7

The Corporate Planning Team Leader summarised the report and the background on the review of the policy to date. The following matters were discussed:

- Financial thresholds had been reinserted into the policy as requested at the recent Policy & Regulatory Committee meeting. Changes to those thresholds were outlined.
- Clarification that a new targeted rate, regardless of value, would trigger consultation.
- Factors which could trigger consultation should be read holistically.

Resolved: (Crs Bech/McGuire)

**THAT the report from the General Manager Community Growth be received;
AND THAT Council adopt the Significance and Engagement Policy as set out in Appendix I of the staff report.**

CARRIED

WDC2012/25

Delegations to Chief Executive – Christmas-New Year 2020-21
Agenda Item 7.8

The Democracy Manager summarised the report and the intention of the recommendations. The following matters were discussed:

- Whether the proposed contingency plan was required if sufficient elected members were available to hold a validly constituted Council meeting.
- The proposed temporary changes to the Emergency Committee's terms of reference.

Resolved: (Mayor Sanson/Cr Bech)

THAT the report from the Chief Executive be received.

CARRIED

WDC2012/26

Resolved: (Mayor Sanson/Cr McNally)

THAT 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:

- a. the extended delegations will have effect only:
 - i. in the event that the Epidemic Preparedness (COVID-19) Notice 2020 ('Epidemic Notice') is not renewed beyond its current expiry date of 22 December 2020; and
 - ii. subject to (a)(i) above, for the period from Thursday, 24 December 2020 until Sunday, 17 January 2021;
- b. 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;
- c. the Chief Executive may only exercise the extended delegations for those matters that cannot reasonably wait until the next Council or relevant Committee meeting;
- d. where reasonably practicable, the Chief Executive must, before exercising an extended delegation responsibility, duty or power, first consult with:
 - i. the Mayor (or the Deputy Mayor, in the event that the Mayor is not available); and
 - ii. 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.
- e. any decisions made and documents executed in exercising the extended delegations must be reported to the next meeting of Council or relevant Committee;
- f. 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.

AND THAT the Council 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;

AND FURTHER THAT, Council 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:

- a. the Epidemic Notice is renewed beyond its current expiry date of 22 December 2020;
- b. such amended Terms of Reference and Delegations shall apply only for the period from Thursday, 24 December 2020 until Sunday, 17 January 2021; and
- c. all Councillors be invited to any Emergency Committee (virtual) meeting convened during that period.

CARRIED

WDC2012/27

EXCLUSION OF THE PUBLIC

Agenda Item 8

Resolved: (Mayor Sanson/Cr Gibb)

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
1 – Confirmation of Minutes 2 November 2020 and 2 December 2020	Good reason to withhold exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
2.1 – Contract 15/111 Xtreme Zero Waste – Increase to Approved Contract Sum		
2.2 - Contract 15-127 Smart Environmental – Increase to Approved Contract Sum		

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
2.3 - C20/006 Te Awa Cycleway Contract Award		
2.4 - Horsham Downs Link Road Budget Review		
2.5 - Variations to Contracts for Proposed District Plan Hearings Panel members		
2.6 - Amendments to the Development Agreements for the provision of infrastructure at Northgate Business Park at Horotiu		

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 Confirmation of Minutes	I	Refer to the previous Public Excluded reason in the agenda for the relevant meeting.
Item 2.1 – Contract 15/111 Xtreme Zero Waste – Increase to Approved Contract Sum	7(2)(b)(ii)	To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
Item 2.2 – Contract 15-127 Smart Environmental – Increase to Approved Contract Sum	7(2)(b)(ii)	To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

Item No.	Section	Interest
2.3 - C20/006 Te Awa Cycleway Contract Award	7(2)(b)(ii)	To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
	7(2)(i)	To enable the Council to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
	7(2)(j)	To prevent the disclosure or use of official information for improper gain or improper advantage.
2.4 - Horsham Downs Link Road Budget Review	7(2)(h)	To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.
	7(2)(j)	To prevent the disclosure or use of official information for improper gain or improper advantage.
2.5 - Variations to Contracts for Proposed District Plan Hearings Panel members	7(2)(a)	To protect the privacy of natural persons, including that of deceased natural persons.
	7(2)(b)(ii)	To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
2.6 - Amendments to the Development Agreements for the provision of infrastructure at Northgate Business Park at Horotiu	7(2)(b)(ii)	To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

CARRIED

WDC2012/28

Cr Smith left the meeting at 11.04am at the conclusion of the above item.

Resolutions WDC2012/29 – WDC2012/37 are contained in the public excluded section of these minutes.

Having concluded the public excluded meeting the following items were released into open meeting:

REPORTS (CONTINUED)

C20/006 Te Awa Cycleway Contract Award
PEX Agenda Item 2.3

It was resolved [Resolution No. WDC2012/33] during the public excluded section of the meeting that the following resolution be released into open meeting but the report remain confidential and unavailable to the public:

'Resolved: (Crs Gibb/Bech)

THAT the report from the General Manager Service Delivery be received;

AND THAT the Council approves the award of the Te Awa Cycleway – Mangaonua Gully Section Contract – 20/006 to Base Civil;

AND FURTHER THAT the Council delegates the Chief Executive to sign all relevant documentation to give effect to this resolution;

AND FURTHER THAT the Council's resolution be released into open meeting but the report remain confidential and unavailable to the public.

CARRIED'

Horsham Downs Link – Request for Additional Funding
PEX Agenda Item 2.4

It was resolved [Resolution No. WDC2012/34] during the public excluded section of the meeting that the following resolution be released into open meeting but the report remain confidential and unavailable to the public:

'Resolved: (Crs Smith/Gibb)

THAT the report from the General Manager Service Delivery be received;

AND THAT Council approves additional funding of up to \$589,485 for the Council's contribution to the local share funding of the Horsham Downs Link Road, noting that the additional funding is to be loan funded as detailed in the staff report;

CARRIED'

Minutes of an emergency meeting of the Waikato District Council held via Audio-Visual conference on **MONDAY, 21 DECEMBER 2020** commencing at **10.33am**.

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 EM Patterson
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)
Ms A Diaz (Chief Financial Officer)
Mr C Bailey (Finance Manager)
Ms S Solomon (Corporate Planner)
Mr B Stringer (Democracy Manager)

APOLOGIES AND LEAVE OF ABSENCE

There were no apologies.

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs Bech/Gibb)

THAT the agenda for a meeting of the Waikato District Council held on Monday, 21 December 2020 be confirmed and all items therein be considered in open meeting.

CARRIED

WDC2012/38

DISCLOSURES OF INTEREST

There were no disclosures of interest.

REPORTS

Presentation of the Annual Report and Summary 2019/20

Agenda Item 4.1

The Chief Operating Officer provided the background to the report presented for Council's consideration. With the support of the Chief Financial Officer and Finance Manager, the following matters were discussed:

- Previous discussions at the Audit & Risk Committee, Strategy & Finance Committee and Council.
- Discussions with Audit NZ since the 14 December 2020 Council meeting.
 - Staff acknowledged that the position reached with Audit NZ for the 2019/20 Annual Report would not be able to continue for future years.
 - Improvement required on how the organisation managed and recorded against mandatory KPIs.
 - Staff were aware of what was required for measurement and reporting against all KPIs and would ensure processes were refined as needed.
 - Staff would communicate outcome to the Waters Governance Board to ensure there were no issues with the KPIs in question in future years.
- Note 24 (p143 of the Agenda) had been updated by staff from the version circulated in the Agenda to provide consistency with the Statement of Cash Flows (p101 of the Agenda).
- Delivery of capital works programme for 2019/20 – significant number of carry-forwards from the 2018/19 financial year. Staff noted it was important that the Council was transparent on this matter.
- Assistance provided by Watercare Services to resolve this matter with Audit NZ.

Staff were thanked for their efforts to complete the Annual Report with the challenges encountered.

Resolved: (Crs Sedgwick/Bech)

THAT the report from the Chief Financial Officer be received;

AND THAT Council adopts the audited Annual Report and Summary 2019/20 as attached to the staff report.

CARRIED

WDC2012/39

There being no further business the meeting was declared closed at 10.47am.

Minutes approved and confirmed this day 2021.

AM Sanson
CHAIRPERSON

Open Meeting

To	Waikato District Council
From	Gavin Ion Chief Executive
Date	22 February 2021
Chief Executive Approved	Y
Reference #	CCL2020
Report Title	Actions Register – February 2021

1. EXECUTIVE SUMMARY

Please find attached an update on the outstanding actions following the Council meeting in December 2020.

2. RECOMMENDATION

THAT the report from the Chief Executive be received.

3. ATTACHMENTS

Attachments:

- Action Register

Waikato District Council – Action Register (Open)

Date	Action	Team Responsible	Status
December 2020	<u>Mana Whenua Forums</u> Staff to identify clusters/areas for the mana whenua forums on a map and present to elected members at a workshop in early 2021.	Chief Executive's Team	Workshop has been scheduled for 23 March 2021.

Open Meeting

To	Waikato District Council
From	Gavin Ion Chief Executive
Date	9 February 2021
Prepared by	Lynette Wainwright Committee Secretary
Chief Executive Approved	Y
Reference #	GOV1301
Report Title	Policy & Regulatory Committee Recommendations

I. EXECUTIVE SUMMARY

The purpose of this report is to seek the Council's approval of the recommendation from the Policy & Regulatory Committee meeting of Wednesday, 3 February 2021, as set out below.

The Policy & Regulatory Committee Agenda and Unconfirmed Minutes from its meeting of Wednesday, 3 February 2021 can be found on the Council website:

<https://waikatodistrict.govt.nz/your-council/council-committees-boards/council-committees/policy®ulatory-committee>

2. RECOMMENDATION FROM THE POLICY & REGULATORY COMMITTEE

Approval of Revocation of Policies
Agenda Item 6.2 - (P&R202/04)

THAT Council approves the policies listed below be revoked with immediate effect:

- **FDC Pensioner Housing – Tenant Exchange,**
- **FDC Pensioner Housing – Provision of Housing, and**
- **FDC Pensioner Flat Allocation.**

3. ATTACHMENTS

Nil

Open Meeting

To	Waikato District Council
From	Gavin Ion Chief Executive 22
Date	February 2021
Prepared by	Lynn Shirley Zero Harm Manager
Chief Executive Approved	Y
Reference #	GOV1301
Report Title	Zero Harm Update

I. EXECUTIVE SUMMARY

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

THAT the report from the Chief Executive be received.

3. BACKGROUND

'Our People' - Safety Leadership and Engagement

Safety and Wellness Engagement Conversations

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

There were 244 and 207 Safety Engagement Conversations recorded in BWare Safety Manager (BWare) for the months of December and January, respectively.

Work Safe, Home Safe (WSHS) 2021

Over the last two months the Zero Harm Team has been concentrating on planning the WSHS 2021 event being held from the 9th to 12th February. Key focuses for the week include:

- All staff members completing an online Zero Harm Induction Refresher and;
- Team Leaders/Managers undertaking a Hazard Register Familiarisation activity with their team

The following graphic illustrates the range of events and activities on offer during the week. Key events include;

- 4 x presentations by The Sleep Doctor
- 4 x basic first aid and CPR training by St Johns
- Skin checks undertaken by Skin Scanning NZ
- 2 x fire extinguisher training by Fire and Emergency Services New Zealand (FENZ) Ngaruawahia Brigade



Disciplined Management Systems

Event Management

There was a total of three First Aid (Severity 6) events, 15 Minor Near Miss (Severity 7) events and one Serious Near Miss (Severity 3) event recorded in BWare for the months of December and January.

The Severity 3 Serious Near Miss event was associated with work being undertaken by contractors on the roading network and is summarised in the following table;

Team	Task being undertaken	Associated Critical Risk	Event Description	Comments
Contractor – Service Delivery Roothing	Picking up of litter in road corridor	<i>Working on or Near Roadways</i>	While returning to office from a site visit, Council staff turned into Rutherford Road to find a litter picker in exactly the middle of the road and another worker off to the side. Concern was raised that anyone who came around the corner fast and took it a little bit wider could have hit one of the workers.	The event was discussed with the Zero Harm team upon returning to the office. Report was raised in BWare and event escalated to WDA Manager. Awaiting outcome of WDA investigation.

The attached Zero Harm Dashboard illustrates safety performance for December 2020 and January 2021.

Zero Harm Strategic Improvement Plan FY20/21

In December 2020 the Executive Leadership Team (ELT) and Zero Harm Team undertook a review of Council's health and safety performance and implementation of Zero Harm Strategic Plan activities for FY20/21.

Performance and Reflections Year to Date include:

- 69 tasks fall out of the Strategic Plan (7 completed, 23 underway and 39 not yet started)
- 2 Total Recordable Injuries (TRIs) have occurred
- 1 WorkSafe NZ notifiable event (dog bite)
- 84 events reported in BWare
- 10 First Aid Injuries (FAIs) and 44 Near Accidents reported in BWare
- 1248 Safety Engagement Conversations recorded



Safe Systems of Work – Job Safety Analysis and Contractor Management

To further support the auditing and review by our Contact Managers of significantly hazardous work undertaken by our Facilities Maintenance Contractors, the following training was identified and delivered in December 2021.

Training delivered	Number of workers requiring training	Number of workers who received training
NZQA Unit Standard 17590 Permit Issuer	4	4

Good feedback continues to be received from Council Contract Managers on the new 'Task or Job Safety Analysis Audit form'. The purpose of the form is to enable Contract Managers to undertake an audit of the physical work being undertaken by a Contractor against their proposed safe work methodology i.e., Job Safety Analysis.

Interaction with Other PCBUs

The Zero Harm team alongside the relevant Council Contract Manager, have continued to understand and progress the development of relationships with other Persons Conducting a Business or Undertakings (PCBUs) who we share overlapping health and safety duties with.

Key activities undertaken in the past two months include;

- Participation in site visit and desk top audit of Solid Waste Contractor
- Commencement of monthly WDA health and safety governance meeting

Managed Risks

Critical Risk Management

As with previous years, a key focus of Work Safe, Home Safe (WSHS) week will be the management and control of our Critical Safety Risks. Information on the following risks has been included in the Zero Harm Refresher Induction;

- On Road Driving
- Work-Related Fatigue

Working with Dangerous Animals

A gap analysis against the newly developed Working with Dangerous Animals (dogs) Critical Risk Bowtie was undertaken with members of the Animal Control Team in early December. The results of the gap analysis are illustrated in the below table. A control implementation programme is now being developed by the Community Safety Manager and Zero Harm Manager.

Critical Safety Risk	Implemented Controls	Controls partially Implemented	Controls not yet Implemented	Total Controls in Bowtie	Bowtie Control Implementation %
Working with Dangerous Animals (Dogs)	10	20	32	62	16%

4. DISCUSSION AND ANALYSIS OF OPTIONS

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

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

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

7. ATTACHMENTS

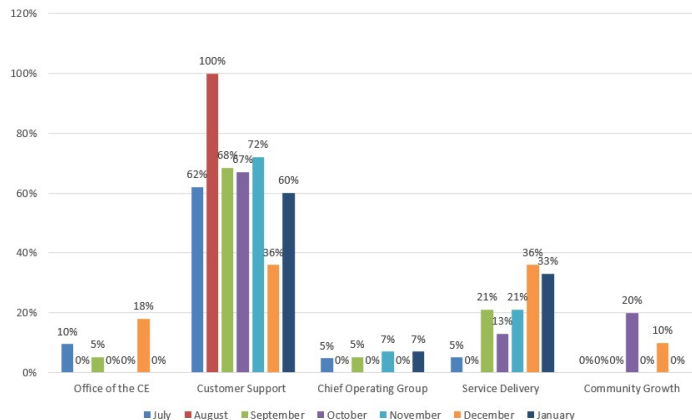
Zero Harm Performance Dashboard January 2021

Zero Harm Performance Dashboard - January 2021

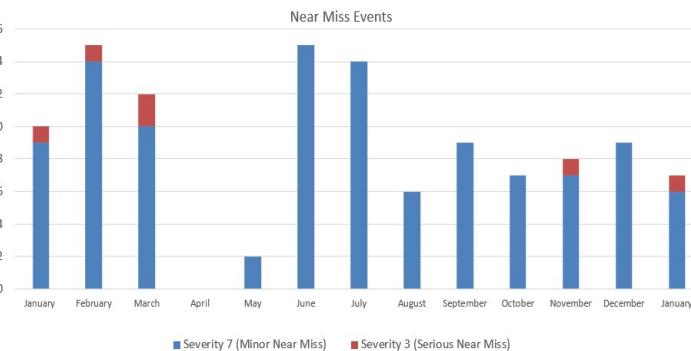
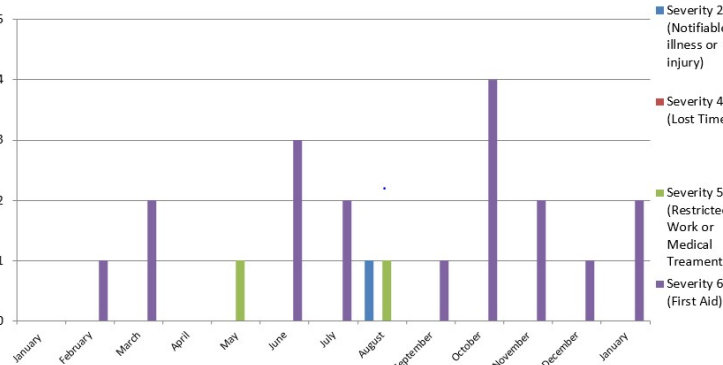


Event Management

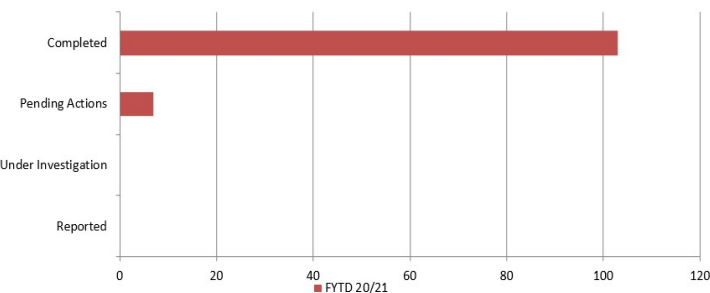
Percentage of Total Events Reported by Business Unit



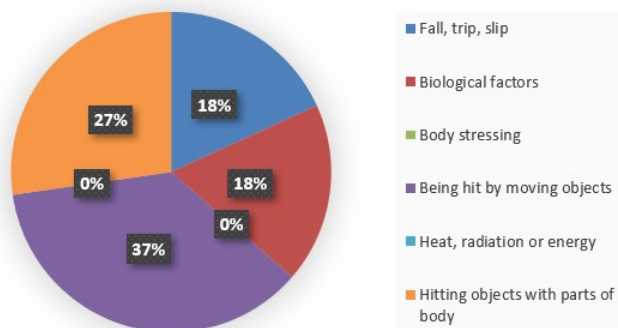
Personal Injury Events by Severity Rating



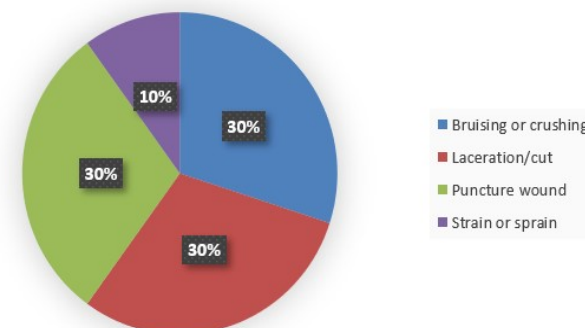
Event Management Status



Mechanism of Harm Year to Date

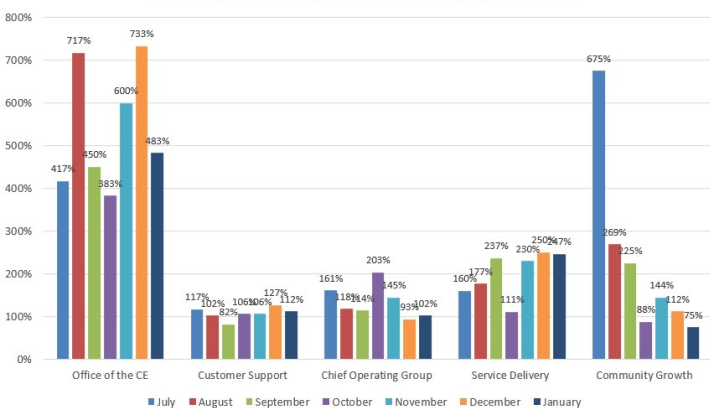


Nature of Injury Year to Date

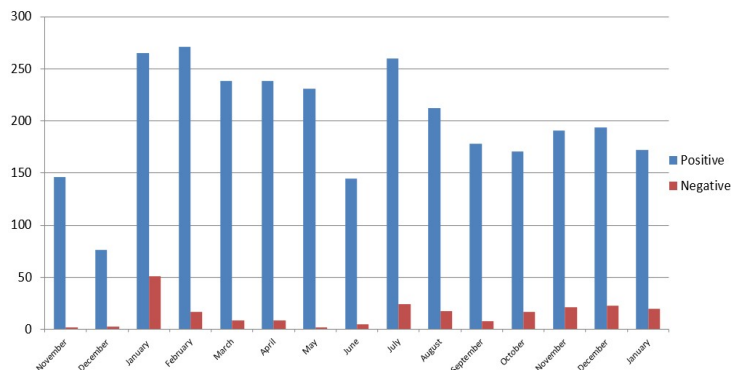


Safety Leadership

Safety Engagement Conversations (Percentage of target)



Nature of Safety Engagement Conversation



Key Take Outs

A summary of key insights in relation to Event Management and Safety Leadership and Engagement

- Health and safety events and their associated corrective actions are continuing to be well managed via the use of BWare. Only seven events are pending the completion of corrective actions before they can be closed.
- A total of 451 Safety Engagement Conversations were recorded in Dec 20 and Jan 21. This is 181 more than the same time last year.
- A total of 1688 Safety Engagement Conversations have been recorded for FY20/21 to date.
- An average of 9 near miss events are being reported each month.

Zero Harm Performance Dashboard - January 2021



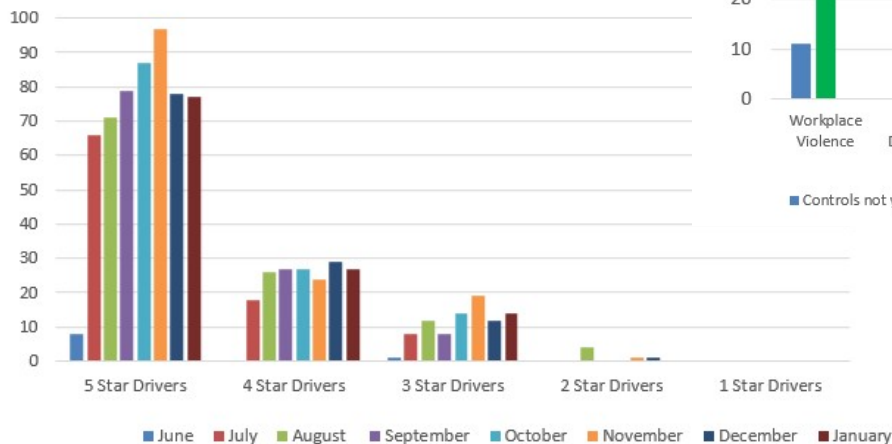
Contractor Safety Management

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

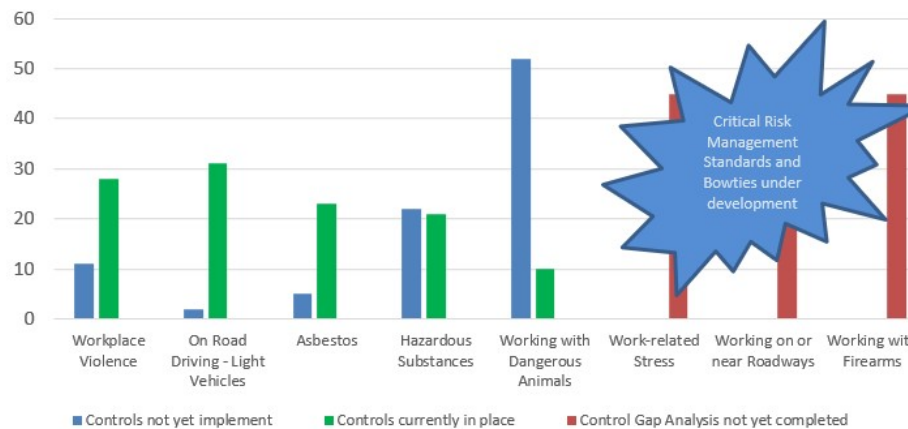
Interaction with other PCBUs		
Issues Raised/ Opportunity for Improvement	Actions (Us and Others)	Other Comments
Verification of management of critical safety risks associated with Solid Waste contracts	Council engaged external subject matter expert to undertake audit and review of the three solid waste contractors	Audit of Xtreme Zero Waste completed December 2020. Metrowaste and Smart Environmental being completed February 2021.
Opportunity for more regular contract H&S meetings with WDA at a contract level.	Monthly meeting schedule established	
Verification of management of critical safety risks associated with Watercare operations	Watercare have engaged Impac Services to undertake an independent audit as per the contract H&S frame-	Report to be provided to Council when audit is completed (approximately March 2021)

Critical Risk Management

WDC ERoad Driver Star Rating



Critical Risk - Bowtie Control Status



Worker Engagement

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

- With flexible working and the office move there is a need to develop a new system for first aiders within the Ngaruawahia Office. Meeting to be arranged with first aiders in March to brainstorm a solution. Progress quote for chair flags and investigate a central messaging system for first aid requests
- It was decided that there is no current need for health and safety reward matrix to be developed given that we have a Reward and Recognition Policy already. Reward and Recognition to be added as a standing agenda item.
- Final preparations are being made for Work Safe, Home Safe 2021. Have asked SAT members to promote events and activities with their teams

Open Meeting

To	Waikato District Council
From	Gavin Ion Chief Executive
Date	22 February 2021
Prepared by	Brendan Stringer Democracy Manager
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	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
1 – Confirmation of Minutes	Good reason to withhold exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
2.1 – Infrastructure Committee Recommendation to Council		
2.2 – Waters Governance Board Recommendation to Council		

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 1 - Confirmation of Minutes		Refer to the previous Public Excluded reason in the agenda for that meeting.
Item 2.1 - Infrastructure Committee Recommendation to Council	7(2)(j)	To prevent the disclosure or use of official information for improper gain or improper advantage.
Item 2.2 - Waters Governance Board Recommendation to Council	7(2)(b)(ii)	To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
	7(2)(j)	To prevent the disclosure or use of official information for improper gain or improper advantage.