

Minutes of a meeting for the Waikato District Council held via Audio Visual Conference on **MONDAY, 13 DECEMBER 2021** 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
Cr SL Henderson
Cr SD Lynch
Cr RC McGuire
Cr FM McNally
Cr EM Patterson
Cr JD Sedgwick
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)
Mrs S O’Gorman (General Manager Customer Support)
Mr C Morgan (General Manager Community Growth)
Ms A Diaz (Chief Financial Officer)
Ms C Pidduck (Legal Counsel)
Ms S Jones (Senior Solicitor)
Mrs L Shirley (Zero Harm Manager)
Mr S Toka (Iwi and Community Partnerships Manager)
Mr K Abbott (Projects and Innovation Manager)
Mr E Whangapirita (Procurement Manager)
Mr J Ebenhoh (Planning and Policy Manager)
Ms R Goddard (Senior Advisor - Climate Change)
Ms M May (Community Connections Manager)
Ms S Baker (Community Venues and Events Team Leader)
Ms J Bishop (Contracts and Partnering Manager)
Mr R Bayer (Roding Team Leader)
Mrs T Oakes (Animal Control Team Leader)
Mr A Averill (Strategic Property Manager)
Mrs GJ Kanawa (Democracy Team Leader)

APOLOGIES AND LEAVE OF ABSENCE

All members were present.

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs Sedgwick/Thomson)

THAT the agenda for a meeting of the Waikato District Council held on Monday, 13 December 2021:

- a) 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;
- b) in accordance with Standing Order 9.4 the order of business be changed with agenda item 7.1 Council Facilities Vaccination Certificate Policy under Government's COVID-19 Protection Framework being considered after item 6.1 Policy and Regulatory Committee recommendations; and
- c) all reports be received.

CARRIED

WDC2112/01

DISCLOSURES OF INTEREST

There were no disclosures of interest.

CONFIRMATION OF MINUTES

Resolved: (Crs Eyre/Thomson)

THAT the minutes for a meeting of the Waikato District Council held on Monday, 1 November 2021 be confirmed as a true and correct record.

CARRIED

WDC2112/02

ACTION REGISTER

Agenda Item 5

The Action Register for December 2021 was taken as read and no discussion was held.

Resolved: (Crs Woolerton/McGuire)

THAT the Action Register for December 2021 be received.

CARRIED

WDC2112/03

COMMITTEE RECOMENDATIONS

Policy & Regulatory Committee

Agenda Item 6.1

Approval for Consultation: Proposed Waikato District Council Dog Control Bylaw and Policy (P&R2111/05)

The report was received [CCL2112/02], taken as read and the following discussion was held:

- On the request of some councillors, and reflecting the view of the public, it was recommended that the consultation period for the Dog Control Bylaw be extended to close on Wednesday, 26 January 2022.
- Staff advised that this extension could be accommodated, but any further extension from that date would put undue pressure on staff to meet the deadlines for hearings, deliberations and adoption.
- The review was being carried out now as the previous bylaw was an amalgamation of the Franklin and Waikato bylaws and this was now at the end of the two year grace period for review of the new bylaw.
- All known dog owners would be contacted directly regarding the proposed changes.

Resolved: (Crs Sedgwick/Patterson)

THAT, as required under Section 83 of the Local Government Act 2002, Council confirms that the Waikato District Council Dog Control Bylaw:

- a) is the most appropriate form of Bylaw;
- b) is the most appropriate way of addressing the perceived problems;
- c) confirms the 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; and
- d) the consultation period be extended to close on Wednesday, 26 January 2022 in recognition of the holiday period.

CARRIED

WDC2112/04

Adoption of the Gambling Venues Policy 2021 (P&R2111/06)

The report was received [CCL2112/02], taken as read and no discussion was held:

Resolved: (Crs Sedgwick/Thomson)

THAT Council adopt the Gambling Venues Policy 2021 as set out in Attachment 2 of the Policy & Regulatory report.

CARRIED

WDC2112/05

Waikato District Council Speed Limits Bylaw 2011 (P&R2111/09)

The report was received [CCL2112/02], taken as read and no discussion was held:

Resolved: (Crs Sedgwick/Church)

THAT, as required under Section 83 of the Local Government Act 2002, Council confirms that the Proposed Amendments to the Schedules of the Waikato District Council Speed Limits Bylaw 2011:

- a) is the most appropriate form of Bylaw;
- b) is the most appropriate way of addressing the perceived problem;
- c) confirms the 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; and
- d) a public resolution is made in accordance with s16(2)(a)(i) to update the date of the Land Transport Rules.

CARRIED

WDC2112/06

Revocation of Policies (P&R2111/08)

The report was received [CCL2112/02], taken as read and no discussion was held:

Resolved: (Crs Sedgwick/Thomson)

THAT Council revoke the following policies with immediate effect:

- a) **Halls and Community Centres Policy,**
- b) **Rural Halls (Operation and Election of Hall Committees) Policy,**
- c) **Rural Halls – Administration Services for – Policy,**
- d) **Town Halls – Administration Policy,**
- e) **Fencing of Council Reserves Land Policy,**
- f) **Footpath Prioritisation Policy,**
- g) **Reserves – Committees of Management Policy,**
- h) **Rural Road Lighting Prioritisation Policy,**
- i) **Trade Waste Agreements Policy,**
- j) **Trade Waste Bylaw Charging Policy, and**
- k) **Water Rates – Discontinuing Supply Policy.**

CARRIED

WDC2112/07

REPORTS

Council Facilities Vaccination Certificate Policy under Government's COVID-19 Protection Framework

Agenda Item 7.1

The report was received [CCL2112/02], taken as read and the following discussion was held:

- The Chief Executive stressed that this was not a discussion about the staff vaccine policy. The Executive Leadership Team would be announcing to staff tomorrow the decision with regard to that policy.
- This discussion and decision was about whether Council required vaccine passports on any, or all, of its facilities
- The report had been written based on an earlier conversation with elected members where direction was provided and was primarily a discussion around health and safety issues.
- There was a legal framework that comes from the COVID protection framework which does have an impact on individual rights and the health and safety of staff and the community at large.
- The report was very clear that without vaccination, controls were only partially effective and needed to be factored into the considerations.
- It was not suggested that parks, reserves and playgrounds require vaccine passports and generally we have excluded leasehold venues

- Recommendations around the Raglan Holiday Park (Papahua) were discussed earlier due to the Christmas holiday period and the requirement to discuss with campers that had already booked into the park.
- Lake Hakanoa Motor Caravan Park had not been included in the recommendation and would require the same provisions as the Raglan Holiday Park (Papahua).
- Waikato Coal Fields Museum and Civic Centre had not been included in the recommendation and would need to be considered as part of the recommendations.
- It was suggested that vaccine passports would be required for the Woodlands Estate, but effectively the estate is leased out to the Woodlands Trust, so they are responsible.
- Community halls – whilst included in recommendations, there were some real challenges with these as they were mainly run by hall committees and Council do not have input with running these directly.
- It would be very difficult for Council to implement a policy on community halls, however we do recommend the individual hall committees consider the issue and it was noted that any consultation, public meeting held by Council would carry its policy with it and there would be a requirement for vaccine passports.
- Outdoor community events – in effect we would look to see what the event organisers proposed, which would then be assessed by Council's zero harm team.
- Resource recovery and transfer stations do not require vaccine passports at the moment as we need to undertake more work with the contractors around their health and safety requirements.
- Included in the report is a policy for Council, Standing Committees and Community Boards requiring vaccine passports.
- Community Committee meetings were not covered within the policy as they were appointed directly by their individual communities. As with the community halls it was recommended they consider a policy for their meetings.
- It was noted that the four (4) Community Committees, supported by elected members and staff, would require a similar policy because Council would carry their policy with them.
- A delegation to the Chief Executive, His Worship the Mayor and Cr Patterson was suggested to consider any variations to the protection framework process.
- The report recommended a review of every six (6) months, but Council could change this if needed to add "or at the time of any traffic light changes". However, staff did not believe this changed anything within the proposed policy .
- It was noted that Councillors had received a number of concerns from the Raglan community on the implementation of the policy.
- It was further noted that the projected COVID numbers for next year were significant and it was important for Council to do everything possible to keep elected members, staff and the wider community safe where they can.
- Consideration was needed on the the majority when considering this policy.
- Review period needed to be more proactive than reactive.

- There was a concern that staff would become “policemen” which was not their role. Assurance was given that security guards would be put in place initially to manage the policy requirements. It was expensive, but it is a way in which Council could meet its health and safety priorities for staff.
- It was up to Councillors as to which situations they wished to put themselves into, i.e. if they wish to attend a meeting without the vaccination passports in place, that was their call individually. However for formal council meetings and consultation processes, they would be covered by this policy.
- Council could not discount the information when people had taken time to advise us of their position. Regardless of where we sit on a spectrum, we had to give due diligence to the words of the people in our communities.
- Raglan community is full of diverse, rich in abundance and people who choose to be vaccinated and those that choose not to. Do not want to disregard the time the people in our communities have taken to tell us the places that are important to them.
- Our halls and libraries are an incredible part of the fabric of our communities – noting the library strategy states, “Waikato District Council libraries – inspiring curiosity, enriching lives and connecting communities”.
- By considering the policy, Council was not doing so with empathy and open minds and would be creating a divide which had not been mandated.
- Manuhiri (visitors) were an integral part of our community and the traffic light system provides adequately for these visitors and the community.
- Libraries are an integral part of our community and we need to tread carefully on how we treat people in these spaces. There was agreement that Council needed to keep staff safe, but our libraries and offices provide essential services.
- Need to look outside the square and perhaps have times where people who are not vaccinated, can enter Council facilities. It was noted by staff that this would require “deep cleaning” each time under the COVID framework should Council choose to do that.
- The Chief Executive noted that his primary role was to look after staff and the majority of our community and staff had advised that they would not work in places that were not requiring vaccine passports.
- The process was about the wellbeing of our connected community, enabling them to utilise that space, not considering equity of access to resources.
- Council had not heard from those that would not enter libraries unless this policy was in place. There was another (majority) part of the community requiring consideration.
- Risk appetite of this Council was very low around health and safety, which was how the paper had been written.
- Confusion on how the process worked for pools with under 12’s not required to be vaccinated. It was not clear how this would be achieved when you had ten adults with vaccine passports but 50 unvaccinated children.
- Councillors not privy to staff survey and assume it was correct that staff do not want to work in a place without vaccine passes.

- How can we protect the staff when we they all had to attend places like the supermarket that did not have vaccination passes in place.
- There was sympathy with pools that were open air. However, we do have a pool that is heated and enclosed, which could be an incubator environment. The Chief Executive noted that Huntly had a gym which already required vaccine passports.
- In terms of swimming pools, the organisation believes vaccine passports were required to keep our vulnerable community members safe as there was close contact within changing sheds.
- Ngaruawahia and Tuakau Community Boards had worked very hard to subsidise fees at pools to encourage children to utilise the facilities rather than swim in the river or jump off bridges into the river. This policy now puts up a barrier for them and concerns were that pools could have reduced user numbers.
- The policy was on the basis of health and safety and scientific information rather than an emotive one. There was concern with excluding halls that had leases/committees running them as it put the councillor supporting them in a difficult situation. If halls decided on a non vaccinated site, a deep clean of the venue would be require following any events
- Some councillors wer conflicted as support community halls being included and would move an amendment to include halls, discussion took place to encourage hall committees to implement their own policies.
- Consequences for all of us and our businesses. There was a need to mitigate and find solutions around what spaces could be used without vaccination passports.
- Hall committees should be able to make the decision themselves, but the should be encouraged to consider mandating vaccine passports.
- Pools – there was a need to make pools as safe as possible for the children who were not vaccinated. This could be done by mandating passes at these facilities. There was concern with those who are eligible (college students) that are making vaccination or non vaccination decisions for themselves.
- If pools did not require vaccination passports, they would be limited to 50 people. Belgravia currently run the vaccination passports system under their Auckland pool agreements.
- There would be a difficult moral decision ahead of us. Council does not want to see a policy put in place that is not nimble enough to change with the landscape. A shorter review period was preferred and would be considered in February 2022.
- There was a delegation in place to review the process earlier if required. That delegation, if they believed it was necessary, would bring the policy back to Council for review if necessary. There was a desire not to have the policy in place any longer than was necessary.
- Concern was raised on children under 12 having access to Council facilities and what impact this would have.
- The policy was very divisive with people having valid reasons for waiting for other preferred vaccines. The policy would not restrict young children entering facilities as they were not covered until they were older than 12 years of age.

- Acknowledging Cr Thomson's heartfelt words and giving a voice to her community.
- Lens through which you have looked at this to get to this policy is from guidance and governance decisions in regard to zero harm and a low risk appetite. Reasonable conclusion when looking through that lens.
- The problem with that route is clearly not a workplace issue, it is a global pandemic. In 1918 the Spanish flu ravaged the world for two (2) years, we had the SARS virus in 2009, which in effect is the same virus (Influenza A/H1N1).
- We cannot protect our staff as they go home and into supermarkets, i.e. many do not live in bubbles at home. It is important to understand that where we have landed is partially the governance direction in regard to low appetite for zero harm.
- This is not just about protecting staff, but vulnerable people in our community – that is the Council approach.
- Policy doesn't seem to be nimble enough and colour blind to traffic light system, but well crafted for an orange traffic light setting. Green might be outside the six months, but concerned we are being too cautious and will be slow to respond to change.
- Central Government was laying out general rules around the traffic light systems, with no changes to mandatory requirements for education and health. The reason was because the risk did not change but might be a little lower but still fundamentally a risk that was present.
- Other organisations' policies also do not predicate that they apply under different levels of the traffic light system. They apply regardless of what that traffic light system indicator was as the risk still applies.
- One of the first policies that came out from PWC before the traffic light system came into place was a number of banks and Councils had put similar policies in place and not made adjustments for when there was a "green environment".
- WDC could consider this again when the traffic light system changes, however these changes may put certain communities under different traffic lights - predicated on access to healthcare, ICU beds and the ability for the community to deal with an outbreak.
- Points raised amplified if under green we say the risk is the same so we will continue with our policy, seriously out of step with our community feedback and what they expect.
- Council does not know the impact on beach communities with the increase in mobility with no borders being in place. Therefore we need to keep a cautious approach over this holiday period but would support the delegation reviewing earlier if necessary.
- Support removal of community halls and leaving it to their committees to make their own decisions. Given the cautious approach, are we producing additional barriers for outdoor events? Staff assured that these would be in line with the traffic light system.
- Support vaccination passes in general, take on board other councillor comments regarding traffic light system flexibility, earlier review and access to libraries.
- Community board meetings – these could be held via zoom rather than in council facilities so long as the COVID preparedness notice was in place. This notice would expire on Sunday, 19 December 2021. It was anticipated notice would be rolled over.

- Current legislation also allowed for members to zoom in, so long as half of the members were present in person.
- The policy would be reviewed when the vaccination policy comes in for 5-12 year olds.
- Live in pandemic environment and we won't be isolated to four walls of offices, part of our responsibility is to prepare our communities to respond, and have access, to information.
- With the imminent opening of Auckland borders, which had the highest vaccinated population who may choose to go into our public spaces and buildings, if we operate under the traffic light system and monitor who is going into these spaces/environment and keep staff safe.
- Moving landscape but for the next six (6) weeks we would be in uncharted waters due to a lot of movement over the holiday period and we do not know what this would do for any community, not just our district.
- A number of our facilities would be closed from Friday, 24 December 2021 to Monday, 10 January 2022. There was a possibility that the traffic light announcement that would be given later today would be in place until Monday, 17 January 2022 and not reviewed before that time.
- This was a difficult and complex issue. Disappointment was raised that a quarter/fifth of our residents were within the Auckland border and were still under the red traffic light system. The report did not reference this - 11 years after amalgamation we still do not reference this significant part of our district and there was a need to highlight different impacts for our entire district when reporting in the future.
- Many pools had learn to swim lessons and some of the young people were over 12. There was a to consider how these policies would affect them as we are surrounded by water in New Zealand and need to encourage the opportunities to learn to swim in safe environments.

Resolved: (His Worship the Mayor/Cr Smith)

THAT the Waikato District Council resolves that:

- a) **the production of a valid My Vaccine Pass is required for entry by the public to the following Council facilities:**
 - i. **Swimming pools and associated gyms and cafes;**
 - ii. **Raglan Holiday Park (Papahua) and Lake Hakanoa Motor Caravan Park;**
 - iii. **All Council offices (including front office/Customer Service, Council Chambers and Committee Rooms);**
 - iv. **Dog pounds;**
 - v. **Libraries;**
 - vi. **Community facilities and council run halls (Ngaruawahia hall, Tuakau hall and the Riverside Room in Huntly; and**
 - vii. **Waikato Coal Fields Museum & Civic Centre.**
- b) **recommends that community hall committees consider implementing a policy in line with the Council policy as/when it sees fit;**

- c) the requirement for the public to produce a valid My Vaccine Pass for entry into Council facilities comes into effect on Monday, 20 December 2021;
- d) the requirement for the public to produce a valid My Vaccine Pass for the Raglan Holiday Park (Papahua) and Lake Hakanoa Motor Caravan Park comes into effect on Monday, 20 December 2021;
- e) the requirement to provide a valid My Vaccine Pass applies to all community boards hosting meetings in Council facilities;
- f) applications for outdoor community events taking place on Council land (parks and reserves) would be subject to assessment under the COVID protection framework by Council's Zero Harm team. However, the onus is on the organisers of such events, and not Council, to ensure that appropriate COVID-mitigation measures were in place;
- g) Council adopts a policy (the Governance COVID-19 Vaccination Policy) for all 'in-person' participants at formal Council and Committee meetings, Hearings and official Council workshops requiring participants to be fully vaccinated whilst allowing those who are not vaccinated to attend such meetings, hearings and workshops via live audio and visual link (if available);
- h) the Governance COVID-19 Vaccination Policy for all 'in-person' participants at Council and Committee meetings, Hearings and official Council workshops shall apply from Monday, 20 December 2021. Participants would otherwise comply with Council's Vaccination Policy for entering Council facilities;
- i) Council notes the process the Chief Executive is taking regarding a proposed policy for COVID 19 vaccinations for staff;
- j) the Chief Executive, in consultation with the Mayor and Chairperson of the Infrastructure Committee, be delegated authority to make further decisions on restricting entry to all Council facilities should this be considered necessary for the safety of staff and the community; and.8
- k) the policy be reviewed initially in February 202 and at least every six (6) months thereafter, noting the delegation in paragraph j) would trigger a review in line with traffic light changes.

CARRIED

WDC2112/08

A division was called for and declared CARRIED by 11 votes to 3 (as per below):

For the motion: His Worship the Mayor, AM Sanson; Cr Bech; Cr Church, Cr Eyre, Cr Gibb, Cr Henderson, Cr Lynch, Cr McGuire, Cr McNally, Cr Sedgwick and Cr Smith.

Against the motion: Cr Patterson, Cr Thomson and Cr Woolerton.

ACTION: Staff to contact community hall committees requesting them to consider a vaccination policy for their venues and provide feedback to Council.

The meeting adjourned at 11.12am and reconvened at 11.18am.

COMMITTEE RECOMMENDATIONS (CONTD)

Strategy & Finance Committee

Agenda Item 6.2

Recovery of Pokeno and Tuakau Water and Wastewater Service Connection and Authorisation Fees (S&F2111/04)

The report was received [CCL2112/02] and taken as read. No discussion was held.

Resolved: (Crs Gibb/Church)

THAT Waikato District Council approves the inclusion of the Pokeno and Tuakau water and wastewater service connection and authorisations fees as follows:

Pokeno and Tuakau Service Connection and Authorisation Fees

The purpose of the service connection and authorisation fees is to recover the costs of connections to the water and wastewater treatment infrastructure from those persons undertaking development that the costs relate to.

Description	Charge 2021/2022 (\$ (incl. GST)	Charge 2022/2023 (\$ (incl. GST)	Charge 2023/2024 (\$ (incl. GST)
Pokeno and Tuakau service connection and authorisation fee - Water	\$2,666.72	\$2,880.00	\$3,110.00
Pokeno and Tuakau service connection and authorisation fee - Wastewater	\$4,016.00	\$4,337.00	\$4,684.00

CARRIED

WDC2112/09

REPORTS (CONTD)

Zero Harm

Agenda Item 7.2

The report was received [CCL21/12/02] and taken as read and the following discussion was held:

- Zero Harm engagement conversations was a new process rolled out in August. There had been a decline in the number of conversations over various lockdown periods even though conversations were being held. People leaders had been reminded to put their safety conversations in Bware and this had resulted in 198 conversations recorded for November.
- There had been a change to how we deliver the onboarding of new people and great feedback had been received. It had been a challenging time as the process was designed to be carried out face to face, however the process had been moved to delivering online which had also received great feedback.
- COVID risk management and assessment of roles were carried out to understand the possible exposure of our staff to COVID-19. Significant support had been received from the Incident Management Team to complete this.
- Over 51% of conversations held were around personal wellbeing, with the known stresses of working at home and associated anxiety in regard to the virus.
- All wellbeing conversations were connected in with the People and Capability team to ensure staff were getting sufficient support in regard to their personal wellbeing.
- The organisation would continue to lift their game in regard to staff wellbeing, particularly with transitioning people back into the work place.
- Given that the risk assessments and health and safety had driven the policy, can staff provide an insight of risk assessment on this rather unusual risk, considering normally people do not live in a bubble or take a Council bubble with them? COVID risk assessment was based on WorkSafe guidance and understanding what risk exposure our staff took in regard to the various roles. In doing the assessments Council needed to be clear that it was not about individuals, it was about the role.
- Focus was quite tight and led to vaccination requirements for front facing roles and then worked through a process for rest of working environment for council. There was a need to be careful in that we do not generalise in regard to our council facilities.
- In favour of surveys and conversations but how can we be sure things are not falling through the cracks and the appropriate assistance is being provided at the time? More detailed analysis of conversations could be undertaken, with the next piece of the puzzle, does this data reflect what we are seeing with other data metrics that we have overlaying processes/data.
- Our Vitae numbers support that staff are seeking further support if required and feedback from staff in regard to management support had been positive.
- Injuries appear to be “hitting parts of body”. Is this a commonality that we can reduce harm – no trends causing concern and limited number of fields we can put data in as.

Meeting Schedule
Agenda Item 7.3

The report was received [CCL21/12/02] and taken as read. No discussion was held.

Resolved: (Crs Sedgwick/Thomson)

THAT the Waikato District Council rescinds the previous meeting schedule adopted at its meeting held on Monday, 1 November 2021, and adopts the updated 2022 Meeting Schedule in Attachment I of this report.

CARRIED

WDC21/12/10

Delegations
Agenda Item 7.4

The report was received [CCL21/12/02] and taken as read. No discussion was held.

Resolved: (Crs McGuire/Patterson)

THAT the Waikato District Council notes and agrees that:

- a) except as otherwise recorded in this resolution, 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:
 - i. the extended delegations will have effect only:
 - 1. in the event that the Epidemic Preparedness (COVID-19) Notice 2020 ('Epidemic Notice') is not renewed beyond its current expiry date of Sunday, 19 December 2021; and
 - 2. subject to (i)(1) above, for the period from Thursday, 24 December 2021 until Sunday, 16 January 2022;
 - ii. 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;
 - iii. the Chief Executive may only exercise the extended delegations for those matters that cannot reasonably wait until the next Council or relevant Committee meeting;
 - iv. where reasonably practicable, the Chief Executive must, before exercising an extended delegation responsibility, duty or power, first consult with:
 - 1. the Mayor (or the Deputy Mayor, in the event that the Mayor is not available); and

2. 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;
 - v. any decisions made and documents executed in exercising the extended delegations must be reported to the next meeting of Council or relevant Committee;
 - vi. 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;
- b) 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;
 - c) the Emergency Committee's Terms of Reference and Delegations be temporarily amended 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:
 - i. the Epidemic Notice is renewed beyond its current expiry date of Sunday, 19 December 2021;
 - ii. such amended Terms of Reference and Delegations shall apply only for the period from Thursday, 24 December 2021 until Sunday, 16 January 2022; and
 - iii. all Councillors be invited to any Emergency Committee (virtual) meeting convened during that period.

CARRIED

WDC2112/11

Climate Response
Agenda Item 7.5

The report was received [CCL2112/02], taken as read and the following discussion was held:

- Policy updated from 2020 to better align and deliver on the government strengthened targets and international agreements.
- Track changed versions of policies needed to be included in future policy reviews.
- Tone of policies should be strongly linked with the Long-term Plan.

Resolved: (Crs Bech/Sedgwick)

THAT the Waikato District Council approves:

- a) the updated Climate Response and Resilience Policy (Attachment 1); and
- b) the next policy review date of December 2022.

CARRIED

WDC2112/12

Port Waikato Adaptive Management Planning – December 2021
Agenda Item 7.6

The report was received [CCL21/12/02], taken as read and the following discussion was held:

- Council had confirmed that we should not fund protection work in front of private properties, but would continue to provide advice and guidance for external funding opportunities.
- Local area Blueprint process had commenced which had parked the longer term implementation plan for this project and would resume in a few months once the blueprint was in place.
- Not necessarily a halt but a reset and hopefully will get more community buy-in in the blueprint process.
- Additional discussions on the table where the community were looking at other measures to mitigate erosion issues, i.e. low cost options of sand bagging etc.
- By and large accepted by the community that the blueprint funding would not go toward funding remediation work on private properties.

Resolved: (Crs Eyre/Thomson)

THAT the Waikato District Council:

- a) endorses the ongoing provision of advice to the Port Waikato community on short and medium-term actions to slow coastal erosion at Sunset Beach, as well as completion of agreed actions relating to public assets such as the car park;**
- b) confirms that it will not directly fund any further sand transfer trials or other physical works aimed at protecting public or private property at Sunset Beach in Port Waikato; and**
- c) agrees for work towards the long-term adaptive management plan be temporarily paused until the Port Waikato Local Area Blueprint is completed.**

CARRIED

WDC21/12/13

Hukanui Golf Club
Agenda Item 7.7

The report was received [CCL21/12/02], taken as read and the following discussion was held:

- A request for a community loan had been received. Two other community loans would expire in June 2022.
- The funding application was slightly different as we do not own the asset but own the land.
- The club had requested a loan of \$28,000 which was just under half of the amount required for the project.
- The Golf Club had fundraised for a majority of the project, noting that whilst they applied to Council for \$40,000 they did receive \$12,000 from WEL Energy Trust.
- Chief Financial Officer was comfortable the club had the financial acumen to be covering this loan.
- There was a preference to have been able to see the financials in evidence of the turnaround discussed and projected cashflow. These were not attached due to commercial sensitivity and there was a preference to discuss this matter in the open section.
- Timeline of ten (10) years seems a bit long –should be shorter? They may pay off sooner – but leaving it up to them.

ACTION: Staff to forward the financial information provided to support the loan request to Councillors.

Resolved: (Crs Woolerton/Bech)

THAT the Waikato District Council:

- a) approves a Community Loan of \$28,000 over a term of ten (10) years, with monthly repayments, be made available to the Hukanui Golf Club; and
- b) confirms section 6.4 of the Treasury Risk Management Policy would be used to determine the applicable criteria and interest rate to be applied.

CARRIED

WDC21/12/14

Tamahere Walkway
Agenda Item 7.8

The report was received [CCL21/12/02], taken as read and the following discussion was held:

- Staff had been working closely with Mangaone Restoration Trust and entered into an MOU with them in June 2021 to ensure there is agreement to progress the project.

- There is substantial budget within the Long-term Plan to support this project. The best way forward, to gain access over private property, is to provide legal easements to the Walking Access Commission with Council being the controlling authority.
- The agreements will apply to both private property and an esplanade reserve.
- It was noted that this was a great way to unlock the development if Council could be set up as the controlling authority.
- Was this a forced easement or were the landowners happy to proceed as proposed? There had been no discussions with landowners as yet. This would be the next step should the proposal be approved as recommended in the report. Under the Walking Access Act there was no compulsory acquisition, therefore a landowner agreement was required.

Resolved: (Crs Bech/Woolerton)

THAT the Waikato District Council:

- a) **subject to the Walking Access Commission appointing the Waikato District Council to be the Controlling Authority for the Tamahere Walkway pursuant to sections 35 and 37 of the Walking Access Act 2008 and on terms that protect the Council investment in the walkway:**
 - i. **approves negotiations with private landowners regarding the Tamahere Walkway proceeding on the basis that easements are to be granted in favour of the Walking Access Commission under the Walking Access Act 2008; and**
 - ii. **approves an easement being granted in favour of the Walking Access Commission under the Walking Access Act 2008 over that part of the WDC Reserve, being Lot 10 Deposited Plan 433664, as may be required to define the public walkway (subject to agreement being reached with private landowners that will enable a continuous legal trail);**
- b) **notes that should any easements with landowners on the Tamahere Walkway not be able to be achieved by agreement, the matter be reported back to Council;**
- c) **delegates to the Chief Executive, the power to:**
 - i. **execute all documentation required to give effect to easements issued pursuant to the Walking Access Act 2008 with respect to the Tamahere Walkway; and**
 - ii. **authorise Waikato District Council being appointed a Controlling Authority for the Tamahere Walkway and assuming the associated Functions.**

CARRIED

WDC2112/15

EXCLUSION OF THE PUBLIC

Agenda Item 8

The report was received [CCL21/12/02] and taken as read. No discussion was held.

Resolved: (Crs Patterson/Eyre)

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
PEX 1 Confirmation of Public Excluded Minutes – 1 November 2021	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
PEX 2.1 Infrastructure Committee Recommendations		
PEX 3.1 Incorporating Social Procurement Principles Into Project Delivery		
PEX 3.2 C20/006 Delegated Authority Approval – Te Awa Cycleway		

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
PEX 1 Confirmation of Public Excluded Minutes – 1 November 2021	Refer previous meeting	Refer to the previous Public Excluded reason in the agenda for that meeting.
PEX 2.1 Infrastructure Committee Recommendations	Refer Infrastructure Meeting	Refer to Infrastructure Committee reasons in the agenda for that meeting on 1 December 2021.
PEX 3.1 Incorporating Social Procurement Principles Into Project Delivery	7(2)(b)	Protect information where the making available of the information: (i) would disclose a trade secret, or (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
PEX 3.2 C20/006 Delegated Authority Approval – Te Awa Cycleway	7 (2) (b) 7 (2) (i) 7 (2) (j)	Protect information where the making available of the information: (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or prevent the disclosure or use of official information for improper gain or improper advantage.

CARRIED

WDC2112/16

Resolutions WDC2112/17 – WDC2112/22 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)

Southern Districts Reserve Land (INF2112/07) **PEX Agenda Item 2.1**

It was resolved [Resolution No. WDC2112/19] 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: (Cr Patterson/Cr McGuire)

THAT the Waikato District Council approves:

- a) parts of Lot 1 DP 504889 be contemporaneously acquired to provide a site extension to the Matangi Recreation Reserve, and that the compensation be the use of Waikato District Plan Rule 25.73B;
- b) should applications made under Waikato District Plan Rule 25.73B fail, the agreement be null and void;
- c) the Chief Executive be delegated authority to execute all relevant documentation to give effect to these resolutions; and
- d) the resolutions be released into open meeting but the report remain confidential and unavailable to the public.

CARRIED”

Incorporating social procurement principles into project delivery **PEX Agenda Item 3.1**

It was resolved [Resolution No. WDC2112/20] 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 Bech/Church)

THAT Council:

- a) notes the work being undertaken around a Sustainable Procurement Framework to achieve broader outcomes; and
- b) agrees these resolutions be released into the open meeting but the report remains confidential and unavailable to the public.

CARRIED”

C20/006 Delegated Authority Approval – Te Awa Cycleway
PEX Agenda Item 3.2

It was resolved [Resolution No. WDC2112/21] 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 Bech/Smith)

THAT the Waikato District Council delegates the Chief Executive:

- a) to approve the cost and scope increase to accommodate additional works into the Te Awa Cycleway – Mangaonua Gully Section Contract – 20/006 awarded to Base Civil up to an estimated value of \$4,000,000 with all costs to be covered by Hamilton City Council;
- b) to authorise changes to the Memorandum of Understanding between Waikato District Council and Hamilton City Council;
- c) subject to legal review, to sign all relevant documentation to give effect to this resolution and appropriate management of risk;
- d) release these resolutions into the open meeting but the report remain confidential and unavailable to the public.

CARRIED"

There being no further business the meeting was declared closed at 12.40pm.

Minutes approved and confirmed this day 2022.

AM Sanson
CHAIRPERSON