

Agenda for a meeting of the Waikato District Council to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **MONDAY, 21 DECEMBER 2022** commencing at **9.00am**.

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

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Gj Ion  
**CHIEF EXECUTIVE**

## TERMS OF REFERENCE

### COUNCIL

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

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### Purpose

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

### Terms of Reference

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

1. The power to make a rate.
2. The power to make a bylaw.
3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-Term Plan.
4. The power to adopt a Long-Term Plan, Annual Plan, or Annual Report.
5. The power to appoint a Chief Executive.
6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long-term Plan or developed for the purpose of the local governance statement, including the Council's Infrastructure Strategy.
7. The power to adopt a remuneration and employment policy.
8. The power to approve or amend the Council's Standing Orders.
9. The power to approve or amend the Code of Conduct for elected members, and consider any recommendations made in relation to a complaint lodged under the Code.
10. The power to appoint and discharge:
  - a. members (including chairpersons) of Council committees and subordinate decision-making bodies, subject to the Mayor's powers under section 41A Local Government Act 2002; and
  - b. elected member representatives on external organisations.
11. The power to establish a joint committee with another local authority or other public body and appoint elected members as representatives on such committees or bodies.
12. The power to make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the Ombudsman's recommendation.
13. The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.

14. The power to amend or replace the delegations in Council's Delegations Register (except where expressly permitted in the Delegations Register).

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

1. To approve a proposed policy statement or plan under the Resource Management Act 1991.
2. To approve changes to boundaries of the District under the Resource Management Act 1991 or any other legislation.
3. In respect of District Plan decisions:
  - a. To appoint independent commissioners to a panel for hearings of a Proposed District Plan;
  - b. To approve the recommendation of hearings commissioners on a proposed plan, plan change or variation (including private plan change); and
  - c. To approve a proposed plan or a change to a district plan under Clause 17, Schedule 1 of the Resource Management Act 1991.
4. To adopt governance level strategies, plans and policies which advance Council's vision and strategic goals (e.g. Hamilton to Auckland rail), other than where expressly delegated to a committee.
5. To approve Council's recommendation to the Remuneration Authority for the remuneration of elected members.
6. To approve the Triennial Agreement.
7. To approve resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
8. To approve any changes to the nature and delegations of any Council committees or subordinate-decision making bodies.
9. To approve the Local Governance Statement.
10. To approve funding requests not allowed for within budgets, in accordance with Significance & Engagement Policy parameters.
11. To approve any additional funding decisions required for the Watercare Services contract.
12. To approve development agreements as recommended by the Development Agreements Subcommittee where infrastructure is not allowed for within the Long Term Plan.
13. To receive six-monthly reports from each Community Board on its activities and projects.

<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Confirmation of Minutes</b>
Date:	21 December 2022
Report Author:	Gaylene Kanawa, Democracy Manager
Authorised by:	Gavin Ion, Chief Executive

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To confirm the minutes for the following meetings of the Waikato District Council:

- a. Ordinary meeting held on 9 November 2022; and
- b. Extraordinary meeting held on 18 November 2022

## **2. Staff recommendations**

### **Tuutohu-aa-kaimahi**

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**THAT the Waikato District Council confirms the following minutes as a true and correct record:**

- a. **Ordinary meeting held on 9 November 2022; and**
- b. **Extraordinary meeting held on 18 November 2022**

## **3. Attachments**

### **Ngaa taapirihanga**

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Attachment 1 – CCL Minutes – 9 November 2022

Attachment 2 – CCL Minutes – 18 November 2022

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Minutes for a meeting of the Waikato District Council held in the Council Chambers, 15 Gallileo Street, Ngaruawahia on **WEDNESDAY, 9 NOVEMBER 2022** commencing at **9.32am**.

**Present:**

Her Worship the Mayor, Mrs JA Church (Chairperson)  
Cr C Beavis  
Cr CA Eyre  
Cr JM Gibb  
Cr M Keir  
Cr P Matatahi-Poutapu  
Cr K Ngataki  
Cr EM Patterson  
Cr M Raumati  
Cr V Reeve  
Cr LR Thomson  
Cr P Thomson  
Cr T Turner  
Cr D Whyte

**Attending:**

Mr GJ Ion (Chief Executive)  
Mr TG Whittaker (Chief Operating Officer)  
Mrs S O’Gorman (General Manager Customer Support)  
Mr R MacCulloch (General Manager Service Delivery)  
Mr C Morgan (General Manager Community Growth)  
Ms M May (Deputy General Manager Service Delivery)  
Mr K Abbott (Executive Manager Projects & Innovation)  
Mrs C Pidduck (Legal Counsel)  
Mr W Gauntlett (Growth & Analytics Manager).  
Mr V Ramduny (Strategic Projects Manager)  
Ms J Bishop (Contracts & Partnering Manager)  
Mr J Brown (Senior Communications Advisor)  
Mrs GJ Kanawa (Democracy Manager)

**APOLOGIES AND LEAVE OF ABSENCE**

**Resolved: (Crs L Thomson/P Thomson)**

**THAT the apology for lateness from Cr Beavis be accepted.**

**CARRIED**

**WDC2211/01**

**CONFIRMATION OF STATUS OF AGENDA ITEMS**

Agenda Item 2

**Resolved: (Crs Gibb/Ngataki)****THAT the agenda for a meeting of the Waikato District Council held on Wednesday, 9 November 2022 be confirmed:**

- a. with all items therein being considered in open meeting with the exception of those items detailed at agenda items 6, which shall be considered with the public excluded; and
- b. all reports be received.

**CARRIED****WDC2211/02****DISCLOSURES OF INTEREST**

Agenda Item 4

There were no declarations of interest.

**CONFIRMATION OF MINUTES**

Agenda Item 4

The report was received [*WDC2211/01 refers*] and no further discussion was held.**Resolved: (Crs Patterson/Whyte)****THAT the minutes for the Waikato District Council inaugural meeting held on Thursday, 20 October 2022 be confirmed as a true and correct record.****CARRIED****WDC2211/03****REPORTS****Governance Structure & Appointments to External Organisations**

Agenda Item 5.1

The report was received [*WDC2211/01 refers*] and the following discussion was held:

- Cr Beavis and Cr Keir to both be appointed to the the Community Committees in the Tamahere-Woodlands general ward.
- Remove Freshwater Lakes Working Group as the group has been dissolved.
- Waikato District Crime Prevention Trust is in recess, managed through internal working group.
- Terms of reference on page 33 of the agenda – community aspirations be added to blueprints for those communities without blueprints.

Cr Beavis entered the meeting at 9.36am during discussion on the above item.

**Resolved: (Her Worship the Mayor, JA Church/Cr Eyre)**

**THAT the Waikato District Council:**

- a. in accordance with section 41A Local Government Act 2002, the Council notes that the Mayor has established the committee structure and appointed the chairpersons to those committees as set out in the Governance Structure attached to this report (Attachment I);
- b. the Council approves the Governance Structure attached to this report (Attachment I), including:
  - i. the appointment of members to:
    1. specified committees, subcommittees and other decision-making bodies in accordance with clause 31, Schedule 7 Local Government Act 2002; and
    2. positions on community committees and external organisations, including joint committees with other local authorities; and
    3. notes that the appointments to Community Boards is partially completed with the representation review and further resolved as part of the inaugural meeting for those boards that sat within a general ward that consisted of more than one councillor as follows:
 

*“THAT the Waikato District Council, pursuant to section 50 (b) of the Local Government Act 2002 and section 19(f) of the Local Electoral Act 2001 makes the following appointments to Community Boards for the 2022-2025 triennium:*

      - a. *Tuakau Community Board:*
        - i. *Councillor Paaniora Matatahi-Poutapu from the Tai Raro Takiwaa Maaori Ward; and*
        - ii. *Councillor Vern Reeve from the Tuakau-Pokeno General Ward.*
      - b. *Rural-Port Waikato Community Board:*
        - i. *Councillor Paaniora Matatahi-Poutapu from the Tai Raro Takiwaa Maaori Ward; and*
        - ii. *Councillor Carolyn Eyre from the Western Districts General Ward.*
      - c. *Huntly Community Board:*
        - i. *Councillor Paaniora Matatahi-Poutapu from the Tai Raro Takiwaa Maaori Ward; and*
        - ii. *Councillor David Whyte from the Huntly General Ward.*
      - d. *Taupiri Community Board:*
        - i. *Councillor Tilly Turner from the Tai Runga Takiwaa Maaori Ward; and*
        - ii. *Councillor Janet Gibb from the Newcastle-Ngaruawahia General Ward.*
      - e. *Ngaruawahia Community Board:*
        - i. *Councillor Tilly Turner from the Tai Runga Takiwaa Maaori Ward; and*



- ii. **Councillor Eugene Patterson from the Newcastle-Ngaruawahia General Ward.**
- f. **Raglan Community Board:**
  - i. **Councillor Tilly Turner from the Tai Runga Takiwaa Maaori Ward; and**
  - ii. **Councillor Lisa Thomson from the Whaingaroa General Ward.**
- ii. **the terms of reference and delegations to the specified committees, subcommittees and other decision-making bodies in accordance with clause 32, Schedule 7 Local Government Act 2002; and**
- c. **approves the updating of Council policies that is necessary to reflect the approved Governance Structure, such updates to be undertaken by staff in consultation with the Chairperson of the Policy & Regulatory Committee.**
- d. **delegates the Chief Executive or their nominee to make the necessary alterations to the Governance Structure as discussed at this meeting, along with any administrative changes required as part of the legal review to the proposed terms of reference.**

A division was called for, voting on which was as follows:

For: Cr Beavis, Cr Eyre, Cr Gibb, Cr Keir, Cr Matatahi-Poutapu, Cr Ngataki, Cr Patterson, Cr Raumati, Cr L Thomson, Cr P Thomson, Cr Turner, Cr Whyte, Her Worship the Mayor, Mrs JA Church.

Against: Nil

The motion was declared **CARRIED** unanimously

**WDC2211/04**

**ACTION:** Staff to update changes noted at the meeting to the Governance Structure and forward to Legal Counsel for review.

### Remuneration for Elected Members 2022-23

#### Agenda Item 5.2

The report was received [*WDC2211/01 refers*] and the following discussion was held:

- Advice provided on how the percentages had been determined based on workload of Chairs of Committees and Maaori Ward Councillors.

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

**THAT the Waikato District Council:**

- a. approves the remuneration for Councillors, including positions of additional responsibility, as follows:**

<b>Position</b>	<b>Number of Members</b>	<b>Remuneration per Member</b>
Deputy Mayor	<b>1</b>	<b>\$93,736</b>
Chairperson – Infrastructure Committee, Performance & Strategy Committee, Sustainability & Wellbeing Committee	<b>3</b>	<b>\$80,345</b>
Maaori Ward Councillors	<b>2</b>	<b>\$61,598</b>
Councillor Base Remuneration	<b>7</b>	<b>\$53,564</b>

- b. delegates to the Chief Executive, or his nominee, to complete the documentation to be submitted to the Remuneration Authority to give effect to this resolution; and**
- c. notes that the recommended remuneration for Councillors will take effect once approved by the Remuneration Authority and gazetted, which is expected to be towards the end of December 2022.**

**CARRIED**

**WDC2211/05**

**ACTION:** Chief Executive or his nominee to forward the above resolutions to the Remuneration Authority for approval.

Chief Executive Decisions Under Delegation During Election Period  
Agenda Item 5.3

The report was received [*WDC2211/01 refers*] and the following discussion was held:

- Councillors queried the process for training requests.
- More information requested on the decision to disestablish Wellbeing Trust and agreement with Momentum.

**ACTION:** Staff to provide an overview to Councillors on the background on agreement with Momentum.

**Resolved: (Crs Patterson/Beavis)**

That the **Waikato District Council** notes the decisions made by the Chief Executive during the election period:

- a. approving a professional development opportunity for Councillor Eyre and Councillor Beavis who need to attend a Making Good Decisions (provides the training to become a Hearings Commissioner) to be paid by Council.
- b. approval of transfer from council to Momentum Waikato Trust (Deed of Gift) – approximately \$4.5million as agreed by the previous Council.
- c. approval of a technical and operational submission on Variation 3 (would normally go to Performance & Strategy).
- d. approval of the estimated expenditure for the Tuakau Community Board byelection of \$22,000 (plus GST). It is noted that nominations for the byelection will open on 24 November 2022, with the final date for special votes and votes into ballot boxes at 12noon on Friday, 17 February 2023.
- e. Sale of a council mobile phone to a retiring elected member for \$850 inclusive of GST.
- f. approval of increased remuneration for Audit & Risk Chairperson from \$20,000 to \$25,000 per annum.

**CARRIED**

WDC2211/06

**EXCLUSION OF THE PUBLIC**

Agenda Item 6

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

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Item PEX 3.1 Approval for moving budgets forward to enable preliminary design and investigations for cap	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Item PEX 3.2 Pokeno Sports Park Phase 2 – Earthworks and Car Park – Delegation to Award Contract		

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

Item No.	Section	Interest
Item PEX 3.1 Approval for moving budgets forward to enable preliminary design and investigations for cap	7(2)(h)	To enable commercial activities to be carried out without prejudice or disadvantage.
	7(2)(i)	To enable negotiations to carry on without prejudice or disadvantage.
Item PEX 3.2 Pokeno Sports Park Phase 2 – Earthworks and Car Park – Delegation to Award Contract	7(2)(h)	To enable commercial activities to be carried out without prejudice or disadvantage.
	7(2)(i)	To enable negotiations to carry on without prejudice or disadvantage.

**CARRIED**

**WDC2211/07**

*Resolutions WDC2211/08 & WDC2211/10 are contained in the public excluded section of these minutes.*



Minutes for an extraordinary meeting of the Waikato District Council held in the Council Chambers, 15 Galileo Street, Ngaruawahia on **FRIDAY, 18 NOVEMBER 2022** commencing at **11.00am**.

**Present:**

Her Worship the Mayor, Mrs JA Church (Chairperson)

Cr C Beavis

Cr CA Eyre

Cr JM Gibb

Cr M Keir

Cr P Matatahi-Poutapu

Cr K Ngataki

Cr EM Patterson

Cr V Reeve

Cr LR Thomson

Cr P Thomson

Cr T Turner

Cr D Whyte

**Attending:**

Mr TG Whittaker (Chief Operating Officer)

Mr R MacCulloch (General Manager Service Delivery)

Mr J Ebenhoh (Policy & Planning Manager)

Ms D Tracey (Strategic Planning Team Leader)

Ms S Kelly (Programme Manager District Plan)

Mr T McIntyre (Policy Advisor)

Ms E Saunders (Democracy Advisor)

Ms G Shaw (Democracy Advisor)

**APOLOGIES AND LEAVE OF ABSENCE**

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

**THAT the apology for non-attendance from Cr Raumati be accepted.**

**CARRIED**

**WDC2211/11**

**CONFIRMATION OF STATUS OF AGENDA ITEMS**

Agenda Item 2

**Resolved: (Crs Thomson/Eyre)****THAT the agenda for a meeting of the Waikato District Council held on Friday, 18 November 2022 be confirmed:**

- a. with all items therein being considered in open meeting; and
- b. all reports be received.

**CARRIED****WDC2211/12****DISCLOSURES OF INTEREST**

Agenda Item 3

There were no declarations of interest.

**REPORTS****Governance Structure – Additional Member for the PDP Subcommittee**

Agenda Item 4.1

The report was received [*WDC2211/12 refers*] and the following discussion was held:

- The purpose of the report was to confirm amendments to the Governance Structure adopted on 9 November 2022.
- Additional member for the Proposed District Plan Appeals Sub-committee.
- Appoint a representative to the Art-in-Nature Arboretum Trust.
- Confirm representatives for the Metro Wastewater Governance Group.
- Cr Beavis raised a point regarding her workload and suggested Council appoint Cr Mike Keir to the Art-in-Nature Arboretum Trust in her place.

**Resolved: (Crs Beavis/Reeve)**

That the Waikato District Council confirms the following additions to the Governance Structure 2022-2025:

- a. the addition of Cr Kandi Ngataki to the Proposed District Plan (PDP) Subcommittee.
- b. the addition of Cr Ngataki to the Joint Management Committee.
- c. the appointment of Cr Mike Keir as a representative to the Art-in-Nature Arboretum Trust.
- d. the appointment of the following as representatives to the Metro Wastewater Governance Group:
  - i. Garth Dibley (Waters Governance Board member); and
  - ii. Her Worship the Mayor, JA Church, as the first alternate with the Deputy Mayor, Cr Carolyn Eyre as the second alternate.

**CARRIED****WDC2211/13**

Te Maruata Whanui Hui  
Agenda Item 4.2

The report was received [WDC2211/12 refers] and the following discussion was held:

- The purpose of this report was to seek approval for the attendance of Maaori Councillors at Te Maruata Whānau Hui in Wellington on 6 December 2022.
- It was confirmed a Councillor training matrix was being prepared to ensure training and development was focused, including an understanding of how the training budget supported the needs. It was noted that the current training budget was sufficient to cover this hui as well as other training opportunities.
- It was agreed that broad support of this annual hui was important given it was a key opportunity for Councillors to connect with relevant issues and develop relationships throughout the country. Felt Council should not limit its ability to send Maaori Councillors to this Hui at the start of an unprecedented triennium.
- Noted that a copy of the hui agenda would be circulated to all Councillors for their information.

**ACTION:** Councillors attending Te Maruata Whanui Hui to report to the February 2023 Council meeting on the outcomes and benefits of attendance.



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

**THAT the Waikato District Council confirms:**

- a. five (5) Maaori Councillors attend Te Maruata Whānau Hui each year; and
- b. all five (5) Maaori Councillors attend the Te Maruata Whānau hui on 6 December 2022 in Wellington; and
- c. a report will be presented to Council following the training; and
- d. that a training matrix will be developed for all Councillors early in the New Year.

**CARRIED**

**WDC2211/14**

Technology of Participation Facilitative Leadership Programme

Agenda Item 4.3

The report was received [WDC2211/12 refers] and the following discussion was held:

- The purpose of the report was to seek approval for Councillor Lisa Thomson to attend the Technology of Participation Facilitative Leadership Program held on 15-17 February 2023.
- Noted there would be significant opportunity to learn and upskill.

**ACTION:** Staff to provide Councillors with detail regarding the agenda of the 'Technology of Participation Facilitative Leadership Programme' and an indication of expected outcomes resulting from Councillor Thomson's attendance.

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

**That Waikato District Council:**

- a. approves Councillor Lisa Thomson attendance at the Technology of Participation Facilitative Leadership Program held on 15-17 February 2023 in Hamilton; and
- b. notes the course cost of \$2,070 (including GST) will be covered by the Elected Members Training budget.

**CARRIED**

**WDC2211/15**

Hamilton Urban Growth Strategy  
Tabled Item 4.4 [Attached]

- Staff presented a submission on behalf of Waikato District Council on the draft Hamilton Urban Growth Strategy.
- Noted in the submission that the strategy is very high level and brief and that some thought should be given to staging and sequencing of growth to help transform investment, even if the timing is indicative.

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

**THAT the Waikato District Council endorses the lodgement of the submission on the draft Hamilton Urban Growth Strategy.**

**CARRIED**

**WDC2211/16**

There being no further business the meeting was declared closed at 11.48am

Minutes approved and confirmed this                      day                      2022.

JA Church  
**CHAIRPERSON**

<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Waters Governance Board Recommendations – 22 November 2022</b>
Date:	8 December 2022
Report Author:	Elizabeth Saunders, Democracy Advisor
Authorised by:	Gaylene Kanawa, Democracy Manager

## **1. Executive summary**

### **Whakaraapopotanga matua**

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The purpose of this report is to seek the Council's approval of the recommendations on the Small Waters Scheme Proposal and to provide information on the Service Delivery & Resourcing for the Three Waters Contract from the Waters Governance Board meeting on Tuesday, 22 November 2022, as set out below.

The Waters Governance Board agenda and unconfirmed minutes from the meeting on Tuesday, 22 November 2022 can be found on the Council website via the following link:

<https://www.waikatodistrict.govt.nz/your-council/council-committees-boards/council-administered-committees/water-governance-board>

## **2. Staff recommendations**

### **Tuutohu-aa-kaimahi**

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Small Waters Scheme Proposal (WGB2211/08)

**THAT the Waters Governance Board:**

- a. supports the recommendation for the budget to be made available to construct a new water treatment plant at the Te Akau; and**
  - b. recommends to Council that:**
    - i. a budget of \$706,000 be approved for the new water treatment plant at Te Akau through repurposing the small water schemes decommissioning opex budget within the Long Term Plan.**
-

Service Delivery & Resourcing for the Three Waters Contract (WGB2211/09)**THAT the Waters Governance Board:**

- a. supports the recruitment of the four additional resources.**
  - i. recruitment of three full-time water/wastewater treatment plant roles,**
    - 1. Operations Controller,**
    - 2. Plant Operator,**
    - 3. Graduate/cadet.**
  - ii. recruitment of a full-time Three waters technician to support the transfer of additional functions from Waikato District Council.**
- b. Approves funding of additional resources at an estimated cost of \$300k per annum from the following sources:**
  - i. Utilisation of \$200k (incl. overheads e.g. vehicles) of the operating surplus for the remaining 6 months of FY23**
  - ii. Repurpose of Council Watercare establishment budget to cover the amount in excess of the available operating surplus**
- c. notes that the additional contracting services to support the capital delivery**
  - i. A programme manager (fixed term 3 – 6 months) for the delivery of small/high volume capex projects and project managers as required (Capex funded)**
  - ii. Complete the strategic Consenting and Development mandates to define service level agreements and accountabilities between WSL and WDC.**
  - iii. Improved project progress reporting supported by the WSL infrastructure team.**
- d. That the report be shared and forwarded to Council for their information.**

### **3. Attachments**

#### **Ngaa taapirihanga**

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There are no attachments.

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<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Zero Harm Update</b>
Date:	21 December 2022
Report Author:	Lynn Shirley, Zero Harm Manager
Authorised by:	Gavin Ion, Chief Executive

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To provide Council assurance on progress against the activities detailed in the Zero Harm Strategic Improvement Plan and current health and safety performance.

## **2. Executive summary**

### **Whakaraapopototanga matua**

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- The Zero Harm team remain on track to deliver the activities detailed in the FY22/23 Zero Harm Strategic Improvement Plan. Of the seventeen scheduled activities seven are completed and remaining ten will be completed by the end of December.
- Our external media campaign designed to inform our customers of our zero-tolerance approach to abuse or threatening behaviour, “Let’s Korero with Kindness” was successfully released on World Kindness Day (13<sup>th</sup> November).
- Three critical risk reviews have been undertaken in the last three months. The Working with Animals critical risk control plan is now 89% implemented.

## **3. Staff recommendations**

### **Tuutohu-aa-kaimahi**

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**That the Council receives the report.**

## **4. Background**

### **Koorero whaimaarama**

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

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## 5. Discussion Matapaki

### Zero Harm Strategic Improvement Plan FY22/23 Progress

The Zero Harm Team continues to focus on delivering the activities detailed in the FY22/23 Zero Harm Strategic Improvement Plan (Refer to Attachment 1).

Activities delivered in the last three months include:

- H&S Governance training for Elected Members
- Emergency response plan (ERP) and warden training for Woodlands Estate



Activities currently underway or a priority for the next three months include:

- H&S Governance Leadership Induction Programme for Elected Members
- Critical Risk Bowtie for Working on or Near Roadways
- Critical Risk Bowtie for Mental Wellbeing
- Emergency response procedures
- ISO 45001 internal audit
- Work Safe Home Safe 2023 event

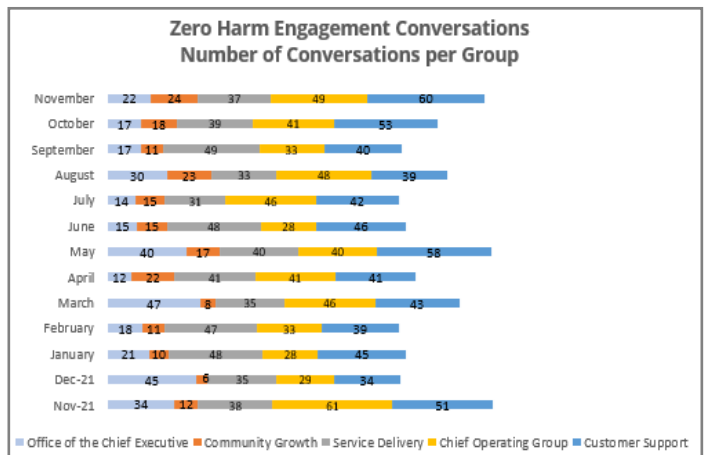


### Our People

#### **Safety Leadership – Zero Harm Engagement Conversations**

We have observed a positive trend in the number of Zero Harm Engagement Conversations being undertaken over the last three months. We are reviewing the KPI for each business unit given recent team restructures.

We continue to monitor engagement conversation data in conjunction with People and Capability Team, to identify any trends or improvement opportunities.



## Safety Leadership – Our Zero Harm Commitment (H&S Policy)

Our reviewed Zero Harm Commitment has now been approved by the Executive Leadership Team (ELT). Creating connections for our people with the “Your Commitment” section of the document will be a key focus for the Work Safe, Home Safe (WSHS) 2023 event.

## Effective Systems

### Emergency Preparedness and Response

Over the last three months significant effort has been focussed on implementing documented procedures, added resources and training to enable our facilities to respond to a variety of emergency events. The resourcing of emergency response roles e.g., Chief warden, Warden and First aider has had to take flexible working requirements into consideration.

Newly developed resources for each facility include:

- A specific Emergency Response Plan and quick reference flipcharts and;
- Emergency response role identification vests

All procedures and equipment will be located at easily identifiable ‘Emergency Stations.’



**Newly installed facility ‘Emergency Station’**

The effectiveness of revised procedures and training will be tested over the next three months by the completion building trial evacuations supervised by an external contractor.

Work is also progressing on the reviewing the emergency evacuation procedures that our in place for our Community Halls.

### Performance Reporting and Incident Management

Council’s zero harm performance across several health and safety metrics for the period July 2022 to November 2022 is shown below. The results for the period July 2021 to June 2022 are included for comparison.

Measures	July 21 to June 22	July 22 to November 22 (annualised)	Trend Against previous year	Commentary
Events reported in BWare Safety Manager (Lead)	178	110 (264)		
Total Recordable Injuries (TRIs) e.g., Lost Time Injury, Restricted Work Injury or Medical Treatment Injury (Lag)	2	1 (2)		No TRIs recorded in three months
WorkSafe NZ Notifiable Events (Lag)	1	0 (0)		
First Aid Injury events (Lag)	18	6 (15)		
Serious Near Miss events (Lead)	1	1 (3)*		*It is generally considered that having more near misses being reported is a more accurate reflection of positive safety culture
Near Miss events (Lead)	86	38 (91)*		*It is generally considered that having more near misses being reported is a more accurate reflection of positive safety culture
New Hazards (Lead)	162	43 (103)		Comparative figure for FY21/22 includes Covid-19 risk management controls and is significantly higher than normal
Zero Harm Engagement Conversations (Lead) KPI is >150 conversations per month or 1800 annually	2061	831 (1994)		Slight reduction against target may be because of changes in Team structures and current vacancies. But numbers have continued to increase over the last three months

Further analysis of the incidents reported during the period September to November has been undertaken to identify what hazards these incidents related to and if any additional risk management opportunities exist. The findings are summarised in the following table.



Associated Critical Risk	Task being undertaken/ risk description	Number of Near Miss incident reports	Additional risk management controls
<i>Workplace violence</i>	Customer Delivery Front Counter duties	6	- Customer trespassed
<i>Workplace violence</i>	Campground duties	1	- Police contacted to manage incident involving two guests
<i>Working with Animals</i>	Animal Control duties	6	- Refresher training provided to team on use of dog handling equipment - Training scheduled on handling other types of livestock - Refresher training provided Pound processes
<i>Working with Energy</i>	During routine maintenance checks three power pillars were identified as unsafe.	1	- Pillars removed from service and replaced

The attached Zero Harm Dashboard (Attachment 2) illustrates safety performance for September, October, and November 2022.

### **Critical Safety Risk Management**

The following critical risks are scheduled to undergo a risk review in the next three months:

- Hazardous substances; and
- Workplace Violence and Aggression

Risk reviews have recently been completed for the following critical risks:

- Working with Animals
- Asbestos
- On Road Driving

Work is also being progressed on the development of the critical risk standards and 'Bowtie' control plans for Mental Wellbeing and Working on the Road or Roadside. Two workshops have been undertaken with the People & Capability (P&C) Team to jointly develop the Mental Wellbeing bowtie. It is anticipated that team will be ready to complete the gap analysis against the bowtie in first quarter of 2023.

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## Working with Animals

A review of the Working with Animals critical risk was carried out in October. This is the third full review conducted on this risk. The review focused on determining what controls were implemented and what controls remain to be implemented. This is one of Council's largest 'Bowtie' risk control plans, containing sixty-two controls. Of these eighteen are classified as "Critical Safety Controls" (16 of these are implemented, and two are partially implemented).

The project team continues to meet on a fortnightly basis to develop, implement and improve controls to manage this risk. It is important to note that considerable progress has been made in the last six months. At the last risk review in June 2022 the control plan was 69% implemented and is now 89% implemented.

As part of the above activities, the following tools have been developed and adopted by the Animal Control Team to support their management of this critical risk.



## Asbestos

In November, a full review of the Asbestos critical risk was undertaken. This is the fifth full review conducted on this risk. The Asbestos 'Bowtie' risk control plan contains twenty-eight controls. Of these, nine are classified as "Critical Safety Controls" (8 of these are implemented and one is partially implemented). The risk control plan is currently at 89% implemented.

Since the last risk review, 32 (26%) out of approximately 125 asbestos management surveys have been completed. Recently completed surveys include Naike Hall and Woodlands Estate.

## Workplace Violence

The risk review for the critical risk of Workplace Violence is scheduled for mid-December. Over the last three months the working group established to develop a customer education campaign on our zero-tolerance approach to abuse or threatening behaviour has prepared and released the external media promotion "Let's Korero with Kindness."

The following are examples of the posters that are being developed for our facilities to keep the message front of mind.



The following table illustrates the status of staff training in relation to the risk of workplace violence and aggression. Another thirty-four staff and Elected Members completed training in November.

Level of Exposure	Recommended training based on exposure or role	Percentage of workers who have completed training
Very High	Situational Safety and Tactical Communications (SSTC) (2 days)	<b>100%</b>
High	Front Counter Safety Training (1 day)	<b>97%</b>
Moderate	Situational Safety and Tactical Communications (1 day)	<b>70% *this has increased from 64% in September</b> (Note: there are approximately 77 people to still complete this training)
Low	Communication Skills (1/2 day)	Course still to be developed

## 6. Attachments Ngaa taapirihanga

Attachment 1 – Zero Harm Strategic Improvement Plan FY22/23 V2

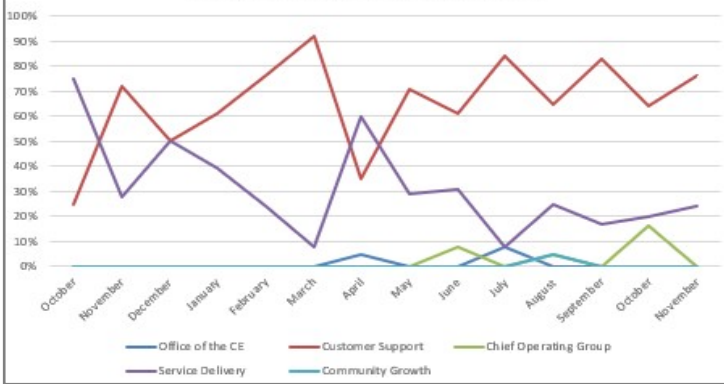
Attachment 2 – Zero Harm Dashboard November 2022

# Zero Harm Performance Dashboard - November 2022

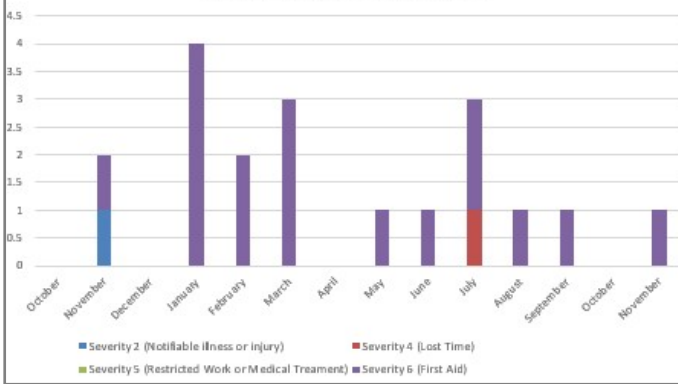


## Incident Management

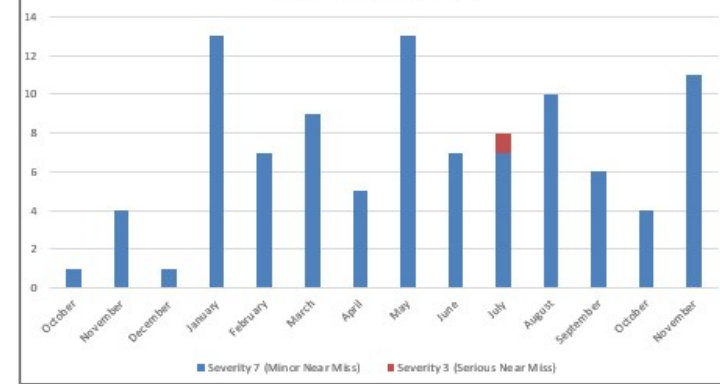
Incident Reports by Business Unit



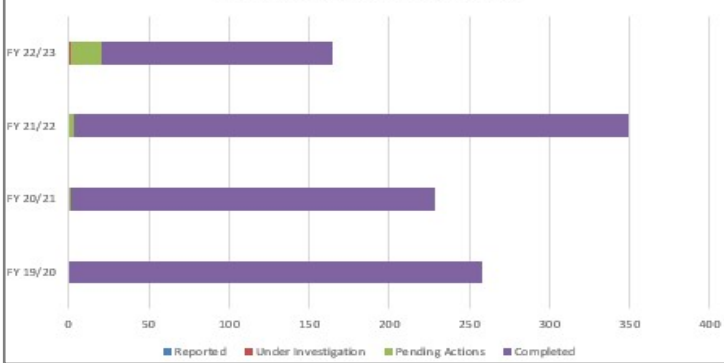
Incidents by Severity Rating



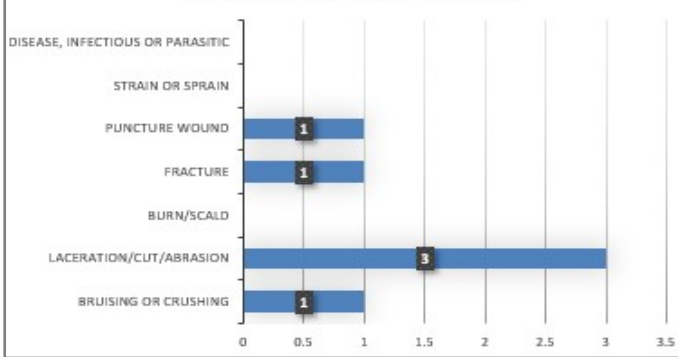
Near Miss Incidents



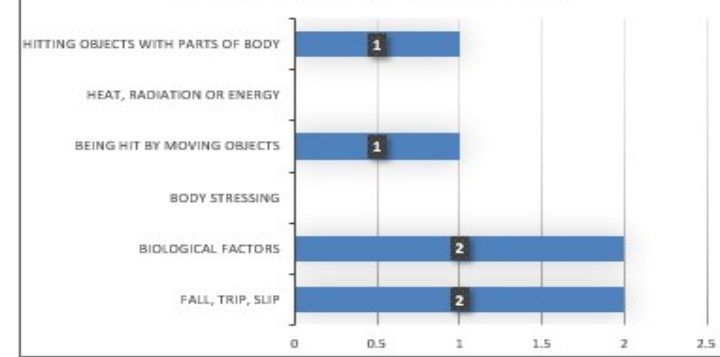
Incident Management Status



Nature of Injury Year to Date



Mechanism of Harm Year to Date

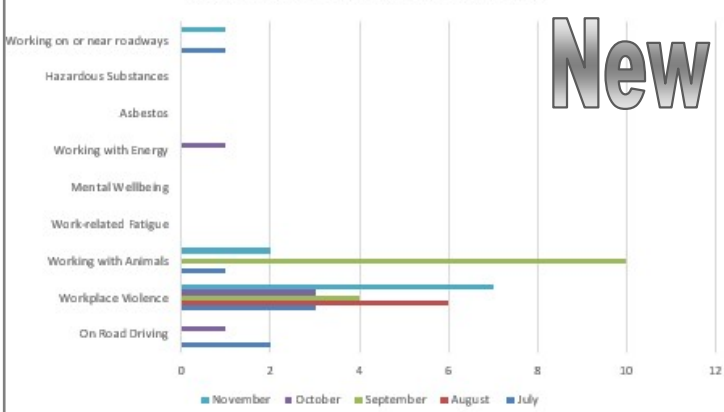


## Incident Management

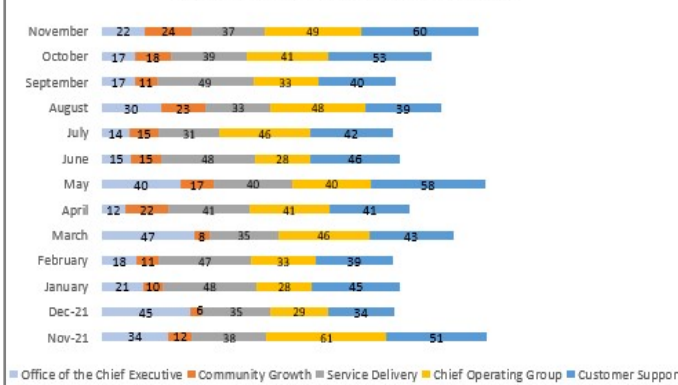
## Safety Leadership & Culture

## Hazard & Risk Management

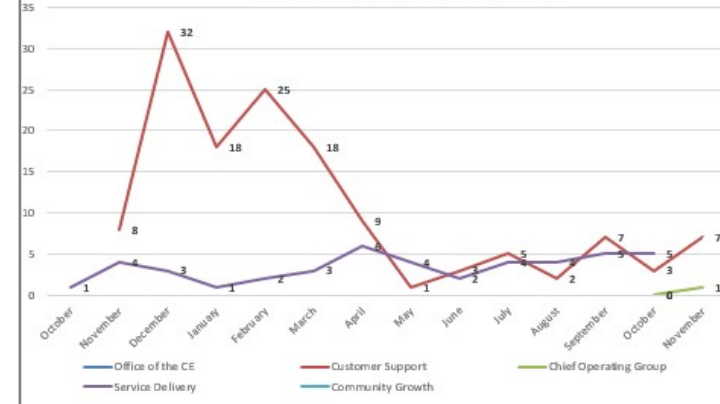
Incidents related to a Critical Risk



Zero Harm Engagement Conversations Number of Conversations per Group



New Hazards by Business Unit



**Vision (Mission)**

**Mahi Tika Kaainga ora “Work Safe Home Safe”**

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

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



**Our Strategic Objectives**

- We will be leaders in health and safety to help others learn, innovate and improve performance
- We will have a health and safety development pathway to support safety leadership and culture capability
- We will further develop and embed ISO45001 as the framework for our safety management system
- We will have a continuous improvement mindset where we actively seek to learn and improve our culture, performance, systems and tools
- We will increase risk mindfulness and further embed our critical safety risk management framework
- We will continue to develop closer relationships with PCBUs with shared duties that support the health, safety and wellbeing of our people and others



**“Work Safe, Home Safe ” 2022/20223 (Team Tactics)**

Goal	Activities	Plan	Do	Check	Q1 July - Sept	Q2 Oct- Dec	Q3 Jan - Mar	Q4 Apr - June
<b>Our People</b>	Safety Leadership and Culture	Develop and undertake Safety Leadership survey with all People Leaders						
<b>Our People</b>	Safety Leadership and Culture	Undertake organisation wide health, safety and wellbeing survey						
<b>Our People</b>	Safety Leadership and Culture	Develop Safety Leadership Training Programme						
<b>Our People</b>	Safety Leadership and Culture	Develop and deliver Work Safe, Home Safe 2023 event to the organisation						
<b>Our People</b>	Safety Leadership and Governance	Develop H&S Governance Leadership Induction programme for 2022 Elected Members						
<b>Our People</b>	Worker Engagement and Participation	Undertake review of Safety Action Team (SAT) committee operations						
<b>Our People</b>	Health and Wellbeing	In conjunction with Wellbeing Collective review WDC Wellbeing Strategy for 2022/2023						
<b>Effective Systems</b>	Auditing and Assurance	Implement Zero Harm Assurance Calendar						
<b>Effective Systems</b>	Safety Management Systems	Further develop and implement Zero Harm Safety Management System Framework to ISO45001						
<b>Effective Systems</b>	Contractor Management	Revise and implement Contractor H&S Management Standard and associated tools						
<b>Effective Systems</b>	Emergency Preparedness and Response	Implement revised Emergency Response Procedures and deliver training						
<b>Effective Systems</b>	Hazard and Risk Management	Review all Workgroup Hazard and Risk Registers						



## Zero Harm “Work Safe, Home Safe” Strategic Plan 2022/2023

### KEY PERFORMANCE INDICATORS

“Work Safe, Home Safe” 2022/20223 (Team Tactics)								
Goal	Activities	Plan	Do	Check	Q1	Q2	Q3	Q4
<b>Managed Risks</b>	Hazardous Substances, Workplace Violence, Asbestos and On Road Driving		Implement remaining Bowtie Controls for Hazardous Substances, Workplace Violence, Asbestos and On Road Driving Critical Risks					
<b>Managed Risks</b>	Working on or Near Roadways	Develop Critical Risk Standard and Bowtie for Working on or Near Roads						
<b>Managed Risks</b>	Working with Animals	Develop Critical Risk Standard for Working with Animals						
<b>Managed Risks</b>	Mental Wellbeing	Develop Critical Risk Standard and Bowtie for Mental Wellbeing at Work						
<b>Managed Risks</b>	Work-related Fatigue	Develop Critical Risk Standard and Bowtie for Work-related Fatigue						
<b>Our Plan</b>	Flexible working in this new world of COVID-19 as it is today			Review Remote and Flexible Working Risk Management procedures				
<b>Our Plan</b>	Understanding and improving our Customer Experience	Undertake H&S Needs Analysis for all Community Halls in conjunction with Venue & Events Team						
<b>Our Plan</b>	Te Tiriti o Waitangi understanding and our role as a partner of the treaty		All ZH team to attend Te Tiriti o Waitangi training					
<b>Our Plan</b>	Preparing for Local Government Reform	Ensure we stay flexible and agile to changes in our risk profile that may emerge through local government reform.	Develop our understanding of the reform and stay abreast of any relevant information	Continue to assess best practice opportunities in Zero Harm by connecting and contributing to other local government forums				

Our Measures	Target (+/- 15%)	Unit	Deadline	Status
Events reported in BWare Safety Manager (Lead)	> 180	Events reported	30th June 2023	
Total Recordable Injuries (TRIs) e.g., Lost Time Injury, Restricted Work Injury or Medical Treatment Injury (Lag)	< 2	TRI events	30th June 2023	
WorkSafe NZ Notifiable Events (Lag)	0	Events reported	30th June 2023	
First Aid Injury Events (Lag)	< 17	Events reported	30th June 2023	
Near Miss Events (Lead)	> 90	Events reported	30th June 2023	
New Hazards (Lead)	> 50	Hazards reported	30th June 2023	
Safety Engagement Conversations (Lead)	> 1800	Conversations recorded	30th June 2023	
ISO 45000 Internal Safety Management System Audit (Lead)	Compliant	ISO 45001 Audit Standards	30th June 2023	

<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Adoption of the 2021/22 Annual Report</b>
Date:	21 December 2022
Report Author:	Bessie Clarke, Corporate Planner Colin Bailey, Finance Manager
Authorised by:	Alison Diaz, Chief Financial Officer

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To seek recommendation from Council to adopt the Annual Report and Summary 2021/22.

## **2. Executive summary**

### **Whakaraapopotanga matua**

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The Local Government Act (LGA) requires Council to adopt its Annual Report and Summary by 31 October each year, however this year the date was extended to 31 December to ongoing effects of the COVID-19 pandemic.

The Annual Report 2021/22 compares the actual activities and performance of Council against the intended activities and performance of the Council as specified in the Long-Term Plan 2021-2031 (LTP). The Annual Report and Summary 2021/22 are reporting on the second year of the 2021-31 LTP.

Staff resourcing shortages at Audit New Zealand has meant they were unable to begin their audit on the original date of 22 August 2022, instead commencing on 10 October 2022. At a Council meeting on 29 September 2022, the previous Council resolved to adopt the draft 2021/22 Annual Report and Summary subject to audit recommendations.

A letter of representation (Attachment 1) was prepared by the previous Council for the current Council to provide assurance over the draft Annual Report.

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As a result of the audit there are a number of small formatting and minor disclosure changes, and only one significant change to the financial statements:

- Council has a 15.625% investment in Waikato Regional Airport Limited (WRAL), incorporating the Hamilton Airport, Titanium Park Limited and Hamilton Waikato Tourism Limited. The audit of the WRAL Financial Statements for the year ended 30 June 2021 was completed in November 2022, after the draft Annual Report was presented to Council on 29 September 2022. During the final stages of their audit, WRAL were required to revalue their land and buildings resulting in an increase of \$9.9 million in the value of Council's investment in WRAL. This investment now valued at \$32.9 million.

Audit New Zealand have completed their audit, and verbal clearance has been received for both the full Annual Report and the Summary documents for 2021/22. The Council has received an unqualified audit opinion.

### 3. Staff recommendations Tuutohu-aa-kaimahi

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**That the Waikato District Council adopts the audited 2021/22 Annual Report and Annual Report Summary as attached to the staff report.**

### 4. Background Koorero whaimaarama

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The Local Government Act 2002 (Act) requires Council to prepare and adopt its Annual Report and Summary by 31 October each year, however this year the date has been extended to 31 December 2022 due to the ongoing effects of the COVID-19 pandemic. The Annual Report is Council's accountability document to its ratepayers and the wider community for each financial year (1 July-30 June).

In general terms, the Annual Report tells the community how we are delivering on our strategic direction and vision (liveable, thriving and connected communities). More specifically, it tells them:

- How we performed on the work programme and levels of service we set out in our Annual Plan (which is derived from the LTP), and KPIs, which are established in the LTP
  - How we performed financially (i.e., what did we do with the funds we received, what the balances of our assets and liabilities are, and what our cash position is, etc).
-



## 5. Discussion and analysis

### Taataritanga me ngaa tohutohu

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#### **Non-financial Performance**

Council's projects, activities and associated budgets are divided into eight separate groups of activities and reported in the Statement of Service Provision as part of the Annual Report. These eight groups of activities are:

- Governance
- Sustainable Communities: Customer and Partnership Focus, Economic Development, Emergency Management, Grants and Donations, and Parks and Facilities
- Sustainable Environment: Animal Control, Building Quality, Environmental Health, Strategic and District Planning, and Solid Waste
- Roding
- Stormwater
- Wastewater
- Water supply; and
- Organisational Support

Council has 63 performance measure targets across all these activity groups which are reported back to the community through the Annual Report.

Some of these performance targets are measured through the Resident Satisfaction Survey. Other performance targets are measured based on how well Council responds to customer requests and information which is captured through our service request system. Council reports on progress against these performance targets and measures every quarter.

In the Annual Report, we present to our customers how well we have performed against these targets using a colour coding system. For those targets that we have met or exceeded, we have indicated through a green dot, those we are on track towards but have not quite made it (within 5%) are represented by an amber dot, and some targets that have not been met are represented by a red dot. For the 2021/22 financial year, 75% of our performance measures were achieved or on track (Achieved: 42 of 63, on track: 5 of 63, and failed 16 of 63).

Audit NZ required independent verification of compliance with the Drinking Water Standards. The assessment found that Council's water supplies were fully compliant in the year to 30 June 2022.

#### **Financial Performance**

The Council's Annual Report results are extremely pleasing given the continued disruptions from the Covid-19 pandemic and the difficult economic conditions.

The demand for Council's services continued to grow and the difficulty in retaining and attracting qualified staff made maintaining service levels challenging with the result that increased costs were incurred and, in some areas, service levels were adversely affected.

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The flexible working arrangements, the delivery of our Three Waters services ahead of any possible reform in this area and managing the impacts of higher growth than planned on all areas of our organisation have all been dealt with without affecting the Council's strong financial position.

The Council's income for this financial year was \$230 million, a negative variance of only \$2 million compared to budget. Above budget revenue from growth in development contributions was mostly offset by lower revenue from vested assets due to delays outside Council's control.

The Council's operational expenditure amounted to \$158 million, in line with budget. Depreciation and amortisation costs were higher than budget because of higher revaluations in the prior year and this adverse variance was offset savings in employee costs resulting from vacancies.

The Council's operating surplus was \$72 million compared to a budgeted surplus of \$73 million due to the items noted above.

It is pleasing to report the abovementioned figures required no amendments as a result of the audit.

The Council's capital programme includes 2021/22 projects as well as prior year projects still to be completed. It should be noted, therefore, that the Annual Report depicts actual progress against the 2021/22 budget only.

In real terms, the \$65 million spend delivered 40% per cent of the entire work programme.

Variances in capital work programmes can arise for various reasons: delays caused by the Covid-19 pandemic, material shortages, differences in construction prices, timing of subdivision activity within the district, adverse weather resulting in delays, public consultation timeframes, reliance on multi-party funding for some large projects and negotiations over land purchases. In the 2021/22 financial year more capital work was completed than in the previous year.

The Council has carried forward \$109 million of capital works budget to the 2022/23 financial year. Fifty per cent of these projects are for Three Waters infrastructure, 28% relate to Sustainable Communities projects, 17% relate to Roding projects and the balance is made up of projects to improve efficiencies and reduce operational expenditure. Total work in progress, but not completed amounts to \$59 million. Debt at the end of June 2022 was \$99 million, \$36 million lower than the \$135 million forecast.

## **5.1 Options**

### **Ngaa koowhiringa.**

No options are available for Council to consider because it is a legislative requirement for Council to adopt the Annual Report for the previous financial year by 31 December 2022.

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## **5.2 Financial considerations**

### **Whaiwhakaaro puutea**

There are no material financial considerations associated with the recommendations of this report.

## **5.3 Legal considerations**

### **Whaiwhakaaro-aa-ture**

Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.

The 2021/22 Annual Report and Summary is prepared in accordance with section 98 of the Local Government Act 2002. An extension to the time-limits for 2021/22 financial year Annual Reports is provided in section 98(7) of the LGA 2002 and extends the adoption deadline to 31 December 2022. The report and summary must be made publicly available within one month of adoption.

## **5.4 Strategy and policy considerations**

### **Whaiwhakaaro whakamaaherehere kaupapa here**

The report and recommendations are consistent with the Council's policies, plans and prior decisions.

## **5.5 Maaori and cultural considerations**

### **Whaiwhakaaro Maaori me oona tikanga**

The report and recommendations are consistent with the LTP outcomes incorporated into the document, regarding Maaori and cultural outcomes.

## **5.6 Climate response and resilience considerations**

### **Whaiwhakaaro-aa-taiao**

The report and recommendations are consistent with the LTP outcomes incorporated into the document, regarding Council's climate response and resilience.

## **5.7 Risks**

### **Tuuraru**

Council is required to adopt the Annual Report and Summary for each financial year as per section 98 of the LGA 2002. If Council do not adopt the audited Annual Report and Summary 2021/22, Council would be at risk of not fulfilling their legal obligations under the LGA.

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## 6. Significance and engagement assessment Aromatawai paahekoheko

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### 6.1 Significance Te Hiranga

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

### 6.2 Engagement Te Whakatuutakitaki

Highest level of engagement	Inform	Consult	Involve	Collaborate	Empower
	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>- Public notice on the Council website</li> <li>- An update on the Council website</li> <li>- Social media post on the Council's Facebook page</li> </ul>				

## 7. Next steps Ahu whakamua

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The next steps include the publication of the Annual Report 2021/22 and Summary on Council website. Hardcopies will also be made available in all Council offices and libraries.

## 8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

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

The report fits with Council's role, Terms of Reference and Delegations. Refer to the <a href="#">Governance Structure</a>	Confirmed
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The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages ( <i>Section 5.1</i> ).	Confirmed
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Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy ( <i>Section 6.1</i> ).	Low
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The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance ( <i>Section 6.2</i> ).	Confirmed
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The report considers impact on Maaori ( <i>Section 5.5</i> )	Not applicable
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The report and recommendations are consistent with Council's plans and policies ( <i>Section 5.4</i> ).	Confirmed
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The report and recommendations comply with Council's legal duties and responsibilities ( <i>Section 5.3</i> ).	Confirmed
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## 9. Attachments

### Nga taapirihanga

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Attachment 1 – Representation Letter for the year ended 30 June 2022

Attachment 2 - Audited Annual Report 2021/22

Attachment 3 – Audited Annual Report Summary 2021/22

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6 October 2022

**Postal Address**  
 Private Bag 544,  
 Ngaruawahia, 3742  
 New Zealand

0800 492 452  
[www.waikatodistrict.govt.nz](http://www.waikatodistrict.govt.nz)

Dear Mayor Elect,

## REPRESENTATION LETTER FOR THE YEAR ENDED 30 JUNE 2022

This representation letter is provided in connection with the Annual Report for the year ended 2022. Subject to the final audit, the incoming council should focus on the changes between the draft document, adopted at a Council meeting on 29 September 2022, and the final audited document of which the audit opinion will relate to.

The following representations refer to the **draft document**, and on completion of the final audit you will be required to sign a similar final representation letter to Audit NZ.

- the financial statements:
  - present fairly, in all material respects:
    - the financial position as at 30 June 2022; and
    - the financial performance and cash flows for the year then ended; and
  - comply with generally accepted accounting practice in New Zealand in accordance with Public Benefit Entity Accounting Standards.
- the funding impact statement presents fairly, in all material respects, the amount of funds produced from each source of funding and how the funds were applied as compared to the information included in the District Council's annual plan.
- the statement of service provision:
  - presents fairly, in all material respects, the District Council and group's levels of service for each group of activities for the year ended 30 June 2022, including:
    - the levels of service achieved compared with the intended levels of service and whether any intended changes to levels of service were achieved;
  - the reasons for any significant variation between the levels of service achieved and the intended levels of service; and
  - complies with generally accepted accounting practice in New Zealand.
- The statement about capital expenditure for each group of activities presents fairly, in all material respects, actual capital expenditure as compared to the budgeted capital expenditure included in the District Council's Long-term plan.
- the funding impact statement for each group of activities presents fairly, in all material respects, the amount of funds produced from each source of funding and how the funds were applied as compared to the information included in the District Council's Long-term plan.

We understand the audit will be carried out in accordance with the Auditing Standards issued by the Auditor-General, which incorporate the Professional and Ethical Standards and the International Standards on Auditing (New Zealand) issued by the New Zealand Auditing and Assurance Standards Board.

## General responsibilities

To the best of our knowledge and belief:

- the resources, activities and entities under our control have been operating effectively and efficiently;
- we have complied with our statutory obligations including laws, regulations, and contractual requirements;
- we have carried out our decisions and actions with due regard to minimising waste;
- we have met Parliament's and the public's expectations of appropriate standards of behaviour in the public sector (that is, we have carried out our decisions and actions with due regard to probity); and
- any decisions or actions have been taken with due regard to financial prudence.

We also acknowledge that we have responsibility for designing, implementing, and maintaining internal control (to the extent that is reasonably practical given the size of the District Council and group) to prevent and detect fraud or error, and which enables the preparation of the financial statements and the statement of performance that are free from material misstatement whether due to fraud or error.

## Representations on the financial statements and the statement of service provision

We confirm that all transactions have been recorded in the accounting records and are reflected in the financial statements and statement of service provision, and that, to the best of our knowledge and belief, having made such enquiries as we considered necessary for the purpose of appropriately informing ourselves:

- we have fulfilled our responsibilities for preparing and presenting the financial statements and the statement of service provision as required by the Local Government Act 2002 and, in particular, that:
  - the financial statements:
    - present fairly, in all material respects:
      - the financial position of the District Council and group as at 30 June 2022; and
      - the financial performance and cash flows for the year then ended; and
    - comply with generally accepted accounting practice in New Zealand in accordance with Public Benefit Entity Accounting Standards.
  - the statement of service provision:
    - presents fairly, in all material respects, the District Council and group's levels of service for each group of activities for the year ended 3 June 2022, including:
      - the levels of service achieved compared with the intended levels of service and whether any intended changes to levels of service were achieved;
      - the reasons for any significant variation between the levels of service achieved and the intended levels of service; and
      - complies with generally accepted accounting practice in New Zealand.
- the funding impact statement presents fairly, in all material respects, the amount of funds produced from each source of funding and how the funds were applied as compared to the information included in the District's annual plan;
- the statement about capital expenditure for each group of activities presents fairly, in all material respects, actual capital expenditure as compared to the budgeted capital expenditure included in the District Council's Long-term plan;

- the funding impact statement for each group of activities presents fairly, in all material respects, the amount of funds produced from each source of funding and how the funds were applied as compared to the information included in the District Council's Long-term plan;
- we have complied with the requirements of Schedule 10 of the Act that apply to the annual report;
- we have made the disclosures about its performance against benchmarks that are required by the Local Government (Financial Reporting and Prudence Regulations 2014);
- we believe the methods, significant assumptions, and data used in making and supporting accounting estimates and the related disclosures in the financial statements and performance information are appropriate to achieve recognition, measurement, or disclosure that is in accordance with Public Benefit Entity Accounting Standards;
- we have appropriately accounted for and disclosed related party relationships and transactions in the financial statements;
- we have adjusted or disclosed all events subsequent to the date of the financial statements and the statement of service provision that require adjustment or disclosure;
- the financial statements adequately disclose the impact of Covid-19, including disclosure about key assumptions and estimates used in measuring assets and liabilities;
- in determining the carrying values for all assets including property, plant and equipment and investment properties, the District Council has appropriately addressed the impacts of the Covid-19 pandemic;
- we believe the effects of uncorrected misstatements are immaterial, both individually and in the aggregate, to the financial statements and statement of service provision as a whole;
- we believe the effects of uncorrected disclosure deficiencies, including both omitted and incomplete disclosures, are quantitatively and qualitatively immaterial, both individually and in aggregate, to the financial statements as a whole; and
- we have disclosed all known actual or possible litigation and claims whose effects should be considered when preparing the financial statements. Where applicable, such litigation and claims have been accounted for and disclosed in accordance with Public Benefit Entity Accounting Standards.

In making these representations in connection with the audit of the group financial statements, we are aware that audits of the subsidiaries have also not yet been completed. We have obtained assurance that the financial information of the subsidiaries (none of which we believe to be significant to the group) is sufficiently reliable to use in the group's reporting.

### **Representations about the provision of information**

We confirm that, to the best of our knowledge and belief, having made such enquiries as we considered necessary for the purpose of appropriately informing ourselves:

- we have provided Audit NZ with:
  - all information, such as records and documentation, and other matters that are relevant to preparing and presenting the financial statements and the statement of service provision; and
  - unrestricted access to persons within the District Council and group from whom you determined it necessary to obtain audit evidence;
- we have disclosed to Audit NZ the results of our assessment of the risk that the financial statements and statement of service provision may be materially misstated as a result of fraud;
- we have disclosed to Audit NZ all information in relation to fraud or suspected fraud that we are aware of and that affects the District Council and group and involves:
  - management;
  - employees who have significant roles in internal control; or



- others where the fraud could have a material effect on the financial statements and statement of service provision;
- we have disclosed to Audit NZ all information in relation to allegations of fraud, or suspected fraud, affecting the District Council and group's financial statements and statement of service provision communicated by employees, former employees, analysts, regulators, or others;
- we have disclosed to Audit NZ all known instances of non-compliance or suspected non-compliance with laws and regulations whose effects should be considered when preparing financial statements and the statement of service provision, including possible non-compliance with laws for setting rates;
- we have provided Audit NZ with all the other documents ("other information") which will accompany the financial statements and the performance information which are consistent with one another, and the other information does not contain any material misstatements; and
- we have disclosed the identity of the related parties, all of their relationships, and all of their transactions of which we are aware.

### Going concern

We confirm that, to the best of our knowledge and belief, the District Council and group has adequate resources to continue operations at their current level for the foreseeable future. For this reason, the Council continues to adopt the going concern basis of accounting in preparing the financial statements and the statement of service provision for the year ended 30 June 2022. We have reached this conclusion after making enquiries and having regard to circumstances that we consider likely to affect the District Council and group during the period of one year from the date of signing the financial statements, and to circumstances that we know will occur after that date which could affect the validity of the going concern assumption.

We consider that the financial statements and the statement of service provision adequately disclose the circumstances, and any uncertainties, that we can reasonably be expected to be aware of concerning the adoption of the going concern basis of accounting by the District Council and group.

### Sign-off on these representations

These representations are made to provide assurance over the **draft Annual Report**. The final Annual Report to be adopted may require changes because of Audit NZ's final audit work these may or may not be material, and Audit NZ and staff will provide context as necessary.

Yours sincerely,



Allan Sanson  
**MAYOR**



Gavin Ion  
**CHIEF EXECUTIVE**

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<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Terms of Reference for Mana Whenua Forums</b>
Date:	21 December 2022
Report Author:	Vishal Ramduny - Strategic Projects Manager Sam Toka - Pouhono Iwi ki te Haapori   Iwi and Community Partnerships Manager
Authorised by:	Gavin Ion, Chief Executive

## 1. Purpose of the report

### Te Take moo te puurongo

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To seek Council's approval of the proposed Terms of Reference for the mana whenua forums.

## 2. Report

### Puurongo

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The previous Council approved the establishment of mana whenua forums to better reflect the views of hapuu, iwi and Maaori in our decision-making processes. Subsequently, work has been done to consider how the forums would operate. Sam Toka led this work and engaged with our Joint Management Agreement Partners (Waikato-Tainui and Ngaati Maniapoto) and with the mana whenua forums which were established to inform Council's Better Off Funding application.

The input received from these engagements were used to inform the development of the attached Terms of Reference.

The forums will help Council lift its level of engagement with mana whenua, provide a solid foundation for an ongoing relationship, and to help us connect with an important part of our community.

Council's Iwi and Community Partnership team initially drew up a concept for the forums which was based on dividing the district into four sections and identifying the various iwi and hapuu groups within these areas. The suggestion was for these groups to act as mana whenua forums in the north, the south, the east, and the west of the district.

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However, a key issue that arose during the discussions was who exactly holds mana whenua status in these specific areas? This arose as the Council at that time had been involved in disputes centred on who holds mana whenua status over particular sites (e.g., Raglan Airfield and Pukeiāhua).

Council is very much aware that ascertaining who holds mana whenua status is not for us to determine on our own. We will therefore use the forums and our JMA partners to advise on this matter should the need arises in the future. This will ensure that we are talking to the right people.

The establishment of the mana whenua forums will also place Council in good stead to implement emerging thinking from the future of local government discourse which, part of which is premised on better valuing of hapuu/iwi and Maaori as a critical partner in local governance.

### **3. Staff recommendations** **Tuutohu-aa-kaimahi**

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**That Waikato District Council approves the draft Terms of Reference for the Mana Whenua Forums for ratification by Waikato-Tainui and Ngaati Maniapoto prior to it being considered by the respective Joint Management Agreement Forums in 2023.**

### **4. Financial Considerations** **Whaiwhakaaro Puutea**

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There will be financial implications for Council though the remuneration of the mana whenua forums members. The previous council approved a sum of \$50,000 to reimburse forum members for their time. This amount is likely to be inadequate but will at least allow the forums to commence.

### **5. Legal and Policy Considerations** **Whaiwhakaaro-aa-ture**

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Staff confirm that this project and the matters in this report comply with Council's legal and policy requirements.

### **6. Wellbeing Considerations** **Whaiwhakaaro-aa-oranga tonutanga**

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The Local Government Act 2002 (LGA) requires councils to consider and promote the current and future wellbeing of communities. It also introduced new responsibilities and opportunities for engagement and cooperation between councils and Maaori.

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The 4 wellbeings are core considerations in delivering the business case in addition to Te Ture Whaimana o te Awa Waikato – The Vision and Strategy for the Waikato River and relevant Iwi Management Plans. The mana whenua forums will therefore provide valuable insight into initiatives and projects which have implications for the wellbeing of our communities and for Te Ture Whaimana.

### **Risks - Tuuraru**

There are no known risks associated with the decisions sought in this report. However, there are potential risks associated with the:

- i. Possible lack of alignment between Council and mana whenua leading to conflicting aspirations, inconsistent messaging, and disagreement at key decision points.
- ii. Funding and affordability challenges to either build the capacity of mana whenua or implement projects significant to mana whenua.

## **7. Climate Change and Sustainability** **Āhua o te rangi**

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There are no climate change and sustainability implications for the purposes of this report, but these considerations may arise through relevant work programmes, initiatives, and projects which Council may work on with mana whenua in their respective rohe.

## **8. Significance & Engagement Policy** **Kaupapa here whakahira/anganui**

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Having considered Council's Significance and Engagement Policy staff have assessed that the matters in this report have a low level of significance especially since mana whenua and our JMA partners have been engaged at various times during the development of the Terms of Reference.

## **9. Attachments** **Ngaa taapirihanga**

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Attachment 1 - Terms of Reference for Mana Whenua Forums

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# ***Te Kaunihera aa Takiwaa o Waikato***

## ***Mana Whenua Forum***

### ***Terms of Reference***

*Amended 6.12.2022 to incorporate comments from  
Waikato-Tainui*

## **I. INTRODUCTION**

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Waikato District Council is has agreed to establish mana whenua forums to strengthen and enhance our engagement with Maaori. Four (4) such forums have been identified based on engagement that Council has had with the mana whenua from as part of the Better Off Funding initiative.

The purpose of the mana whenua forums is to forge an effective and meaningful partnership between the Waikato District Council and mana whenua. To deliver the Council vision of liveable, thriving and connected communities, we need enduring relationships that enable the council to reflect the voice of Maaori in decision making.

## **2. PRINCIPLES**

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The following principles are the basis for the Terms of Reference.

### **2.1 PRINCIPLES OF TE TIRITI O WAITANGI**

Waikato District Council recognises Te Tiriti o Waitangi as the founding document of Aotearoa New Zealand.

Mana whenua and Council agree to the following understanding of the principles of Te Tiriti o Waitangi:

**Principle of Tino Rangatiratanga – Self Management**

The right of Maaori to exercise under the law, authority, and control over their rohe, land, rivers, resources and taonga.

**Principle of Kaawangatanga – Governance**

The Government has the right to make laws for the good of order and security of the country subject to the duty imposed (on the Crown) to Maaori under the Te Tiriti.

**Principle of Whakawhanaungatanga – Partnership**

A duty on both iwi/hapuu and the Council to interact in the best possible way with reason, respect and in good faith.

**Principle of Ooritetanga – Equality**

The right of mana whenua to fair and equal treatment under the law.

**Principle of Kaitiakitanga – Guardianship**

The right of Maaori to exercise kaitiakitanga and mana whakahaere over their ancestral lands, water, sites, waahi tapu and other taonga.

**Principle of ‘Mahi tahi, matapaki hoki – Cooperation and consultation**

Council will consider inputs received from mana whenua when making decisions.

**Principle of Whakatika i te hee – Redress *past and future breaches***

The duty of the Crown to work towards settlement of grievances under the Treaty of Waitangi.

**2.2 PRINCIPLES OF THE KIINGITANGA**

Mana whenua and Council agree that the relationship will be based on the following principles:

**Whakaiti**

Humility Freedom from pride or arrogance / the quality or state of being humble.

**Whakaponu**

Trust & Faith to rely on and feel safe and confident that you will not hurt anyone or be hurt by anyone.

**Aroha**

Love & Respect - A strong caring affection with respect.

**Rangimaarie**

Peace & Calm when someone is not excited or upset even when there is cause for it. The state of remaining calm after some period of disturbance.

**Manaakitanga**

Caring Displaying kindness, assistance and concern for others.

**Kotahitanga**

Unity - The ability to represent togetherness, to be able to stand and working together through thick and thin matters.

**Mahi Tahi**

Collaboration - The action of working together to produce something.

## 2.3 RELATIONSHIP PRINCIPLES

The relationship between mana whenua and Waikato District Council will be based on the following principles:

- Both parties are seeking to provide for the cultural, social, economic, and environmental well-being of their respective communities in the present and for the future.
- The parties will act in utmost good faith.
- The relationship shall be built on honesty and integrity and shall be fair and equitable and maintained in a spirit of friendship and co-operation.
- Waikato District Council recognises that mana whenua are the 'Kaitiaki' of their rohe.
- Recognise that the relationship is a mutual two-way relationship and any changes of the agreement need to involve discussions and agreement between the partners.
- Recognise the need for Waikato District Council to work within a legislative framework that gives effect to Te Tiriti and to current and future Te Tiriti settlements.
- Recognise the independence of each partner, including:
  - a) The mana whenua representatives as a voice for the Maaori communities.
  - b) Recognise the independence of hapuu and iwi.
  - c) The Council as a democratic decision maker, responsible to the community.
- Waikato District Council recognise the relationship mana whenua have with culture and traditions with respect to ancestral lands (e.g., maunga, puke), water bodies (e.g., moana, awa and roto), sites of significance, waahi tapu, and other taonga and the need to protect these.
- It is recognised that mana whenua has an inherent right to contribute to the decision-making processes which affect their rohe.

## 3. ROLES AND RESPONSIBILITIES

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### 3.1 MANA WHENUA FORUM

- The role of the Mana Whenua Forum is to provide strategic leadership and advice to Waikato District Council, mana whenua, and the wider community in respect of environmental, social, economic, and cultural outcomes relating to mana whenua.

- It is also to provide a forum for mana whenua within the Waikato district area to discuss and debate their local authority issues and concerns to advance and protect the interests of mana whenua.
- Provide an opportunity for the Waikato District Council and mana whenua to discuss and develop council concepts, policies, projects, and procedures that impact on mana whenua.
  - to identify when it is appropriate for one partner to have representatives on any relevant strategy and policy development forum / group of the other partner.
  - to develop guidelines in respect of appointment, role, and accountabilities of representatives.
- To provide input to the draft strategy /policy development where there has been no representation in its development.
- Bring to the other partners attention issues / concerns in respect of existing strategy or policy.
- Exchange information of mutual interest.
- Discuss new initiatives approaches and directions.
- Provide leadership and advice on appropriate consultation and communication.
- Identify key strategy and communication outcomes and establish systems for regular and effective monitoring of those outcomes.
- Monitor effectiveness of existing strategy policies and processes.
- Monitor effectiveness and adequacy of progress of projects.
- Monitor the on-going development and process of the mana whenua forums.

### **3.2 LOCAL GOVERNMENT ACT 2002**

Parts 2 and 6 of the Local Government Act 2002 provide principles and requirements for local authorities that are intended to facilitate participation by Maaori in local authority decision making processes. In summary, the Act requires local authorities to:

- 'Take into account' Maaori interests where any significant decisions are to be made affecting 'land or a body of water',
- Establish and maintain processes to provide opportunities for Maaori to contribute to decision-making processes,
- Consider ways to foster the development of Maaori capacity to contribute to decision making processes,
- Put in place processes to consult with Maaori, and
- Assist Maaori to better participate generally in decision making.

### **3.3 GOVERNANCE**

Strategic and policy issues and issues affecting mana whenua, will generally be addressed through the relevant mana whenua forum.

### **3.4 OPERATIONAL**

Operational issues will be addressed within the context of the strategies and policies approved by Council and/or the mana whenua forum.



Operational issues affecting mana whenua as a whole or several mana whenua forum members will be addressed through the mana whenua forum in the first instance.

Operational issues affecting individual iwi/hapuu will be addressed by Waikato District Council staff directly with iwi/hapuu.

### **3.5 RESERVATION OF RIGHTS TO RELATIONSHIP AT GOVERNANCE/CEO LEVEL**

Mana whenua forum members reserve the right to have discussions with the Waikato District Council Chief Executive, the Mayor and/or elected members on any issues.

## **4. REPRESENTATION**

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### **4.1 MANA WHENUA REPRESENTATION ON MANA WHENUA FORUMS**

Mana whenua will appoint a representative to be a member of the Mana Whenua Forum and will advise Council of that representative

### **4.2 MANA WHENUA REPRESENTATION**

- It is recognised that individuals, incorporations, land trusts etc, within the rohe may not be mandated to speak on behalf of mana whenua, make decisions, or enter into agreements (formal or otherwise) that affect the iwi / hapuu.
- It is recognised that mana whenua forum members are accountable to their respective mana whenua groups. It is also the responsibility of the members to report back and be guided by the direction and responses from their iwi / hapuu / marae.

## **5. CONSULTATION**

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Council recognises that:

- Individual communities of interest have their own consultation processes and timeframes that should be taken into consideration when Council initiates its consultation process; and
- Sufficient time needs to be allowed and appropriate information provided for people to make a meaningful contribution to the issues under consultation.

In this respect it is recognised that Mana Whenua Forum members need adequate opportunity to hold hui and to develop an understanding and consensus by the iwi/hapuu. Council will help provide support to build the capacity of these forums as best that it can.

## **6. PROCESS AND ARRANGEMENT FOR ADDRESSING SPECIFIC ISSUES**

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### **6.1 ADDENDUMS**

Where there are specific significant issues which mana whenua forums and Waikato District Council are addressing, which require agreed processes and arrangements beyond that provided in this Terms of Reference, then an addendum to this Terms of Reference will be developed.

The addendum will be mutually agreed by both parties and will remain in place until such time as the issue has been resolved to the satisfaction of both parties.

### **6.2 IWI AND HAPUU MANAGEMENT PLANS**

Council recognises and gives effect to the iwi/hapuu and Iwi Management Plans as policy reference documents.

## **7. CONFLICT OF INTEREST OF INDIVIDUALS**

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The Waikato District Council and Mana Whenua Forum members agree that, in respect of its dealings with each other, as far as possible conflicts of interest will be avoided.

Some instances where conflicts of interest may occur include situations in which:

- an individual's personal interests may affect that individual's judgement in acting in the best interest of Mana Whenua.
- the issue may give rise to an individual or the individual's whanau receiving a financial benefit
- the individual's interest is greater than the interest of the Mana Whenua.

This is by no means a definitive or exhaustive list.

## **8. TERMS OF REFERENCE REVIEW**

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A formal review of the Terms of Reference shall be undertaken by the parties on an annual basis.

These Terms of Reference can be reviewed from time to time, as required, by mutual agreement of the parties.

## **9. CROWN CLAIMS AND RELATIONSHIPS**

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Nothing in this relationship or the process mitigates or prejudices in any way the basis of claims before the Waitangi Tribunal or any historic, current, and future dealings with the Crown, nor does it represent any position or agreement about the level or nature of redress that this relationship might represent for claimants individually or collectively.





**SIGNED** by

**THE MAYOR** of

Te Kaunihera aa Takiwaa o Waikato  
Waikato District Council

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**Mayor Jacqui Church**

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**Chief Executive – Gavin Ion**

In the presence of

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Witness

**Date:**

Draft – Not Council Policy

<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Governance Structure – Additional Delegations</b>
Date:	12 December 2022
Report Author:	Vishal Ramduny, Strategic Initiatives and Partnerships Manager
Authorised by:	Gavin Ion, Chief Executive

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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This report seeks Council approval for amendments to the Governance Structure adopted on 9 November 2022 by:

- Adding a member and an alternate member to the Regional Transport Committee (RTC), a Committee of the Waikato Regional Council.
- Adding a member to the Future Proof Metropolitan Public Transport Sub-Committee (a sub-Committee of the Regional Transport Committee) and, by virtue of this, an alternate member to the Future Proof Implementation Committee (FPIC).
- Appointing Peter Stubbs as the Independent Chair of the Development Agreement Committee.

## **2. Executive summary**

### **Whakaraapopototanga matua**

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As per section 41 of the Local Government Act the Mayor sets a governance structure and appoints the Chairperson(s) for committees and sub-committees. The appointments for Council were confirmed at the Council meeting held on 9 November 2022.

Council is requested to consider the following additional appointments:

#### Regional Transport Committee

Waikato District Council Member – **Cr Eugene Patterson**

Waikato District Council Alternate Member – **Cr David Whyte**

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Metropolitan Public Transport Sub-Committee (or amended name)

Waikato District Council Member – **Cr Eugene Patterson**

Waikato District Council Alternate Member - **Cr David Whyte**

Future Proof Implementation Committee

Waikato District Council Alternate Member – **Cr Eugene Patterson**

**Note:** Mayor Jacqui Church and Deputy Mayor Carolyn Eyre have already been confirmed as Council's representatives on FPIC.

It should be noted that the name of the Metropolitan Public Transport Sub-Committee could potentially change as the Waikato Regional Council is in the process of finalising its establishment, but its scope will be the Hamilton-Waikato Metropolitan Spatial Area. This sub-committee will replace the previous Regional Connections Sub-Committee (on which Waikato District Council was previously represented by Councillor Patterson).

There is support from the Future Proof Chief Executive Advisory Group for the establishment of such a sub-committee to implement the Hamilton-Waikato Metropolitan Transport Programme Business Case. Irrespective of the name of the sub-committee, it makes sense that since this structure would deal with transport matters within the Hamilton-Waikato metropolitan area (and report to the Regional Transport Committee) that Cr Eugene Patterson also be Council's representative on this sub-committee and that Cr David Whyte be his alternate. This will mirror Waikato District Council's representation on the RTC and enable consistency of representation and alignment of thinking on transport and public transport matters at both the sub-regional and regional scale.

Cr Patterson's appointment as an alternate to Mayor Church and Deputy Mayor Eyre on FPIC would in turn enable better alignment between regional and sub-regional development strategy and transport infrastructure planning and implementation matters discussed at the RTC and the Metropolitan Public Transport Sub-Committee.

The other matter being addressed in this report is the appointment of Peter Stubbs as the Independent Chair of the Development Contributions Committee. Peter is known to Council through his role as Independent Chair of Co-Lab and Council's own Audit & Risk Committee.

Development Agreements is one area that the council would like independent guidance and this has been factored into the Governance Structure.

Peter Stubbs has many years' experience in commercial law and this along with his logical and enquiring mind makes him an ideal choice. There is no perceived conflict of interest between this role and other roles that Peter holds.

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### **3. Staff recommendations** **Tuutohu-aa-kaimahi**

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**That the Waikato District Council confirms the following additions to the Governance Structure for 2022-2025:**

- a. the appointment of Cr Eugene Patterson as the Council member on the Regional Transport Committee.**
- b. the appointment of Cr David Whyte as the alternate Council member on the Regional Transport Committee.**
- c. the appointment of Cr Eugene Patterson as the Council member on the Metropolitan Public Transport Sub-Committee (or amended name).**
- d. the appointment of Cr David Whyte as the alternative Council member on the Metropolitan Public Transport Sub-Committee (or amended name).**
- e. the additional of Cr Eugene Patterson as the alternative Council member on the Future Proof Implementation Committee.**
- f. appointment of Peter Stubbs as the Independent Chair of the Development Agreements Committee.**

### **4. Attachments** **Ngaa taapirihanga**

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Attachment 1 – not available at the time the agenda went to print and will be circulated under separate cover.

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<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Delegations Register - Staff</b>
Date:	21 December 2022
Report Author:	Gaylene Kanawa, Democracy Manager
Authorised by:	Gavin Ion, Chief Executive

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To seek approval to delegate to the Chief Executive (or their nominee) the authority to update the Delegations Register to reflect changes in staff positions.

To confirm that all existing delegations authorised by the Chief Executive are continuing in effect and always remain valid regardless of whether those existing delegations are listed in the Delegations Register (in its current form) or not.

To delegate to the Chief Executive the power to authorise all delegations including statutory, operational, and financial delegations.

To delegate to the Chief Executive and Her Worship the Mayor the power to issue staff warrants.

## **2. Executive summary**

### **Whakaraapopototanga matua**

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The Council's power, functions and duties are all prescribed either expressly or implied by various Acts and Regulations, with the most significant being the Local Government Act 2002. Collectively, this legislation sets the framework within which the Council and its staff must operate.

The Council delegates responsibilities to Committees, Community Boards and Officers to assist in the effective and efficient implementation of its functions, duties and powers. There are three types of delegations:

- 1. Statutory** – These delegations relate to the positions held by officers where the powers, duties and functions of those positions are specifically referenced in legislation. Examples of this include the Chief Executive Officer, Animal Control Officers and Enforcement Officers.
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2. **Discretionary Statutory** – These delegations relate to the functions, duties and powers of the Council that may be lawfully delegated, and the Council chooses to do so. Examples include delegating to a Committee the authority to hear and consider submissions, the authority granted to Community Boards to disburse community grants, and the ability of staff to affix the common seal of the Council to documents.
3. **Operational** – These delegations are generally made to staff by the Chief Executive to facilitate the efficient and effective operation of the organisation. Examples include the authority to purchase goods and services within certain fields as part of approved budgets, and the authority to recruit staff.
4. **Financial** - These delegations are made by the Chief Executive to authorise spending by a position holder when that spending is necessary to carry out their roles.

In 2019 the Council adopted a “Governance Structure” which set out the Mayor’s Council and Committee Structure as per s41A of the Local Government Act 2002. This document set out the delegations and terms of reference for Council, committees, community boards and other decision-making bodies, along with appointments to various community organisations and committees.

The intention was the “Governance Structure” would remove relevant sections from the existing Delegations Register, which in effect separated governance/elected member and operational/staff delegations.

However, the delegations register itself was only partially reviewed due to COVID19 provisions and delegations made to the Chief Executive (or his nominee) in liaison with the Mayor (or his nominee). All amendments or warrants issued last term were approved by the Chief Executive and the Mayor.

At the 9 November 2022 Council meetings, the 2022-2025 Governance Structure was approved by Council, however no recommendation was put forward regarding the Chief Executive being authorised to update the operational, financial, and statutory delegations to officers.

This report seeks to rectify that so staff can be issued with warrants and other delegations as appropriate to their roles.

### 3. Staff recommendations Tuutohu-aa-kaimahi

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**That the Waikato District Council; as per Schedule 7, clauses 32, 32A and 32B of the Local Government Act 2022:**

- a. **delegates the Chief Executive (or his nominee) the power to update and maintain the Delegations Register for the 2022-2025 triennium; and**
  - b. **confirms that all existing delegations authorised by the Chief Executive are continuing in effect and always remain valid regardless of whether those existing delegations are listed in the Delegations Register (in its current form) or not; and**
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- c. delegates to the Chief Executive the power to authorise all delegations including statutory, operational, and financial delegations; and
- d. delegates to the Chief Executive and Her Worship the Mayor, Mrs JA Church, the power to issue staff warrants.

## 4. Discussion Matapaki

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As discussed earlier in the Executive Summary the Delegations Register needs significant updating to reflect engagement of new staff, alterations to roles and legislative changes which have impacted on statutory changes, e.g. the Local Authority Members Interests Act (LAMIA) requires that Councils appoint a Registrar to monitor and update the Elected Members and Staff Interests register – this is a new statutory appointment for which the appropriate staff member will be appointed via the Delegations Register. A more detailed overview of what the register deals with as per the legislation is detailed below.

The Local Government Act 2002 (Clause 32 of Schedule 7) enables Council to delegate to any other officer of the Council one or more of his or her powers under the Local Government Act except the power to delegate and any power where either the statute prohibits delegation, or the Council prohibits delegation.

The Council and the Chief Executive, through the provisions of the Delegations Register, will sub-delegate the appropriate powers, functions, and duties (being discretionary statutory and/or operational delegations) to the most appropriate competent level of decision-making. This approach is consistent with the provisions of the Local Government Act 2002.

Where the Chief Executive or any other officer receives a discretionary statutory delegation from the Council, that officer may not sub-delegate that power, duty, or function unless specifically authorised to do so by the Council.

Where any operational delegation has been authorised by the Chief Executive, the officer holding that delegation may not sub-delegate that authority to any other staff member unless authorised by the Chief Executive to do so.

In all cases where an officer has been permitted to sub-delegate an authority:

- a. The Delegations/Warrants Request Template must be filled out, stating the power, duty or discretion being sub-delegated, and any associated conditions or constraints.
- b. Copies are forwarded to the Chief Operating Officer, who will be responsible for updating this Register and the financial management systems.
- c. A copy is recorded on the delegations file.

Unless there is a statutory or operational impediment, any delegation made to a staff position will also be made implicitly to the manager/supervisor of that position.

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**General conditions of delegations to staff**

1. Delegated decisions are a decision of Council and are binding.
2. In making a decision, or carrying out a duty under delegated authority, the delegates must make themselves aware of and have regard to:
  - a. Council's Long-Term Plan and other relevant Council or committee approved plans, policies, and strategies
  - b. the political context in which they are working
  - c. any statutory requirements
  - d. possible conflicts of interest
  - e. the materiality of the decision to be made
  - f. short and/or long-term ramifications of the decision/choice to be made
  - g. relative risk to the organisation of the decision/choice to be made
3. The delegate shall abide by the principles of decision making as set out in the Local Government Act 2002.
4. Where a decision is politically sensitive, the delegate shall seek input from a higher organisational level, or committee, or the Council, whichever is the most appropriate.
5. Major decisions made under delegated authority must be reported in writing to the Council or relevant committee.
6. The delegate must act within the law, Council policy (as approved by the Council from time to time) and the Long-Term Plan.
7. The Council notes that position titles change from time to time and hereby records that these delegations are given to the holders of positions as they are named at the date of this resolution and to holders of equivalent, albeit re-named, positions in the future.

**Financial delegations**

The Council uses public funds, and it is essential that processes be in place to ensure the effective and transparent management of resources. In the interests of maintaining transparency, delegations to staff will follow the 'one up' process of authorising the purchasing of goods and services or taking actions that might be perceived as having direct personal benefit to staff. Examples include travel, accommodation, equipment, and food. Where an officer has authority to commit such expenditure, approval to do so will be subject to that officer's manager.

**Statutory authorisations**

It is the responsibility of the General or Team Manager to ensure that the warrants held by staff who require them to carry out statutory delegations and enforcement are current.

In this Register all delegations are from the Council to the Committee, Subcommittee, Subordinated decision-making body, Community Board, or person receiving the delegation unless expressly stated otherwise.

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From time to time the Council may delegate authority by resolution to determine a specific issue and this authority will exist only so long as that matter is unresolved and will then lapse. This is a specific delegation which will not be recorded in this manual.

This register principally sets out the delegations to the Chief Executive and other officers. Schedules containing the names of staff and the statutory positions held is provided at the back of this register.

### **Delegations to Committees, Subcommittees and Subordinate Decision-Making bodies**

The Council's delegations to Committees, Subcommittees and Subordinate decision-making bodies, along with their respective Terms of Reference, are set out in the "Governance Structure", which is accessible on the Council's website.

### **Delegation to Community Boards**

Community Boards are separately constituted and have powers accorded to them by Section 52 of the Local Government Act 2002. Community Boards may have powers delegated to them by the Council in accordance with Clause 32 Schedule 7 of the Act, other than those matters set out in Clause 32(1) of Schedule 7 of the Act.

The Council can delegate an authority to Community Boards, except anything that would allow Boards to:

- a. acquire, hold, or dispose of property; or
- b. appoint, suspend, or remove staff.

### **Delegations to Staff**

The staff delegations are presented in a consistent format. The template is designed to provide the reader with additional information to assist with understanding and/or application of the Delegations Register. The template used is explained as follows.

#### **Name of Officer's Position**

- **Linkages** – To legislation and Council policy documents.
  - **Reporting to** – The supervisor to whom the officer reports.
  - **Statutory Appointment** – The name and legislative reference for positions required by statute.
  - **Statutory Delegations and Enforcement** – The powers, duties and functions accorded to statutory positions and the legislative reference for each.
  - **Discretionary Statutory Delegations** – The power, duties and functions the Council has chosen to delegate to the position and the legislative reference for each.
  - **Operational Delegations** – The authority delegated to the position by the Chief Executive.
  - **Personnel Delegation** – The authority delegated to the position by the Chief Executive relating to the day-to-day management of staff.
  - **Financial Delegations** – The financial authority assigned to the position by the Council.
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## **Delegations Development and Review**

The Council will continue to develop delegations as required to ensure the effective and efficient discharge of its functions, duties, and powers.

The following process will apply to the development and review of the delegations:

- new delegations will be developed as required;
- where circumstances warrant, existing delegations will be reviewed and be amended; and
- all delegations to Committees and Community Boards will be reviewed following each triennial Council selection as part of the Governance Structure.

This Register will be available in electronic format only. Relying on a printed version of this Register carries the risk that the contents are outdated. Following any changes, the electronic format will be updated as soon as practicable.

## **5. Next steps** **Ahu whakamua**

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The Chief Executive will delegate the Legal Counsel and Delegations Advisor to review and update the Delegations Register as required. All changes will be reviewed by the relevant Executive Leadership Team members, with final authorisation being signed off by the Chief Executive and uploaded to Council's website.

Following this initial review the register will be regularly updated, with any significant changes being reported to the relevant Committee.

## **6. Attachments** **Ngaa taapirihanga**

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There are no attachments for this report.

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<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Delegations to the Chief Executive for the Holiday Period</b>
Date:	21 December 2022
Report Author:	Gaylene Kanawa, Democracy Manager
Authorised by:	Gavin Ion, Chief Executive

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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The purpose of the report is to seek the Council’s approval to a temporary, conditional extension of the Chief Executive’s delegations to enable urgent Council decisions to be made during the Christmas/New Year period.

## **2. Executive summary**

### **Whakaraapopotanga matua**

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To ensure operations that usually require a decision of Council, or a Committee continue without interruption during the Christmas/New Year Holiday period Council has in the past delegated its responsibilities, duties, and powers to the Chief Executive (except those that cannot be delegated), subject to certain limitations and conditions.

For the purpose of this report, the “Christmas/New Year period” is from Thursday, 22 December 2022 until Sunday, 15 January 2023. Any extended delegations would only apply for the restricted time-period noted.

It is Council’s decision whether to approve such a plan or retain the status quo, which would be to implement a meeting of the Emergency Committee as per the Governance Structure. This would require the Emergency Committee to be on “standby” throughout the holiday period should any urgent matters arise.

The Emergency Committee consists of Her Worship the Mayor, the Deputy Mayor, and the Chairpersons of the Infrastructure Committee, Performance & Strategy Committee, and Sustainability & Wellbeing Committee. This Committee would be convened if necessary for any further decisions required from Monday, 16 January 2023 until the next scheduled meeting of Council in mid-February.

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### **3. Staff recommendations Tuutohu-aa-kaimahi**

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**THAT the Waikato District Council:**

- a. except as otherwise recorded in this resolution, the Council extends the Chief Executive's current delegations (detailed in the Council's Delegations Register) to include all of Council's responsibilities, duties, and powers currently retained by the Council or delegated to the Council's standing Committees (except the District Licensing Committee), subject to the following conditions:**
    - i. the extended delegations will have effect only for the period from Thursday, 22 December 2022 until Sunday, 15 January 2023;**
    - ii. the extended delegations do not include a delegation of any Council responsibilities, duties or powers which are prohibited by law from delegation - including, without limitation, those set out in Clause 32 of Schedule 7 to the Local Government Act;**
    - iii. the Chief Executive may only exercise the extended delegations for those matters that cannot reasonably wait until the next Council or relevant Committee meeting;**
    - iv. where reasonably practicable, the Chief Executive must, before exercising an extended delegation responsibility, duty or power, first consult with:**
      - 1. the Mayor (or the Deputy Mayor if the Mayor is not available); and**
      - 2. the Chairperson (or Deputy Chairperson, if the Chairperson is not available) of the relevant Committee, which would otherwise have the delegated authority to determine the issue for which the Chief Executive is intending to exercise the extended delegations.**
    - v. any decisions made and documents executed in exercising the extended delegations must be reported to the next meeting of Council or relevant Committee;**
    - vi. the extended delegations may be revoked at any time by the Council or the Emergency Committee. In the event there is any inconsistency between this delegation and any other delegations made by the Council, this delegation takes precedence.**
  - b. notes and agrees that, in the event that the Chief Executive is not available, the Chief Operating Officer can exercise any of the extended delegations noted above, subject to the same conditions;**
  - c. temporarily amend the Emergency Committee's Terms of Reference and Delegations to remove the pre-requisite that a Council meeting is precluded due to a lack of quorum before an Emergency Meeting can proceed, provided that:**
    - i. such amended Terms of Reference and Delegations shall apply only for the period from Monday, 16 January 2023 until the next scheduled ordinary meeting of Council in mid-February; and**
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- ii. all Councillors be invited to any Emergency Committee (via audio visual conference) meeting convened during that period; and
- iii. noting the Emergency Committee would need a quorum of two (2) members in person.

#### **4. Attachments**

#### **Ngaa taapirihanga**

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There are no attachments to this report.

<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Schedule of Meetings - 2023</b>
Date:	12 December 2022
Report Author:	Gaylene Kanawa, Democracy Manager
Authorised by:	Gavin Ion, Chief Executive

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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The purpose of this report is to seek the Council's approval of a proposed schedule of Council and Committee meetings for 2023.

## **2. Executive summary**

### **Whakaraapopotanga matua**

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It is good practice for Council to adopt a schedule of meetings for the following calendar year so that the business of the Council can be conducted in an orderly and transparent manner, and to allow public notification of meetings to be given in compliance with the Local Government Official Information and Meetings Act 1987. Clause 19, Schedule 7 of the Local Government Act 2002 contemplates that a local authority can adopt a schedule of meetings for any future period it considers appropriate.

Once adopted, the schedule of meetings can be amended and notified to elected members. In the event that the Council or a Committee need to meet on an urgent matter outside the proposed cycle, this can be achieved by way of an extraordinary or emergency meeting in accordance with the requirements under the Local Government Act 2002 and Local Government Official Information and Meetings Act 1987.

The proposed schedule is based on the following principles:

- A six-weekly meeting cycle is retained for the Council and its four principal committees (Infrastructure, Sustainability & Wellbeing, Performance & Strategy and Policy & Regulatory). However, this does not come without some sub-issues for the Performance & Strategy Committee regarding reporting timeframes.
  - Performance & Strategy Committee – change of frequency required or out of cycle meetings specifically for annual plan/annual report requirements. The Chief Financial Officer has advised also that for the annual plan/report periods the Audit & Risk Committee needs to meet prior to this Committee.
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- It is noted that extraordinary meetings will be scheduled as and when required for the Policy and Regulatory Committee to consider by-law review hearings and deliberations.
- The Proposed District Plan Sub-Committee have requested some specific dates in February/March with monthly meetings following that which can easily be cancelled if not required.
- The dates for the Audit & Risk Committee's and Co-Governance Joint Committee meetings with Waikato Tainui have not yet been finalised with the independent chairperson and co-governance group, therefore a report will be provided to the February Council meeting finalising these dates.
- The Waters Governance Board has determined its own meeting dates for 2023 – this has been finalised in some cases and the balance of meetings are currently being worked through with the board members.
- Each Community Board and Community Committee has determined their own meetings schedule for 2023 – separate reports were presented to each Board/Committee prior to Christmas for this purpose and are set out in this schedule.
- Staff have arranged the meeting schedule for Community Boards to ensure that there are only two community board meetings per week and we have also tried to avoid having Council or Committee meetings on these days. However, this will not apply for any outstanding induction training that was deferred to 2023.
- Workshops will continue to be scheduled to follow on from Council and principal committee meetings. It is further noted that staff have also requested monthly Long-Term Plan workshops commencing in May 2023.
- There are a number of induction events that were delayed to the new year, including the bus tours of various wards. It is likely that the bus tours will occur in March 2023.

If approved, staff will arrange for meeting invitations to be circulated to Councillors and other stakeholders.

### 3. Staff recommendations Tuutohu-aa-kaimahi

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**THAT the Waikato District Council:**

- adopts the 2023 Meeting Schedule for Council and Committees, as circulated under separate cover; and**
- notes that a further report will be provided to the February Council meeting advising of dates for the Joint Management Committee meetings once finalised with our Iwi partners.**

### 4. Attachments Ngaa taapirihanga

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Attachment 1 – not available at the time the agenda went to print and will be circulated under separate cover.

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<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Update on Appeals to the Proposed Waikato District Plan</b>
Date:	21 December
Report Author:	Sandra Kelly, Programme Manager District Plan
Authorised by:	Clive Morgan, General Manager Community Growth

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To update Council on the progress with appeals to the Proposed Waikato District Plan (PDP).

## **2. Executive summary**

### **Whakaraapopototanga matua**

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To date the PDP Subcommittee have considered 27 appeal topics/subtopics and a further two are to be considered in early 2023. These last two topics have been held back in order to consider the implications of V3 – Enabling Housing Supply.

In addition, there is one appeal which is the subject of consideration by the Environment Court as to whether all the matters raised in the appeal are within the scope of the submission. The Court will make a determination on this in early 2023, and at that point the PDP Subcommittee can consider that particular topic.

The Court has issued consent orders confirming the appeals have been settled for the following two parties:

- Chorus, Spark and Vodafone
- Ports of Auckland

Three appeals have been withdrawn and one appeal has been struck out by the Environment Court.

In response to Council's updates to the Environment Court, the negotiation phase for all appeals must be completed by 31 March 2023. The negotiation phase will then move to Court-assisted mediation for those appeal points that have not yet been resolved.

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### 3. Staff recommendations Tuutohu-aa-kaimahi

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**That the Waikato District Council receives the report on the Update on Appeals to the Proposed Waikato District Plan.**

### 4. Background Koorero whaimaarama

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In July 2018 the PDP was notified; Council received over 989 submissions and 423 further submissions for stage, and 189 submissions and 34 further submissions on stage 2 (which was notified in 2020). An Independent Hearings Panel (IHP) was appointed to hearing the submissions made to the PDP and the hearings took place between 2019-2021. In total over 42 hearings were held.

The IHP made a decision on the submissions and Council notified the decision on 17 January 2022.

Any person who meets certain criteria can appeal parts of the decision. The appeal period closed on 1 March 2022 and the s274 parties closed on 1 April 2022. Council received 66 appeals and 256 section 274 notices from 89 parties.

The Governance Structure of the Waikato District Council established the PDP Subcommittee to help carry out its function and delegate power and responsibilities to the members of the Subcommittee.

The purpose of the PDP Subcommittee is to assist the Chief Executive and officers to make timely decisions on any matters relating to any appeals or other proceedings relating to Council's decision of the PDP.

The Subcommittee have been delegated the following powers to act:

1. *To make decisions in relation to any direction sought by the Chief Executive and/or officers in relation to any matters relating to:*
  - a) *The hearings on submissions and further submissions on the Proposed District Plan; and*
  - b) *Any appeals or other proceedings relating to Council's decisions on the Proposed District Plan.*

*NOTE: The authority under paragraphs 1 a) and b) includes the power to direct the Chief Executive or officers to engage any expert or legal counsel.*

2. *To determine an approach for resolving any appeals or other proceedings on Council's decisions on the Proposed District Plan.*
  3. *To delegate to the Chief Executive or any officer participating in an alternative disputes resolution process ("ADR process") (as defined in section 268(4) of the Resource Management Act 1991) in relation to any Environment Court proceeding arising from Schedule 1 of the Act or any other ADR process directed in any other proceedings), the authority to make decisions on behalf of Council, within any parameters given by the Subcommittee, on any matters that may reasonably be expected to arise in the ADR process.*
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4. *To authorise the Chief Executive, or his delegate, together with any other member of the Executive Leadership Team, to jointly consider and approve, within any parameters given by the Subcommittee, the content of any draft consent order to be submitted to the Environment Court to resolve any appeal on Council's decisions on the Proposed District Plan.*
5. *To report to the Policy & Regulatory Committee on a quarterly basis (as a minimum) with a summary of the matters considered and decisions made by the Subcommittee.*

## 5. Discussion Matapaki

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The topic-based structure was agreed to by the previous Subcommittee and approved by the Environment Court to ensure the appeals are managed efficiently.

Since April 2022, the PDP Subcommittee have met on 13 occasions to consider each topic-based report written by staff and independent reporting planners.

The reporting planners are independent experts. Their role is to assess each appeal point against the planning and statutory frameworks. They provide detailed summaries and recommendations on each appeal point and/or topic which is informed by their analysis of the submissions, further submissions, section 42a reports, and the IHP decision documents.

The reporting planners present the reports to the PDP Subcommittee for consideration. The PDP Subcommittee provides direction to the reporting planning for each appeal point and the reporting planner then progress negotiations on behalf of the PDP Subcommittee. All discussions, reports and directions are confidential.

For information purposes a link is provided to the [Report 3: Overview Report and Decisions of the Waikato District Plan](#) written by the IHP which will help provide some context around the decisions on the PDP.

Negotiations have begun for most of the appeal topics, and these will continue through until March 2023 when the next progress report is due to the Environment Court.

## 6. Next steps Ahu whakamua

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The PDP Subcommittee is required to report to the Policy & Regulatory Committee on a quarterly basis and will meet as and when required as appeal negotiations and mediation progress.

## 7. Attachments Ngaa taapirihanga

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There are no attachments for this report.

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<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Whatawhata Community Facility Funding Update</b>
Date:	21 December 2022
Report Author:	Anthony Averill, Community Connections Manager
Authorised by:	Megan May, Deputy General Manager Service Delivery

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To inform the Council on progress made on the Whatawhata Community Facility Project.

#### **AND**

To seek approval to increase the project budget to complete consent required carpark work.

## **2. Executive summary**

### **Whakaraapopototanga matua**

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The Whatawhata Community have worked for a number of years to seek funding to support the build of a community facility. This has come from Waikato District Council Long Term Plan seed funding, WEL Energy Trust support and community fundraising. In April 2022, Mitchell Construction Ltd were awarded the contract to complete the construction of the building. This contract was awarded with the understanding that there was insufficient budget to support the full build but acknowledged that additional funding applications had been made and it was hoped that the funding shortfall could be met this way.

It was also accepted that any remaining budget deficit/funding shortfall be underwritten by council and converted to a community loan (repaid by targeted rates) at the completion of this project.

This project is now well underway, and it is anticipated that it will be completed mid-February.

Staff now have a clearer understanding of what the funding shortfall will be and therefore, are providing an update to Council of this value.

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### 3. Staff recommendations Tuutohu-aa-kaimahi

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**That the Waikato District Council:**

- a. approves the project budget increase for Whatawhata Community Facility from \$1,337,404 to \$1,497,404; and**
- b. approves that the unfunded portion of this budget will be loan funded and repaid by Whatawhata Community targeted rates at the completion of this project.**

### 4. Background Koorero whaimaarama

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A report was presented to the Waikato District Council Strategy and Finance Committee on 26 July 2021 which sought approval to direct appoint Mitchell Construction to undertake the physical construction of the Whatawhata Community Facility. This recommendation came from staff following successful delivery of the Tuakau Library Project by this company. It was also recommended following an unsuccessful funding application which was declined due to an inflated Quantity Surveyors estimate which indicated a construction cost 30% above what had previously been determined. By engaging a contractor early, opportunities for value engineering and costing advice could be optimised.

Resolution S&F2107/09 is as follows and supported this recommendation and also delegated the approval of the contract value to Council Committee members once pricing was finalised.

*Resolved: (Crs Woolerton/McGuire) THAT Strategy & Finance Committee approves a procurement policy exemption to directly appoint Mitchell Construction for value engineering and as a construction partner for the Whatawhata Community Hub project;*

*AND FURTHER THAT the contract amount will be approved by the appropriate committee members (as per delegation policy) once pricing and funding is finalised*

*CARRIED S&F2107/09*

*Ms Maxine Moana-Tuwhangai requested her vote against the above resolution be recorded. Cr Smith requested his abstention to the above resolution be recorded.*

Following this approval, Mitchell Construction were engaged to assist with value engineering which resulted in a reduced construction cost. This, in turn, generated a successful funding application which provided an additional \$300,000 to support the progression of the project.

In April 2022, A tender memo was prepared and presented to a large number of staff, Councillors and His Worship the Mayor. This was signed and provided approval to award Contract 20/056 to Mitchel Construction with an Approved Contract Sum of \$1,247,904.

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This memo brought attention to the fact, there was inadequate funding available to complete the project, but it was anticipated that there would be \$230,000 contribution through In-kind donations, Wellbeing Trust grant and Blueprint Funding.

Whilst this posed a risk, WDC supported the continuation of the project and acknowledged any funding shortfall would be underwritten by council and converted to a community loan (repaid by targeted rates) at the completion of this project.

This is detailed in clause 5.2 of the attached Tender Evaluation for Contract 20/056 Whatawhata Community Facility New Build Memo.

## 5. Discussion and analysis

### Taataritanga me ngaa tohutohu

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The Blueprint funding and the Wellbeing Trust grant applications were successful, but staff and the community group have not been able to realise the aspirations of the in-kind contributions which leaves \$100,000 of the original project budget unfunded.

In addition to this, there have been other unforeseen project costs as follows;

#### Archaeological Analyses

Prior to excavation works, the site was subject to an Archaeological excavation where the infrastructure was to be installed. During the excavation works, the archaeologist discovered a number of kumara pits, colonial rubbish pits and a Scottish Military insignia from the 65th regiment.

The findings further confirmed the extent of the Military camp and the close proximity to the site of the new hall.

Sixty-six samples of differing sizes and material were recovered during this exercise and included the following items;

- remains of glass bottles and vessels,
- butchered bone,
- personal items and clothing (cross, buttons, buckles boot heel plates, etc),
- smoking pipes,
- charcoal (including charred fruit stones and woven flax fibre),
- metal items (including the remains of a cooking pot, containers, etc),
- militaria (cap badges and uniform items),
- soil samples from the floor of one of the pits.

Heritage NZ/Pouhere Taonga have since approved the project to continue.

This find has generated positive community interest but has resulted in an extended competition time and increased cost.

Spend to date on this work is \$13,466.94 with an anticipated additional cost of \$26,000. This equates to approx. \$40,000 additional costs.

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## Carpark Development

The Community Facility is currently being built on a site which only has access through Rothwell Lane and Waka Kotahi Road Reserve. Negotiations have been underway with Waka Kotahi, Ngaati Mahanga and the owner of the Village Café to confirm agreed levels of work WDC will complete on the carpark to support the facility.

This carpark is required to meet the conditions of the Resource Consent and supports Code of Compliance for the building.

The detailed design of the carpark has recently been completed and presented to the Waikato District Alliance for quoting. The quote provided is for \$182,981.03 which is higher than expected by staff.

We are now approaching other construction companies who have capacity to undertake this work in the coming two months and are seeking additional quotes.

Based on market analysis, we are optimistic that the carpark can be completed for under \$120,000. This cost, once finalised will be above the available project budget and will therefore need to form part of the community loan and repaid through a targeted rate.

These increased costs were discussed and minuted at the Whatawhata Community Association Committee Hui on 14 December 2022 but as staff were not present at this meeting, we are unsure of the level of discussion that occurred.

### **5.1 Options**

#### **Ngaa koowhiringa**

Staff have assessed that there are two reasonable and viable options for the Council to consider. This assessment reflects the high level of significance (see paragraph 6.1). The options are set out below.

#### Option one

Support the recommendations of this report which will support the progression of this project.

#### Option two

Do not support the recommendations of this report. This will stall the completion of this project and fail to deliver on community expectations.

Staff recommend option **one** as it supports the continued progression of this LTP and community funded project.

### **5.2 Financial considerations**

#### **Whaiwhakaaro puutea**

At project commencement, the total expected Project costs were \$1,337,404. This was made up of the following costs;

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<b>Contract Costs</b>	
Tendered Sum (Preferred Tender for this contract)	\$1,155,466.60
Contingency	\$92,437.33
Sub-Total – contract costs	\$1,247,903.93
<b>Non-Contract costs</b>	
Wel Networks-power supply	\$16,000.00
Building consent	\$3,000.00
Separable works-sound system, acoustic fencing	\$45,000.00
Professional Services Fees (Design & Supervision)	\$5,500.00
Project Management	\$20,000.00
Sub-Total	\$89,500.00
<b>Total Project Cost excluding GST</b>	<b>\$1,337,403.93</b>

With the inclusion of the additional costs, as detailed above, the proposed Project cost will increase to \$1,497,404 which is made up of the following costs;

<b>Contract Costs</b>	
Tendered Sum (Preferred Tender for this contract)	\$1,155,466.60
Contingency	\$92,437.33
Sub-Total – contract costs	\$1,247,903.93
<b>Non-Contract costs</b>	
Archaeological Assessment *Additional Cost	\$40,000
Carpark Construction *Additional Cost	\$120,000
Wel Networks-power supply	\$16,000.00
Building consent	\$3,000.00
Separable works-sound system, acoustic fencing	\$45,000.00
Professional Services Fees (Design & Supervision)	\$5,500.00
Project Management	\$20,000.00
Sub-Total	\$249,500.00
<b>Total Project Cost excluding GST</b>	<b>\$1,497,403.93</b>

The proposed increase to project cost will result in a community loan which will be funded by a targeted rate. As per our Significance and Engagement Policy,

*The Council will take into account the following matters when assessing the degree of significance of proposals and decisions, and the appropriate level of engagement:*

- a. Whether there is a legal requirement to engage with the community.*
- b. The degree to which the issue has a financial impact on Council or the rating levels (both targeted and general) of its communities:
 
  - i. Any transfer of ownership or control, or the construction, replacement or abandonment, of a strategic asset as defined in the LGA or listed in this policy.**

*ii. Decisions or proposals in excess of 10% of operating expenditure or which would result in a 5% or more increase to rates that are charged to all properties in the district, including the General Rate and the Uniform Annual General Charge, which has not been provided for in the Long Term Plan.*

*iii. Decisions or proposals which would result in a new or increased targeted rate of more than 10% of existing rates per property, except where the 10 percent targeted rate increase is less than \$20.*

The impact on ratepayers through the targeted rate has not yet been assessed but it is anticipated that the loan payments across the catchment will be less than 10% of existing rates.

Once the project is complete and the final loan amount is confirmed, targeted consultation will occur and the community can decide on the speed in which the loan is paid back, and therefore the impact on the ratepayer.

### **5.3 Legal considerations** **Whaiwhakaaro-aa-ture**

Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.

### **5.4 Strategy and policy considerations** **Whaiwhakaaro whakamaaherehere kaupapa here**

The report and recommendations are consistent with the Council's policies, plans and prior decisions and supports the progression of a Long Term Plan Project.

### **5.5 Maaori and cultural considerations** **Whaiwhakaaro Maaori me oona tikanga**

As detailed above in this report, this site has attracted the interest of Heritage NZ/Pouhere Taonga following the discovery of artifacts through the archaeological excavation.

These finds have been communicated with the wider community and Mana Whenua.

In addition to this, discussions have occurred, to form the basis of a Memorandum of Understanding, with Ngaati Mahanga to ensure shared use of the carpark which provides access to the Urupaa.

These discussions will be formalised as we near the completion of the project.

### **5.6 Climate response and resilience considerations** **Whaiwhakaaro-aa-taiao**

As this report relates to additional funding of this project rather than the construction of the facility, the matters in this report have no known impact on climate change or resilience for the Council.

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## 5.7 Risks Tuuraru

A project risk assessment was completed at the initial stage of this project and these risks have been managed as construction has progressed.

It is not anticipated that the recommendations of this report create any additional risk to WDC or this project.

## 6. Significance and engagement assessment Aromatawai paahekoheko

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### 6.1 Significance Te Hiranga

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

#### AND

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

- The proposal affects the level of service of a significant activity.
- The community interest is likely to be high.

### 6.2 Engagement Te Whakatuutakitaki

Highest level of engagement	Inform	Consult	Involve	Collaborate	Empower
	✓	✓	✓	✓	✓
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	<i>Significant consultation has already occurred for this project with community members having a high degree of influence over the final design. Additional consultation will be required once the total community loan fund amount is confirmed to determine the way in which this will be repaid through the targeted rate.</i>				

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

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

## 7. Next steps Ahu whakamua

If the recommendations of this report are approved, staff will proceed with the completion of the Whatawhata Community Facility project with an anticipated completion date of mid-February.

## 8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

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

The report fits with Council's role and Terms of Reference and Delegations. Confirmed

The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (*Section 5.1*). Confirmed

Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (*Section 6.1*). High

The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (*Section 6.2*). Confirmed

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The report considers impact on Maaori ( <i>Section 5.5</i> )	Confirmed
The report and recommendations are consistent with Council's plans and policies ( <i>Section 5.4</i> ).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities ( <i>Section 5.3</i> ).	Confirmed

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## 9. Attachments

### Ngaa taapirihanga

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Attachment 1 – Report -Whatawhata Community Hub Contract Award

Attachment 2 – Tender Evaluation for Contract; 20/056 Whatawhata Community Facility New Build

Attachment 3 – Whatawhata Community Centre and Village Café Carpark Layout

**Public Excluded**

<b>To</b>	Strategy and Finance Committee
<b>From</b>	TG Whittaker Chief Operating Officer
<b>Date</b>	14 July 2021
<b>Prepared by</b>	Paul McPherson Community Projects Manager
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	S&F2021
<b>Report Title</b>	Whatawhata Community Hub Contract Award

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

Good reason to withhold exists under section 7(2):	Ground(s) under section 48(1) for the passing of this resolution
(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	(a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist

## **I. EXECUTIVE SUMMARY**

This is a request for approval to negotiate with and direct appoint a Contractor to assist with the final scoping, costing, and construction of the Whatawhata Community Facility utilising funds from Waikato District Council (WDC), funds from external sources, and using donated and discounted goods and services.

## **2. RECOMMENDATION**

**THAT** the report from the Chief Operating Officer be received;

**AND THAT** Council approve/do not approve a procurement policy exemption to direct appoint Mitchell Construction for value engineering and as a construction partner for the Whatawhata Community Hub project;

**AND FURTHER THAT** the contract amount will be approved by the appropriate committee members (as per delegation policy) once pricing is finalised.



### **3. BACKGROUND**

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The proposed Whatawhata Community Facility new build has recently experienced funding issues due to The Lottery Grants Board (DIA) declining a funding application as it “*did not adequately demonstrate the organisation’s ability to deliver the project considering the funding shortfall...*”.

This was in part due to receipt of the Quantity Surveyors (QS) estimate of construction at a very late stage in the application cycle, and at a value 30% more than the previous estimate. With no time available to value engineer, or to peer review the value, the estimate was reluctantly incorporated into the application with the result that it indicated an apparent deficit in project funding, contributing to the decline decision.

The project team have reviewed the DIA feedback and propose to resubmit a robust application for the next funding round closing 1 September.

A key issue in current times is the unpredictable availability of materials, and the timeframes for shipping of materials equipment. This has created real or perceived shortages of common construction items. On top of this, the high demand for skilled labour, when movement of that labour across international boundaries is restricted, is creating a scarcity which is further driving up construction costs. As a result, estimates for construction projects are more difficult to assess, with Quantity Surveyors and Engineers making allowances for significant cost increases.

To do this we are engaging Mitchell Construction Ltd to assist with value engineering and provide costing advice. Mitchells recently successfully completed Tuakau Library Extension for Council with much collaboration, value engineering, and optioneering to meet the tight budget.

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

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#### **4.1 DISCUSSION**

##### **4.1.1 PROJECT FUNDING**

The recent declined funding decision has not met community expectations with a timeline of tendering and construction laid out after previous project delays. Having another application declined would create reputational damage and may impact on credibility, effecting the level of community donations of materials and services secured from the community.

If the upcoming September application is declined there would be a further delay of up to four months to the next application period, and the summer construction season would be missed. This would put the ground works in the winter construction period, which would be expected to add construction costs.

##### **4.1.2 PROCUREMENT POLICY**

The procurement policy requires that any spend of more than \$250,000 requires an open single or multi-stage Request for Quote/Tender (RFT/RFP) process. The proposed direction for direct appointing a design/construction partner is likely to exceed the delegation of the

Chief Financial Officer and the Chief Executive, so any procurement exemption requires Council approval. Staff are seeking this upfront as we need to engage the preferred partner for pricing work now.

The procurement policy also requires that all records are kept including decisions (this paper and resolution will be part of the procurement documentation). Projects of this value would normally have an external probity audit, however, the departure from policy will nullify this.

#### **4.1.3 RISK**

Policy principles have several requirements from a risk perspective:

- Be fair to all suppliers – going to the market cannot be achieved given the timing constraints.
- Use a competitive process wherever possible. The recent contract 20/009 Tuakau Library Extension and Refurbishment was completed on Monday 12 July 2021. This contract was publicly advertised on GETS. Following the tender evaluation, Mitchell Construction Ltd was awarded the tender. Due to insufficient time to go to the market, it is proposed that the recent competitively bid contract be a proxy for the selection process.
- Run a transparent process. This report is part of the transparency, with an upfront decision on risk approach required.
- Be fair and impartial. This cannot be achieved in a direct appointment process.

The proposed approach aligns well with the broader policy value of Innovation and Collaboration – working in ways that support and develop new and collaborative ways that promote inclusion and support diversity.

A recent issue with a local Contractor constructing public toilets for Waikato District Council highlighted the gap between local contractors Health and Safety systems, and WDC standards for Zero Harm. The Contractor required support from the Zero Harm team to produce suitable safety processes, and then required very close supervision by staff. Ultimately the works had to be completed by a different Contractor with more mature safety systems meeting Council's standards. This same issue may be encountered when the community donates services, depending on the level of the safety systems of the Contractor donating services.

In addition, there will be issues to resolve around responsibilities, with multiple contractors on site, if not covered by an overarching contract.

An experienced and collaborative Main Contractor can manage subcontractors who offer reduced-cost or in-kind services, and the level of Health and Safety management in accordance with Council requirements.

## **4.2 OPTIONS**

To enable the Whatawhata Community Hub to proceed in a timely fashion, a funding application needs to be submitted by the application closing date of 1 September. To achieve this, an estimate of the total project cost with a high level of confidence is needed in this time of fluctuating costs. This will provide The Lotteries Grants Board with the financial clarity to

approve the application, confident the project can be successfully completed with the stated funding and resources.

In addition, a process is needed to be able to have donated materials and services provided by the community and brought into the construction process. This is to ensure correct material specifications are utilised, and subcontractor management is carried out both in contract scheduling (timing) and complying with Health and Safety requirements.

**Option 1:** Direct appoint Mitchel Construction Ltd to undertake the physical works of the Whatawhata Community Hub to ensure that the cost of the Hub is known with the highest possible confidence. This also provides a mechanism to receive donated materials and services from the community while ensuring Council standards of Health and Safety are met, and risks to Contractors and the public are well managed. The process would include the following:

- Work with Mitchell Construction Ltd on a no guaranteed commitment basis.
- Utilise the *20/009 Tuakau Library Extension and Refurbishment* as the contract base.
- Confirm final design following collaborative value engineering.
- Negotiate pricing and construction methodology (including project plan, Zero Harm, resources, and personnel) based on the competitively tender rates from *20/009 Tuakau Library Extension and Refurbishment*.
- Utilise Quantity Surveyors rates to review and evaluate pricing.
- Request Council approval to award the Contract.

**Option 2:** Accept project delay. Best efforts would be made to assess project costs and provide that to the external funder in the application by 1 September, and if unsuccessful, developing further applications in the future until successful. Further unsuccessful applications may impact on community donations and further work to seek alternative donors may be needed.

If the application were to be successful, an open procurement process would be followed for a Main Contractor, with the inclusion of requirements to allow donated materials and services within the contract's management.

## 5. CONSIDERATION

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### 5.1 FINANCIAL

The project (Whatawhata Community Facility, PR No. IHA-11071-C0-0000-0119) is funded through a seed funding from Waikato District Council and other grants received and committed as follows:

Grants received:

Seed funding from Waikato District Council	
Council resolution WDC 1904/10	\$ 250,000
WEL Energy Trust	\$ 80,000
Whatawhata Resident & Ratepayers Asso.	\$ 22,000
Total grants received	<b>\$352,000</b>

Budget spent to date	\$207,983
Remaining budget to be carried forward	<b>\$144,017</b>
Other grants confirmed and committed towards the project:	
Trust Waikato	\$210,000
Waka Kotahi (NZTA)	\$ 15,000
Additional grants committed	<b>\$225,000</b>
Total available budget, IHA-11071-C0-0000-0119	<b>\$ 369,017</b>
Value of donated goods and services to be sought	\$ 140,983
Funding shortfall to be sought via Lotteries Grants Board	<u>\$ 590,000</u>
Initial budgeted cost for construction	<b>\$1,100,000</b>

## 5.2 LEGAL

There are no specific legal implications to policy departure.

## 5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

Option one requires a departure from Council's procurement policy.

The Chief Executive and Chief Financial Officer exemption threshold will likely be exceeded based on initial engineers estimates and therefore council would be required to approve the direct appointment if this option was the preferred approach.

There is risk that we receive a challenge on the approach by contractors in the marketplace. Upfront approval from council is required.

## 6. CONCLUSION

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To enable timely costing information for a (second attempt) funding application to *The Lotteries Grants Board*, costing information from the market is needed, otherwise further delay to the project and additional project costs may occur.

There is insufficient time to go to open tender before the next application closing (1 September).

By working collaboratively with a trusted Contractor with a recent competitively bid contract, direct costing negotiations can confirm the remaining funding needed, and community donations can be incorporated into the contract works.

Council is required to approve, or not approve a procurement policy exemption to direct appoint Mitchell Construction to construct the Whatawhata Community Hub.

## 7. ATTACHMENTS

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- Whatawhata Community Hub construction plans

## MEMORANDUM



To	His Worship the Mayor A Sanson, Infrastructure Chair Cr Patterson, Strategy and Finance Chair Cr Gibb, Chief Executive G Ion, General Manager R MacCulloch, Community Connections Manager M May, Community Projects Manager P McPherson
From	Trevor Ranga, Project Manager
Subject	<b>Tender Evaluation for Contract: 20/056 Whatawhata Community Facility New Build</b>
File	20/056
Date	11 April 2022

## 1.0 INTRODUCTION

- 1.1 The vision for the Whatawhata Community Facility (WCF) previously called the Whatawhata Community Hub, and to be known as 'Our Place', is to build a simple and modest building with the intention that the building will provide for a wide range of uses, by a wide range of users, and be suited to the wider community's needs.
- 1.2 The development of the WCF is supported by Council formally through the inclusion in the 2015-2025 Long term Plan (LTP).
- 1.3 Council delegated financial authorities, acknowledge the direct appointment of the Whatawhata Community Facility build to Mitchell Construction Ltd under Council resolution S&F2107/09 (PEX).
- 1.3.1 Council resolution S&F2107/09, Strategy and Finance Committee approve a procurement policy exemption to directly appoint Mitchell Construction for the value engineering and as a construction partner for the Whatawhata Community Hub project.  
And further that the contract amount will be approved by the appropriate committee members (as per delegation policy) once pricing and funding is finalised.
- 1.3.2 On the 03 March 2022, Mitchells Construction received the Council letter advising them the tender for the Whatawhata Community Facility Contract No. 20/056 of \$1,155,467 excl. GST, has been accepted.
- 1.3.3 The funding plan for the project is a collection of corresponding Council budgets and the acquisition of grants from internal and external funding groups i.e., Lotteries (DIA), Well-being Trust. Integrated into the funding make-up is the sourcing of in-kind contributions/donations to the value of \$100,000 ranging from specific building materials to appliances from suitable businesses.
- 1.3.4 Proceeding to construction with the current budget shortfall limits the project's risk of significant increases cost from inflation at a time when materials are at an all-time premium, and extended lead times for materials and labour are common.
- 1.4 This report has been prepared to request that the appropriate committee members and delegated financial authority holders approve Contract: 20/056 to Mitchell Construction, for the Whatawhata Community Facility New Build.

## 1.5 Project Allocation Budget

At present, \$394,017 is available in budget account code IHA-I1071-C0-0000-0119.

However, approved grants from Trust Waikato (\$210,000) and Lottery Community Facilities Fund (\$300,000) will be uplifted and added on to the budget once project will proceed.

In addition, surplus budget from Tuakau Library will also be transferred to project account code IHA-I1071-C0-0000-0119 based on approval of this tender report.

Particulars		Amounts (NZD)
<b>Funding received as of 1 April 2022</b>		
Seed funding from WDC as per Council resolution WDC 1904/10	\$ 250,000	
WEL Energy Trust	\$ 80,000	
Whatawhata Resident & Ratepayers Association	\$ 22,000	
<b>Available budget 2019-2020</b>	<b>\$ 352,000</b>	
Total project costs as of 30 June 2021	\$(207,983)	
<b>Total budget carried forward for 2021-2022</b>	<b>\$ 144,017</b>	
Additional budget transferred from Whatawhata Playground	\$ 250,000	
<b>Total available budget for 2021-2022</b>		<b>\$394,017</b>
<b>Other grants confirmed and committed towards the project</b>		
Trust Waikato Grant (refer grant application dated 29.08.2019) *	\$ 210,000	
Lottery Community Facilities Fund (as per funding team's email to Gavin Ion dated 03.12.2021) *	\$ 300,000	
<b>Total grants confirmed and committed</b>		<b>\$ 510,000</b>
<b>Surplus to be transferred from Tuakau Library project</b>		<b>\$ 110,410</b>
<b>Confirmed Budget and Funding Total</b>		<b>\$1,014,427</b>

\* Please refer annexures attached to this Tender Report for letters of support from funding organisations.

## 2.0 Background

2.1 Within the Whatawhata community there has been interest in building a new community centre for a number of years. This has been led by the Whatawhata Community Association (WCA) formally known as the Whatawhata Ratepayers and Residents Association (WRRRA). The WCA has carried out considerable background work and led discussion within the community. This resulted in the identification of a preferred site, scoping of the type of facility, and expected uses and user groups.

2.2 Early 2018, Council resolved to include the Whatawhata project development in the 2015-2025 Long Term Plan (LTP).

2.2.1 Council funded two pieces of work to support the proposed facility:

1. Hall Feasibility Survey - This comprehensive study noted that the Waikato community hall network was complete based on a drive time and accessibility assessment, but noted that a building at Whatawhata could be justified based on a Community of Interest approach. WDC supports the Community of Interest approach for Whatawhata.

2. Proposed Whatawhata Community Facility Preliminary Overview of Resource Consent Requirements. This report provides a preliminary planning assessment for the proposed facility, setting out likely resource consent requirements, and areas that may be the focus of those resource consents.

2.3 Resolution S&F2107/09. This provided the exemption of procurement to direct appoint Mitchell Construction for the value engineering and the construction partner for the Whatawhata Community Hub project.

And further, that the contract amount will be approved by the appropriate committee members and delegated authority holders (as per delegation policy) once pricing and funding is finalised. This approach has led to the project successfully securing a \$300,000 grant and links to further supporting funds. During these times of Covid, this construction partner approach has provided the key components needed to align the development with funding and certainty to control increasing costs in 2022.

2.4 The action by Council to commence construction of the facility, while managing a budget shortfall, manages risk of the shortfall growing. The approach also encourages stability for all project participants to commit and invest value for the best outcome for the project.

### **3.0 Discussion**

3.1 Mitchells Construction have an excellent proven track record and delivered success for the Tuakau Library Refurbishment and Extension.

3.2 Through the open market RFP process for the Tuakau Library Refurbishment and Extension, Mitchells won the preferred supplier. An independent audit was successfully completed by Audit NZ with minimal recommendations.

3.3 The approach for Council to approve exemption to direct appoint Mitchells Construction as Councils construction partner for the Whatawhata Community Facility, helps to mitigate the effects of the external forces at play. Locking in a contract with Mitchells will reduce the long lead times associated with building, and captures a reasonable build cost, while delivering on community outcomes.

### **4.0 Contract**

4.1 Contract No. 20/056 is a Lump Sum physical works contract for the construction of the Whatawhata Community Facility build.

4.2 Contract period is 98 working days, commencing on Monday 30 May 2022 and ending on Thursday 10 October 2022.

4.3 The scheduled quantities tendered include:

- Preliminary and general items including bonds and insurances, Site establishment, H&S
- Environmental controls, and documentation, carpentry, box/concrete, plumbing, drainage
- Plumbing fixtures, mechanical, electrical, fire protection, structural steel, reinforcing
- Building pad/excavation, concrete path/driveway, timber doors, hardware, suspended ceilings
- Painting, aluminium joinery, toilet partitions, transpace door track, roofing, polished floor
- Entrance mats, Insulation, scaffold/nets, aluminium shop drawing, handrail step, O/H
- Provisional sums-Joinery unit, CCTV, security, heavy weight grid-suspended ceiling, seismic bracing-suspended ceiling, PSI design schedule.
- Fire protection, structural steel, reinforcing, building pad/excavation, concrete path/driveway

## 5.0 Financial

### 5.1 Expected Project Costs

Following the tender process, the total commitment for this portion of the overall project is expected to be \$1,337,404 which is itemised as follows:

<b>Contract Costs</b>	
Tendered Sum (Preferred Tender for this contract)	\$ 1,155,467
Contingency	\$ 92,437
<b>Sub-Total – contract costs</b>	<b>\$1,247,904</b>
<b>Non-Contract costs</b>	
WEL Networks-power supply	\$ 16,000
Building consent	\$ 3,000
Separable works-sound system, acoustic fencing	\$ 45,000
Professional Services Fees (Design & Supervision)	\$ 5,500
Project Management	\$ 20,000
<b>Sub-Total</b>	<b>\$ 89,500</b>
<b>Total Expected Project Cost excluding GST</b>	<b>\$1,337,404</b>

### 5.2 Budget Surplus/Deficit

Total Expected Project Costs excluding GST	\$1,337,404
Confirmed Budget and Funding Total as per 1.5 section above	(\$1,014,427)
<b>Budget Deficit</b>	<b>\$322,977</b>

It is proposed that any budget deficit/funding shortfall be first recovered from likely contributions (applications in progress) from below:

<b>Likely contributions to lock in**</b>	
In-kind contributions	\$ 100,000
Wellbeing Trust (recommendation)	\$ 70,000
Blueprint funding (for further discussion if this can be increased further)	\$ 60,000
<b>Total Additional Contributions</b>	<b>\$ 230,000</b>

It is also proposed that any remaining budget deficit/funding shortfall be underwritten by council and converted to a community loan (repaid by targeted rates) at the completion of this project.

### 5.3 Credit Check

A credit report was carried out on the company in October 2021 and no adverse results were found.

### 5.4 Finance Check

The Management Accountant has checked numeric calculations within this report and confirmed that the budget and funding for this contract is available and correct.

### 5.5 Health & Safety Register



The preferred tenderer has a current registration with IMPAC. Their registration is valid until 10 January 2023. The WDC team has assessed IMPAC as a suitable alternative to our nominated SHE pre-qualification provider.

## 5.6 Contract Risk

The intent of this contract is risk mitigation through Mitchell Construction undertaking the WCF build, all costs will be locked in and materials secured, alleviating the impacts of major increases in pricing and lead-in times.

## 5.7 Approved Contract Sum

No contingency sum has been included in the Contract Price. It is recommended that approximately 8% of the Contract Tender Sum, excluding Provisional Items, be added for unknown risks. It is therefore recommended that \$92,437 of Contingency Sum be added to the total tender value.

All Provisional and Contingency items are to be utilised only as directed by the Engineer.

Item	Value
Tendered Sum	\$1,155,467
Contract Contingency	\$ 92,437
<b>Approved Contract Sum</b>	<b><u>\$1,247,904</u></b>

## 6.0 RECOMMENDATION

6.1 It is recommended that:

6.2 The revised tender submitted by Mitchell Construction in the sum of: One Million, One Hundred and Fifty-five Thousand, four Hundred and Sixty-Seven. (\$1,155,467) excluding GST, be approved for Contract No 20/056: Whatawhata Community Facility.

6.3 The approved contract sum be set at \$1,247,904 for 2021/22 financial year.

6.4 The remaining surplus from the Tuakau Library project (ILI-10095-C0-0000-0320) of \$110,410 be transferred to the Whatawhata Community Facility project (IHA-11071-C0-0000-0119) to provide additional funding.

### Recommended



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.....  
Trevor Ranga  
**Project Manager**

.....  
Date

### Financial information reviewed by



.....  
Harsh Garcha  
**Management Accountant**

12<sup>th</sup> April 2022

.....  
Date

Approved by



Paul McPherson  
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.....  
Paul McPherson  
**Community Project Manager**

.....  
Date



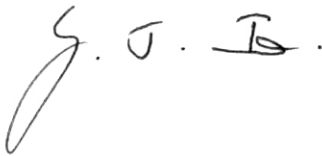
.....  
Megan May  
**Community Connections Manager**

14/04/2022.....  
Date



.....  
Roger MacCulloch  
**General Manager Service Delivery**

**19/4/2022**  
.....  
Date



.....  
Gavin Ion  
**Chief Executive**

**19/4/2022**  
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Date



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Cr Eugene Paterson  
**Chairperson, Infrastructure Committee**

**19/4/2022**  
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Date



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Cr Janet Gibb  
**Chairperson, Strategy and Finance**

**19/4/2022**  
.....  
Date



.....  
Allan Sanson  
**His Worship the Mayor**

**19/4/2022**  
.....  
Date







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<b>To</b>	Council
<b>Report title</b>	Proposed Road Name for Subdivision 0233/17 at 55 Redwood Grove, Tamahere

Date:	9 December 2022
Report Author:	Ellen Wilson, Contracts & Compliance Coordinator
Authorised by:	Roger MacCulloch General Manager Service Delivery

## 1. Purpose of the report

### Te Take moo te puurongo

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To seek approval from the Council on the Proposed Road Name for Subdivision 0233/17 at 55 Redwood Grove, Tamahere.

## 2. Executive summary

### Whakaraapopototanga matua

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This report requests that the Council approve the proposed road name for this subdivision at 55 Redwood Grove, Tamahere. The name has been proposed by the developer outside of the pre-approved list and is supported by Council's roading team and the Tamahere Community Committee at their meeting on 5 December 2022.

The list has been checked by Council staff against the Road Naming Policy.

## 3. Staff recommendations

### Tuutohu-aa-kaimahi

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#### That the Council

- a. **approves the following proposed road name submitted by the developer for SUB 0233/17, 55 Redwood Grove, Tamahere.**
    - **Road 1 - Fairweather Lane**
-

## 4. Background

### Koorero whaimaarama

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SUB 0233/17 is a residential development on, more or less, 42592m<sup>2</sup> at 55 Redwood Grove, Tamahere. The development is consented to create 7 new lots situated on the eastern side of Redwood Grove in Tamahere.

While a pre-approved list of names exists for the Tamahere Community Committee (attached), the developer is permitted to go outside of this list and propose different names. This is contemplated in the Road Naming Policy under section 1.2 as follows:

*1.2 Request for Road Name not from the "Approved List" of Road Names*

*(a) Where an "Approved List" is not available or the subdivision developer wishes to choose their own road names, the developer shall make a request to Council's Roading Asset Team.*

The developer has lived on this land for 20 years and would like to name the Road after their family name of 'Fairweather'.

Staff have reviewed the name and considered it does not duplicate, sound too similar, or is a duplicated street type (e.g. street, road, avenue, boulevard, junction, crescent, etc) which may otherwise cause travel uncertainties in the Waikato District. The names have been checked against Google mapping and NZ Post.

Hamilton City Council and Waipa District Council have both confirmed that there are no similar sounding names within their Districts which would otherwise cause confusion.

The Tamahere Community Committee approved this proposed road name at their meeting on 5 December 2022.

## 5. Discussion and analysis

### Taataritanga me ngaa tohutohu

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The table below provides a list of recommended historical, social, cultural and geographic themed names, background to the name choice, an indication of any potential duplication or sound similarity issues, and the exclusion of any suffix if applicable as per Road Naming Policy.

Name (in order of preference)	Reason	Location of duplicate or similar sounding name in adjoining councils	OFFICE USE ONLY	
			Classification Exclusion and notes	Approved or Declined
<b>Fairweather Lane</b>	'Noteworthy persons name'. The owners family name is Fairweather, they have lived on the land being subdivided for over 20 years and have done the subdivision themselves	Nil	nil	Approved by roading team

## **5.1 Options**

### **Ngaa koowhiringa**

Staff have assessed that there are two reasonable and viable options for the Council to consider:

- 1) Option 1 – approve the requested road name
- 2) Option 2 – require the developer to use a name only from the approved list

Staff recommend option 1, approving the road name application as the ability to use alternative names is contemplated by the policy.

## **5.2 Financial considerations**

### **Whaiwhakaaro puutea**

There are no material financial considerations associated with the recommendations of this report. All costs for new road names are being met by developers.

## **5.3 Legal considerations**

### **Whaiwhakaaro-aa-ture**

Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.

## **5.4 Strategy and policy considerations**

### **Whaiwhakaaro whakamaaherehere kaupapa here**

The report and recommendations are consistent with the Council's policies, plans and prior decisions.

## **5.5 Maaori and cultural considerations**

### **Whaiwhakaaro Maaori me oona tikanga**

Local hapu Ngati Haa have been included in the correspondence to the necessary community committee members advising of the road name application and no issues were raised about the proposed name.

## **5.6 Climate response and resilience considerations**

### **Whaiwhakaaro-aa-taiao**

The matters in this report have no known impact on climate change or resilience for the Council.

## 5.7 Risks

### Tuuraru

The decisions and matters of this report are assessed as of low risk, in accordance with the Council's Risk assessment and risk appetite.

## 6. Significance and engagement assessment

### Aromatawai paahekoheko

### 6.1 Significance

#### Te Hiranga

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

### 6.2 Engagement

#### Te Whakatuutakitaki

Highest level of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	Council staff have engaged with neighbouring councils to determine any conflict of names. Staff have also consulted with local hapu Ngati Haua about this proposed road name and no issues were raised.				

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

Planned	In Progress	Complete	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Internal
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Community Boards/Community Committees
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Local Hapu Ngati Haua
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Communities



Planned	In Progress	Complete	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Businesses
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (Please Specify)

## 7. Next steps

### Ahu whakamua

If the preferred name is approved, the Developer will utilise this. If not, an alternative option will be used.

## 8. Confirmation of statutory compliance

### Te Whakatuuturutanga aa-ture

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

The report fits with Council's role and Council's Terms of Reference and Delegations. Confirmed

The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (*Section 5.1*). Confirmed

Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (*Section 6.1*). Low

The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (*Section 6.2*). Confirmed

The report considers impact on Maaori (*Section 0*) Confirmed

The report and recommendations are consistent with Council's plans and policies (*Section 0*). Confirmed

The report and recommendations comply with Council's legal duties and responsibilities (*Section 0*). Confirmed

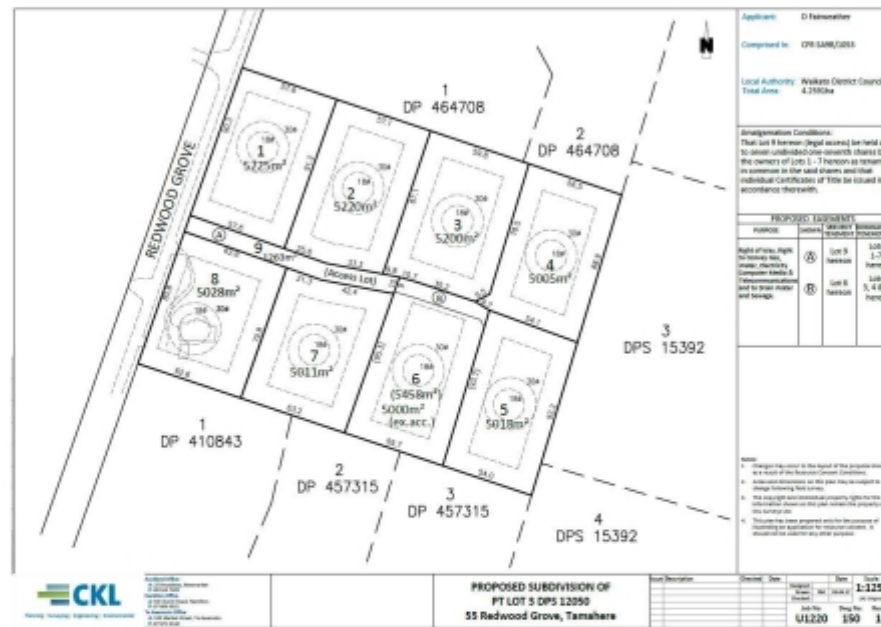
## 9. Attachments

### Ngaa taapirihanga

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Attachment 1 – Development Road Map

Attachment 2 – Tamahere approved road name list



**WAIKATO DISTRICT COUNCIL**

**Approved As Built Plan**  
 As built plan prepared by: CKL Limited  
 Dated: 22/04/2022  
 As built plan accepted by - Development Engineer:  
 Victor Wong  
 Date: Sunday, 24 April 2022  
 Page: 7 of 7

Electronic copy received

ID	Name	Reason	Location of duplicate or similar sounding name in NZ	Classification exclusions and notes
<b><u>Noteworthy Persons</u></b>				
	Jim Thompson	Long standing family in the Tamahere area.	nil	
	Van der Hum	Long standing family in the Tamahere area.	nil	
<b><u>Astrological themed names</u></b>				
	Mahinarangi	<i>Mahinarangi was the wife of Turongo and daughter in law of Kakati from Tainui Waka.</i> 'Family who swam across the river with a child on their back'.	nil	
	Turongo	<i>Tūrongo was a Māori rangatira (chief) in the Tainui confederation of tribes, based at Rangiātea, near Waikeria, New Zealand. The husband of Mahinarangi.</i> 'Family who swam across the river with a child on their back'	Street, Otorohanga (52km away)	
<b><u>Tamahere Native Plants</u></b>				
<b><u>Other relevant names</u></b>				
	Pekapeka	Bats – commonly found living and roosting in Tamahere area.	Street, Raglan (57km away) Road, Kerepehi (80km away)	

---

<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Proposed Road Names for Subdivision 0010/22 at 38 Washer Road, Horotiu</b>
Date:	9 December 2022
Report Author:	Ellen Wilson, Contracts & Compliance Coordinator
Authorised by:	Roger MacCulloch General Manager Service Delivery

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To seek approval from the Council on the Proposed Road Name for Subdivision 0010/22 at 38 Washer Road, Horotiu.

## **2. Executive summary**

### **Whakaraapopotanga matua**

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This report requests that the Council approve the attached proposed road names for this subdivision at 38 Washer Road, Horotiu. The names have been proposed by local hapu (Ngā Uri o Tamainupō ki Whaingaroa Trust) outside of the pre-approved list; are supported by the developer and are supported by Council's roading team.

The proposed names have been checked by Council staff against the Road Naming Policy (attachment 3). This Policy is being reviewed and updated in 2023.

## **3. Staff recommendations**

### **Tuutohu-aa-kaimahi**

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**That the Waikato District Council:**

**a. approves the following proposed road names submitted by the developer for SUB 0010/22, 38 Washer Road, Horotiu:**

- **Road 1 (Lot 100) – Ngarua Lane**
  - **Road 2 (Lot 101) – Tupuke Lane**
-

## 4. Background

### Koorero whaimaarama

---

SUB 0010/22 is a residential development on, more or less, 9760m<sup>2</sup> at 38 Washer Road, Horotiu. The development is consented to create 23 new lots situated on the southern side of Washer Road opposite Horotiu Bridge Road.

While a pre-approved list of names exists for the Ngaruawahia Community Board (attached), the developer is permitted to go outside of this list and propose different names. This is contemplated in the Road Naming Policy under section 1.2 as follows:

*1.2 Request for Road Name not from the "Approved List" of Road Names*

*(a) Where an "Approved List" is not available or the subdivision developer wishes to choose their own road names, the developer shall make a request to Council's Roading Asset Team.*

As required by the Road Naming Policy, the Developer has consulted with local hapu (Ngā Uri o Tamainupō ki Whaingaroa Trust) who chose these names. Tupuke are mounds of soil created when growing for Kumara. Ngarua refers to abundance of rua still in existence in the area.

Staff have reviewed the names and considered they do not duplicate, sound too similar, or are a duplicated street type (e.g. street, road, avenue, boulevard, junction, crescent, etc) which may otherwise cause travel uncertainties in the Waikato District. The names have been checked against Google mapping and NZ Post.

Hamilton City Council has confirmed that there is no similar sounding name within their District which would otherwise cause confusion. Staff note that there are names similar to 'Ngarua' in the Matamata-Piako District.

The Ngaruawahia Community Board approved these names at their meeting on Tuesday 6 December 2022 (NCB2212/07).

## 5. Discussion and analysis

### Taataritanga me ngaa tohutohu

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The table below provides a list of recommended historical, social, cultural and geographic themed names, background to the name choice, an indication of any potential duplication or sound similarity issues, and the exclusion of any suffix if applicable as per Road Naming Policy.

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Name (in order of preference)	Reason	Location of duplicate or similar sounding name in adjoining councils	OFFICE USE ONLY	
			Classification Exclusion and notes	Approved or Declined
<b>Ngarua Lane</b>	Local hapu chosen name. Ngarua refers to abundance of rua still in existence in the area.	1. Ngarua Road, Waitoa 2. Ngarua Lane, Waitoa *both over 50km away	nil	Approved by roading team
<b>Tupuke Lane</b>	Local hapu chosen name. Tupuke are mounds of soil created when growing for Kumara	Nil	nil	Approved by roading team

---

## **5.1 Options**

### **Ngaa koowhiringa**

Staff have assessed that there are two reasonable and viable options for the Council to consider:

- 1) Option 1 – approve the requested road names
- 2) Option 2 – require the developer to use names only from the approved list

Staff recommend option 1, approving the road name application as the ability to use alternative names is contemplated by the policy, and the names have been put forward with Local hapu support.

## **5.2 Financial considerations**

### **Whaiwhakaaro puutea**

There are no material financial considerations associated with the recommendations of this report. All costs for new road names are being met by developers.

## **5.3 Legal considerations**

### **Whaiwhakaaro-aa-ture**

Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.

## **5.4 Strategy and policy considerations**

### **Whaiwhakaaro whakamaaherehere kaupapa here**

The report and recommendations are consistent with the Council's policies, plans and prior decisions.

## **5.5 Maaori and cultural considerations**

### **Whaiwhakaaro Maaori me oona tikanga**

Local hapu Ngā Uri o Tamainupō ki Whaingaroa Trust have worked with the Developer in proposing the names for this road naming application.

## **5.6 Climate response and resilience considerations**

### **Whaiwhakaaro-aa-taiao**

The matters in this report have no known impact on climate change or resilience for the Council.

## **5.7 Risks**

### **Tuuraru**

The decisions and matters of this report are assessed as of low risk, in accordance with the Council's Risk assessment and risk appetite.

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## 6. Significance and engagement assessment Aromatawai paahekoheko

### 6.1 Significance Te Hiranga

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

### 6.2 Engagement Te Whakatuutakitaki

Highest level of engagement	Inform <input type="checkbox"/>	Consult <input checked="" type="checkbox"/>	Involve <input type="checkbox"/>	Collaborate <input type="checkbox"/>	Empower <input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	Consultation has occurred via the developer's engagement with local hapu - Ngā Uri o Tamainupō ki Whaingaroa Trust. Council staff have also engaged with neighbouring councils to determine any conflict of names.				

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

Planned	In Progress	Complete	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Internal
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Community Boards/Community Committees
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Local hapu (Ngā Uri o Tamainupō ki Whaingaroa Trust)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Communities
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Businesses
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (Please Specify)

## 7. Next steps

### Ahu whakamua

---

If the preferred names are approved, the Developer will utilise these. If not, an alternative option will be used.

## 8. Confirmation of statutory compliance

### Te Whakatuuturutanga aa-ture

---

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

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

## 9. Attachments

### Ngaa taapirihanga

---

Attachment 1 – Development Road Map

Attachment 2 – Ngaruawahia pre-approved road name list

Attachment 3 – Waikato District Council Road Naming Policy

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SCHEDULE OF PROPOSED EASEMENTS IN GROSS			
PURPOSE	BURDENED LAND	SHOWN	GRANTEE
RIGHT TO CONVEY ELECTRICITY	LOT 100 HEREON	B	WEL NETWORKS LTD
	LOT 101 HEREON	A	
RIGHT TO CONVEY TELECOMMUNICATIONS	LOT 100 HEREON	B	CHORUS NEW ZEALAND LTD
	LOT 101 HEREON	A	
RIGHT TO CONVEY GAS	LOT 100 HEREON	B	FIRSTGAS LTD
	LOT 101 HEREON	A	

MEMORANDUM OF EASEMENTS IN GROSS			
PURPOSE	BURDENED LAND	SHOWN	GRANTEE
RIGHT TO CONVEY WATER	LOT 100 & 101 HEREON	A, B	WAIKATO DISTRICT COUNCIL
RIGHT TO DRAIN SEWAGE			

**APPROVED PLANS**  
**No: SUB0010/22.01**  
**Approved by: Morgan Laird - BTW Company**  
**Date: 18 July 2022**  
**NOT FOR CONSTRUCTION**

**NOTE:**  
 1) ALL AREAS AND DIMENSIONS SUBJECT TO FINAL SURVEY AND APPROVAL FROM THE WAIKATO DISTRICT COUNCIL  
 2) LEGAL DESCRIPTION: LOT 1  
 DPS 31141  
 (RT. SA27D/931)  
 3) TOTAL AREA: 9760m2  
 4) ZONE: NEW RESIDENTIAL  
 5) AERIAL PHOTO SUBJECT TO DISTORTION  
 6) ALL CONTOURS ARE DERIVED FROM SUPPLIED WRC LIDAR

MEMORANDUM OF EASEMENTS			
PURPOSE	BURDENED LAND	SHOWN	BENEFITTED LAND
RIGHT TO DRAIN WATER	LOT 101 HEREON	A	LOT 100 HEREON
	LOT 30 HEREON	U	LOTS 3-15, 18, 21, 22, 100, 101 HEREON

**AMALGAMATION CONDITION**  
 THAT LOT 30 HEREON BE HELD AS TWENTY-THREE UNDIVIDED ONE-TWENTY THIRD SHARES BY THE OWNERS OF LOTS 1-23 HEREON, AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE HERewith.  
 PURSUANT TO SEC. 220(1)(b)(iii) RESOURCE MANAGEMENT ACT 1991.  
 (SEE LINZ REQUEST.....)

**AMALGAMATION CONDITION**  
 THAT LOT 100 HEREON (LANEWAY - LEGAL ACCESS) BE HELD AS EIGHT UNDIVIDED ONE-EIGHTH SHARES BY THE OWNERS OF LOTS 3 - 8, 21 & 22 HEREON, AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH.  
 PURSUANT TO SEC. 220(1)(b)(iv) RESOURCE MANAGEMENT ACT 1991.  
 (SEE LINZ REQUEST.....)

**AMALGAMATION CONDITION**  
 THAT LOT 101 HEREON (LANEWAY - LEGAL ACCESS) BE HELD AS EIGHT UNDIVIDED ONE-EIGHTH SHARES BY THE OWNERS OF LOTS 9 - 15 & 18 HEREON, AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH.  
 PURSUANT TO SEC. 220(1)(b)(iv) RESOURCE MANAGEMENT ACT 1991.  
 (SEE LINZ REQUEST.....)

MEMORANDUM OF EASEMENTS			
PURPOSE	BURDENED LAND	SHOWN	BENEFITTED LAND
RIGHT OF WAY RIGHT TO CONVEY ELECTRICITY, TELECOMMUNICATIONS, GAS & WATER RIGHT TO DRAIN WATER & SEWAGE	LOT 101 HEREON	A	LOTS 9-15, 18 HEREON
RIGHT OF WAY RIGHT TO CONVEY ELECTRICITY, TELECOMMUNICATIONS, GAS & WATER RIGHT TO DRAIN WATER & SEWAGE	LOT 100 HEREON	B	LOTS 3-8, 21, 22 HEREON
OVERLAND FLOW	LOT 101 HEREON LOT 17 HEREON	A C	LOT 100 HEREON LOT 1 DP 332345
RIGHT OF WAY (PEDESTRIAN ACCESS ONLY)	LOT 101 HEREON LOT 100 HEREON	A B	LOTS 1 - 15, 18 - 23 HEREON
RIGHT OF WAY RIGHT TO CONVEY ELECTRICITY, TELECOMMUNICATIONS, GAS & WATER RIGHT TO DRAIN WATER & SEWAGE	LOT 8 HEREON	D	LOT 7 HEREON
RIGHT OF WAY	LOT 8 HEREON	D	LOT 6 HEREON
	LOT 8 HEREON	E	LOT 7 HEREON
	LOT 1 HEREON	F	LOT 2 HEREON
	LOT 20 HEREON	G	LOT 19 HEREON
	LOT 16 HEREON	H	LOT 17 HEREON
	LOT 19 HEREON	S	LOT 20 HEREON
	LOT 17 HEREON	T	LOT 16 HEREON
	LOT 1 HEREON	I	LOT 2 HEREON
PARTY WALL	LOT 2 HEREON	J	LOT 1 HEREON
	LOT 10 HEREON	K	LOT 11 HEREON
	LOT 11 HEREON	L	LOT 10 HEREON
	LOT 22 HEREON	M	LOT 21 HEREON
	LOT 21 HEREON	N	LOT 22 HEREON
	LOT 20 HEREON	O	LOT 19 HEREON
	LOT 19 HEREON	P	LOT 20 HEREON
	LOT 16 HEREON	Q	LOT 17 HEREON
LOT 17 HEREON	R	LOT 16 HEREON	

Size	A3	Scale	1: 600	Date	APRIL 2022		
No.	Amendment	Init.	Date	Designed	MTT	29/06/21	
1	Amend Easement C & Lots 102 & 30	MTT	12/01/22	Drawn	MTT	29/06/21	
2	Amend Easement & A.C.s/Lot 30	MTT	13/04/22	Checked			
3	Add Easement U, updated AC/Lot 30	JB	22/04/22	Approved			

**PROPOSED SCHEME PLAN**  
**SUBDIVISION OF LOT 1 DPS 31141**  
 38 WASHER ROAD - HOROTIU  
 Prepared for: DA SILVA BUILDERS LTD.



**Blue Wallace Surveyors Ltd.**  
 25 Harwood Street, P O Box 38,  
 Hamilton Central, HAMILTON.  
 Phone (07) 839 7799, Fax (07) 839 4455

Datum:	Circuit: Mt Eden 2000
	Height: Moturiki Datum 1953
Resource Consent Number:	.....
BW Ref.	Stg. Purp. Dwg. # Revision:
20244-01-PL-101	3

ID	Name	Reason	Location of duplicate or similar sounding name in NZ	Classification exclusions and notes
<b><u>Noteworthy Persons</u></b>				
	Morse	Morse family are long-time Ngaruawahia residents. Allan Morse was a Waikato DC Councillor for many years.	Napier, Christchurch	Seek Allan's permission
	Haggie	The Haggie whanau are long-time Ngaruawahia residents associated with the establishment of Turangawaewae Marae. The Haggie whanau were and still are active in town sports, especially rowing and rugby league.		Turangawaewae Marae asks that permission is sought from whanau.
	Tahapeehi	The Tahapeehi whanau are long-time residents of Ngaruawahia, still residents today and associated with the establishment of Turangawaewae Marae. This whanau was and still are very active in sports in the town, especially Rugby league.		Turangawaewae Marae asks that permission is sought from whanau.
	McBurney	Famous sporting family of Ngaruawahia, particularly rowing and horse racing	Mangere East, Auckland	Exclude title "place". Obtain family agreement.
<b><u>Astrological themed names</u></b>				
	Te Kokota	Hyades: the nearest open cluster to the Solar System in Greek mythology, the Hyades were the five daughters of Atlas and half-sisters to the Pleiades. After the death of their brother, Hyas, the weeping sisters were transformed into a cluster of stars that was afterwards associated with rain.		

ID	Name	Reason	Location of duplicate or similar sounding name in NZ	Classification exclusions and notes
<b><u>Ngaruawahia Native Plants</u></b>				
	Hangehange	Grows locally. Geniostema ligustrifolium.	None.	
	Panakenake	Common name - Pratia. Grows locally. Lobelia angulata.	Way – Flat bush, Auckland	Exclude “Way”
	Parataniwha	Common name – NZ begonia. Grows locally.	None	
	Pate	Common name – Seven finger. Grows locally. Also known as Patete by Tainui.	Crescent – Favona, Auckland	Exclude “Crescent”
	Pohuehue	Common name – Large leaved muehlenbeckia. Grows locally.	Lane – Papakura, Auckland Suburb – Warkworth	Exclude “Lane”
	Puawhananga	Common name – White clematis. Grows locally.	None.	
	Wiwi	Knobby club rush. Grows locally.	None	

# Road Naming Policy

Policy Owner:	General Manager, Service Delivery
Policy Sponsor:	Infrastructure Committee
Approved By:	Policy Committee
Approval Date:	14 March 2016
Resolution Number:	WDC1603/06/1/18
Effective Date:	14 March 2016
Next Review Date:	October 2018

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## Scope

This Policy applies to:

- the naming of new or previously unnamed Public Roads;
- changing the name of an existing Public Road; and
- the naming of Private Roads.

## Objectives

The objectives of this policy are to ensure that:

- Clear guidance of the criteria and process for road naming is provided to Council employees subdivision developers, Community Boards/Committees/ Groups and the general public.
- Council meets the requirements of the Local Government Act 1974.
- Communities and local iwi have input into road naming.
- Adequate consultation is undertaken with Community Boards/ Committees/ Groups.

## Related Documents/Legislation

- Hamilton City Council – Infrastructure Technical Specification
- WDC Heritage Strategy
- Local Government Act 1974 – s319A
- Manual of Traffic Signs and Markings - Part 1 Section 7 Guide Signs (Design, Policy, Location)
- Road Naming Policy (2013)
- Guidelines for selection of road names

## Application

This Policy applies to the following parties:

- Waikato District Council - Service Delivery Group, Consents, Planning and Strategy
- General Public
- Subdivision Developers

## Definitions

**Approved List** A list of road names which have been pre-selected by Community Boards, Community Committees, Community Groups, Iwi and approved by the Infrastructure Committee.

**Private Road** Has the same meaning as private road in the Local Government Act 1974

(s315)

Private Roads are not maintained by the Council.

**Public Road**

Has the same meaning as road in the Local Government Act 1974 (s315)Public

Roads are maintained by the Council.

**Subdivision Developer**

A person, consultant or agent who is in the process of undertaking a subdivision development whereby subdivision resource consent is applicable.

The following definitions include the different types of road titles which could apply to both public and private roads:

<b>Avenue</b>	wide straight roadway or street usually planted either side with trees
<b>Boulevard</b>	once a promenade on the side of demolished fortifications; now applied to any street or broad main road
<b>Close</b>	a small quiet residential road or street
<b>Court</b>	an enclosed, uncovered area opening off a street(s)
<b>Crescent</b>	a crescent shaped street
<b>Drive</b>	a main connecting route in a suburb
<b>Esplanade</b>	Level roadway along the seaside, lake or a river
<b>Glade</b>	tree covered street or a passage between trees
<b>Glen</b>	in a narrow valley
<b>Grove</b>	a road lined with houses and often trees, especially in a suburban area
<b>Hill</b>	applies to a feature rather than a route
<b>Lane</b>	a narrow road or way between buildings, hedges, fences, etc.
<b>Place</b>	an open square lined with houses in a town
<b>Quay</b>	along the waterfront
<b>Road/Street</b>	route of way between places
<b>Terrace</b>	a street along the face or top of a slope
<b>View</b>	a street with a view
<b>Way</b>	a path or route

**Community Boards, Committees and Groups to be consulted**

A list of Community Boards, Committees and Groups is as follows:

<b>Community Boards</b>	<b>Community Groups</b>	
Huntly	Eureka	North East Waikato
Ngaruawahia	Glen Afton/Pukemiro	Newstead
Onewhero-Tuakau	Glen Massey	Pokeno
Raglan	Gordonton	Rangariri

Taupiri	Horongarara	Tamahere
	Horsham Downs	Tauwhare
	Matangi	Te Kowhai
<b>Community Committees</b>		
Meremere	Port Waikato Residents & Ratepayers	
Te Kauwhata	Whatawhata Residents & Ratepayers	

## Policy Statements

All road names require approval by the Infrastructure Committee. This includes all road names to be included on the Approved List.

### Naming Public Roads

Public Roads to be vested in Council shall be named (at the cost of the developer).

Public Road Signs shall be in accordance with Manual of Traffic Signs and Markings - Part 1 Section 7 Guide Signs (Design, Policy, Location)

### Naming Private Roads

Private roads shall be named (at the cost of the developer) where there are 6 or more lots gaining access. If there are 5 or fewer lots gaining access, the developer may use the number with lettering suffix A-E or suggest a private name as per section 1.2.

Private Road Signs shall have blue lower case lettering with initial capitals lettering on a white background and shall have a supplementary 'Private Access' plate with blade height of 75mm attached to the bottom edge of the street name plate. All other sign attributes shall comply with the Manual of Traffic Signs and Markings.

## I. Making a Request for Road Name(s)

### I.1 Using a road name from the 'Approved List'

- (a) Where an 'Approved List' is available, the subdivision developer shall be invited to choose from that list and submit a written request to Council's Roding Asset Team. Note: It is advised that the subdivision developer discusses their road name selection with the Roding Asset Team to ensure the road name has not already been used (and not yet taken off the list) or is proposed to be used by another subdivision developer.

### I.2 Request for Road Name not from the "Approved List" of Road Names

- (a) Where an "Approved List" is not available or the subdivision developer wishes to choose their own road names, the developer shall follow the guideline included in section 3 of this policy and make a request to Council's Roding Asset Team. Council's Roding Asset Team shall then follow procedure as set out in section 2.3.
- (b) Council's Roding Asset Team shall ensure the request is complete before proceeding with the process for name approval, as set out in section 3 below. Should the request require further information, Council's Roding Asset Team shall contact the subdivision developer by phone, email or in writing.



## 2. Infrastructure Committee Procedure

### 2.1 Establishing Road Names onto the 'Approved List'

- (a) Ward Councillor's shall consult with Community Boards, Community Committees, Community Groups and local Iwi, in accordance with Guidelines section 3.2, to establish a tentative list of road names. Tentative names are to be checked by the Roading Asset Team then submitted and approved by the Infrastructure Committee before inclusion on the 'approved list'. Iwi consultation can be co-ordinated by Waikato District Council Iwi & Community Partnership Manager. Council shall hold the 'approved list'.

All road names, once approved by the Infrastructure Committee and included on the "approved list" do not require any further approvals from the Infrastructure Committee.

- (b) The "approved list" shall be reviewed from time to time as appropriate by the Community Boards/ Committees/ Groups to ensure the list comprises a sufficient number of road names (i.e. more than 20 names at any one time).

Note: An approved list may not be available for every Community. Ward Councillor's shall determine whether or not an approved list is required for their Community depending on whether there is a need.

### 2.2 Altering Existing Road Names

- (a) In the event an existing road requires renaming, a request shall be made by either the general public or Council in accordance with section 2.3.
- (b) Where the request is being made by the general public for the alteration, they shall be responsible for undertaking consultation with both the residents of the road to be renamed and the ward councillors. The ward councillors will advise whether further consultation is required with the Community Board/Committee before making the amendment request to Council.
- (c) Where the request for amendment is being made by Council, Council's Roading Asset Team shall undertake consultation with all owners and occupiers in the affected street or road; the local Ward Councillors; and Community Board/ Committees/ Groups before reporting to the Infrastructure Committee.
- (d) In the event of an unfavourable response from owners and occupiers (less than 75% in favour), the road name shall remain unchanged.
- (e) If 75% approval is gained from the responses received, Council's Roading Asset Team will recommend to the Infrastructure Committee that the name be approved.

### 2.3 Road Name Requests to the Infrastructure Committee or Council

- (a) Upon receiving a request as set out in section 1.2 from either a subdivision developer, or as required by Council (if there is a road name change required), shall undertake consultation with local iwi, Community Boards, Community Committees and Community Groups. Following consultation a report (in accordance to Guidelines Section 3 shall be prepared by Council's Roading Asset Team recommending approval from either the Infrastructure Committee or Council.

- (b) In the case of no support from the Community Board/ Committees/ Groups the Infrastructure Committee will make final decision on approving the Road Name(s).
- (c) Upon approval of a road name Council's Roding Asset Team shall notify external agencies (i.e. Land Information New Zealand, Emergency Services).
- (d) Council's Roding Asset Team will report to Council twice yearly (in June & December) with a list and map of all new road names confirmed over the previous 6 months. An updated Road Name directory shall also be provided before this meeting.

### **3 Guidelines and Criteria for Selection of Road Names**

#### **3.1 Making a request to Council's Roding Asset Team**

All requests for road names shall be in writing and submitted to Council's Roding Asset Team. All requests shall include the following details (as applicable):

- i) Three proposed road names (using guidance below); and
- ii) The reasons the subdivision developer wants to use these options (see guidance below); and
- iii) Evidence to support the reasons outlined above in criteria (ii) (if applicable)

#### **3.2 When considering options for road names, the following criteria must be taken into account:**

- (a) Names should be brief (i.e. restricted to one word only) and be easily and readily pronounced. Identical sounding names with different spelling are to be avoided.
- (b) Names should not duplicate any existing district roads and preferably any name occurring within surrounding districts, including Hamilton and Auckland.
- (c) The length of the name should preferably not exceed 12-15 characters. The use of hyphens to connect parts of names should in most cases be avoided and the name written either as one word or as separate words where established by usage.
- (d) Short names should be chosen for short streets for mapping purposes.
- (e) Reasons for a road name may include but is not limited to: political, historical (including Maaori or early settler), memorial, social or economic, natural features, outstanding events or persons as categorized in section 3.3 below.

#### **3.3 Weighting Categories and Description**

The following categories have been afforded a weighting based on their importance with respect to road name selection. The higher the weighting afforded (i.e. 3), the higher the importance.

#### **History – Weighting 3**

- (a) The name of a historical family, event industry or activity associated with the area. Such names may include early settlers and early notable families.
- (b) The family name of the former owner of a farm or property or the name of the farm or property may be used if a historical context is established. Permission of surviving relatives should be obtained where appropriate.

**Culture – Weighting 3 (Cultural significance to Maaori or culture other than Maaori)**

- (a) The category includes the name of a Maaori heritage precinct, site or track or traditional appropriate name for the area.
- (b) All Maaori names are to be submitted to Council's Iwi & Community Partnership Manager to ensure that they are appropriate; spelt correctly, interpreted correctly and are not offensive to Maaori.
- (c) Joint non-Maaori/Maaori names will not generally be considered.

**Geography – Weighting 2**

- (a) The category includes local geographical, topographical, geological and landscape features.
- (b) Local flora and fauna also included in this category eg. Trees, plants and animals that is widespread and plentiful in the area.
- (c) Views must be readily identifiable.

**Theme – Weighting 2 (Common or established themes in the area)**

- (a) Where more than one road is being created in a development, a common theme is recommended for the names.
- (b) Where there is an established theme in the area, new road names should reflect this theme.
- (c) Proposed themes for a new subdivision must be submitted to council for approval.

**Noteworthy Person – Weighting 1**

- (a) Persons who have made a notable contribution to the area of the District. The contribution may be in conservation, community service, sport, arts, military, commerce, local government or other activity.
- (b) Names from local war memorials will be considered where appropriate. Permission of surviving relatives should be obtained where appropriate.

**Policy Review**

This policy will be due for review in 2018.

[Previous Policies - WDC06/11/1/3, WDC07/12/05/1/12 & WDC09/03/08/1/4 ]

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<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Road Name amendments for Subdivision 0002/21 at 99 Ngaruawahia Road</b>
Date:	9 December 2022
Report Author:	Ellen Wilson, Contracts & Compliance Coordinator
Authorised by:	Roger MacCulloch, General Manager Service Delivery

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To seek approval from the Council on the Road Name amendments for Subdivision 0002/21 at 99 Ngaruawahia Road, Ngaruawahia.

## **2. Executive summary**

### **Whakaraapopototanga matua**

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The Ngaruawahia Community Board and the Infrastructure Committee have inadvertently been asked to approve a duplication of 'Purei' as a Road name to be used at two subdivisions within 5km of each other in Ngaruawahia. This breaks the LINZ addressing standards and therefore will not be approved by LINZ.

In addition to this the other two road names 'Kiokio Road' and 'Wheki Place' that were approved from the Road Naming list for this subdivision were not discussed with local hapu to ensure they align with the cultural significance of this specific location.

Staff have discussed with local hapu who have recommended three names of which the Developer at 99 Ngaruawahia Road, Ngaruawahia agrees with to replace the previous approved names that keeps within the Ngaruawahia Community Boards desire to align three 'Te Reo' names in the same subdivision.

The Ngaruawahia Community Board approved the three Road name amendments at their meeting on 6 December 2022 (NCB2212/08). We are requesting that the Council also approve the replacement road names.

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### 3. Staff recommendations Tuutohu-aa-kaimahi

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That the Waikato District Council:

- a. approves the amendment of NCB2205/05 and INF2206/06 to replace the previous approved names as part of the subdivision 0002/21 at 99 Ngaruawahia Road, Ngaruawahia as below:

	ROAD 1	ROAD 2	ROAD 3
Previously approved names	Kiokio Road	Wheki Place	Purei Lane
New recommended names	<b>PAHĪWAI Road</b>	<b>KAUHURI Road</b>	<b>KŌPURA Place</b>

### 4. Background Koorero whaimaarama

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At their meeting on 3 May 2022 the Ngaruawahia Community Board chose to substitute Purei Lane as a Te Reo name from the approved road name list to align with the other two names submitted by the developer (from the pre-approved road name list) and approved (NCB2205/05) for the subdivision at 99 Ngaruawahia Road. These names were approved by the Infrastructure Committee at their [20 June 2022 meeting \(INF2206/06\)](#).

The name 'Purei' was then not removed by staff from the approved name list and was subsequently recommended and approved as "Purei Place" by both the Ngaruawahia Community Board (NCB2207) and Infrastructure Committee (INF2208/08) as part of the subdivision at 61 Old Taupiri Road, Ngaruawahia.

Both names were submitted by Council staff to Land Information New Zealand (LINZ). Purei Place, as part of the subdivision at 61 Old Taupiri Road, Ngaruawahia has been approved by LINZ and added into their system. They have then denied Purei Lane, as part of 99 Ngaruawahia Road subdivision as it does not meet the Addressing Standards (being a duplicate name within 25km in proximity).

On consultation of the amended road name with the local hapu (Ngāti Tamainupō) they noted they were not consulted on the use of original names for this specific location. This area is the site of an important Ngati Tamainupo pā called Pahiwai, which is featured in the narrative of how Ngaruawahia was named. A form of cultural recognition would be appropriate to acknowledge the horticultural importance of the area to Ngāti Tamainupō. Specifically, this relates to kūmara cultivation which Pahiwai was known for.

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Staff have worked with the local hapu and the Developer of the Subdivision at 99 Ngaruawahia Road to provide road name amendments that would meet the 'Te Reo' alignment the Community Board was seeking for this subdivision. The Developer and local hapu have requested the following names to replace the three previous names approved:

Road 1: PAHĪWAI Road- name of pā / appropriate for the largest (main) road

Road 2: KAUHURI Road- Turning of the soil, reference to cultivation

Road 3: KŌPURA Place- seed kūmara, kūmara tubers

Ngāti Tamainupō have stated their preferred written convention is to use macrons and the Developer has agreed they would prefer this spelling for the road names (as opposed to double vowels). The Ngaruawahia Community Board agreed with this reasoning as the site is of special significance to Ngāti Tamainupō.

## 5. Discussion and analysis Taataritanga me ngaa tohutohu

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### 5.1 Financial considerations Whaiwhakaaro puutea

There are no material financial considerations associated with the recommendations of this report.

### 5.2 Legal considerations Whaiwhakaaro-aa-ture

Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.

### 5.3 Strategy and policy considerations Whaiwhakaaro whakamaaherehere kaupapa here

The report and recommendations are consistent with the Council's policies, plans and prior decisions.

### 5.4 Maaori and cultural considerations Whaiwhakaaro Maaori me oona tikanga

Local hapu Ngāti Tamainupō have been included in the correspondence to the necessary community committee members advising of the road name application.

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## 5.5 Climate response and resilience considerations

### Whaiwhakaaro-aa-taiao

The matters in this report have no known impact on climate change or resilience for the Council.

## 5.6 Risks

### Tuuraru

The decisions and matters of this report are assessed as of low risk, in accordance with the Council's risk appetite.

## 6. Significance and engagement assessment

### Aromatawai paahekoheko

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### 6.1 Significance

#### Te Hiranga

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

### 6.2 Engagement

#### Te Whakatuutakitaki

Ngaruawahia Community Board consultation around private road naming has been undertaken in accordance with Council policy and standard operating procedures.

Highest level of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	Council staff have engaged with affected stakeholders regarding the amendment. Engagement with local hapu has occurred.				

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

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

## 7. Next steps Ahu whakamua

If the preferred names are approved, the Developer will utilise this. If not, alternative options will be used.

## 8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

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

The report fits with Council's role and Community Board's Terms of Reference and Delegations. Confirmed

The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (*Section 5.1*). Confirmed

Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (*Section 6.1*). Low

The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (*Section 6.2*). Confirmed



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The report considers impact on Maaori ( <i>Section 5.5</i> )	Confirmed
The report and recommendations are consistent with Council's plans and policies ( <i>Section 5.4</i> ).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities ( <i>Section 5.3</i> ).	Confirmed

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## 9. Attachments

### Ngaa taapirihanga

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Attachment 1 – Resolution from Minutes of INF 20 June 2022

Attachment 2 – Resolution from Minutes of NCB 3 May 2022

Attachment 3 – Ngaruawahia approved road name list

Attachment 4 – Development Road Map

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Proposed Road Name List for Subdivision 0002/21 99 Ngaruawahia Road, Ngaruawahia  
 Agenda Item 6.5

The report was received [*INF2206/02 refers*] and no discussion was held.

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

**THAT the Infrastructure Committee approves the following road names as submitted by the developer for Subdivision 0002/21 99 Ngaruawahia Road, Ngaruawahia, and recommended by the Ngaruawahia Community Board at their 3 May 2022 meeting, in accordance with the Road Naming Policy:**

<b>ROAD 1</b>	<b>ROAD 2</b>	<b>ROAD 3</b>
<b>Kiokio Road</b>	<b>Wheki Place</b>	<b>Purei Lane</b>

**CARRIED**

**INF2206/06**

Subdivision 0002/21 99 Ngaruawahia Road, Ngaruawahia – Proposed Road Name List  
 Agenda Item 6.4

The report was received [NCB2205/02 refers] and the following discussion was held:

- What's the difference between a right of way and a lane?
- The Board appreciated there was a theme for the proposed road names.
- The Board discussed the suggested names for road three (3). They desired a Te Reo name to align the with names for road one (1) and road two (2).
- Purei was listed in the approved Community Board name list as a native plant in Ngaruawahia. The board chose Purei as a substitute for the names proposed for in the report for road three (3).

**Resolved: (Ms Firth/Ms Morgan)**

That the Ngaruawahia Community Board:

- a. approves the following proposed road names submitted by the developer for SUB 0002/21 99 Ngaruawahia Rd, Ngaruawahia:
  - ROAD 1
  - Kiokio Road
  - ROAD 3
  - Purei Lane
  - ROAD 2
  - Wheki Place

**CARRIED**

**NCB2205/05**

ID	Name	Reason	Location of duplicate or similar sounding name in NZ	Classification exclusions and notes
<b><u>Noteworthy Persons</u></b>				
	Morse	Morse family are long-time Ngaruawahia residents. Allan Morse was a Waikato DC Councillor for many years.	Napier, Christchurch	Seek Allan's permission
	Haggie	The Haggie whanau are long-time Ngaruawahia residents associated with the establishment of Turangawaewae Marae. The Haggie whanau were and still are active in town sports, especially rowing and rugby league.		Turangawaewae Marae asks that permission is sought from whanau.
	Tahapeehi	The Tahapeehi whanau are long-time residents of Ngaruawahia, still residents today and associated with the establishment of Turangawaewae Marae. This whanau was and still are very active in sports in the town, especially Rugby league.		Turangawaewae Marae asks that permission is sought from whanau.
	McBurney	Famous sporting family of Ngaruawahia, particularly rowing and horse racing	Mangere East, Auckland	Exclude title "place". Obtain family agreement.
<b><u>Astrological themed names</u></b>				
	Te Kokata	Hyades: the nearest open cluster to the Solar System in Greek mythology, the Hyades were the five daughters of Atlas and half-sisters to the Pleiades. After the death of their brother, Hyas, the weeping sisters were transformed into a cluster of stars that was afterwards associated with rain.	99 Ngaruawahia Road subdivision seeking approval to use this name – December meeting	

ID	Name	Reason	Location of duplicate or similar sounding name in NZ	Classification exclusions and notes
<b><u>Ngaruawahia Native Plants</u></b>				
	Hangehange	Grows locally. Geniostema ligustrifolium.	None.	
	Panakenake	Common name - Pratia. Grows locally. Lobelia angulata.	Way – Flat bush, Auckland	Exclude “Way”
	Parataniwha	Common name – NZ begonia. Grows locally.	None	
	Pate	Common name – Seven finger. Grows locally. Also known as Patete by Tainui.	Crescent – Favona, Auckland	Exclude “Crescent”
	Pohuehue	Common name – Large leaved muehlenbeckia. Grows locally.	Lane – Papakura, Auckland Suburb – Warkworth	Exclude “Lane”
	Puawhananga	Common name – White clematis. Grows locally.	None.	
	Wiwi	Knobby club rush. Grows locally.	None	



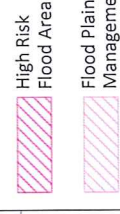
**Applicant:** 99 Ngaruawahia Limited  
**Comprised In:** RT: SA19A/91  
RT: 323742  
RT: SA288/241  
**Local Authority:** Waikato District Council  
**Total Area:** 8.2390ha

MEMORANDUM OF EXISTING EASEMENTS	SHOWN	BURDENED LAND	CREATED BY
Right of Way, Right to Convey Water, Gas, Electricity, Telecommunications & Computer Media, Right to drain water & sewage.	(E)	Lot 3 DP 380858	EI: 8318786.3

SCHEDULE OF EX. EASEMENTS IN GROSS	SHOWN	BURDENED LAND	GRANTEE
Drainage	(F)	Lot 3 DP 380858	Waikato Regional Council

PROPOSED EASEMENTS IN GROSS	SHOWN	BURDENED LAND	GRANTEE
Drainage	(G)	Lot 400 hereon	Waikato Regional Council
	(H)	Lot 300 hereon	Waikato Regional Council
	(I)	Lot 1 hereon	Waikato Regional Council

**Amalgamation Conditions:**  
That Lot 102 hereon (legal access) be held as to 6 undivided 1/6th shares by the owners of Lots 14-19 hereon as tenants in common in the said shares and that individual Records of Title be issued in accordance therewith.  
That Lot 103 hereon (legal access) be held as to 3 undivided 1/3th shares by the owners of Lots 21-23 hereon as tenants in common in the said shares and that individual Records of Title be issued in accordance therewith.

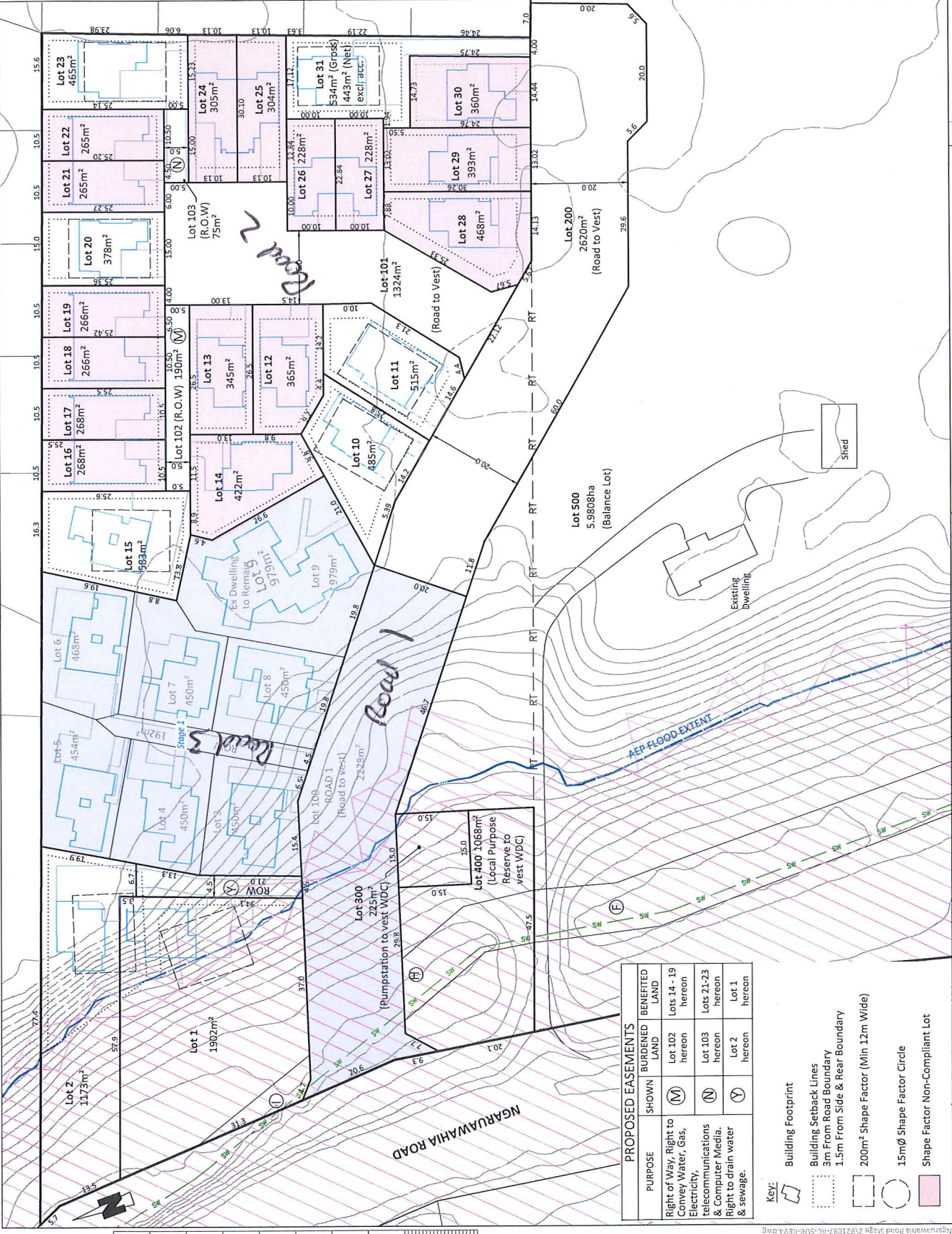


- Notes:**
- Changes may occur to the layout of the proposal shown as a result of the Resource Consent Conditions.
  - Areas and dimensions on this plan may be subject to change following field survey.
  - The copyright and intellectual property rights for the information shown on this plan remain the property of CKL Surveys Ltd.
  - This plan has been prepared only for the purpose of illustrating an application for resource consent. It should not be used for any other purpose.

**CONCEPT**

Designed: AA	Date	Scale:
Drawn: ES	27.07.21	1:750
Checked: AA	15.12.21	(A3 Original)

Job No: **B21087** Dwg No: **153** Rev: **4**



PROPOSED EASEMENTS	SHOWN	BURDENED LAND	BENEFITED LAND
Right of Way, Right to Convey Water, Gas, Electricity, Telecommunications & Computer Media, Right to drain water & sewage.	(M)	Lot 102 hereon	Lots 14 - 19 hereon
	(N)	Lot 103 hereon	Lots 21-23 hereon
	(V)	Lot 2 hereon	Lot 1 hereon

- Key:**
- Building Footprint
  - Building Setback Lines  
3m From Road Boundary  
1.5m From Side & Rear Boundary
  - 200m² Shape Factor (Min 12m Wide)
  - 15mØ Shape Factor Circle
  - Shape Factor Non-Compliant Lot

**PROPOSED SUBDIVISION OF**  
**Lot 2 DPS 19658, Lot 3 DP 380858**  
**Allotments 116 & 117 SBRS OF Newcastle South**

**Prepared for**  
**99 Ngaruawahia Limited**  
**(99 Ngaruawahia Road)**

Auckland Office: 99 Ngaruawahia Road, Newmarket  
P: 09 534 7028  
Hamilton Office: A1 58 Church Road, Hamilton  
P: 07 849 9971  
Te Awamutu Office: P1 293 Main Street, Te Awamutu  
P: 07 871 0144

**CKL**  
Planning | Surveying | Engineering | Environmental

<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Exclusion of the Public – Local Government Act 2002 – Clause 35 Review</b>
Date:	21 December 2022
Report Author:	Gaylene Kanawa, Democracy Manager
Authorised by:	Gavin Ion, Chief Executive

## 1. Staff recommendations

### Tuutohu-aa-kaimahi

- a. **THAT the public and staff be excluded from the following parts of the proceedings of this meeting:**

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Item PEX 4.1 Local Government Act 2002 – Clause 35 Review	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
<b>Item PEX 4.1</b> <b>Local Government Act 2002 –</b> <b>Clause 35 Review</b>	7(2)(a)	To protect a person’s privacy
	7(2)(c)(i)	To protect information that is subject to an obligation of confidence and to ensure the information avenue remains open, when it is in the public interest for it to do so.
	7(2)(c)(ii)	To protect information that is subject to an obligation of confidence and to protect the public interest
	7(2)(g)	To protect legally privileged information.
	7(2)(i)	To enable negotiations to carry on without prejudice or disadvantage.
	7(2)(j)	To prevent use of the information for improper gain or advantage.

- b. THAT the Democracy Manager be permitted to remain in the room to take the minutes of this section of the meeting.**

## **2. Attachments**

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There are no attachments for this report.

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<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Exclusion of the Public - Waters Governance Board Recommendations – 22 November 2022 (PEX Item 3)</b>
Date:	21 December 2022
Report Author:	Gaylene Kanawa, Democracy Manager
Authorised by:	Gavin Ion, Chief Executive

## 1. Staff recommendations

### Tuutohu-aa-kaimahi

- a. THAT the public be excluded from the following parts of the proceedings of this meeting:

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Item PEX 3.1 Waters Governance Board Recommendations – 22 November 2022 a. <b>Ngaruawahia Wastewater Network Renewal</b> b. <b>Raglan Wastewater Treatment Plant Upgrade</b>	<b>Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987</b>	<b>Section 48(1)(a)</b>

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the

holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item No.	Section	Interest
<b>Item PEX 3.1</b> <b>Waters Governance Board Recommendations – 22 November 2022</b>  <b>Item PEX 3.1a</b> <b>Ngaruawahia Wastewater Network Renewal</b>	7(2)(b)(ii)	To protect information that would otherwise unreasonably prejudice a person’s commercial position
	7(2)(h)	To enable commercial activities to be carried out without prejudice or disadvantage.
	7(2)(j)	To prevent use of the information for improper gain or advantage.
<b>Item PEX 3.1b</b> <b>Raglan Wastewater Treatment Plant Upgrade</b>	7(2)(b)(ii)	To protect information that would otherwise unreasonably prejudice a person’s commercial position.
	7(2)(h)	To enable commercial activities to be carried out without prejudice or disadvantage.
	48(1)(d)	To enable deliberations in private on a decision or recommendation in any applicable proceeding

- b. THAT representatives from Watercare be permitted to remain for the public excluded section pertaining to this item as they can provide background information on the items under discussion.

## 2. Attachments

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There are no attachments for this report.

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<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Exclusion of the Public – Reports for PEX Items 4.2-4.4</b>
Date:	21 December 2022
Report Author:	Gaylene Kanawa, Democracy Manager
Authorised by:	Gavin Ion, Chief Executive

## 1. **Staff recommendations** **Tuutohu-aa-kaimahi**

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

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
<b>Item PEX 4.2 Proposed changes to the constitution of Co Lab</b>	<b>Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987</b>	<b>Section 48(1)(a)</b>
<b>Item PEX 4.3 Mercer – Acquisition of property for community facility</b>		
<b>Item PEX 4.4 Contract 21/061: Raglan Wharf – Request for Increase to Approved Contract Sum</b>		

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

Item No.	Section	Interest
Item PEX 4.2 Proposed changes to the constitution of Co Lab	7(2)(h)	To enable commercial activities to be carried out without prejudice or disadvantage.
Item PEX 4.3 Mercer - Acquisition of property for community facility	7(2)(i)	To enable negotiations to carry on without prejudice or disadvantage.
Item PEX 4.4 Contract 21/061: Raglan Wharf - Request for Increase to Approved Contract Sum	7(2)(h)  7(2)(i)	To enable commercial activities to be carried out without prejudice or disadvantage.  To enable negotiations to carry on without prejudice or disadvantage.

## 2. Attachments

### Ngaa taapirihanga

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There are no attachments for this report.

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