

## EXTRAORDINARY MEETING

**Time:** 9.00am  
**Date:** Tuesday 7 April 2020  
**Meeting:** Audio Visual Meeting

### 1 PRESENT

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**Chairperson via Zoom**

His Worship the Mayor JB Mylchreest

**Members via Zoom**

EM Andree-Wiltens, EH Barnes, AW Brown, LE Brown, PTJ Coles, RDB Gordon, ML Gower, SC O'Regan, MJ Pettit, EM Stolwyk, CS St Pierre, BS Thomas, GRP Webber

**In attendance via Zoom**

Dave Moule of Boffa Miskell for item 12 only

### 2 APOLOGIES

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There were no apologies.

### 3 DISCLOSURE OF MEMBERS' INTERESTS

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His Worship Mayor Mylchreest declared an interest in Item 15 - T6 and T11 Structure Plans.

### 4 LATE ITEMS

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There were no late items.

## 5 CONFIRMATION OF ORDER OF MEETING

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**RESOLVED**

E1/20/01

*That the order of the meeting be confirmed.*

Councillor Gordon/ Councillor St Pierre

## 6 MINUTES OF PREVIOUS MEETING

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**RESOLVED**

E1/20/02

*That the open minutes of the Waipa District Council meeting held on 25 February 2020 having been circulated, be taken as read and confirmed as a true and correct record of that meeting.*

Councillor Gower/ Councillor Pettit

**RESOLVED**

E1/20/03

*That the open minutes of the Waipa District Council Emergency Council meeting held on 25 March 2020, having been circulated, be taken as read and confirmed as a true and correct record of that meeting.*

Councillor L Brown/ Councillor Pettit

## 7 DOCUMENTS SIGNED UNDER COUNCIL SEAL

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Council policy and delegated authority provides for use of the Council seal prior to notification to Council in specified cases.

**RESOLVED**

E1/20/04

*The following schedule of documents to which the Common Seal of the Waipa District Council has been applied under delegated authority be received:*

*a) Warrants as set out below:*

Position for Warrant	Name of Staff
Senior Project Engineer - Utilities	Jean De Villiers
Project Engineer - Utilities	Atif Rizvi
Reticulation Officer	Shailio Raumati
Senior Planner	Hannah Divehall

Environmental Health and Food Safety Officer	Anish Chand
Asset Planning Engineer	Kelsi Green

Councillor A Brown/ Councillor Thomas

## 8 RATES RELIEF AND REMISSION OF PENALTIES

The Department of Internal Affairs (DIA), Local Government New Zealand (LGNZ), NZ Society of Local Government Managers (SOLGM), National Emergency Management Agency (NEMA) and other relevant government agencies have established a Covid-19 Local Government Response Unit ('Response Unit') to canvas and work through the immediate and longer-term challenges the global pandemic poses for the local government sector and to support Local Government in its responses to these evolving challenges.

The 'Response Unit' has given advice to Councils in regard to fourth quarter rates notices, recommending that Councils continue to issue these notices due to the essential services that Councils provide and the importance of keeping these services operating. They also make reference to Central Government's \$12.1 billion support package, providing financial relief to those affected by COVID-19.

The 'Response Unit' has recommended that individual Councils should consider rates penalties, rates postponement options and arrangements for payments of rates in order to respond to the impacts of COVID-19 and provide relief to ratepayers.

Manager Finance Sarah Davies presented the report and took questions from members.

Councillors were advised that Council is following the advice of the Covid-19 Local Government Response Unit. The report covered any water rates invoices due in March and April 2020 and for the fourth instalment of rates due in May 2020. This is an evolving situation, so future rates penalty relief will need to be revisited as time progresses.

Manager Finance confirmed that the blanket penalty remission proposed would be applied using discretion under section 3.1.2, paragraph 3 of 'Waipa District Council's Remission and Postponement of Rates and Water Charges Policy' which applies to significant family disruption or matters beyond the control of the rate payer. Manager

Finance confirmed that the policy and other areas of discretion were still being applied at this time.

## RESOLVED

E1/20/05

That –

- a) *The 'Rates Relief and Remission of Penalties' report (document number 10380462), of Sarah Davies, Manager Finance, be received;*
- b) *Pursuant to the Local Government Official Information and Meetings Act 1987 and Clause 23.6 of Council's Standing Orders, Council resolve to amend Resolution 1/19/44 (Council, 25 June 2019) adopting the Waipa District Council Annual Plan 2019/20 and setting rates and penalties, to provide a new lower rate of penalty interest under the Local Government (Rating) Act 2002 on overdue accounts, reducing this rate from 10 percent to 3 percent for any water rates invoices due in March and April 2020 and for the fourth instalment of rates due in May 2020; and*
- c) *In relation to section 3.1.2, paragraph 3 of 'Waipa District Council's Remission and Postponement of Rates and Water Charges Policy' (document number 7858261), which provides that "In addition, remission of penalty will be considered where payment has been late due to significant family disruption or as a result of matters beyond the control of the ratepayer. Each application will be considered on its merits and remission will be granted where it is considered just and equitable to do so.", Council confirms that the COVID-19 Pandemic is a significant disruption beyond the control of the ratepayer and Council approves staff exercising discretion under delegated authority in applying relief by granting penalty remission with allowance for extended periods for payment of amounts owing, as follows:*
  - i) *ratepayers who set up payment arrangements with Council which clear all outstanding rates by 30 June 2021 for the current 2019/20 rating year; and*
  - ii) *ratepayers who pay their rates account in full within 14 days of the penalty date which will only apply to any water rates invoices due in March and April 2020 and for the fourth instalment of rates due in May 2020.*

Councillor Pettit/ Councillor A Brown

## 9 EIGHT-MONTH REPORT

Financial Accountant Nada Milne and Group Manager Business Support Ken Morris presented the staff report and took questions from the members.

Mr Morris advised that given the current situation, the financials presented in the staff report would change. Mr Morris advised that currently budgets are being re-forecast by managers who have until the 15<sup>th</sup> of April 2020 to not only assess the impact of Covid-19 on their budgets, but to scrutinise future income and expenditure.

Given its significance, it was recommended that the following excerpt of the paragraph located on page 1 of the staff report be moved into the resolution for Council to note. *It is important to note that the February reforecasts were done prior to the extent of COVID-19 business disruption becoming evident. It is now clear that there will be significant further variations in the last quarter of the financial year. Work is currently being carried out to better establish these impacts and this will be reported on at future meetings.*

Councillors were advised that Council was unable to enter into arbitrage arrangements at this time.

### RESOLVED

E1/20/06

That –

- a) *The information contained in the 'Eight Month Report to 29 February 2020' (document number 10378383), of Nada Milne, Financial Accountant, be received; and*
- b) *Council note that the February reforecasts were done prior to the extent of COVID-19 business disruption becoming evident. It is now clear that there will be significant further variations in the last quarter of the financial year. Work is currently being carried out to better establish these impacts and this will be reported on at future meetings, and*
- c) *Council approve the following 2019/20 funding requests and budget changes:*
  - *A decrease of FOUR MILLION, SIX HUNDRED AND TWENTY THOUSAND DOLLARS (\$4,620,000) for Development and Reserve Contributions Revenue due to the timing of developments. This will result in a reduced balance for the Development Contributions Reserves.*

Councillor Gordon/ Councillor St Pierre

## 10 USE OF MACRON IN LOCAL AUTHORITIES NAMES

The staff report was taken as read by Legal Counsel Jennie McFarlane who summarised her report which sought Council resolutions for Council to;

- Adopt Waipā District Council as a 'trading name' for branding and other purposes; and
- Approve taking a proposed remit to the next Annual General Meeting of Local Government New Zealand (LGNZ) to seek legislative or other reform in relation to the use of macrons, and changes to names, by local authorities.

Discussion was held as to the level of consultation undertaken by Council with Iwi. A background paper prepared by Shane Te Ruki was discussed in relation to the existing work that had been undertaken with Iwi on this proposal

### RESOLVED

E1/20/07

That –

- a) *The 'Use of Macron in Local Authorities Names' report (document number 10374311) of Jennie McFarlane, Legal Counsel be received;*
- b) *Council adopt a trading name of "Waipā District Council" incorporating the use of a macron to reflect correct pronunciation, which may be used in all circumstances other than when the legal name of Council under the Local Government Act 2002 and other local government legislation is required to be used;*
- c) *Council approve taking a remit to the next Annual General Meeting of Local Government New Zealand (LGNZ), whenever that is held, requesting that LGNZ work with central government to address the use of macrons and changes to the names of local authorities, through legislative or other reform, in the interests of the local government sector and the wider community, in accordance with the process required by LGNZ for remits as set out in Appendix 1 attached to this report; and*
- d) *Council to approve seeking support at the next Zone 2 meeting or directly, from other local authorities in New Zealand for the proposed remit as required by the LGNZ remit process; and*
- e) *Council undertake further consultation with Waikato Tainui.*

Councillor Pettit/Councillor St Pierre



## 11 GOVERNANCE STATEMENT 2020

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All councils are required to produce and make publicly available a Governance Statement within 6 months after the triennial elections.

A Governance Statement includes information on a council's representation arrangements, members' roles, governance and management structures, functions and how it engages with its communities.

Manager Governance Jo Gread, presented the staff report and took questions from members.

Ms Gread advised that the minor editorial amendments required covered: typographical matters; including the Council representatives of the joint committees and the JMA bodies; adding a sentence to clarify in relation to representation arrangements that Councils could undertake these at any time and adding in reference under the Local Government Funding Agency, that Waipa, along with other Council's was a guarantor of the scheme.

### **RESOLVED**

E1/20/08

*That –*

- a) The 'Governance Statement 2020' report (document number 10357740) of Jo Gread, Manager Governance be received; and*
- b) Council consider, and subject to minor editorial amendments, adopt and make publicly available the draft Waipa District Council Governance Statement (document number 10373594) pursuant to section 40 of the Local Government Act 2002.*

Councillor Stolwyk/ Councillor A Brown

## 12 CHANGE TO STANDING ORDERS

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At the Council meeting on 17 December 2019 Council adopted the current version of Standing Orders.

Good local governance requires local authorities to undertake decision-making in an open, transparent and fair manner. Standing Orders provide a framework of rules for

making decisions that give effect to these principles and contribute to public confidence in local government.

The adoption of a new set of Standing Orders, or any amendments to those Standing Orders, requires the support of not less than 75% of the members present.

In regard to one of the new provisions in the recently adopted Standing Orders requiring that a meeting cannot sit without a break for more than two hours without passing a resolution, on further reflection, there may be some practical difficulties with some of the Committees and Boards. It may be prudent to revert to the previous provision of requiring a resolution at the 3 hour mark if the meeting does not stop for a short break (as opposed to the 2 hour mark).

If adopted, this change would not automatically apply to the Community Boards, however a report would be presented to both Boards, which would require support of not less than 75% of the members present.

## RESOLVED

E1/20/09

That –

- a) The 'Amendment to Standing Orders' report (document number 10376909) of Jo Gread, Manager Governance be received; and
- b) Council adopts the proposed amendment to clause 4.2 of Standing Orders as shown marked in red below:  
*No meeting can sit for more than ~~three~~ **two** hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.*

Councillor Thomas/ Councillor L Brown

## 13 HOUSING WORKING GROUP TERMS OF REFERENCE

Deputy Chief Executive / Group Manager Business Support Ken Morris presented the staff report and provided background to the report.

It was advised that the 10 December 2019 meeting of the Finance and Corporate Committee resolved to establish a Housing Working Group and had appointed the members of that working group.



That same meeting was advised that a Terms of Reference would be developed for the working group and brought back to Council for approval.

The Housing Working Group was convened for the first time on 17 March 2020, and among other matters considered a draft Terms of Reference document. The working group agreed that the document, subject to some minor changes which have since been incorporated, be provided to Council for approval.

Approval of the Terms of Reference document was sought.

Discussion was held around the use of terminology in the document, but was approved in its proposed form.

## **RESOLVED**

E1/20/10

*That –*

- a) The report titled 'Housing Working Group Terms of Reference' (document number 10377750), of Ken Morris, Deputy Chief Executive / Group Manager Business Support, be received; and*
- b) Council approve the Terms of Reference for the Waipa District Council Housing Working Group (document number 10372692).*

Councillor Gordon/ Councillor A Brown

## **14 COUNCIL SUBMISSION ON THE REVIEW OF THE BURIAL AND CREMATION ACT 1964 AND RELATED LEGISLATION**

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Senior Reserves Planner Anna McElrea took the staff report as read and summarised the key points.

Central Government was inviting submissions on its consultation document on the review of the Burial and Cremation Act 1964 and Related Legislation

Ms McElrea advised that the submission deadline for this document has been extended to 10 April 2020.

Councillor input from the 3 March 2020 Strategic Planning and Policy Committee workshop along with staff feedback has informed the Draft Waipā District Council

Submission on the Ministry of Health's Consultation Document titled 'Death, Funerals, Burial and Cremations – a Review of Burial and Cremation Act 1964 and Related Legislation'.

It was agreed that the word 'draft' be removed from item (b) of the recommendation and minor editorial amendments will be made as part of the Chief Executive approval process.

## RESOLVED

E1/20/11

That

- a) *The report titled 'Council submission on the Ministry of Health's Consultation Document titled 'Death, Funerals, Burial and Cremations – a Review of the Burials and Cremations Act 1964 and related legislation'' (document number 10374994) of Anna McElrea, Senior Reserves Planner be received;*
- b) *Council resolve delegation of the Council's authority to the Chief Executive to approve the final submission on Death, Funerals, Burial and Cremations – a Review of the Burials and Cremations Act 1964 and related legislation and to lodge it with the Ministry of Health.*

Councillor Barnes/ Councillor Stolwyk

## 15 T6 AND T11 STRUCTURE PLANS

Mayor Mylchreest vacated the Chair owing to declaring a conflict of interest and withdrew from the meeting and took no part in discussions or deliberations. Councillor Stolwyk assumed the Chair for this item.

In October 2018 Boffa Miskell and Tonkin & Taylor were contracted by Council to undertake and complete planning projects which includes producing Structure Plans for the T6 growth cell and T11 growth cell.

After a process that involved technical input from Tonkin & Taylor, Boffa Miskell and Council activity area managers, as well as engagement with mana whenua, landowners within and around the growth cells, and the general public, the draft Structure Plans were now ready for endorsement to help enable development.

The draft structure plans were workshopped with elected members at the Strategic Planning and Policy Committee meeting on 4 February 2020. At that workshop it was

indicated that Council's endorsement of the draft T6 and T11 Structure Plans would be sought.

The staff report was presented by Justine Kennedy who took questions from members. There was some discussion in relation to the extent of the large lot residential requirements in this area, however, it was agreed to proceed on the basis of the documents presented.

## **RESOLVED**

E1/20/12

*That*

- a) *The report titled 'T6 & T11 Structure Plans – Endorsement' (document number 10362359) of Justine Kennedy, Strategic Projects Driver, be received;*
- b) *Council endorse the draft T6 Structure Plan (document number 10092136);*
- c) *Council endorse the draft T11 Structure Plan (document number 10092135).*

Councillor Gower/ Councillor Thomas

[The meeting adjourned at 10.12am and reconvened at 10.20am.]

Councillor Stolwyk vacated the Chair following discussion on the above item.

Mayor Mylchreest re-entered the meeting at 10.20am and assumed the Chair for the remainder of the meeting.

## **16 RESOLUTION TO EXCLUDE THE PUBLIC**

(Section 48, Local Government Official Information and Meetings Act 1987)

## **RESOLVED**

E1/20/13

*That the public be excluded from the following part of the proceedings of this meeting.*

*The general subject of the matter to be considered while the public is excluded, the reason for 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:*

# COUNCIL MINUTES

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 <i>Te Awa Cycleway</i>  2.1 <i>Land Acquisition</i>  3.1 <i>Realignment of Pirongia Road and Land Purchase</i>	<i>Good reason to withhold exists under section 7 Local Government Official Information and Meetings Act 1987</i>	<i>Section 48(1)(a)</i>

*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, are as follows:*

Item No.	Section	Interest
1.1 2.1 3.1	Section 7(2)(i)	<i>To enable the Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</i>

Councillor St Pierre / Councillor Stolwyk

There being no further business the meeting closed at 10.29am.

**CONFIRMED AS A TRUE AND CORRECT RECORD**

**CHAIRPERSON:**

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**DATE:**

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