

Notice of Meeting:

I hereby give notice that an ordinary Meeting of the Council will be held on:

Date: Thursday 10 June 2021
Time: 9.30am
Meeting Room: Council Chamber and Audio Visual link
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Council *Kaunihera* OPEN AGENDA

Membership

Chairperson Mayor P Southgate
Heamana

Deputy Chairperson Deputy Mayor G Taylor
Heamana Tuarua

Members	Cr M Bunting	Cr A O’Leary
	Cr M Gallagher	Cr R Pascoe
	Cr R Hamilton	Cr S Thomson
	Cr D Macpherson	Cr M van Oosten
	Cr K Naidoo-Rauf	Cr E Wilson
	Vacancy	

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly – or as required

Becca Brooke
Governance Manager
Menetia Mana Whakahaere

1 June 2021

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Purpose

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Hamilton.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
 - a) The power to make a rate.
 - b) The power to make a bylaw.
 - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
 - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
 - e) The power to appoint a Chief Executive.
 - f) 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 Council's governance statement, including the 30-Year Infrastructure Strategy.
 - g) The power to adopt a remuneration and employment policy.
 - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
 - i) The power to approve or amend the Council's Standing Orders.
 - j) The power to approve or amend the Code of Conduct for Elected Members.
 - k) The power to appoint and discharge members of committees.
 - l) The power to establish a joint committee with another local authority or other public body.
 - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
 - n) The power to amend or replace the delegations in Council's *Delegations to Positions Policy*.
2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
 - a) 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.
 - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
 - c) Approval of any changes to city boundaries under the Resource Management Act.
 - d) Adoption of governance level strategies plans and policies which advance Council's vision and strategic goals.

- e) Approval of the Triennial Agreement.
- f) Approval of the local governance statement required under the Local Government Act 2002.
- g) Approval of a proposal to the Remuneration Authority for the remuneration of Elected Members.
- h) Approval of any changes to the nature and delegations of the Committees.
- i) Approval of all Council and Committee Advisory Groups and their terms of reference.
- j) Appointments to, and removals from, CCO CCTO and CO boards;
- k) Approval of proposed major transactions or constitutional adjustments of CCOs, CCTOs and COs.
- l) Approval or otherwise of any proposal to establish, wind-up or dispose of any holding in, a CCO, CCTO or CO.
- m) Approval of city boundary changes, including in respect of Strategic Boundary Land Use Agreements.
- n) Approval Activity Management Plans.

Oversight of Policies and Bylaws:

- *Corporate Hospitality and Entertainment Policy*
- *Delegations to Positions Policy*
- *Elected Members Support Policy*
- *Significance and Engagement Policy*

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1 Apologies – *Tono aroha*

2 Confirmation of Agenda – *Whakatau raarangi take*

The Council to confirm the agenda.

3 Declaration of Interest – *Tauaakii whaipanga*

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

4 Public Forum – *Aatea koorero*

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes has been set aside for a public forum. Each speaker during the public forum section of this meeting may speak for five minutes or longer at the discretion of the Mayor.

Please note that the public forum is to be confined to those items falling within the terms of the reference of this meeting.

Speakers will be put on a Public Forum speaking list on a first come first served basis in the Council Chamber prior to the start of the Meeting. A member of the Governance Team will be available to co-ordinate this. As many speakers as possible will be heard within the allocated time.

If you have any questions regarding Public Forum please contact Governance by telephoning 07 838 6727.

Council Report

Item 5

Committee: Council

Date: 10 June 2021

Author: Tyler Gaukrodger

Authoriser: Becca Brooke

Position: Governance Advisor

Position: Governance Manager

Report Name: Confirmation of the Extraordinary Council Open Minutes of 23 April 2021

Report Status	<i>Open</i>
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Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Council confirms the Open Minutes of the Extraordinary Council Meeting held on 23 April 2021 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Extraordinary Council Unconfirmed Open Minutes - 23 April 2021

Extraordinary Council *Kaunihera* OPEN MINUTES

Minutes of a meeting of the Extraordinary Council held in Council Chamber, Municipal Building, Garden Place, Hamilton and Audio Visual link on Friday 23 April 2021 at 9.00am.

PRESENT

Chairperson <i>Heamana</i>	Mayor P Southgate
Deputy Chairperson <i>Heamana Tuarua</i>	Deputy Mayor G Taylor (via Audio Visual link)
Members	Cr M Bunting Cr M Gallagher Cr R Pascoe Cr S Thomson (via Audio Visual link) Cr M van Oosten Cr E Wilson
In Attendance	Richard Briggs – Chief Executive Jen Baird – General Manager City Growth Cory Lang – Building Control Manager James Macgillivray – Tompkins Wake Morgan Brady – Tompkins Wake
Govenrance Team	Amy Viggers – Governance Team Leader Narelle Waite and Tyler Gaukrodger – Governance Advisors

1. Apologies – *Tono aroha*

Resolved: (Cr Bunting/Cr van Oosten)

That the apologies for Crs O'Leary, Macpherson, Hamilton, Forsyth and Naidoo-Rauf are accepted.

2. Confirmation of Agenda – *Whakatau raarangi take*

Resolved: (Mayor Southgate/Cr van Oosten)

That the agenda is confirmed.

3. Declarations of Interest – *Tauaakii whaipaaanga*

No members of the Council declared a Conflict of Interest.

4. **Public Forum – *AAtea koorero***

No members of the public wished to speak.

5. **Resolution to Exclude the Public**

Resolved: (Mayor Southgate/Cr van Oosten)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

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 follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Regency House) Good reason to withhold) information 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 C1.	to protect the privacy of natural persons	Section 7 (2) (a)
	to maintain the effective conduct of public	Section 7 (2) (f) (ii)
	affairs through protecting persons from	Section 7 (2) (g)
	improper pressure or harassment	Section 7 (2) (i)
	to maintain legal professional privilege	Section 7 (2) (j)
	to enable Council to carry out negotiations	
	to prevent the disclosure or use of official	
	information for improper gain or improper	
	advantage	

The meeting moved into a public excluded session at 9.03am.

The meeting was declared closed at 10.13am.

Council Report

Item 6

Committee: Council

Date: 10 June 2021

Author: Tyler Gaukrodger

Authoriser: Becca Brooke

Position: Governance Advisor

Position: Governance Manager

Report Name: Confirmation of the Council Open Minutes of 29 April 2021

Report Status	<i>Open</i>
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Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Council confirms the Open Minutes of the Council Meeting held on 29 April 2021 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Council Unconfirmed Open Minutes - 29 April 2021

Council Kaunihera OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton and audio visual link on Thursday 29 April 2021 at 9.31am.

PRESENT

Members

Mayor P Southgate (via Audio Visual link)
 Cr M Bunting
 Cr M Forsyth
 Cr M Gallagher (via Audio Visual link)
 Cr R Hamilton
 Cr D Macpherson
 Cr K Naidoo-Rauf (via Audio Visual link)
 Cr A O'Leary
 Cr R Pascoe
 Cr S Thomson
 Cr M van Oosten
 Cr E Wilson

In attendance:

Richard Briggs - Chief Executive
 Lance Vervoort - General Manager Community
 Sean Murry - General Manager Venues, Tourism and Major Events
 Eeva-Liisa Wright – General Manager Infrastructure Operations
 Jen Baird – General Manager City Growth
 Maire Porter – City Waters Manager
 Paul Bowman – Team Leader City Planning
 Lucy Ryan – City Centre Place Manager
 Wendy O'Neil – Strategic Property Team Leader
 Julie Clausen – Unit Manager Strategy and Corporate Planning
 Clare Foster – Property Officer

Governance Staff:

Becca Brooke – Governance Manager
 Amy Viggers – Governance Team Leader
 Tyler Gaukrodger, Carmen Fortin – Governance Advisors

Tame Pokaia opened the meeting with a karakia.

Resolved: (Cr Wilson/Cr Thomson)

That Cr O'Leary be appointed as the Chair for the duration of the meeting noting both the Chair and Deputy Chair were apologies for the majority of the meeting.

1. Apologies – *Tono aroha*

Resolved: (Cr O’Leary/Cr Van Oosten)

That the apologies for absences from Cr Forsyth, for partial attendance from Mayor Southgate, Deputy Mayor Taylor and Cr Gallagher are accepted.

2. Confirmation of Agenda – *Whakatau raarangi take*

Resolved: (Cr Wilson/Cr Thomson)

That the agenda is confirmed noting that:

- a) Item 11 (Waikato Community Lands Trust – Funding Update) be deferred to allow further discussions with Waikato Community Lands Trust prior to the report being brought back to a future meeting of the Council; and
- b) Late item C12 (Judicial Review Verbal Update – 29 April 2021) is accepted. This was circulated as a late item to enable timely information to be distributed to Elected Members. Item 12 (Judicial Review Verbal Update – 29 April 2021) will be taken after Item C4 (Confirmation of the Elected Member Public Excluded Briefing Notes – 1 April 2021) to accommodate presenter availability.

3. Declarations of Interest – *Tauaakii whaipaaanga*

No members of the Council declared a Conflict of Interest.

4. Public Forum – *Aatea koorero*

John Heskett spoke to item C6 (Sky Gardens NZ Limited Request for Exclusivity Agreement – Arts Post Car Park Site, Victoria Street) and the work that he had undertaken. He responded to question from Elected Members concerning the process to date.

5. Confirmation of the Council Open Minutes of 18 March 2021

Resolved: (Cr Bunting/Wilson)

That the Council confirm the Open Minutes of the Council Meeting held on 18 March 2021 as a true and correct record.

6. Confirmation of the Council Open Minutes of 1 April 2021

Resolved: (Cr Wilson/Cr Bunting)

That the Council confirm the Open Minutes of the Council Meeting held on 1 April 2021 as a true and correct record.

7. Confirmation of the Elected Member Open Briefing Notes - 10 March 2021

Resolved: (Cr Bunting/Cr Wilson)

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 10 March 2021 as a true and correct record.

8. Confirmation of the Elected Member Open Briefing Notes - 17 March 2021

Resolved: (Cr Hamilton/Cr Wilson)

That the Council confirm the Open Notes of the Elected Member Briefing held on 17 March 2021 as a true and correct record.

9. Chair's Report

The report was taken as read. Staff responded to questions from Elected Members concerning the appointment process for the Maangai vacancy.

Resolved: (Cr Wilson/Cr Hamilton)

That the Council:

- a) receives the report; and
- b) notes Maangai Hemi Rau's resignation and the subsequent reappointment process.

10. Central City Transformation Plan (CCTP) Refresh – Approval

The Team Leader City Planning outlined the staff report and noted that the Central City River Plan Advisory Group supported the approval of the Plan. He responded to questions from Elected Member concerning the proposed short term initiatives, the purpose and scope of the plan, public green space, event spaces and employment in the central city.

Resolved: (Cr Bunting/Cr van Oosten)

That the Council:

- a) receives the report; and
- b) approves the Central City Transformation Plan Refresh document (**Attachment 1** of the staff report).

The meeting was adjourned from 10.39am to 10.54am.

11. **Waikato Community Lands Trust - Funding Update** *this item was deferred to a future meeting of the Council during item 2 (Confirmation of the agenda).*

12. Approval of HCC's Submissions to the 2021-31 Draft Long Term Plans of Waipa District Council, Waikato Regional Council and Waikato District Council

The Unit Manager Strategy and Corporate Planning noted the change to the Draft submission and took the report as read. She responded to questions from Elected Members concerning request for Waikato District Council collaboration, ability to make minor changes, oversight of cost due to increases, roading and network connections, transport hubs, funding of Te Huia stations, rating of urban ratepayers, process of HCC being included in other Council's LTP Processes, discussions with Councils regarding responses to our submission, ability to bring responses of submissions back, emphasis of supporting certain projects, and speaking to submissions.

Resolved: (Cr Pascoe/Cr Bunting)

That the Council:

- a) receives the staff report;
- b) approves HCC's **DRAFT 2** (appendix 1 of the minutes) submissions to the 2021-31 Draft Long Term Plans of Waipa District Council, Waikato Regional Council and Waikato District Council;
- c) notes the approved submissions will be sent to the respective three councils by 30 April 2021, noting minor changes will be incorporated into the final submissions;
- d) notes that Council representatives will request to speak in support of the approved submissions at the hearings for the 2021-31 Draft Long Term Plans of the respective three councils; and

- e) notes that the three approved submissions will be uploaded to Hamilton City Council's website.

Mayor Southgate joined the meeting (11.05am) via Audio Visual link during the discussion of the above item.

13. Domain Endowment Lease - Freeholding - 5 Cotter Place

The Property Officer took the report as read and responded to questions from Elected Members concerning increase of current market valuation, market movement, improvement value of property, heritage status of land limiting value, purchase of housing and inclusion of the Domain Endowment Fund.

Item 13 (Domain Endowment Lease - Freeholding - 5 Cotter Place) was adjourned following the discussion to enable staff time to respond to matters raised by Elected Members.

Mayor Southgate retired from the meeting (11.40am) during discussion of the above item. She was not present when the item was voted on.

14. Three Waters Reform update

The City Waters Manager spoke to the report, noting much of the structure was not yet known but that further information was expected from Central Government and that this would be reported to Elected Members. She responded to questions from Elected Members concerning reasons for redactions in report and new water regulator reforms.

Resolved: (Cr Wilson/Cr O'Leary)

That the Council receives the report.

15. Recommendations from Open Committee Meetings

Financial Strategy Monitoring Report

Resolved: (Cr Pascoe/Cr van Oosten)

That the Council:

- a) approves the capital movement as identified in paragraph 20 and 21 of the 23 March 2021 Capital Portfolio Monitoring Report;
- b) approves the significant forecast adjustments as set out in paragraphs 19 and 20 of the staff report; and
- c) approves the revised Financial Strategy position for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 21 to 23 of the staff report.

Human Resources Information Services Contract Award

Resolved: (Cr Pascoe/Cr van Oosten)

That the Council:

- a) approves the direct appointment of Lagom Group as delivery consultant for the implementation of Council's HRIS solution noting the following:
 - i) that the project term is a period of eleven; and
 - ii) that the approved contract sum is set no greater than \$2,145,000;
- b) approves the direct appointment of Ceridian as HRIS software provider noting the following:
 - i) that the contract term is a period of five years; and

- ii) that the approved contract sum is set no greater than \$1,895,000; and
- c) delegates authority to the General Manager People and Organisational Performance Group to finalise and execute contracts with Lagom Group and Ceridian.

Personal Hire Devices- End of Trial Review

Resolved: (Cr O'Leary/Cr Gallagher)

That the Council approves the following fees and charges:

- a) \$300 annual permit fee;
- b) fee of \$0.13 per ride; and
- c) a \$10,000 education campaign fund per operator, noting that there may be future ongoing funding shared among all operators for Council and user education.

Korikori Green Proposal to Declare a Pedestrian Mall - Deliberation and Adoption Report

Resolved: (Cr O'Leary/Cr Gallagher)

That the Council:

- a) approves that a section of Korikori Green be declared a Pedestrian Mall under Section 336(1) of the Local Government Act 1974;
- b) approves a public notice be issued stating the Council decision to declare a section of Korikori Green a Pedestrian Mall;
- c) notes that under section 336(3) of the Local Government Act 1974, any person may, within one month after making of a declaration of the pedestrian mall, or within such further time as the Environment Court may allow, appeal to the Environment Court against the declaration; and
- d) notes that if no appeals to the declaration of the Pedestrian Mall in Korikori Green are received or upheld that the Hamilton Traffic Bylaw Pedestrian Mall register will be updated to include this information.

Hamilton Stormwater Bylaw Review - Deliberations Report

Resolved: (Cr O'Leary/Cr Gallagher)

That the Council:

- a) notes that, as part of this review, Council determined on 30 April 2020 that a Stormwater Bylaw is the most appropriate mechanism for addressing issues relating to stormwater management in Hamilton;
- b) notes that the Hamilton Stormwater Bylaw 2015 has been reviewed and consulted on as per the requirements of the Local Government Act 2002;
- c) notes that the revised Stormwater Bylaw 2021 is the most appropriate form of the bylaw, having regard to the issues identified in the review and consultation feedback;
- d) notes that the revised Hamilton Stormwater Bylaw 2021 does not give rise to any implications under the New Zealand Bill of Rights Act 1990; and adopts the revised Stormwater Bylaw 2021 effective from 1 October 2021.

Waste Management and Minimisation Bylaw 2019

Resolved: (Cr O'Leary/Cr Gallagher)

That the Council:

- a) approves the update minor changes to clause 9.2 of the Waste Management and Minimisation Bylaw 2019 ; and
- b) notes that section 156(2)(a) of the Local Government Act 2002 enables errors in a bylaw to be corrected by a publicly notified resolution.

16. Resolution to Exclude the Public

Resolved: (Cr O’Leary/Cr Hamilton)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

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 follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Council Public Excluded Minutes of 18 March 2021) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987	Section 48(1)(a)
C2. Confirmation of the Elected Member Public Excluded Briefing Notes - 10 March 2021		
C3. Confirmation of the Elected Member Public Excluded Briefing Notes - 17 March 2021		
C4. Confirmation of the Elected Member Public Excluded Briefing Notes - 1 April 2021		
C5. Chair's Report (Public Excluded Matter)		
C6. Sky Gardens NZ Limited Request for Exclusivity Agreement - Arts Post Car Park Site, Victoria Street		
C7. Appointment of a new Independent Hearing Commissioners' Panel		
C8. External Funding Opportunities For Approval		
C9. Confirmation of the Council Public Excluded (CE Review Committee Matters) Minutes of 22 October 2020		

C10. Public Excluded
Recommendation from
the CE Review Committee
- Interim CE Performance
Review 2020/21

C11. Public Excluded
Recommendation from
the CE Review Committee
- CE Recruitment

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 C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C3.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C4.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C5.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C6.	to avoid the unreasonably, likely prejudice to the commercial position of a person who supplied or is the subject of the information to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (b) (ii) Section 7 (2) (h)
Item C7.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C8.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C9.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C10.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C11.	to avoid the unreasonably, likely prejudice to the commercial position of a person who supplied or is the subject of the information to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (b) (ii) Section 7 (2) (h)
	to enable Council to carry out negotiations	Section 7 (2) (i)

The meeting moved into a public excluded session at 11.49am.

The meeting went into an open session at 2.24pm.

13. Domain Endowment Lease - Freeholding - 5 Cotter Place

This item was moved to the public excluded section of the meeting to enable discussions concerning matters of commercial sensitivity (Section 7 (2) (h)).

Resolved: (Cr Macpherson/Cr Bunting)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

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 follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
13. Domain Endowment Lease - Freeholding - 5 Cotter Place) Good reason to withhold) information 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 13.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
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The meeting moved into a public excluded session at 2.26pm.

The meeting was declared closed at 3.53pm.

Appendix 1**DRAFT 2****Submission by****Hamilton City Council**
 Private Bag 3010
 Hamilton 3240
 New Zealand

TEL 07 838 6699
FAX 07 838 6599
EMAIL info@hcc.govt.nz
hamilton.govt.nz
WAIKATO DISTRICT COUNCIL – DRAFT 2021-31 LONG TERM PLAN**29 April 2021****1.0 SUMMARY OF KEY POINTS AND RECOMMENDATIONS**

- 1.1 Support the overall intent and direction of Waikato District Council's draft 2021-31 Long Term Plan.
- 1.2 Hamilton City Council requests Waikato District Council makes provision in its draft 2021-31 Long Term Plan budget for operational contributions to facilities that are used by residents of Waikato District.
- 1.3 Hamilton City Council supports Waikato District Council's provision in its draft 2021-31 Long Term Plan budget for the development of alternative transport options, in particular funding of rail services and rail stations.
- 1.4 Hamilton City Council requests Waikato District Council makes provision in its draft 2021-31 Long Term Plan budget for a contribution towards safety improvements at the Gordonton Road/Puketaha Road intersection.
- 1.5 Hamilton City Council requests Waikato District Council makes provision in its draft 2021-31 Long Term Plan budget for the funding of the Waikato Community Lands Trust and inclusionary zoning planning mechanisms.
- 1.6 Hamilton City Council notes Waikato District Council's unbudgeted provision of \$4 million in their draft 2021-31 Long Term Plan to signal a contribution toward land purchase, designation and consenting processes for a new southern plant.

2.0 INTRODUCTION

- 2.1 Hamilton City Council supports the direction of Waikato District Council's draft 2021-31 Long Term Plan in its vision of building livable, thriving and connected communities, and aligning the budget to focus on community and Blueprint initiatives to deliver to this vision.
- 2.2 Hamilton City Council requests Waikato District Council considers the following points in the deliberation of their draft 2021-31 Long Term Plan.

3.0 FACILITIES USED BY OUR WIDER COMMUNITY

- 3.1 A large number of Waikato District residents are regular users of facilities and services within Hamilton City Council boundaries. Hamilton City Council requests that Waikato District Council takes account of this fact and provides contributions for operational costs of these services. This includes access both to existing services and facilities, as well as those that will be newly built or redeveloped as a result of Hamilton City Council's 2021-2031 Long Term Plan.

3.2 These include but are not limited to:

- Hamilton Gardens – a nationally and internationally recognised visitor destination that the wider Waikato region benefits from. Ongoing development will ensure that it remains a key destination into the future that will attract visitors to the Waikato region, acting as a gateway to other visitor experiences in the region.
- Recreation Centres – there is a growing demand for indoor recreation centres to accommodate sports and recreational activities. These include volleyball, basketball, futsal and others. The success of “The Peak” – the Rototuna Indoor Recreation Centre shows a strong demand for facilities, and residents both within Hamilton City boundaries and outside of it are benefitting from it. Hamilton City Council plans to continue to develop indoor recreation centres to meet local and regional needs and to meet the recommendations of the Waikato Sports Facilities Plan. Waikato residents are likely to use these facilities in the future despite their location within Hamilton City boundaries.
- Hillcrest library upgrade – and upgrade to Hillcrest Library will increase capacity and enable a growing community in the East of Hamilton to have better access to library services and benefit from a developing “Community Hub” approach to libraries. Given the close proximity to both Waipa and Waikato District Councils, it is likely that residents from these areas will benefit from the improved facility and services offered.

3.3 Hamilton City Council supports the continuation of the library arrangement with Waikato District Council.

3.4 As a part of the committed investment to re-establish a conservation destination at Hamilton Zoo-Waiwhakareke Natural Heritage Park, Hamilton City Council wishes to work with Waikato District Council to:

- change the zoning to bring the back area of the Zoo from rural into the designated Zoo zone; and
- lower the speed limit on Brymer Road.

4.0 ALTERNATIVE TRANSPORT Networks

4.1 Hamilton City Council supports Waikato District Council’s vision of liveable communities, thriving communities and connected communities.

4.2 Hamilton City Council is encouraged that Waikato District Council has committed to working with its partners - Waikato Regional Council, Waka Kotahi NZ Transport Agency, Auckland Transport, Auckland Council, KiwiRail and central government, on improving the Te Huia passenger train service over the coming years by committing \$220,000 per year to support the operation of the service for the first three years and \$750,000 for the further upgrade of the Raahui-Pookeka Huntly Railway Station, as well as budgeting \$100,000 for a business case for investigating Te Kauwhata as a potential future station.

4.3 Hamilton City Council would like Waikato District Council to bring forward the establishment of a rail station at Te Kauwhata from Year 3 to Year 1 (or as soon as possible) given the project logistics, including business case work.

5.0 SAFER COMMUNITIES

5.1 Hamilton City Council has received feedback from the community in regard to their concerns about the safety of the Gordonton Road/Puketaha Road intersection.

5.2 The Gordonton Road is currently classed as a rural road and Hamilton City Council has implement several projects to improve safety along this road.

5.3 In Hamilton City Council’s 2021-2031 Long Term Plan Council is proposing a small roundabout at the intersection of Gordonton Road/Puketaha Road. Waka Kotahi NZ Transport Agency has indicated this project is not seen as a priority and therefore there will be not funding available. The cost of the project is estimated at \$3 million.

5.4 Hamilton City Council requests Waikato District Council considers the funding of a contribution for

this intersection.

6.0 WAIKATO COMMUNITY LANDS TRUST AND INCLUSIONARY ZONING

- 6.1 In 2019 Hamilton City Council supported the establishment of the Waikato Community Lands Trust with the aim to assist working families into affordable housing with security of tenure.
- 6.2 The Trust has been established with legal, charitable status and is independent of Hamilton City Council. It has a Waikato region focus and is administered by independent and appropriately skilled volunteer Trustees.
- 6.3 The Trust is based on a successful Queenstown model that has enabled the delivery of over 170 homes in the Queenstown Lakes District, with more than 300 sites still to develop.
- 6.4 Hamilton City Council contributed \$2 million dollars of seed funding with the intention that other community Trusts, philanthropic organisations and councils would also contribute similar amounts to get it established.
- 6.5 Hamilton City Council has also contributed \$50,000, matching the WEL Energy Trust Vital Impact (Housing) grant, towards the Trust's operating costs and employment of a Trust Administrator.
- 6.6 Hamilton City Council asks that you consider matching our initial \$2 million-dollar funding to this very worthwhile cause that facilitates affordable housing in perpetuity for communities in the Waikato.
- 6.7 Through Hamilton City Council's district plan review council is also considering the use of Inclusionary Zoning policies to enable a sustainable pipeline of sites to be provided to the Trust. Inclusionary Zoning refers to policies that require a portion of developments to be retained for affordable housing, often in return for greater density.
- 6.8 This is a powerful tool that Hamilton City Council suggests you may also consider in your planning frameworks to enable the delivery of more affordable housing in the Waikato.

7.0 BUDGETARY PROVISION REQUEST FOR NEW SOUTHERN WASTEWATER PLANT

- 7.1 The Hamilton-Waikato Metro Wastewater Detailed Business Case (DBC) Project is being delivered through a partnership between Hamilton City Council, Waikato District Council, Waipa District Council, Waikato-Tainui and Mana Whenua.
- 7.2 The preferred wastewater servicing option for the Southern Metro area was confirmed by the Project Governance Group (made up of elected representatives from the partner organisations) on 16 April 2021. The preferred option includes the development of a new wastewater treatment plant (WWTP) located south of Hamilton as well as significant upgrades at Pukete and Cambridge wastewater treatment plants. Upgrades to the Matangi and Tauwhare Pa systems will also be needed in the short term. Timing to deliver and implement the new southern plant is being considered as part of finalising the Southern Metro Wastewater detailed business case.
- 7.3 One of the benefits of the new southern treatment plant is the ability to divert flow away from the Pukete WWTP and enabling Northern Metro area communities (i.e., Taupiri, Hopuhopu, Ngaruawahia, Horotiu, Te Kowhai) to be serviced via an upgraded and expanded Pukete WWTP in the long term. The preferred solution for the Northern Metro area will be confirmed via the Northern Metro detailed business case.
- 7.4 Successful implementation of the new southern plant included in the preferred option requires financial contribution and multi-partner co-ordination to complete land acquisition and (potentially) designation and consenting processes over the next three years and beyond. This financial contribution is needed in addition to the significant investment needed at the Cambridge and Pukete plants and the investments needed at Matangi and Tauwhare Pa.
- 7.5 In addition to confirming the preferred option for the Southern Metro area on 16 April 2021, the Project Governance Group agreed to the development of a Memorandum of Understanding (or other similar mechanism) to secure commitments to implement the preferred option from the detailed business case. Specifically, the Governance Group directed the Project Team to provide advice on:

- A Memorandum of Understanding or other similar mechanism to secure commitments to implement the preferred option from the detailed business case;
- How to reflect the preferred option in 2021-2031 Long Term Plans; and
- Growth thresholds and triggers that will match the sequence of growth with the staged development of the new Southern Wastewater Plant.

- 7.6 Hamilton City Council endorses the decisions of the Governance Group and is encouraged by the direction to enter into an agreement to secure commitments to implementing the business case recommendations. Hamilton City Council, as part of the project collective, is focused on the successful conclusion of the Southern Metro Area Wastewater detailed business case and commencing the Northern Metro Area detailed business case.
- 7.7 Hamilton City Council has funded \$9 million in years 1 – 3 of its draft 2021-31 Long Term Plan as a contribution toward land purchase, designation and consenting processes for a new southern plant. Hamilton City Council has also noted significant (unfunded) investment to commence construction of a new southern plant from Year 10 of its draft 2021-31 Long Term Plan.
- 7.8 Hamilton City Council support Waikato District Council's unbudgeted provision of \$4 million in their draft 2021-31 Long Term Plan to signal a contribution toward land purchase, designation and consenting processes for a new southern plant. Noting an unbudgeted provision will inform the Waikato community of future funding needed to implement the new southern treatment plant, and reinforce the decision made to formulate a MOU (or other mechanism) as a clear recognition that all partners are committed to delivering the sub-regional solutions the detailed business case is indicating.
- 7.9 Hamilton City Council would like Waikato District Council to note it has prepared a submission to the Waikato District Council to encourage the Waikato District Council to include the necessary budgetary provision or note an unbudgeted provision in its final approved 2021-31 Long Term Plan to support an equitable contribution to future-proof the delivery of a new southern wastewater plant and recommend Waikato District Council makes a similar submission to Waikato District Council's draft 2021-31 Long Term Plan.

8.0 CAPACITY FOR JOINT INFRASTRUCTURE/PROJECTS

- 8.1 Hamilton City Council notes that Waikato District Council has indicated that their debt level will peak in 2028/29 at \$393 million and Council will have limited capacity to borrow more debt if needed.
- 8.2 Hamilton City Council requests if Waikato District Council can indicate if their forecast debt provides capacity to provide for joint funding projects into the future.

9.0 FURTHER INFORMATION AND HEARINGS

- 9.1 Should Waikato District Council require clarification of Hamilton City Council's submission, or additional information, please contact **Liz Tuck** (Corporate Planning Manager, Strategy and Research) on 07 8585775, email liz.tuck@hcc.govt.nz in the first instance.
- 9.2 Hamilton City Council **does wish to speak** in support of this submission at the hearings for Waikato District Council's 2021-31 Draft Long Term Plan.

Yours faithfully

Richard Briggs

CHIEF EXECUTIVE

Appendix 1
DRAFT 2

Submission by

Hamilton City Council

WAIKATO REGIONAL COUNCIL – DRAFT 2021-31 LONG TERM PLAN

29 April 2021

10.0 SUMMARY OF KEY POINTS AND RECOMMENDATIONS

- 1.7 Support the overall intent and direction of Waikato Regional Council's draft 2021-31 Long Term Plan.
- 1.8 Hamilton City Council requests Waikato Regional Council makes provision in its draft 2021-31 Long Term Plan for the funding of the Waikato Community Lands Trust.
- 1.9 Hamilton City Council supports the sustainable homes programme to assist homeowners to make sustainable home improvements.
- 1.10 Hamilton City Council supports the Biodiversity Accord and requests the increase in resourcing to assist restoration efforts is directed to the Hamilton City gully network.
- 1.11 Hamilton City Council requests Waikato Regional Council makes provision in its draft 2021-31 Long Term Plan for collaboration on aligned regional visitor destinations.
- 1.12 Hamilton City Council supports the Waikato Regional Council's increased investment in Te Waka.
- 1.13 Hamilton City Council requests clarification of the treatment of the \$5 million passenger rail credit collected from Hamilton City ratepayers.
- 1.14 Hamilton City Council supports the proposal to extend the services operation for the passenger rail service.

11.0 INTRODUCTION

- 2.3 Hamilton City Council supports the overall intent and direction of the Waikato Regional Council's draft 2021-31 Long Term Plan.
- 2.4 Hamilton City Council would like to acknowledge the value of our close working relationship with Waikato Regional Council through various regional partnerships such as Futureproof Te Tau Tiitoki, The Waikato Plan, the Regional Passenger Transport Committee, and the Waikato Civil Defence Emergency Management Group as we collectively work to improve the wellbeing of our communities and region.
- 2.5 Hamilton City Council look forward to further strengthening the collaborative interactions of our teams when they relocate close to Hamilton City Council in the CBD.
- 2.6 Hamilton City Council requests Waikato Regional Council considers the following in their deliberations on their draft 2021-31 Long Term Plan.

12.0 WAIKATO COMMUNITY LANDS TRUST

- 12.1 In 2019 Hamilton City Council supported the establishment of the Waikato Community Lands Trust with the aim to assist working families into affordable housing with security of tenure.

- 12.2 The Trust has been established with legal, charitable status and is independent of Hamilton City Council. It has a Waikato region focus and is administered by independent and appropriately skilled volunteer Trustees.
- 12.3 The Trust is based on a successful Queenstown model that has enabled the delivery of over 170 homes in the Queenstown Lakes District, with more than 300 sites still to develop.
- 12.4 Hamilton City Council contributed \$2 million dollars of seed funding with the intention that other community Trusts, philanthropic organisations and councils would also contribute similar amounts to get it established.
- 12.5 Hamilton City Council has also contributed \$50,000, matching the WEL Energy Trust Vital Impact (Housing) grant, towards the Trust's operating costs and employment of a Trust Administrator.
- 12.6 Hamilton City Council asks that you consider matching our initial \$2 million-dollar funding to this very worthwhile cause that facilitates affordable housing in perpetuity for communities in the Waikato.
- 12.7 Through Hamilton City Council's district plan review council is also considering the use of Inclusionary Zoning policies to enable a sustainable pipeline of sites to be provided to the Trust. Inclusionary Zoning refers to policies that require a portion of developments to be retained for affordable housing, often in return for greater density.

13.0 SUSTAINABLE HOMES SCHEME

Hamilton City Council supports the outcome of everyone in the Waikato region to have a healthy home to live in by the creation of a sustainable homes programme for the region. This programme will assist homeowners with loans to make sustainable improvements like water tank installation, insulation, double-glazing, heating, ventilation and solar power and septic tank upgrades. Hamilton City Council also recommends the Waikato Regional Council investigates how the sustainable homes programme could further benefit residents experiencing housing stress and lower income households.

- 14.1 Hamilton City Council supports developing a biodiversity accord with key partners in the region including Hamilton City. This will assist with the delivery of the City's Nature in the City Strategy and Local Indigenous Biodiversity Strategy.
- 14.2 Hamilton City Council supports the investment of almost \$11 million over the 10 years for biodiversity outcomes and support Waikato Regional Councils proposal **option 1 – to start the work in year 1.**
- 14.3 Hamilton City Council commends that you are proposing to continue to take a collective impact approach with ongoing partnership work that ranges from informing through to co-design to meet stated stakeholder needs. We would like to identify how Hamilton City Council and Waikato Regional Council can partner to deliver the Nature in the City work programme.
- 14.4 Hamilton City Council agrees this increase in resourcing will assist the restoration efforts of communities and landowners, and we would like to understand more fully how the assistance will deliver 'on the ground' restoration efforts.
- 14.5 Hamilton City Council requests that an allocation of these resources are set aside for the Hamilton City gully network and the re-establishment of a conservation destination at the Hamilton Zoo-Waiwhakareke Natural Heritage Park.

15.0 REGIONAL VISITOR DESTINATIONS

- 15.1 Hamilton City Council is interested in working with Waikato Regional Council and neighbouring Councils to explore the potential for aligned visitor and tourist information and collateral through structured collaboration via I-SITES, museums and libraries as well as Hamilton-Waikato Tourism. This increased collaboration can take visitors through river journey experiences, land wars journey experiences and conservation trail experiences unique to our region.

16.0 REGIONAL ECONOMIC DEVELOPMENT FUNDING

- 16.1 Hamilton City Council supports Waikato Regional Council's proposal to invest more in Te Waka, our

regional economic development agency, lifting the investment from \$300,000 per annum to \$750,000 per annum.

- 16.2 Waikato's economic development ecosystem extends across many boundaries and is a truly regional collection of businesses, government entities, and communities. As such, an appropriately funded regional economic development agency such as Te Waka is a critical component to strengthening and growing a culture of collaboration and shared economic success in the Waikato.
- 16.3 The boundaryless, regional approach taken by Te Waka is also reflected in Hamilton City Council's economic development agenda, which supports the Future Proof Te Tau Tiitoki strategy of a diverse and vibrant metropolitan centre strongly tied to distinctive, thriving towns and rural communities.
- 16.4 Importantly, Te Waka is also a vital resource that supports Hamilton City Council's work to contribute to Maaori wellbeings in Hamilton through the Waikato Region Maaori Economic Development Plan, increasing Maaori employment and career pathways through partnerships and projects.
- 16.5 Increased funding for Te Waka will support Hamilton City Council's work enabling our economic development success with initiatives that include sector-based action planning, partnerships with education providers, economic intelligence, a regional labour market strategy, employment initiatives, and the aggressive promotion of our value proposition for regional, national, and international investment opportunities.
- 16.6 Properly resourcing Te Waka will strengthen their partnership with Hamilton City Council's as we both work to create economic conditions that are conducive to growth, investment, and new employment while providing the data, insights, tools and connections to support the needs of a wide range of organisations.
- 16.7 Without sufficient funding, Hamilton City Council is concerned that Waikato's economic development ecosystem will be unable to meet the moment and we could fail to bring the transformational investments and economic growth that would otherwise be possible.

17.0 PASSENGER RAIL SERVICE

- 17.1 Hamilton City Council supports Waikato Regional Council's proposal to extend the services operation from 2023/24 to an additional interpeak service on weekdays and to investigate the opportunities to extend the service from Papakura further into Auckland.
- 17.2 Hamilton City Council notes the proposed impact on Hamilton City ratepayers will be:
 - 2021/22 - 53 cents per \$100,000 capital value.
 - 2022/23 – 13 cents per \$100,000 capital value.
 - 2023/24 – 1.61 cents per \$100,000 capital value
- 17.3 Hamilton City Council requests clarification on the treatment of the \$5m targeted rate collected from Hamilton City ratepayers for the passenger rail service. In particular, the application of the credit held over, and if this will be applied to the rates of Hamilton City ratepayers in 2021/22.
- 17.4 Hamilton City Council supports the submission from the Hamilton-Auckland Passenger Rail Project Governance Working Group for Regional Council to add two new projects for Year 1 (2021/22) of the 2021-31 Draft Long Term Plan. The projects are:
 - Te Huia Push-Pull Safety Assessment; estimated cost \$250,000.
 - Te Huia European Train Control System (ETCS) Retrofit; estimated cost \$2,200,000.
- 17.5 Both projects are essential requirements to allow the Te Huia Service to have the flexibility to use alternative timetable slots that assist with the service stopping at further Auckland metro stops such as Puhinui and the Strand. Hamilton City Council understands that discussions are ongoing in regard to a substantive Waka Kotahi NZ Transport Agency subsidy for these two projects.
- 17.6 Hamilton City Council also supports the submission from the Hamilton-Auckland Passenger Rail Project Governance Working Group to bring forward the Waikato Regional Council operational

funding in Year 3 of the 2021-31 Draft Long Term Plan to Year 1 (2021/22) to allow an interpeak service to commence.

18.0 FURTHER INFORMATION AND HEARINGS

- 18.1 Should Waikato Regional Council require clarification of Hamilton City Council's submission, or additional information, please contact **Liz Tuck** (Corporate Planning Manager, Strategy and Research) on 07 8585775, email liz.tuck@hcc.govt.nz in the first instance.
- 18.2 Hamilton City Council **does wish to speak** in support of this submission at the hearings for Waikato Regional Council's draft 2021-31 Long Term Plan.

Yours faithfully

Richard Briggs

CHIEF EXECUTIVE

Item 6

Attachment 1

Appendix 1

DRAFT 2**Submission by****Hamilton City Council****WAIPA DISTRICT COUNCIL – DRAFT 2021-31 LONG TERM PLAN****29 April 2021****19.0 SUMMARY OF KEY POINTS AND RECOMMENDATIONS**

- 1.15 Support the overall intent and direction of Waipa District Council's draft 2021-31 Long Term Plan.
- 1.16 Hamilton City Council requests Waipa District Council makes provision in its draft 2021-31 Long Term Plan budget for the development of alternative transport options, in particular funding of rail services.
- 1.17 Hamilton City Council requests Waipa District Council makes provision in its draft 2021-31 Long Term Plan budget for the funding of the Waikato Community Lands Trust and inclusionary zoning planning mechanisms.
- 1.18 Hamilton City Council requests Waipa District Council makes provision in its draft 2021-31 Long Term Plan budget for operational contributions to facilities that are used by residents of the Waipa District.
- 1.19 Hamilton City Council encourages the Waipa District Council to include the necessary budgetary provision or note an unbudgeted provision in its final approved 2021-31 Long Term Plan to support an equitable contribution to future-proof the delivery of a new southern wastewater plant.

20.0 INTRODUCTION

- 2.7 Hamilton City Council supports the direction of Waipa District Council's draft 2021-31 Long Term Plan in focusing on the outcomes of socially resilient, cultural champions, environmental champions and economically progressive.
- 2.8 Hamilton City Council requests Waipa District Council considers the following points in the deliberation of their draft 2021-31 Long Term Plan.

21.0 ALTERNATIVE TRANSPORT AND MOBILITY NETWORKS

- 21.1 Hamilton City Council supports Waipa District Council commitment to the investment in the Pirongia-Ngā Roto-Te Awamutu cycling connection and the investment in urban mobility network.
- 21.2 Hamilton City Council notes that Waipa District Council has identified that *"population growth may create more transport movements on key routes leading to congestion or safety issues. Greater population density provides opportunities to transition to transport modes other than private cars. The Hamilton to Auckland passenger train service is one such opportunity"*. Hamilton City Council would like to understand if Waipa District Council has provided any funding or capacity for the development of this project.

22.0 WAIKATO COMMUNITY LANDS TRUST AND INCLUSIONARY ZONING

- 22.1 In 2019 Hamilton City Council supported the establishment of the Waikato Community Lands Trust with the aim to assist working families into affordable housing with security of tenure.
- 22.2 The Trust has been established with legal, charitable status and is independent of Hamilton City Council. It has a Waikato region focus and is administered by independent and appropriately skilled volunteer Trustees.
- 22.3 The Trust is based on a successful Queenstown model that has enabled the delivery of over 170 homes in the Queenstown Lakes District, with more than 300 sites still to develop.

- 22.4 Hamilton City Council contributed \$2 million dollars of seed funding with the intention that other community Trusts, philanthropic organisations and councils would also contribute similar amounts to get it established.
- 22.5 Hamilton City Council has also contributed \$50,000, matching the WEL Energy Trust Vital Impact (Housing) grant, towards the Trust's operating costs and employment of a Trust Administrator.
- 22.6 Hamilton City Council asks that you consider matching our initial \$2 million-dollar funding to this very worthwhile cause that facilitates affordable housing in perpetuity for communities in the Waikato.
- 22.7 Through Hamilton City Council's district plan review council is also considering the use of Inclusionary Zoning policies to enable a sustainable pipeline of sites to be provided to the Trust. Inclusionary Zoning refers to policies that require a portion of developments to be retained for affordable housing, often in return for greater density.
- 22.8 This is a powerful tool that Hamilton City Council suggests you may also consider in your planning frameworks to enable the delivery of more affordable housing in the Waikato.

23.0 FACILITIES USED BY OUR WIDER COMMUNITY

- 23.1 A large number of Waipa District Council residents are regular users of facilities and services within Hamilton City Council boundaries. Hamilton City Council requests that Waipa District Council takes account of this fact and provides contributions for operational costs of these services. This includes access both to existing services and facilities, as well as those that will be newly built or redeveloped as a result of Hamilton City Council's 2021-2031 Long Term Plan.
- 23.2 These include but are not limited to:
- Hamilton Gardens – a nationally and internationally recognised visitor destination that the wider Waikato region benefits from. Ongoing development will ensure that it remains a key destination into the future that will attract visitors to the Waikato region, acting as a gateway to other visitor experiences in the region.
 - Recreation Centres – there is a growing demand for indoor recreation centres to accommodate sports and recreational activities. These include volleyball, basketball, futsal and others. The success of "The Peak" – the Rototuna Indoor Recreation Centre shows a strong demand for facilities, and residents both within Hamilton City boundaries and outside of it are benefitting from it. Hamilton City Council plans to continue to develop indoor recreation centres to meet local and regional needs and to meet the recommendations of the Waikato Sports Facilities Plan. Waipa residents are likely to use these facilities in the future despite their location within Hamilton City boundaries.
 - Hillcrest library upgrade – and upgrade to Hillcrest Library will increase capacity and enable a growing community in the East of Hamilton to have better access to library services and benefit from a developing "Community Hub" approach to libraries. Given the close proximity to both Waipa and Waikato District Councils, it is likely that residents from these areas will benefit from the improved facility and services offered.

24.0 BUDGET PROVISION REQUIRED FOR SOUTHERN WASTEWATER PLANT

- 24.1 The Hamilton-Waikato Metro Wastewater Detailed Business Case (DBC) Project is being delivered through a partnership between Hamilton City Council, Waikato District Council, Waipa District Council, Waikato-Tainui and Mana Whenua.
- 24.2 The preferred wastewater servicing option for the Southern Metro area was confirmed by the Project Governance Group (made up of elected representatives from the partner organisations) on 16th April 2021. The preferred option includes the development of a new wastewater treatment plant located south of Hamilton as well as significant upgrades at Pukete and Cambridge wastewater treatment plants. Timing to deliver and implement the new southern plant is being considered as part of finalising the Southern Metro Wastewater detailed business case.
- 24.3 Successful implementation of the new southern plant included in the preferred option requires

financial contribution and multi-partner co-ordination to complete land acquisition and (potentially) designation and consenting processes over the next three years and beyond. This financial contribution is needed in addition to the significant investment needed at the Cambridge and Pukete plants.

- 24.4 In addition to confirming the preferred option for the Southern Metro area on 16 April 2021, the Project Governance Group agreed to the development of a Memorandum of Understanding (or other similar mechanism) to secure commitments to implement the preferred option from the detailed business case. Specifically, the Governance Group directed the Project Team to provide advice on:
- A Memorandum of Understanding or other similar mechanism to secure commitments to implement the preferred option from the detailed business case;
 - How to reflect the preferred option in 2021 - 2031 Long Term Plans; and
 - Growth thresholds and triggers that will match the sequence of growth with the staged development of the new Southern Wastewater Plant.
- 24.5 Hamilton City Council endorses the decisions of the Governance Group and is encouraged by the direction to enter into an agreement to secure commitments to implementing the business case recommendations.
- 24.6 Hamilton City Council has funded \$9 million in years 1 – 3 of its draft 2021-31 Long Term Plan as a contribution toward land purchase, designation and consenting processes for a new southern plant. Hamilton City Council has also noted significant (unfunded) investment to commence construction of a new southern plant from Year 10 of its draft 2021-31 Long Term Plan. Waikato District Council has noted an unbudgeted provision of \$4 million in their draft 2021-31 Long Term Plan to signal a contribution toward land purchase, designation and consenting processes for a new southern plant.
- 24.7 While details of a MOU are being worked through, Hamilton City Council encourages Waipa District Council to include the necessary budgetary provision or note an unbudgeted provision in its final approved 2021-31 Long Term Plan to support an equitable contribution to future-proof the delivery of a new southern wastewater plant. Including a budget provision or noting an unbudgeted provision will inform the Waipa community of future funding needed to implement the new southern treatment plant, and reinforce the decision made to formulate a MOU (or other mechanism) as a clear recognition that all partners are committed to delivering the subregional solutions the detailed business case is indicating.
- 24.8 Hamilton City Council, as part of the project collective, is focused on the successful conclusion of the Southern Metro Area Wastewater detailed business case and commencing the Northern Metro Area detailed business case.

25.0 CAPACITY FOR JOINT INFRASTRUCTURE/PROJECTS

- 5.1 Hamilton City Council notes that Waipa District Council has indicated that their debt level will peak in 2027/28 at \$304 million but reduce to \$252.2 million by year 10 of the draft 2021-31 Long Term Plan.
- 5.2 Hamilton City Council requests that if Waipa District Council can indicate if their forecast debt provides capacity to provide for joint funding projects into the future.

26.0 FURTHER INFORMATION AND HEARINGS

- 26.1 Should Waipa District Council require clarification of Hamilton City Council's submission, or additional information, please contact **Liz Tuck** (Corporate Planning Manager, Strategy and Research) on 07 8585775, email liz.tuck@hcc.govt.nz in the first instance.
- 26.2 Hamilton City Council **does wish to speak** in support of this submission at the hearings for Waipa District Council's draft 2021-31 Long Term Plan.

Yours faithfully

Richard Briggs

CHIEF EXECUTIVE

Council Report

Item 7

Committee: Council

Date: 10 June 2021

Author: Tyler Gaukrodger

Authoriser: Becca Brooke

Position: Governance Advisor

Position: Governance Manager

Report Name: Confirmation of the Extraordinary Council Open Minutes of 30 April 2021

Report Status	<i>Open</i>
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Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Council confirms the Open Minutes of the Extraordinary Council Meeting held on 30 April 2021 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Extraordinary Council Unconfirmed Open Minutes - 30 April 2021

Extraordinary Council *Kaunihera* OPEN MINUTES

Minutes of an extraordinary meeting of the Council held in Chief Executive's Office, Municipal Building, Garden Place, Hamilton and via Audio Visual link on Friday 30 April 2021 at 12.16pm.

PRESENT

Chairperson Mayor P Southgate (via Audio Visual link)

Heamana

Deputy Chairperson Deputy Mayor G Taylor

Heamana Tuarua

Members

Cr M Gallagher (via Audio Visual link)
Cr R Hamilton
Cr D Macpherson
Cr S Thomson (via Audio Visual link)
Cr M van Oosten (via Audio Visual link)
Cr R Pascoe
Cr E Wilson

In Attendance

Richard Briggs – Chief Executive
Cory Lang – Building Control Manager

James MacGillivray – Tompkins Wake
Morgan Brady – Tompkins Wake

Governance Staff

Amy Viggers – Governance Team Leader
Carmen Fortin and Tyler Gaukrodger – Governance Advisors

1. **Apologies – Tono aroha**
Resolved: (Deputy Mayor Taylor/Cr Wilson)
That the apologies for absence from Crs Forsyth, Naidoo-Rauf, O'Leary and Bunting are accepted.
2. **Confirmation of Agenda – Whakatau raarangi take**
Resolved: (Cr Wilson/Deputy Mayor Taylor)
That the agenda is confirmed.
3. **Declarations of Interest – Tauaakii whaipanga**
No members of the Council declared a Conflict of Interest.
4. **Public Forum – AAta koorero**
No members of the public wished to speak.

5. Resolution to Exclude the Public

Resolved: (Deputy Mayor Taylor/Cr Wilson)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

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 follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Regency House - Update	<ul style="list-style-type: none">) Good reason to withhold) information 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 C1.	to maintain legal professional privilege	Section 7 (2) (g)
	to enable Council to carry out negotiations	Section 7 (2) (i)

The meeting moved into a public excluded session at 12.17pm

The meeting was declared closed at 12.45pm.

Council Report

Committee: Council

Date: 10 June 2021

Author: Tyler Gaukrodger

Authoriser: Becca Brooke

Position: Governance Advisor

Position: Governance Manager

Report Name: Confirmation of the Extraordinary Council Open Minutes of 19 May 2021

Report Status	<i>Open</i>
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Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Council confirm the Open Minutes of the Extraordinary Council Meeting held on 19 May 2021 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Extraordinary Council Unconfirmed Open Minutes - 19 May 2021

Extraordinary Council *Kaunihera* OPEN MINUTES

Minutes of an extraordinary meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton and via Audio Visual link on Wednesday 19 May 2021 at 9.34am.

PRESENT

Chairperson <i>Heamana</i>	Mayor P Southgate
Deputy Chairperson <i>Heamana Tuarua</i>	Deputy Mayor G Taylor
Members	Cr M Bunting Cr M Gallagher Cr R Hamilton Cr D Macpherson Cr K Naidoo-Rauf (via Audio Visual link) Cr A O'Leary Cr R Pascoe Cr S Thomson Cr M van Oosten Cr E Wilson

In Attendance	Richard Briggs – Chief Executive Sean Hickey – General Manager Strategy and Communication David Bryant – General Manager People and Organisational Performance Becca Brooke – Governance Manager Muna Wharawhara – Amorangi Maaori
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Dale Ofoske – Managing Director, Election Services

Governance Staff	Amy Viggers – Governance Team Leader Carmen Fortin, Narelle Waite and Tyler Gaukrodger – Governance Advisors
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Tame Pokaia opened the meeting with karakia and was responded to by Atutahi Riki.

- 1. Apologies – Tono aroha**
Resolved: (Cr Gallagher/Cr Macpherson)
That the apologies for lateness from Cr Pascoe and Cr Naidoo-Rauf are accepted.
- 2. Confirmation of Agenda – Whakatau raarangi take**
Resolved: (Mayor Southgate/Deputy Mayor Taylor)
That the agenda is confirmed noting that Public Forum submissions will be 3 minutes per submission to enable the Council to hear from as many submitters as possible.

3. **Declarations of Interest – *Tauaakii whaipaa***
No members of the Council declared a Conflict of Interest.

4. **Public Forum – *Aatea koorero***

Ngira Simmonds (Waikato-Tainui)

Mr Simmonds spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards. He spoke of the potential positive impact to all people that would be achieved through the adoption of Maaori Wards.

Lady Tureiti Moxon

Lady Moxon spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards. She noted that the Aotearoa coat of arms was a symbol of the partnership of equals between the crown and iwi, and how the Treaty of Waitangi guarantees Maaori people participation in democracy.

Matutaera Te Anga Herangi

Mr Herangi spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards, noting of the history of Kingitanga and how adoption of Maaori Wards would continue the partnership together as a people.

Aaron Hardy

Mr Hardy spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards, the electoral process and the founding commitment of the Treaty of Waitangi.

Geoff Lewis

Mr Lewis spoke to item 5 (Consideration of Maaori Wards) noting his opposition of the adoption of Maaori Wards. He outlined his concerns that there was a lack of adequate consultation and that the establishment of Maaori Wards was an attack on democracy.

Danielle Marks

Ms Marks spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards and Maangai Maaori, and outlined the history of the Treaty of Waitangi.

Russell Armitage

Mr Armitage spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards. He outlined benefits that he believed the country has experienced since more closely following the Treaty of Waitangi and noted his belief that the establishment of Maaori Wards would provide more benefits.

Cr Pascoe joined the meeting (10.06am) during the above submission.

Ross Windust

Mr Windust spoke to item 5 (Consideration of Maaori Wards) in opposition of the adoption of Maaori Ward as he felt it was a division between races by central government, and that the changes to the Local Government Act did not go through due process.

Brett Erceg

Mr Erceg spoke to item 5 (Consideration of Maaori Wards) in opposition of the adoption of Maaori Wards, as he felt there was a lack of time and advertisement of the consultation process, and that minorities in New Zealand being left out. He spoke in support of Maaori having input to Council as the first peoples of this land, but believed Maaori Wards were making people choose between their heritage.

Claudine Waitere

Ms Waitere spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards. She felt that Maaori Wards would improve the city and wished for Maangai Maaori to continue to work alongside the Council in addition to Maaori Wards.

Lindsay Cumberpatch

Mr Cumberpatch spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards. He believed Maaori have traditionally been disenfranchised in the electoral process, and adopting Maaori Wards would provide them a voice and more closely follow the intention of the Treaty of Waitangi.

Wiremu Puke

Mr Puke spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards. He spoke of his suggestions of the title names of Maaori Wards, and spoke in support of increased collaboration between Council and Iwi.

Hekeiterangi Broadhurst

Ms Broadhurst spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards. She spoke of other districts adopting Maaori Wards, and felt that Hamilton Council should not be left behind. She spoke of young Maaori needing opportunities to participate, and how having a voice on Council will better prepare Hamilton for the future.

Tony McKenna

Mr McKenna spoke to item 5 (Consideration of Maaori Wards) in opposition of the adoption of Maaori Wards. He supported Maaori being elected but did not support Maaori being elected into separate seats.

Brian Burne

Mr Burne spoke to item 5 (Consideration of Maaori Wards) in opposition of the adoption of Maaori Wards. He spoke of the history of the Treaty of Waitangi as a unifying document, and his belief that adoption of Maaori Wards was not following this example of unity. He explained that if Maaori Wards were to be established then other minorities should also receive Wards.

Benjamin Doyle

Mr Doyle spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards. He spoke of his ancestry, and explained that he felt the consultation with the public by Council showed support of the adoption of Maaori Wards.

Rawiti Bidois (THAWK)

Mr Bidois spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards. He spoke of the history of discrimination by the state in New Zealand, and how changes to the system were needed to remove this discrimination. He spoke of the importance of younger generations driving positive social change.

Te Huia Pompey and Vicky Young (Te Papanui Enderley Community Trust)

Mr Pompey and Ms Young spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards. They felt that there should be a sharing of power between Council and iwi. They noted their support of a seat specifically being included for Ngati Wairere and the retentions of Maangai Maaori .

Tuura (Ana) Rewha

Ms Rewha spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards. She felt that there was a need for Maaori representation on Council to adequately protect and govern the 28 paa sites within the Hamilton City boundary. She also spoke in support of a Maaori working group being created within Council to protect Maaori rights.

Te Kopa King

Mr King spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards. He thanked Maangai Maaori for their contributions to Council and their work in the protection of cultural sites in the Peacocke development area. He also spoke in support of a seat specifically being included for Ngaati Wairere.

Donna Phillips

Mrs Phillips spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards. She congratulated Waipa District Council for their adoption of Maaori Wards and spoke in support of half of all Council seats becoming Maaori ward seats to allow true collaboration.

Sakaio Te Whaiti-Smith

Mr Te Whaiti-Smith spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards. He spoke of the murder of George Floyd, and how he felt that New Zealand had a oppressive state policy mirrors that case. He explained the importance of providing equal opportunities for Maaori.

Jess Kranzhal

Ms Kranzhal spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards. She spoke of her previous experiences with local council, and her belief that increased diversity within the Council would provide a better environment for all people.

Donald Turner (Waikato-Tainui)

Mr Turner spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards. He spoke of the results of the consultation with the public, and that the intent of the establishment of Maaori Wards was to make Hamilton a better place for all people.

Cr Naidoo-Rauf joined the meeting (11.09am) during the above submission.

Norm Hill

Mr Hill spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards. He spoke of work he had undertaken as Maangai Maaori with the councillors to represent Hamilton.

Te Pora Thompson-Evans

Ms Thompson-Evans spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards. She highlighted that Maangai Maaori have a voice during committee meetings, but Maaori do not have a voice during full Council meetings and must rely on others to make decisions for them, and that Maaori Wards would provide a true voice of Maaori at all levels.

Olly Te Ua

Mr Te Ua spoke to item 5 (Consideration of Maaori Wards) in support of the adoption of Maaori Wards.

The meeting was adjourned from 11.21am to 12.17pm.

5. Consideration of Maaori Wards

The General Manager Strategy and Communication and Governance Manager took the report as read noting that considerations of Maaori Wards had been triggered by changes to the Local Government Act. They responded to questions from Members concerning the submissions received during consultation, the timeline and engagement of the wider representation review and how the Maaori Ward roll would be split from the general roll.

Resolved: (Mayor Southgate/Cr van Oosten)

That the Council:

- a) receives the report;
- b) approves that **Maaori wards are established** for the 2022 election (option 2 in the options table);
- c) notes that the decision in b) above will legislatively be in effect for two trienniums (2022-2025 and 2025-2028) before the matter may be considered again; and
- d) notes that a wider representation review will take place in 2021/22 to determine representation arrangements as outlined in the staff report.

Tame Pokaia closed the meeting with karakia.

The meeting was declared closed at 1.09pm.

Council Report

Committee: Council

Date: 10 June 2021

Author: Narelle Waite

Authoriser: Becca Brooke

Position: Governance Advisor

Position: Governance Manager

Report Name: Confirmation of Elected Member Open Briefing Notes - 31 March 2021

Report Status	<i>Open</i>
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Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 31 March 2021 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Elected Member Open Briefing Notes - 31 March 2021

Elected Member Briefing Notes – 31 March 2021 – OPEN

Item 9

Attachment 1

Time and date:	1.35pm, 31 March 2021
Venue:	Committee Room 1, Hamilton City Council
In Attendance:	Deputy Mayor Taylor (Audio-visual Link), Crs Pascoe, Bunting, Macpherson, van Oosten (Audio-visual Link), Thomson, Wilson, Naidoo-Rauf (Audio-visual Link), and Gallagher.
Apology for Full Session:	Mayor Southgate, Crs O’Leary, Hamilton, Forsyth, Maangai Rau, Hill, Te Ua, Thompson-Evans and Whetu.
Apologies for lateness/early departure:	Deputy Mayor Taylor and Cr Wilson.

Discussion

The briefing session covered in an open session:

- Ministry of Education Plans for Growth

There were a number of key points arising from the discussion:

1. **Ministry of Education Plans for Growth** (Presentation was provided)

The Growth Programmes Manager introduced the following representatives from the Ministry of Education, Alison Harold (Manager, Education), Reade Nikora (Regional Transport Advisor), and Peter Hannam (Infrastructure Manager). They explained that the purpose of the presentation was to discuss the Ministry’s Education Growth Strategy for Hamilton City concerning roll growth, catchment planning, property and transport.

Members asked questions in relation to the following:

- areas of growth;
- population growth projections;
- school green space;
- Rototuna High School roll growth project;
- school traffic congestion mitigation;
- teacher shortages;
- school pools;
- public transport; and
- community recreation centre in Melville.

Council Report

Committee: Council

Date: 10 June 2021

Author: Tyler Gaukrodger

Authoriser: Becca Brooke

Position: Governance Advisor

Position: Governance Manager

Report Name: Confirmation of Elected Member Open Briefing Notes - 23 April 2021

Report Status	<i>Open</i>
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Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 23 April 2021 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Elected Member Open Briefing Notes - 23 April 2021

Elected Member Briefing Notes – 23 April 2021 – OPEN

Time and date:	10.34am, 23 April 2021
Venue:	Committee Room 1, Hamilton City Council
In Attendance:	Mayor Southgate, Deputy Mayor Taylor (audio-visual link), Crs Pascoe, O’Leary, Bunting, van Oosten, Thomson, Hamilton, Wilson, Gallagher and Maangai Thompson-Evans
Apology for Full Session:	Crs Macpherson, Naidoo-Rauf, Forsyth and Maangai Hill, Te Ua, and Whetu
Apologies for lateness/early departure:	Deputy Mayor Taylor, Crs Hamilton, van Oosten, Pascoe, Hamilton, Maangai Thompson-Evans

Discussion

The briefing session covered in an open session.

- Beale Cottage
- Libraries Fees and Charges
- Eastern Pathways

There were a number of key points arising from the discussion:

1. Beale Cottage

The General Manager Community and the Policy and Strategy Advisor explained that the purpose of the presentation was to outline the current situation concerning Beale Cottage, from a historical and policy context and to gather feedback from Members on future options.

Members asked questions in relation to the following:

- seismic assessment;
- comparative historic houses nationally;
- mana whenua feedback;
- funding opportunities;
- maintenance budget;
- historical interpretations;
- tenancy options; and
- landscaping and development onsite.

2. Libraries Fees and Charges

The Unit Director Community introduced the Content Manager and explained that the purpose of the presentation was to discuss the benefits and implications of removing overdue fines from the Libraries.

Members asked questions in relation to the following:

- process of advising fines;
- fine structure;
- effect of fines on borrowing;
- amnesty;
- ease of returns;

- different structures for different collections;
- lost books;
- communications strategy;
- option to remove all fines; and
- food-for-fines campaign.

3. Eastern Pathways

The General Manager Infrastructure Operations explained that the purpose of the presentation was to provide an update on the Eastern Pathways project including community feedback and engagement, prior to the Business Case comes to the Infrastructure Operations Committee for approval of the submission to Waka Kotahi.

Members asked questions in relation to the following:

- Waka Kotahi business case process;
- community engagement;
- the recommended cycleway path;
- the project intent;
- detailed design;
- alternative routes;
- project budgets;
- safety corridors;
- staff recommendations coming to Committee; and
- Waka Kotahi feedback.

Staff Action: Staff undertook to review the staff recommendation ahead of the 27 April 2021 Infrastructure Operations Committee meeting.

Council Report

Item 11

Committee: Council

Date: 10 June 2021

Author: Tyler Gaukrodger

Authoriser: Becca Brooke

Position: Governance Advisor

Position: Governance Manager

Report Name: Confirmation of Elected Member Open Briefing Notes - 17 May 2021

Report Status	<i>Open</i>
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Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 17 May 2021 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Elected Member Open Briefing Notes - 17 May 2021

Elected Member Briefing Notes – 17 May 2021 – Open

Attachment 1

Time and date:	1.00pm, 17 May 2021
Venue:	Committee Room 1, Hamilton City Council
In Attendance:	Mayor Southgate, Crs Pascoe, Bunting, Macpherson (via audio visual), van Oosten, Thomson (via audio visual), Wilson, Naidoo-Rauf, Gallagher
Apology for Full Session:	Deputy Mayor Taylor, Crs O'Leary, Hamilton, Maangai Thompson-Evans, Hill, Te Ua and Whetu.
Apologies for lateness/early departure:	Mayor Southgate and Cr Macpherson

Discussion

The briefing session covered in an open session.

- Ratepayer Financing Scheme
- Aquatics Strategy

There were a number of key points arising from the discussion:

Item 11

1. Ratepayer Financing Scheme

The Programme Manager explained that the purpose of the presentation was to inform Members of the Ratepayer Financing Scheme and seek direction on whether to fund the development of the Ratepayer Finance Scheme. The scheme would impose a 'rate-like' charge, which could raise low-cost financing from the capital markets. This could be used for rates postponement, property improvement loans, deferred development contributions and infrastructure funding.

Members asked questions in relation to the following:

- electing the level of the scheme;
- rate holidays within other Councils;
- use for rivers and gullies;
- competition with banks and funding;
- provision of lending;
- ownership of fund;
- use within other Councils;
- disincentive to developers;
- revenue to Council;
- fees for end user;
- kickback for funding prior to other Councils;
- potential demand;
- macro-impact on debt to revenue ratio;
- constraints of existing mortgages or LVRs;
- limit on amounts;
- role of LGNZ;
- opportunity to include other Council buy-in prior to going forward; and
- recognition of initial councils.

2. Aquatics Strategic Plan

The Unit Director Community Services, Aquatics Director, and Social Development Advisor explained that the purpose of the presentation was to discuss the scope of the aquatic strategy, intended timeframe, and receive feedback on draft visions and other aspects of the strategy. Staff outlined the current facilities operating within Hamilton and what programmes are currently offered.

Members asked questions in relation to the following:

- inclusion of swimming in river;
- current strategies within the scope;
- funding of the strategy;
- partnerships with other organisations;
- use of facilities by out of boundary individuals;
- aspirational opportunities;
- inclusion of partner pools on website;
- residents vs non-residents;
- geographic spread; and
- open-air swimming.

Council Report

Committee: Council **Date:** 10 June 2021
Author: Tyler Gaukrodger **Authoriser:** Becca Brooke
Position: Governance Advisor **Position:** Governance Manager
Report Name: Chair's Report

Report Status	<i>Open</i>
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Recommendation - *Tuutohu*

That the Council:

- a) receives the report;
- b) approves the following changes to the 2019-22 Governance Structure Terms of reference:
 - i. Cr Gallagher be appointed as Chair of the Environment Committee;
 - ii. Cr Gallagher be removed as Chair of the Hearings and Engagement Committee appointed as Deputy Chair of the Hearings and Engagement Committee;
 - iii. Cr Wilson be appointed as Chair of the Hearings and Engagement Committee;
 - iv. Cr Thomson be appointed as Deputy Chair of the Infrastructure Operations Committee on an interim basis;
 - v. Cr Naidoo-Rauf be appointed as a Hamilton City Council representative on the Hamilton City Council - Waikato Tainui Go-Governance Forum;
 - vi. Cr Wilson be appointed as the Hamilton City Council representative to the Te Huia Governance Forum;
 - vii. Cr Naidoo-Rauf be appointed as the Council representative at the Welcoming Communities Programme community steering group; and
- c) approves that the Elected Member Support policy be updated to include reference that Elected Members who are qualified commissioners appointed to Hamilton City Council Resource Management Act hearings will be paid at \$80 per hour (or \$100 per hour as Chair) in respect of this work in line with guidance from the Remuneration Authority.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Chair's Report

Attachment 2 - Te Huia Governance Forum - proposed Terms of Reference



Chair's Report

After a period in which our focus has been on the Long-Term Plan and Maaori wards, at this meeting we return to some important business as usual matters.

It is also our first regular Council meeting since the passing of our dear colleague Margaret. Our thoughts continue to be with her many friends and family, and we continue to reflect on everything that Margaret meant to us, and gave to the city.

It is now time to consider the vacancies that Margaret's passing have left. To that end:

- The process for a by-election in the East Ward has been initiated. The by-election will take place on 18 August; we look forward to welcoming a new colleague then.
- Cr Gallagher has kindly agreed to become Chair of the Environment Committee. This will enable him to use his wealth of experience from central and local Government to support and mentor Cr Thompson as a very capable deputy.
- Cr Wilson has kindly agreed to take on the role of Chair of Hearings and Engagement from Cr Gallagher, who will become his deputy. I'm sure Cr Wilson's analytical mind and commissioner training will be well suited to the role.
- Cr Naidoo-Rauf has kindly agreed to join the Hamilton City Council - Waikato Tainui Go-Governance Forum, where we will greatly value her considered approach and fresh thinking.

In addition, Cr Gallagher has also proposed he stands down from his role as Deputy Chair of Infrastructure Operations to allow Cr Thompson to develop in that role, alongside her role on the Environment Committee. I propose agreeing to that as an interim measure, noting that there are a few other issues we'll need to tie up over the next few weeks, and noting that a new Councillor will be joining us in August.

Meanwhile, at a recent Waikato Regional Council Project Governance Working Group meeting, a proposal was endorsed for that group to become the Te Huia Governance Forum, retaining its current membership – including Cr Wilson. The proposed Terms of Reference are attached. I support this approach, and thank Cr Wilson for his ongoing advocacy in this area.

As set out in the General Managers report at the 25 March Community Committee, Hamilton City Council has been accepted into the Welcoming Communities Programme (Te Waharoa ki ngaa Hapori). As that report noted, Council must now establish a community steering group that will begin work on a Hamilton City Welcoming Plan. Cr Naidoo-Rauf has kindly agreed to be appointed to the steering group as a representative of Council. Elected Members will be kept abreast of developments through the Community Committee.

Finally, I wish to update our Elected Member Support Policy to ensure that we have a clear policy for when Elected Members take on work as Commissioners under the Resource Management Act. In line with Remuneration Authority guidance and practice from other Councils, such Elected Members will be paid at \$80 per hour in respect of this work – paid for by the applicant. This is significantly below the rate that would be charged by Commissioners who are not Elected Members.

Chair's Recommendation

That the Council:

- a) receives the report;
- b) approves the following changes to the 2019-22 Governance Structure Terms of reference:
 - i. Cr Gallagher be appointed as Chair of the Environment Committee;
 - ii. Cr Wilson be appointed as Chair of the Hearings and Engagement Committee;
 - iii. Cr Gallagher be appointed as Deputy Chair of the Hearings and Engagement Committee;
 - iv. Cr Thomson be appointed as Deputy Chair of the Infrastructure Operations Committee on an interim basis;
 - v. Cr Naidoo-Rauf be appointed as a Hamilton City Council representative on the Hamilton City Council - Waikato Tainui Go-Governance Forum;
 - vi. Cr Wilson be appointed as the Hamilton City Council representative to the Te Huia Governance Forum;
 - vii. Cr Naidoo-Rauf be appointed as the Council representative at the Welcoming Communities Programme community steering group; and
- c) approves the Elected Member Support Policy be updated to include reference that when qualified Elected Members take on work as Commissioners under the Resource Management Act at an hourly rate of \$80.00.

Paula Southgate
Mayor Hamilton City

Attachment 1

Item 12

File No: 21 20 61
Document No: 20366257



Private Bag 3038
Waikato Mail Centre
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0800 800 401

24 May 2021

Richard Briggs
Hamilton City Council
Hamilton

Kia Ora Richard

Letter Project Governance Proposal to Stakeholders May 2021

At the 28 April 2021 meeting of the Project Governance Working Group (PGWG) for the Te Huia Passenger Rail Services (the Working Group) endorsed a proposal to continue as a Te Huia Governance Forum .

The forum would focus on service improvements with the monitoring of operational performance undertaken by the Regional Connections committee who oversee the performance of all other regional public transport services.

The draft terms of reference for the forum are provided as attachment 1. The forum would benefit from a continuity of membership from the currently PGWG where possible.

The PGWG resolved to write to each stakeholder organisation who are currently members of the PGWG, seeking their endorsement for a continuation of the governance forum.

Hamilton City Council's prompt consideration of this proposal and, if you see fit, endorsement for Cllr Ewan Wilson to continue representing Hamilton City Council would be welcome.

If you have any queries about this request please feel free to contact Mike Garrett, Special Project Manager, Waikato Regional Council at mike.garrett@waikatoregion.govt.nz.

Nga mihi nui,

Chris McLay
Chief Executive

he taiao mauriora healthy environment
he ōhanga pakari strong economy
he hāpori hihiri vibrant communities

Item 12

Attachment 2

Attachment 1: Draft Terms of Reference for Te Huia governance forum**Te Huia governance forum****REPORTING TO:** TBC**CONSTITUTION:****Voting members**

The Chair of Regional Transport Committee (Chair)

The Chair of Regional Connections Committee (Deputy Chair)

The Council Chair or Deputy Chair (ex-officio with full voting rights)

One voting member appointed by each of:

- Hamilton City Council
- Waikato District Council
- Waka Kotahi New Zealand Transport Agency
- Auckland Transport

Non-voting members

One permanent non-voting advisor from each of:

- Kiwirail
- Ministry of Transport
- Waikato Tainui

QUORUM: Four members with voting rights**MEETING FREQUENCY:** As required.**OBJECTIVE:** To provide oversight of the development of the Te Huia passenger rail service.**SCOPE OF ACTIVITY:**

Consider and recommend on matters relevant to the development of the Te Huia passenger rail service (having regard to MoT-led work on Rapid Rail) and other Waikato Rail initiatives.

POWER TO ACT:

To receive regular reports and presentations on the matters set out in the Scope of Activity.

POWER TO RECOMMEND:

To recommend in respect of matters relating to the development of the Te Huia passenger rail service.

Council Report

Item 13

Committee: Council

Date: 10 June 2021

Author: Frances Cox-Wright

Authoriser: David Bryant

Position: Policy and Bylaw Lead

Position: General Manager People and Organisational Performance

Report Name: Delegations to Positions Policy update

Report Status	Open
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Purpose - *Take*

1. To inform the Council of the review of the *Delegations to Positions Policy*.
2. To seek the Council's approval of the updated *Delegations to Positions Policy*.

Staff Recommendation - *Tuutohu-aa-kaimahi*

3. That the Council:
 - a) receives the report;
 - b) notes that changes made to the *Delegations to Positions Policy* in April 2020 to enable an agile Covid-19 response require review by 30 June 2021, or they will automatically expire; and
 - c) approves the proposed changes to the *Delegations to Positions Policy* (**Attachment 1** – clean copy; **Attachment 2** – tracked changes).

Executive Summary - *Whakaraapopototanga matua*

4. Part of the Council's strategic and governance role is to ensure that its statutory responsibilities, duties and powers are carried out at the most effective and efficient levels.
5. In April 2020, the Council made two key changes to the *Delegations to Positions Policy*, which require review by 30 June 2021, or they will automatically expire.
6. Staff recommend retaining the exemption to the Chief Executive's delegated financial limit, while making clear that it should only be used in exceptional circumstances. This is a prudent decision intended to protect Council's ability to deliver the large capital programme in exceptional circumstances.
7. Staff recommend revised wording for civil defence delegations. The proposed wording does not create or extend any powers. It removes the reference to Covid-19 and improves clarity around the source and nature of the delegated authority, and reporting requirements. The exercise of this power is contingent on an emergency occurring and is subject to existing limitations.
8. Additional changes are proposed, which do not change current delegations by Council. They simply provide clarity, and update or remove outdated references.

9. Staff recommend **option one** – approve the proposed changes to the Policy – as detailed in paragraph 30 below.
10. Staff consider the decisions in this report have low significance and that the recommendations comply with Council's legal requirements.

Discussion - *Matapaki*

11. Part of Council's strategic and governance role is to ensure that its statutory responsibilities, duties and powers are carried out at the most effective and efficient levels.

The policy changes made for Covid-19 require review

12. On 2 April 2020, the Council made two key amendments to the [Delegations to Positions Policy](#) to enable an agile and appropriate Covid-19 response. One change was an exemption to the Chief Executive's (CE's) delegated financial authority and the other changed the wording in the civil defence delegations.
13. These changes are required to be reviewed by 30 June 2021, or they will automatically expire as per the conditions set in the Policy.

Council approved an exemption to CE's delegated financial limit

14. The exemption delegates authority to the CE, Mayor (or Deputy Mayor), Chair of the Finance Committee and Chair of the Infrastructure Operations Committee to approve, by majority, contracts that have not been openly tendered exceeding the CE's limit of \$250,000 and up to a value of \$3,000,000 for a term not exceeding five years (including renewals).
15. The exemption includes that where the full group listed above is unable to meet, then the delegation may be jointly exercised by two of the above-named Elected Members and the CE. Exercise of this delegation must be reported by the CE to the relevant committee for noting on a quarterly basis.
16. As it stands, this exemption is not contingent on an emergency or Covid-19. It has only an implied obligation to be used in limited circumstances. To date, this exemption has not been used.

Staff recommend retaining the exemption and making clear that it should only be used in exceptional circumstances

17. Staff recommend retaining this exemption because while the general feeling is that the country is in a stable position in its Covid-19 response, there is still a high degree of unpredictability about exceptional circumstances that may lie ahead.
18. Retaining the exemption is considered prudent. It is a safeguard that protects Council's ability to continue work to deliver the large capital programme, in exceptional circumstances, by ensuring there is a mechanism to approve direct appointments and closed/private tenders with a minimum of three willing bidders, within the scope of the delegation.
19. Staff recommend adding the following sentence to safeguard future use of this exemption:

"This exemption should only be used in exceptional circumstances and in consultation with relevant Elected Members."

Council approved new wording for civil defence delegations

20. Wording was added to the Policy to make clear that all Controllers within the Waikato CDEM Group could be delegated authority, including financial authority, to operate within every local authority area, so that they may operate effectively in the area they are assigned to work in during the Covid-19 state of emergency.

21. This power is not a specific delegation of Council. The delegation exists independently under the [Civil Defence Emergency Management Act 2002](#) (CDEM Act) and the [Waikato CDEM Group Plan](#) (section 6.8.8), which has the legal standing of being the guiding document for Civil Defence Delivery for all local authorities within the Waikato.
22. The delegated authority is included in the *Delegations to Positions Policy* for clarity and ease of reference.
23. To ensure oversight of expenditure during an emergency, Council does, however, have the authority to define the incremental reporting requirements for this expenditure. This is defined in the Policy as being required:
 - i. for every \$500,000 of expenditure incurred in a **declared** emergency; and
 - ii. for every \$250,000 of expenditure incurred in a **non-declared** emergency.

Staff recommend revised wording for civil defence delegations

24. The revised policy wording does not create or extend any powers. The proposed wording removes the reference to Covid-19 and improves accuracy and clarity around the source and nature of delegated authority in an emergency event, and reporting requirements.
25. This has been consulted with the Group Controller for Waikato CDEM Group, who supports the proposed clarification.
26. The exercise of this power is contingent on an emergency event occurring and is subject to existing limitations.

Other updates to the *Delegations to Positions Policy*

27. The following changes are also proposed. These do not change current delegations by Council. They simply provide clarity, and update or remove outdated references. Changes include:
 - i. updating references to align with the new Privacy Act 2020;
 - ii. ensuring that where a position title changes but the job description remains substantively the same, the delegations extend to the new position title;
 - iii. removing the Covid-19 review requirements by 30 June 2021, which will be obsolete following the consideration of this report.

Future work on financial delegations

28. To further ensure that Council's financial delegations are set at levels that enable efficient and effective decision-making for the years ahead, staff are beginning to look at how the financial delegations function across Council, from a first principles basis. Any proposed changes will be reported to a future Council meeting.

Options – Delegations to Positions Policy

29. Staff have assessed that there are three reasonable and viable options for Council to consider.

Option One (recommended) Approve the proposed changes to the Policy	The proposed changes include: <ol style="list-style-type: none"> i. Retaining the exemption to the Chief Executive's delegated financial limit ii. Revised wording for civil defence delegations iii. Other minor updates
Option Two Approve the proposed changes to the Policy, with amendments	As above, but with amendments as requested by Council.

Option Three Do not approve the proposed changes to the Policy	No changes would be made to the Policy. The changes that were made for Covid-19 would automatically expire on 30 June 2021.
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30. Staff recommend **option one** (Attachment 1 - clean copy; Attachment 2 - tracked changes) for the reasons set out in this report. The proposed changes are the result of thorough staff consideration of the appropriate delegation of power from Council, legislative and practical requirements.

Financial Considerations - *Whaiwhakaaro Puutea*

31. Staff time was the only cost involved in reviewing the *Delegations to Positions Policy*.
32. There are no direct financial implications of adopting the recommendations in this report.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

33. Staff confirm that the recommendations comply with the Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

34. The purpose of Local Government changed in 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the four wellbeings').
35. The recommendations set out in this report do not directly affect the four wellbeings. However, ensuring appropriate exemptions in exceptional circumstances ensures that Council can act in the best interests of the community, keep people safe, and protect their immediate and future wellbeing in unforeseen circumstances. In this sense, the recommendations are consistent with the purpose of local government.

Risks - *Tuuraru*

36. The risk associated with any delegation of Council power is the reduced oversight Council has of the decision. However, delegation is well-understood to be an inevitable and necessary aspect of local government as it enables the efficient and effective administration of Council activities.
37. For every delegation, the risk involved is mitigated by:
- requirements to report back to Council or the Chief Executive when the delegation is exercised (as stipulated in the *Delegations to Positions Policy*);
 - thorough consideration of the appropriate level of delegation by staff; and
 - final approval of delegations by Council itself.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

Significance

38. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a low level of significance.

Engagement

39. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Draft Delegations to Positions Policy - Update April 2021 - clean copy

Attachment 2 - Draft Delegations to Positions Policy - Update April 2021 - tracked changes

First adopted:	December 2013
Revision dates/version:	November 2015, November 2016, May 2019, February 2020, April 2020, June 2021
Next review date:	
Document Number	D-3276620
Associated documents:	
Sponsor/Group:	Mayor of Hamilton / Chief Executive Officer

Delegations to Positions Policy

Purpose and scope

1. Part of Council's strategic and governance role is to ensure that its statutory responsibilities, duties and powers are carried out at the most effective and efficient levels. This Policy sets out the delegations from Council to specified elected members and officers.
2. Matters outside the scope of this Policy are:
 - a. Delegations from Council to Committees, which are specified in the 2019-2022 Governance Structure; and
 - b. Delegations from the Chief Executive to subordinate officers through management policies or by way of a specific delegation.

Definitions

Term	Definition
Committee	A committee or subcommittee (if any) of Council, as listed in the 2019-2022 Governance Structure
Delegated Financial Authority	The financial limit delegated to: <ol style="list-style-type: none"> a. the Chief Executive or a specified officer under this Policy; or b. an officer under the relevant management policy or a specific delegation from the Chief Executive.
Governance Structure	The Council's approved Governance Structure document, including the terms of reference and delegations for Council and Committees, for the current triennium.
Officer	A Council staff member who is for the time being the holder of a specified office.

Principles

3. Where local authority activities do not contain a governance component and are not limited by statutory restrictions then they should be delegated to the Chief Executive, who may sub-delegate to officers.
4. To be effective and of legal standing, all delegations from Council must be precise and in writing (i.e. via this Policy or by Council resolution).

5. The delegate is acting in his or her own name on behalf of the Council when exercising delegated authority. In so doing, the delegate will ensure they act in accordance with any:
 - a. binding statutory authority (in relation to each delegation, relevant sections of legislation will be identified); and
 - b. relevant Council policy or process, including delegated financial authority and reporting requirements.
6. Council retains ultimate responsibility for its governance, statutory and financial responsibilities, duties and powers at all times. No delegation relieves Council of the liability or responsibility for the performance of the delegated responsibility, duty or power.
7. Those with responsibility for a delegated task or function should always have the authority to carry it out effectively.
8. Those with authority to perform a delegated responsibility, duty or power should always be responsible for the performance of the delegation in a full, fair and objective manner. To this end, it is open to the person delegated a responsibility, duty or power to consider whether or not to exercise that delegated responsibility, duty or power, or to refer the matter back to Council or the relevant Committee.
9. Subject to any legislative restrictions, a responsibility, duty or power delegated to an officer is also delegated to all officers in a direct line of authority above that officer and is also delegated to any officer who is in an acting capacity for that officer.
10. Any delegation made includes any ancillary responsibilities, duties or powers necessary to give effect to that delegation.
11. Unless specifically restricted, a delegation continues in force until expressly revoked or varied by resolution of Council. A delegation will survive any change in the person occupying the office to which the delegation was made.
12. Unless otherwise expressly stated in the Policy:
 - a. all financial values stated in this Policy are GST exclusive; and
 - b. all references to a repealed enactment should read as a reference to its replacement.
13. Where any currently adopted delegation to Council staff refers to a position title and the name of the position title has subsequently changed without substantial changes being made to the position-holder's job description (in respect of the function to which the delegation relates), any delegations in the name of the previous position title are and shall be effective for the position-holder of the new position title.

Policy

The meaning of delegation

14. For the purpose of this Policy, delegation means the transfer of a responsibility, duty or power from Council to specified Elected Members, the Chief Executive or other specified officers, together with the authority to carry out that responsibility, duty or power or complete the action delegated.
15. General delegation means the granting of authority to determine a range of matters of a similar kind as and when they arise over a period of time without further reference to the delegator.
16. From time to time the Council may delegate authority by resolution to determine a specific issue. This specific delegation will exist only so long as that matter is unresolved and will then lapse at a specified time.

17. General delegations will be updated in this Policy as they are confirmed. Specific delegations may not necessarily be recorded in this Policy due to the fact that they would be largely historical by the time they are recorded.

Legal basis

18. The delegations in this Policy are made in accordance with the Local Government Act 2002 and any other legislation permitting delegation.
19. **Council cannot delegate** the power to:
- make a rate; or
 - make a bylaw; or
 - borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan or otherwise as expressly covered in this Policy; or
 - adopt a long-term plan, annual plan, or annual report; or
 - appoint a Chief Executive; or
 - 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; or
 - adopt a remuneration and employment policy.

(Local Government Act 2002 - Schedule 7, Clause 32(1))

Council has reserved other matters for its sole decision, which are recorded in the Governance Structure.

20. The **Chief Executive and other specified officers** can further delegate their delegations to any other officer, subject to certain restrictions.

(Local Government Act 2002 – Schedule 7, clause 32B)

Delegations by the Council to Elected Members

21. Delegations from Council to specified Elected Members are detailed in Schedule 1.

Delegations by the Council to Chief Executive and Specified Officers

22. Delegations from Council to the Chief Executive and specified officers (including Financial Delegations) are detailed in Schedule 2.
23. The Policy is to be read alongside the Hamilton City Council management policies that record the delegations from the Chief Executive to subordinate officers. The Policies, read together, record compliance with the statutory norm allowing only one sub-delegation.

Review of Policy

24. The Policy shall remain in effect until such time as it is varied or revoked by resolution of the Council. It is intended that the Policy will be reviewed and updated from time-to-time; at the start of each triennium as a minimum.

Schedule 1 - Delegations by the Council to Elected Members

Position	General Delegations
Mayor	<p>The Mayor is elected by Hamilton City as a whole and as one of the elected members shares the same responsibilities as other members of Council.</p> <p>Authorities</p> <ul style="list-style-type: none"> • Lead the development of Council's plans (including the long-term plan and the annual plan), policies and budgets for consideration by the Council.* • To appoint the Deputy Mayor.* • To establish committees of the Council.* • To appoint the chairperson of each committee.* • Act as a Justice of the Peace. • Requisition a meeting of Council. • Declare a local Civil Defence emergency. • Authority of a chairperson of a Council meeting under Standing Orders. • In relation to the Chief Executive's employment contract, has delegated authority to manage <u>routine</u> employment matters such as; approving leave provisions; deduction and overpayment arrangements; approving expenditure and travel reimbursement claims, but excluding changes to employment contract provisions. <p>*Note: Subject to the provisions of Section 41A of the Local Government Act 2002.</p>
Position	General Delegations
Deputy Mayor	<p>Authorities</p> <ul style="list-style-type: none"> • All the authorities of the Mayor when the Mayor is not available and including, in relation to the Chief Executive's employment contract, the delegated authority to manage <u>routine</u> employment matters such as; approving leave provisions; deduction and overpayment arrangements; approving expenditure and travel reimbursement claims, but excluding changes to employment contract provisions, and the Mayor's powers under section 41A(3) of the Local Government Act 2002.
Position	Signing and Sealing of Formal Documents
Elected Members	<p>Authorities</p> <ul style="list-style-type: none"> • The Mayor, Deputy Mayor, or any other two elected members acting at the specific request of the Mayor or Chief Executive, are authorised to sign any document required by law to be signed under seal, provided those documents have been: <ol style="list-style-type: none"> a) approved by the Council or a Committee (in accordance with its delegations); or b) authorised by an officer (including the Chief Executive) under delegated authority. <p>Note: Where a document does not need to be executed under Council seal it may instead be signed by the Chief Executive or any other officer who is authorised under delegated authority, whether under this Policy or otherwise, to approve the transaction involved.</p>

Schedule 2 - Delegations by the Council to the Chief Executive and Specified Officers

Position	General Delegations
Chief Executive Officer	<p>In accordance with clause 32(1) of Schedule 7 of the Local Government Act 2002, the Chief Executive is hereby delegated all Council's responsibilities, duties and powers, and to further delegate such responsibilities, duties and powers on any matter, and shall exercise this delegation subject to the Exclusions, Conditions and Notes below.</p> <p>To the extent that they are relevant, the following Exclusions, Conditions and Notes below also apply to the Financial Delegations section in this Schedule.</p> <p>Exclusions:</p> <ul style="list-style-type: none"> Any responsibilities, duties and powers that the Council is prohibited by legislation or operation of law from delegating to officers. Any responsibilities, duties and powers conferred on Council by an external entity that the entity has prohibited the Council from delegating to officers. Any matter that can only be given effect to by a resolution of the Council. Any power, responsibility or duty that has been delegated to a Committee, unless sub-delegated by resolution of that Committee. Any matter that is outside the Chief Executive's delegated financial authority (refer below). In relation to the Resource Management Act 1991 ('RMA'): <ul style="list-style-type: none"> Council's own power of delegation (section 34A(1)). Notification of a Proposed District Plan. Approval of a Proposed District Plan (section 34A(1)(a)). Appointment of a hearings commissioner. Decisions on submissions and further submissions to a Proposed District Plan. Rejection of a private plan change request. Hearing and determining objections to officer-declined resource consent applications which will be heard by independent hearings commissioners. <p>Conditions:</p> <ul style="list-style-type: none"> The Council's delegations to the Chief Executive do not preclude the Chief Executive from referring any matter to the Council or a Committee for decision if the matter is particularly significant; of political importance or sensitivity; of special community interest or for any other reasons the Chief Executive determines. The Chief Executive shall exercise this delegation in accordance with any plans, policies, and procedures and bylaws adopted by Council and with

any specific directives given by way of resolution of the Council or a Committee.

- The Chief Executive has the Council's general authority to delegate to any officer any of the Chief Executive's functions, powers and duties under the Sale and Supply of Alcohol Act 2012, other than the general power of delegation.

Notes:

- For the purposes of the Trespass Act 1980, the Chief Executive is the person in lawful occupation of land owned, occupied or controlled by the Council.
- For clarity, the Chief Executive has the Council's general authority to exercise all of the Ministerial powers that have been delegated to the Council under the Reserves Act 1977. This differs from the specific delegation to the General Manager Community in this Policy.
- Where exercised by a General Manager (other than the Deputy Chief Executive) in the unplanned or unforeseen absence of the Chief Executive, that prior consultation occurs with the Senior Leadership Team.
- The Council may from time to time appoint the Chief Executive (or other senior officers) to act in Council's interests as director or shareholder representative with associate organisations. Any such appointment should be considered a specific delegation and to be fulfilled in terms of the requirements of each specified appointment rather than as a general delegation as provided by this Policy.

Position	General Delegations
Acting Chief Executive	<p>The Acting Chief Executive is delegated all the responsibilities, duties and powers of the Chief Executive and may act for the Chief Executive in:</p> <ul style="list-style-type: none"> the formal and recorded absence of the Chief Executive; or an emergency where the Chief Executive cannot be contacted.
General Managers and Executive Directors	<p>General Managers and Executive Directors are delegated the following responsibilities, powers and duties within their respective areas of responsibility, where that is permitted by law, in accordance with any Council policy (as appropriate) and subject to any condition, limitation or prohibition imposed by Council or any statutory limitation:</p> <ul style="list-style-type: none"> The responsibilities, powers and duties delegated to them from the Chief Executive, as are recorded in management policies or specific written delegations, from time to time. The power to enter into contracts subject to their delegated financial authority.¹ The power to sub-delegate, unless expressly restricted by law or the terms of Council's delegation to the General Manager or Executive Director. All such sub-delegations must be recorded in writing. The power to undertake their specific delegations without further reference (though some may require to be reported). The power to establish staff committees or working groups. The power to act for the Chief Executive in an emergency where the Chief Executive and the Deputy Chief Executive cannot be contacted, provided this is done through prior consultation with the Senior Leadership Team.
GM - Community	<p>The General Manager may exercise the following specific powers where that is permitted by law, in accordance with any Council policy (as appropriate) and subject to any condition, limitation or prohibition imposed from time to time by Council or any statutory limitation:</p> <ul style="list-style-type: none"> All the powers and functions of the Council, as an administering body under the Reserves Act 1977, to the extent that the Reserves Act affects reserves held by or under the control of Council.
City Safe Manager	<p>The City Safe Manager is to act as Secretary of the District Licensing Committee with authority to perform all responsibilities, duties and powers of the Secretary under the Sale and Supply of Alcohol Act 2012.</p>

¹ Refer to the Council Management Policy – *Financial Delegations to Officers*
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Legal Services Manager	<p>The Legal Services Manager is appointed Privacy Officer for the Council pursuant to section 201 of the Privacy Act 2020 and is delegated the associated responsibilities of this position.. The Legal Services Manager may sub-delegate such responsibilities, duties and powers to other officers, except for the power to delegate under that Act.</p> <p>The Legal Services Manager may exercise the powers of the Council under Parts 2 to 5 of the Local Government Official Information and Meetings Act 1987, except any powers specified in section 32 of that Act; such delegation to be exercised in accordance with any condition, limitation or prohibition imposed from time to time by Council. The Legal Services Manager may sub-delegate such powers to other officers, except for the power to delegate under that Act.</p>
Rates Administration Officers	<p>The responsibility for exercising the functions, powers or duties and administering the provisions under the Local Government (Rating) Act 2002 are delegated to the following officers:</p> <ul style="list-style-type: none"> • Chief Executive • General Manager Corporate • Financial Controller • Rates and Revenue Manager <p>In addition, the Rates and Revenue Manager is specifically delegated the responsibility to:</p> <ul style="list-style-type: none"> • make decisions as to the allocation of rating units to differential rating categories in terms of section 27(5)(a) of the Local Government (Rating) Act 2002; and • amend any entries in the district valuation roll (under section 14 of the Rating Valuations Act 1998) or the rating information database (under section 40 of the Local Government (Rating) Act 2002) which are the result of an error or which are no longer correct as a result of changed circumstances. <p>Note:</p> <ul style="list-style-type: none"> • The functions, powers or duties under the Local Government (Rating) Act 2002 and the Rating Valuations Act 1998 delegated by the Council to the above specified officers, including the Chief Executive, may not be sub-delegated. <p>Exclusion:</p> <ul style="list-style-type: none"> • Council must not delegate to any officer, including the Chief Executive: <ul style="list-style-type: none"> a) the power to delegate; or b) a function, power or duty conferred by subpart 2, Part 1 or subpart 1, Part 5 of the Local Government (Rating) Act 2002.

Local Civil Defence Controller

The Local Civil Defence Controller ('the Controller') and the Civil Defence Emergency Management Group (CDEMG) for the Waikato Region during a State of Local Civil Defence Emergency shall have the powers vested as described in the Civil Defence Emergency Management Act 2002 ('CDEM Act').

Authority has been delegated by Council to the CDEMG/Controller under the CDEM Act. A summary of the powers and obligations of the Controller are contained in the [Waikato CDEM Group Plan](#).

Under [section 94](#) of the CDEM Act, the CDEMG/Controller and Alternate Controllers for Hamilton City Council and the CDEMG for the Waikato Region Emergency Operating Area are authorised to enter into urgent contracts on behalf of Hamilton City Council for the purposes of the Act as outlined in the Waikato CDEM Group Plan.

Under the Waikato CDEM Group Plan, when formally placed in control of an event by the relevant local authority CE in writing, councils must provide Local and Group Controllers with uncapped financial delegations to manage emergency events (as defined in the Act), declared or otherwise, within their area. This delegation should apply to all Tier 1 and 2 Controllers and specific Tier 3 Controllers in the case of a council where they exist.

To ensure appropriate oversight of the ability to enter urgent contracts and the uncapped financial delegation in emergency events, the Controller is required to present the following incremental reporting to the Chief Executive and Group Controller:

- for every \$500,000 of expenditure incurred in a declared emergency; and.
- for every \$250,000 of expenditure incurred in a non-declared emergency..

Note: A non-declared emergency is an emergency, as defined under the CDEM Act, where a formal declaration of state of local emergency has not been made pursuant to section 68 of that Act.

Financial Delegations

- The limits of the specified sum(s) applicable to various financial transactions delegated to the Chief Executive (and other specified officers, as applicable) under this Policy or otherwise, are as follows²:

Expenditure Type – Refer to Terms of Delegation below

Unexpended Budget - (Operating and Capital)	Overspends/Unbudgeted (Operating and Capital)	Capex B/Fwd	Contracts	Purchase/Sale of Land	Debt Write-off	Legal Proceedings	Financial Operations (Admin disbursements)	Development Contributions	Reprioritisation Budget – Renewals and Compliance Programme
Limited to the approved budget	\$250,000	\$500,000	<p>\$3,000,000 Total contract term not exceeding 5 years including renewals</p> <p>For contracts not going to tender: \$250,000 (and \$3,000,000 where the protocol set out in the notes below at (c) is complied with) (subject to the restrictions in clause 11 below).</p>	\$3,000,000	\$10,000	<p>\$500,000 for weather-tight building claims (leaky buildings)</p> <p>\$250,000 for all other legal proceedings</p>	Limited to the approved budget	\$1,500,000	<p>\$1,000,000 (Within years 1-3 of any approved 10-Year Plan)</p> <p>For individual movement of budget between capital projects and activity classed and timing (subject to terms of delegation below).</p>

Notes:

- There is a cumulative cap of \$1,000,000 per financial year for the aggregate total (whole of Council) of all unbudgeted items, overspends and operational expenditure (Opex) brought forward and approved under delegated authority during that financial year. Any significant overspends or underspends will be recorded and reported to the Finance Committee on a quarterly basis
- The delegated financial limit for contracts not going to tender shall not apply in the following situations:
 - For Private Developer Agreements, which is a contract with a developer to upsize or deliver infrastructure on behalf of the Council in a new subdivision or development that will eventually vest in the Council;
 - For appointment of utility service providers to relocate, connect or alter utility services for the purpose of capital works budgeted within the applicable Long Term Plan, where a provider is the only possible supplier by virtue of being the owner of, or otherwise being legally responsible for, the relevant utility infrastructure. Examples of such utility service providers include, but is not limited to, Transpower, WEL Networks and Kiwirail.

The Chief Executive must ensure that appropriate mechanisms are in place and implemented to ensure, as far as is reasonably possible, the Council obtains Best Value from any appointed utility service provider.
 - Any other capital works contract award prior to 1 July 2021.

² The delegated financial authority limits specific to General Managers, Executive Directors and officers are set out in the Council's Management Policy - *Financial Delegations to Officers*.

The Chief Executive's general delegated authority limit (\$3,000,000 and a term not exceeding 5 years, including renewals) shall apply for contracts under 1(b)(i), 1(b)(ii) and 1(b)(iii) above.

- c. The Chief Executive's delegated authority limit for contracts that have not been openly tendered is \$250,000 (subject to the exclusions at (1.b) above). However, the Chief Executive, Mayor (or Deputy Mayor), Chair of the Finance Committee and Chair of the Infrastructure Operations Committee are jointly delegated authority to approve, by majority, contracts that have not been openly tendered exceeding the Chief Executive's limit of \$250,000 and up to a value of \$3,000,000 for a term not exceeding five years (including renewals). Where the full group listed above is unable to meet, then the delegation may be jointly exercised by two of the abovenamed Elected Members and the Chief Executive. Exercise of this delegation must be reported by the Chief Executive to the relevant committee for noting on a quarterly basis. This exemption should only be used in exceptional circumstances and in consultation with relevant Elected Members.

Expenditure Types – Terms of Delegation

Unexpended Budget

2. Operating and capital expenditure including deferred capital expenditure (approved by Council resolution) that has been budgeted in the applicable Long-Term Plan/Annual Plan and not yet spent. All expenditure must comply with the requirements of Council's Procurement Policy.

Overspend and Unbudgeted

3. Any expenditure on an item that exceeds the amount budgeted for that item in the applicable Long Term Plan/Annual Plan or is not budgeted but required to deliver the level of service and outcomes outlined in the applicable Long Term Plan/Annual Plan e.g. contract or project cost over-run.
4. A Local Civil Defence Controller has an uncapped delegated financial authority in the event of a declared or non-declared emergency, subject to the conditions and reporting provisions in this Policy (See: *Local Civil Defence Controller* [above](#)).

Capex – Capital Expenditure Brought Forward

5. Capital expenditure occurring in financial periods in advance of the planned expenditure timeframe in the applicable Long-Term Plan. This delegation is to the Chief Executive, General Managers and Executive Directors only (limits apply to officers in accordance with the Hamilton City Council Management Policy - *Financial Delegations to Officers*) and cannot be further delegated.

Contracts

6. The delegated financial authority limit for contracts applies on a 'per contract' basis. For clarity, the delegated financial authority limits apply to contracts involving revenues receivable by Council, including contracts and agreements with promoters and relating to the organising of events.
7. The Approved Contract Sum is the aggregate of all amounts most likely to be paid to the contractor (including retentions made, or to be made in respect of a contract), or amounts received from the other party (as applicable), for that contract, over the life of the contract. Disaggregation of supplies or contractual arrangements in order to comply with this requirement is expressly prohibited.
8. For the purposes of determining whether a specified officer has the necessary delegated financial authority in relation to a contract that involves both; (a) expenditure (payable by Council) and (b) revenue (receivable by Council), the Approved Contract Sum for that contract is the greater of either the expenditure or revenue in that contract. That is, there must be no offset of expenditure and revenues.

9. If a contract has been approved by Council resolution, the Chief Executive, or relevant General Manager or Executive Director (as appropriate), can:
 - a. execute the contract (other than those contracts required to be signed under the Council's seal);
 - b. authorise payments up to the Approved Contract Sum or delegate the authorisation of payments to a nominated position; or
 - c. (if applicable) correct and re-issue invoices, issue credit notes or refunds up to the Approved Contract Sum, in relation to revenue receivable by Council under an approved contract.
10. If a contract has been approved under this Policy or by management delegation:
 - a. the payment/s or any correction to invoices (as applicable) must be authorised by an officer with the correct financial delegated authority for that payment or invoice³;
 - b. a brief summary of such contracts are to be reported quarterly to Elected Members.

For clarity, no reporting is required under section 10(b) above for contracts approved by Council or a Committee.
11. Contracts exceeding five years total term (including renewals) must be authorised by Council or the relevant Committee.⁴
12. All contracts approved by the Chief Executive or management under delegated authority in sections (1.b) and (1.c) are to be reported to the relevant committee for noting on a quarterly basis.

Purchase/Sale of Land

13. Includes any expenditure occurring in respect to the purchase and sale of land where the purchase or sale is provided for in the applicable Long Term Plan/Annual Plan either separately or as an integral part of a project, or authorised by a resolution of Council. For clarity, the purchase and sale of land includes the acquisition or disposal of land under the provisions of the Public Works Act 1981.
14. In exercising this delegation, the Chief Executive is permitted to negotiate sale and purchase of land, where appropriate, at not less than 90% of the estimated market value determined by a registered valuer.

Debt Write-off

15. The delegated financial authority limit applies on a 'per debtor' basis.
16. Irrespective that the Chief Executive, General Managers, Executive Directors and Financial Controller may have delegated authority to write-off bad debts⁵, all such debts written off must be reported to the next Finance Committee meeting on an aggregate basis for each Group.

Legal Proceedings

17. The delegated financial authority is determined on a per proceeding basis.
18. Includes commencing or defending, negotiating, settling or withdrawing from legal proceedings (including prosecutions and claims) on the Council's behalf in any New Zealand court or tribunal. The Chief Executive is also delegated the authority to take all steps necessary to enforce any court or tribunal judgment in favour of the Council, and to recover debts owing to the Council, subject to the delegated financial authority limit.

³ For management delegations, refer to Council's Management Policy - Financial *Delegations to Officers*.

⁴ Refer to the *Governance Structure*.

⁵ Refer to the Management Policy – Financial *Delegations to Officers*

19. All legal claims or other proceedings undertaken by, or on behalf of, the Chief Executive, for an amount in excess of \$100,000 are to be reported to the next meeting of Council or the relevant Committee.

Financial Operation

20. Subject to any Council or management policies, the Chief Executive, General Manager Corporate and Financial Controller are each delegated the authority to operate (including opening and closing accounts) all of the Council's bank accounts, investment accounts, sinking funds, loan accounts, special funds, tax related matters, and other financial matters including exercising signing authority where appropriate. This includes payment of regular sums for administrative matters such as: power, heat and light; tax and GST payments; rates; etc.

Reprioritised budget – Renewals and Compliance programme

21. The Renewals and Compliance Programme will be managed and reported as a programme against 3-year periods being 2018-21, 2021-24. Reprioritisation changes to the programme can be:
- a) between projects and / or activity classes (e.g. stormwater)
 - b) related to timing of expenditure on a project (e.g. reprioritised from year 2 to year 1).
22. Any reprioritisation of budgets should be reported to the relevant Council Committee following use of this delegation. Reporting should include:
- a) programme expenditure to demonstrate that the 3-year funding provision is not exceeded
 - b) providing assurance that the limits in the Financial strategy are not breached by any expenditure changes from the 10-Year Plan Renewal and Compliance budgets
 - c) reporting by 10-Year Plan activity (and group of activity) to give assurance that the Renewals and Compliance expenditure for the 3-year period is spread appropriately across Councils services.

Development Contributions

23. Subject to the development contributions provisions in the Local Government Act 2002 and the provisions of the Council's Development Contributions Policy, the Chief Executive is delegated authority to approve a remission, postponement, or refund of a development contribution levied on a developer to the delegated financial authority limit specified in this Policy. All remissions, postponements or refunds are to be reported, for noting purposes, at the next relevant Committee meeting.
24. For clarity, Council will not delegate to the Chief Executive any powers in relation to hardship related remissions or remissions not provided for in the Development Contributions Policy.

Waiver of Council Fees & Charges

25. Subject to any specific waiver policies adopted by Council, the Chief Executive, General Managers and Executive Directors are each delegated authority to waive fees and charges for their respective areas of responsibility **provided:**
- a. the waiver and the amount are recorded and available for audit purposes;
 - b. the circumstances of the specific waiver will not create a precedent;
 - c. the act of waiving such fees and charges reflects 'good citizen' conduct;
 - d. any waivers in excess of \$10,000 (calculated on an aggregate basis per Group) are to be reported to the next Finance Committee meeting.

For clarity, development contributions are not within the scope of the delegated authority detailed in this section 25.

First adopted:	December 2013
Revision dates/version:	November 2015, November 2016, May 2019, February 2020, April 2020, <u>June 2021</u>
Next review date:	
Document Number	D-3276620
Associated documents:	
Sponsor/Group:	Mayor of Hamilton / Chief Executive Officer

Delegations to Positions Policy

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1. Part of Council's strategic and governance role is to ensure that its statutory responsibilities, duties and powers are carried out at the most effective and efficient levels. –This Policy sets out the delegations from Council to specified elected members and officers.
2. Matters outside the scope of this Policy are:
 - a. Delegations from Council to Committees, which are specified in the 2019-2022 Governance Structure; and
 - b. Delegations from the Chief Executive to subordinate officers through management policies or by way of a specific delegation.

Definitions

Term	Definition
Committee	A committee or subcommittee (if any) of Council, as listed in the 2019-2022 Governance Structure
Delegated Financial Authority	The financial limit delegated to: <ol style="list-style-type: none"> a. the Chief Executive or a specified officer under this Policy; or b. an officer under the relevant management policy or a specific delegation from the Chief Executive.
Governance Structure	The Council's approved Governance Structure document, including the terms of reference and delegations for Council and Committees, for the current triennium.
Officer	A Council staff member who is for the time being the holder of a specified office.

Principles

3. Where local authority activities do not contain a governance component and are not limited by statutory restrictions then they should be delegated to the Chief Executive, who may sub-delegate to officers.
4. To be effective and of legal standing, all delegations from Council must be precise and in writing (i.e. via this Policy or by Council resolution).

5. The delegate is acting in his or her own name on behalf of the Council when exercising delegated authority. In so doing, the delegate will ensure they act in accordance with any:
 - a. binding statutory authority (in relation to each delegation, relevant sections of legislation will be identified); and
 - b. relevant Council policy or process, including delegated financial authority and reporting requirements.
6. Council retains ultimate responsibility for its governance, statutory and financial responsibilities, duties and powers at all times. No delegation relieves Council of the liability or responsibility for the performance of the delegated responsibility, duty or power.
7. Those with responsibility for a delegated task or function should always have the authority to carry it out effectively.
8. Those with authority to perform a delegated responsibility, duty or power should always be responsible for the performance of the delegation in a full, fair and objective manner. To this end, it is open to the person delegated a responsibility, duty or power to consider whether or not to exercise that delegated responsibility, duty or power, or to refer the matter back to Council or the relevant Committee.
9. Subject to any legislative restrictions, a responsibility, duty or power delegated to an officer is also delegated to all officers in a direct line of authority above that officer and is also delegated to any officer who is in an acting capacity for that officer.
10. Any delegation made includes any ancillary responsibilities, duties or powers necessary to give effect to that delegation.
11. Unless specifically restricted, a delegation continues in force until expressly revoked or varied by resolution of Council. A delegation will survive any change in the person occupying the office to which the delegation was made.
12. Unless otherwise expressly stated in the Policy:
 - a. all financial values stated in this Policy are GST exclusive; and
 - b. all references to a repealed enactment should read as a reference to its replacement.
13. Where any currently adopted delegation to Council staff refers to a position title and the name of the position title has subsequently changed without substantial changes being made to the position-holder's job description (in respect of the function to which the delegation relates), any delegations in the name of the previous position title are and shall be effective for the position-holder of the new position title.

Policy

The meaning of delegation

14. For the purpose of this Policy, delegation means the transfer of a responsibility, duty or power from Council to specified Elected Members, the Chief Executive or other specified officers, together with the authority to carry out that responsibility, duty or power or complete the action delegated.
15. General delegation means the granting of authority to determine a range of matters of a similar kind as and when they arise over a period of time without further reference to the delegator.
16. From time to time the Council may delegate authority by resolution to determine a specific issue. This specific delegation will exist only so long as that matter is unresolved and will then lapse at a specified time.

17. General delegations will be updated in this Policy as they are confirmed. Specific delegations may not necessarily be recorded in this Policy due to the fact that they would be largely historical by the time they are recorded.

Legal basis

18. The delegations in this Policy are made in accordance with the Local Government Act 2002 and any other legislation permitting delegation.
19. **Council cannot delegate** the power to:
- make a rate; or
 - make a bylaw; or
 - borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan or otherwise as expressly covered in this Policy; or
 - adopt a long-term plan, annual plan, or annual report; or
 - appoint a Chief Executive; or
 - 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; or
 - adopt a remuneration and employment policy.

(Local Government Act 2002 - Schedule 7, Clause 32(1))

Council has reserved other matters for its sole decision, which are recorded in the Governance Structure.

20. The **Chief Executive and other specified officers** can further delegate their delegations to any other officer, subject to certain restrictions.

(Local Government Act 2002 – Schedule 7, clause 32B)

Delegations by the Council to Elected Members

21. Delegations from Council to specified Elected Members are detailed in Schedule 1.

Delegations by the Council to Chief Executive and Specified Officers

22. Delegations from Council to the Chief Executive and specified officers (including Financial Delegations) are detailed in Schedule 2.
23. The Policy is to be read alongside the Hamilton City Council management policies that record the delegations from the Chief Executive to subordinate officers. The Policies, read together, record compliance with the statutory norm allowing only one sub-delegation.

Review of Policy

- ~~24. This Policy was reviewed in April 2020 to allow an appropriate and agile response to Covid-19 response issues, with an intent to review the April 2020 amendments to financial limits no later than 30 June 2021. As such, these changes will have effect until 30 June 2021 unless earlier revoked or extended.~~
- ~~25. Further changes were also made to the Policy in April 2020 to delegations to the Local Civil Defence Controller in order to mirror the operational structure of the Civil Defence Emergency Management Group for the Waikato Region Emergency Operating Area during the Covid-19 state of emergency. Again, these changes will have effect until 30 June 2021 unless earlier revoked or extended.~~

26.24. The Policy shall remain in effect until such time as it is varied or revoked by resolution of the Council. It is intended that the Policy will be reviewed and updated from time-to-time; at the start of each triennium as a minimum.

Schedule 1 - Delegations by the Council to Elected Members

Position	General Delegations
<i>Mayor</i>	<p>The Mayor is elected by Hamilton City as a whole and as one of the elected members shares the same responsibilities as other members of Council.</p> <p>Authorities</p> <ul style="list-style-type: none"> • Lead the development of Council's plans (including the long-term plan and the annual plan), policies and budgets for consideration by the Council.* • To appoint the Deputy Mayor.* • To establish committees of the Council.* • To appoint the chairperson of each committee.* • Act as a Justice of the Peace. • Requisition a meeting of Council. • Declare a local Civil Defence emergency. • Authority of a chairperson of a Council meeting under Standing Orders. • In relation to the Chief Executive's employment contract, has delegated authority to manage <u>routine</u> employment matters such as; approving leave provisions; deduction and overpayment arrangements; approving expenditure and travel reimbursement claims, but excluding changes to employment contract provisions. <p>*Note: Subject to the provisions of Section 41A of the Local Government Act 2002.</p>
Position	General Delegations
<i>Deputy Mayor</i>	<p>Authorities</p> <ul style="list-style-type: none"> • All the authorities of the Mayor when the Mayor is not available and including, in relation to the Chief Executive's employment contract, the delegated authority to manage <u>routine</u> employment matters such as; approving leave provisions; deduction and overpayment arrangements; approving expenditure and travel reimbursement claims, but excluding changes to employment contract provisions, and the Mayor's powers under section 41A(3) of the Local Government Act 2002.
Position	Signing and Sealing of Formal Documents
<i>Elected Members</i>	<p>Authorities</p> <ul style="list-style-type: none"> • The Mayor, Deputy Mayor, or any other two elected members acting at the specific request of the Mayor or Chief Executive, are authorised to sign any document required by law to be signed under seal, provided those documents have been: <ol style="list-style-type: none"> a) approved by the Council or a Committee (in accordance with its delegations); or b) authorised by an officer (including the Chief Executive) under delegated authority. <p>Note: Where a document does not need to be executed under Council seal it may instead be signed by the Chief Executive or any other officer who is authorised under delegated authority, whether under this Policy or otherwise, to approve the transaction involved.</p>

Schedule 2 - Delegations by the Council to the Chief Executive and Specified Officers

Position	General Delegations
Chief Executive Officer	<p>In accordance with clause 32(1) of Schedule 7 of the Local Government Act 2002, the Chief Executive is hereby delegated all Council's responsibilities, duties and powers, and to further delegate such responsibilities, duties and powers on any matter, and shall exercise this delegation subject to the Exclusions, Conditions and Notes below.</p> <p>To the extent that they are relevant, the following Exclusions, Conditions and Notes below also apply to the Financial Delegations section in this Schedule.</p> <p>Exclusions:</p> <ul style="list-style-type: none"> Any responsibilities, duties and powers that the Council is prohibited by legislation or operation of law from delegating to officers. Any responsibilities, duties and powers conferred on Council by an external entity that the entity has prohibited the Council from delegating to officers. Any matter that can only be given effect to by a resolution of the Council. Any power, responsibility or duty that has been delegated to a Committee, unless sub-delegated by resolution of that Committee. Any matter that is outside the Chief Executive's delegated financial authority (refer below). In relation to the Resource Management Act 1991 ('RMA'): <ul style="list-style-type: none"> Council's own power of delegation (section 34A(1)). Notification of a Proposed District Plan. Approval of a Proposed District Plan (section 34A(1)(a)). Appointment of a hearings commissioner. Decisions on submissions and further submissions to a Proposed District Plan. Rejection of a private plan change request. Hearing and determining objections to officer-declined resource consent applications which will be heard by independent hearings commissioners. <p>Conditions:</p> <ul style="list-style-type: none"> The Council's delegations to the Chief Executive do not preclude the Chief Executive from referring any matter to the Council or a Committee for decision if the matter is particularly significant; of political importance or sensitivity; of special community interest or for any other reasons the Chief Executive determines. The Chief Executive shall exercise this delegation in accordance with any plans, policies, and procedures and by-laws adopted by Council and with

any specific directives given by way of resolution of the Council or a Committee.

- ~~Under section 125 of the Privacy Act, the Chief Executive is authorised to sub-delegate all or any of Council's powers under that Act, subject to the Exclusions above.~~
- The Chief Executive has the Council's general authority to delegate to any officer any of the Chief Executive's functions, powers and duties under the Sale and Supply of Alcohol Act 2012, other than the general power of delegation.

Notes:

- For the purposes of the Trespass Act 1980, the Chief Executive is the person in lawful occupation of land owned, occupied or controlled by the Council.
- For clarity, the Chief Executive has the Council's general authority to exercise all of the Ministerial powers that have been delegated to the Council under the Reserves Act 1977. This differs from the specific delegation to the General Manager Community in this Policy.
- Where exercised by a General Manager (other than the Deputy Chief Executive) in the unplanned or unforeseen absence of the Chief Executive, that prior consultation occurs with the Senior Leadership Team.
- The Council may from time to time appoint the Chief Executive (or other senior officers) to act in Council's interests as director or shareholder representative with associate organisations. Any such appointment should be considered a specific delegation and to be fulfilled in terms of the requirements of each specified appointment rather than as a general delegation as provided by this Policy.

Position	General Delegations
Deputy-Acting Chief Executive	<p>The Actin Chief Executive is delegated all the responsibilities, duties and powers of the Chief Executive and may act for the Chief Executive in:</p> <ul style="list-style-type: none"> the formal and recorded absence of the Chief Executive; or an emergency where the Chief Executive cannot be contacted.
General Managers and Executive Directors	<p>General Managers and Executive Directors are delegated the following responsibilities, powers and duties within their respective areas of responsibility, where that is permitted by law, in accordance with any Council policy (as appropriate) and subject to any condition, limitation or prohibition imposed by Council or any statutory limitation:</p> <ul style="list-style-type: none"> The responsibilities, powers and duties delegated to them from the Chief Executive, as are recorded in management policies or specific written delegations, from time to time. The power to enter into contracts subject to their delegated financial authority¹. The power to sub-delegate, unless expressly restricted by law or the terms of Council's delegation to the General Manager or Executive Director. All such sub-delegations must be recorded in writing. The power to undertake their specific delegations without further reference (though some may require to be reported). The power to establish staff committees or working groups. The power to act for the Chief Executive in an emergency where the Chief Executive and the Deputy Chief Executive cannot be contacted, provided this is done through prior consultation with the Senior Leadership Team.
GM - Community	<p>The General Manager may exercise the following specific powers where that is permitted by law, in accordance with any Council policy (as appropriate) and subject to any condition, limitation or prohibition imposed from time to time by Council or any statutory limitation:</p> <ul style="list-style-type: none"> All the powers and functions of the Council, as an administering body under the Reserves Act 1977, to the extent that the Reserves Act affects reserves held by or under the control of Council.
City Safe Manager	<p>The City Safe Manager is to act as Secretary of the District Licensing Committee with authority to perform all responsibilities, duties and powers of the Secretary under the Sale and Supply of Alcohol Act 2012.</p>

¹ Refer to the Council Management Policy – *Financial Delegations to Officers*
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<p>Legal Services Manager</p>	<p>The Legal Services Manager is appointed Privacy Officer for the Council pursuant to Section 23 of the Privacy Act 1993 <u>section 201 of the Privacy Act 2020</u> and is delegated the <u>associated responsibilities of this position</u>, duties and powers associated with that position pursuant to section 124 of the Privacy Act. The Legal Services Manager may sub-delegate such responsibilities, duties and powers to other officers, except for the power to delegate under that Act.</p> <p>The Legal Services Manager may exercise the powers of the Council under Parts 2 to 5 of the Local Government Official Information and Meetings Act 1987, except any powers specified in section 32 of that Act; such delegation to be exercised in accordance with any condition, limitation or prohibition imposed from time to time by Council. The Legal Services Manager may sub-delegate such powers to other officers, except for the power to delegate under that Act.</p>
<p>Rates Administration Officers</p>	<p>The responsibility for exercising the functions, powers or duties and administering the provisions under the Local Government (Rating) Act 2002 are delegated to the following officers:</p> <ul style="list-style-type: none"> • Chief Executive • General Manager Corporate • Financial Controller • Rates and Revenue Manager <p>In addition, the Rates and Revenue Manager is specifically delegated the responsibility to:</p> <ul style="list-style-type: none"> • make decisions as to the allocation of rating units to differential rating categories in terms of sSection 27(5)(a) of the Local Government (Rating) Act 2002; and • amend any entries in the district valuation roll (under section 14 of the Rating Valuations Act 1998) or the rating information database (under section 40 of the Local Government (Rating) Act 2002) which are the result of an error or which are no longer correct as a result of changed circumstances. <p>Note:</p> <ul style="list-style-type: none"> • The functions, powers or duties under the Local Government (Rating) Act 2002 and the Rating Valuations Act 1998 delegated by the Council to the above specified officers, including the Chief Executive, may not be sub-delegated. <p>Exclusion:</p> <ul style="list-style-type: none"> • Council must not delegate to any officer, including the Chief Executive: <ol style="list-style-type: none"> a) the power to delegate; or b) a function, power or duty conferred by subpart 2, Part 1 or subpart 1, Part 5 of the Local Government (Rating) Act 2002.

Local Civil Defence Controller

The Local Civil Defence Controller ('the Controller') and the Civil Defence Emergency Management Group (CDEMG) for the Waikato Region during a State of Local Civil Defence Emergency shall have the powers vested as described in the Civil Defence Emergency Management Act 2002 ('CDEM Act').

Authority has been delegated by Council to the CDEMG/Controller under the CDEM Act. A summary of the powers and obligations of the Controller are contained in the [Waikato CDEM Group Plan](#).

Under [section 94](#) of the CDEM Act, the CDEMG/Controller and Alternate Controllers for Hamilton City Council and the [Civil Defence Emergency Management Group CDEMG](#) for the Waikato Region Emergency Operating Area are authorised to enter into urgent contracts on behalf of Hamilton City Council for the purposes of the Act as outlined in the Waikato [Civil Defence Emergency Management Group CDEM Group Plan](#).

Under the Waikato CDEM Group Plan, when formally placed in control of an event by the relevant local authority CE in writing, councils must provide Local and Group Controllers with uncapped financial delegations to manage emergency events (as defined in the Act), declared or otherwise, within their area. This delegation should apply to all Tier 1 and 2 Controllers and specific Tier 3 Controllers in the case of a council where they exist.

To ensure appropriate oversight of the ability to enter urgent contracts and the uncapped financial delegation in emergency events, the Controller is required to present the following incremental reporting to the Chief Executive and Group Controller, subject to the following limitations:

- for every \$500,000 of expenditure incurred in a declared emergency, the Controller is delegated automatic uncapped delegated financial authority when formally identified as acting as a Controller. The Controller is required to present incremental reporting to the Chief Executive and Group Controller for every \$500,000 of expenditure incurred when exercising this delegation to ensure; and there is appropriate oversight.
- for every \$250,000 of expenditure incurred in a non-declared emergency, the Controller is delegated uncapped delegated financial authority when formally identified as acting in control of that emergency. The Controller is required to present incremental reporting to the Chief Executive and Group Controller for every \$250,000 of expenditure incurred when exercising this delegation to ensure there is appropriate oversight.

During the state of emergency initially declared on 25 March 2020 in relation to Covid-19, the above delegation is also extended to any Local Controller for the CDEMG for the Waikato Region Emergency Operating Area who has been appointed by the Group Controller to operate within Hamilton City Council's territorial boundary, with the above limitations applying. This extension shall automatically expire on 30 June 2021 unless extended by resolution of Council or revoked at an earlier date.

Note: A non-declared emergency is an emergency, as defined under the CDEM Act, where a formal declaration of state of local emergency has not been made pursuant to section 68 of that Act.

Financial Delegations

- The limits of the specified sum(s) applicable to various financial transactions delegated to the Chief Executive (and other specified officers, as applicable) under this Policy or otherwise, are as follows²:

Expenditure Type – Refer to Terms of Delegation below

Unexpended Budget - (Operating and Capital)	Overspends/ Unbudgeted (Operating and Capital)	Capex B/Fwd	Contracts	Purchase/ Sale of Land	Debt Write-off	Legal Proceedings	Financial Operations (Admin disbursements)	Development Contributions	Reprioritisation Budget – Renewals and Compliance Programme
Limited to the approved budget	\$250,000	\$500,000	<p>\$3,000,000 Total contract term not exceeding 5 years including renewals</p> <p>For contracts not going to tender: \$250,000 (and \$3,000,000 where the protocol set out in the notes below at (c) is complied with) (subject to same-the restrictions above on contract termin <u>clause 11</u> below).</p>	\$3,000,000	\$10,000	<p>\$500,000 for weather-tight building claims (leaky buildings)</p> <p>\$250,000 for all other legal proceedings</p>	Limited to the approved budget	\$1,500,000	<p>\$1,000,000 (Within years 1-3 of any approved 10-Year Plan)</p> <p>For individual movement of budget between capital projects and activity classed and timing (subject to terms of delegation below).</p>

Notes:

- There is a cumulative cap of \$1,000,000 per financial year for the aggregate total (whole of Council) of all unbudgeted items, overspends and operational expenditure (Opex) brought forward and approved under delegated authority during that financial year. Any significant overspends or underspends will be recorded and reported to the Finance Committee on a quarterly basis
- The delegated financial limit for contracts not going to tender shall not apply in the following situations:
 - For Private Developer Agreements, which is a contract with a developer to upsize or deliver infrastructure on behalf of the Council in a new subdivision or development that will eventually vest in the Council;
 - For appointment of utility service providers to relocate, connect or alter utility services for the purpose of capital works budgeted within the applicable Long Term Plan, where a provider is the only possible supplier by virtue of being the owner of, or otherwise being legally responsible for, the relevant utility infrastructure. Examples of such utility service providers include, but is not limited to, Transpower, WEL Networks and Kiwirail.

The Chief Executive must ensure that appropriate mechanisms are in place and implemented to ensure, as far as is reasonably possible, the Council obtains

² The delegated financial authority limits specific to General Managers, Executive Directors and officers are set out in the Council's Management Policy - *Financial Delegations to Officers*.

- Best Value from any appointed utility service provider.
- iii. Any other capital works contract award prior to 1 July 2021.

The Chief Executive's general delegated authority limit (\$3,000,000 and a term not exceeding 5 years, including renewals) shall apply for contracts under 1(b)(i), 1(b)(ii) and 1(b)(iii) above.

- c. The Chief Executive's delegated authority limit for contracts that have not been openly tendered is \$250,000 (subject to the exclusions at (1.b) above). However, the Chief Executive, Mayor (or Deputy Mayor), Chair of the Finance Committee and Chair of the Infrastructure Operations Committee are jointly delegated authority to approve, by majority, contracts that have not been openly tendered exceeding the Chief Executive's limit of \$250,000 and up to a value of \$3,000,000 for a term not exceeding five years (including renewals). Where the full group listed above is unable to meet, then the delegation may be jointly exercised by two of the abovenamed Elected Members and the Chief Executive. Exercise of this delegation must be reported by the Chief Executive to the relevant committee for noting on a quarterly basis. This exemption should only be used in exceptional circumstances and in consultation with relevant Elected Members.

Expenditure Types – Terms of Delegation

Unexpended Budget

- 2. Operating and capital expenditure including deferred capital expenditure (approved by Council resolution) that has been budgeted in the applicable Long-Term Plan/Annual Plan and not yet spent. All expenditure must comply with the requirements of Council's Procurement Policy.

Overspend and Unbudgeted

- 3. Any expenditure on an item that exceeds the amount budgeted for that item in the applicable Long Term Plan/Annual Plan or is not budgeted but required to deliver the level of service and outcomes outlined in the applicable Long Term Plan/Annual Plan e.g. contract or project cost over-run.
- 4. A Local Civil Defence Controller has an uncapped delegated financial authority in the event of a declared or non-declared emergency, subject to the conditions and reporting provisions in this Policy (See: *Local Civil Defence Controller* [above](#)).

Capex – Capital Expenditure Brought Forward

- 5. Capital expenditure occurring in financial periods in advance of the planned expenditure timeframe in the applicable Long-Term Plan. This delegation is to the Chief Executive, General Managers and Executive Directors only (limits apply to officers in accordance with the Hamilton City Council Management Policy - *Financial Delegations to Officers*) and cannot be further delegated.

Contracts

- 6. The delegated financial authority limit for contracts applies on a 'per contract' basis. For clarity, the delegated financial authority limits apply to contracts involving revenues receivable by Council, including contracts and agreements with promoters and relating to the organising of events.
- 7. The Approved Contract Sum is the aggregate of all amounts most likely to be paid to the contractor (including retentions made, or to be made in respect of a contract), or amounts received from the other party (as applicable), for that contract, over the life of the contract. Disaggregation of supplies or contractual arrangements in order to comply with this requirement is expressly prohibited.
- 8. For the purposes of determining whether a specified officer has the necessary delegated financial authority in relation to a contract that involves both; (a) expenditure (payable by Council) and (b) revenue (receivable by Council), the Approved Contract Sum for that contract is the greater of

either the expenditure or revenue in that contract. That is, there must be no offset of expenditure and revenues.

9. If a contract has been approved by Council resolution, the Chief Executive, or relevant General Manager or Executive Director (as appropriate), can:
 - a. execute the contract (other than those contracts required to be signed under the Council's seal);
 - b. authorise payments up to the Approved Contract Sum or delegate the authorisation of payments to a nominated position; or
 - c. (if applicable) correct and re-issue invoices, issue credit notes or refunds up to the Approved Contract Sum, in relation to revenue receivable by Council under an approved contract.
10. If a contract has been approved under this Policy or by management delegation:
 - a. the payment/s or any correction to invoices (as applicable) must be authorised by an officer with the correct financial delegated authority for that payment or invoice³;
 - b. a brief summary of such contracts are to be reported quarterly to Elected Members.

For clarity, no reporting is required under section 10(b) above for contracts approved by Council or a Committee.
11. Contracts exceeding five years total term (including renewals) must be authorised by Council or the relevant Committee.⁴
12. All contracts approved by the Chief Executive or management under delegated authority in sections (1.b) and (1.c) are to be reported to the relevant committee for noting on a quarterly basis.

Purchase/Sale of Land

13. Includes any expenditure occurring in respect to the purchase and sale of land where the purchase or sale is provided for in the applicable Long Term Plan/Annual Plan either separately or as an integral part of a project, or authorised by a resolution of Council. For clarity, the purchase and sale of land includes the acquisition or disposal of land under the provisions of the Public Works Act 1981.
14. In exercising this delegation, the Chief Executive is permitted to negotiate sale and purchase of land, where appropriate, at not less than 90% of the estimated market value determined by a registered valuer.

Debt Write-off

15. The delegated financial authority limit applies on a 'per debtor' basis.
16. Irrespective that the Chief Executive, General Managers, Executive Directors and Financial Controller may have delegated authority to write-off bad debts⁵, all such debts written off must be reported to the next Finance Committee meeting on an aggregate basis for each Group.

Legal Proceedings

17. The delegated financial authority is determined on a per proceeding basis.
18. Includes commencing or defending, negotiating, settling or withdrawing from legal proceedings (including prosecutions and claims) on the Council's behalf in any New Zealand court or tribunal. The Chief Executive is also delegated the authority to take all steps necessary to enforce any court

³ For management delegations, refer to Council's Management Policy - Financial *Delegations to Officers*.

⁴ Refer to the *Governance Structure*.

⁵ Refer to the Management Policy – *Financial Delegations to Officers*

or tribunal judgment in favour of the Council, and to recover debts owing to the Council, subject to the delegated financial authority limit.

19. All legal claims or other proceedings undertaken by, or on behalf of, the Chief Executive, for an amount in excess of \$100,000 are to be reported to the next meeting of Council or the relevant Committee.

Financial Operation

20. Subject to any Council or management policies, the Chief Executive, General Manager Corporate and Financial Controller are each delegated the authority to operate (including opening and closing accounts) all of the Council's bank accounts, investment accounts, sinking funds, loan accounts, special funds, tax related matters, and other financial matters including exercising signing authority where appropriate. This includes payment of regular sums for administrative matters such as: power, heat and light; tax and GST payments; rates; etc.

Reprioritised budget – Renewals and Compliance programme

21. The Renewals and Compliance Programme will be managed and reported as a programme against 3-year periods being 2018-21, 2021-24. Reprioritisation changes to the programme can be:
 - a) between projects and / or activity classes (e.g. stormwater)
 - b) related to timing of expenditure on a project (e.g. reprioritised from year 2 to year 1).
22. Any reprioritisation of budgets should be reported to the relevant Council Committee following use of this delegation. Reporting should include:
 - a) programme expenditure to demonstrate that the 3-year funding provision is not exceeded
 - b) providing assurance that the limits in the Financial strategy are not breached by any expenditure changes from the 10-Year Plan Renewal and Compliance budgets
 - c) reporting by 10-Year Plan activity (and group of activity) to give assurance that the Renewals and Compliance expenditure for the 3-year period is spread appropriately across Councils services.

Development Contributions

23. Subject to the development contributions provisions in the Local Government Act 2002 and the provisions of the Council's Development Contributions Policy, the Chief Executive is delegated authority to approve a remission, postponement, or refund of a development contribution levied on a developer to the delegated financial authority limit specified in this Policy. All remissions, postponements or refunds are to be reported, for noting purposes, at the next relevant Committee meeting.
24. For clarity, Council will not delegate to the Chief Executive any powers in relation to hardship related remissions or remissions not provided for in the Development Contributions Policy.

Waiver of Council Fees & Charges

25. Subject to any specific waiver policies adopted by Council, the Chief Executive, General Managers and Executive Directors are each delegated authority to waive fees and charges for their respective areas of responsibility **provided:**

- a. the waiver and the amount are recorded and available for audit purposes;
- b. the circumstances of the specific waiver will not create a precedent;
- c. the act of waiving such fees and charges reflects 'good citizen' conduct;
- d. any waivers in excess of \$10,000 (calculated on an aggregate basis per Group) are to be reported to the next Finance Committee meeting.

For clarity, development contributions are not within the scope of the delegated authority detailed in this section 25.

Council Report

Committee: Council **Date:** 10 June 2021

Author: Stephen Halliwell **Authoriser:** Andrew Parsons

Position: Water Reform Financial Advisor **Position:** Executive Director Strategic Infrastructure

Report Name: Three Waters Reform Update

Report Status	<i>Open</i>
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Purpose - *Take*

- To inform the Council of direction, issues, opportunities, and matters relating to Three Waters Reform.

Staff Recommendation - *Tuutohu-aa-kaimahi*

- That the Council:
 - receives the report;
 - approves the appointment of Maangai Norm Hill to the Three Waters Reform Reference Group; and
 - approves feedback be sent to Local Government New Zealand (LGNZ) on the Government's Three Waters Reform programme (**attachment 5** of the staff report).

Executive Summary - *Whakaraapopototanga matua*

- This report is in the form of a general managers report and is the third of a regular report to the Council on direction, issues, opportunities, and matters relating to the Government's Three Waters Reform.
- The report will provide updates in relation to the following key areas:
 - National Three Waters Reform
 - Waikato/Bay of Plenty Three Waters Reform Consortium
 - HCC Three Waters Reform – Political Reference Group
 - Waikato-Tainui
- Attachment 1** provides a list of useful weblinks for past reports and reform websites.
- Having considered the Significance and Engagement Policy, staff have assessed that the matters in this report have low significance.

Discussion – *Matapaki*

- Since the last report to the Council, there have been updates in the following key areas:
 - National Three Waters Reform
 - Waikato/Bay of Plenty Three Waters Reform Consortium

- iii. HCC Three Waters Reform – Political Reference Group
- iv. Waikato-Tainui

National Three Waters Reform

8. The timeline for the National Three Waters Reform remains unchanged (see **Attachment 2**). The next major element in the timeline is expected to be an announcement following a Cabinet decision on the number and boundaries of the new water entities. This is expected to be followed by a second cabinet meeting and announcement on the structure of the new entities.
9. The Department of Internal Affairs (DIA) released a high-level slide pack (see **Attachment 3**) on behalf of the Joint Central and Local Government Three Waters Steering Group. This document provides context for the workshops undertaken earlier in the year, summarising the key themes of feedback received and pointing to next steps. DIA's full report is available [here](#). Prompted by questions during the workshops, DIA is also updating a set of FAQs to sit alongside these documents on their [webpage](#).
10. Local Government New Zealand (LGNZ) conducted a zoom meeting (13 May 2021) and subsequent email update (19 May 2021) (**Attachment 4**) with Mayors, Chairs and Chief Executives (New Zealand wide). The presentation included discussion on a list of matters councils are concerned about and included a request to get councils views and issues put on the table so they can provide coordinated input into the Reform. With direction from the 3 Waters Reference Group staff have prepared feedback to LGNZ (**Attachment 5**) for Council to approve.
11. Council staff are actively involved in supporting and contributing to the Reform programme thinking, including representation on national working parties alongside the Government to provide sector expertise into the Reform proposals.

Waikato/Bay of Plenty Three Waters Reform Consortium

12. Staff are actively participating with Consortium staff on the following workstreams ensuring we are well informed on the matters listed and that others are informed of our views:
 - i. a communications programme to raise awareness;
 - ii. a risk and opportunities register;
 - iii. an engagement programme for iwi to raise awareness and operationalise co-governance;
 - iv. a workforce programme covering communications, recruitment and retention and culture change;
 - v. a proposal to establish a 'shadow' water entity early with phasing, timescales and resources as well as a proposal for a pilot for a Three Waters leadership programme;
 - vi. transformation proposals for procurement and asset management;
 - vii. an outline plan to harmonise rates and charges in a phased and measured way, including a proposal for Government funding to phase in increases to smooth extreme bumps and shocks;
 - viii. an assessment of councils' data preparedness for setting up the new entity, including standards for consistency, critical risks (including out of system data) and mitigations; and
 - ix. a proposed deal for the Waikato/Bay of Plenty including financial elements and other opportunities.
13. The Consortium facilitated a zoom meeting (13 May 2021) with the Minister of Local Government to share the Consortium councils' views on their partnership with the crown, transition requests and longer-term opportunities. The councils of the Waikato / Bay of Plenty

were represented by Mayor Paula Southgate and the Mayors of Hauraki, Waikato, Rotorua and Western Bay and Chairwoman of Tauranga.

14. The Consortium is building a picture of what the sum of the Waikato / Bay of Plenty waters activities looks like. Without presupposing any decision of Government, this provides an indication as to scale of joined up three water activities compared with Hamilton.

INDICATIVE STATS FOR REGION WITH HAMILTON PROPORTION					
	Total region	Notes	Hamilton	Notes	HCC % of total
Land area (Ha.)	3,456,012		11,108		0.32%
Population	824,160		176,500		21%
Ha. per person	4.19		0.063		n/a
Residential households	248,366	Average occupancy 2.44 people	54,380	Average occupancy of 2.90	22%
Non-residential properties (rural & comm)	93,194		6,556		7%
Properties metered for water	151,478	(55% of all connections)	2,919		2%
Total length of water networks (km's)	8,713	Average age of 35.6 yrs	1,280	29 yrs (National performance review median is 29 yrs)	15%
Total length of sewers (km's)	4,792	Average age of 36.4 yrs	863	40 yrs (National performance review median is 39 yrs)	18%
Total length of stormwater (km's)	3,514	Average age of 32.7 yrs	712	34 yrs (National performance review median is 34 yrs)	20%
Asset replacement cost (ORC est) - drinking water (\$m)	\$2,633		\$578		22%
Asset replacement cost (ORC est) - waste water (\$m)	\$3,205		\$725		23%
Asset replacement cost (ORC est) - stormwater (\$m)	\$2,517		\$889		35%
Consolidated 3 waters asset values (\$m)	\$8,355	(optimised replacement cost)	\$2,192		26%
Outsourced service delivery (\$m per annum estimate)	\$77	(under current contracted arrangements)	\$2.2		3%
Overall functions outsourced	~51% by function*	*There is a mix across the region and significant variances between councils ranging from 11-100%	30%	i.e. 3 of 10 functions	n/a

HCC Three Waters Reform – Political Reference Group

15. The Reference Group, formed by Council Resolution, had its first meeting (14 May 2021) and agreed a number of procedural matters.
16. The meeting discussed the importance of Maaori involvement in the Reform (see Cultural section) and the Reference Group proposed that Maangai Maaori be asked to identify a representative(s) to join the Reference Group. This process has resulted in Norm Hill joining the Reference Group, subject to approval from the Council.

Waikato-Tainui

17. Staff will present the Council reports in relation to the Three Waters Reform to the next Waikato-Tainui / Hamilton City Council Joint Management Committee and are seeking joint discussion about next steps in the Three Waters Reform.

Financial Considerations - *Whaiwhakaaro Puutea*

18. The implementation of the approved Three Water Stimulus funding (\$17.46m approved early November 2020) and associated detailed programme of works is being reported separately to the Infrastructure Operations Committee. This funding is available to 31 March 2022.

19. The Hamilton City Council estimated cost to prepare for and participate in the reform process forms part of the Stimulus Funding package. The total allocation for this work is \$760,000.
20. In 2016 it was recognised there was a significant cost to set up the then proposed Waikato Waters Council Controlled Organisation (CCO). While this Reform is different, Council itself will have significant costs to fully participate in the Reform, to transition three waters services, processes and data to a waters entity and then to re-establish a sustainable business as usual Council operation post waters reform. Analysis will be undertaken on these matters as the Reform develops. It is the Consortiums current view that Local Government should be funded through this Reform journey for the costs of the Reform as part of a broader package of support.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

21. Staff confirm that subject matter in this report is for information only and complies with Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

22. The purpose of Local Government requires the promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
23. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report.
24. The recommendations set out in this report are consistent with that purpose.

Cultural

25. Early work on project risks has identified significant and complex matters could arise with the Government's Reform program. This could include but not be limited to the following matters:
 - i. The importance of Te Mana o te Wai;
 - ii. the relationship Maaori have with the Crown;
 - iii. Council's relationship with local Iwi;
 - iv. Iwi's relationship across a wider Waikato / Bay of Plenty; and
 - v. The role Maaori may or may not have in the future governance of a three water's entity.
26. Due to the importance of Council's relationship with Maaori in this Reform the report recommends the addition of Maangai Maaori to the Three Waters Reform Reference Group.
27. Staff understand that the DIA has their own programme of engagement with Iwi as part of the Three Waters Reform programme. Notwithstanding the government approach, Hamilton City Council staff are engaging with Waikato-Tainui through the upcoming joint management committee.
28. For the water stimulus programme of works, engagement will be undertaken with Maaori via Te Haa o te Whenua o Kirikiriroa (THaWK) to ensure projects take into account and align with the culture and traditions of water, ancestral land, sites, waahi tapu, valued flora and fauna, and other taonga as well as optimise opportunities to support communities and Maaori to share their heritage, language and stories.

Risks - *Tuuraru*

29. There are a range of risks associated with the Three Waters Reform programme, given the scale, complexity and criticality of the services involved, as well as the integration of Three Waters into council's business and delivery of its overall purpose and well beings.

30. A risk register is being developed and will be presented at the next Strategic Risk and Assurance Committee workshop.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui* **Significance**

31. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendations in this report have a low level of significance, at the present time in the process.
32. As the Reform programme progresses, the level of significance is expected to increase and further consideration of significance will need to be undertaken.

Engagement

33. Given the low level of significance determined, the engagement level is low. No engagement is required at the present time in the process.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Three Waters Reform - Useful Weblinks

Attachment 2 - Three Waters Reform Timeline December 2020

Attachment 3 - Three Waters Reform Joint Central and Local Government Steering Group update 13 May 2021 - Workshop Engagement Summary March 2021

Attachment 4 - Three Waters Reform LGNZ communication 19 May 2021

Attachment 5 - Three Waters Reform - LGNZ Feedback

Three Waters Reform Useful Weblinks

Department of Internal Affairs

[Three Waters Reform - Home Page](#) DIA's home page to all information they have published on the Three Waters Reform, updated regularly.

The following DIA links can be found on the above sight. These links take you directly to the PDF Document.

[December 2020 Cabinet Paper and Minute – Progressing the Three Waters Service Delivery Reforms.](#) PDF. The Cabinet Paper and associated minute reconfirms Government's commitment to progressing the reforms in this term of Government. The Cabinet paper also included a timeline for the Reform programme

[November 2020 Briefing to the Minister - Analysis of the Economic Impacts.](#) PDF. Summarising the results of the 'Stage one' report analysing the likely scale of investment required to meet drinking water quality and environmental standards, and the potential implications for household bills under various aggregation scenarios. This was prepared by the Water Industry Commission for Scotland.

[March 2021 Three Waters Steering Group FAQs.](#) PDF. Slide pack presented at the Rotorua Engagement session.

[March 2021 Joint Central Government Three Waters Steering Group Engagement.](#) PDF. Full Report providing context for the workshops, summarising the key themes of feedback received and pointing to next steps. A summary PowerPoint is linked to the 10 June 2021 Council Report.

[March 2021 Three Waters Steering Group FAQs.](#) Full Report providing context for the workshops, summarising the key themes of feedback received and pointing to next steps. A summary PowerPoint is linked to the 10 June 2021 Council Report.

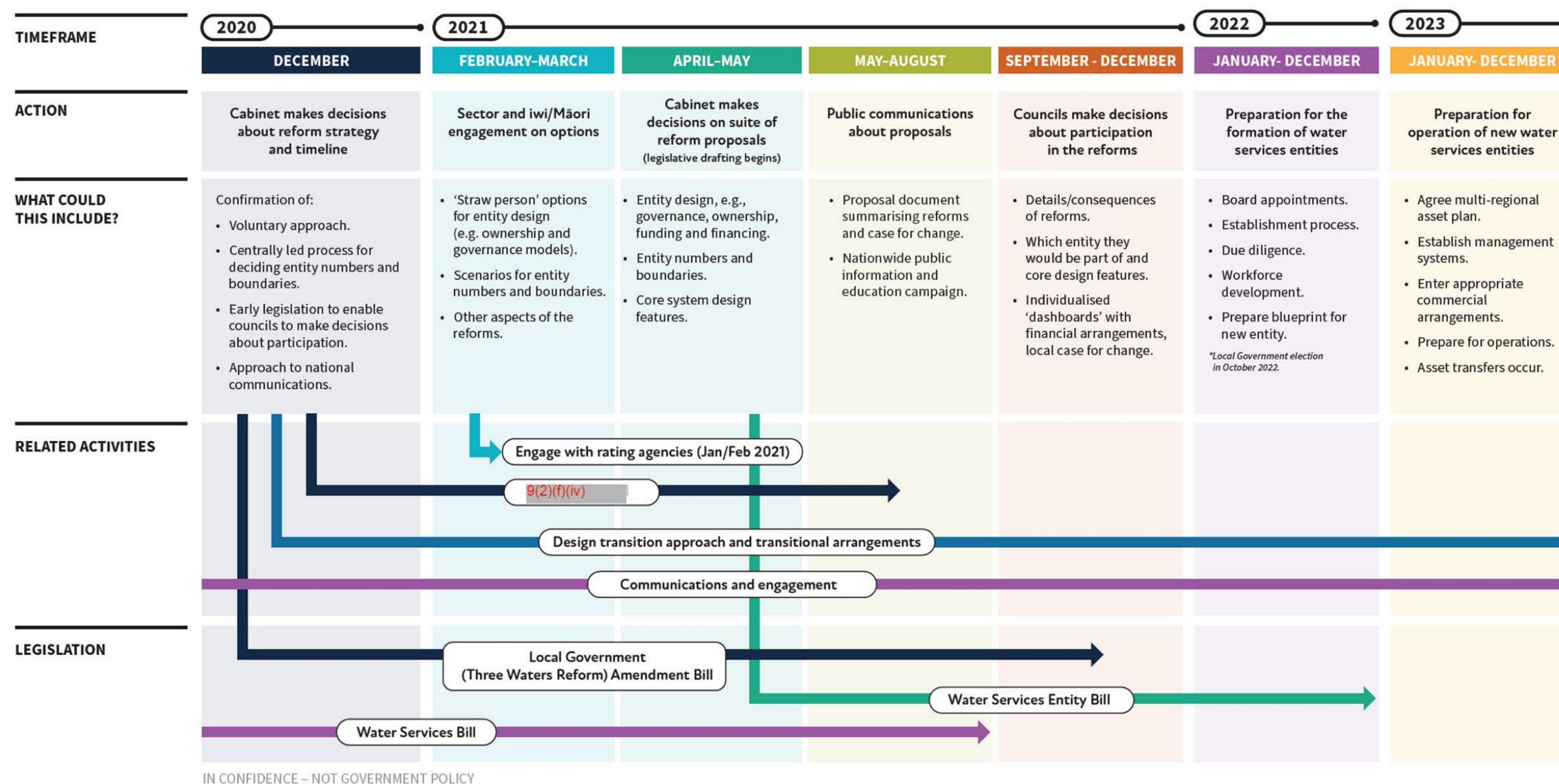
Taituarā

[HCC Dashboard.](#) A dashboard for summarising Council's Three Waters position ahead of any reform programme.

Hamilton City Council

[April 2021 Council Meeting.](#) PDF (Large file) Pages 146 to 371

Proposed reform strategy and timeline



Three Waters Reform Programme

March 2021 Engagement Summary

[Full report available here.](#)

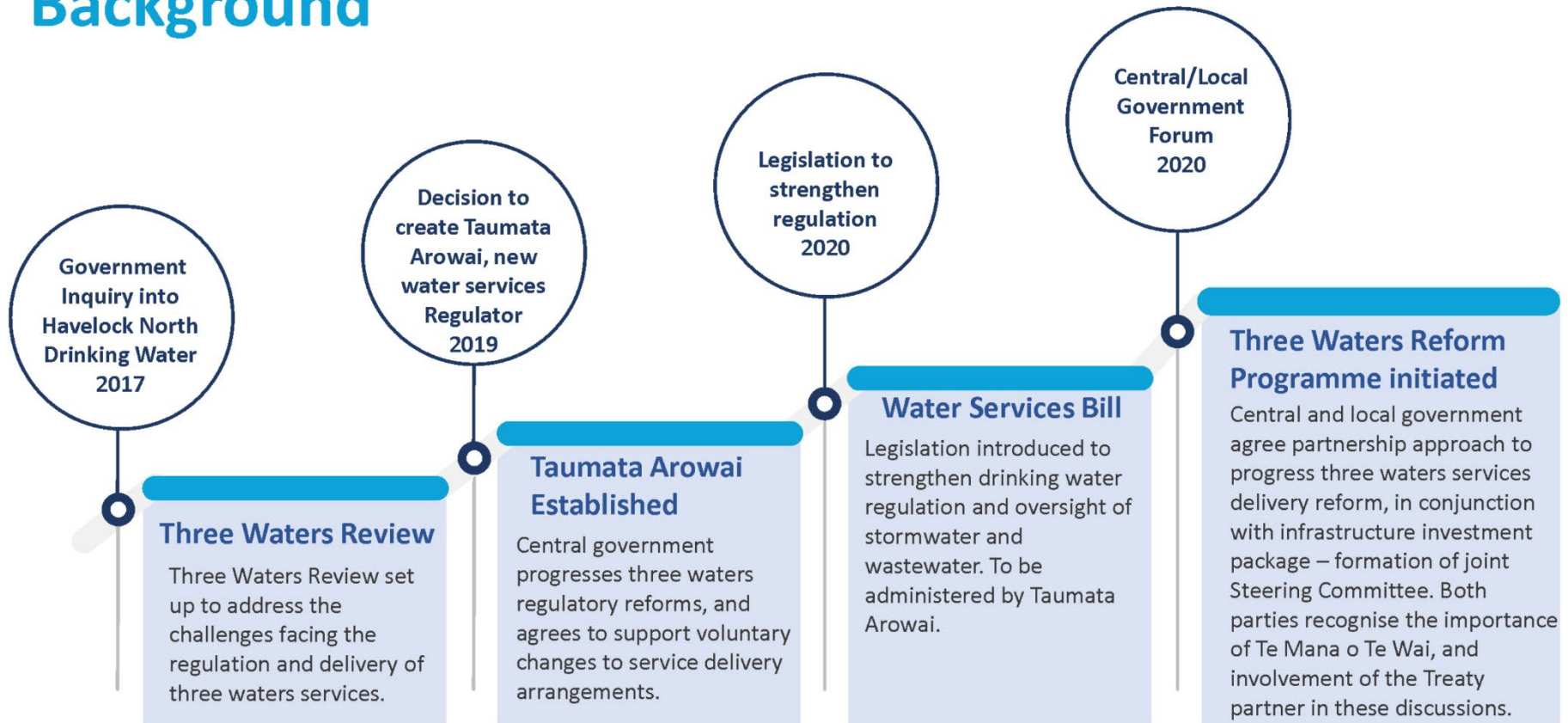
Website: www.dia.govt.nz/Three-Waters-Reform-Programme

Email: threewaters@dia.govt.nz

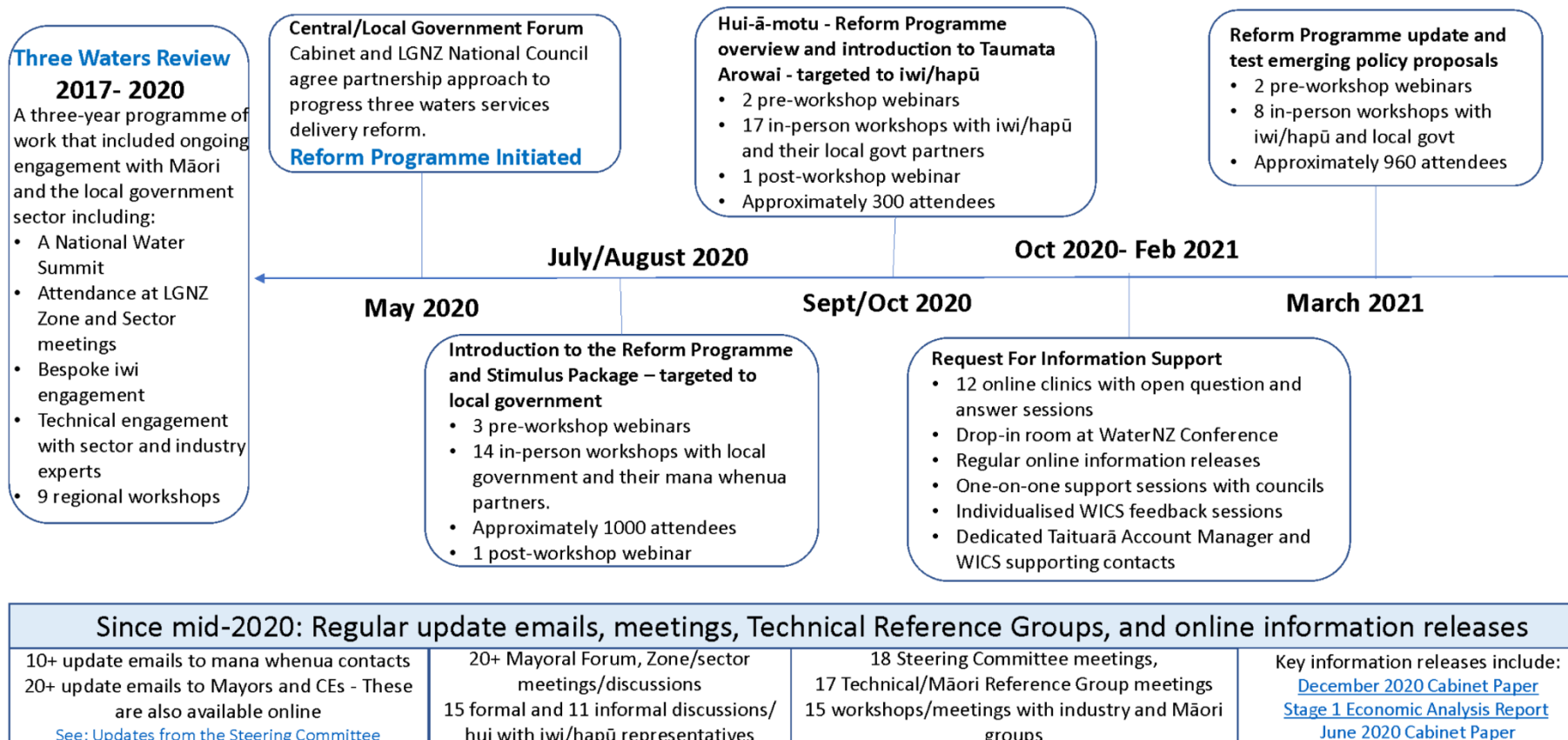


Te Tari Taiwhenua
Internal Affairs

Background



Ongoing engagement



Impetus for reform

Reviews into the delivery of three waters services in New Zealand have identified significant ongoing challenges and a considerable level of underinvestment in three waters infrastructure

Why is reform needed?



Risk of failure to meet safe drinking water standards

with potentially serious consequences for public health, the environment and the economy



A constrained ability to plan, fund and finance resilient systems

that can cope with climate change, emergencies and natural hazards



Ability to meet national and local environmental objectives

for freshwater and the marine environment



Housing infrastructure supply unable to keep pace with strong demand

in high-growth areas



Limits on regional development and wellbeing

particularly for areas with declining rating bases

Key design features of a new service delivery model

Decisions and directions during 2020 mean the reform proposals will include certain features:



Multi-regional entities of scale

Significant aggregation into a small number of multi-regional activities.



Public ownership

Entities must be publicly owned, with mechanisms to recognise Treaty rights and interests and to prevent future privatisation.



Statutory entities

Three waters entities designed and established by legislation.



Asset ownership

Three waters entities responsible for ownership of all water infrastructure assets.



Competency based boards

Professional directors on three waters boards.



Balance sheet separation

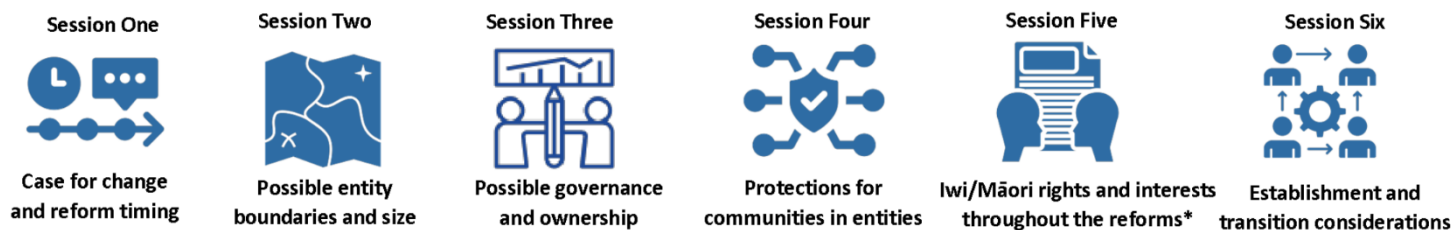
Complete structural separation from local authorities.

Success factors

- ✓ Independent decision making
- ✓ Management and governance competency
- ✓ Mechanisms to recognise Treaty rights and interests of iwi/Māori
- ✓ Mechanisms to enable community input
- ✓ Financial independence
- ✓ Flexible cost effective financing
- ✓ Equity/equality between local authorities
- ✓ Structural longevity

March 2021 workshop overview

- This slide pack provides a high-level summary of the workshop report. For a detailed summary of the key themes of feedback across the workshops, the break out sessions and sentiment polls by workshop, [the full report is available on the Three Waters Reform Programme website](#).
- Approximately 960 local government, iwi/hapū and industry attendees at the in-person workshops. Over 400 viewed/attended the pre-workshop webinars.
- All local authorities were represented across the eight workshops.
- Approximately 140 Māori attendees. Māori attendees were mostly made up of iwi, hapū and whānau representatives however, hāpori Māori (such as Māori Land Trusts) as well as Māori individuals are also included in this group. Other attendees such elected members and council staff may also whakapapa Māori.
- Presentation topics discussed at the workshop (Slide pack available online here [Engagement Materials](#))



*Te Tiriti partnership and principles and Te Mana o Te Wai considerations are to be woven throughout all elements of the reforms over and above specific mechanisms to consider iwi/Māori rights and interests.

Key themes of feedback...

- The key themes of feedback heard across the workshops are summarised in more detail in the full workshop report. These are summarised on the following slides:

Challenges

- Acknowledgement that the challenges of the status quo are substantial and growing.

Outcomes and opportunities

- Ensuring the Reform Programme remains based in the outcomes (and opportunities) we wish to see for a future Aotearoa and our people.

Tiriti Partnership

- Ensuring the opportunity for stronger mana whenua rangatiratanga in the provision of water services is realised and the reform process embodies a true Tiriti partnership at all stages.

Reform timelines

- The reform timeframes set by the Government were met with concerns about the timing and sequencing of a variety of aspects.

Voluntary or mandatory?

- Questions were raised about whether the reforms should remain voluntary or should be mandated by central Government.

The evidence base

- A need to see more detailed data and analysis at a local level to be able to better understand the implications of the reforms for local communities and how the reforms would achieve efficiencies.

Key feedback continued

Future for local government

- A desire to see answers to the question of what is the future of local governance following the removal of three waters services ahead of the Three Waters and Resource Management Reforms.

Privatisation protections

- Agreement the reforms need to protect against any future privatisation of the water entities but want to see more detail of these protections.

Responsiveness to local needs

- A need to ensure local authorities and mana whenua can influence the new entities' planning and investment decisions to ensure they are responsive to local needs. However, there was debate about the appropriate level of influence of local government in the entities.

Transition management

- Local government attendees were keen understand how the transition of assets and debt would be managed through any future transition and to ensure their good investment would not be punished.

Workforce enhancement

- Concern about the workforce capacity and capability to deliver an increased future works programme and a keenness to see the local workforce enhanced and maintained through the reform programme.

Miscellaneous

- Other themes discussed across the workshops included queries about why the Department has been working with Scotland, what responsibilities the entities would have for working with private supplies, and how rural water schemes are considered in the reforms.

Aggregated sentiment poll results

- During the workshops a series of straw polls were taken using an online engagement tool (Slido). These polls are intended as a ***sentiment test only*** and not all workshop attendees participated in the polls. These polls should be considered in this light.
- Number of entities poll. This poll was taken early in the workshops and again at the end of the workshop in 5 of the 8 workshops. Time constraints and participants' travel needs meant this poll was unfortunately not held again at the remaining three workshops.
- We note the Zone 5 workshop results for this poll could be considered an outlier. For aggregated results excluding this workshop please see Appendix B of the full report.
- Separate poll results for each workshop are included in Appendix C of the full report.

Number of entities

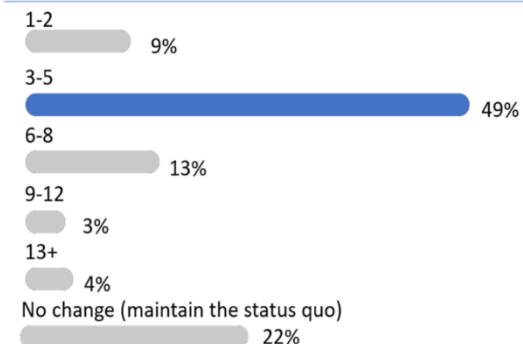
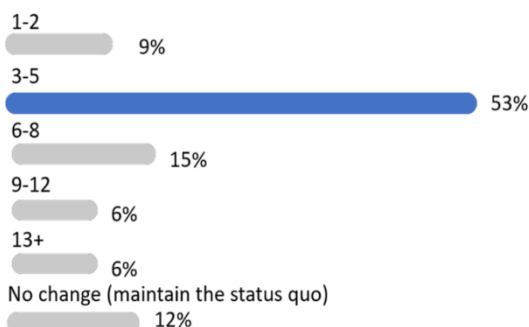
Bearing in mind the need to balance scale and other factors, how many entities do you think is best in a reformed system?

First Poll:

618

Revisit:

258



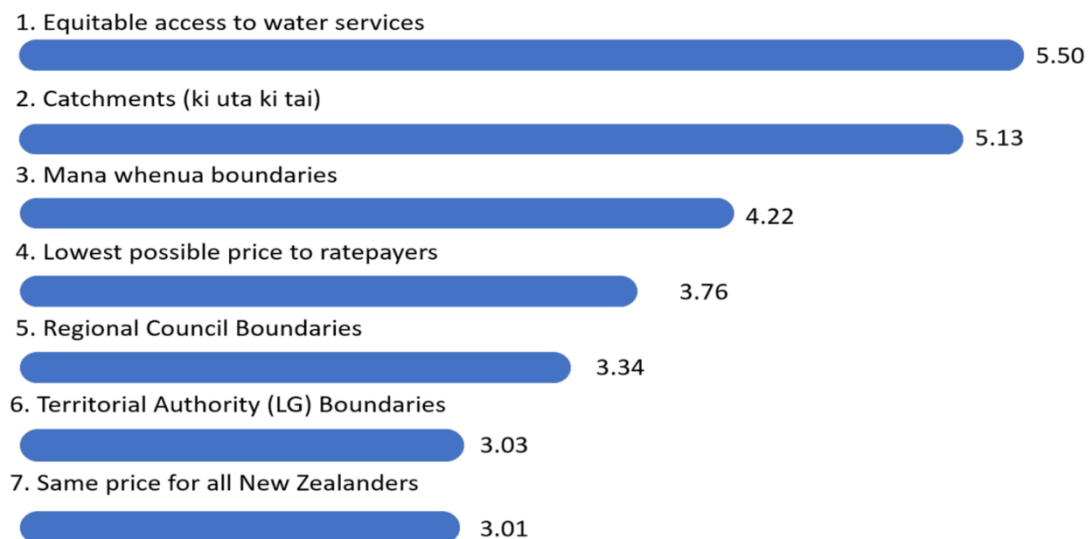
Poll results continued

- Following a presentation about the key considerations the Government would need to take into account to determine the best size and shapes of the entities, the below poll was taken.
- Notably, equitable access to water services and respecting catchments was seen to be more highly valued than achieving a uniform national price for three waters services through this sentiment poll.

Boundary considerations

If you were determining the shape and size of the entities, how would you make these trade-offs.

5 6 1



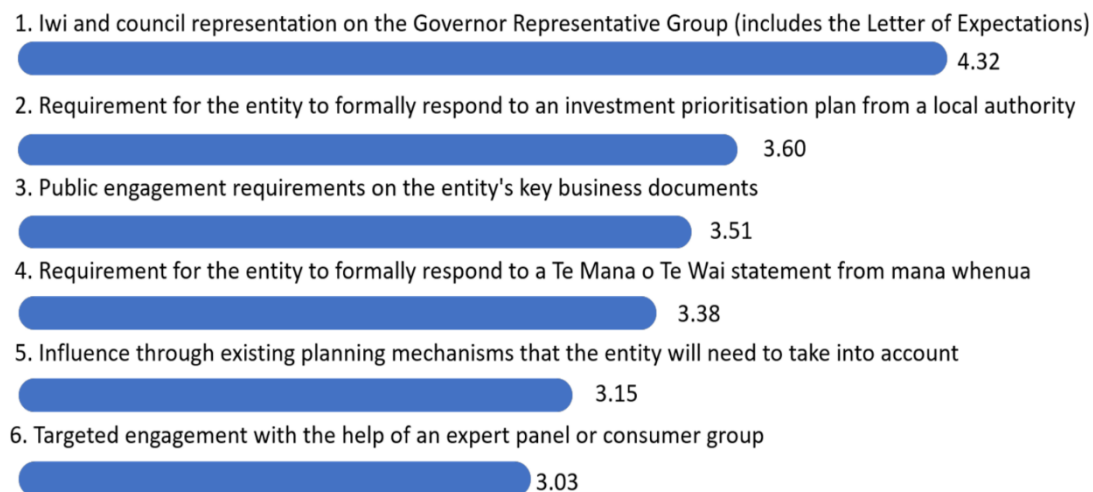
Poll results continued

- Following a presentation about the proposed mechanisms for enabling community influence in the proposed entities we asked attendees to rank some of these proposed mechanisms in terms of effectiveness.
- While iwi and council representation on the Governor Representative Group was ranked as the most effective mechanism in this poll. Māori attendees reflected that there were more council participants in the room. They wanted this noted when considering where the Te Mana o Te Wai statement sits in this poll.

Enabling community influence

Please rank these tools for enabling community influence from most effective to least effective

5 2 3



Poll results continued

- The transition and establishment session included two polls. The results of these are below.

Transition considerations

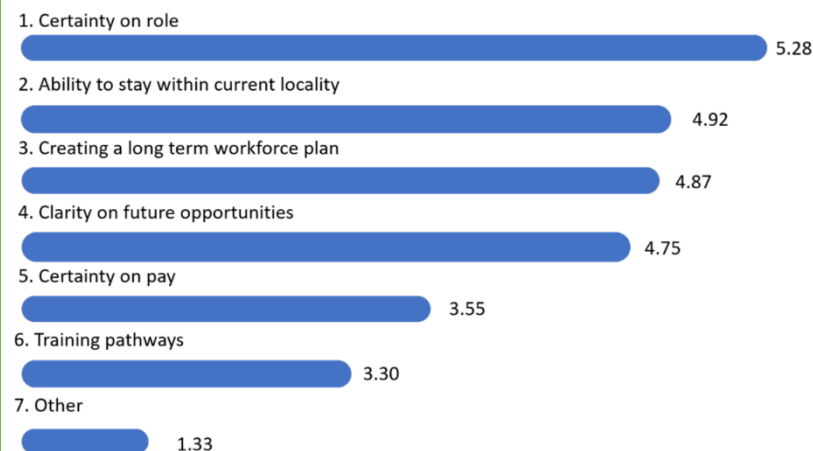
What activities are most important to get right through the transition/ establishment period?

- understanding the future of local government;
- further data and analysis on what the reform will mean for a council and their ratepayers;
- ensuring the current three waters services and programme of works within councils continues to be delivered (and improved) through the transition period;
- supporting, retaining and training the local workforce and giving them certainty as soon as possible;
- gaining clarity on how assets (and associated debt) will be valued and transferred;
- ensuring the governance structures and Board membership is in place, and Board members have the right skills and representation to uphold Te Tiriti and Te Mana o Te Wai;
- good communications, engagement and consultation with iwi/hapū/whānau, councils, and the public;
- getting I.T. and data management systems standardised and in place early.

Workforce considerations

What activity is most important to ensure your workforce is best supported through establishment/transition?

3 2 8

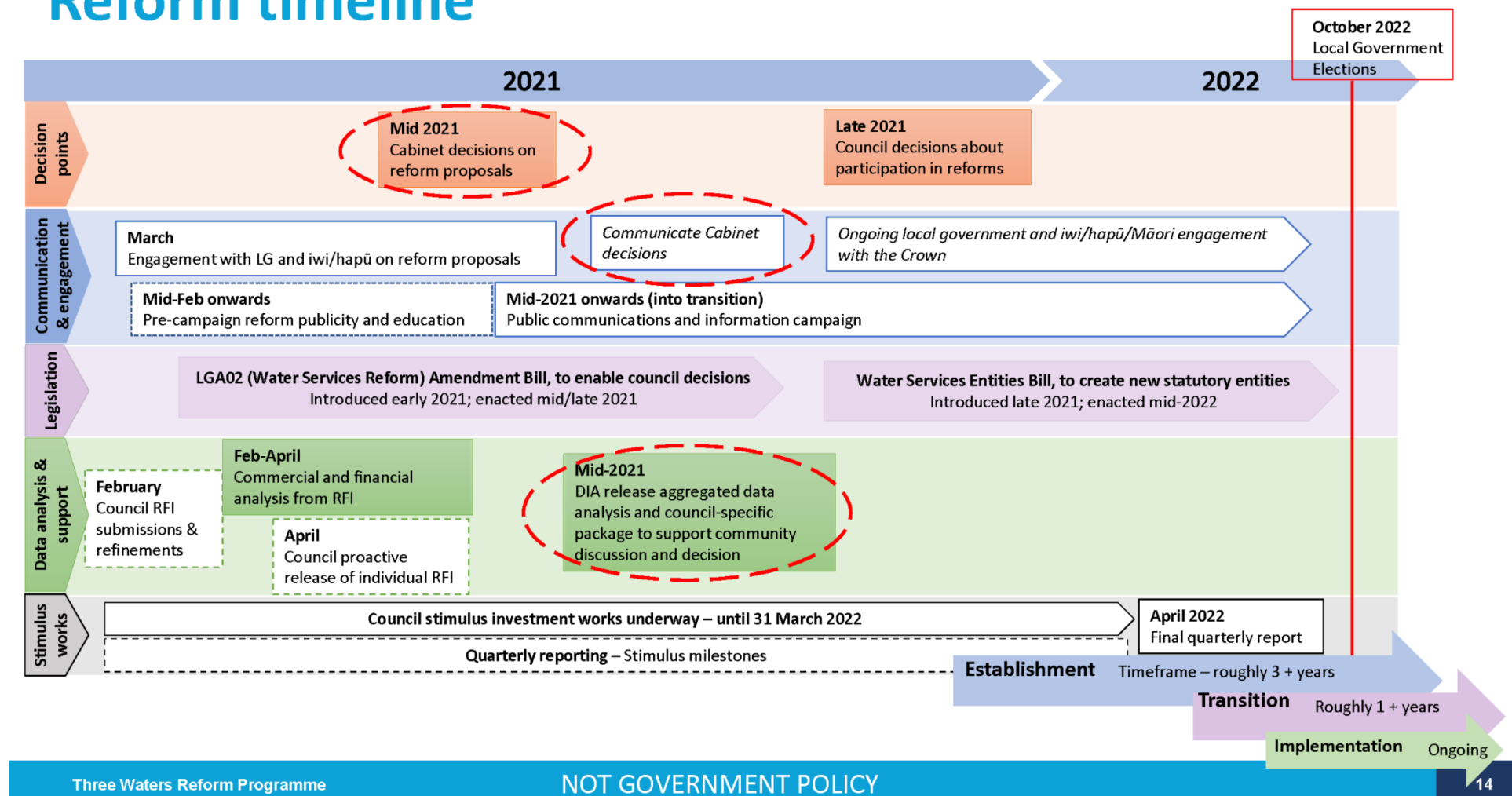


Some elected members in the workshop expressed that they chose not to participate in this poll as they did not think it appropriate for them to comment on a workforce matter.

Next steps

- Feedback from this series of engagements has informed, and will continue to inform, evolving policy analysis and proposals. Identification of issues critical to the local government sector and whānau/hapū/iwi in conjunction with advice and guidance from the joint Steering Committee, will continue to inform reform progress.
- A set of Frequently Asked Questions is also being produced to sit alongside this report to provide responses to the key themes of questions raised across the workshops.
- We understand councils are keen to see analysis and implications for councils of remaining in or opting out of the reforms as soon as possible. We will provide you with this information as it becomes available, but note some parts of this work will be subject to Cabinet decisions discussed below.
- Ministers will consider key design features of the reform proposals in mid-2021 (exact timings are subject to Government timetables.)
- Following Government decisions, further detailed analysis and implications for councils will be available.
- The Steering Committee will work to ensure that decisions are communicated in a timely and appropriate manner.
- As discussed in the workshops, the establishment and transition process for standing up the proposed entities runs through to a start date of 1 July 2024.
- The following slide includes the reform timeline as presented at the March 2021 workshops.

Reform timeline



From: Local Government New Zealand <info@lgnz.co.nz>

Sent: Wednesday, 19 May 2021 9:00 am

To:

Subject: Three waters update: Keeping you in the loop

Three waters update: Keeping you in the loop



Kia ora koutou

We've heard from many of you that, as elected members, you'd like more direct communication from us about three waters reform.

This massive reform programme has significant implications for councils. We want to make sure you have the information you need to make informed decisions.

Exactly what change will look like is a live issue. Local Government New Zealand has been working with councils and with the Government to find a way through the issues that you are raising – that works for both councils and their communities – before decisions are made.

From now on, we'll be providing these email updates regularly as well as other opportunities for feedback.

Ngā mihi

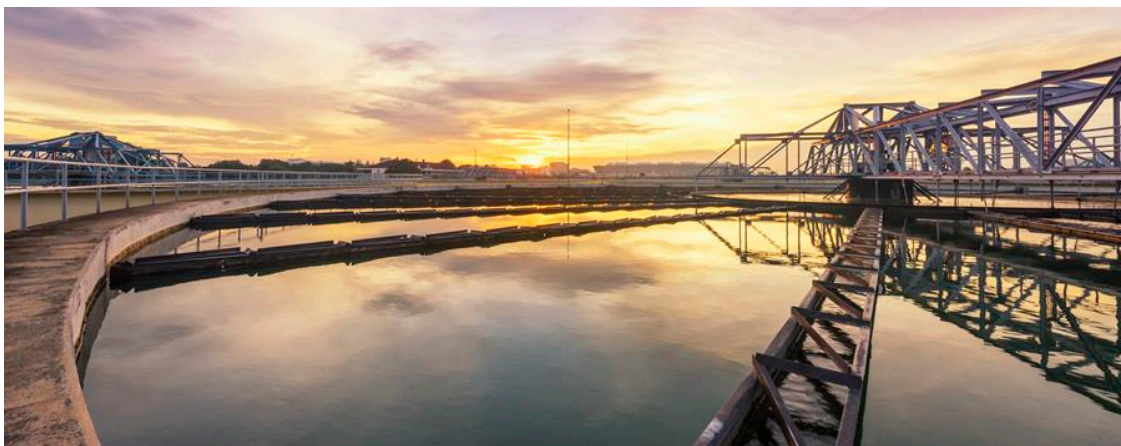
Stuart and Susan

President and Chief Executive



Why are we having this conversation?

- Virtually everyone agrees that more investment is needed in water infrastructure if we are to meet the environmental and public health aspirations of our communities.
- The scale of investment needed to do this would be almost impossible for councils to fund on their own.
- As a result, the Government announced it was considering major three waters reforms in mid 2020.
- We know there's not universal agreement on the case for change and that councils need more information.



The reform process so far.

- At the moment, 67 different councils own and operate drinking water, wastewater and stormwater services in New Zealand.

- Last year the Government proposed shifting water services from councils into a small number of multi-regional, publicly owned entities.
- As part of the reform process, the Government set up a Steering Committee that includes local and central government representatives.
- At the end of 2020, all councils agreed to share information so that the Government could produce detailed analysis to support advice on the options, and the Government provided stimulus funding in return.
- The Government ran a series of workshops in March 2021 that presented more detail on the options and analysis.
- Last week, the Department of Internal Affairs released its report on these engagement workshops. DIA has asked us to share this with all elected members. Read the [cover email](#) and the [engagement report](#). There's also a huge amount of information on [three waters reform on the DIA website](#).



The current state of play.

- The Government is deep in the development of a reform package. Local Government New Zealand has been working with councils and the Government, to optimise any reform package before decisions are made.
- It's important to be clear that we are not making any decisions for local government.
- Our work is guided by the principle that we need to seize any opportunity to influence the best possible outcome for local government before decisions are made.
- We're in the midst of a critical period right now. Some very crunchy issues remain on the table and those conversations are yet to be resolved.

- We've heard that there are a range of issues councils are concerned about. [See that list.](#)
- We anticipate that the Government will be making public announcements on the next stages of three waters reform in the next two months.
- This gives us a short window in which to get your views and issues put on the table. Coordinated input from councils is crucial so we'll be seeking feedback from you.
- Councils are also waiting for the release of individual analyses of detailed data.

Feedback.

Feedback is very welcome. Please email it to feedback@lgnz.co.nz with three waters in the subject line.

We are.
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Kaunihera
ō Aotearoa.



Local Government New Zealand

Te Kāhui Kaunihera ō Aotearoa

Level 1, 117 Lambton Quay, Wellington 6011

www.lgnz.co.nz

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28 MAY 2021

Hamilton City Council is supportive of the intent and direction of the Government's Three Waters Reform. Council supports the programme's goals of ensuring safe, sustainable, and economically efficient delivery of three waters services but notes effective transition to any new structure must be in full and equitable partnership with local government.

Council acknowledges the future financial challenges of maintaining high quality drinking water to its current and future residents while protecting and enhancing the environment, managing wastewater, and mitigating the combined effects of strong population growth and climate change on our stormwater services.

Council further notes these challenges will be more difficult to face for some smaller and rural councils.

Hamilton has worked closely with Government and neighbouring councils to develop a boundary-less approach to spatial planning, acknowledging that the way our people live, work and play is not constrained by territorial authority boundaries. To truly protect and enhance the wellbeing of our people we must look regionally and nationally for economies of scale and future-proofing our asset delivery and maintenance.

Hamilton City Council notes the data indicates water reform provides long-term benefits for all residents of Aotearoa and accepts some level of initial cross-subsidisation will be required to ensure we care for our people and avoid a situation in which clean water and a healthy environment is affordable only for some.

Our Council is already working with our regional and local neighbours to be ready for early adoption of the reform initiative. Hamilton and its Waikato council partners have a long and successful history of partnership and co-operation to support better outcomes for our regional residents. We have the political will, staff expertise, and built asset base to play a key role in enabling delivery of the Government's goals.

However, we note there are critical success factors required for implementation of, and transition to, the programme which require resolution. Hamilton City Council sees ten key areas which will support an effective transition.

- **Geography:** Any entity in our region should include the Waikato and Bay of Plenty regions in their entirety, even if the entity included Taranaki. 'Our region' includes Thames-Coromandel and Hauraki and ensures areas of common interest and lifestyle make a cohesive whole.
- **Community ownership:** Three Waters assets must remain publicly-owned. We are heartened by Government commentary on its commitment to this matter and steps being taken to make it more difficult for any future government to consider privatisation.
- **Iwi participation:** Hamilton City Council has built enduring and mutually-supportive relationships with iwi/Māori in our region. Any waters decision-making in our region must give effect to Te Ture Whaimana/the Vision and Strategy for the Waikato River. We will be working with our iwi partners throughout the reform programme but need clear guidance from Government on what aspects of the reform are for Councils to respond to, and what aspects will be managed by central Government. Establishing mechanisms for iwi co-

Item 14

Attachment 5

management of the resources is best framed consistently at a national level rather than entities attempting to create potentially disparate bespoke arrangements.

- **Opt-in/opt out model:** We understand Government favours a model in which councils are deemed to be part of a new structure from the start, with the option to opt out. It is Council's view Government should remove the opt-out option and make participation mandatory, creating a full-participation, inclusive model. A fragmented approach to establishing regional entities would undermine the programme as a whole. The reform is about future community and environmental wellbeing and safety. If an opt-out option remains, Councils should only be permitted to do so if they demonstrate an ability to deliver a cost effective, safe, and sustainable service which achieves all stated outcomes of the reform programme.
- **Funding:** There is a high cost to Council in the reform process. Financial assistance will be critical to smoothing the transition and enabling future efficiencies. This funding assistance will be across three phases – participation in the leadup to transition, the transition itself, and reframing how the remaining Council organisation delivers for its communities post transition. Staff, equipment, software, and the resources required to maintain our business during transition will add significantly to Council expenditure in the next three years.
- **Early transition:** A long transition process will increase costs and create uncertainty. Incentives for early adopters of the transition process would allow development of transition plans even ahead of legislation for those entity areas willing and able to do the work. The early creation of a transition entity and transition Board would enable regional decision-making in the same way as the Auckland Transition Agency enabled the creation of what is now Auckland Council.
- **Governance:** Community input mechanisms in the strategic outcomes of the entities is crucial and any governance structure should be transparent as to how local communities can have a voice.
- **Staff welfare:** Staff are our greatest asset and the transition places additional pressure on our waters specialists as well as on staff in the remaining Council activities. Councils will need clear direction from government and funding support for councils to transition and develop staff over the next three years.
- **Community engagement and information:** Our communities rely on councils as their key provider of three waters services and information. Clear and consistent government communication, aligned with councils, will be vital to the success of the reforms. A fractured or mis-aligned approach will create uncertainty and rumour, making informed discussion with our communities difficult.
- **Data-led decision-making is critical:** Councils must have access to clear, timely and accurate data to be able to make informed decisions in the timeframes outlined by Government. One example is the methodology to calculate and transfer financial assets, debt and cash reserves in a way which is understandable and acceptable to Council and its communities. Council wishes to avoid a situation where anticipated Government timelines are impacted because a lack of data means Council is unable to make an informed decision.

In summary, Hamilton City Council is looking forward to successfully partnering with Government and our local government neighbours to play its part in the reform programme.

The reform outcomes are essential, and the future benefits for our communities and our environment are ones we should all be striving to achieve.

We look to the Government to provide certainty of purpose, enabling legislation, a mana-enhancing framework for iwi at a national level and sufficient resource to enable a successful transition.

...ends

Item 14

Attachment 5

Council Report

Committee: Council **Date:** 10 June 2021
Author: Tyler Gaukrodger **Authoriser:** Becca Brooke
Position: Governance Advisor **Position:** Governance Manager
Report Name: Recommendations from Open Committee Meetings

Report Status	<i>Open</i>
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Purpose – *Take*

To seek the Council's approval of the following recommendations from Committee meetings:

- a) Finance Committee meeting of 13 May 2021 (Agenda [Here](#), Minutes [Here](#)), in respect of:
 - Financial Strategy Monitoring Report.
- b) Community Committee meeting of 18 May 2021 (Agenda [Here](#), Minutes [Here](#)), in respect of:
 - External Funding Applications Policy Review.
- c) Economic Development Committee meeting of 3 June 2021 (Agenda [Here](#)), in respect of:
 - Te Waka Six-Monthly Update;
 - Policy Review – Appointment and Remuneration of Board Members of Cos, CCOs and CCTOs; and
 - New License – WEL Networks – Municipal Building.
- d) Infrastructure Operations Committee meeting of 8 June 2021 (Agenda [Here](#)), in respect of:
 - Hamilton Traffic Bylaw 2015 Review – Determination Report; and
 - Trade Waste and Wastewater Bylaw 2016 Review – Determination Report.

Recommendations from the Finance Committee meeting of 13 May 2021

Financial Strategy Monitoring Report

That the Council:

- a) approves the capital movement as identified in paragraph 22 of the 13 May 2021 Capital Portfolio Monitoring Report;
- b) approves the significant forecast adjustments as set out in paragraphs 19 and 20 of the staff report; and
- c) approves the revised Financial Strategy position for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 22 to 24 of the staff report.

Recommendations from the Community Committee meeting of 18 May 2021**External Funding Applications Policy Review**

That the Council approves the revised External Funding Applications Policy.

Recommendations from the Economic Development Committee meeting of 3 June 2021

(to be circulated following the conclusion of the Economic Development Committee)

Recommendations from the Infrastructure Operations Committee meeting of 8 June 2021

(to be circulated following the conclusion of the Infrastructure Operations Committee)

Attachments - *Ngaa taapirihanga*

There are no attachments for this report.

Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

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 follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Extraordinary Council Public Excluded Minutes of 23 April 2021) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987)	Section 48(1)(a)
C2. Confirmation of the Council Public Excluded Minutes of 29 April 2021		
C3. Confirmation of the Extraordinary Council Public Excluded Minutes of 30 April 2021		
C4. Confirmation of Elected Member Public Excluded Briefing Notes - 23 April 2021		
C5. Confirmation of Elected Member Public Excluded Briefing Notes - 17 May 2021		
C6. Confirmation of Elected Member Public Excluded Briefing Notes - 26 May 2021		
C7. Wairere Drive Speed Limit Reduction		
C8. Rototuna Village Pool Agreements		
C9. Appointment of External Members to the Strategic Risk and Audit Committee		
C10. Appointment to the Hamilton District Licensing Committee		
C11. Hamilton Christian School Proposal		
C12. Peacocke Northern Sports		

C13. Recommendations from
Public Excluded Committee
Meetings

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 C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C3.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C4.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C5.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C6.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C7.	to maintain legal professional privilege	Section 7 (2) (g)
	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C8.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C9.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C10.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C11.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C12.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C13.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)

Recommendations from the Economic Development Committee meeting of 3 June 2021

Te Waka Six-Monthly Update

That the Council delegates the Chair of Economic Development Committee, Deputy Chair of Economic Development Committee, and the CE to work with staff to finalise and sign the 2021-2024 Partnership Agreement and 2021-2022 Service Level Agreement with Te Waka.

New Licence - WEL Networks - Municipal Building

That the Council approves a new licence for WEL Networks for a base radio station located on the roof of the Municipal Building, subject to the following terms and conditions:

- a) Term – 10 years, commencing 1 July 2021;
- b) Renewals – nil;
- c) Rental – Market, to be determined by a registered valuer; and
- d) Rent reviews – CPI annually, market review at 5 years.

Policy Review - Appointment and Remuneration of Board Members of COs, CCOs and CCTOs

That the Council approves the draft Appointment and Remuneration of Board Members of COs, CCOs and CCTOs Policy (Attachment 1 of the staff report).

Recommendations from the Infrastructure Operations Committee meeting of 8 June 2021

Hamilton Traffic Bylaw 2015 Review – Determination Report

That the Council:

- a) approves Option 1 as outlined in the staff report, in that it determines that a Hamilton Traffic Bylaw is the most appropriate mechanism for addressing issues related to traffic management in Hamilton; and
- b) approves the review of the Hamilton Traffic Bylaw 2015, including the preparation of a Statement of Proposal and a revised draft Traffic Bylaw subject to a) above being approved by the Council.

Trade Waste and Wastewater Bylaw 2016 Review – Determination Report

That the Council:

- a) approves Option 1 as outlined in the staff report, in that it determines that a Hamilton Trade Waste and Wastewater Bylaw is the most appropriate mechanism for addressing issues relating to the management of trade waste and wastewater in Hamilton; and
- b) approves a review of the Hamilton Trade Waste and Wastewater Bylaw 2016, including the preparation of a Statement of Proposal and a revised draft Hamilton Trade Waste and Wastewater Bylaw subject to a) being approved by the Council.