

Agenda for a meeting of the Policy & Regulatory Committee to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **WEDNESDAY, 28 APRIL 2021** commencing at **9.30am**.

1. **APOLOGIES AND LEAVE OF ABSENCE**
2. **CONFIRMATION OF STATUS OF AGENDA**
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Meeting held on Wednesday, 17 March 2021
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6. **REPORTS**
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POLICY & REGULATORY COMMITTEE

Reports to:	Council
Chairperson:	Cr Jan Sedgwick
Deputy Chairperson:	Cr Noel Smith
Membership:	The Mayor, all Councillors and Mrs Maxine Moana-Tuwahangai (Maangai Maaori)
Meeting frequency:	Six-weekly
Quorum:	Majority of the members (including vacancies)

Purpose

The Policy & Regulatory Committee is responsible for the Council's governance policies and bylaws, reviewing the District Plan and overseeing civil defence and emergency management issues.

In addition to the common delegations on page 10, the Policy & Regulatory Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

1. To establish, implement and review the governance policy framework that will assist in achieving the Council's strategic priorities and outcomes.
2. To develop, review and approve the consultation process for Council bylaws.
3. To consider and determine changes to the schedules and parking restrictions in the Public Places Bylaw 2016, including hearing any submissions relating to those proposed changes.
4. To hear and determine matters arising under current bylaws, including applications for dispensation from compliance with the requirements of bylaws, unless such matters are otherwise delegated by Council.
5. To administer the Council's District Plan in accordance with the Resource Management Act 1991.
6. To monitor the performance of regulatory decision-making by the District Licensing Committee¹, Regulatory Subcommittee and officers under their respective delegations.
7. To monitor the Council's Civil Defence and Emergency Management framework.

¹ For clarity, the District Licensing Committee is a committee of Council under the Sale and Supply of Alcohol Act 2012.

The Committee is delegated the following powers to act:

Governance Policies

- Develop and agree governance policies for the purpose of consultation/engagement.
- Recommend to Council policy for adoption, amendment or revocation.
- Monitor and review policy, including recommending amendments to any policy as and when required.

Bylaws

- Develop and approve the statement of proposal for new or amended bylaws for consultation.
- Recommend to Council new or amended bylaws for adoption.

District Plan

- Review and approve for notification a proposed district plan, a proposed change to the District Plan, or a variation to a proposed plan or proposed plan change (excluding any plan change notified under clause 25(2)(a), Schedule 1 of the Resource Management Act 1991)
- Withdraw a proposed plan or plan change under clause 8D, Schedule 1 of the Resource Management Act 1991.
- Make the following decisions to facilitate the administration of plan changes, variations, designation and heritage order processes:
 - a. To decide whether a decision of a Requiring Authority or Heritage Protection Authority will be appealed to the Environment Court by the Council and authorise the resolution of any such appeal, provided such decisions are consistent with professional advice.
 - b. To consider and approve Council submissions on a proposed plan, plan changes, and variations.
 - c. To monitor the private plan change process.
 - d. To accept, adopt or reject private plan change applications under clause 25, Schedule 1, Resource Management Act 1991.

Other Resource Management Issues

- Pursuant to Section 34(1) of the Resource Management Act 1991, to exercise all of the Council's functions, powers and duties under that Act, except the functions, powers and duties:
 - a. that cannot be delegated or that are otherwise retained by the Council under its terms of reference; or
 - b. expressly delegated to other Council committees or decision-making bodies, or officers.

- Monitor and approve submissions in relation to National Policy Statements.

Civil Defence and Emergency Management

- Monitor the performance of Waikato District's civil defence and emergency management response against Council's requirements under the Civil Defence and Emergency Management Act including:
 - a. implementation of Government requirements; and
 - b. co-ordinating with, and receiving reports from, the Waikato Region Civil Defence and Emergency Management Group Joint Committee.

Other Delegations

- Exercise all of the Council's functions, powers and duties under the Building Act 2004, the Health Act 1956, and the Food Act 2014, and the respective regulations made under these Acts, except the functions, powers and duties:
 - a. that cannot be delegated or that are otherwise retained by the Council under its terms of reference; or
 - b. expressly delegated to other Council committees or decision-making bodies, or officers.
- Approval of attendance of elected members at conferences, seminars, training or events, in accordance with Council policy.

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	20 April 2021
Prepared by	Lynette Wainwright Committee Secretary
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	Confirmation of Minutes

1. EXECUTIVE SUMMARY

To confirm the minutes of a meeting of the Policy & Regulatory Committee held on Wednesday, 17 March 2021.

2. RECOMMENDATION

THAT the minutes of a meeting of the Policy & Regulatory Committee held on Wednesday, 17 March 2021 be confirmed as a true and correct record of that meeting.

3. ATTACHMENTS

P&R Minutes – 17 March 2021

Minutes of a meeting of the Policy & Regulatory Committee of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **WEDNESDAY, 17 MARCH 2021** commencing at **9.30am**.

Present:

Cr JD Sedgwick (Chairperson)
His Worship the Mayor, Mr AM Sanson
Cr C Eyre
Cr JM Gibb
Cr SL Henderson
Cr SD Lynch
Cr RC McGuire
Cr FM McNally
Ms M Moana-Tuwhangai
Cr EM Patterson
Cr NMD Smith
Cr LR Thomson
Cr CT Woolerton

Attending:

Mr GJ Ion (Chief Executive)
Ms S O’Gorman (General Manager Customer Support)
Mr R MacCulloch (General Manager Service Delivery)
Mr J Ebonhoh (Planning & Policy Manager)
Ms H Bevan (Corporate Planning Team Leader)
Ms B Clarke (Junior Corporate Planner)
Mrs LM Wainwright (Committee Secretary)

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Cr Thomson/Ms Moana-Tuwhangai)

THAT an apology be received from Cr Bech and Cr Church.

CARRIED

P&R2103/01

It was noted that Cr Bech was at a Waikato Plan Leadership meeting as Council’s representative.

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs Gibb/Patterson)

THAT the agenda for a meeting of the Policy & Regulatory Committee held on Wednesday, 17 March 2021 be confirmed;

AND THAT all reports be received.

CARRIED

P&R2103/02

DISCLOSURES OF INTEREST

There were no disclosures of interest.

CONFIRMATION OF MINUTES

Resolved: (Crs Henderson/Woolerton)

THAT the minutes of a meeting of the Policy & Regulatory Committee held on Wednesday, 3 February 2021 be confirmed as a true and correct record of that meeting.

CARRIED

P&R2103/03

ACTIONS REGISTER

Agenda Item 5

The report was received [*P&R2103/02 refers*] and the following points were raised:

- Actions 1 and 3 - agenda item 6.2 [*Updates on the Policy & Bylaw Review Programme – March 2021*] addressed these actions.
- Action 2. It was noted that Community Board chairs had been contacted via email on Wednesday, 9 December 2020 re: locations for new Liquor Ban signs.

REPORTS**Replacement of Petitions Policy with Petitions Guidelines**
Agenda Item 6.1

The report was received [P&R2103/02 refers] and the following points were raised:

- Council preferred guidelines to a Petitions Policy.

ACTION: Staff to confirm with the legal team, that the section “Petitions which are not acceptable” in the guideline document can be amended and report back to the reconvened bylaw meeting in April 2021.

- A person or group which had an interest in the Waikato district did not have to live in the area to put in a petition.

Update on Policy and Bylaw Review Programme – March 2021
Agenda Item 6.2

The report was received [P&R2103/02 refers] and the following points were raised:

- The workplan had been reviewed and work was being scoped for the:
 - Water Supply Bylaw 2014,
 - Proposed Stormwater Bylaw,
 - Proposed Waste Bylaw, and
 - Dog Control Bylaw.
- Additional targeted consultation on the Alcohol Control Bylaw would take place in Pokeno.

Resolved: (His Worship the Mayor/Cr Patterson)

THAT the Policy and Regulatory Committee resolves to maintain the current Policy and Bylaw Review Programme with minor amendments (Option 2) in the staff report.

CARRIED

P&R2103/04

Open Meeting

To	Policy and Regulatory Committee
From	Sue O’Gorman General Manager Customer Support
Date	April 13 2021
Prepared by	Evonne Miller PA General Manager Customer Support
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	Actions Register – April 2021

1. EXECUTIVE SUMMARY

Purpose of this report is to provide the Policy and Regulatory Committee with an update on Actions arising the previous meeting.

2. RECOMMENDATION

THAT the report from the General Manager Customer Support be received.

3. ATTACHMENTS

Policy & Regulatory Committee Actions Register April 2021

	Action	Responsible to Action	Status/Update/Response
1.	<p><u>Replacement of Petitions Policy with Petitions Guidelines</u></p> <p>Staff to confirm with the Legal Team, that the section “petitions which are not acceptable” in the guideline document can be amended and report back to the reconvened bylaw meeting April 2021.</p>	Bessie Clarke	<p>Legal recommended that the bullet point within this section relating to exhausting legal remedies be removed.</p> <p>Following advice from Gavin the bullet point relating to the ombudsman was also removed.</p> <p>The section was then reduced to two short bullet points which were already covered in the general guidelines, so the section was removed altogether.</p> <p>The revised guidelines were adopted at last Tuesdays council meeting, Resolution WDC2104/09.</p>
2.	<p><u>Chief Executive Business Plan</u></p> <p>NZTA Regional Partnership Director would be invited to the May Infrastructure meeting to update Council on how the relationship with NZTA was developing.</p>	Karen Bredesen	<p>Item has been placed on the May Infrastructure agenda. An invitation has been sent to David Speirs, Director Regional Relationship, Waikato/BOP and accepted.</p>

Open Meeting

To	Policy and Regulatory Committee
From	Vishal Ramduny Acting General Manager Community Growth
Date	13 April 2021
Prepared by	Bessie Clarke Junior Corporate Planner
Chief Executive Approved	Y
Reference #	GOV1318 / 3058782
Report Title	Update on Policy and Bylaw Review Programme – April 2021

1. EXECUTIVE SUMMARY

The purpose of this report is to update the Policy and Regulatory (P&R) Committee on progress made on the Policy and Bylaw Review Programme since the previous report in March 2021. Staff have worked on a number of bylaws and policies since March 2021. In addition, work is also currently being scoped on other policies and bylaws.

2. RECOMMENDATION

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

3. BACKGROUND

Progress made

Policies and bylaws are key decision-making and regulatory monitoring documents. They need to be kept up to date so any decision or enforcement action using the bylaw or policy that is taken by Council is appropriate and consistent.

The following bylaws and policies have had work carried out on them since March (details provided in attachments):

- Keeping of Animals Bylaw

Following consultation, Council has heard from submitters and deliberated on the draft bylaw, directing staff to make amendments on the draft bylaw. Deliberations will continue on 28 April 2021, with a finalised bylaw anticipated to go to Council for adoption on 17 May 2021.

- Livestock Movement Bylaw and Related Policies

A meeting was held with Federated Farmers on 7 April 2021 to finalise details of the draft bylaw. This will be discussed at a workshop, prior to going to the Policy and Regulatory Committee in July for consultation approval in the second half of 2021. A six-week consultation period was requested by Federated Farmers.

- Petitions Policy

The revised guidelines were presented at the Policy and Regulatory Committee meeting on 17 March 2021. Feedback from Council was incorporated, and the guidelines circulated with elected members prior to going to Council on 6 April 2021. The amended Petitions Guidelines were adopted by Council and the Petitions Policy revoked.

- Development Contributions Policy

Consultation on this policy will occur concurrently with consultation on Council's 2021-31 Long Term Plan, from 7 April 2021 to 7 May 2021.

- Dog Control Bylaw and Policy

Legal counsel and staff from animal control have drafted several proposed amendments to the bylaw and policy. This is due to be presented to the elected members for feedback at a workshop on 3 May 2021.

- Water Supply Bylaw and Proposed Stormwater Bylaw

A workshop was held on 17 March 2021 seeking direction from Council. Following this workshop, it was requested for staff to prepare a Water Leak Policy to align with consultation on the Stormwater and Water Supply Bylaw.

Further details on the bylaw and policy review program are provided in both attachments to this report.

The review timings noted in the attachments are an estimate only. If the Committee would like to see the review of a policy or bylaw fast-tracked, then direction for staff is requested so that other reviews can be re-prioritised or delayed. This is to ensure resourcing in the Corporate Planning team, as well as from subject matter experts is allocated to meet any re-prioritisation.

Policies

Council has a number of policies that relate to a broad range of acts. These policies cover a variety of activities and while some are on legislated review cycles, policies not required by legislation are intended to be reviewed every 3-5 years or as required. Policies that are required by legislation are generally given higher priority than those that are not.

Bylaws

Under s.156 of the Local Government Act 2002 (LGA), bylaws must be reviewed 5 years after they are made and every 10 years thereafter. The LGA gives a grace period of 2 years (i.e. years 6 and 7 of the bylaw on its first review or years 11 and 12 on the second review cycle), within which the bylaw must be reviewed or it will expire automatically two years after the

date on which it should have been reviewed by. It is generally considered best practice to review a bylaw before the start of the grace period.

Review Process

The process of review often starts with discussion in a Council workshop environment to identify any improvements / corrections / issues related to the policy or bylaw. Once these have been discussed and considered by Council staff will work through these and produce a report seeking consultation approval from the Policy and Regulatory Committee. Consultation then occurs as appropriate under s.82 or s.83 (which includes a hearing) of the LGA. The results of the consultation are presented to the Committee who can request further changes or corrections to the policy or bylaw in response to submissions. The Committee may recommend that Council formally adopt the policy or bylaw. The adopted policy or bylaw is publicly notified and the review is complete. The whole process can take anywhere from 6 to 18 months depending on the complexities of the document and related issues.

A review may be triggered by a legislated review period or change in legislation, a political driver or an issue having been identified that requires an amendment.

4. ATTACHMENTS

1. Register of Bylaws April 2021
2. Register of External Policies April 2021

NOTE: Attachment 2 – Policies in red indicate they are overdue for review, policies in green are current and policies in beige have been tagged to be revoked. Charters are noted in purple.

Register of Bylaws

Updated: 2 April 2021

Bylaw	Status	Priority	Full Review Date	Bylaw Revoked (full review + 2 years)	P&R to approve draft for Consultation	Consultation	P&R Committee to recommend adoption	Progress Made at April 2021	Comments	Related Legislation
Livestock Movement Bylaw (new)	new	2	Jul-17	Jul-19	Jul-21	Oct-21	Mar-22	<p>A meeting was held with Federated Farmers on 7 April 2021 to finalise details of the draft bylaw. The draft bylaw will be discussed by Council at a workshop before going to the P&R Committee in July for consultation approval in the second half of 2021.</p> <p>Six week consultation requested by Federated Farmers.</p>	The Livestock Movement Policy and the Stock Underpass Policy is also planned to be being reviewed concurrently with the bylaw.	Land Transport Act 1998
Water Supply Bylaw 2014	current	3	Oct-19	Oct-21	May-21	Jun-21	Sep-21	Council workshop was held on 17 March to seek direction from Council. Following this, staff are preparing a Water Leak Policy to align with consultation on the Stormwater Water and Water Supply Bylaw.	Review to occur concurrently with Stormwater Bylaw.	Health Act 1956

Register of Bylaws

Updated: 2 April 2021

Bylaw	Status	Priority	Full Review Date	Bylaw Revoked (full review + 2 years)	P&R to approve draft for Consultation	Consultation	P&R Committee to recommend adoption	Progress Made at April 2021	Comments	Related Legislation
Speed Limit Bylaw 2011	expired	4	Jun-16	n/a	TBC	TBC	TBC	<p>This bylaw has expired but is still enforceable. Staff have been advised that New Zealand Transport Agency are looking into taking on speed bylaw functions, which would make this bylaw defunct. As such, a full bylaw review at this point is not recommended.</p> <p>The change to the bylaw schedule is planned for the second half of 2021. It is expected this review will look at speed limits in residential areas.</p>	Section 6 of the Land Transport (Speed Limits Validation and Other Matters) Act 2015 validates the Speed Limits Bylaw ie: this bylaw can expire but cannot lapse	Land Transport Act 2015
Dog Control Bylaw 2015	Reached start of 2 year grace period	5	May-20	May-22	May-21	Jun-21	Sep-21	Bylaw has gone through Council's legal team for legislative review and the Animal Control Team has reviewed the clauses. Amendments have been made to both the Bylaw and Policy which is scheduled to be brought to Council at a workshop for feedback on 3 May 2021	Dog Control Policy must be reviewed at the same time (s.10AA Dog Control Act).	Dog Control Act 1996
Keeping of Animals Bylaw 2015	Reached start of 2 year grace period	6	May-20	May-22	Nov-20	Dec-20	Apr-21	Hearing occurred 24 February 2021 and was reconvened on 30 March 2021 for deliberations. Deliberations will continue on 28 April 2021, with a finalised bylaw anticipated to go to Council for adoption on 17 May 2021.		Health Act 1956
Freedom Camping Bylaw 2016	current	7	Oct-21	Oct-23	Sept-21	Oct-21	Feb-22	Work has not yet started on this bylaw review.		Freedom Camping Act 2011

Register of Bylaws

Updated: 2 April 2021

Bylaw	Status	Priority	Full Review Date	Bylaw Revoked (full review + 2 years)	P&R to approve draft for Consultation	Consultation	P&R Committee to recommend adoption	Progress Made at April 2021	Comments	Related Legislation
Public Places Bylaw 2016	current	8	Apr-21	Apr-23	Sept-21	Oct-21	Feb-22	Work has not yet started on this bylaw review. Council resolved to push this review out to 2022 to allow other Bylaw Reviews to progress.		Land Transport Act 1998
Cemeteries Bylaw 2016	current	9	Jul-21	Jul-23	TBC	TBC	TBC	Work has not yet started on this bylaw review.		Burial and Cremation Act 1964
Reserves and Beaches Bylaw 2016	current	10	Sep-21	Sep-23	TBC	TBC	TBC	Work has not yet started on this bylaw review.		Reserves Act 1977
Trade Waste and Wastewater Bylaw 2016	current	11	Sep-21	Sep-23	TBC	TBC	TBC	Work has not yet started on this bylaw review.		Health Act 1956
Solid Waste Bylaw (new)	new	-	-	-	-	-	-	Staff from Waste have requested this bylaw development is commenced this year. This work will begin mid-2021 but exact timeframes are still being scoped. The purpose of this bylaw is to promote and deliver effective and efficient waste management and minimisation. It is one of the activities that was agreed to and signed off on, through Council's Waste Minimisation Management Plan.		

Register of Bylaws

Updated: 2 April 2021

Bylaw	Status	Priority	Full Review Date	Bylaw Revoked (full review + 2 years)	P&R to approve draft for Consultation	Consultation	P&R Committee to recommend adoption	Progress Made at April 2021	Comments	Related Legislation
Stormwater Bylaw (new)	new	(3)	-	-	May -21	Jun-21	Sep-21	Council workshop was held on 17 March 2020 to seek direction from Council. Legal is reviewing the SW bylaw against the Land Drainage Act as suggested in the workshop.	Review to occur concurrently with Water Supply Bylaw.	Health Act 1956
Alcohol Control Bylaw 2020	new	I	Dec 2030	Dec-2032	NA	NA	NA	As a recently adopted bylaw, no review is required until 2030.	S.11 of the Local Government Alcohol Reform Amendment Act 2012 gave all existing bylaws made prior to the commencement of the act an expiration date of December 2018	Sale and Supply of Alcohol Act 2012 and the Local Government (Alcohol Reform) Amendment Act 2012

Register of External Policies

Updated: 2 April 2021

	Overdue for review	Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?
	Policy is current									
	Due to be revoked									
	Charters									
Control of Coastal Erosion on Council Reserves	FDC	Customer Support	Megan May (Community Connections Manager)	Jan 1997	Jan 2001	N/A	Staff are recommending to revoke this policy as it has been replaced by other documents, such as Council's Climate Response and Resilience Policy, New Zealand Coastal Policy Statement, and Waikato Regional Policy Statement.	REVOKE	YES – Staff are recommending this policy is revoked following adoption of Climate Response and Resilience Policy and Action Plan. Report recommending revocation on Agenda for 28 April 2021 Policy and Regulatory Committee Meeting.	
Licences – grazing policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 1990	Jan 1993	N/A		REVIEW		
Road Reserves – Services		Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 1997	Jan 2000	N/A		REVIEW		
Street Lighting and other security/amenity lighting	FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 1997	Jan 2000	N/A		REVIEW		
Halls and community centres policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2002	Jan 2005	N/A		REVIEW		
Stock Underpasses – Financial Assistance	FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2002	Jan 2005	N/A		REVIEW		
Town Halls – Administration	FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2004	Jan 2007	N/A		REVIEW		
Lead Developer Fund (Water/Wastewater)	WDC	Service Delivery	Ian Cathcart (Special Infrastructure Projects Manager)	Jan 2005	Jan 2008	N/A		REVIEW		
Reserves – Committees of Management Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2005	Jan 2008	N/A		REVIEW		
Rural Halls (Operation and Election of Hall Committees)		Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2005	Jan 2008	N/A		REVIEW		
Conversion of overhead to underground services	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2007	Jan 2010	N/A		REVIEW		

Register of External Policies

Updated: 2 April 2021

	Overdue for review	Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?
	Policy is current									
	Due to be revoked									
	Charters									
Trade Waste Agreements	FDC	Service Delivery	Ian Cathcart (Special Infrastructure Projects Manager)	Jan 2007	Jan 2010	N/A		REVIEW		
Water rates - discontinuing supply	FDC	Service Delivery	Ian Cathcart (Special Infrastructure Projects Manager)	Jan 2009	Jan 2011	N/A		REVIEW		
Community Water Fluoridation Policy	WDC	Service Delivery	Ian Cathcart (Special Infrastructure Projects Manager)	Jan 2012	Jan 2015	N/A		REVIEW		
Vehicle Crossings	FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 1997	Jan 2000	N/A		REVIEW		
Reserve Contributions & Conservation Covenants	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 1998	Jan 2001	N/A		REVIEW		
Control of Business Advertising Signs/Displays in public places	FDC	Customer Support	Roger MacCulloch (General Manager Service Delivery)	Jan 1998	Jan 2002	N/A		REVIEW		
Sponsorship of, and advertising on, council properties and assets	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2002	Jan 2005	N/A	Higher priority.. Review with Plaques Memorials and Monuments Policy	REVIEW		
Rating for services		Finance	Alison Diaz (Chief Finance Officer)	Jan 2005	Jan 2008	N/A	Review all rating policies together	REVIEW		
Stock Underpass Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Dec 2006	Dec 2009	N/A	Being reviewed with the Livestock Movement Bylaw currently underway	REVIEW		
Bus Shelter - Public and Private	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2007	Jan 2010	N/A		REVIEW		
Fencing - Council Reserves Land	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2007	Jan 2010	N/A		REVIEW		
Non-Standard Road Name Signs and Entrance Structures	FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Not stated	Not stated	N/A		REVIEW		
Cellular Network Site Policy	FDC	Customer Support	Roger MacCulloch (General Manager Service Delivery)	Jan 2008	Jan 2011	N/A	The property team were consulted and recommend maintaining the policy until it can be incorporated into lease agreements or other appropriate operational templates. Once this is complete, it can be revoked.	REVOKE		
Footpath prioritisation	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2009	Jan 2011	N/A		REVIEW		

Register of External Policies

Updated: 2 April 2021

	Overdue for review	Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?
	Policy is current									
	Due to be revoked									
	Charters									
Funding for road closures for community events		WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Jan 2009	Jan 2011	N/A		REVIEW	
Rating Rural Community Centre Areas		FDC	Finance	Alison Diaz (Chief Finance Officer)	Jan 2009	Jan 2012	N/A	Review all rating policies together	REVIEW	
Relocatable Home Parks & Camping Grounds Policy		FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2009	Jan 2012	N/A		REVIEW	
Roadside weedspraying – no spray zones		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2009	Jan 2012	N/A		REVIEW	
Rural road lighting prioritisation		WDD	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2009	Jan 2012	N/A		REVIEW	
Vehicle Entrance Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2009	Jan 2012	N/A		REVIEW	
Application of Interest to Council Reserves Policy		WDC	Finance	Alison Diaz (Chief Finance Officer)	Jan 2010	Jan 2013	N/A		REVIEW	
Leases to Individuals and Commercial Organisations Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2010	Jan 2013	N/A	This will be merged into General Occupancy Policy. Revoke once General Occupancy Policy is reviewed.	REVIEW	
Leasing of Reserve Land		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2010	Jan 2013	N/A		REVIEW	
Property Management		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2010	Jan 2013	N/A		REVIEW	
Trade Waste Bylaw Charging Policy		FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2010	Jan 2013	N/A		REVIEW	
Livestock Movement Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2011	Jan 2014	N/A	Needs to be reviewed in conjunction with the Livestock Movement Bylaw during 2020/21. to be timed with the Bylaw review currently underway	REVIEW	
Road Closure for Motor Sport Events Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Mar 2012	Mar 2015	N/A	To be reviewed in Jan 2021. Review still pending	REVIEW	
Refuse Collection and Disposal		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2014	Jan 2017	N/A		REVIEW	

Register of External Policies

Updated: 2 April 2021

	Overdue for review	Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?
	Policy is current									
	Due to be revoked									
	Charters									
Appointing Directors and Trustees to Council		WDC	Governance	Chief Executive	Feb 2014	Feb 2017	N/A		REVIEW	
Controlled Organisations Policy										
Heritage Policy		WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Apr 2014	Apr 2017	N/A	Review has been delayed for Heritage Strategy to progress to provide a direction.	REVIEW	
Easements Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Dec 2014	Dec 2017	N/A		REVIEW	
Dog Control Policy		WDC	Customer Support	Tracey Oakes (Animal Control Team Leader)	Apr 2015	With Dog Control Bylaw	Dog Control Act 1996	Currently being reviewed alongside Dog Control Bylaw	REVIEW	
District Tree Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Apr 2015	Apr 2018	N/A		REVIEW	
Rural Halls – Administration Services for		FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 1997	Jan 2000	P & R Committee	The contents of this policy are now covered under the Terms of Reference for halls. This policy will be deleted when General Halls Policy is adopted	REVIEW	
Petitions Policy		WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Dec 2015	Dec 2018	N/A	Revoked at 6 April 2021 Council Meeting. Has been replaced with a set of guidelines.	REVOKED	Revoked as per comments at left.
Roadside Fencing Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Mar 2016	Feb 2019	N/A		REVIEW	
Plaques, Memorials and Monuments Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Sep 2016	Sep 2019	N/A		REVIEW	
Grass Verge Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Sep 2016	Oct 2019	N/A		REVIEW	
Petition Guidelines		WDC	Community Growth	Corporate Planner	April 2021	April 2024			CURRENT	
Significance and Engagement Policy		WDC	Community Growth	Corporate Planner	Dec 2020	Dec 2023	Local Government Act 2002		CURRENT	

Register of External Policies

Updated: 2 April 2021

	Overdue for review	Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?
	Policy is current									
	Due to be revoked									
	Charters									
Sensitive Expenditure		WDC	Finance	Alison Diaz (Chief Finance Officer)	Nov 2018	Nov 2021	N/A			
Risk Management Policy		WDC	Projects and Innovation	Katja Jenkins (Risk Advisor)	Mar 2018	Mar 2021	N/A		REVIEW	
Development Contributions Policy 2018		WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Jun 2018	Jun 2021	Local Government Act 2002	The Policy has been reviewed and Council has approved the draft policy for consultation from 7 April 2021 to 7 May 2021.	CURRENT	YES - Consultation will occur concurrently with LTP consultation in April and May 2021.
Discretionary Grants Policy		WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Jun 2018	Jun 2021	N/A		CURRENT	
Gambling Venues Policy		WDC	Customer Support	Sue O'Gorman (General Manager Customer Support)	Oct 2018	Oct 2021	Gambling Act 2003 and Racing Act 2003		CURRENT	
Dangerous and Insanitary Buildings Policy		WDC	Customer Support	Sue O'Gorman (General Manager Customer Support)	Sep 2018	Sep 2023	Building Act 2004			
Treasury Risk Management Policy (including Liability and Investment Policies)		WDC	Finance	Alison Diaz (Chief Finance Officer)	Dec 2018	Dec 2021	Local Government Act 2002		CURRENT	
Easter Trading Policy		WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Apr 2017	Apr 2022	N/A		CURRENT	
Local Alcohol Policy 2017		WDC	Customer Support	Sue O'Gorman (General Manager Customer Support)	Dec 2016	Dec 2022	N/A		CURRENT	
Psychoactive Substances Policy		WDC	Customer Support	Sue O'Gorman (General Manager Customer Support)	Jul 2019	Jul 2024	N/A		CURRENT	
Library Policy		WDC	Customer Support	Sue O'Gorman (General Manager Customer Support)	Oct 2019	Oct 2024	N/A	Replaces Library services policy and library lending policy. New single policy. Incorporates aspects of Library Services Policy and Library Lending Policy.	CURRENT	
Strategic Land Acquisition and Disposal Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Oct 2019	Oct 2024	N/A		CURRENT	

Register of External Policies

Updated: 2 April 2021

	Overdue for review	Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?
	Policy is current									
	Due to be revoked									
	Charters									
Water Policy		WDC	Service Delivery	Ian Cathcart (Special Infrastructure Projects Manager)	Sept 2016	Sept 2021	N/A	To be reviewed concurrently with the Water Supply Bylaw. Work will be scoped to occur with the review of the Water Supply Bylaw	CURRENT	
CHARTER - Meremere Community Committee Charter		WDC	Governance	Brendan Stringer (Democracy Manager)	Oct 2013	Oct 2016	N/A	This was updated after the 2016 elections and will shortly be reviewed for this triennium. Therefore, no need for separate policy to be in place in addition to the Charter itself. Once charters have been updated and all delegations have been reviewed, the policy can be revoked.	TO BE REVOKED	
CHARTER - Te Kauwhata Community Committee Charter		WDC	Governance	Brendan Stringer (Democracy Manager)	Oct 2013	Oct 2016	N/A	This was updated after the 2016 elections (current versions in the Delegations Register) and will shortly be reviewed for this triennium. Again, no need for separate policy to be in place in addition to the Charter itself. Once charters have been updated and all delegations have been reviewed, this can be revoked.	TO BE REVOKED	
CHARTER – Pokeno Community Committee		WDC	Governance	Brendan Stringer (Democracy Manager)	Oct 2013	Oct 2016	N/A	Once charters have been updated and all delegations have been reviewed, this can be revoked.	TO BE REVOKED	
CHARTER – Tamahere Community Committee		WDC	Governance	Brendan Stringer (Democracy Manager)	Oct 2013	Oct 2016	N/A	Once charters have been updated and all delegations have been reviewed, this can be revoked.	TO BE REVOKED	

Open Meeting

To	Policy and Regulatory Committee
From	Vishal Ramduny Acting General Manager Community Growth
Date	13 April 2021
Prepared by	Bessie Clarke Junior Corporate Planner
Chief Executive Approved	Y
Reference #	GOV318 / 3058781
Report Title	Approval to Revoke Control of Coastal Erosion on Council Reserves Policy 1997

1. EXECUTIVE SUMMARY

The purpose of this report is to seek approval to revoke Council's Control of Coastal Erosion on Council Reserves Policy 1997.

Policies are key decision-making documents and therefore need to be kept up to date to ensure that decisions being made are appropriate and consistent.

The policy is no longer required as it is significantly out of date (it was rolled over from Franklin District Council) and has been superseded by other documents, particularly Council's Climate Response and Resilience Policy 2020.

2. RECOMMENDATION

THAT the report from the Acting General Manager Community Growth be received;

AND THAT the Policy and Regulatory Committee recommends to Council that the Control of Coastal Erosion on Council Reserves Policy 1997 be revoked with immediate effect.

3. BACKGROUND

Council currently has 88 external policies, of which 65 are overdue for review. Best practice is that policies be reviewed every three years. However, to progress the policy review programme, policies will be reviewed at five-yearly intervals until three-yearly intervals become more manageable.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

Staff have reviewed the Control of Coastal Erosion on Council Reserves Policy 1997 and it is proposed that the policy is revoked.

The policy is a previous Franklin District Council Policy and was adopted in 1997. The policy outlines four key policy principles: Control of Catchments and Runoff, Maintenance of Reserves, Preservation of Beach Systems and Foreshore Control Works. These principles are accompanied by seven implementation measures: Evaluation of Causes of Coastal Processes and Erosion or Depletion, Removal or Deposition of Seabed Materials, Foreshore Control Works, Public Notification and Education, Involvement of Local Community, Maintenance and Monitoring, plus Funding and Budgeting.

Documents Superseding the Policy

Relevant staff who were involved with the development of the Climate Response and Resilience Policy were consulted on this policy and it was concluded that the majority of the policy has been superseded by other documents and is therefore no longer in use.

Three of the four policy principles (Control of Catchments and Runoff, Preservation of Beach Systems and Foreshore Control Works) contained within the document are now largely covered by Council's Climate Response and Resilience Policy 2020, specifically the Principles of Policy Statements 7.8 and 7.9. These two principles are also reflected in the National Coastal Policy Statement (CPS), which cascades through the Waikato Regional Policy Statement (WRPS), Waikato Regional Coastal Plan and District Plan. The remaining policy principle (Maintenance of Reserves) is generally covered by the Public Places Bylaw and through Council's various Reserve Management Plans.

The seven implementation measures noted in the current policy are similarly covered off by various documents, namely the National Policy Statement (NPS), National Coastal Policy Statement (NCPS), Regional Policy Statement (RPS) and Council's Climate Response and Resilience Policy. The specific documents or processes that have superseded these implementation measures are listed below:

1. Evaluation of Causes of Coastal Processes and Erosion and Depletion

This has been considered by staff to be irrelevant for the Waikato district due to its reference to the Manukau Harbour.

2. Removal or Deposition of Seabed Materials

This is covered by existing statutes as well as the NPS, RPS and Regional Coastal Plan.

3. Foreshore Control Works

The principle of working with natural processes is covered by the NPS and RPS. It is also stated in Council's Climate Response and Resilience Policy that structures should be designed by qualified people and comply with legislation is stating something we can assume as given.

4. Public Notification and Education

The District Plan includes the relevant policies around this and there is signage by Waikato Regional Council and Waikato District Council that exists in some locations. Statement 7.1 and 7.11 of the Climate Response and Resilience Policy also covers this off by referring to collaboration and communicating with the communities.

5. Involvement of Local Community

This is largely the domain of Waikato Regional Council eg 'BeachCare' groups in Port Waikato. It is also covered in Policy Statement 7.1 of the Climate Response and Resilience Policy.

6. Maintenance and Monitoring, plus Funding and Budgeting

It is business as usual for Council to monitor reserves and fund their maintenance, therefore this section is unnecessary. The exact levels of monitoring and what is adequate funding are subject to ongoing internal and external discussions.

4.2 ANALYSIS

Given the age of the policy and that it has been entirely superseded by documents, including Council's Climate Response and Resilience Policy, CPS and WRPS, it is recommended the policy be revoked.

The advantages of this recommendation are:

- Removes duplication of content across multiple policies and documents.
- Keeps Council's policies current and up to date.
- Aligns with and better reflects the current policy environment regarding coastal erosion and climate change.

Staff do not consider there are any disadvantages to this recommendation.

4.3 OPTIONS

Option 1 - Revoke the Policy

The policy is significantly out of date and is no longer required as it has been superseded by other documents and is deemed unnecessary.

This option is recommended.

Option 2- Retain the Policy

The policy could be retained, however it is significantly out of date and is no longer in use.

This option is not recommended.

5. CONSIDERATION

5.1 FINANCIAL

Nil

5.2 LEGAL

Nil

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

Nil

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Policy owner will be notified of the outcome of this report					

External stakeholders who have been or will be engaged with:

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

6. CONCLUSION

It is proposed that the Control of Coastal Erosion on Council Reserves Policy 1997 be revoked. This is because the policy is significantly out of date and has been superseded by other documents.

7. ATTACHMENTS

1. Control of Coastal Erosion on Coastal Reserves Policy (1997)
2. Climate Response and Resilience Policy (2020)

E7.1 Control of Coastal Erosion on Council Reserves

The following policies, which include principles and implementation as contained in the Tonkin & Taylor Report, have been adopted by Council as policy:

Policy Principles

Control of Catchments and Runoff

- Diversion to natural water courses of runoff from developed and paved areas wherever practicable, incorporating silt traps where necessary.
- Avoidance of concentrated street runoff entering into driveways on foreshore properties.
- Containment of discharge from roof downpipes, driveways and yard areas within the property by purpose designed means of disposal: e.g. soakholes or into stormwater systems where available or otherwise by piping to the foreshore.
- Discharge of stormwater systems to be, where practicable, clear of immediate foreshore sand systems.

Maintenance of Reserves

The policy of the Council is to maintain those coastal reserve areas as specified in the relevant management plan, where the public have access and/or reserves with significant conservation values, as far as is reasonably practicable for the enjoyment of residents, ratepayers and visitors, which make up an important part of the community economics in coastal resorts. Council does not intend to expend significant funds on coastal or foreshore reserve, where public access is not provided.

The maintenance of reserves with public amenity and conservation values, shall include provision of:

- Promotion and protection of vegetation.
- Adequate parking areas.
 - Control of beach access at designated areas.
 - Provision of adequate facilities, including toilets, so that the health, ecological and safety aspects of the reserves are maintained.
 - Control of septic tank discharges from public and private toilet systems.
 - Control of dumping of rubbish and refuse by provision of approved disposal facilities and enforcement of bylaws.
- Control of runoff upland catchments, particularly roads and other paved areas.

Preservation of Beach Systems

The underlying principle for control of erosion will be to understand as fully as possible, the natural processes affecting the particular coastline and to work with these as far as is practicable. These natural methods shall include the avoidance wherever possible of hard protection measures and the encouragement and preservation of dune and beach systems

to give a coastal buffer zone, so that the natural cyclic processes of storm erosion, offshore movement and recycling of sand in calmer offshore conditions can proceed without interruption.

The vital role of coastal dune systems whether of substantial or limited extent shall be supported by control of protection of foredune systems in Council reserves by fencing to encourage vegetation growth and to control animal and human access.

If foreshore protection works are needed, priority shall be given to replenishment and beach nourishment by importing sand, with the proviso that its removal from other areas is fully analysed to avoid or mitigate any adverse affects in those areas.

Foreshore Control Works

Erosion control and access structures shall only be permitted where there is full analysis of all scientific and engineering aspects of the erosion and the effects of control structures, including the effects of wave reflection from hard walls and the interruptive effects of groyne structures on tidal currents and longshore sediment transport. boat ramps shall be designed to minimise their impact on the foreshore system.

Reclamations shall be permitted only in exceptional cases following full justification and examination through the statutory processes so as to avoid adverse effects on coastal processes and foreshore systems.

Implementation

Evaluation of Causes of Coastal Processes and Erosion or Depletion

Council shall collaborate with the Auckland Regional Council in efforts to evaluate the overall causes of coastal change in the Manukau Harbour in particular, and shall accord with such policies as are developed for the Manukau Harbour after due consultation.

Removal or Deposition of Seabed Materials

The removal of sand and gravel from any beaches shall be expressly forbidden, as required by existing statutes.

If sand is to be replenished on beaches it shall come from previously designated and approved areas after a full study of all possible impacts from such sand movement.

Disposal of excavated or dredged materials including nourishment of beaches shall be permitted only in locations and by methods expressly approved to minimise disturbance to the seabed and redistribution of fine sediments.

Foreshore Control Works

Control measures shall work with natural processes as far as practicable and any engineering structures shall be fully designed by suitably qualified practitioners in accordance with current engineering practice.

All new and existing control works should be reviewed to establish effectiveness and compliance with these policies, and modified as necessary.

All structures for foreshore control works should be in accordance with the Resource Management Act, including attention to the requirements of the 4th schedule thereto and the current Regional Plan and District Plan.

Public Notification and Education

These policies should be incorporated in a District Plan and shall be fully advised to the public, including press releases to the media and statements regarding the importance of coastal protection and control at reserve areas and other appropriate points of display.

Involvement of Local Community

The assistance of local citizens shall be encouraged in assisting with the maintenance of reserves and the regular inspection and observation of changes, including such coastal observation programme as may be promulgated by the regional council.

Beach and Landcare groups have been established throughout the District. These groups, in conjunction with Council and the ARC, strive to improve problems associated with the coastal areas in the District.

Maintenance and Monitoring

The Council maintenance of reserves shall include regular monitoring of their status by photography and survey sections as appropriate and be specifically summarised in the Annual Report.

Funding and Budgeting

Council shall allocate adequate funds in each year's budget for maintaining reserves and any erosion protection measures that have been properly authorised, including the replenishment of nourishment areas.

1993/4/11, 1997/8/17

Climate Response & Resilience Policy

Policy Owner:	Jim Ebenhoh
Date approved:	31 August 2020
Next review date:	1 February 2021
Document number:	2926096
Engagement required:	Executive Leadership Team, Councillors, SEG, Climate Action Group

1 Introduction

The Climate Response & Resilience Policy demonstrates consideration for the needs of future generations by adopting best practice behaviours through a proactive climate change and emissions reduction strategy, and it aligns with Central Government legislation and Waikato District Council's existing commitments.

2 Purpose

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

- the reduction of greenhouse gas emissions
- the development of adaptation measures

3 Definitions

Climate Adaptation	A response to climate change that seeks to moderate or avoid harm or exploit beneficial opportunities.
Council	The Waikato District Council as an organisation including Elected Members.
Climate Action Plan	A plan detailing steps (including specific projects, policies or planning processes) the organisation will develop and implement to achieve the climate action Strategy.
Climate Action Strategy	The overarching document outlining why and how best to achieve business objectives responding to climate change.
Climate Change	Climate change refers to a significant and extended change to the global climate, becoming increasingly severe over time and resulting in problems for life on earth. It includes global warming, changes to weather patterns, sea level rise, pollution, and extreme weather events.
Carbon Sequestration	The long-term storage of carbon dioxide or other forms of carbon to either mitigate or defer climate change climate change.

Emissions	The production and discharge of substances that cause or exacerbate climate change, for example greenhouse gases like carbon dioxide, methane, or nitrous oxide.
Climate Hazard	A physical process or event that can harm human health, livelihoods, or natural resources including (but not limited to); tropical cyclones, thunderstorms, tornadoes, drought, rain, hail, snow, lightning, fog, wind, temperature extremes, air pollution, and climatic change.
Climate Mitigation	Efforts to reduce or prevent emission of greenhouse gases e.g. using new technologies and renewable energies, making older equipment more energy efficient, or changing management practices or consumer behaviour.
Resilience <i>NB: in terms of Waikato District Council climate change policy</i>	<p>An ability by the climate, community, built and natural environments to recover from setbacks; an ability which is enhanced by actions and strategies that change processes, practices and structures to prevent, reduce, and/or mitigate climate change severity and effects; and that increase preparedness for any unavoidable impacts.</p> <p>Examples of activities that show resilience include actions to reduce per capita greenhouse gas emissions, planning and preparing for reducing the impacts of climate change, action and advocacy to reduce waste and pollution and creating globally sustainable resource use, supporting business and land use activities that reduce impacts on climate change, as well as implementing processes and advocating to meet climate change mitigation requirements NZ has agreed to such as the Kyoto Protocol, Paris Agreement and the United Nations Framework Convention on Climate Change (UNFCCC).</p>
Risk	An uncertain event or condition that, if it occurs, has a positive or negative effect. Risks can occur from various sources (such as financial, reputation/image, environmental, etc.) and be relevant at either project, operational or strategic levels within the organisation. A risk is quantified in terms of likelihood (probability of occurrence) and consequence (impact).
Risk Assessment	Refers to the overall process of identifying, analysing and evaluating risks. It includes qualitative and, in some cases, quantitative assessment.
Risk Management	The culture, processes, coordinated activities and structures that are directed towards managing adverse effects. The risk management process involves communicating, consulting, establishing context, identifying, assessing, and evaluating, treating, monitoring and reviewing risks.
Waikato District Council or WDC	The Waikato District Council as an organisation.

4 Application

- 4.1 This policy applies to all elected members of Council, the Chief Executive Officer, and all employees. It is their responsibility to ensure that the policy is applied to inform decision making and planning when working with external parties including contractors, sub-contractors, agents, and intermediaries.

4.2 Effective policy implementation is achieved through Council's commitment to:

- a) Undertake necessary work to develop and maintain a firm understanding of, Council's Greenhouse Gas Emissions and those of our district, as well as potential climate related risks that require adaptation or mitigation
- b) Implement initiatives to reduce Council's emissions and to increase resilience through adaptation to climate related risks for Council and the district
- c) Develop and implement a Climate Action Strategy that includes goals, objectives, actions, and indicators for Council
- d) Prioritise climate change and emissions reduction initiatives and actions by implementing organisational measures and specific targets through the LTP and annual planning processes
- e) Provide appropriate dedicated resources and funding for planning and delivering climate resilience (mitigation and adaptation) initiatives and actions

5 Relevant documents

Conservation Strategy	Leasing of Reserve Land Policy
Activity Management Policy	Procurement Entitlement & Disposal of Council Vehicles Policy
Discretionary Grants Policy	Procurement Policy
District Tree Policy	Strategic Land Acquisition & Disposal Policy
Community Partnerships Loan Funding Policy	Transferring or Selling Water Allocations Policy
Control of Coastal Erosion Policy	Reserves – Committees of Management Policy
Backflow Prevention Policy	Water Policy
Roadside Weed Spraying – No Spray Zones Policy	Trade Waste Bylaw Charging Policy
Funding of Water & Wastewater Supply extensions by developers	District Plan (Sustainable housing / consenting) and all stage 2 natural hazards and climate change
Natural Reserves Management Plan	Grass Verge Policy
Grazing Policy	Refuse Collection and Disposal
Control of Coastal Erosion on Council Reserves	Lead Developer Fund (Water/ Wastewater)
Pathway to a low-emissions future in New Zealand (External)	Reserve Contributions & Conservation Covenants
Trade Waste Agreements	Waste Minimisation Plan 2018-2024

6 Significance

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

7 Policy statements

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

- 7.1 Collaborate with other agencies, organisations, and the community to achieve a consistent understanding of environmental, social, cultural and economic opportunities and consequences of climate change in our communities including but not limited to those related to:
 - a) Infrastructure (vertical and horizontal)
 - b) Waste Management
 - c) Public Transport
 - d) Regulatory function
 - e) Land Use

- 7.2 Collaborate with neighbouring Territorial Authorities, Waikato Regional Council, Central Government, and other agencies to gather information, carry out research, develop strategies and processes, and to clarify each agency's functions and responsibilities

- 7.3 Ensure that low emission, climate-resilient development is adopted as a key tenet into development and land-use decisions, including our district plans, annual plans, long term plans, urban design and development, building control, energy use, transport planning and waste management

- 7.4 Set emission reduction targets in line with Central Government and partner Councils commitments e.g. the Paris Agreement, UNSDGs, Waikato Regional Council

- 7.5 Incorporate emissions reduction targets into investment decisions that it makes on transport, fleet procurement, waste management, buildings, and energy use

- 7.6 Plan for and provide infrastructure which recognises and reduces the risk of hazards like floods, storms, and sea level rise including:
 - a) Particular consideration to geographically vulnerable communities
 - b) Renewal and relocation of coastal infrastructure (including future planning during insurance valuation)

- 7.7 Include the effects of climate change (adaptation) as part of all hazards assessments, and consider the emissions impact (mitigation), in decision making, including through sections in Council report templates

- 7.8 Plan for the impacts of climate change on Council's three waters infrastructure and services including:
- a) Factoring climate change projections into all freshwater investments and adapting management practices accordingly
 - b) Identifying change requirements in infrastructure investment including land use and green infrastructure, e.g. wetlands, rain gardens and swales
 - c) Considering future requirements for increased water storage solutions
 - d) Modifying building standards with consideration to water storage and increased efficiency of use
- 7.9 Promote and encourage the conservation and enhancement of natural environments to aid in emissions reduction (mitigation) and climate change effects (adaptation)
- 7.10 Strive for best practice in response to Climate Change - including but not limited to reducing greenhouse gas emissions and, where possible, encourage avoidance of risk rather than remedial measures
- 7.11 Accept that the dissemination of information regarding climate change can be emotive and communicate with communities and stakeholders in an empowering and considerate work manner

8 Policy review

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

Local government position statement on climate change

Local government recognises a critical need for proactive collaboration between central and local government, and between city, regional, unitary and district councils which recognises the different mandates and roles for climate change responses. We will work together with our communities.



**We are.
LGNZ.**

Introduction

< Responsive leadership and a holistic approach to climate change is urgent. We must act now to avoid future risk and, at the same time, agree how to manage safety, existing risks, limitations and liabilities to underpin effective mitigation and adaptation. >

Climate change will affect us all during our lifetimes. The impacts that we observe today are the result of historical emissions and the increase in emissions in recent decades will lead to significant change in the coming years.

Environmental prosperity. We want to nurture our natural resources and ecosystems as environmental stewards, promoting biodiversity and environmental sustainability, and embodying the concept of kaitiakitanga. We want our social, cultural and economic activities to be aligned with our goals for the environment, and to be secure and resilient to the effects of climate change.

Social prosperity: We want communities that are characterised by equality, social cohesion and inclusiveness. In the face of the long-term implications of climate change, we also want our communities to promote inter-generational equity where we meet the needs of the present population, without compromising the ability to meet the needs of future generations.

Cultural prosperity. We want our communities to be empowered and enabled to express and celebrate their diverse cultural heritages, and recognise the particular cultural significance of Māori as tangata whenua of New Zealand. We want to support all cultures as they adapt to significant changes in climate, and influence how our society manages the environment.

Economic prosperity. We want to have a sustainable economy with world-leading productivity in which all New Zealanders have the opportunity to contribute and succeed. We want an economy that adapts to issues like climate change while still supporting the living standards New Zealanders need to lead happy, healthy lives.

Local government has a shared vision for what prosperous communities will look like in 2050 – and beyond. The 2050 vision encompasses four well-beings of environmental, social, cultural and economic prosperity. Climate change creates both opportunities and significant challenges in achieving prosperity in these four areas.

Climate change actions have three components:

1. actions to reduce emissions (mitigation);
2. planning and actions at the national and local level to support public safety and effective adaptation; and
3. limiting or removing pressure on systems affected by climate change.

All local authorities (city, regional, district and unitary) are at the frontline of climate change adaptation and have a role to play in mitigation.

Property owners and communities already facing the impacts of climate change are seeking assistance from local government. Decisions that are made today (or even where no decision is made) about infrastructure, land and water use and urban development will determine the extent and impact of climate change, community vulnerability and resilience outcomes.

City councils are well-positioned to lead and co-ordinate communities to reduce their emissions, both directly as a provider of infrastructure and services, and indirectly through their influence over activities responsible for emissions. Internationally, cities' emissions reduction efforts complement national strategies of building economic competitiveness through low carbon development.

< Action on climate change requires coherent and consistent governance across central and local government. Action on climate change requires a comprehensive understanding of the opportunities and risks, innovation, and prioritised actions to achieve our vision for prosperous communities. >

Part one: local government led action on climate change

1. Local government will collaborate

Local government (regional, unitary, district and city councils) will collaborate to achieve our shared vision for prosperous New Zealand communities in 2050.

All of local government is charged with meeting the current and future needs of communities for infrastructure, local public services, and regulatory functions (Local Government Act, section 10b). The focus of regional (and unitary) councils and district or city councils can differ however. Regional councils focus on decisions that relate to resource use and hazard management, while city and district councils provide core services that can impact on resources including land, water and coastal areas. By utilising the full range of skills and capabilities in local authorities we can align and support decisions to achieve a consistent understanding of environmental, social, cultural and economic opportunities and consequences of climate change in our communities. This requires strong leadership across all levels of local government.

LGNZ will advocate for and support collaborative efforts within the sector to improve the effectiveness of land use, service delivery and planning.

2. Local government will incorporate climate change implications into urban development and land-use decisions and take a long term approach to waste management and energy use, including transport infrastructure.

Local government recognises the value of explicitly incorporating climate change considerations, including emissions, into land-use decisions, district plans, urban design and development, energy use, transport planning and waste management.

Local government is working to proactively develop New Zealand's urban centres into sustainable, liveable, globally competitive 21st century cities. To achieve this, cities need to promote high quality, higher-density living. **Local government will ensure that low carbon, climate-resilient development is adopted as a key tenet of urban growth and development and land use decisions.**

Encouraging more intensive use of zoned land to avoid the need to build new infrastructure to reach outlying businesses avoids emissions that would result from construction, and from servicing and maintaining the infrastructure itself, and promotes lower emissions from those living and working in the area.

This approach is not limited to urban environments. Land-use decisions made in regional and provincial New Zealand have an equally significant effect on emissions and on community resilience to climate change impacts. To make land-use decisions that mitigate emissions, **local government will develop its understanding of the impacts of zoning and land use decisions on the emissions trajectory for their communities.**

Global emissions will need to pick up momentum to limit warming to the internationally agreed goal of staying below 2°C above pre-industrial levels.

New Zealand's challenge is also significant as our greenhouse gas emissions continue to rise. By 2014 they had risen 6 per cent from 2000 levels and 23 per cent from 1990 levels. Road transport, industry and agriculture are the main drivers of this increase. New Zealand ratified the Paris Agreement on 4 October 2016, submitting a target to reduce greenhouse gas emissions by 30 per cent below 2005 levels by 2030. This target is equivalent to 11 per cent below 1990 levels by 2030. Achieving reductions will require action across land use and forestry, urban development and planning, energy and transport.

Local government will incorporate emissions reduction targets into investment decisions that it makes on transport, fleet procurement and waste management.

3. Local government will take an all hazard approach to managing risks

Local government has responsibilities to plan for and provide infrastructure, and to avoid or reduce the risk of hazards such as floods, storms, and sea level rise. It is understood that climate change is changing the severity and frequency of these events. Local government recognises that these changing patterns also mean that these hazards can interact in new ways. For example, the combination of an extended drought and sea level rise could have a worse impact on water supply than either event alone.

Local government will explicitly build in the effects of climate change as part of an all hazards assessment to inform decision-making.

The cost of climate exacerbated natural hazard events in our communities is on the rise. Historic settlement patterns leave people, public assets and private investments exposed to storms, sea level rise and flooding (including flooding from rising ground water levels). Local government costs include damage and renewals of infrastructure and civil defence responses. In the interests of the public good these costs are borne by the community as a whole. **Compensation for loss of private investments will not be funded by local government.**

4. Local government will factor in the impacts of climate change on water security

Local government will factor climate change projections into all freshwater investments and adapt water management practices to match these changing conditions. This includes investment in land use change and green infrastructure eg wetlands, rain gardens and swales.

Future climate projections show that changing meteorological conditions will alter the amount of rainfall around the country and at the same time there is likely to be increased societal demand for freshwater. This will affect the amount of water able to be allocated and in turn, the efficient provision of three water services.

Local government will factor in the impacts of climate change on water security. Local government will identify the changes required in infrastructure investment, including green infrastructure (wetlands, rain gardens and swales), and the management of water quality and quantity.

Part two: what local government requires of central government

Government at all levels, individuals and the private sector have different but complementary roles in adapting to climate change. Effective responses to climate change are context specific and are therefore best addressed at the regional and local level. Internationally, cities and regions are increasingly seen as policy laboratories for action on climate change. There is an opportunity for local authorities in New Zealand to try different approaches.

Innovative technological practices and the implementation of strategies are needed at the appropriate levels for adaptation and mitigation. Central government needs to support local government's search for appropriate responses by supporting innovation within local government.

To effectively address climate change at a national level, local government seeks central government action in four key areas:

1. National campaign to raise awareness of climate change

A central government led campaign is needed to make New Zealanders aware of the opportunities and risks of climate change, and the options for communities to contribute to reducing emissions.

Many New Zealanders understand the fundamental causes and impacts of climate change at a global level but most remain uninformed about the impacts that climate change could have on their daily lives, and are unaware of how the actions of their community can help to mitigate emissions. While local government can educate their communities on the impacts of climate change, **we seek a national campaign (comparable to central government campaigns on smoking and road safety) to raise awareness and to promote specific actions individuals and communities can take to support the reduction of green house gas emissions and adaptation measures.**

2. Policy alignment and a clear mandate to address climate change

Central government policies can support (or hinder) council, private sector and community action to respond to climate change.

Effective climate policy involves a diverse range of adaptation and mitigation actions. A broad review of existing policy is required to support climate change adaptation and mitigation actions.

To highlight that local government's actions to address climate change are part of a national effort, **we seek an explicit mandate under the Local Government Act to consider how decisions affect climate change outcomes.**

3. A decision on fiscal responsibility for adaptation

Responding to the challenges posed by rising sea levels and increased rainfall requires national consensus on who will bear the costs. As the national policy setter, central government needs to lead the discussion on roles and responsibilities for adaptation actions, including fiscal responsibility.

The effects of climate change, such as rising sea levels, create a new set of social, economic and political challenges, for instance in supporting people that are displaced by eroding coastlines and flooding. These decisions will have repercussions for all communities and need to be considered as a matter of urgency, as the effects of climate change are already being felt in the form of increased flooding and exacerbated erosion on our coasts.

We seek a clear statement from central government on responsibilities (for government at all levels, private sector and individuals) for adaptation actions, including fiscal responsibility.

4. Co-investment with central government to support low carbon, climate resilient infrastructure.

Central government policy settings and incentives must provide clear, consistent and enduring direction to ensure we are investing in low carbon, climate resilient infrastructure. The Government Policy Statement on Land Transport, for example, should incorporate aims for emissions, including active transport (walking and cycling), public transport and consider the cumulative effects of emissions.

Local government seeks to work with central government to develop a joint response to climate change including a clear pathway to a low carbon economy.

Open Meeting

To	Policy & Regulatory Committee
From	Alison Diaz Chief Financial Officer
Date	15 March 2021
Reference #	GOV1318 / 3058791
Report Title	Procurement Policy

I. EXECUTIVE SUMMARY

The Council's current Procurement Policy was adopted in February 2016. The policy review date of November 2018 was deferred pending completion of a regional procurement framework review via Waikato Local Authority Shared Services (WLASS). The regional framework was adopted in February 2020.

The Procurement Manager has worked with the Contracts and Procurement working group and senior managers to review processes, guidance materials and templates required to support the proposed policy adjustments. An end-to-end procurement process is critical in supporting the proposed policy changes, in particular the financial thresholds and procurement requirement table.

2. RECOMMENDATION

THAT the report from the Chief Financial Officer be received;

AND THAT the Policy & Regulatory Committee recommends that the Council adopts the updated Procurement Policy.

3. BACKGROUND

Waikato District Council ("WDC") operates under a decentralised model of Procurement. This means that staff with appropriate delegations can procure the goods and services through following prescribed procurement processes, that help ensure they procure the right things in the right way.

These procurement processes have also recently been updated, as many staff found the processes complicated and difficult to navigate. The procurement processes are mapped for staff on the Promapp process management tool, and together with the updated Procurement policy these processes form the entire framework for decentralised procurement.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

Rather than adopting the WLASS regional procurement policy verbatim, the WDC policy has allowed for nuances in WDC's purchasing terminology, naming conventions and to reduce duplication.

The main changes of the proposed policy when compared to the existing policy and the WLASS policy are depicted in the following table (see attachments for detail):

Policy change	Existing Policy (Feb 2016) comparison	WLASS Regional Procurement Policy (Feb 2020) comparison
Streamline of content by removing duplication of related policy content.	Contains duplication of fraud prevention policy, code of conduct and conflict management content. If this is retained, the risk of providing inconsistent information increases and will require more frequent review of the policy to keep alignment.	Reflects content that currently sits in other WDC policies (delegations, sensitive expenditure conflicts of interest etc.). Risk is that over time WDC policy content and the regional policy would no longer be aligned.
Streamline of content by removing guidance materials. Policy should provide the bookends but not the 'how-to's' to ensure longevity in a changing environment.	Has incorporated content better suited to guidance materials (procedural rather than 'rules based')	The policy contains a mixture of guidance commentary such as examples of how to apply the policy criteria (see in-scope and exemption sections).
Insertion of financial thresholds and related procurement requirement (high level) Including financial thresholds and basic sourcing aspects for approaching the market will improve transparency to supply partners and ensure staff are across the major compliance requirements. Changes to thresholds, may be required if government procurement rules become mandatory.	Does not include the thresholds. Transparency of the thresholds and the related procurement requirement for our supply partners is important in achieving the principle of fairness.	The regional financial thresholds have been incorporated as best practice.

4.2 OPTIONS

There are three options for the Committee to consider:

- Option 1:** Recommend adoption of the updated policy. The policy provides a framework which aligns with the intent of both the government procurement rules and the Waikato regional procurement framework.
- Option 2:** Recommend adoption of the Waikato regional procurement policy without amendments for WDC. Selecting this option would require rework of the accompanying processes developed as part of the Procurement & Contracts Roadmap.
- Option 3:** Recommend retention of the current Procurement Policy (February 2016 version). This policy does not capture the recent changes in terms of Office of the Auditor guidance or the WLASS procurement framework. Process rework would be required.

This report recommends Option 1.

5. CONSIDERATION

5.1 FINANCIAL

There are no quantifiable financial consequences of adopting the policy.

5.2 LEGAL

While there is no legal requirement to have a procurement policy, best practice considerations in the public sector make this policy an essential part of local government business and ensures compliance with related legislation as listed in the policy.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

There is alignment with multiple strategies, plans, policies, and partnership agreements. The policy outlines the main considerations however is not an exhaustive list.

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

The policy is not considered significant in terms of the Significance and Engagement Policy.

6. CONCLUSION

Staff recommend that the updated Procurement Policy be recommended for adoption by Council.

7. ATTACHMENTS

- Updated policy - Waikato District Council Procurement Policy April 2021
- Current Procurement Policy (February 2016)
- WLASS Regional Procurement Policy (extract from the regional framework materials)

Procurement Policy

Policy Sponsor:	Chief Executive
Policy Owner:	Procurement Manager
Approved By:	Policy & Regulatory Committee
Resolution Number:	
Approval Date:	April 2021

1. Introduction

This policy supports effective and efficient procuring of goods and services, through engaging suppliers, ensuring accountability and robust governance. It is important that procurement is carried out under a clearly defined and transparent framework that supports the obligations and commitments of Council.

Procurement covers all the business processes associated with purchasing the goods/services/works we use to run our business and deliver our public service objectives. It starts with identifying needs, then planning the best way to meet them; continues through sourcing the goods/services/works then managing the contract; and ends with expiry of either the contract or the asset's useful life.

2. Objectives

- 2.1 To provide guiding principles and framework within which elected members, staff, consultants, and any agents acting on behalf of the council must apply in respect to procurement and spending on behalf of the council.
- 2.2 To support the overall strategic objectives of the council to maximise sustainable value for money over the whole life of assets or services being procured.

3. Definitions

AoG: All of Government. An All of Government contract is an approved central government collaborative contract with approved suppliers for selected common goods and services.

DIA: Department of Internal Affairs (New Zealand).

Emergency procurement: the definition as outlined in this policy.

Government Procurement Rules: the 4th edition 2019 New Zealand Government Cabinet mandated that came into force on 1 October 2019.

MBIE: Ministry of Business Innovation and Employment (New Zealand).

Waka Kotahi NZ Transport Agency: The New Zealand Transport authority.

PSP: Professional Services Panel contract, WLASS collaborative contract.

Rfx process (RFP / RFT / RFQ): Request for Proposal, Request for Tender, Request for Quote.

Syndicated Contract: an approved collaborative contract typically involved a group of public agencies aggregating respective needs for market approach to establish goods or services contracts. Syndicated contracts can be open or closed to other agencies joining.

WLASS: Waikato Local Authority Shared Services, an organisation that focuses on the coordination and collaboration with other local Councils to procure shared services, aiming to reduce costs and improve overall performance for our customers.

4. Application

This Policy applies to all Council employees, consultants, and agents acting on behalf of Council with exception of any staff salary or wage payments, and property negotiations. When delegating or outsourcing spending or procurement activity and/or responsibility on behalf of the council, this policy still applies.

5. Significance

This Policy is not considered significant in terms of the Significance and Engagement Policy.

6. Policy Statements

6.1 Values

There are four basic values that underpin and uphold Council's approach to procurement. These values, as described below, should be considered in all procurement decisions.

(a) Integrity – being able to do the right thing, uncompromised, even when nobody is watching or listening

(b) Customer Focused – Having the best interests of the customer and the community at the core of the decisions and work we do, always

(c) Innovation and Collaboration – working in ways that support and develop new ways and collaborative ways of doing things that promote inclusion and support diversity

(d) Sustainability – considering economic, social, and environmental impacts always, ensuring decisions today do not have a negative impact on the generations to come

6.2 Principles and good practice

Councils' procurement framework aligns with The Government Procurement Rules (4th edition) and general industry best practice. The five principles of government procurement will be used to guide all procurement activity (procurement.govt.nz):

1. Plan and manage for great results.
2. Be fair to all suppliers.
3. Get the right supplier.
4. Get the best deal for everyone.
5. Play by the rules.

The following good practice considerations will be adhered to throughout all stages of the procurement process, including the evaluation, negotiation, execution, and management of any associated contract. These are:

- Use of a competitive process wherever possible.
- Transparency of the process
- Identification and resolution of Conflicts of Interest
- Fairness and impartiality
- Privacy and confidentiality

6.3 Financial Thresholds

The following thresholds reflect those contained within the WLASS Regional Procurement Framework and considers the New Zealand Government Procurement Rules. These rules, among other things, ensure compliance, best practice, consistency as well as upholding the commitment the New Zealand government has in relation to international treaties, agreements, and arrangements.

Spend Threshold	Risk Level	Procurement Requirement
\$0 - \$50k	Low to medium	No procurement plan required. <ul style="list-style-type: none"> • Single quote in writing where an existing supplier exists, or • Two quotes in writing where there is no existing supplier arrangement for the goods and services. Engaged via electronic purchase order and related terms and conditions.
\$50k - \$250k	Low to medium	Lite procurement plan required. <ul style="list-style-type: none"> • Three written quotes required, or • Public or invited RFX process where identified in the procurement plan. Engaged via contract.
Over \$250k	Any high-risk procurement regardless of dollar value	Full procurement plan required. <ul style="list-style-type: none"> • Single or multi-stage RFX process as identified in the procurement plan. • Open procurement process required. Engaged via contract.

Where a procurement is subject to Waka Kotahi NZ Transport Agency (NZTA) subsidy, the financial thresholds and procedures prescribed in the NZTA manual will apply if the standards are higher than those of Council.

6.4 All of Government and Collaborative Contracts (Syndicated Contracts)

There are public sector contracts available for Council to use, for some common goods and services typically procured in the general business of a local authority.

It is mandatory for the use of collaborative contracts including WLASS (including the PSP) and AoG contracts where Council has agreed participation by joining agreements.

6.5 Procurement Documentation/Records Management

All records must be retained for each procurement and stored in the Electronic Document Management (ECM) system. The records must document the procurement process (including all decisions); the contract awarded and include all recommendations and reports.

6.6 Non-Compliance

Failure to comply with the principles outlined in this policy or breach of responsibilities may be considered misconduct under the Councils Code of Conduct Policy and could result in disciplinary action.

6.7 Procurement Exemptions

Any departure from procurement policy or process must be approved by the Chief Financial Officer (CFO) on the advice of the Procurement Manager. Exemptions above public value thresholds will require CFO and Chief Executive approval.

Poor planning or workflow management are not valid reasons for exemption from this policy or associated processes.

6.8 Emergency Procurement

It may be necessary in an emergency to dispense with parts of the procurement process, so that the Council can react quickly. An emergency is defined as an event which puts:

- a. Life, property, or equipment at immediate risk; or
- b. Standards of public health, welfare or safety having to be re-established without delay, such as in the case of disaster relief; or
- c. The Council's service delivery would be significantly impaired if it failed to respond promptly; or
- d. A declared or undeclared response to an 'emergency' as defined in the Civil Defence and Emergency Management Act 2002.

Emergency procurement is to be used only in genuinely urgent circumstances and should be limited to what is required to cope with the emergency. Council staff are accountable for the maintenance of appropriate documentation regarding decision-making and commitments during the emergency.

6.9 Related Documents and Legislation

The following documents should be read in relation this Policy. This is not an exhaustive list and at all times decisions and actions must be carried out lawfully.

- Government Procurement Rules (MBIE)
- Waikato LASS Regional Framework
- Conflict of Interest Policy
- Gifts & Hospitality Policy
- Fraud Prevention Policy
- Code of Conduct
- Protected Disclosure Policy
- Delegations Manual
- Sensitive Expenditure Policy
- Procurement Roles and Responsibilities
- Procurement processes

Legislation

Health & Safety at Work Act 2015

Local Government Act 2002

Public Records Act 2005

Construction Contracts Act 2002

Public Audit Act 2001

Public Finance Act 1989

Local Government Official Information and Meetings Act 1987

Local Authorities (Members' Interests) Act 1968

Commerce Act 1986

Fair Trading Act 1986

7. Policy Review

This policy shall be reviewed at three yearly intervals or as otherwise required by the Chief Executive or Procurement Manager.

Procurement Policy

Policy Sponsor:	Chief Executive
Policy Owner:	General Manager, Strategy & Support
Approved By:	Policy & Regulatory Committee
Resolution Number:	WDC1602/06/2/1
Approval Date:	February 2016
Next Review Date:	November 2018

Purpose

To be effective and efficient in procuring goods or services, and to ensure accountability and robust governance, it is critical that procurement is carried out within a clearly defined and transparent framework.

The purpose of this policy is to ensure that a consistent procurement practice is applied across all Council's procurement activities. The policy reflects the overarching principle guiding WDC procurement, being 'Sustainable value for money through the whole of life of an asset or service'. This will be achieved by:

- Being customer and output focused;
- Supporting sustainable supplier markets;
- Where applicable, supporting innovative and collaborative relationships;
- Acting with integrity; and
- Minimising transaction costs.

Objectives

The objectives of this procurement policy are to:

- Ensure procurement is undertaken in an open, fair and transparent manner;
- Ensure procurements are properly planned, with sufficient time and resources assigned in relation to the size or complexity of the procurement;
- Deliver best value over whole life through the most appropriate service provider;
- Ensure open and effective competition;
- Support sustainability and environment protection;
- Appropriately manage risk;
- Ensure Council's procurement activities are in accordance with its legal responsibilities; and
- Promote and ensure the use of efficient and standardised procurement processes.

Definitions

Procurement is the planning, decision-making and implementation process used to obtain goods or services. It spans the whole procurement cycle from identification of needs to the end of contract or the end of the useful life and subsequent disposal of an asset.

Whole of life – requires taking a long term view of the total cost attributable to an activity and not simply the initial purchase cost. A whole of life cost assessment will consider the social, environmental and economic impact of the outputs, any on-going maintenance and operation costs of the asset or service, and any costs associated with its disposal.

For other procurement-related definitions, refer to the Procurement Manual.

Application

The policy applies to all Council employees, consultants or agents acting on behalf of the Council.

Related Policies, Legislation and Processes

[Procurement Manual](#)
[Contract Management System](#) (Promapp)
[Conflict of Interest Policy](#)
[Gifts & Hospitality Policy](#)
[Fraud Prevention Policy](#)
[Code of Conduct](#)
[Protected Disclosure Policy](#)
 Delegations Manual

A list of the relevant legislation that has an impact on this policy and other guidance documents are included in the Procurement Manual:

WDC Procurement Framework

This Policy, the Procurement Manual and procurement processes contained within Promapp's Contract Management System, including their associated guides, templates, forms and reports, all combine to form the WDC Procurement Framework and must be followed for all Council procurements.

Governance and overall accountability for the WDC Procurement Framework sits with the General Manager Strategy & Support and Finance Manager, supported by the Procurement Manager.

The Procurement Manager is accountable for the development and maintenance of the Procurement Framework, including setting of policy, production of the WDC procurement strategy, and approval of procurement plans and development of procurement processes. The Procurement Manager will also provide specialist guidance and advice to business units and staff on procurement policies and processes to ensure they are consistent with best practice, NZTA and probity requirements.

Basic Principles

There are six basic principles that govern the use of public funds. These principles, as described below, must be considered in all funding or procurement arrangements.

- **Accountability** – Council must be accountable for its performance and be able to give complete and accurate accounts of the use they have put public funds to. Council should also have suitable governance and management arrangements in place to oversee funding arrangements.
- **Openness** – Council must be transparent in our administration of funds, both to support accountability and to promote clarity and shared understanding of respective roles and obligations between entities and any external parties entering into funding arrangements.
- **Value for money** – Council must use resources effectively, economically, and without waste, with due regard for the total costs and benefits of an arrangement, and its contribution to the outcomes Council is trying to achieve. In addition, the principle of value for money for procuring goods or services does not necessarily mean selecting the

lowest price but rather the best possible outcome for Council taking into consideration whole-of-life cost.

- **Lawfulness** – Council must act within the law and meet its legal obligations.
- **Fairness** – Council has an obligation to adhere to general public law obligations and to act fairly and reasonably. Council must be, and must be seen to be, impartial in its decision-making. Council must at times consider the imbalance of power in some funding arrangements, and whether it is significant enough to require a different approach to the way Council conducts the relationship.
- **Integrity** – Everyone who is managing public resources must do so with the utmost integrity.

By applying these principles sensibly, Council can demonstrate that it is spending public money wisely, and properly managing the process for spending it.

Good Practice Guidelines

The Procurement Principles are based on the Office of the Auditor General’s **Good Practice Guide “Procurement Guidance for public entities”**. The Guidance was written to assist public entities in their responsibilities outlined in Section 5 of the Public Audit Act. This includes local authorities and any council controlled entity.

Practical Considerations

Considering the procurement principles and good practice guidelines when carrying out procurement activities on behalf of Council will help to ensure that Council is able to meet the standards of probity and financial prudence.

When deciding how to give effect to the procurement principles, staff should consider a number of factors, including:

The Goal – It is important to focus on what Council is trying to achieve.

Simplicity and proportionality – The requirements put in place for the funding arrangement should be as simple and practical as possible, considering the amounts involved, the complexity, and the level of risk. It is appropriate to consider compliance costs for both parties, and seek to reduce them where possible.

The context – The arrangements need to fit with the overall context of the funding arrangement, including any other relationship that the external party has with the entity.

The risk – Council needs to identify all risks associated with the procurement, including funding arrangements, and to consider how to manage and mitigate those risks. This should not be seen as encouragement to be overly risk averse. The key is to get the right balance between risk and expected benefit, and to do so consciously.

I. Protecting Council’s Interests

Staff must act in Council’s best interest at all times during the procurement process. Before taking any action, the following questions should be considered:

- How would it appear in the media?
- How would Council justify the action to an objective board of enquiry?
- What would be the impact on our relationship with suppliers and ratepayers generally if they knew how we had acted?

2. Community Expectations

The Council is a public body representing the Waikato district community, using ratepayers' money to perform required service functions. The ratepayers have the following expectations with respect to procurement:

- Activities are carried out efficiently, economically and effectively;
- Appropriate standards of fairness and equity are observed;
- The requirements of relevant legislation and common law are met;
- The policies and delegations of Council are met;
- There are mechanisms in place for monitoring and controlling performance and to ensure the above expectations have been met.

Policy Statements

1. Competent People

WDC will ensure that each employee, consultant or agent involved in a procurement process has the required skills for the type and level of procurement. When engaging a consultant or agent, WDC also needs to ensure that an experienced employee with the necessary delegated authority works with the consultant or agent.

2. Using Consultants or Procurement Agents

Where a consultant or agent is engaged to assist in the procurement process, the terms of engagement shall require the consultant or agent to observe the same ethical standards, principles and behaviour that apply to Council staff. This includes the consultant or agent complying with Council's procurement policy and processes and WDC appropriately managing any conflicts of interest on the part of the consultant or agent.

3. Fraud and impropriety

Conducting procurement in a fair and transparent manner should reduce the risk of fraud or impropriety. Following procurement policies and procedures, with appropriate internal controls, will assist this.

Procuring from a single source or selective procurement increases the risk of fraud or impropriety. Adhering to the principles and guidelines specified in this Policy and Manual will substantially reduce this risk.

The Council's [Fraud Prevention Policy](#) sets out the procedures to be followed if any instance of fraud is suspected.

4. Managing Conflicts of Interest

As part of the general obligation to act fairly, staff must take care that their decision-making processes cannot be challenged on the basis of actual or perceived bias, particularly in relation to conflicts of interest.

Council's Conflict of Interest Policy sets out conditions which may lead to actual or perceived conflict of interest. The procedures for addressing any identified conflict of interest are contained in the relevant process - 'Identify, Declare and Manage Conflicts of Interest – [Management and Staff](#) or [Elected Members](#)

Councils standard tender documents ask tenderers to disclose if they are aware of any potential conflicts of interest between their firm and Council. If there is a conflict, they must provide the necessary details to Council.

When adding a new supplier into Council's database, staff must use the process 'Engage a New Supplier' in Promapp, where they must disclose if the new supplier has been previously employed by Council, and if there may be a conflict of interest due to the circumstances of their employment.

There is a stand-down period of no less than three months following a staff member's departure from Council, before they are able to be employed for work on behalf of Council as a supplier.

Under exceptional circumstances, specialist knowledge or skills of previous staff members may be required. If this is the case, the three month stand down period may be overruled by seeking the approval of the Chief Executive or General Manager Strategy and Support.

If a staff member leaves Council employment to work for a current supplier to Council, this should also be considered a possible conflict, and the same care needs to be taken to manage any potential issues. These circumstances should be communicated to the Procurement Manager.

Whilst conducting a tender process staff involved must not accept any form of 'gift' from potential tenderers (including the incumbent) or after tender closure from those that have submitted a tender. Receipt of gifts, hospitality, or other incentives from suppliers are considered to be "sensitive expenditure". Detailed guidance on the receipt of gifts and hospitality is covered under Council's [Sensitive Expenditure](#) and [Gifts and Hospitality](#) policies.

5. Confidentiality and Use of Information

Confidentiality is an important aspect of any competitive procurement process, and staff must take particular care when handling commercially sensitive information. Confidentiality obligations apply throughout the entire procurement process and also after the contract has terminated or expired.

In situations where Council may need to balance confidentiality requirements with statutory requirements for disclosure and consultation, it is recommended that legal advice is sought. For example, Council has disclosure obligations under the Local Government Official Information and Meetings Act 1987 which means that it is not able to give comprehensive assurances about the protection of sensitive information. There are relevant grounds for withholding information under this Act, such as unreasonable prejudice to the commercial position of a potential supplier, but these can be over-ridden if there is a greater public interest in disclosing the information.

6. Keeping Records

The Public Records Act 2005 requires public entities to maintain full and accurate records in keeping with normal, prudent business practice.

Staff must keep adequate records of all procurement decisions. The value and risk of the procurement will determine the nature and amount of documentation that is required. However, staff must keep adequate records to:

- Show that they have followed due process and observed the basic principles set out in this Policy;
- Establish that they identified and appropriately managed potential conflicts of interest issues;

- Respond to queries from unsuccessful suppliers;
- Record the outcome of meetings during the procurement process;
- Provide evidence for accountability and audit purposes; and
- Plan any subsequent procurement.

Staff are to keep procurement records in a manner that facilitates audit and other processes of accountability. This includes ensuring that records of all decisions and supporting documentation are available for audit.

7. Accuracy and use of Information

All staff must:

- Respect the confidentiality of information received in the course of their work;
- Not use this information for personal gain, or for any other purpose other than the purpose for which it was obtained; and
- Always communicate information accurately, impartially, and in a manner not designed to mislead, to all interested participants.

Council will respect the sensitivity of information provided by participants during the procurement process and will not use confidential information to influence or advantage other participants.

8. Intellectual Property Risks

Staff should consider the risks associated with developing intellectual property during the procurement. The value of any intellectual property rights and whether it would be more beneficial for them to be held by the supplier or Council must be considered. Relevant factors may include the effect on the price of the contract and the ongoing ability of the parties to develop innovations. In any case, staff should:

- identify all intellectual property likely to be developed or created during a procurement;
- seek legal advice on how to secure its continuing right to use intellectual property as required (including if we procure the goods or services from a different supplier in the future);
- be clear about the difference between what is intellectual property and what is said commercially in confidence; and
- determine who should own any intellectual property.

It is important where software has been developed specifically for Council that source codes are made available so as to allow access to each programme or sub-programme.

For information and communication technology contracts, the State Services Commission has issued guidelines on its approach to ownership and commercialisation of intellectual property rights (refer to References in the Introduction). These guidelines set a default position that the supplier owns new intellectual property, with licenses granted to the entity (Council). Council should also satisfy itself that claims of intellectual property by suppliers are valid.

9. Liability

When contracting for goods or services, a supplier may wish to exclude or limit its liability under the contract. It is not uncommon for suppliers to:

- Propose excluding their liability for any losses that are not the direct result of their acts or omissions (for example, for indirect loss, consequential loss, loss of profits); and/or
- Limit their liability to an amount that is a specified multiple of the value of the contract.

Council will take a risk-based approach to considering whether to agree to exclusion or limitation on liability by a supplier (an important aspect of achieving value for money). Council will ensure that the relevant contract is very clear as to the scope and extent of exclusion or limitation and will take associated costs into account when considering a particular supplier's services or goods.

Before considering whether to negotiate exclusions or limitations of liability and assessing risks, business departments should seek the assistance of both the Procurement Manager and Legal Counsel.

10. Insurance

When contracting for goods or services, Council will require suppliers to obtain and maintain appropriate insurance.

The level of insurance will be determined by assessing the risks involved in delivering the services or goods. Business departments should seek the assistance of both the Finance Manager and Procurement Manager if amending Council's standard contract insurance provisions.

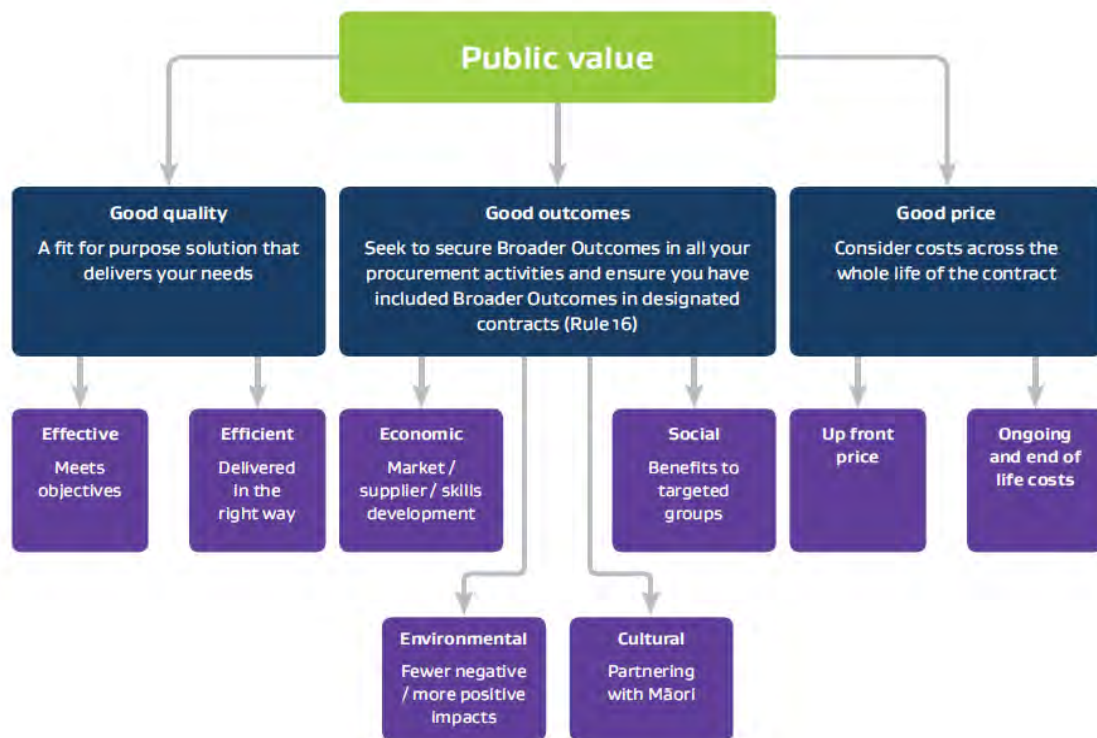
Policy Review

This policy will be reviewed as deemed appropriate by the Chief Executive, but not less than once every three years.

Procurement Policy

1. Overview

This Procurement Policy is designed to provide all employees and authorised third parties with clarity and guidance over the purchase of goods, services and/or works required to support business delivery. The policy is designed to ensure that the Council obtains best public value for the goods, services and/or works that it purchases, and to maintain the highest ethical standards in dealing with, its suppliers. The principle of public value when procuring goods, services or works means the best possible outcome for the total cost of ownership (over the whole-of-life of the goods, services or works). Selecting the most appropriate procurement process that is proportionate to the value, risk and complexity of the procurement will help achieve public value.



2. Application

This Policy applies to all personnel and third parties committing expenditure on behalf of the Council on In Scope spend.

3. In Scope

This Policy applies to the commitment of all funds by employees, or approved third parties on behalf of the Council with the exception of property-related acquisitions/leases..

Any community groups, committees or boards that have delegated authority to spend public funds, must comply with the principles and objectives stated in this Policy.

Examples of expenditure to which this policy applies include:

1. Operational Expenditure – Goods, Services and/or Works required to support the day-to-day running of the Council.

2. Material Outsourcing Arrangements – involves Council entering into an agreement with another party (Supplier) to perform, on a continuing basis, a business activity which currently is, or could be, undertaken by the Council itself.
3. Panel Suppliers – where employees can purchase against pre-agreed rates and conditions of contract.
4. Consultancy Expenditure – involves the use of professional service providers to obtain advice and / or support relating to an area of specific expertise.
5. Project and Capital Expenditure – involves the Council entering into an agreement on a one-off basis with another party (Supplier) to provide an agreed specific set of outcomes aligned to a project or capital outlay.

NZTA Subsidised Arrangements – provides NZTA subsidised services obtained through the NZTA procurement process (NB as documented, the financial limits and procedures prescribed in the NZTA Procurement Manual will apply if NZTA standards are higher than those set by the Council).

4. Policy Objectives

The objectives of the Procurement Policy are to provide clear direction and support to management, employees and third parties in relation to the performance of procurement activities in line with the Procurement Principles and establishes a decision framework that ensures:

- **Adherence** – all procurement is required and is undertaken in accordance with the Procurement Policy and all other associated Council Policies and Strategies;
- **Openness** - all procurement is made in an open and transparent manner with full and fair opportunity for all eligible suppliers;
- **Fairness** - all procurement is carried out in a fair manner and decisions are made with impartiality and without bias;
- **Integrity** - all Council employees and/or third parties undertaking procurement do so ethically, equitably and with behavioural standards of the highest levels;
- **Public Value** – getting the best possible result from your procurement, using resources effectively, economically and without waste, and taking into account:
 - The total costs and benefits of a procurement (total cost of ownership), and
 - Its contribution to the results you are trying to achieve.
- **Risk** – all procurement considers the risks (commercial and otherwise) and ensures these are managed appropriately;
- **Lawfulness** - all procurement is within the law and meets Council's legal and organisational obligations;
- **Accountability** - employees and/or third parties and Suppliers are accountable for their performance; and
- **Sustainability** - all procurement is environmental and socially sustainable wherever possible, having regard to economic, environmental, cultural and social impacts over their lifecycle.

Procurement is based on the Government Procurement Charter, Principles, Rules and other good practice guidance. Collectively, these provide a broad framework that supports accountability for spending, sound business practice and better results.

Good practice is about developing a strong understanding of all of the aspects of the procurement lifecycle, and skilfully applying these to deliver the best results. Processes should be proportionate to the value, risk and complexity of the procurement. Sound commercial judgement will achieve the best public value, and drive innovation and performance.

Understanding suppliers and the market is an essential part of a planned approach to market. Procurement also covers proactively managing supplier and stakeholder relationships throughout the sourcing and contract process. Development of the supplier relationship drives public value through ongoing efficiency and effectiveness gains.

5. Contract Hierarchy

Once the requirement to spend has been established, the first consideration should be whether or not there are All Of Government (AOG) contracts, Regional or Syndicated contracts available for use.

If there are AOG, Regional or Syndicated contracts available, it is likely that the benefits from these will outweigh the potential local benefits due to the economies of scale “buying power” available.

A review of these options should be undertaken and where the contract meets the requirements it is advisable for the Council to sign up to these rather than pursue a local procurement strategy.

6. Controls

Keep the integrity through the controls.

- The controls within the procurement process are there to protect employees, supplier and the public - follow them.
- The Procurement Policy is not stand alone - ensure you understand your requirements in other policies as well (e.g. Delegated Authorities).
- Always ensure there is appropriate segregation of responsibility.
- Highlight any conflicts of interest so that everyone has transparency on any relationships.
- Always keep a record of the procurement activity undertaken so that there is clarity, ownership and accountability.

7. Spend Limits and Authorisations

Any employee wishing to make a purchase on behalf of the Council needs to be aware from whom within the organisation they must get approval before making the commitment.

Appropriate authorisation must be obtained prior to ordering goods, services and/or works. The authorising signatory is certifying that they have reviewed the transaction and all related documentation and that it conforms to Council policy and goals, as well as applicable laws.

An authorising signatory should not both initiate and approve the same transaction. In no circumstances shall an authorising signatory approve payments of any kind to themselves.

Any employee purchasing on behalf of the Council must ensure that they follow the correct procurement process based on the spend level and risk threshold. In all cases, when determining the correct procurement process, the spend level to be considered is the aggregate spend over the life of the contract and relates to the total spend on a project.

For example:

1. for a maintenance agreement of \$50k per annum with a three-year term the total spend is \$150k and the procurement process for spend of a level of \$150k should be applied;
2. the procurement planning for a project with multi-disciplines, such as refurbishment of a building, may require a builder - \$100k, electrical work - \$100k, HVAC work - \$75k and plumbing - \$50k: the procurement process for spend of a level of over \$250k should be applied for the aggregated spend, although it is accepted that as part of the procurement process the Council may decide to go out for individual tender processes for each of these services separately.

8. Preferred Suppliers

Wherever possible, employees should direct all goods, services and/or works purchases through these preferred supplier contracted arrangements. A list of all AOG, Regional / Syndicated and local preferred suppliers should be available within each Council and reviewed before any commitment is made.

There may be occasions when employees will notice cheaper alternatives to these contracted arrangements. Employees should be aware that these contracts have been arranged with the overall benefit to the Council(s) in mind. Overall quality, performance, and public value have been considered when selecting the suppliers.

Note: Whether utilising preferred or non-preferred suppliers, the correct procurement process must be applied. Because the contract and commercial negotiations have been completed in advance, the process for using preferred suppliers is far less time consuming. However, if there is a need to vary the existing terms or pricing (where there is an increase in cost) outside of the agreed contract, the supplier should then be treated as a non-preferred supplier and the non-preferred supplier process applied.

A supplier who has pre-qualified under the Council's approved HSE system and/or process is not automatically a preferred supplier. A preferred supplier will have also been through a commercial process and have a contract in place.

9. Procurement Process

Where an employee or authorised third party is looking to make a purchase they need to follow the appropriate procurement process. The processes have been separated to take into consideration the potential costs and risks to the Council.

Cost – these are the total costs expected for the life of the contract and should include any contingencies or on-going costs. It is the aggregate of all the costs that should be used to determine the correct procurement process to follow.

Risk – these are the risks, their likelihood, the ability to mitigate the risks and the relative impact to the Council should the risk occur. This should take into consideration all types of risk including but not limited to commercial, operational and reputational risk.

10. Values

The different levels of procurement process are as follows:

1. Procurement under \$50,000 and considered low or medium risk requires:
 - a. 1 quote where a preferred supplier is utilised or spend is under \$20,000; or
 - b. 2 quotes where a non-preferred supplier is utilised and spend is over \$20,000; or
 - c. a Purchase Order with a one-up delegated authority approval.
2. Procurement between \$50,000 and \$250,000 and considered either low or medium risk requires
 - a. 3 quotes; or
 - b. a Public or Invited RFX process to be used as signed off in the procurement plan.

Note that if an approved Project Plan or Business Case has been completed which covers the information required within the Procurement Plan, completing a separate Procurement Plan is not required.

3. Procurement over \$250,000, or any high-risk procurement, regardless of dollar value requires:
 - a. a Public or Invited RFX process, as signed off in the Procurement Plan.

Note that if an approved Project Plan or Business Case has been completed which covers the information required within the Procurement Plan, completing a separate Procurement Plan is not required.

4. Where a contract is subject to a New Zealand Transport Authority (NZTA) subsidy, the financial limits and procedures prescribed in the NZTA Procurement Manual will apply if the standards are higher than those set by the Council.

Note: These are the minimum requirements pertaining to undertaking procurement activity and more suppliers than the minimum can participate. The Council Specific Information sheet in this document should be checked to see if there are any additional requirements applicable for your Council.

11. Procurement Exemption

The process for the relevant level should be followed fully. If deviation from the process is required, the reason for the deviation should comply with one or more of the following criteria:

1. **Monopoly situation:** Where there is a monopoly situation and only one Supplier capable of supplying the requirements (e.g. engaging an arrangement for the supply of electricity on a network where the network is owned by a single party);
2. **Proprietary technology:** Where a Supplier is the sole Supplier and/or patent holder of a specific product that is required by Council. The Council must be satisfied that the proprietary technology is the most appropriate for the needs of Council;
3. **Benefits and costs of competition:** The time and costs of a competitive process outweigh the benefits of competition;
4. **Unique business proposition:** Where a Supplier has a unique business proposition that can minimise risks or costs to Council. This could include existing knowledge relevant to a project; or
5. **Existing contract:** If goods, services and/or works are in addition to, or necessary for the completion of, delivery of an existing contract, provided that the original contract was publicly advertised, and a change of Supplier cannot be made for economic, technical, legal or practical reasons.

The key requirement is the direct appointment represents best value for Council. Poor planning or organisation of procurement is not justification for deviation from the framework. In all instance a procurement exemption must be signed off by the designated person(s) as detailed in the Council Specific Information.

12. Emergency Procurement

In an emergency it may be necessary to dispense with parts of the procurement process so that the Council can react quickly to unforeseen events.

Emergency procurement should be used only in genuinely unforeseen circumstances.

Poor planning or organisation of a procurement does not justify dispensing with parts of this policy.

In the context of this policy an emergency is defined as an event which results in:

1. Employees, public, supplier, property or equipment being placed in immediate risk;
2. Standards of health, welfare or safety having to be re-established without delay;
3. The significant impairment of the Council's delivery if the Council failed to respond promptly; or
4. A declared or undeclared response to an 'emergency' as defined in the Civil Defence and Emergency Management Act 2002.

Emergency procurement should be limited to what is required to cope with the emergency.

Emergency procurement must be authorised by employees with the appropriate financial delegation as soon as practicable following the purchase.

13. Roles and Responsibilities

Employees and authorised third parties are responsible for ensuring the purchasing, tendering and contract process is carried out in line with the Procurement Principles, Policy and Framework (and any other Council policies and procedures), by those who have the delegated authority to make decisions relating to procure.

All Contracts and Purchase Orders are to be authorised by the appropriate delegated authority prior to the commitment of funds.

Employees and/or authorised third parties are responsible for ensuring all contract information is uploaded on their local Electronic Document Management System, including all quotes or full RFx information.

Whenever the Council awards a contract, a suitably skilled employee or third party must be appointed to manage the contract. The person identified to manage the contract is responsible for ensuring that what has been agreed in the contract is delivered, on time, to the appropriate quality standards, and within the agreed price. It requires the employee to actively track and monitor delivery and costs, manage risks and manage the supplier relationship throughout the contract.

14. Corporate Purchasing Card Policy

Where it is established that there is a regular requirement to purchase items for a cost centre to carry out their normal functions, the Council should consider arranging a preferred supplier contract. For more information

regards eligibility, use, and reconciliation of expenditure please refer to your local Council's Purchasing Card Policy (or similar Policy).

15. Conflicts of Interest

Conflicts of interest are circumstances where the exercise of an employee's duties or responsibilities to the Council with regards to their dealings with suppliers, could be, or might be perceived to be, influenced by some other interest that the employee may have. The other interest might exist because of:

- The employee's own financial affairs;
- A relationship or other role that the employee has (or has had); or
- Something that the employee has said or done.

Employees who believe they may have a conflict must disclose the conflict to the appropriate person(s) in a timely manner. For more information on identifying and managing conflicts of interest, employees should refer to the Council's Conflicts of Interest Management Policy (or similar Policy).

16. Confidentiality

The Council is committed to fair and ethical business practices that encourage competition and enhances our supplier relationships. A cornerstone of this policy is maintaining the confidentiality of all supplier proposals, quotations, prices, contracts and other proprietary materials by all employees and third parties. Confidential information is not to be disclosed in any way to other suppliers, outside organisations, or to any unauthorised persons, subject to the provisions of LGOIMA (Local Government Official Information and Meetings Act, 1987).

Disclosure of confidential information is not only professionally unethical and damaging to the Council's negotiations with suppliers, it also exposes the Council to possible reputational risk or legal action. If you have any questions about any request to provide information concerning contracts, pricing, supplier proposals or other internal information, please refer to the Council Specific Information.

17. Monitoring of Compliance With This Policy

The prime responsibility for the on-going monitoring of compliance with this policy rests with the delegated persons detailed in the Council Specific Information.

18. Breaches of Policy

When there is evidence of a breach of this policy, Council will investigate to determine the circumstances and extent of the breach.

Any breaches of this policy must be notified to the relevant Council employee and appropriate Council personnel will manage the incident and take action (which may include escalation).

19. Related Policies

All related Policies can be found in the Council Specific Information.

Policy Owner Approver and Date:

20. Version Reference:

Version 2 Updated to incorporate Government Procurement Rules 4th Edition February 2020

Version 1

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	12 April 2021
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	Chief Executive's Business Plan

1. EXECUTIVE SUMMARY

The Chief Executive's Business Plan is a summary of progress on the Chief Executive's Performance Agreement. This report covers 2020/2021 items.

2. RECOMMENDATION

THAT the report from the Chief Executive be received.

3. BACKGROUND

The Chief Executive's Business Plan is a summary of progress on a number of issues targeted by Councillors.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

The Plan is a summary of progress on specific issues. It enables staff and Councillors to focus on the big issues and ensures that attention is given to those things that really matter.

The Plan is in line with the Chief Executive's Performance Agreement which was updated in June 2020 in preparation for the new financial year.

4.2 OPTIONS

The list of projects has been agreed by Council.

The Plan is consistent with the Chief Executive's Performance Agreement approved through workshops and the meeting of the Chief Executive Performance Review Committee in June 2020.

5. CONSIDERATION

5.1 FINANCIAL

Nil at this stage.

5.2 LEGAL

As part of undertaking the work detailed in this plan, Council needs to ensure that the approach taken is consistent with the Purpose of Local Government.

In other words, to meet the current and future needs of communities for good quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost-effective for households and businesses.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

This report contains the strategic issues that Council is focused on. The Chief Executive's Business Plan has been updated to align to the Chief Executive's Performance Agreement. The underpinning criteria is the council vision of "liveable, thriving and connected communities"

Iwi and Tangata Whenua have been, or will be consulted on at least some of the key projects or initiatives referred to in the report. Iwi are involved as a strategic partner of Council (evidenced at Team Up 2020 and in the Raglan Wastewater Consent renewal process).

Iwi have been engaging in the waters management project and with Council and central government through Future Proof.

The list has been updated in line with the Chief Executive's Performance Agreement which was updated in June 2020 in preparation for the new financial year.

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

The report does not trigger any concerns about significance of the projects being discussed.

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The report provides a summary of what progress is being made on the various issues. It is for information at this stage of the year.				

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

The assessment depends on the issues involved.

6. CONCLUSION

The schedule summarises progress on the key issues agreed with Council.

7. ATTACHMENTS

Chief Executive's KPI worksheet.

Chief Executive's KPIs – 2020/2021

Overarching Council Vision: “Liveable, Thriving and Connected Communities”

Staff & Wellbeing Vision: “Work Safe, Home Safe”

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
I. Delivery and achievement of LTP year 3 (covers normal business activities, financial and non-financial performance measures and the delivery of the annual work programme)	1.1	The 2020/2021 Annual Plan is delivered within the agreed budget, and in accordance with variations approved by Council. Provide regular updates to the Strategy & Finance Committee on progress.	<p>We are in the heart of the construction season for 2020/2021. Work is ongoing with projects being completed, tenders being let and designs being completed.</p> <p>Capital project spend to the end of March 2021 was \$38.8 million.</p> <p>More progress is expected to be made in coming months particularly as Watercare proceed with tendered capital projects.</p>	
	1.2	Demonstrate alternative effective approaches to reducing the level of carry forwards.	<p>Several different approaches have been taken. A comprehensive review of the outstanding projects has been completed through Councillor feedback.</p> <p>The Service Delivery General Manager has explained our approach at the August Infrastructure Committee meeting.</p> <p>A lot of internal work is being undertaken by the Service Delivery team in association with Finance and Procurement to identify ways to try to fast-track progress.</p> <p>Watercare are also proceeding at pace to undertake capital works (including the Reform Stimulus Funding Works). Two further project business cases are awaiting approval from the Water Governance Board.</p>	

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
			Councillors have been kept informed on progress with the various initiatives and expected carry forwards which will be rebudgeted for the early years of the LTP.	
	1.3	Provide evidence (tangible examples) of alignment between the implementation of Council's work plan and the Council vision of Liveable, Thriving and Connected Communities.	<p>The work being undertaken to consider the formation of man whenua forums is an example of attempts being made to improve engagement and to connect with hapu and marae. Mana whenua forums were raised at the October Council meeting including some more detail and the related framework for the forums to commence in 2021.</p> <p>An electronic newsletter has also been established to provide another point of connection to the community.</p> <p>The Raglan Wharf projects is a live example of working with the local community to deliver a result that will be beneficial and embody the spirit of the Council vision.</p> <p>The Community Give Back Day was a success with 221 staff participating. The support ranged from painting fences, cleaning up cemeteries or walkways, transporting gravel for walkways and helping with Foodbanks.</p>	
2. To deliver the 2021-2031 Draft LTP	2.1	The 2020-2031 Draft LTP incorporating agreed targeted Covid-19 related areas, is complete by 30 June 2021.	The draft LTP has been adopted.	

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
	2.2	Ensure the financial sustainability of Council, including staying within banking covenants and treasury policies as a result of Covid-19.	<p>Banking covenants and treasury policies are being met in the context of Covid-19.</p> <p>Debt levels and financial constraints are having to be carefully managed through the LTP period. This is constraining some of our activities.</p>	
3. Complete the development of a targeted Recovery Plan in respect of Covid-19 for the organisation and the District.	3.1	<p>Ensure the Plan incorporates and defines the role of the Council and organisation as a facilitator, coordinator and/or leader in:</p> <p>a) Getting people sustainably back to work, and the organisation fully effective as quickly as possible.</p> <p>b) Economy and community recovery and development.</p>	<p>3.1 (a) Levels of service are being maintained and technology to support more flexible working has been implemented. Business continuity plans are being reviewed and updated particularly in the light of recent Covid-19 events here and overseas.</p> <p>(b) Economic stimulus is coming through the Raglan Wharf project, Te Awa Cycleway and through grants available to council from the government three waters reform programme. The Council has supported the reform programme (stage 1) with the Funding Agreement signed off on September 28.</p> <p>A further community and business survey is being planned and hopefully will be completed in time to inform the final stages of the LTP submission process.</p> <p>Consideration has been given to whether we can secure funding from the Housing Acceleration Fund to support Waikato 2070 growth aspirations.</p>	

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
	3.2	Fully implement all agreed strategies to agreed parameters and deadlines.	<p>A number of partnerships and opportunities have arisen through Covid-19. The Chief Executive represents five councils on the Caring for Communities operational Committee. This is providing connection with lwi leaders throughout the region as well as other key stakeholders such as government departments and the District Health Board.</p> <p>The Economic and Community Development Team are connecting in with the Ministry for Social Development to work together to help the recovery process for our District.</p> <p>As noted above, work on delivery of stimulus projects is underway and a follow up survey to community/residential members and businesses is being planned.</p>	
4. Strategic Management & Delivery (key projects and priorities includes regional and national matters)	4.1	Hamilton to Auckland Corridor - At each performance review, demonstrate the role that the Chief Executive has played in unlocking the opportunities for the Waikato District in relation to the Hamilton to Auckland Corridor e.g. objective feedback, tangible progress.	<p>The focus at present is to align Waikato 2070 with the Metro Spatial Plan and the detailed business case for the Southern Wastewater Plant (to the south of Hamilton). The project Control Group for the Southern Wastewater Plant has recommended a preferred option to the Governance Group. The Governance Group will meet on 16 April to consider the best way forward.</p> <p>Council's representative to the Southern Wastewater Plant Governance Group is making a difference to the discussions and the quality of the decision making. Council's second representative will attend future meetings to cover political issues.</p>	
	4.2	Strategic Review of Waters Management - Provide updates at each performance review of progress on the strategic review	To date, the Watercare contract is going well. The Waters Governance Board approved participation in the government three waters reform programme – stage I. This is non-binding	

Key project/priority	Key deliverables/KPIs	Progress	Final Achievement Met/Not Met
	<p>of the waters business and future direction. The updates should focus on the role that the Chief Executive has played in advancing the process.</p>	<p>but will involve the council in discussions with neighbouring local authorities.</p> <p>The Chief Executive will report to the Waters Governance Board and the Council to seek a decision about whether to continue to be involved in future stages of the reform programme. Legislative change is being planned to streamline the process to agree to proceed. Stage 2 of the reform programme assumes that all councils are involved in the reform process unless they opt out (stage 1 was an opt in approach). The change for stage 2 indicates the government thinking on this matter.</p>	
	<p>4.3 Blueprints - Demonstrate that the Blueprints project aligns with the Council vision, that it will inform the 2021-2031 LTP process, and that it will be communicated with our community.</p>	<p>A thorough community check-in process occurred in mid-2020 to obtain feedback on any revisions to Blueprint priorities and indications as to who could lead the various initiatives. A revised set of priority tables was presented to the 25 November meeting of the Strategy and Finance Committee, which resolved as follows:</p> <p> THAT the Strategy & Finance Committee endorses the revised list of prioritised and ranked Blueprint initiatives in Appendix I to the staff report, as an input to considerations for the 2021-2031 Long Term Plan.</p> <p>An e-mail was sent in December to all participants from the most recent feedback round, advising them of progress and where on our website they could find the original Blueprint and the revised priority initiative tables.</p>	

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
			Proposed LTP budgets include progressing some Blueprint initiatives, and these are being identified within the LTP spreadsheets to help track progress against Blueprint implementation.	
	4.4	Solid Waste Review - By 30 June 2021, complete a review of solid waste and agree a Council strategy about how waste will be managed in the future, which is aligned with the Council's vision.	<p><u>Solid Waste Review – By 30th June 2021</u></p> <p>Complete phase 1 of the solid waste review (contract refresh in situ) and develop a public engagement strategy (phase 2) to inform Council strategy about how waste will be managed in future which is aligned with the Waste Minimisation Management Plan (WMMP) and Council's vision.</p> <p>A Project Manager (reporting to the Solid Waste Steering Committee) has been appointed to support the project.</p> <p>Phase 2 of the project (public engagement) is underway. It began with a steering committee workshop in late March.</p>	
5. Partnerships and Relationships (includes relationships with other Councils, NZTA, Iwi and the Waikato District Alliance)	5.1	Provide evidence of initiatives, collaboration and engagement with Iwi, including the key outcomes achieved.	Staff engage with Iwi at various levels – meeting with mana whenua, through the Waikato-Tainui and Ngati Maniapoto Joint Management Agreements and informal hui.	
	5.2	NZTA – Provide regular updates on how the relationship with NZTA is developing, with particular emphasis on the benefits to Waikato District.	The newly appointed Regional Partnership Director will present an update to the Infrastructure Committee on 5 May 2021.	

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
6. Staff and Culture (including leadership, engagement and retention)	6.1	Outline what initiatives have been undertaken to strengthen the internal culture and leadership of the organisation, and provide supporting information on the impact of these initiatives.	<p>Staff engagement levels around flexible working has been high.</p> <p>Staff engagement through recent all staff briefings (in person during July and more recently by zoom) has been high.</p> <p>The recent staff survey showed engagement at a similar level to previous years.</p> <p>Surveys have also been supplemented by blogs, videos and face to face contact. Interest from staff in these various initiatives appears high (for example, through comments and numbers looking at information or watching videos posted on the staff Facebook page).</p>	
	6.2	Demonstrate progress in relation to the organisational Cultural Enrichment programme. This includes how the programme is developing, is being kept alive and broadening the perspective of staff.	<p>Two additional staff have been employed to support our Iwi and Community Partnership Manager to build our internal and our external capability.</p> <p>Weekly reports are provided about levels of activity and what is being accomplished.</p>	
7. Zero Harm (Work Safe, Home Safe)	7.1	Lead initiatives that clearly demonstrate progress towards safety leadership in the way the organisation operates.	<p>Training has been undertaken for Councillors and the Executive Leadership Team regarding the role of officers.</p> <p>Safety improvements signalled in the KPMG report are being addressed with most items having been completed. An updated report on progress was presented to the Audit & Risk Committee in March. All outstanding actions are timetabled and monitored through an electronic system.</p>	
	7.2	Complete the Strategic Plan work for 2020/2021 by 30 June 2021.	The plan has been completed and approved by Council.	

Key project/priority	Key deliverables/KPIs	Progress	Final Achievement Met/Not Met
8. Climate Action	8.1 (a) Ensure that a Climate Action Plan is developed and submitted to Council for approval by 31 December 2020. (b) Give effect to the goals identified in the Climate Action Plan scheduled for completion in 2020/21 (i.e. before 1 July 2021).	(a) The Climate Action Plan was approved by Council in December. (b) Action items are being worked on following adoption of the plan. The full range of actions will take some years to complete or be assessed. Some of the initiatives have been included into proposed LTP budgets. The tentative agreement for a staff role to advance climate actions initiatives was approved in the LTP. Please find below some examples of initiatives underway / undertaken to support our climate Action Plan: <ul style="list-style-type: none"> • Raglan Holiday Park Papahua – request to replace heat pump due to peak load issues with a high carbon emissions gas unit - request declined by Board - power surge protector / controller installed to fix issue instead. • Huntly Aquatic Centre gas boiler needs replacing earlier than anticipated – LTP funding to build it and alternatives to gas are being investigated. • There has been a noticeable reduction in electricity use in Councils main offices over the last 12 months. • Use of diesel Utes is being reviewed as they are a significant greenhouse gas emitter. • Application made to EECA (Energy Efficiency Conservation Authority) for 	

Key project/priority	Key deliverables/KPIs	Progress	Final Achievement Met/Not Met
		<p>funding for 2 EV charging posts (1 for Tuakau office and 1 for Ngaruawahia) for customer / staff / fleet use to cater for EV's as more arrive.</p> <ul style="list-style-type: none"> • First draft of the Position Description for the Climate Action Coordinator has been drafted. • A Climate Action Plan education item is traceyscheduled for the next Chamber Chat (all staff meeting). 	

Footnote:

1. The Chief Executive has agreed to deliver KPIs, subject to any changes due to Council's change of direction on any of the KPIs, in which case such changes would be taken into account.

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	19 April 2021
Prepared by	Lynette Wainwright Committee Secretary
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
Item number 1 Kainga Ora Regulatory Functions	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

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 No. 1 Kainga Ora Regulatory Functions	7(2)(g)	To maintain legal professional privilege.
	7(2)(i)	To enable the Council to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).