

MINUTES of a meeting of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **MONDAY 5 DECEMBER 2016** commencing at **1.17pm.**

Present:

Cr DW Fulton (Chairperson)
Cr AD Bech
Cr JA Church [until 4.13pm]
Cr SL Henderson
Cr SD Lynch
Cr RC McGuire [until 4.13pm]
Cr FM McNally
Cr BL Main
Cr EM Patterson
Cr JD Sedgwick [until 4.01pm]
Cr NMD Smith [until 4.12pm]
Cr LR Thomson

Attending:

Mr TG Whittaker (Acting Chief Executive)
Ms S Duignan (General Manager Customer Support)
Mr T Harty (General Manager Service Delivery)
Mrs R Gray (Council Support Manager)
Mr K Lockley (Zero Harm Manager)
Ms A Diaz (Finance Manager)
Ms K Nicolson (Policy Planner)
Mrs GD Jones (Legal Counsel)
Mr A Corkill (Asset Management Team Leader)
Mr R MacLeod (Raglan Community Board Chair)
1 member of the public
13 members of staff

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Church/Sedgwick)

THAT an apology be received from and leave of absence granted to His Worship the Mayor and Cr Gibb being absent on Council business.

CARRIED on the voices

WDC1612/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs Thomson/Patterson)

THAT the agenda for a meeting of the Waikato District Council held on Monday 5 December 2017 be confirmed and all items therein be considered in open meeting with the exception of those items detailed at agenda item 8 which shall be considered with the public excluded;

AND THAT Council resolves that the following item be added to the agenda as a matter of urgency as advised by the Chairperson:

- **Amendment to Delegations Register - Delegation to the Waikato River and Catchment Liaison Subcommittee.**

CARRIED on the voices

WDC1612/02

DISCLOSURES OF INTEREST

Cr Sedgwick advised members of Council that she would declare a non-financial conflict of interest in item 5.1.5 [*Making Good Decisions – Chair Certification and Panel Recertification*]

Cr Church advised members of Council that she would declare a non-financial conflict of interest in the additional item on the agenda [*Amendments to Delegations Manual – Delegation to the Waikato River and Catchment Liaison Subcommittee*].

CONFIRMATION OF MINUTES

Resolved: (Crs Patterson/Lynch)

THAT the minutes of a meeting of the Waikato District Council held on 1 November 2016 be confirmed as a true and correct record of that meeting, subject to the editing of Resolution No WDC1611/04 (Appointments to Community Boards and Other Committees) to remove the following committees and councillors duplicated in the resolution:

North East Waikato Community Committee	Whangamarino Councillor	Ward
Rangiriri Community Committee	Whangamarino Councillor	Ward
Te Kauwhata Community Committee	Whangamarino Councillor	Ward

CARRIED on the voices

WDC1612/03

COMMITTEE AND DEPARTMENTAL REPORTS

Receipt of Policy & Regulatory Committee Minutes held on Tuesday 15 November 2016
Agenda Item 5.1.1

Resolved: (Crs Sedgwick/Cr McNally)

THAT the minutes of a meeting of the Policy & Regulatory Committee held on Tuesday 15 November 2016 be received.

CARRIED on the voices

WDC1612/04/1/1

Adoption of Local Alcohol Policy – P&R1611/04/3

Resolved: (Crs Sedgwick/Church)

THAT Council bring the adopted Local Alcohol Policy into force;

AND THAT the Local Alcohol Policy, with the exception of clauses 4.6, 5.6 and 6.6, come into force on 1 January 2017;

AND FURTHER THAT clauses 4.6, 5.6 and 6.6 of the policy come into force 3 months later on 1 April 2017.

CARRIED on the voices

WDC1612/04/1/2

Zero Harm Update
Agenda Item 5.1.2

The report was taken as read and the Zero Harm Manager spoke of key highlights:

- Minor incidents occurred over last quarter, currently running at zero loss time frequency rate
- Near miss reporting has consistently not met the target over the last quarter.

It was noted the drug testing is included in the Health Improvement Programme, and there is an intention to provide zero harm presentations to the community boards and community committees. It was also noted that there are policies and procedures for staff to follow at Council.

Resolved: (Crs McInally/Main)

THAT the report from the Chief Executive be received.

CARRIED on the voices

WDC1612/04/1/3

Making Good Decisions – Panel Foundation Course
Agenda Item 5.1.3

Resolved: (Crs Lynch/Henderson)

THAT the report from the Chief Executive be received;

AND THAT Council approves the cost of approximately \$2,053.04 plus GST and travel and accommodation for Councillor Main to undertake the Panel Foundation course.

CARRIED on the voices

WDC1612/04/1/4

Making Good Decisions – Panel Recertification
Agenda Item 5.1.4

Tabled: Updated report: Chair Certification and Panel Recertification

It was noted that the report contained in the agenda (pages 38 and 39) was withdrawn and replaced with an updated report for consideration.

Resolved: (Crs Bech/Church)

THAT the report from the Chief Executive be received;

AND THAT Council approves the cost of approximately \$1,400.00 plus GST and travel and accommodation for Councillor Gibb to undertake the chair certification and panel recertification course before June 2017.

CARRIED on the voices

WDC1612/04/1/5

Making Good Decisions – Chair Certification and Panel Recertification
Agenda Item 5.1.5

Cr Sedgwick declared a conflict of interest and withdrew to the gallery. She did not take part in discussion or voting on this item.

Resolved: (Crs Thomson/Patterson)

THAT the report from the Chief Executive be received;

AND THAT Council approves the cost of approximately \$1,400.00 plus GST and travel and accommodation for Cr Gibb to undertake the chair certification and panel recertification course before June 2017.

CARRIED on the voices

WDC1612/04/1/6

Approval of Easter Trading Policy for Consultation
Agenda Item 5.1.6

Tabled: Updated Statement of Proposal

Discussion on the removal of employment related legislation in the updated Statement of Proposal was held.

Resolved: (Crs McGuire/Bech)

THAT the report from the General Manager Strategy & Support be received;

AND THAT Council approve the draft Easter Trading Policy and Statement of Proposal for consultation subject to the reference regarding the Easter Trading legislation.

CARRIED on the voices

WDC1612/04/1/7

Amendment to Delegations Register – Delegation to the Waikato River and Catchment Liaison Subcommittee
Add.Item

Cr Church declared a conflict of interest and withdrew to the gallery. She did not take part in discussion or voting on this item.

Resolved: (Crs Sedgwick/Thomson)

THAT the report from the Acting Chief Executive be received;

AND THAT pursuant to schedule 7 clause 32 of the Local Government Act 2002 the Waikato District Council makes the following addition to the delegation register detailed as follows:

- That delegation be given to Cr Jacqui Church, the Awaroa ki Tuakau ward Councillor, to represent Council on the Lower Waikato River and Catchment Liaison Subcommittee.

CARRIED on the voices

WDC1612/04/1/8

Receipt of Strategy & Finance Committee Minutes held on Tuesday 22 November 2016
Agenda Item 6.2.1

Resolved: (Crs Lynch/Patterson)

THAT the minutes of a meeting of the Strategy & Finance Committee held on Tuesday 22 November 2016 be received.

CARRIED on the voices

WDC1612/04/2/1

Strada Corporation Limited – Exemption from being Classified as Council Controlled Organisation – S&F1611/14

Resolved: (Crs Bech/Sedgwick)

THAT pursuant to section 7(3) of the Local Government Act 2002 (“LGA”) Waikato District Council exempt Strada Corporation Limited (“Strada”) from being classified as a council controlled organisation, for the purposes of section 6(4) of the LGA;

AND THAT on reaching its decision, the Council has taken the following matters into account:

- a. **Strada has ceased trading and is therefore no longer a council controlled trading organisation;**
- b. **Strada has realised almost all its assets and is in the process of returning its capital to Council;**
- c. **There is a cost benefit to Strada and Council not having to comply with the statement of intent and monitoring provisions set out in Part 5 of the LGA;**
- d. **When the asset realisation process is completed Strada will have no further activities to undertake. Its only asset will be a balance of \$625,000.00, receivable from Waikato Quarries Limited. Strada will have no liabilities other than contingent liabilities as guarantor under the Quarry Sale Agreement between Waikato Quarries Limited and Fulton Hogan Limited.**

CARRIED on the voices

WDC1612/04/2/2

Credit Card Surcharge – S&F1611/15

Resolved: (Crs Bech/Sedgwick)

THAT the credit card surcharge amount be set at 2.0% of the credit card transaction value;

AND THAT the surcharge percentage be re-visited in six months' time once actual data has been received and reviewed.

CARRIED on the voices

WDC1612/04/2/3

Objection to Development Contributions – Tamahere Eventide Home Trust – S&F1611/16

Resolved: (Crs Bech/Lynch)

THAT Council approves passing on the costs of the external commissioners to the applicant.

CARRIED on the voices

WDC1612/04/2/4

Heritage Project Fund Assessment Team – S&F1611/17

Resolved: (Crs Henderson/Thomson)

THAT the following two Councillors be appointed to the Heritage Assessment Team:

**Cr Church, and
Cr McGuire.**

CARRIED on the voices

WDC1612/04/2/5

Wastewater Overflow Continual Improvement Plan
Agenda Item 5.2.2

The General Manager Service Delivery expanded on the report including the changing perception of services.

The Acting Chief Executive spoke of the financial aspects of this Plan, including the impact of the decision on ratepayers to targeted rates in 2017/18.

Resolved: (Crs Church/McInally)

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

AND THAT Council support proceeding on the basis of the Medium Level of performance for Wastewater Network Overflows, as outlined within the Jacobs report attached to the agenda report;

AND FURTHER THAT Council approve \$1,756,883 to undertake additional works as outlined within the agenda report;

AND FURTHER THAT Council approve the funding plan as outlined in scenario (e) to fund these works.

CARRIED on the voices

WDC1612/04/2/6

2017/18 Annual Plan Process

Agenda Item 5.2.3

Resolved: (Crs Sedgwick/Thomson)

THAT the report of the General Manager Strategy & Support be received;

AND THAT staff proceed with the preparation of the financial statements using Year 3 of the Long Term Plan (2015-2025) as the base for the 2017/18 Annual Plan and incorporate known changes;

AND FURTHER THAT the impact of the Wastewater Overflow Continuous Improvement Plan that would trigger Council's Significance & Engagement Policy be incorporated into a consultation document as required under section 95 of the Local Government Act 2002.

CARRIED on the voices

WDC1612/04/2/7

New Zealand Petroleum and Minerals 2017 Block Offer Update

Agenda Item 5.2.4

The Policy Planner took the report as read and answered questions of the members.

Resolved: (Crs Smith/Lynch)

THAT the report of the General Manager Strategy & Support be received.

CARRIED on the voices

WDC1612/04/2/8

Plan Change 14 Raglan Rezone – Operative Date – S&F1611/12

Resolved: (Crs Bech/Lynch)

THAT pursuant to clause 20 in schedule I of the Resource Management Act 1991, staff arrange a public notice that declares operative the provisions in Plan Change 14 Rezone.

CARRIED on the voices

WDC1612/04/2/9

Receipt of Infrastructure Committee Minutes held on Tuesday 22 November 2016
Agenda Item 5.3.1

Resolved: (Crs Fulton/Patterson)

THAT the minutes of a meeting of the Infrastructure Committee held on Tuesday 22 November 2016 be received.

CARRIED on the voices

WDC1612/04/3/1

Whatawhata Hall Site to be Declared Surplus and Available for Sale by Private Treaty –
INF1611/07

Resolved: (Crs Fulton/Patterson)

THAT part Section 20 Suburbs of Whatawhata CFR SA 228/85 be declared surplus to Council requirements and subject to completion of the legislative requirements of the Local Government Act 2002, be made available for sale by private treaty at a price established by valuation, and to be within Council property policy;

AND THAT the nett proceeds of sale be held in the Property Proceeds Reserve to be put towards the provision of a community facility to serve the Whatawhata Community.

CARRIED on the voices

WDC1612/04/3/2

George Street Reserve - Easement – INF1611/08

Resolved: (Crs Fulton/Thomson)

THAT Council exercise its delegated authority under s48 of the Reserves Act 1977 to authorise a grant of electricity easement in gross, in favour of Counties Power Limited, over the land legally described as Lot 1 DP 106591 held in NA81A/437.

CARRIED on the voices

WDC1612/04/3/3

Waikato District Alliance Contract 14/314 - Mangawara Stream Bridge Design and Construct Variation – INF1611/10

Resolved: (Crs Patterson/Thomson)

THAT Council approve the contract sum of Contract 14/314 Waikato District Alliance be increased to \$151,925,000 (excl GST);

AND THAT Council agrees to including the pain/gain share facility for this project provided overall costs stay within the financial limits of the project.

CARRIED on the voices

WDC1612/04/3/4

Disposal of Houses at 8 and 10 Ford Street, Pokeno
Agenda Item 5.3.2

The Asset Management Team Leader spoke of the issues of concern and took questions from the members.

Resolved: (Crs Church/Lynch)

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

AND THAT the residential dwellings at 8 and 10 Ford Street, Pokeno, be declared surplus to Council requirements and be offered for sale by removal, at a price to be established by market valuation, and to be within Council property policy, with the nett proceeds of sale, minus costs, to be credited to the Property Proceeds Reserve;

AND FURTHER THAT should the residential dwellings not be purchased through the sale process, that they are approved for demolition to absolve Council of ongoing costs and risks associated with unused dwellings.

CARRIED on the voices

WDC1612/04/3/5

Road Name Proposal for New Road off Vineyard Road, Te Kauwhata
Agenda Item 5.3.3

Resolved: (Crs Smith/Sedgwick)

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

AND THAT Council approves a proposal to name the new road developed to service the Vineyard Road Limited subdivision - Old Vintners Close.

CARRIED on the voices

WDC1612/04/3/6

Road Name Proposals for New Road at 265 Collie Road, Te Kowhai
Agenda Item 5.3.4

Resolved: (Crs Patterson/Thomson)

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

AND THAT Council endorses a proposal to name the new road, constructed to service the OE and VM Madgwick subdivision, Charles Barton Lane.

CARRIED on the voices

Cr Smith requested his abstention be recorded.

WDC1612/04/3/7

Sub Regional Water CCO
Agenda Item 5.3.5

The General Manager Service Delivery presented the report and answered questions of Council.

Resolved: (Crs McGuire/Bech)

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

AND THAT Council formally support the formation of an Asset Owning Three Council Water CCO;

AND FURTHER THAT Council adopt the draft Record of Agreement as attached to the agenda report, incorporating any necessary amendment in relation to any decision on water meters for Hamilton City being made by that Council alone as the basis of the formation of a three council asset-owning Water CCO;

AND FURTHER THAT Council request staff to develop the plan to undertake the next stage of the project, including a full public consultative process and delegate the approval of this plan to the members of the Waters Governance Group.

A division in voting was called for:

Cr DW Fulton (Chairperson) - In Favour
Cr AD Bech - In Favour
Cr JA Church - Against
Cr SL Henderson - In Favour
Cr SD Lynch - In Favour
Cr RC McGuire - In Favour
Cr FM McNally - In Favour
Cr BL Main - In Favour

**Cr EM Patterson - In Favour
Cr JD Sedgwick - In Favour
Cr NMD Smith - Abstained
Cr LR Thomson - Against**

CARRIED on a Division 9 voting in FAVOUR, 2 AGAINST and 1 ABSTENTION

WDC1612/04/3/8

Request to Construct Built Encroachments within Unformed Legal Road Access to Waimakariri Marae at Tauwhare
Agenda Item 5.3.6

Resolved: (Crs Smith/Lynch)

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

AND THAT the request to construct encroachments within Unformed Legal Road access to Waimakariri Marae at Tauwhare be declined.

CARRIED on the voices

WDC1612/06/3/9

Receipt of Discretionary & Funding Committee Minutes held on Monday 7 November 2016
Agenda Item 5.4.1

Resolved: (Crs Lynch/Sedgwick)

THAT the minutes of a meeting of the Discretionary & Funding Committee held on Monday 7 November 2016 be received.

CARRIED on the voices

WDC1612/06/4/1

COMMUNITY BOARD MINUTES

Receipt of Onewhero-Tuakau Community Board Triennial Minutes held on Monday 7 November 2016
Agenda Item 7.1

Resolved: (Crs Church/Main)

THAT the minutes of a triennial meeting of the Onewhero-Tuakau Community Board held on Monday 7 November 2016 be received.

CARRIED on the voices

WDC1612/05/1

Receipt of Raglan Community Board Triennial Minutes held on Tuesday 8 November 2016
Agenda Item 6.2

Resolved: (Crs Thomson/Smith)

THAT the minutes of a triennial meeting of the Raglan Community Board held on Tuesday 8 November 2016 be received.

CARRIED on the voices

WDC1612/05/2

Receipt of Ngaruawahia Community Board Triennial Minutes held on Tuesday 8 November 2016

Agenda Item 6.3

Resolved: (Crs Patterson/Thomson)

THAT the minutes of a triennial meeting of the Ngaruawahia Community Board held on Tuesday 8 November 2016 be received.

CARRIED on the voices

WDC1612/05/3

Receipt of Taupiri Community Board Triennial Minutes held on Monday 14 November 2016
Agenda Item 6.4

Resolved: (Crs Patterson/Thomson)

THAT the minutes of a triennial meeting of the Taupiri Community Board held on Monday 14 November 2016 be received.

CARRIED on the voices

WDC1612/05/4

Receipt of Huntly Community Board Triennial Minutes held on Tuesday 15 November 2016
Agenda Item 6.5

Resolved: (Crs McNally/Lynch)

THAT the minutes of a triennial meeting of the Huntly Community Board held on Tuesday 15 November 2016 be received.

CARRIED on the voices

WDC1612/05/5

COMMUNITY COMMITTEE MINUTES

Receipt of Te Kauwhata Community Committee Triennial Minutes held on Wednesday 2 November 2016

Agenda Item 7.1

Resolved: (Crs Sedgwick/Patterson)

THAT the minutes of a triennial meeting of the Te Kauwhata Community Committee held on Wednesday 2 November 2016 be received.

CARRIED on the voices

WDC1612/06/1

Receipt of Meremere Community Committee Triennial Minutes held on Thursday 10 November 2016

Agenda Item 7.2

Resolved: (Crs Sedgwick/Thomson)

THAT the minutes of a triennial meeting of the Meremere Community Committee held on Thursday 10 November 2016 be received.

CARRIED on the voices

WDC1612/06/2

Receipt of Tamahere Community Committee Minutes held on Monday 3 October, Triennial Minutes held on 17 October, and Minutes held on 7 November 2016

Agenda Item 7.3

Resolved: (Crs Bech/Sedgwick)

THAT the minutes of a meeting of the Tamahere Community Committee held on Monday 3 October 2016 be received;

AND THAT the triennial minutes of a meeting of the Tamahere Community Committee held on Monday 17 October 2016 be received;

AND FURTHER THAT the minutes of a meeting of the Tamahere Community Committee held on Monday 7 November 2016 be received.

CARRIED on the voices

WDC1612/06/3

Receipt of Pokeno Community Committee Minutes held on Tuesday 13 September and Tuesday 11 October 2016
Agenda Item 7.4

Resolved: (Crs Church/Henderson)

THAT the minutes of meetings of the Pokeno Community Committee held on 13 September 2016 and 11 October 2016 be received.

CARRIED on the voices

WDC1612/06/4

EXCLUSION OF THE PUBLIC

Agenda Item 8

Resolved: (Crs Patterson/Smith)

THAT the report of the Chief Executive be received;

AND THAT the public be excluded from the meeting to enable Council to deliberate and make decisions on the following items of business:

Confirmation of Minutes dated 1 November 2016

Receipt of Minutes:

- **Strategy & Finance Committee dated 22 November 2016**
- **Infrastructure Committee dated 22 November 2016**

REPORTS

a. Petition Opposing Cash Free Service at Huntly Library and Council Office

This resolution is made in reliance on section 48(1)(a) and 48(2)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by sections 6 or 7 of that Act which would be prejudiced by the holding of the whole or the relevant part(s) of the proceedings of the meeting in public are as follows:

Reason for passing this resolution to withhold exists under: **Ground(s) under section 48(1) for the passing of this resolution is:**

Section 7(2)

Section 48(1)(3)(a)(d)

b. Pokeno Reservoir Land Acquisition

This resolution is made in reliance on section 48(1)(a) and 48(2)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by sections 6 or 7 of that Act which would be

prejudiced by the holding of the whole or the relevant part(s) of the proceedings of the meeting in public are as follows:

Reason for passing this resolution to withhold exists under: Ground(s) under section 48(1) for the passing of this resolution is:

Section 7(2)(a)(b)(ii)(i)(j)

Section 48(1)(3)(d)

c. Rating Sale 7 Uenuku Road Ngaruawahia

This resolution is made in reliance on section 48(1)(a) and 48(2)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by sections 6 or 7 of that Act which would be prejudiced by the holding of the whole or the relevant part(s) of the proceedings of the meeting in public are as follows:

Reason for passing this resolution to withhold exists under: Ground(s) under section 48(1) for the passing of this resolution is:

Section 7(2)(a)

Section 48(1)(3)(a)(i)(ii)

d. Crown Land to be Declared Road under s.114 Public Works Act 1981

This resolution is made in reliance on section 48(1)(a) and 48(2)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by sections 6 or 7 of that Act which would be prejudiced by the holding of the whole or the relevant part(s) of the proceedings of the meeting in public are as follows:

Reason for passing this resolution to withhold exists under: Ground(s) under section 48(1) for the passing of this resolution is:

Section 7(2)(b)(ii)(i)(j)

Section 48(1)(3)(d)

e. Sale of Stopped Marlborough Street at Pokeno

This resolution is made in reliance on section 48(1)(a) and 48(2)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by sections 6 or 7 of that Act which would be prejudiced by the holding of the whole or the relevant part(s) of the proceedings of the meeting in public are as follows:

Reason for passing this resolution to withhold exists under: Ground(s) under section 48(1) for the passing of this resolution is:

Section 7(2)(b)(ii)(i)(j)

Section 48(1)(3)(d)

