

Minutes for a meeting of the Waikato District Council held in the Council Chambers, 15 Gallileo Street, Ngaaruawaahia on **MONDAY, 18 DECEMBER 2023** commencing at **9.30am**.

Present:

Her Worship the Mayor, Mrs JA Church (Chairperson)
Cr C Beavis
Cr C Eyre (Deputy Mayor)
Cr J Gibb
Cr M Keir
Cr P Matatahi-Poutapu (*until 10.55am*)
Cr K Ngataki
Cr E Patterson
Cr V Reeve
Cr L Thomson
Cr P Thomson
Cr T Turner
Cr D Whyte

Attending:

Mr GJ Ion (Chief Executive)
Mr TG Whittaker (Chief Operating Officer)
Ms R MacCulloch (General Manager, Customer Support)
Mr K Abbot (Executive Manager, Projects & Innovation)
Mr A Averill (Deputy General Manager, Service Delivery)
Mr R Burns (Community Safety Manager)
Mr J Ebenhoh (Policy & Planning Manager)
Mr V Ramduny (Strategic Initiatives & Partnerships Manager)
Mr W Durning (Mayoral Strategy Manager)
Ms C Pidduck (Legal Counsel) (*from 10.20am*)
Ms K Ridling (Senior Solicitor)
Mrs GJ Kanawa (Democracy Manager)
Ms E Saunders (Senior Democracy Advisor)
Ms K Brotherston (Democracy Advisor)
Ms R Chisholm (Democracy Advisor)
Waikato Times x 2

The Council and staff opened the meeting with a joint karakia.

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs L Thomson/Patterson)

THAT the Waikato District Council accepts the apology from Cr Raumati for non-attendance.

CARRIED

WDC2312/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Agenda Item 2

Resolved: (Crs Ngataki/Beavis)

THAT the agenda for a meeting of the Waikato District Council held on Monday, 18 December 2023 be confirmed:

- a. with all items therein being considered in open meeting with the exception of those items detailed at agenda items 8, which shall be considered with the public excluded; and
- b. all reports be received.

CARRIED

WDC2312/02

DISCLOSURES OF INTEREST

Agenda Item 3

Cr Patterson noted that he was nominated as Council's representative in Item 7.5 – Waikato Scheme Subcommittee, but noted he would propose a change to those appointments.

CONFIRMATION OF MINUTES

Agenda Item 4

The report was received [*WDC2312/02 refers*] and no further discussion held.

Resolved: (Crs Turner/Gibb)

THAT the Waikato District Council confirms the minutes for Monday, 20 November 2023 as a true and correct record for meetings.

CARRIED

WDC2312/03

ACTIONS REGISTER

The report was received [*WDC2312/02 refers*] and the following discussion was held:

- The Chief Executive advised that the action for him to contact the District Commander was still outstanding and an update will be provided in the New Year.

COMMITTEE REPORTS

Policy & Regulatory Committee Recommendations - 22 November 2023

Agenda Item 6.1

Proposed Water Supply Bylaw 2023 (P&RHE2311/04)

The report was received [*WDC2312/02 refers*] and the following discussion was held:

- Concern raised that the recommendations were being updated at Council and had not been captured prior to this. Staff noted the changes were made in the bylaw that was attached to the report to Council, but it was the recommendation that had not been updated.

Resolved: (Crs Eyre/Beavis)

THAT Waikato District Council:

- a. **notes the Policy & Regulatory Committee has:**
 - i. **considered all submissions and the contents of this report in their deliberations on the proposed Water Supply Bylaw 2023;**
 - ii. **determined that Council has followed the requirements for consultation under the Local Government Act 2002 Section 83;**
 - iii. **confirmed that further consultation is not required under section 76 of the Local Government Act 2002;**
 - iv. **reconfirmed, in accordance with Section 155 of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the perceived problem(s) in relation to the water supply network;**
 - v. **confirmed, in accordance with Section 155 of the Local Government Act 2002, that the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 and that the bylaw is the most appropriate form of bylaw;**
- b. **revokes the Water Supply Bylaw 2014 (amended in 2021) (Attachment 2); and**
- c. **adopts the Water Supply Bylaw 2023 (Attachment 1), with amendment to Clause 9.6.1 (c) as follows:**
 - i. **This clause includes a new sentence shown in *italics* and shall be read as '9.6.1(c) The Council may fit additional meters to any minor or ancillary dwelling located on any Premises, for the purposes of determining water consumption. *This applies to premises with a connection to On Demand Supply and excludes Restricted Flow Supply, unless requested by the Property Owner.*'**

CARRIED

WDC2312/04

Waters Governance Board Recommendations - 28 November 2023
Agenda Item 6.1

Port Waikato Flood Resilience Works (WGB2311/06)

The report was received [*WDC2312/02 refers*] and no further discussion was held.

Resolved: (Crs Patterson/L Thomson)

THAT the Waikato District Council:

- a. approves the reallocation of funds from account codes 104670.1700.0000.00.25407 and 102623.1700.0000.00.25407 to be used towards the Port Waikato Three-Waters Resilience Fund.

CARRIED

WDC2312/05

TKWA Resource Consent Renewal Update (WGB2311/08)

For Council information only.

Resolved: (Crs Patterson/Ngataki)

THAT the Waikato District Council notes:

- a. that the Chief Executive will arrange that tankered potable water delivered by TKWA to Nga Muka Development Trust five marae during summer, is not charged up to 120m³/year and for a period of three years; and
- b. meets the requirement of Te Mata Arowai for a water carrier with regards to water cartage.

CARRIED

WDC2312/06

Infrastructure Committee Recommendations – 13 December 2023
Agenda Item 6.1

Proposed Community Waste Minimisation Fund (INF2312/xx)

Resolved: (Crs Patterson/P Thomson)

THAT the Waikato District Council:

- a. establishes a Community Waste Minimisation Fund, as recommended in the Council's Waste Minimisation and Management Plan, and
- b. that the fund commences with an amount of \$50,000 in the first year, up to \$100,000 in the second year and up to \$150,000 in the third year.

CARRIED

WDC2312/07

Recovery Works Update – Storm Damage Repairs

The report was received [WDC23/2/02 refers] and no further discussion was held.

Resolved: (Crs Patterson/Eyre)

THAT the Infrastructure Committee recommends that Council:

- a. delegates authority to the Chief Executive to award emergency works packages up to the value of \$5.262M, and
- b. notes that an additional report will be presented to the Infrastructure Committee in 2024 to provide details of contracts awarded.

CARRIED

WDC23/2/08

REPORTS

Zero Harm

Agenda Item 7.1

The report was received [WDC23/2/02 refers] and the following discussion was held:

- The Chief Executive provided an overview of the significant amount of work being carried out in regard to the initiatives for working on roads, workplace violence and mental wellbeing.
- It was noted the progress with the work in libraries was good to see.

Annual Dog Control Report 2022 – 2023

Agenda Item 7.2

The report was received [WDC23/2/02 refers] and the following discussion was held:

- Questions and answers were provided regarding the unregistered dogs process and it was further noted that staff would investigate further how to improve in this area.
- It was noted the large improvements across the board in various activities which has resulted in the reduction of dog attacks, which is positive for our communities.
- It was further noted that out of the nearly 2,000 unregistered dogs we only fined 100 people. Staff noted with the tough economy and the issue of people taking on dogs during COVID that they could no longer afford to keep has impacted on this and if owners cannot pay registrations it is pointless fining them.
- It was agreed it would be good to have a strategy to get back to 95% target within the LTP, noting the gap is partly to do with the gap in resourcing, which has now been rectified. Once staff are fully inducted they will work more proactively on the unregistered dogs list.

- It was noted that welfare complaints were on the increase and as the SPCA also struggled for funding it was queried how many of these complaints were being referred to Council. Staff responded that a significant amount of these complaints were referred to Council and our staff assisted wherever they could, but it was noted some of these areas are not under our mandate, i.e. rehoming of kittens.
- Council suggested a move away from letter drops which were costly to digital reminders, then followed up by Animal Control staff.
- Council also suggested ways of promoting the desexing activity as whilst the team are pushing this the whole time they still struggle with owners to take up the desexing option.
- The Animal Control team were congratulated on the outstanding work with the various challenges they face, noting that we needed to introduce more communication in regard to education as it actually cost Council just as much to hold dogs in the pound, than euthanase them. Balance could be achieved through forward thought around communications in this area.

ACTION: General Manager Customer Support to investigate the issues raised and report through to the Performance & Strategy Committee on the way forward to achieve our LTP targets.

Resolved: (Crs Eyre/Ngataki)

That the Waikato District Council:

- a. **approves the Annual Dog Control Report 2022/2023 (refer Attachment I) for release to the community, including via our website.**

CARRIED

WDC2312/09

Schedule of Meetings – 2024

Agenda Item 7.3

The report was received [*WDC2312/02 refers*] and the following discussion was held:

- It was noted that the Joint Management Agreement meetings were yet to be scheduled and staff were currently liaising with Waikato Tainui as well as Te Nehenehenui. These would be added to the schedule once confirmed.
- Staff highlighted the alterations required to the governance structure to reflect the Development Agreements and Policy & Regulatory Committee meetings trialling a bi-monthly meeting rather than six-weekly.
- The PDP Subcommittee was scheduled on AnzacDay in April and staff noted this would be moved to the nearest available date.

Resolved: (Crs Patterson/Turner)

That the Waikato District Council:

- a. **adopts the 2024 Meeting Schedule for Council and Committees (refer Attachment I to this report).**
- b. **confirms the Governance Structure amendments to reflect the Development Agreements Committee and Policy & Regulatory Committee moving from six-weekly meetings to bi-monthly meetings.**

CARRIED

WDC2312/10

Delegations to the Chief Executive for the Holiday Period
Agenda Item 7.4

The report was received [*WDC2312/02 refers*] and the following discussion was held:

- The Chief Executive provided an explanation around the need for these delegations and Councillors spoke to the success in previous years of these.

Resolved: (Crs Reeve/Whyte)

That the Waikato District Council:

- a. **except as otherwise recorded in this resolution, the Council extends the Chief Executive's current delegations (detailed in the Council's Delegations Register) to include all of Council's responsibilities, duties, and powers currently retained by the Council or delegated to the Council's standing Committees (except the District Licensing Committee), subject to the following conditions:**
 - i. **the extended delegations will have effect only for the period from Friday, 22 December 2023 until Sunday, 14 January 2024;**
 - 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 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 if the Mayor is not available); and**
 2. **the Chairperson (or Deputy Chairperson, if 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.**

- b. any decisions made and documents executed in exercising the extended delegations must be reported to the next meeting of Council or relevant Committee;
- c. 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.
- d. notes and agrees that, in the event that the Chief Executive is not available, the Chief Operating Officer can exercise any of the extended delegations noted above, subject to the same conditions;
- e. temporarily amend the Emergency Committee's Terms of Reference and Delegations to remove the pre-requisite that a Council meeting is precluded due to a lack of quorum before an Emergency Meeting can proceed, provided that:
 - i. such amended Terms of Reference and Delegations shall apply only for the period from Monday, 15 January 2024 until the next scheduled ordinary meeting of Council in mid-February; and
 - ii. all Councillors be invited to any Emergency Committee (via audio visual conference) meeting convened during that period; and
 - iii. noting the Emergency Committee would need a quorum of two (2) members in person.

CARRIED

WDC2312/11

Appointment of Council's Representative on the Waikato Scheme Subcommittee

Agenda Item 7.5

The report was received [*WDC2312/02 refers*] and the following discussion was held:

- Cr Whyte suggested that Cr Thomson be the alternate, however Cr Patterson noted that as most of the work the Sub-committee were doing is based in Cr P Thomson's area it was recommended Cr P Thomson be the representative, with Cr Patterson being the alternate.

Resolved: (Crs Whyte/Beavis)

That the Waikato District Council:

- a. appoints Cr Peter Thomson as Council's representative on the Waikato Regional Scheme Subcommittee; and
- b. appoints Cr Eugene Patterson (Chairperson, Infrastructure Committee) as Council's alternate representative on the Waikato Regional Scheme Subcommittee if Cr Thomson is unavailable.

CARRIED

WDC2312/12

EXCLUSION OF THE PUBLIC

Agenda Item 8

Resolved: (Crs Gibb/Beavis)

a. 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 PEX 2 – Minutes for confirmation	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
Item PEX 3.1 – Waters Governance Board Recommendations – 28 November 2023		
Item PEX 3.2 – Infrastructure Committee Recommendations – 13 December 2023		
Item PEX 4.1 – Proposed District Plan Appeal – General Rural Zone		
Item PEX 4.2 – Update on Variation 3		

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:

