

Minutes of a meeting of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **MONDAY, 2 NOVEMBER 2020** commencing at **9.30am**.

Present:

His Worship the Mayor, Mr AM Sanson (Chairperson)
Cr AD Bech
Cr JA Church
Cr CA Eyre
Cr JM Gibb [*until 10.56am and then from 11.02am*]
Cr SL Henderson [*from 9.32am until 11.15am, and then from 11.20am*]
Cr SD Lynch
Cr RC McGuire
Cr FM McInally
Cr NMD Smith
Cr LR Thomson
Cr CT Woolerton

Attending:

Mr GJ Ion (Chief Executive)
Mr TG Whittaker (Chief Operating Officer)
Mr R MacCulloch (General Manager Service Delivery)
Mr C Morgan (General Manager Community Growth)
Mr J Quinn (Communications, Engagement and Marketing Manager)
Mr S Toka (Iwi & Community Relationship Manager)
Ms A Diaz (Chief Financial Officer)
Ms L Shirley (Zero Harm Manager)
Ms C Nutt (Waters Contract Relationship Manager)
Ms C Pidduck (Legal Counsel)
Ms M May (Community Connections Manager)
Mr B Stringer (Democracy Manager)

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Thomson/McInally)

THAT an apology be received from Cr Sedgwick and Cr Patterson

CARRIED

WDC2011/01

It was noted that Cr Patterson was at a Regional Transport Committee as Council's representative.

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs Gibb/Church)

THAT the agenda for a meeting of the **Waikato District Council** held on **Monday, 2 November 2020** be confirmed and all items therein be considered in open meeting with the exception of those items detailed at agenda item 7 which shall be considered with the public excluded.

CARRIED

WDC2011/02

Cr Henderson joined the meeting at 9.32am during the above item.

DISCLOSURES OF INTEREST

Mayor Sanson advised Councillors that he would declare a financial conflict of interest in item 6.6 [*Sale of Vehicle – 2017 Toyota Highlander KPT7*]. Councillor Bech would assume the Chair for that item.

CONFIRMATION OF MINUTES

Resolved: (Crs Bech/Eyre)

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

CARRIED

WDC2011/03

Resolved: (Crs Lynch/Woolerton)

THAT the minutes of an extraordinary meeting of the **Waikato District Council** held on **Monday, 28 September 2020** be confirmed as a true and correct record of that meeting.

CARRIED

WDC2011/04

COMMITTEE RECOMENDATIONS

Policy & Regulatory Committee

Agenda Item 5.1

2019/2020 Annual Dog Control Report (P&R2010/05)

Resolved: (Cr Smith/Church)

THAT Council approves the 2019/20 Annual Dog Control Report (as attached to the staff report, Item 6.5 in the 12 October 2020 Policy & Regulatory Committee Agenda) for release to the community.

CARRIED

WDC2011/05

Strategy & Finance Committee

Agenda Item 5.2

Review of Strategic Boundary Agreement between Waikato District Council and Hamilton City Council (S&F 2010/04)

Resolved: (Cr Gibb/Bech)

THAT Council adopt the amended Strategic Boundary Agreement between Waikato District Council and Hamilton City Council as attached as Appendix I to the staff report (Item 7.1, 13 October 2020 Strategy & Finance Agenda);

AND THAT Council delegates the Chief Executive to finalise the amended Strategic Boundary Agreement subject to any feedback from the Committee and Hamilton City Council;

AND FURTHER THAT Council delegates the Mayor and Chief Executive to sign the revised Strategic Boundary Agreement on behalf of Council.

CARRIED

WDC2011/06

REPORTS

Zero Harm Update

Agenda Item 6.1

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

- Support provided to Community Connections team in relation to Raglan wharf.
- Recent training update for some staff.
- Dog attacks on staff. Corrective actions and recommendations from independent investigation had been reported to the Executive Leadership Team. Areas targeted for improvement were discussed.

ACTION – The investigation and corrective actions/recommendations in relation to dog attacks on staff to be included in the December 2020 Zero Harm workshop.

- Workplace Violence – funding of Tactical Communications training.
- Harm Event – Hitting objects with part(s) of body.

ACTION – Zero Harm to review and report back to elected members in relation to details of incidents of harm caused by objects hitting parts of a body.

Staff exploring the provision of more detailed analysis of Harm Events.

- Explanation of the high number of safety engagement conversations for Community Growth in July 2020.

Resolved: (Crs McInally/Woolerton)

THAT the report from the Chief Executive be received.

CARRIED

WDC2011/07

Mana Whenua Forums

Agenda Item 6.2

The Iwi & Community Relationship Manager outlined the marae and Maaori organisations within the District and the proposed mana whenua clusters, and how these were derived.

The following matters were discussed in response to questions:

- Formation and boundaries between clusters – a hapuu may be represented in more than one cluster. Work would continue on this matter.
- Iwi and hapuu affiliations and rohe did not align with ward boundaries (e.g. Ngati Tahinga)
- How marae in north of District should be split and equity of representation for northern cluster.

ACTION: Staff to identify clusters/areas for the mana whenua forums on a map and present to elected members at a workshop in early 2021.

- Waikato-Tainui expressed support for the proposal at the recent JMA hui, acknowledging it would be a journey.
- Complexity of marae representation in the proposed southern cluster.
- Issue of remuneration and financial considerations to be explored by staff and report back to Council.

Resolved: (Crs Thomson/Henderson)

THAT the report from the Chief Executive be received.

CARRIED

WDC2011/08

Maaori Wards
Agenda Item 6.3

The Democracy Manager summarised the report and the options available to Council for consideration. The following matters were discussed:

- Korero that had taken place with Waikato-Tainui, mana whenua and Maangai Maaori.
- Council's recent appointment of Maangai Maaori.
- Cost and likely outcome of a poll should the Council establish Maaori wards.

Motion: (Crs Smith/McGuire)

THAT the report from the Chief Executive be received;

AND THAT the Council does not establish Maaori wards for the 2022 local authority elections, and resolves to undertake a poll of electors in conjunction with the 2022 local authority elections on whether to establish Maaori wards for the 2025 and 2028 elections (Option 3b in the staff report);

AND FURTHER THAT the Council, working with Waikato Tainui and other Waikato local authorities, supports advocating for a change to the Local Electoral Act 2001 to remove the ability to demand or hold a poll on Maaori wards;

AND FURTHER THAT the Council requests that the Chief Executive, in consultation with His Worship the Mayor, notify iwi and marae within the District, of the Council's decision including the reasons for that decision.

Amendment: (Crs Thomson/Church)

THAT the report from the Chief Executive be received;

AND THAT the Council resolves in accordance with section 19Z of the Local Electoral Act 2001, to establish Maaori wards for the 2022 and 2025 local authority elections, noting that a public notice must be given of the Council's resolution and advising electors of their right to demand a poll to countermand this decision (Option 2 in the staff report);

AND FURTHER THAT the Council, working with Waikato Tainui and other Waikato local authorities, supports advocating for a change to the Local Electoral Act 2001 to remove the ability to demand or hold a poll on Maaori wards;

AND FURTHER THAT the Council requests that the Chief Executive, in consultation with His Worship the Mayor, notify iwi and marae within the District, of the Council's decision including the reasons for that decision.

The Amendment was put and a division was called:

For the Amendment: Crs Thomson, Gibb and Church.

Against the Amendment: Mayor Sanson, Crs Woolerton, Smith, McGuire, McInally, Lynch, Henderson, Eyre, Bech

The Amendment was lost and the Motion was then put, and a division was called.

Resolved: (Crs Smith/McGuire)

THAT the report from the Chief Executive be received;

AND THAT the Council does not establish Maaori wards for the 2022 local authority elections, and resolves to undertake a poll of electors in conjunction with the 2022 local authority elections on whether to establish Maaori wards for the 2025 and 2028 elections (Option 3b in the staff report);

AND FURTHER THAT the Council, working with Waikato Tainui and other Waikato local authorities, supports advocating for a change to the Local Electoral Act 2001 to remove the ability to demand or hold a poll on Maaori wards;

AND FURTHER THAT the Council requests that the Chief Executive, in consultation with His Worship the Mayor, notify iwi and marae within the District, of the Council's decision including the reasons for that decision.

For the Motion: Mayor Sanson, Crs Bech, Church, Eyre, Gibb, Henderson, Lynch, Thomson, McGuire, McInally, Smith, Woolerton.

Against the Motion: None

CARRIED

WDC2011/09

Delegations to Watercare Services Ltd
Agenda Item 6.4

Resolved: (Crs McGuire/Bech)

THAT the report from the Special Infrastructure Projects Manager be received.

CARRIED

WDC2011/10

The Waters Contract Relationship Manager explained why the delegations were required and summarised the nature of the delegations. In response to questions, the following matters were discussed.

- Delegation to restrict water supply – why this was required. The parameters of section 193 Local Government Act 2002, and connection to enforcement powers under the bylaw, were referenced by the Legal Counsel.
- Administration of delegations was subject to restrictive conditions. Council would always have power to revoke delegations if unsatisfied with how they were exercised by Watercare staff.
- Specific delegations were previously exercised by Council staff; now transferred to contractor staff responsible for delivering the associated work and services. Watercare staff currently required approval from Waikato District Council to exercise the specified powers/responsibilities.
- Timing of why delegations were not requested earlier in the transition.
- A number of paths existed for Watercare staff to contact Waikato District Council staff if there were issues that needed to be flagged; it was expected this would operate, if required, for the exercise of these delegations.

Resolved: (Crs Bech/McGuire)

THAT under Clause 32(5) of Schedule 7 of the Local Government Act 2002 and Section 34A(2) of the Resource Management Act 1991, the Council resolves to delegate the functions and powers set out in the following delegations table to the noted delegated employees of Watercare Services Limited (each “the delegate”), subject to the conditions specified below:

| Delegated functions and powers | Watercare delegate |
|--|---|
| Carry out and undertake all the functions, powers, or duties of an Enforcement Officer under the Local Government Act 2002 to the extent they relate to: (a) offences under the Waikato District Council Water Supply Bylaw 2014 or Waikato District Council Trade Waste and Wastewater Bylaw 2016; | <ul style="list-style-type: none">• Business Manager – Watercare Waikato• Commercial Manager• Lead customer care Representative |

| Delegated functions and powers | Watercare delegate |
|--|---|
| (b) an offence under the Local Government Act relating to water, water races, or private drains. | |
| Administer and enforce the Waikato District Council Water Supply Bylaw 2014 or Waikato District Council Trade Waste and Wastewater Bylaw 2016. | <ul style="list-style-type: none"> • Lead Customer Care Representative • Compliance Advisor |
| Recover for damage to water infrastructure assets operated by Watercare Services Limited for Waikato District Council under section 175 of the Local Government Act 2002 in accordance with the Agreement for Operation and Maintenance of Water, Wastewater and Stormwater Services between Council and Watercare Services Limited, including taking enforcement steps necessary to exercise the power. | <ul style="list-style-type: none"> • Business Manager – Watercare Waikato • Commercial Manager • Lead customer care Representative |
| Restrict water supply to a person’s land or building in the Waikato district under section 193 of the Local Government Act 2002. | <ul style="list-style-type: none"> • Business Manager Watercare Waikato • Operations Manager Networks |
| Consent to the discharge of trade wastes into sewerage drains under the control of Waikato District Council under section 196 of the Local Government Act 2002 if such consent is consistent with the WDC Trade Waste and Wastewater Bylaw 2016. | <ul style="list-style-type: none"> • Lead Customer Care Representative • Compliance Advisor |
| Authorise the undertaking of emergency works of a preventive or remedial nature under section 330 of the RMA in respect of water infrastructure assets operated by Watercare Services Limited for Council. | <ul style="list-style-type: none"> • Business Manager Watercare Waikato • Operations Manager Networks |
| Close to the public any esplanade strip or access strip during periods of emergency or public risk likely to cause loss of life, injury, or serious damage to property under section 237C of the RMA where it relates to. | <ul style="list-style-type: none"> • Business Manager Watercare Waikato • Operations Manager Networks |

The following conditions are to apply when exercising any of the above delegations:

- 1) 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 Council of the decision/choice to be made.
- 2) The delegate shall abide by the principles of decision making as set out in the Local Government Act 2002.
- 3) 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.
- 4) The delegate must act within the law, Council policy (as approved by the Council from time to time) and the Long Term Plan.
- 5) 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.
- 6) In making a decision or carrying out a duty under delegated authority, the delegate must comply with the Agreement for Operation and Maintenance of Water, Wastewater and Stormwater Services between Council and Watercare (as amended from time to time).
- 7) The delegate must not exercise any power under sections 172 or 182 of the Local Government Act 2002 unless authorised to do so pursuant to the Agreement for Operation and Maintenance of Water, Wastewater and Stormwater Services.
- 8) The delegate must not subdelegate any of the powers delegated to it. If any further delegation is required, it must be sought from the Council.

AND FURTHER THAT Council notes that the Delegations Register will be updated to reflect the above delegations.

CARRIED

WDC2011/11

Schedule of Meetings 2021

Agenda Item 6.5

The report was taken as read. His Worship the Mayor noted that additional meetings and workshops could be required during 2021, particularly in relation to the Long Term Plan.

Resolved: (Crs McGuire/Church)

THAT the report from the Chief Executive be received;

AND THAT the Council adopts the 2021 Meeting Schedule, as attached to the staff report (Attachment I).

CARRIED

WDC2011/12

Cr Gibb left the meeting at 10.56am during the above item and was not present when the matter was voted on.

Sale of Vehicle – 2017 Toyota Highlander KPT7

Agenda Item 6.6

Mayor Sanson declared a financial conflict of interest in this item, withdrew from the meeting and did not take part in discussion or voting. Cr Bech assumed the Chair for this item.

Resolved: (Crs Woolerton/Lynch)

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

CARRIED

WDC2011/13

The Community Connections Manager summarised the report, highlighting the independent valuation. The following matters were discussed in response to questions:

- There was currently no process to advise Councillors that a Council vehicle was to be sold.
- Council vehicles not sold internally would be put up for auction. Any Councillor interested in being notified of a proposed auction sale could advise the Community Connections team so that the Councillors can be advised at the appropriate time.
- Proposed sale was within the Council Policy. One independent valuation was obtained.
- The Sensitive Expenditure Policy was to be reviewed in 2021. The Chief Executive advised that due to the infrequent sale of Council vehicles to elected members, there was no urgency to bring that review forward.

Resolved: (Cr Church/Smith)

THAT Waikato District Council approve the sale of 2017 Toyota Highlander KPT7 to an elected member at the market value of \$32,000 inclusive of GST;

AND THAT the sale be supported by a tax invoice and subsequent receipt.

CARRIED

WDC2011/14

Cr Gibb rejoined the meeting at 11.02am during discussion on the above item.

EXCLUSION OF THE PUBLIC

Agenda Item 7

Resolved: (Crs Woolerton/Gibb)

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

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

| General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Ground(s) under section 48(1) for the passing of this resolution |
|--|--|--|
| 1 – Confirmation of Minutes 21 September 2020 | Good reason to withhold exists under Section 7 Local Government Official Information and Meetings Act 1987 | Section 48(1)(a) |
| 2 – Raglan Holiday Park Papahua Board of Governance – Appointment of Business Representative | | |

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

| Item No. | Section | Interest |
|---|---------|--|
| Item Confirmation of Minutes | 1 | Refer to the previous Public Excluded reason in the agenda for the relevant meeting. |
| Item 2 – Raglan Holiday Park Papahua Board of Governance – Appointment of Business Representative | 7(2)(a) | To protect the privacy of natural persons, including that of deceased natural persons. |

CARRIED

WDC2011/15

Cr Bech withdrew as Chairperson at the conclusion of the above item, and Mayor Sanson resumed the Chair for the remainder of the meeting.

Resolutions WDC2011/16 – WDC2011/19 are contained in the public excluded section of these minutes.

Having concluded the public excluded meeting the following item was released into open meeting:

REPORTS (CONTINUED)

Raglan Holiday Park Papahua Board of Governance – Appointment of Business Representative
PEX Agenda Item 2.1

It was resolved [*Resolution No. WDC2011/18*] during the public excluded section of the meeting that the following resolution be released into open meeting but the report remain confidential and unavailable to the public:

“Resolved: (Crs Smith/Woolerton)

THAT Council approves that Mr Tony Mayow be appointed as the Business Representative to the Raglan Holiday Park Papahua Board for a term of three years with effect from 2 November 2020, and with a right to stand for reappointment in accordance with the Raglan Holiday Park Papahua Board Charter.

CARRIED”

There being no further business the meeting was declared closed at 11.42am.

Minutes approved and confirmed this day 2020.

AM Sanson
CHAIRPERSON