

Minutes for a meeting of the Waikato District Council held by Audio Visual Conference on **MONDAY, 20 SEPTEMBER 2021** commencing at **9.31am**.

Present:

His Worship the Mayor, Mr AM Sanson (Chairperson)
Cr AD Bech
Cr JA Church
Cr CA Eyre (Arrived at 9.45am – during PEX Item 5)
Cr JM Gibb
Cr SL Henderson
Cr SD Lynch
Cr RC McGuire
Cr FM McInally
Cr EM Patterson
Cr JD Sedgwick
Cr NMD Smith
Cr LR Thomson
Cr CT Woolerton

Attending:

Mr GJ Ion (Chief Executive) (left at 9.55am Item 6)
Mr TG Whittaker (Chief Operating Officer) (left at 9.55am Item 6)
Mr R MacCulloch (General Manager Service Delivery)
Mrs S O’Gorman (General Manager Customer Support)
Mr V Ramduny (Acting General Manager, Community Growth)
Mr N Johnston (Funding and Partnerships Manager)
Mr C Bailey (Finance Manager)
Ms C Nutt (Waters Contract Relationship Manager)
Ms J Bishop (Contracts and Partnering Manager)
Mr W Gauntlett (Growth and Analytics Manager)
Ms M May (Community Connections Manager)
Ms J Bishop (Contracts and Partnering Manager)
Mr R Bayer (Roading Team Leader)
Ms M Smart (Senior Property Officer)
Mrs GJ Kanawa (Democracy Team Leader)
Mr M Horsefield (Democracy Advisor)

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Gibb/Sedgwick)

THAT the apology for lateness from Cr Eyre be accepted.

CARRIED

WDC2109/26

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs Thomson/Patterson)

THAT the agenda for the meeting of the Waikato District Council held on Monday, 20 September 2021 be confirmed:

- a) with all items therein being considered in open meeting with the exception of those items detailed at agenda item 8, which shall be considered with the public excluded;**
- b) all reports being accepted; and**
- c) in accordance with Standing Order 9.4 the order of business be changed with agenda items 7.1 – Zero Harm and Items 8 and the public excluded agenda items being considered after agenda item 4 – Confirmation of Minutes.**

CARRIED

WDC2109/27

DISCLOSURES OF INTEREST

There were no disclosures of interest.

CONFIRMATION OF MINUTES

Agenda Item 4

Resolved: (Crs McGuire/Thomson)

- a) THAT the minutes for the Waikato District Council meeting held on Monday, 28 June 2021 be confirmed as a true and correct record; and**

CARRIED

WDC2109/28

Resolved: (Crs Beck/Sedgwick)

- b) THAT the minutes for the Waikato District Council Representation Review 2021 Initial Proposal hearings and deliberations, held on Thursday, 9 September 2021; Friday, 10 September 2021; Tuesday, 14 September 2021 and Thursday, 16 September 2021 be confirmed as a true and correct record.**

CARRIED

WDC2109/29

REPORTS

Zero Harm Update

Agenda Item 7.1

The report was received [*WDC2109/27 refers*]. The following discussion was held:

- Increase in events reported in both Chief Operating and Community Growth teams.
- Lost time injury occurred in August.
- Decline in recording contractor health and safety related activities in last couple of months, which we are monitoring.
- Nothing substantive for personal injury events.
- Details around nature of engagement conversations having during lockdown, predominantly (94) related to personal health and wellbeing.
- Confusion around hazardous substance sentence on page 30 of the agenda – confirmed that the controls were all in place and working.

Action: Council to receive summary of work relating to asbestos risks when it is completed.

Resolved: (Crs Thomson/McInally)

THAT the Waikato District Council notes the Zero Harm Update for September 2021.

CARRIED

WDC2109/30

EXCLUSION OF THE PUBLIC

Agenda Item 8

Resolved: (Crs Gibb/Patterson)

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

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

| General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Ground(s) under section 48(1) for the passing of this resolution |
|---|--|--|
| Item 1 Confirmation of Public Excluded Minutes for the meeting held on 9 August 2021 | Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987 | Section 48(1)(a) |
| Item 2.1 Water Governance Board recommendations for the Te Kauwhata Irrigation Association Incorporated Water Supply Agreement Update (WGB2109/01) | | |
| Item 3.1 Waters Governance Board Membership | | |

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 |
|--|---|--|
| <p>Item 1 Confirmation of Public Excluded Minutes for 9 August 2021</p> | | <p>Refer to the previous Public Excluded reason in the agenda for this meeting.</p> |
| <p>Item 2.1 Water Governance Board recommendations for the Te Kauwhata Irrigation Association Incorporated Water Supply Agreement Update (WGB2109/01)</p> | <p>7(2)(b)(ii)</p> <p>7(2)(i)</p> <p>7(2)(j)</p> | <p>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</p> <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p> <p>To prevent the disclosure or use of official information for improper gain</p> |
| <p>Item 3.1 Waters Governance Board Membership</p> | <p>7(2)(a)</p> <p>7(2)(d)</p> | <p>Protect the privacy of natural persons, including that of deceased natural persons.</p> <p>To enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.</p> |

CARRIED

WDC2109/31

Resolutions WDC2109/32 – WDC2109/35 are contained in the public excluded section of these minutes.

Having concluded the public excluded meeting there were no resolutions to release reports or resolutions at this time.

ACTION REGISTER

Agenda Item 5

Cr Bech assumed the Chair at 9.52am and the Mayor resumed the Chair at 9.55am.

The report was received [*WDC2109/27 refers*]. No further discussion was held.

Resolved: (Crs Thomson/Lynch)

THAT the Waikato District Council notes the Action Register for September 2021 and that all actions from the previous meeting were completed.

CARRIED

WDC2109/36

COMMITTEE RECOMENDATIONS

Policy & Regulatory Committee

Agenda Item 6.1

Adoption of the proposed Waikato District Council Stormwater Bylaw 2021 (P&R2109/06)

The report was received [*WDC2109/27 refers*]. No further discussion was held.

Resolved: (Crs Sedgwick/Gibb)

THAT the Waikato District Council adopts the Proposed Waikato District Council Stormwater Bylaw 2021, subject to the following amendments:

- a) **Te Ture Whaimana o Te Awa o Waikato - the vision and strategy of the Waikato River to be placed with the introduction in the bylaw document; and**
- b) **remove the words “within the urban areas” in the introduction.**

CARRIED

WDC2109/37

Adoption of the 2021 Proposed Amendments to the Waikato District Council Water Supply Bylaw 2014 and the Proposed Water Leak Relief Policy (P&R2109/07)

The report was received [*WDC2109/27 refers*]. Discussion was held as follows:

- Concern raised that the 10 working day timeframe was quite restrictive – staff advised that this was in the existing by-law and following further discussion it would remain at this timeframe.

Resolved: (Crs Sedgwick/Lynch)

THAT the Waikato District Council adopts the Proposed Waikato District Council Water Supply Bylaw 2014 and the Water Leak Remission Policy 2021 subject to the following amendments to Section 8.5.3 (a) of the Proposed Water Supply Bylaw 2014:

- a) any property owner who receives written notice may make a written application within 10 working days of receiving such notice for an exemption, and
- b) matters which will be taken into account when assessing an application for exemption include (but are not limited to):
 - i) Location of the property;
 - ii) The basis on which the exemption is claimed; and
 - iii) Any other matter which the Council deems relevant.

CARRIED

WDC2109/38

Cr Smith raised the issue with the Livestock Movement By-law being open for submission, whilst many farmers in our district are under lockdown restrictions as perhaps the date for submissions closing should be moved out.

Action: Staff to look at options for extending the submission timeframe for the Livestock Movement By-law.

Strategy & Finance Committee

Agenda Item 6.2

Changes to Default Growth – High Growth Projection from Waikato Projections 2018 -2068 (S&F2109/04)

The report was received [WDC2109/27 refers]. No further discussion was held.

Resolved: (Crs Gibb/Thomson)

That the Waikato District Council adopts the Changes to Default Growth – High Growth Projection from Waikato Projections 2018-2068 as Council’s default growth scenario from Tuesday, 21 September 2021.

CARRIED

WDC2109/39

General Rate Position for the Year Ended 30 June 2021 (S&F2109/05)

The report was received [WDC2109/27 refers]. No further discussion was held.

Resolved: (Crs Gibb/Bech)

THAT the Waikato District Council confirms the 2020/21 general rate surplus of \$35,502 being transferred to the general accounting reserve fund.

CARRIED

WDC2109/40

Infrastructure Committee

Agenda Item 6.3

Norrie Avenue Walkway, Raglan – Electricity Easement in Gross (INF2109/04)

The report was received [WDC2109/27 refers]. No further discussion was held.

Resolved: (Crs Patterson/Lynch)

THAT the Waikato District Council confirms that:

- a) when the route alignment (Attachment 2 to the Committee report) has been defined by survey, an electricity easement in gross in favour of WEL Networks Limited be granted over the land within the Norrie Avenue walkway at Raglan, legally described as Part Lot 19 Section 10 Town of Raglan held in RT SA 17A/332;
- b) the applicants meet all costs incurred through the process; and
- c) the Chief Executive be delegated authority to execute all relevant documentation to give effect to this resolution.

CARRIED

WDC2109/41

Te Kauwhata Wastewater Treatment Plant Electricity Easement in Gross (INF2109/05)

The report was received [WDC2109/27 refers]. No further discussion was held.

Resolved: (Crs Patterson/Sedgwick)

THAT the Waikato District Council approves:

- a) a grant of electricity easement in gross, in favour of WEL Networks Limited;
- b) that when the electricity easement in gross has been defined by survey, that it be registered against Record of Title SA 55D/100, being the record of title for the parcels of land legally described as part Lot 2 DPS 69450 and Section 96 Block XV Maramarua Survey District, and
- c) the Chief Executive be delegated authority to execute all relevant documentation to give effect to the resolution.

CARRIED

WDC2109/42

Downs Hall Reserve – Right of Way Easement (INF2109/06)

The report was received [WDC2109/27 refers]. No further discussion was held.

Resolved: (Patterson/Woolerton)

THAT Waikato District Council confirms that:

- a) in lieu of compensation, any agreement to easement, be made conditional upon the benefited land providing a reciprocal easement for shared public use of the carparking facilities on its landholdings;
- b) in accordance with s.48(3) Reserves Act 1977 confirms that public notification of the proposed right of way easement (when defined by survey) over the Horsham Downs Hall Reserve (being the parcel of land legally described as being part Allotment 479 Kirikiriroa Parish, no Record of Title) is required as the proposal is considered to be detrimental to the reserve or its users;
- c) if the public notification process does not result in objection/s or submission/s, that it exercises its delegated authority under s.48 Reserves Act 1977 to complete a grant of right of way easement over parts of the land legally described as part Allotment 479 Kirikiriroa Parish;
- d) the Village Church Trust:
 - i) is to meet all Council costs incurred in the process including the issue of title for part Allotment 479 Kirikiriroa Parish, and public notification and legalisation actions; and
 - ii) is to be responsible for survey definition, preparing and obtaining all consents including s348 Local Government Act 1974 approval, and LINZ registration; and
- e) the Chief Executive be delegated authority to execute all relevant documentation to give effect to the resolution.

CARRIED

WDC2109/43

Cr McGuire requested his dissenting vote against the above motion be recorded.

Proposed Stopping of Unformed Road – Mangatawhiri (INF2109/08)

The report was received [WDC2109/27 refers]. No further discussion was held.

Resolved: (Crs Patterson/Sedgwick)

THAT Waikato District Council approves:

- a) the black cross-hatched section of unformed legal road on the Aerial Diagram (included as Attachment I to the staff report) be:
 - i) declared surplus to Council’s current and future roading requirements;
 - ii) legally stopped utilising the road stopping provisions within the Public Works Act 1981;
 - iii) be transferred, when stopped, at a price established by market valuation and to be within the Council Property Policy, for amalgamation with the adjacent title (Record of Title NA54C/436); and
- b) the Chief Executive be delegated authority to execute all relevant documentation to give effect to this resolution.

CARRIED

WDC2109/44

Submissions Forum

Agenda Item 6.4

Submission on Changes to Maori ward and constituency processes

The report was received [WDC2109/27 refers]. No further discussion was held.

Resolved: (Crs Lynch/Bech)

THAT the Waikato District Council receives the submission made on their behalf on the Changes to Maori ward and constituency processes.

CARRIED

WDC2109/45

Audit & Risk Committee

Agenda Item 6.5

Proposed Revision of the Audit & Risk Committee Terms of Reference (A&R2109/10)

The report was received [WDC2109/27 refers]. No further discussion was held.

Resolved: (Crs Gibb/Sedgwick)

THAT the Waikato District Council adopt the revised Audit & Risk Committee Terms of Reference.

CARRIED

WDC2109/46

REPORTS

Proposed Easement: Stormwater discharge through Council reserve to the Waikato River Agenda Item 7.2

The report was received [WDC2109/27 refers]. The following discussion was held:

- Watercare working on catchment management plan for wider area which will help unlock development further north as well.
- The developer is responsible for ongoing maintenance and costs.
- Consenting process will cover most of the other concerns raised.
- Once easement is granted more work will be done on the wider public benefit.
- Easement is made to Council in gross for public benefit.
- Criteria 2 and 4 were considered but came out similar in all options, therefore criteria 1, 3 and 5 were the determining factors.
- There will be a permanent detriment to reserve in regard to disturbance of the soil, but mana whenua have preference to recommended option.
- Reserve quite marshy so already suffers from flooding.
- The waka feature represent visual enhancement and may attract more people to utilise the reserve but there will be an ongoing cost to maintain these features.
- Reserve planner does not support this activity on the reserve, however public notification still needs to be made and then considered further by Council.
- Mana whenua happy with design and consultation undertaken to date.
- The recommended option will enhance the site, which may well improve the area.
- Planting by Council has enhanced the reserve already and the proposed plan has paths installed which will enhance further.
- Will serve as a hybrid reserve with stormwater function.
- Option quite different for what reserve planners had in mind but it is the way of the future.

Resolved: (Crs Patterson/Gibb)

THAT the Waikato District Council confirms that:

- a) provided that the proposed easement is engineered to accommodate stormwater from the identified catchment:
 - i) in accordance with s.48(3) Reserves Act 1977 that public notification of the proposed drainage easement in gross (when defined by survey) over the Reserves situated at IB and IC Old Taupiri Road Ngaruawahia (being the parcels of land legally described as being Lot 2 and 3 DP 448755 held in RT 567970 and 567971 respectively) is required as the proposal is considered to be detrimental to the reserve or its users; and
 - ii) if the public notification process does not result in objection/s or submission/s, that it exercises its delegated authority under s.48 Reserves Act 1977 to complete a grant of drainage easement in gross parcels of land legally described as being Lot 2 and 3 DP 44875 held in RT 567970 and 567971 respectively.

- b) **Swordfish Properties Limited:**
 - i) is to note that any approval as to the easement cannot be used to bind any Agency or any Council (in its regulatory capacity) to consent;
 - ii) is to meet Council costs incurred in the process including public notification and legalisation actions; and
 - iii) is to meet costs associated with survey definition, preparing and obtaining all approvals, authorities and consents; formation of the (waka shaped) drainage swale (to a Council approved engineered design which also meets with the approval of Mana Whenua) noting Council may contribute to upsizing.

- c) The Chief Executive be delegated authority to execute all relevant documentation to give effect to the resolution.

CARRIED

WDC2109/47

Action: Staff to advise Cr Patterson of any significant changes to the proposal to go out for consultation

Stormwater Delegations to Watercare Services Ltd
 Agenda Item 7.3

The report was received [WDC2109/27 refers]. Staff outlined that this report was in line with the stormwater by-law and provided the necessary delegations to Watercare staff.

Resolved: (Crs Church/Sedgwick)

THAT the Waikato District Council, under Clause 32(5) of Schedule 7 of the Local Government Act 2002 and Section 34A(2) of the Resource Management Act 1991, resolves:

- a) 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 |
|--|---|
| <p>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:</p> <p>a) offences under the Waikato District Council Stormwater Bylaw 2021; and</p> <p>b) an offence under the Local Government Act relating to water, water races, or private drains.</p> | <ul style="list-style-type: none"> • Operations Manager Waikato • Stormwater Engineer Waikato |
| <p>Administer and enforce the Waikato District Council Stormwater Bylaw 2021</p> | <ul style="list-style-type: none"> • Operations Manager Waikato • Stormwater Engineer Waikato |

- b) the following conditions are to apply when exercising any of the above delegations:
- i) in making a decision or carrying out a duty under delegated authority, the delegates must make themselves aware of and have regard to:
1. Council’s Long Term Plan and other relevant Council or committee
 2. approved plans, policies and strategies
 3. the political context in which they are working
 4. any statutory requirements
 5. possible conflicts of interest
 6. the materiality of the decision to be made
 7. short and/or long-term ramifications of the decision/choice to be made
 8. relative risk to Council of the decision/choice to be made.

- ii) the delegate shall abide by the principles of decision making as set out in the Local Government Act 2002;
 - iii) 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;
 - iv) the delegate must act within the law, Council policy (as approved by the Council from time to time) and the Long Term Plan;
 - v) 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 renamed, positions in the future;
 - vi) 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);
 - vii) 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;
 - viii) 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.
- c) Council notes that the Delegations Register will be updated to reflect the above delegations.

CARRIED

WDC2109/48

Petition for Roundabout – Horsham Downs Link

Agenda Item 7.4

The report was received [WDC2109/27 refers]. The following discussion was held:

- Need to provide petitioners with a copy of the safety audit report for the tee intersection Cr Gibb – in support of council decision – safety audit of tee intersection.
- Petitioners have also requested traffic survey along with the safety audit report
- Waka Kotahi does not have sufficient funding for a roundabout and all the reports support for a tee intersection.

Resolved: (Crs Patterson/Gibb)

THAT the Waikato District Council receives the petition and confirms its decision to construct a Tee intersection at the intersection of Horsham Downs Link and Horsham Downs Road.

CARRIED

WDC2109/49

Crs Smith, McGuire and Woolerton requested their dissenting votes against the above resolution be recorded.

There being no further business the meeting was declared closed at 10.31

Minutes approved and confirmed this day 2021.

AM Sanson
CHAIRPERSON