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Minutes for a meeting of the Policy & Regulatory Committee of the Waikato District Council held via Audio Visual Conference on **TUESDAY, 22 MARCH 2022** commencing at **9.30am**.

**Present:**

Cr JD Sedgwick (Chairperson)  
His Worship the Mayor, Mr AM Sanson  
Cr AD Bech  
Cr C Eyre  
Cr JM Gibb  
Cr SL Henderson  
Cr SD Lynch  
Cr RC McGuire  
Cr FM McNally  
Mrs Moana-Tuwhangai (Maangai Maaori)  
Cr EM Patterson  
Cr NMD Smith  
Cr LR Thomson

**Attending:**

Mr GJ Ion (Chief Executive)  
Mr T 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 G Shaw (Democracy Advisor)  
Mrs Gaylene Kanawa (Democracy Team Leader)  
Mrs S Bourke (Community Safety Manager)  
Ms M Russo (Corporate Planning Team Leader)  
Ms A Sayer (Policy Advisor)  
Ms A Diaz (Chief Financial Officer)  
Mr J Ebenhoh (Planning & Policy Manager)

## **APOLOGIES AND LEAVE OF ABSENCE**

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

**THAT the Policy & Regulatory Committee accepts the:**

- a) apology from Cr Woolerton for non-attendance; and
- b) apology from Cr Thomson for early departure.

**CARRIED**

**P&R2203/01**

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

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

**THAT:**

- a) the agenda for a meeting of the Policy & Regulatory Committee held on Tuesday, 22 March 2022 be confirmed; and
- b) all reports be received

**CARRIED**

**P&R2203/02**

## **DISCLOSURES OF INTEREST**

Cr Church and Cr Smith declared a conflict of interest relating to Item 6.8 - 'Future Constitution of the Waikato District Licensing Committee and Tidy Up of Expiry Dates'.

## **CONFIRMATION OF MINUTES**

**Resolved: (Cr Gibb/His Worship the Mayor)**

**THAT**

- a. the minutes for the meeting of the Policy & Regulatory Committee held on Wednesday, 21 November 2021 be confirmed as a true and correct record; and
- b. the minutes for the meeting of the Policy & Regulatory Committee (Easter Trading By-Law Hearing and Deliberations) held on Tuesday, 8 February 2022 be confirmed as a true and correct record.

**CARRIED**

**P&R2203/03**

## **ACTIONS REGISTER**

### Agenda Item 5

The report was received [P&R2203/02 refers] and the following discussion was held:

#### External facing policies

- Cr Bech expressed surprise that external policies would not be available until the end of the calendar year and enquired if the policies to-date could be made publicly available on the Waikato District Council website.
- The Corporate Planning Team Leader suggested the comment Cr Bech referred to referenced last year. However, several current policies are essentially one-liners or resolutions, which is why the Corporate Planning Team had been hesitant to add them to the website at this stage. It was noted that if it is Council's desire to add these policies to the website, the team could continue to work through them.
- Cr Bech noted that the policies in question are items that affected communities should be aware of, therefore, should be made publicly available when and where possible.
- Cr Church agreed with Cr Bech and commented that Council needs to be transparent.
- The Corporate Planning Team Leader confirmed that all external policies would be uploaded to the Council website as soon as possible.
- Cr Eyre confirmed that she had received the 'Stock Underpasses – Financial Assistance Policy', therefore, this item could be removed from the Actions Register.
- The Committee discussed terminology updates and it was confirmed that the Corporate Planning Team would work with the Legal Team regarding this matter.

**ACTION:** Corporate Planning and Legal Teams to work together regarding terminology updates.

**ACTION:** Corporate Planning Team to investigate adding current external policies to the WAIDC website.

**ACTION:** Staff to remove the 'Stock Underpasses – Financial Assistance Policy' from the Actions Register.

**ACTION:** 'Northern Resource Recovery Centre' to be addressed with the Infrastructure Committee.

## **REPORTS**

### Chief Executive's Business Plan Agenda Item 6.1

The report was received [*P&R2203/02 refers*] and the following discussion was held:

- In summation, Council is progressing on most fronts.
- Delays around capital works were continuing to be a source of challenge for two reasons – supply chain issues and COVID-19 absences.
- There was a discussion with Watercare at the most recent Water Governance Board meeting around this. The general feeling is that they are too optimistic about what they will be able to achieve by the end of the financial year.
- Cr Church asked if there had been any systemic issues causing late delivery of infrastructure projects over the previous 3-5 years, and if so, have those issues been resolved.
- The Chief Executive advised that Council had worked hard in the last two years to address the delivery of projects.
- There are currently 54 vacancies that need to be filled.

### Approval to consult Earthquake Prone Buildings Consultation Agenda Item 6.2

The report was received [*P&R2203/02 refers*] and the following discussion was held:

- The Corporate Planning Team Leader introduced the report, advising that the introduction of the Earthquake Prone Buildings Amendment Act 2016 required local authorities situated in both the medium and high seismic risk areas to identify all earthquake prone buildings in their area, paying particular attention to those that contain unreinforced masonry. Once a local authority had identified all these potentially earthquake prone buildings, they then must undertake a consultation with the public to identify high pedestrian areas and strategic priority routes.
- The Waikato District is identified as being in both the medium and low areas of seismic risk zones. Three towns were identified in the medium seismic risk area, that are considered to have 'high pedestrian traffic' and contain unreinforced masonry, being Huntly, Ngaruawahia and Te Kauwhata.
- A workshop was held on 16 February 2022 to provide information to Council on these new requirements and to seek feedback on the areas that staff had identified as high pedestrian areas.
- MBIE had not established any guidance or criteria that determines what a high pedestrian area is. Consequently, what the Waikato District Council considers a high pedestrian area could potentially look very different to what Waipa District Council may consider to be a high pedestrian area. It is quite subjective at this stage.

- At the workshop, staff sought feedback on identifying strategic priority routes and early conversations with local emergency services acknowledged there were several routes between emergency services and the likes of medical services, or to get to an urban centre. Therefore, they did not feel the need to identify strategic priority routes, which is why it had been proposed they are not included in the consultation.
- Staff recommended that Council adopt the statement of proposal and that Council acknowledges that no strategic priority routes have been identified.
- Mayor Allan asked why River View Road and Hakanoa Street have been identified as hazard zones, when they are residential areas that contained no/minimal hazards. Mayor Allan clarified that he did not want to put a policy in place that lays an unfair burden on residential property owners if/when they apply for consents.
- The Building Quality Manager clarified that the intention of identifying River Road and Hakanoa Street as potentially hazardous areas was not to place burden on residential property owners. He clarified that River View Road contained an identified high-risk building (with unreinforced masonry). He also advised that it may be that we do not consider that to be a high pedestrian route.
- The Building Quality Manager also clarified that residential properties would not be affected by these criteria and only commercial buildings with unreinforced masonry would be affected.
- Mayor Allan suggested that if a hazardous building is identified on a street, for example, Hakanoa Street, then only those buildings should be identified, as opposed to the entire street being identified as high-risk or hazardous area.
- High pedestrian traffic areas are very subjective and may differ from one Council to another. Some clear guidance from MBIE would have assisted in these identifications.
- Cr Bech suggested that we need to be careful that each Council do not have vast differences in identifying high pedestrian traffic areas. Suggested that perhaps Council should first consult with MBIE to get clarity around what a high pedestrian traffic area actually meant and/or talk to fellow Councillors and Mayors around the definition/s, noting that this should be done prior to consultation with the community.
- The General Manager Customer Support noted that there was a tight timeframe on this piece of work, therefore, it needed to go out for public consultation sooner rather than later. Consequently, there may not be enough time to consult with MBIE and other Councils prior to public consultation.
- The General Manager Customer Support stated that there might be an opportunity to reduce the scope of some of the high pedestrian traffic areas identified, based on the location of identified high-risk buildings, as suggested by Mayor Allen. The General Manager Customer Service also noted that a if an area is identified as a high pedestrian traffic area, the only implication of this is that affected buildings are required to be repaired/upgraded earlier and those who do not own unreinforced masonry building will not be affected.

- Cr Gibb disputed Galileo Street as a high-risk area, as her understanding was that Memorial Hall was the only possible high-risk building, in that area. Recent investigations had confirmed it is not high-risk after all, therefore, it was requested that Galileo Street be removed from the consultation.
- Council is required to undertake public consultation under the Earthquake Prone Buildings Amendment Act.
- Mayor Allan stated that once a high pedestrian traffic area was identified, there would be implications for every other building on that road.
- The Building Compliance team advised that it was carrying out assessment work, which was expected to be completed by 31 March 2022. This work would allow Council to make more accurate map markings.
- Cr Sedgwick proposed the Committee waited until that information becomes available and subsequently hold a workshop to identify exactly which areas were in alignment with the compliance report. Staff would investigate how the suggestion would fit in with the timeframe legislative deadline.

**ACTION:** Staff to look at reducing the scope of each area that was considered a high pedestrian traffic area to ensure it was in closer proximity to the specific buildings identified, rather than encompassing the full road/street.

### Policy and Bylaw Review Programme, March 2022

#### Agenda Item 6.3

The report was received [P&R2203/02 refers] and the following discussion was held:

- The Corporate Planning Team Leader introduced the report, advising that staff and elected members had invested a significant amount of time and effort into this programme.
- There was an aim to have several of these bylaws reviewed by early to mid-2023.
- Some bylaws under review contained subject matter that would generate heightened public interest, therefore, may take longer to review.
- Cr Eyre requested that the Road Closures Policy bylaw review include the Federated Farmers in any surrounding discussion/s.
- Cr Bech suggested that if we had items which had generated complaints, we should then pull those forward in the work programme.
- Cr Bech noted that there was a high volume of reviews included in this programme and expressed concern around the community's capacity and enthusiasm to appropriately respond. He suggested that consideration needed to go into how this amount of consultation would affect the community and engender positive engagement.

**ACTION:** Staff would review the Committee's feedback regarding which bylaws to pull forward in the work programme and community consultation.

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

**THAT staff note the feedback provided by the Policy and Regulatory Committee and update/review the programme accordingly.**

**CARRIED**

**P&R2203/04**

Revocation of Policies – March 2022

Agenda Item 6.4

The report was received [*P&R2203/02 refers*] and the following discussion was held:

- The Policy Advisor stated that there were eight policies that had been proposed for revocation. These span from 1998 and 2012 and have either been superseded, deemed to be out of date or unnecessary.
- Cr Church noted that there may be a gap between an inactive policy and a new policy in the event that a policy has been, or will be, superseded. The Policy Advisor reported that this will relate to two policies and in these cases and there won't be much of a gap, if any at all.

**Resolved: (His Worship the Mayor/Cr McGuire)**

**THAT the Policy and Regulatory Committee recommends to Council that the policies listed below be revoked with immediate effect:**

- a. **Application of Interest to Council Reserves Policy 2010**
- b. **Bus Shelters - Public and Private Policy 2007**
- c. **Community Water Fluoridation Policy 2012**
- d. **Non-Standard Road Name Signs and Entrance Structures Policy**
- e. **Rating for Services Policy 2008**
- f. **Rating Rural Community Centre Areas Policy 2009**
- g. **Refuse Collection and Disposal Policy 2007**
- h. **Reserve Contributions and Conservation Covenants Policy 1998**

**CARRIED**

**P&R2203/05**

## Sensitive Expenditure Policy Review

### Agenda Item 6.5

The report was received [P&R2203/02 refers] and the following discussion was held:

- The Audit NZ report for year ended 30 June 2021 made reference to updating this policy.
- Revised policy draft had been through the Audit and Risk Committee, who recommended it to the Policy and Regulatory Committee.
- Cr Smith asked if this policy took the use of Council credit cards into account. It was confirmed that this policy does take credit card use into account. The Finance Manager noted that Council had just one credit card, with only the Finance Manager who had access to it.
- Mayor Allan suggested that the maximum spending limit per transaction be increased to \$5,000 (from \$2,500). At times, there had needed to be transactions greater than \$2,500 and staff have had to carry the expense on personal credit cards and then be reimbursed.
- Mrs Moana-Tuwhangai was surprised that there was only one credit card at Council. If processes are tight, it could save a lot of time for the Finance team if staff had procurement cards.
- The Finance Manager stated that Council's appetite for risk was extremely low and there is no tolerance for fraud. Credit card transactions typically occur 2-3 times per month, and it was not a great burden on the Finance team. There was a suggestion that we use procurement cards in the past, however the Audit and Risk Committee decided against it.
- Cr Smith supported comments for the limit on credit card transactions to be increased to \$5,000 per transaction.
- Cr Gibb suggested that Council could add that any exceptions to this limit could be authorised by two of the following three people - the Chief Executive, Mayor, and/or Chief Operating Officer.
- Mrs Moana-Tuwhangai was against the change as Council had good processes in place and was uncomfortable about decisions of this nature happening on the fly.

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

**THAT the Policy and Regulatory Committee recommends to Council:**

- a. **that the revised Sensitive Expenditure Policy be adopted, with an amendment which states a credit card transaction over \$2,500 could be approved by any two of either the Mayor, Chief Executive, or Chief Operating Officer.**

**CARRIED**

**P&R2203/06**

Mrs Moana-Tuwhangai requested her dissenting vote against the above motion be recorded.



## Treasury Risk Management Policy 2022

### Agenda Item 6.6

The report was received [*P&R2203/02 refers*] and the following discussion was held:

- This policy had been reviewed and workshopped twice with Councillors. PwC had reviewed the policy and provided advice.
- Several of the changes are legislative and made no difference to the operations of the policy.
- The policy had also been considered by the Audit and Risk Committee.
- Cr Church noted that on page 108 of the agenda, there was a point which states, Council will 'monitor treasury exposure on a regular basis' and did not believe that the term 'on a regular basis' was specific enough.
- The Finance Manager advised that Council monitors treasury every day, provided a monthly treasury compliance report, in addition to a quarterly report to the Strategy and Finance Committee.
- Cr Bech drew attention to the fixed floating interest rate risk control table and noted that Council needed to be comfortable that this represents where we would like to be moving forward.
- Cr Church enquired around why the Bank of China was included in the portfolio/matrix of banks in the report. The Finance Manger responded that they may be investors in Council loans with LGFA, making them a historic inclusion. He would undertake a review and update the Councillors at the next Strategy and Finance Committee meeting.

**ACTION:** Staff to investigate the Bank of China's inclusion in the Matrix of Banks and report back to Councillors at a future Strategy and Finance Committee meeting.

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

**THAT the Policy and Regulatory Committee recommends to Council:**

- a. that the revised Treasury Risk Management Policy be adopted.

**CARRIED**

**P&R2203/07**

## Enabling of Housing Supply Act – Update and Approach

### Agenda Item 6.7

The report was received [*P&R2203/02 refers*] and the following discussion was held:

- Cr Sedgwick stated that this policy would have significant impact on all communities and Council needed to consider this in future communication/s with the public.
- Cr McGuire believed this was going to have quite an impact on the communities and stated that the community needed to completely understand what was going on around this issue.

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

**THAT the Policy and Regulatory Committee:**

- a. approves collaboration with Future Proof Council partners (Waipa District Council and Hamilton City Council) on: Sharing information and resources in relation to implementing the Enabling Housing Supply Act (EHSA); Procuring technical advice on various matters including legal, economic, planning, capacity and urban design issues, as required; and Securing potential hearing panel commissioners for the Intensification Planning Instrument (IPI);**
- b. approves investigation (in collaboration with Waikato-Tainui, the Waikato River Authority and other relevant iwi authorities, Future Proof Council partners, and other Tier 1 Councils) into giving strong effect to Te Ture Whaimana o Te Awa o Waikato and any other applicable Qualifying Matters (s77G of Enabling Housing Supply Act) concerning the Medium Density Residential Standards (MDRS), with the aim of reflecting the unique characteristics of the Waikato district and its communities;**
- c. notes that, the approved submission (as attached to this report) on the Resource Management (Enabling Housing Supply) Amendment Bill, was lodged with the Ministry for the Environment on 16 November 2021, prior to the Bill being passed into law on 21 December 2021; and**
- d. notes that, the approved submission (as attached to this report) on the Transforming our Resource Management System discussion document (November 2021), was lodged with the Ministry for the Environment on 28 February 2022.**

**CARRIED**

**P&R2203/08**

Future Constitution of the Waikato District Licensing Committee and Tidy Up of Expiry Dates

Agenda Item 6.8

The report was received [P&R2203/02 refers] and the following points were raised:

- The Community Safety Manager introduced the report.
- Mayor Allan advised that Council had found throughout the last decade that this Committee should not have a political influence within its decision-making mechanisms and therefore seeks to remove that political influence.
- Cr Gibb expressed some concern that there may not be a mechanism for decision makers to always be aware of local issues which occur in this space.
- Cr McGuire stated that he believed the current system worked well and maintained a good balance.
- Cr Sedgwick stated that she had been frequently approached by people asking for influence in this space, so supported the recommendation.

- The Community Safety Manager advised that staff cannot be members of the committee and the Committee suggested this needed to be explicitly set out and worded correctly.
- The following suggested wording was proposed and agreed upon: “The committee shall not comprise elected members or staff of the WAIDC” and will be added as an amendment.

**Resolved: (His Worship the Mayor/Cr Patterson)**

**THAT the Policy and Regulatory Committee recommends to Council that:**

- a. the District Licensing Committee transition to an independent committee (with no elected members) prior to the commencement of the next triennium (option 5.1(b));**
- b. the Chief Executive be tasked with the recruitment of at least 1 further Commissioner, who is not an elected member;**
- c. the expiry of the appointment of Dr Michael Cameron as a list member be extended from 11 November 2022 to 1 December 2025 to coincide with the expiry of his Commissioner appointment (option 5.1(c));**
- d. the expiry of the appointment of Patsi Davies as a list member be extended from 11 November 2022 to 9 August 2026 to provide continued expertise to the DLC (option 5.1(c)); and**
- e. notes the committee shall not comprise elected members or staff of the Waikato District Council.**

**CARRIED**

**P&R2203/09**

Crs Henderson and McGuire and Mrs Moana-Tuwangai voted against the above motion.

Crs Church and Smith abstained from voting on this matter as they are members of the existing District Licensing Committee.

## **EXCLUSION OF THE PUBLIC**

Agenda Item 6.9

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

**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
<b>PEX I 2.1 Enabling Housing Supply Act: Appointment of Independent Hearing Panel Chair</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
Item PEX I Enabling Housing Supply Act: Appointment of Independent Hearing Panel Chair	7(2)(a)	To protect a person's privacy.

**CARRIED**

**P&R2203/10**

Resolutions are contained within the public excluded section of these minutes.

There being no further business the meeting was declared closed at 11.27am.

Minutes approved and confirmed this                    day of                    2022.

JD Sedgwick  
**CHAIRPERSON**