

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

**Present:**

His Worship the Mayor, Mr AM Sanson (Chairperson)  
Cr AD Bech  
Cr JA Church  
Cr CA Eyre  
Cr JM Gibb  
Cr SD Lynch [*until 11.47am and then from 11.56am in the public excluded session*]  
Cr RC McGuire  
Cr FM McInally  
Cr EM Patterson  
Cr JD Sedgwick  
Cr NMD Smith [*until 11.04am and then from 11.08am in the public excluded session*]  
Cr LR Thomson  
Cr CT Woolerton

**Attending:**

Mr GJ Ion (Chief Executive)  
Mr TG Whittaker (Chief Operating Officer)  
Mr R MacCulloch (General Manager Service Delivery)  
Mrs S O’Gorman (General Manager Customer Support)  
Mr C Morgan (General Manager Community Growth)  
Ms A Diaz (Chief Financial Officer)  
Mr J Ebenhoh (Planning & Policy Manager)  
Mr V Ramduny (Strategic Projects Manager)  
Mr J Quinn (Communications, Engagement and Marketing Manager)  
Dr M Davey (Analytics Manager)  
Mr C Bailey (Finance Manager)  
Mr N Wells (Strategic Property Manager)  
Mr T Pipe (Environmental Health Team Leader)  
Ms M Russo (Corporate Planning Team Leader)  
Mr B Stringer (Democracy Manager)

Ms E O’Dwyer (Waikato Times)

## **APOLOGIES AND LEAVE OF ABSENCE**

Resolved: (Crs Woolerton/Sedgwick)

**THAT** an apology be received from Cr Henderson.

**CARRIED**

**WDC2012/06**

## **CONFIRMATION OF STATUS OF AGENDA ITEMS**

Resolved: (Crs Church/Sedgwick)

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

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

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

**AND FURTHER THAT** the Council resolves that the following item be withdrawn from the agenda, noting it will be presented in early 2021:

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

**CARRIED**

**WDC2012/07**

## **DISCLOSURES OF INTEREST**

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

## **CONFIRMATION OF MINUTES**

**Resolved: (Crs McInally/Thomson)**

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

**CARRIED**

**WDC2012/08**

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

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

**CARRIED**

**WDC2012/09**

## **ACTION REGISTER**

Agenda Item 5

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

**Resolved: (Crs Lynch/Sedgwick)**

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

**CARRIED**

**WDC2012/10**

## **COMMITTEE RECOMENDATIONS**

### **Policy & Regulatory Committee**

Agenda Item 6.1

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

**Resolved: (Crs Sedgwick/Lynch)**

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

**AND THAT Council confirms the Waikato District Council Keeping of Animals Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 and that it is satisfied that the bylaw can be justified as a reasonable limitation on people's rights and freedoms.**

**CARRIED**

**WDC2012/11**

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

**Resolved: (Crs Sedgwick/Lynch)**

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

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

**CARRIED**

**WDC2012/12**

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

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

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

**CARRIED**

**WDC2012/13**

Cr Smith abstained from voting.

**Infrastructure Committee**

Agenda Item 6.2

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

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

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

**CARRIED**

**WDC2012/14**

Waikato District Alliance GAIN Share Distribution (INF2011/07)

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

**THAT Council distribute the WDA GAIN share of \$151,945 as follows:**

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

**CARRIED**

**WDC2012/15**

Inorganic Kerbside Collection (INF2011/10)

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

**THAT Council agrees to consult with the public, as part of the Long Term Plan 2021-31, on whether to continue to deliver the Inorganic Kerbside Collection service after July 2021 (Option 2 in the Committee report – Item 5.8 Infrastructure Committee Agenda).**

**CARRIED**

**WDC2012/16**

Name of the Railway Station at Huntly (INF2011/11)

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

**THAT Council approves that the railway station at Huntly be named the Raahui Pookeka/Huntly station.**

**CARRIED**

**WDC2012/17**

**REPORTS**

Zero Harm Update  
Agenda Item 7.1

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

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

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

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

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

**CARRIED**

**WDC2012/18**

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

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

**THAT the report from the Chief Financial Officer be received.**

**CARRIED**

**WDC2012/19**

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

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

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

Waters Governance Board – LTP Recommendation  
Agenda Item 7.3

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

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

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

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

**Resolved: (Crs Church/Bech)**

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

**CARRIED**

**WDC2012/20**

Climate Response and Resilience Action Plan

Agenda Item 7.5

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

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

**Resolved: (Crs Sedgwick/McInally)**

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

**CARRIED**

**WDC2012/21**

**Resolved: (Crs Bech/Sedgwick)**

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

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

**CARRIED**

**WDC2012/22**

Pensioner Housing – Service Delivery Review

Agenda Item 7.6

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

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

**CARRIED**

**WDC2012/23**

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

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



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

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

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

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

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

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

**SCHEDULE**

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

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

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

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

**CARRIED**

**WDC2012/24**

Adoption of the Significance and Engagement Policy  
Agenda Item 7.7

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

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

**Resolved: (Crs Bech/McGuire)**

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

**CARRIED**

**WDC2012/25**

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

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

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

**Resolved: (Mayor Sanson/Cr Bech)**

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

**CARRIED**

**WDC2012/26**

**Resolved: (Mayor Sanson/Cr McNally)**

**THAT** except as otherwise recorded in this resolution, the Council extends the Chief Executive's current delegations (detailed in the Council's Delegations Register) to include all of Council's responsibilities, duties, and powers currently retained by the Council or delegated to the Council's standing Committees (except the District Licensing Committee), subject to the following conditions:

- a. the extended delegations will have effect only:
  - i. in the event that the Epidemic Preparedness (COVID-19) Notice 2020 ('Epidemic Notice') is not renewed beyond its current expiry date of 22 December 2020; and
  - ii. subject to (a)(i) above, for the period from Thursday, 24 December 2020 until Sunday, 17 January 2021;
- b. the extended delegations do not include a delegation of any Council responsibilities, duties or powers which are prohibited by law from delegation - including, without limitation, those set out in clause 32(1) of Schedule 7 to the Local Government Act;
- c. the Chief Executive may only exercise the extended delegations for those matters that cannot reasonably wait until the next Council or relevant Committee meeting;
- d. where reasonably practicable, the Chief Executive must, before exercising an extended delegation responsibility, duty or power, first consult with:
  - i. the Mayor (or the Deputy Mayor, in the event that the Mayor is not available); and
  - ii. the Chairperson (or Deputy Chairperson, in the event that the Chairperson is not available) of the relevant Committee, which would otherwise have the delegated authority to determine the issue for which the Chief Executive is intending to exercise the extended delegations.
- e. any decisions made and documents executed in exercising the extended delegations must be reported to the next meeting of Council or relevant Committee;
- f. the extended delegations may be revoked at any time by the Council or the Emergency Committee. In the event there is any inconsistency between this delegation and any other delegations made by the Council, this delegation takes precedence.

**AND THAT** the Council notes and agrees that, in the event that the Chief Executive is not available, the Chief Operating Officer can exercise any of the extended delegations noted above, subject to the same conditions;

**AND FURTHER THAT, Council temporarily amend the Emergency Committee's Terms of Reference and Delegations to remove the pre-requisite that a Council meeting is precluded due to a lack of quorum before an Emergency Meeting can proceed, provided that:**

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

**CARRIED**

**WDC2012/27**

**EXCLUSION OF THE PUBLIC**

Agenda Item 8

**Resolved: (Mayor Sanson/Cr Gibb)**

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

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

| General subject of each matter to be considered                               | Reason for passing this resolution in relation to each matter  | Ground(s) under section 48(1) for the passing of this resolution |
|---|--|--|
| 1 – Confirmation of Minutes 2 November 2020 and 2 December 2020               | Good reason to withhold exists under Section 7 Local Government Official Information and Meetings Act 1987 | Section 48(1)(a)   |
| 2.1 – Contract 15/111 Xtreme Zero Waste – Increase to Approved Contract Sum   |  |  |
| 2.2 - Contract 15-127 Smart Environmental – Increase to Approved Contract Sum |  |  |

| General subject of each matter to be considered  | Reason for passing this resolution in relation to each matter | Ground(s) under section 48(1) for the passing of this resolution |
|--|---|--|
| 2.3 - C20/006 Te Awa Cycleway Contract Award   |   |  |
| 2.4 - Horsham Downs Link Road Budget Review  |   |  |
| 2.5 - Variations to Contracts for Proposed District Plan Hearings Panel members  |   |  |
| 2.6 - Amendments to the Development Agreements for the provision of infrastructure at Northgate Business Park at Horotiu |   |  |

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

| Item No.   | Section     | Interest  |
|--|-------------|---|
| Item Confirmation of Minutes   | I           | Refer to the previous Public Excluded reason in the agenda for the relevant meeting.  |
| Item 2.1 – Contract 15/111 Xtreme Zero Waste – Increase to Approved Contract Sum   | 7(2)(b)(ii) | To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information. |
| Item 2.2 – Contract 15-127 Smart Environmental – Increase to Approved Contract Sum | 7(2)(b)(ii) | To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information. |

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

**CARRIED**

**WDC2012/28**

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

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

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

**REPORTS (CONTINUED)**

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

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

*'Resolved: (Crs Gibb/Bech)*

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

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

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

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

CARRIED'

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

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

*'Resolved: (Crs Smith/Gibb)*

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

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

CARRIED'

Amendments to the Development Agreements for the provision of infrastructure at Northgate Business Park at Horotiu  
Late PEX Agenda Item 2.6

It was resolved [*Resolution No. WDC2012/36*] 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 Patterson/Gibb)*

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

*AND THAT Council approve in principle the requirement for variations to the two Development Agreements, being the Development Agreement between Waikato District Council, Northgate Industrial Park Limited & Northgate Developments Limited and the Development Agreement between Waikato District Council and Ports of Auckland Limited ('the Variation Agreements'), the current drafts for which are circulated under separate cover to the staff report.*

*AND FURTHER THAT Council delegates authority to:*

- a. the Chief Executive to complete negotiations for the Variation Agreements; and*
- b. the Mayor and the Chief Executive to execute all documents to give effect to these resolutions.*

*CARRIED'*

There being no further business the meeting was declared closed at 12.01pm.

Minutes approved and confirmed this                                      day                                      2020.

AM Sanson  
**CHAIRPERSON**