

Agenda for a meeting of the Waikato District Council to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaaruawaahia on **WEDNESDAY, 28 FEBRUARY 2024** commencing at **9.00am**.

Information and recommendations are included in the reports to assist the Committee in the decision-making process and may not constitute Council's decision or policy until considered by the Committee.

The meeting will be opened with a karakia.

1. APOLOGIES AND LEAVE OF ABSENCE

2. CONFIRMATION OF STATUS OF AGENDA

3. DISCLOSURES OF INTEREST

4. MINUTES FOR CONFIRMATION

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5.1 2024-2034 Long Term Plan deferral and 'enhanced' 2024/25 Annual Plan

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Gj Ion
CHIEF EXECUTIVE

TERMS OF REFERENCE

COUNCIL

Chairperson:	Her Worship the Mayor
Deputy Chairperson:	Deputy Mayor
Membership:	The Mayor and all Councillors
Meeting frequency:	Six weekly – or as required
Quorum:	Half of the members (including vacancies)

Purpose

1. To provide leadership to, and advocacy on behalf of, the people of the Waikato District.
2. To define and represent the total communities' interests, ensuring ongoing community and economic development, the effective stewardship of existing assets, sustainable management of the environment, and the prudent management of the communities' financial resources.

Terms of Reference

The Council's terms of reference include the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body:

1. The power to make a rate.
2. The power to make a bylaw.
3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-Term Plan.
4. The power to adopt a Long-Term Plan, Annual Plan, or Annual Report.
5. The power to appoint a Chief Executive.
6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long-term Plan or developed for the purpose of the local governance statement, including the Council's Infrastructure Strategy.
7. The power to adopt a remuneration and employment policy.
8. The power to approve or amend the Council's Standing Orders.
9. The power to approve or amend the Code of Conduct for elected members, and consider any recommendations made in relation to a complaint lodged under the Code.
10. The power to appoint and discharge:
 - a. members (including chairpersons) of Council committees and subordinate decision-making bodies, subject to the Mayor's powers under section 41A Local Government Act 2002; and
 - b. elected member representatives on external organisations.
11. The power to establish a joint committee with another local authority or other public body and appoint elected members as representatives on such committees or bodies.

12. The power to make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the Ombudsman's recommendation.
13. The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
14. The power to amend or replace the delegations in Council's Delegations Register (except where expressly permitted in the Delegations Register).

To exercise the following powers and responsibilities of Council, which the Council chooses to retain:

1. To approve a proposed policy statement or plan under the Resource Management Act 1991.
2. To approve changes to boundaries of the District under the Resource Management Act 1991 or any other legislation.
3. In respect of District Plan decisions:
 - a. To appoint independent commissioners to a panel for hearings of a Proposed District Plan;
 - b. To approve the recommendation of hearings commissioners on a proposed plan, plan change or variation (including private plan change); and
 - c. To approve a proposed plan or a change to a district plan under Clause 17, Schedule 1 of the Resource Management Act 1991.
4. To adopt governance level strategies, plans and policies which advance Council's vision and strategic goals (e.g. Hamilton to Auckland rail), other than where expressly delegated to a committee.
5. To approve Council's recommendation to the Remuneration Authority for the remuneration of elected members.
6. To approve the Triennial Agreement.
7. To approve resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
8. To approve any changes to the nature and delegations of any Council committees or subordinate-decision making bodies.
9. To approve the Local Governance Statement.
10. To approve funding requests not allowed for within budgets, in accordance with Significance & Engagement Policy parameters.
11. To approve any additional funding decisions required for the Watercare Services contract.
12. To approve development agreements as recommended by the Development Agreements Subcommittee where infrastructure is not allowed for within the Long-Term Plan.
13. To receive six-monthly reports from each Community Board on its activities and projects.

To	Waikato District Council
Report title	Confirmation of Minutes
Date:	20 February 2024
Report Author:	Gaylene Kanawa, Democracy Manager
Authorised by:	Gavin Ion, Chief Executive

1. Purpose of the report

Te Take moo te puurongo

To confirm the minutes for a meeting of the Waikato District Council held on Monday, 12 February 2024.

2. Staff recommendations

Tuutohu-aa-kaimahi

THAT the Waikato District Council confirms the minutes of a meeting held on Monday, 12 February 2024 as a true and correct record.

3. Attachments

Ngaa taapirihanga

Attachment 1 – CCL Minutes – 12 February 2024

Minutes for a meeting of the Waikato District Council held in the Council Chambers, 15 Gallileo Street, Ngaaruawaahia on **MONDAY, 12 FEBRUARY 2024** 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

Cr K Ngataki

Cr M Raumati

Cr V Reeve (*from Item 4 - 9.32am*)

Cr L Thomson

Cr P Thomson

Cr D Whyte

Attending:

Mr GJ Ion (Chief Executive)

Mr TG Whittaker (Chief Operating Officer)

Ms M May (General Manager, Service Delivery)

Mr W Gauntlett (General Manager, Community Growth)

Ms A Diaz (Chief Financial Officer)

Mr W Durning (Mayoral Strategy Manager)

Ms J Bishop (Contracts & Partnering Manager)

Ms M Wilson (Contracts & Partnering Advisor)

Ms K Ridling (Senior Solicitor)

Ms N Lee (Solicitor)

Mrs GJ Kanawa (Democracy Manager)

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

APOLOGIES AND LEAVE OF ABSENCE**Resolved: (Crs Ngataki/Gibb)****THAT the Waikato District Council accepts the apologies from:**

- a. Cr E Patterson & Cr T Turner for non-attendance; and
- b. Cr Reeve for lateness.

CARRIED**WDC2402/01****CONFIRMATION OF STATUS OF AGENDA ITEMS**

Agenda Item 2

Resolved: (Crs P Thomson/Beavis)**THAT the agenda for a meeting of the Waikato District Council held on Monday, 12 February 2024 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**WDC2402/02****DISCLOSURES OF INTEREST**

Agenda Item 3

Cr Ngataki noted she would not participate in Item 6.2 as she had been nominated to replace Cr Raumati on the Risk & Assurance Committee.

CONFIRMATION OF MINUTES

Agenda Item 4

The report was received [*WDC2402/02 refers*] and no further discussion held.

Resolved: (Crs Eyre/Beavis)**THAT the Waikato District Council confirms the minutes as a true and correct record for meeting held on Monday, 18 December 2023.****CARRIED****WDC2402/03**

Cr Reeve arrived at 9.32am following the above resolution.

ACTIONS REGISTER

The report was received [*WDC2402/02 refers*] and no further discussion was held.

REPORTS

Zero Harm Update

Agenda Item 6.1

The report was received [*WDC2402/02 refers*] and the following discussion was held:

- The Zero Harm Manager highlighted the positives reflected in the attached dashboard in regard to the increased trend in zero harm engagement conversations and completion of the second year of reporting against critical risks which showed a good reporting culture in place.
- It was noted workplace violence had increased which was a combination of previous unreported incidents (acceptance by staff of these behaviours) and societal changes.
- Other Councils and businesses are also experiencing unpleasant experiences in regard to workplace violence and are trying certain measures to keep staff and elected members safe.

ACTION: Refresher course for tactical safety training.

- A query was raised in regard to what mitigations we had in place for online violence/abuse towards our staff/elected members. It was noted that as part of the Work Safe, Home Safe week the two new policy/processes for dealing with this would be highlighted. These processes clearly outline what is not appropriate.
- Further concerns were raised regarding the LTP engagement and what consideration had been provided towards mitigations for staff/elected member safety.

ACTION: Risk assessment on LTP engagement would be undertaken by the Zero Harm Team and reported on with a list of mitigations at the next Council meeting.

- It was requested that all graphs on the dashboard have their related key below.
- Is someone tracking violence and aggression nationally to enable a benchmark for Council to identify how we are performing.

ACTION: Zero Harm Manager would investigate with peers what other Councils' are doing in this area to enable benchmarking.

Alterations to Governance Structure & Staff Delegations Register

Agenda Item 6.2

The report was received [*WDC2402/02 refers*] and no further discussion was held.

Resolved: (Her Worship the Mayor, Mrs JA Church/Cr Reeve)

THAT the Waikato District Council:

- a. notes the resignation of Cr Marlene Raumati from the Risk & Assurance Committee; and
- b. confirms Cr Kandi Ngataki be appointed to the Risk & Assurance Committee; and
- c. confirms the Staff Delegations Register be updated to reflect the Chief Executive's increase in delegated authority to enable authorisation of expenditure up to two (2) million dollars (\$2M).

CARRIED

WDC2402/04

ACTION: Democracy Manager to update the changes above for the Governance Structure on the Council's website.

Alterations to Annual Schedule of Meetings 2024

Agenda Item 6.3

The report was received [*WDC2402/02 refers*] and no further discussion was held.

Resolved: (Crs Ngataki/Beavis)

THAT the Waikato District Council confirms the alterations to the 2024 Annual Schedule of Meetings as follows:

- a. **Waters Governance Board meeting scheduled for Tuesday, 19 March 2024 now scheduled for Wednesday, 27 March 2024; and**
- b. **Infrastructure Committee meeting scheduled for Tuesday, 16 April to Wednesday, 17 April 2024; and**
- c. **Chief Executive Performance Review Committee meeting scheduled for Monday, 26 February to Friday, 1 March 2024.**
- d. **Long-Term Plan meetings will be altered as follows:**
 - i. **Council Meeting (Adoption of Draft LTP Budgets) - Wednesday, 21 February rescheduled to Wednesday, 28 February 2024;**
 - ii. **Sustainability & Wellbeing Committee meeting - Wednesday, 28 February rescheduled to Monday, 26 February 2024;**
 - iii. **Council Meeting (Adoption of LTP Consultation Documents) - Wednesday, 13 March rescheduled to Tuesday, 19 March 2024.**
 - iv. **LTP Hearings 6-8 May rescheduled to 14-17 May 2024.**
 - v. **LTP Deliberations 20-21 May rescheduled to 4-5 June 2024.**
 - vi. **Additional Council Meeting (Reserve Day for Adoption of LTP) - Wednesday, 26 June 2024.**

CARRIED**WDC2402/05**

ACTION: Democracy Team to updated appointments in diaries and on website.

EXCLUSION OF THE PUBLIC

Agenda Item 7

Resolved: (Crs P Thomson/Keir)

- 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 Actions Register		
Item PEX 4.1 Implementation of Phase 2 – Watercare Contract		
Item PEX 4.2 Options for Variation 3 to the Proposed Waikato District Plan (Decision Version)		

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item No.	Section	Interest
Item PEX 2 Minutes for confirmation	Refer previous minutes for reasons for exclusion.	
Item PEX 3 Actions Register		
Item PEX 4.1 Implementation of Phase 2 – Watercare Contract	7(2)(b)(ii)	To protect information that would otherwise unreasonably prejudice a person's commercial position.
	7(2)(g)	To maintain legal professional privilege
	7(2)(i)	To enable negotiations to carry on without prejudice or disadvantage.
Item PEX 4.2 Options for Variation 3 to the Proposed Waikato District Plan (Decision Version)	7(2)(g)	To maintain legal professional privilege

CARRIED**WDC2402/06**

Resolutions WDC2402/07-WDC/2402/10 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)

Options for Variation 3 to the Proposed Waikato District Plan (Decision Version)
PEX Agenda Item 4.2

It was resolved [*Resolution No. WDC2402/09*] 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 Whyte/Keir)

THAT the Waikato District Council:

- a. continues to proceed with Variation 3 to the Proposed Waikato District Plan, consider the recommendations of the Independent Hearing Panel, and notify decisions by 31 March 2024; and*
- b. release the resolution to the open section of the meeting but retain the report as confidential and unavailable to the public on the basis that it is legally privileged.*

CARRIED

There being no further business the meeting was declared closed with a karakia at 11.15am.

Minutes approved and confirmed this day 2024.

JA Church
CHAIRPERSON

To	Waikato District Council
Report title	2024-2034 Long Term Plan deferral and 'enhanced' 2024/25 Annual Plan
Date:	28 February 2024
Report Author:	Nicole Hubbard, Corporate Planning Manager
Authorised by:	Tony Whittaker, Chief Operating Officer

1. Purpose of the report

Te Take moo te puurongo

To seek approval for the Council to defer the 2024-2034 Long Term Plan (LTP) by 12 months, and to prepare an 'enhanced' annual plan for the 2024/25 financial year.

2. Executive summary

Whakaraapopototanga matua

The current Government has passed legislation to repeal the previous Government's water services legislation, the Water Services Acts Repeal Act 2024 ("the Repeal Act"). Further legislation to implement Local Water Done Well will progress in a two-stage approach. The first bill, which will establish the framework and transitional arrangements for the new water services system, will be passed by the middle of 2024. A second bill to provide for the long-term replacement regime will be introduced in December 2024 and enacted by mid-2025.

To assist councils to include water services in their LTPs, the Repeal Act provides an option that will enable councils to defer their LTP by 12 months, and to prepare an 'enhanced' annual plan for the 2024/25 financial year instead.

Council can exercise this option by way of a resolution before 30 April 2024, or if authorised to do so by an Order in Council, after that date.

3. Staff recommendations

Tuutohu-aa-kaimahi

That the Waikato District Council resolves to defer the 2024-2034 Long Term Plan by 12 months, and to prepare an 'enhanced' annual plan for the 2024/25 financial year.

4. Background

Koorero whaimaarama

In December 2023, as a result of the new Government's intention to repeal water services legislation, councils were provided with a number of options in relation to their LTP. These options were presented to councils to provide additional time in the LTP process, should they require it, to include water services work programmes and funding in their LTPs. The options available to councils included:

- Continuing with their LTPs, including funding for water services, on the standard timeline (adoption by 30 June 2024) with an audit opinion issued on the LTP consultation document, or
- Statutory deadline by which the 2024-2034 LTP must be adopted is extended by three months to 30 September 2024, and/or
- Councils were permitted to have an unaudited LTP consultation document.

At the time Waikato District Council chose to continue with the planned LTP timeline, with adoption by the end of June 2024, and were engaging in the audit process for the consultation document, with the agreement of council that we could have an unaudited consultation document if our timeframes become compromised.

In February 2024, councils were informed that the Water Service Act Repeal Bill (proceeding under urgency) would also include an additional option of deferring the LTP by 12 months and preparing an 'enhanced' annual plan for the 2024/25 financial year. Staff are now seeking approval from Council to resolve to defer the 2024-2034 LTP and prepare a 2024/25 Annual Plan.

5. Discussion and analysis

Taataritanga me ngaa tohutohu

Staff have considered the implications of continuing with the current LTP timeline or starting work on an 'enhanced' 2024/25 annual plan. The key considerations in this decision are:

- Our district is currently going through the property revaluations process. Staff have been advised that the new rating data for individual properties will not be available until close to the end of our proposed consultation period on the LTP. This will make it very difficult to communicate to ratepayers the exact rating implications for their property. Completing the Annual Plan instead means we know the outcome of the property revaluations heading into a deferred LTP.
 - Waka Kotahi will formally confirm our funding around September 2024, having this confirmed as we prepare our LTP will provide clarity on the work programme that will be subsidised, allowing us to be clear with our community about what we will deliver.
 - Deferring the LTP by 12 months would allow time to gain better certainty around the next steps Government intends to take to implement 'Local Water Done Well'.
-

- Deferring the LTP would allow council more time to have ongoing conversations with the community about the challenges we are facing in funding water services long term, rather than only having this conversation over the LTP consultation period.
- There will be an additional investment in staff time to develop an Annual Plan and confirm all the changes between Year 4 of the 2021-2031 LTP, and the new work programme proposed by staff.
- Deferring the LTP by 12 months would result in the current set of 2021-2031 LTP performance measures being rolled over and reported on in 2024/25. The proposed measures presented to Council would be reviewed as part of the deferred Long Term Plan.
- Adoption of key financial policies that support the LTP would also be subject to the 12 month delay.
- Delaying the LTP by 12 months would move the consultation and adoption closer to the local government election cycle, which would mean that Council would be publishing a pre-election report within a month of adopting the LTP.
- Some of the community may be confused if Council is undertaking an Annual Plan process while other councils are consulting on their LTP.

Based on the above staff recommend that Council resolve to defer the 2024-2034 LTP by 12 months and prepare a 2024/25 Annual Plan.

5.1 Options

Ngaa koowhiringa

Staff have assessed that there is one reasonable and viable option for the Council to consider. This assessment reflects the level of significance (see paragraph 6.1), financial implications and risk assessment considered in completing the options assessment.

Staff recommend that Council resolve to defer the 2024-2034 LTP by 12 months and prepare a 2024/25 Annual Plan.

5.2 Financial considerations

Whaiwhakaaro puutea

The financial risks of proceeding with the LTP for adoption on 30 June 2024 have been assessed as being higher than the enhanced Annual Plan option due to the uncertainty in key forecasting assumptions.

5.3 Legal considerations

Whaiwhakaaro-aa-ture

Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.

The Repeal Act allows Council to resolve to defer their 2024-2034 LTP by 12 months, and to prepare an 'enhanced' annual plan for the 2024/25 financial year. If a council chooses this option, it will be required to include additional information about groups of activities and capital expenditure in the 2024/25 annual plan and to consult on that plan.

Council can exercise this option by resolution by 30 April 2024.

The 2021-2031 LTP will continue to have effect until such time as the 2025-2034 LTP is adopted.

5.4 Strategy and policy considerations

Whaiwhakaaro whakamaaherehere kaupapa here

The report and recommendations are consistent with the Council's policies, plans and prior decisions.

5.5 Maaori and cultural considerations

Whaiwhakaaro Maaori me oona tikanga

The matters in this report have no known impact on Maaori or any material cultural issues other than those applicable to all ratepayers and members of the community.

5.6 Climate response and resilience considerations

Whaiwhakaaro-aa-taiao

The matters in this report have no known impact on climate change or resilience for the Council.

5.7 Risks

Tuuraru

The matters outlined in section 5 of this report, note the considerations that staff have made when considering this decision, including any risk associated with the decision.

6. Significance and engagement assessment

Aromatawai paahekoheko

6.1 Significance

Te Hiranga

The decisions and matters of this specific report are assessed as of low significance in accordance with the Council's [Significance and Engagement Policy](#). However, this report is part of a broader project or process that is, or may be in future, assessed as of moderate significance.

6.2 Engagement

Te Whakatuutakitaki

The decision required in this report does not require engagement with the community, however will require some internal and external communication.

A full communication and engagement strategy approach will be brought to Council as part of developing the 2024/25 Annual Plan.

Highest level of engagement	Inform ✓	Consult <input type="checkbox"/>	Involve <input type="checkbox"/>	Collaborate <input type="checkbox"/>	Empower <input type="checkbox"/>
	Information will be provided internally to staff about the change in process and any implications for them. Communication will also be prepared to go to Community Boards and Committees about the decision of Council.				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
✓	<input type="checkbox"/>	<input type="checkbox"/>	Internal
✓	<input type="checkbox"/>	<input type="checkbox"/>	Community Boards/Community Committees
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Waikato-Tainui/Local iwi and hapuu
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Communities
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Businesses
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (Please Specify)

7. Next steps Ahu whakamua

The next steps include:

- Staff informing Audit New Zealand of the Council resolution to defer the 2024-2034 LTP.
- Staff preparing an Annual Plan document to support consultation with our community.
- Staff preparing a communication and engagement plan to support Councillors during the consultation period.
- Confirming Council meeting dates for approval of the 2024/25 Annual Plan.

8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and Terms of Reference and Delegations.	Confirmed
The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (<i>Section 5.1</i>).	Confirmed
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (<i>Section 6.1</i>).	Low
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (<i>Section 6.2</i>).	Confirmed
The report considers impact on Maaori (<i>Section 5.5</i>)	Not applicable
The report and recommendations are consistent with Council's plans and policies (<i>Section 5.4</i>).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities (<i>Section 5.3</i>).	Confirmed

9. Attachments Ngaa taapirihanga

There are no attachments for this report.

To	Waikato District Council
Report title	Exclusion of the Public
Date:	20 February 2024
Report Author:	Gaylene Kanawa, Democracy Manager
Authorised by:	Gavin Ion, Chief Executive

1. Staff recommendations

Tuutohu-aa-kaimahi

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 – Chief Executive Issues		

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item No.	Section	Interest
Item PEX 2 – Minutes for confirmation	Refer previous minutes for reasons for exclusion.	
Item PEX 3 – Chief Executive Issues	7(2)(a)	To protect the privacy of natural persons, including that of deceased natural persons.
	7(2)(g)	To maintain legal professional privilege
	7(2)(c)(i)	To protect information that is subject to an obligation of confidence and to ensure the information avenue remains open, when it is in the public interest for it to do so.

2. Attachments

Ngaa taapirihanga

There are no attachments for this report.
