

Minutes of a meeting of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **MONDAY, 24 FEBRUARY 2020** commencing at **9.30 am**.

Present:

His Worship the Mayor, Mr AM Sanson (Chairperson)
Cr AD Bech
Cr JA Church
Cr CA Eyre
Cr JM Gibb [from 9:32am]
Cr SL Henderson
Cr SD Lynch
Cr RC McGuire
Cr EM Patterson
Cr JD Sedgwick
Cr NMD Smith
Cr LR Thomson
Cr CT Woolerton

Attending:

Mr D Whyte (Chair, Huntly Community Board)
Mrs D Lovell (Chair, Taupiri Community Board)

Mr GJ Ion (Chief Executive)
Mr TG Whittaker (Chief Operating Officer)
Mrs S O’Gorman (General Manager Customer Support)
Mr R MacCulloch (General Manager Service Delivery)
Mr J Quinn (Communications, Engagement and Marketing Manager)
Ms L Shirley (Zero Harm Manager)
Mr W Gauntlett (Resource Management Policy Team Leader)
Ms M May (Community Connections Manager)
Ms E Ensor (Senior Planner)
Ms S Solomon (Corporate Planner)
Mr R Rink (Contracts Team Leader)
Mr C Bailey (Finance Manager)
Mr B Stringer (Democracy Manager)

APOLOGIES AND LEAVE OF ABSENCE

There were no apologies.

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs Patterson/Thomson)

THAT the agenda for a meeting of the **Waikato District Council** held on **Monday, 24 February 2020** be confirmed and all items therein be considered in open meeting with the exception of those items detailed at agenda item 7 which shall be considered with the public excluded;

AND THAT the Committee resolves that the following item be withdrawn from the Open Agenda:

- **Item 6.3 – Capital Toilet Budgets,**

and replaced with the following late item as advised by His Worship the Mayor and as tabled at the meeting:

- **Capital Toilet Budgets – Request for Budget Reallocation**

CARRIED

WDC2002/01

Cr Gibb joined the meeting at 9.32am during discussion on the above item, and took part in voting

DISCLOSURES OF INTEREST

Crs Gibb and Sedgwick advised that they would declare a non-financial conflict of interest in item 6.2 (*Minor Variation to the Proposed District Plan (Te Kowhai Airpark)*) in the Open Agenda and item 3.2 (*Appointment of Hearing Commissioners for Private Plan Change 22, Builtsmart Ltd*) in the Public Excluded Agenda.

Cr Patterson advised he would declare a non-financial conflict of interest in item 6.5 (*Waikato Civil Defence Emergency Management Group – Appointment of Alternate Council Representative*).

CONFIRMATION OF MINUTES

Resolved: (Crs Lynch/Henderson)

THAT the minutes of:

- a. a meeting of **Waikato District Council** held on **Monday, 9 December 2019;**
and
- b. an extraordinary meeting of **Waikato District Council** held on **Wednesday, 29 January 2020,**

be confirmed as a true and correct record of each respective meeting.

CARRIED

WDC2002/02

COMMITTEE REPORTS

Infrastructure Committee Recommendations

Agenda Item 5.1.1

Proposed Name for the Hamilton to Auckland Start-Up Passenger Rail Service and its Cultural Rationale (INF2002/09)

Resolved: (Crs Patterson/Gibb)

THAT Council endorses the name Te Huia as the preferred name for the Hamilton to Auckland passenger train service.

CARRIED

WDC2002/03

REPORTS

Zero Harm Update

Agenda Item 6.1

The Zero Harm Manager, supported by the Chief Executive, highlighted, and responded to questions on, the following matters:

- Work Safe Home Safe Week 2020 – great participation from staff. Further analysis to be undertaken, which would be reported back to the Council.
- Staff were working with other PCBUs to investigate serious near-miss events.
- Safety and Wellness Engagement Conversations – only tracking number of conversations undertaken per month currently; staff were exploring how to get better analysis of data and content of conversations going forward.

It was believed that there were more conversations that took place than were recorded.

- Connection between health & safety audits undertaken with relevant infrastructure/community facilities. The General Manager Service Delivery advised that maintenance issues and non-delivery of contractual services which impacted health and safety were discussed as part of standard contractual management (e.g. periodic meetings with contractors). Zero Harm were reviewing solid waste contractors to determine what controls should be audited, which would provide greater clarity.
- Workplace violence and hazardous substances in the Critical Risk Register – graphs do not fully reflect the work undertaken by staff over the last three months which had resulted in more controls in place. Once there was confirmation the controls had been implemented, Zero Harm would update the graphs.

The Chief Operating Officer advised that critical risks were now shared across the Executive Leadership Team.

- Connectivity of personal safety devices in isolated areas – devices had been distributed to suit the role and responsibility of each employee. Coverage was via Spark and Vodafone, or via satellite. Testing had shown the devices provided satisfactory coverage.

Resolved: (Crs Church/Bech)

THAT the report from the Chief Executive be received.

CARRIED

WDC2002/04

Minor Variation to Proposed District Plan – Te Kowhai Airport Obstacle Limitation Surface
Agenda Item 6.2

Councillors Gibb and Sedgwick declared a non-financial conflict of interest and withdrew from the meeting, and did not take part in discussions or voting on this item.

The Senior Planner, supported by the Resource Management Policy Team Leader, summarised the report and the purpose of the proposed variation. The following matters were discussed:

- A variation was recommended as there were no specific submissions received on this issue as part of the Proposed District Plan consultation. Legal advice supported this approach.
- The variation corrected the error between the plans and text of the Proposed District Plan, and addressed minor wording changes for readability.
- The variation would not affect timeframes of the Proposed District Plan Hearings.
- Targeted stakeholders for consultation had been identified via the GIS' team analysis of the Council's property database, together with the original group of stakeholders who were consulted.
- Staff had endeavoured to draft the variation in plain English, though the content was complex.

- There would be public notices on the Council’s website and newspaper to notify the wider community of the variation; it was suggested that the public notice also be linked on the Council’s Facebook page. The newspaper notice directed the public to the Council’s website and had a contact name and phone number should additional information be required.

ACTION: Staff to circulate, to elected members, a copy of the notified letter sent to land owners.

Resolved: (Crs McGuire/Woolerton)

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

AND THAT the Council approves “Variation 1 to the Proposed Waikato District Plan (Stage 1) - Te Kowhai Airport Obstacle Limitation Surface” (attached as Attachment 2 to the staff report), for notification pursuant to Sections 73(1A), and Clauses 5 and 16A of Schedule 1, of the Resource Management Act 1991;

AND FURTHER THAT the Council delegates to the General Manager Community Growth authority to:

- a. update the attached draft section 32 evaluation report (Attachment 3 to the staff report) to reflect the outcomes of the consultation currently being undertaken by staff; and
- b. approve the updated section 32 evaluation report to be made available to the public at the same time that Variation 1 is notified.

CARRIED

WDC2002/05

Councillors Gibb and Sedgwick rejoined the meeting at the conclusion of the above item.

Capital Toilet Budgets – Request for Budget Reallocation
Late Agenda Item 6.3

The updated report for this item was tabled at the meeting as a late agenda item [ref WDC2002/01].

Tabled Item: Late Report – Updated Report (Capital Toilet Budgets – Request for Budget Reallocation)

The Contracts Team Leader summarised the report. With the support of the Community Connections Manager, the following matters were discussed in response to questions:

- Staff would request an updated letter from the Onewhero Rugby Club to include a copy of the Club’s resolution/decision on vesting the asset in Council.
- Staff confirmed that the toilet was Council’s asset when it was originally connected.

- The replacement of the old septic tank would be included in the next set of work.
- Clarification was provided on the refurbishments to be undertaken.

Resolved: (Crs Smith/Patterson)

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

AND THAT the Council approves the vesting of the Onewhero Rugby Club onsite wastewater treatment and disposal system asset in Council for Responsible Camping, subject to receipt of an amended letter from the Club to include the Club's resolution on vesting the asset in Council;

AND FURTHER THAT the Council approves that:

- a. \$79,513 of Loan Funded be transferred from District Wide parks and reserves (IRGI0085-C0-0119) to Toilet budget (ITO10000-C0-0216), to reverse a previous transfer of loan funded budget used for Onewhero onsite wastewater treatment and disposal, so it can be made available for the Centennial Toilets; and**
- b. \$54,179 of 2019/2020 budget be made available for the Centennial Toilets capital works project (ITO10000-C0-0216) to be funded from unspent Ngaruawahia Dog Pound (IDO10020-C0-0219).**

CARRIED

WDC2002/06

Approval of 2019-22 Waikato Triennial Agreement
Agenda Item 6.4

The Chief Executive summarised the report and noted there were no significant changes to the agreement that was signed last triennium.

Resolved: (His Worship the Mayor/Cr McGuire)

THAT the report from the Chief Executive be received;

AND THAT the Council approves the 2019-22 Waikato Triennial Agreement, as attached to the staff report;

AND FURTHER THAT His Worship the Mayor be delegated authority to sign the 2019-22 Waikato Triennial Agreement on behalf of the Council.

CARRIED

WDC2002/07

Waikato Civil Defence Emergency Management Group – Appointment of Alternate Council Representation
Agenda Item 6.5

Cr Patterson declared a non-financial interest in this item.

The report was taken as read.

Resolved: (His Worship the Mayor/Cr Smith)

THAT the report from the General Manager Customer Support be received;

AND THAT the Council appoints Cr Eugene Patterson as the alternate appointment on the Waikato Civil Defence Emergency Management Group Joint Committee;

AND FURTHER THAT the Council notes the Governance Structure will be updated to reflect this appointment.

CARRIED

WDC2002/08

Cr Patterson abstained from voting on the above item.

Appointment of Panel to Hear Submissions on the Draft Woodlands Estate Reserve Management Plan
Agenda Item 6.6

The report was taken as read.

Resolved: (Crs Church/Sedgwick)

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

AND THAT the Council appoint a hearings panel comprising:

- a. Councillors Patterson and Smith; and
- b. a representative from Waikato Tainui,

to hear submissions on the Draft Woodlands Reserve Management Plan and Woodlands Concept Plan, and to report back to the Infrastructure Committee following the hearing and considering the submissions received.

CARRIED

WDC2002/09

EXCLUSION OF THE PUBLIC

Agenda Item 7

Resolved: (Crs Thomson/Henderson)

THAT the report of the Chief Executive be received;

AND 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
1.1 Confirmation of Minutes 2.1 Recommendations from the Infrastructure Committee 3.1 Development Agreement Rangitahi 3.2 Appointment of Hearing Commissioners for Private Plan Change 22, Buildsmart Ltd 4. Chief Executive's Issues 5. Mayoral Issues	Good reason to withhold exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

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
2.1	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.
	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.
3.1	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.
3.2	7(2)(a)	To protect the privacy of natural persons, including that of deceased natural persons.
4 and 5	7(2)(g)	To maintain legal professional privilege.
	7(2)(h)	To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.
	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.

CARRIED

WDC2002/10

Resolutions WDC2002/11 – WDC2002/16 are contained in the public excluded section of these minutes.

REPORTS (CONTINUED)

It was resolved 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:

Development Agreement Rangitahi
Agenda Item PEX 3.1

Resolved: (Crs McGuire/Gibb)

THAT the report from the Chief Operating Officer be received;

AND THAT the Council retrospectively approve, as at Friday 20 December 2019, the Development Agreement with Rangitahi Limited, as attached to the staff report (Attachment 1);

AND FURTHER THAT the Council notes the attached record of the meeting held on Friday 20 December 2019 (Attachment 2 of the staff report);

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

CARRIED

WDC2002/14

It was resolved during the public excluded section of the meeting that the following resolution be released into open meeting and that the staff report be made available to the public:

Appointment of Hearing Commissioners for Private Plan Change 22, Builtsmart Property Partnership
Agenda Item PEX 3.2

Resolved: (Crs McGuire/Thomson)

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

AND THAT Council appoints Mr David Hill as an independent commissioner and as Chair of a two-person hearings panel;

AND FURTHER THAT Council appoints Mr Shane Solomon as an independent commissioner bringing an understanding of tikanga Maaori and of the perspectives of local iwi and hapuu to the hearings panel;

AND FURTHER THAT Council delegates to the hearings panel all powers, duties and functions under the Resource Management Act 1991 to consider, hear, deliberate and decide on all submissions and further submissions received on Plan Change 22 to the Operative Waikato District Plan;

AND FURTHER THAT the staff report and resolution be released into the open meeting.

CARRIED

WDC2002/15

Crs Smith and McInally requested that their dissenting votes be recorded.

There being no further business, the meeting was declared closed at 11.02 am.

Minutes approved and confirmed this day 2020.

AM Sanson
CHAIRPERSON