

## Notice of Meeting:

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

**Date:** Thursday 17 November 2022  
**Time:** 9.30am  
**Meeting Room:** Council Chamber and Audio Visual link  
**Venue:** Municipal Building, Garden Place, Hamilton

Lance Vervoort  
Chief Executive

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## Council *Kaunihera* OPEN AGENDA

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### Membership

**Chairperson** Mayor P Southgate  
*Heamana*

**Deputy Chairperson** Deputy Mayor A O'Leary  
*Heamana Tuarua*

<b>Members</b>	Cr G Taylor	Cr E Wilson
	Cr R Hamilton	Cr S Thomson
	Cr A Casey-Cox	Cr E Pike
	Cr M van Oosten	Cr L Hutt
	Cr M Donovan	Cr M Tauariki
	Cr K Naidoo-Rauf	Cr M Huaki
	Cr A Bydder	

**Quorum:** A majority of members (including vacancies)

**Meeting Frequency:** Monthly – or as required

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Amy Viggers  
*Mana Whakahaere*  
Governance

**10 November 2022**

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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*

## **SWEARING IN CEREMONY – Geoff Taylor**

*The meeting will open with the swearing in of Geoff Taylor.*

- *Whakatau (Welcome and Blessing) by Hamilton City Council Kaumatua Tame Pokaia.*
- *Geoff Taylor will read and sign the Statutory Declaration required by the Local Government Act 2002, which will be witnessed by Mayor Paula Southgate. Following his declarations, he will have an opportunity to address the Meeting.*



<b>ITEM</b>	<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
<b>1</b>	<b>Apologies – <i>Tono aroha</i></b>	<b>6</b>
<b>2</b>	<b>Confirmation of Agenda – <i>Whakatau raarangi take</i></b>	<b>6</b>
<b>3</b>	<b>Declarations of Interest – <i>Tauaakii whaipanga</i></b>	<b>6</b>
<b>4</b>	<b>Public Forum – <i>Aatea koorero</i></b>	<b>6</b>
<b>5</b>	<b>Confirmation of the Council Open Minutes - 20 October 2022</b>	<b>7</b>
<b>6</b>	<b>Chair's Report</b>	<b>11</b>
<b>7</b>	<b>Governance Structure Terms of Reference and Delegations for Council and Committees of Council 2022-25 Triennium</b>	<b>13</b>
<b>8</b>	<b>Elected Member Remuneration and Elected Member Support Policy</b>	<b>67</b>
<b>9</b>	<b>Hamilton Urban Growth Strategy (HUGS) verbal submissions</b>	<b>88</b>

**1 Apologies – *Tono aroha***

**2 Confirmation of Agenda – *Whakatau raarangi take***

The Council to confirm the agenda.

**3 Declaration of Interest – *Tauaakii whaipaaanga***

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:** 17 November 2022

**Author:** Carmen Fookes

**Authoriser:** Michelle Hawthorne

**Position:** Senior Governance Advisor

**Position:** Governance and Assurance  
Manager

**Report Name:** Confirmation of the Council Open Minutes - 20 October 2022

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

That the Council confirm the Open Minutes of the Council Meeting held on 20 October 2022 as a true and correct record.

## **Attachments - *Ngaa taapirihanga***

Attachment 1 - Council Unconfirmed Open Minutes - 20 October 2022

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## Inaugural Council *Kaunihera* OPEN MINUTES

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Minutes of a meeting of the Council held in Te Kōpū Mānia o Kirikiriroa Marae and the Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 20 October 2022 at 10.32am.

**PRESENT**

**Chairperson** Mayor P Southgate  
*Heamana*

**Members** Cr A O’Leary  
Cr A Bydder  
Cr A Casey-Cox  
Cr M Donovan  
Cr R Hamilton  
Cr M Huaki  
Cr L Hutt  
Cr K Naidoo-Rauf  
Cr E Pike  
Cr M Tauariki  
Cr S Thomson  
Cr M van Oosten  
Cr E Wilson

**In Attendance** Lance Vervoort – Chief Executive  
Sean Murray – General Manager Venues, Tourism, and Events  
Blair Bowcott – General Manager Growth  
Sean Hickey – General Manager Strategy and Communication  
Helen Paki – General Manager Community  
Eeva-Liisa Wright – General Manager Infrastructure Operations  
Murray Heke – General Manager Customer, Technology Transformation  
Michelle Hawthorne – Governance and Assurance Manager

**Governance Staff** Amy Viggers – Governance Lead  
Carmen Fookes – Senior Government Advisor  
Tyler Gaukrodger – Governance Advisor

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### **SWEARING IN CEREMONY**

The Official Party and Elected Members entered the meeting.

A karakia was given by Hamilton City Council Kaumatua Tame Pokaia followed by waiata by mana whenua.

The Inaugural Council meeting was then opened by Chief Executive Lance Vervoort. He welcomed everyone to the meeting and acknowledged the presence of mana whenua and those were able to be a part of the ceremony including the newly Elected Members, former Councillors, and family. He noted the importance of the new Kirikiriroa Maaori Ward, and the reflection of growth in the city in the increased number of Councillors around the Council table.

### **Installation of Mayor Paula Southgate**

Mayor Paula Southgate read and signed the Statutory Declaration required by the Local Government Act 2002, which was witnessed by the Chief Executive Lance Vervoort. Following her declaration, the Mayor addressed the meeting.

### **Installation of the Councillors**

The Deputy Mayor Angela O'Leary, Councillors Ryan Hamilton, Andrew Bydder, Anna Casey-Cox, Mark Donovan, Melaina Huaki, Louise Hutt, Kesh Naidoo-Rauf, Emma Pike, Moko Tauariki, Sarah Thomson, Maxine van Oosten, and Ewan Wilson read and signed the Statutory Declaration required by the Local Government Act 2002, which were witnessed by Mayor Paula Southgate. Following their declarations, each Councillor had the opportunity to address the meeting.

The Official Party, Elected Members, and all in attendance stood to sing the National Anthem.

Tame Pokaia and the Sonny Karena closed the ceremony with a karakia and prayer.

**The meeting was adjourned from 12.09pm to 2.01pm.**

#### **1. Apologies – *Tono aroha***

**Resolved:** (Cr Wilson/Deputy Mayor O'Leary)

That the apologies for absence from Cr Taylor were accepted.

#### **2. Confirmation of Agenda – *Whakatau raarangi take***

**Resolved:** (Cr Wilson/Deputy Mayor O'Leary)

That the agenda is confirmed.

#### **3. Declarations of Interest – *Tauaakii whaipanga***

No members of the Council declared a Conflict of Interest.

#### **4. Public Forum – *AAtea koorero***

No members of the public wished to speak.

#### **5. Inaugural and First Meeting Requirements**

The Governance and Assurance Manager introduced the report noting the appointment of Deputy Mayor O'Leary and that the governance structure will go to the 17 November 2022 Council meeting. Staff responded to questions from Members concerning remuneration authority and pay requirements, structure of working groups, and member interest in committees and working groups.

**Resolved:** (Mayor Southgate/Cr Wilson)

Council 20 OCTOBER 2022 - OPEN

That the Council:

- a) receives the report;
- b) notes that the first Council meeting will take place at 9:30am on Thursday, 17 November 2022; and
- c) notes that the Mayor will present the governance structure to the Council at the 17 November 2022 meeting.

**6. Explanation of Statutory Matters Affecting Elected Members**

The Governance and Assurance Manager introduced the report, noting the report is required by the Local Government Act 2002 and details some of the legislation which discusses personal and professional conduct. Staff responded to questions from Members concerning disqualification for non-attendance and process for formal apologies.

**Resolved:** (Mayor Southgate/Deputy Mayor O'Leary)

That the Council receives the report.

**The meeting was declared closed at 2.16pm.**

# Council Report

Item 6

**Committee:** Council

**Date:** 17 November 2022

**Author:** Tyler Gaukrodger

**Authoriser:** Amy Viggers

**Position:** Governance Advisor

**Position:** Governance

**Report Name:** Chair's Report

<b>Report Status</b>	<i>Open</i>
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## Recommendation – *Tuutohu*

That the Council receives the report.

## Attachments - *Ngaa taapirihanga*

Attachment 1 - Chair's Report



## Chair's Report

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Welcome to the first Council meeting of the triennium. This is an exciting time for all of us as we look ahead to what we can achieve over the next three years. There is lots for us to do.

At this stage the issues we're discussing are largely around appointments and process. I'm delighted that Cr O'Leary has already been confirmed as Deputy Mayor. At this meeting, the remainder of the appointments and Governance structure will be confirmed. This includes Cr Hamilton as Senior Chair with responsibility for growth and planning. Further appointments – for example, to regional transport committees, once they're established – will be confirmed in due course.

There are other important issues that we will turn to shortly once we have time to consider them fully. These include Maangai Maaori and community-based committees. In the meantime, if you have any thoughts on these, please speak to the relevant General Manager so we can factor these in.

We will also soon be turning to the Elected Member Code of Conduct. Ensuring that the public can have confidence in how their elected representatives behave is an absolutely crucial issue for me. Last term we made some changes to strengthen the Code of Conduct, and I welcome any further comments or changes Councillors may wish to make following this meeting.

I look forward to working with you all to deliver for the people of Hamilton over the next three years.

### **Chair's Recommendation**

That the Council receives the report.

Paula Southgate

**Mayor Hamilton City**



# Council Report

Item 7

**Committee:** Council

**Date:** 17 November 2022

**Author:** Amy Viggers

**Authoriser:** David Bryant

**Position:** Governance

**Position:** General Manager People and Organisational Performance

**Report Name:** Governance Structure Terms of Reference and Delegations for Council and Committees of Council 2022-25 Triennium

<b>Report Status</b>	Open
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## Purpose - *Take*

1. To approve the proposed Governance Structure Terms of Reference and Delegations for Council, Committees of Council and Appointments for the 2022-25 Triennium (**Attachment 1** of this report).
2. To inform the Council of other minor matters relating to the proposed Governance Structure Terms of Reference and Delegations for Council, Committees of Council, and Appointments for the 2022-25 Triennium.

## Staff Recommendation - *Tuutohu-aa-kaimahi*

3. That the Council:
  - a) approves the proposed Governance Structure Terms of Reference and Delegations for Council, Committees of Council, and Appointments for the 2022-25 Triennium (**Attachment 1**);
  - b) notes that the Delegations to Positions Policy (*Council's delegations to the Chief Executive and other specified senior staff*) will be reviewed and updated to reflect the 2022-25 Governance Structure and will be presented to a future Council meeting for consideration;
  - c) notes that some minor changes, such as references and name changes will be made by staff to relevant Council policies to reflect the 2022-25 Governance Structure. Any significant or material changes required to policies will be reported back to Council in the new year; and
  - d) notes that some Appointments in the 2022-25 Governance Structure may change in the coming months to align with the arrangements and terms of reference still to be confirmed/discussed with joint organisations.

## Executive Summary - *Whakaraapopototanga matua*

4. Section 41A of the Local Government Act 2002 (LGA) provides for the Mayor to establish Committees of the Council and appoint Committee Chairs.
5. It is the responsibility of Council to approve the delegations and terms of reference that enable effective decision-making under the Governance Structure set out by the Mayor.

6. This report sets out the proposed Governance Structure, delegations and terms of reference for Council and the Committees, based on the 2022-25 Governance Structure.
7. This report also notes some minor changes will be made to some Council policies and plans etc. to ensure alignment between strategic documents, should the proposed Governance Structure Terms of Reference, Delegations for Council, Committees of Council and Appointments for the 2022-25 Triennium be approved
8. Staff consider the matters in this report have low significance and that the recommendations comply with the Council's legal requirements.

### **Background - *Koorero whaimaarama***

9. Under section 41A of the LGA, the Mayor has the power to appoint the Deputy Mayor, design a committee structure and appoint Chairs to those committees.
10. Mayor Southgate's proposed 2022-25 Governance Structure is as per **Attachment 1**.
11. Once the high-level Governance Structure determined, it is then the responsibility of Council to approve the delegation
12. ns and terms of reference that enable effective decision-making under the Governance Structure set out by the Mayor (*as set out under clause 32, Schedule 7 of the LGA*)
13. It is intended that the external appointees to the Strategic Risk and Assurance Committee will continue through to the end of their contracts for the 2019-22 triennium in line with best practice.
14. A proposed Governance Structure Terms of Reference and Delegations for Council, Committees of Council, and Appointments for the 2019-22 triennium is attached (**Attachment 1**) for the Council's consideration and approval.

### **Discussion - *Matapaki***

15. If the proposed Governance Structure is approved, the Delegations to Positions Policy (*Council's delegations to the Chief Executive and other specified senior staff*) will subsequently be reviewed and updated to reflect the 2022-25 Governance Structure and will be presented to a future Council meeting for consideration.
16. Some minor reference, name and membership changes may be required to be made to some Council policies to reflect the 2022-25 Governance Structure. Staff will review and amend relevant Council policies to ensure alignment following approval of the new structure. If there are any significant or material changes required to any policies, these will be reported back to Council in the new year.
17. Some Appointments in the 2022-25 Governance Structure may change in the coming months to align with the arrangements and terms of reference still to be confirmed/discussed with joint organisations, for example, Waikato Regional Council Joint Committees.

### **Options**

18. Not approving the Governance Structure Terms of Reference and Delegations for Council, committees of Council, and Appointments for the 2022-25 Triennium would impact the ability for Council to make decisions and carry out their duties.
19. Staff recommend approving the Governance Structure Terms of Reference and Delegations for Council, committees of Council, and Appointments for the 2022-25 Triennium.

### **Financial Considerations - *Whaiwhakaaro Puutea***

20. This is a regular operating activity funded through the 2021-31 10-Year Plan.

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

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

### **Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga***

22. The purpose of Local Government changed on the 14 May 2019 to include 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 as outlined below.
24. The document sets out the governance structure with each committee or group responding to various aspects and requirements of the 4 wellbeing's. For example, economic wellbeing's are addressed through the Economic Development Committee. Maaori representation is one aspect of cultural wellbeing that is address through the Governance Structure and the Community Committee addresses numerous initiatives to do with social wellbeing's.
25. The recommendations set out in this report are consistent with that purpose.

### **Risks - *Tuuraru***

26. There are no known risks associated with the decisions required for this matter.

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

#### **Significance**

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

#### **Engagement**

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

### **Attachments - *Ngaa taapirihanga***

Attachment 1 - Governance Structure Terms of Reference and Delegations 2022-2025



# **Governance Structure**

## **Terms of Reference and Delegations for Council, and Committees of Council**

**2022-25 Triennium**

**Approved by Council on**

# Table of Contents

<b>Introduction .....</b>	<b>4</b>
<b>Governance Structure .....</b>	<b>4</b>
<b>The Role of the Mayor.....</b>	<b>5</b>
<b>Ambiguity and Conflict.....</b>	<b>5</b>
<b>Council and Committees.....</b>	<b>6</b>
<b>Our Council and Committee Structure (Diagram) .....</b>	<b>6</b>
<b>Council .....</b>	<b>7</b>
<b>Common Delegations .....</b>	<b>10</b>
<b>Infrastructure and Transport Committee.....</b>	<b>13</b>
<b>Strategic Growth and District Plan Committee .....</b>	<b>15</b>
<b>Finance and Monitoring Committee .....</b>	<b>18</b>
<b>Economic Development Committee .....</b>	<b>20</b>
<b>Community and Natural Environment Committee.....</b>	<b>23</b>
<i>Community Grants Allocation Sub-Committee .....</i>	<i>23</i>
<b>Regulatory and Hearings Committee.....</b>	<b>27</b>
<i>Dog Control Hearings Panel.....</i>	<i>30</i>
<i>Traffic, Speed Limit and Road Closure Hearings Panel.....</i>	<i>31</i>
<b>Strategic Risk and Assurance Committee.....</b>	<b>32</b>
<b>Chief Executive Review Committee .....</b>	<b>36</b>
<b>Appointments .....</b>	<b>37</b>
<b>Waikato-Tainui Hamilton City Council Co-Governance Forum .....</b>	<b>38</b>
<b>District Licensing Committee.....</b>	<b>41</b>
<b>Independent Hearings Commissioners’ Panel.....</b>	<b>43</b>
<b>Council Internal Panels.....</b>	<b>45</b>
<i>City Honours Panel.....</i>	<i>45</i>

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<i>He Pou Manawa Ora Panel .....</i>	<i>45</i>
<i>City Investment Programme Leadership Forum.....</i>	<i>45</i>
<i>Municipal Endowment Fund Panel .....</i>	<i>45</i>
<b>Council Controlled Organisations .....</b>	<b>46</b>
<b>Joint Organisations and Advisory Groups .....</b>	<b>47</b>
<i>Schedule of Amendments to HCC Governance Structure 2022-25 .....</i>	<i>50</i>
<i>Appendix A – Template for Establishing a Working Group or Hearings Panel .....</i>	<i>51</i>

# Introduction

## Governance Structure

This document sets out the Governance Structure by which Hamilton City Council:

- carries out its governance functions; and
- formally delegates its powers and responsibilities.

The Governance Structure is developed in accordance with the provisions and requirements of the Local Government Act 2002.

The Governance Structure for Hamilton City Council is adopted at the beginning of each triennium. It sets out in full the delegations to the Committees, including:

- **Common delegations**

There are a number of common delegations from Council to the following committees of the whole: Finance and Monitoring Committee, Strategic Growth and District Plan Committee, Infrastructure and Transport Committee, Community and Natural Environment Committee, and Economic Development Committee. These common delegations are set out on page 10 and should be read in conjunction with the Terms of Reference for those committees.

- **Specific delegations**

There are specific delegations over and above the common delegations. These are set out for each Committee from page 13.

The Governance Structure may also be reviewed and amended as necessary throughout the triennium.

## **The Role of the Mayor**

Section 41A of the Local Government Act 2009 confers a number of powers and responsibilities to the Mayor. The Mayor may:

- Define and promote a vision for the advancement of Hamilton and the people of Hamilton, and to provide leadership to achieve that vision
- Lead the development of council plans, policies and budgets (including the Annual Plan and Long Term Plan) for consideration by the Council
- Ensure effective engagement between the Council and the people of Hamilton
- Appoint the Deputy Mayor
- Establish committees of the governing body (Council) and appoint the chairperson and deputy chairperson for each of those committees

## **Ambiguity and Conflict**

For clarity, matters that are not delegated by the Council to a committee or another subordinate decision-making body, or to the Chief Executive or other Council officer, are to be determined by the Council.

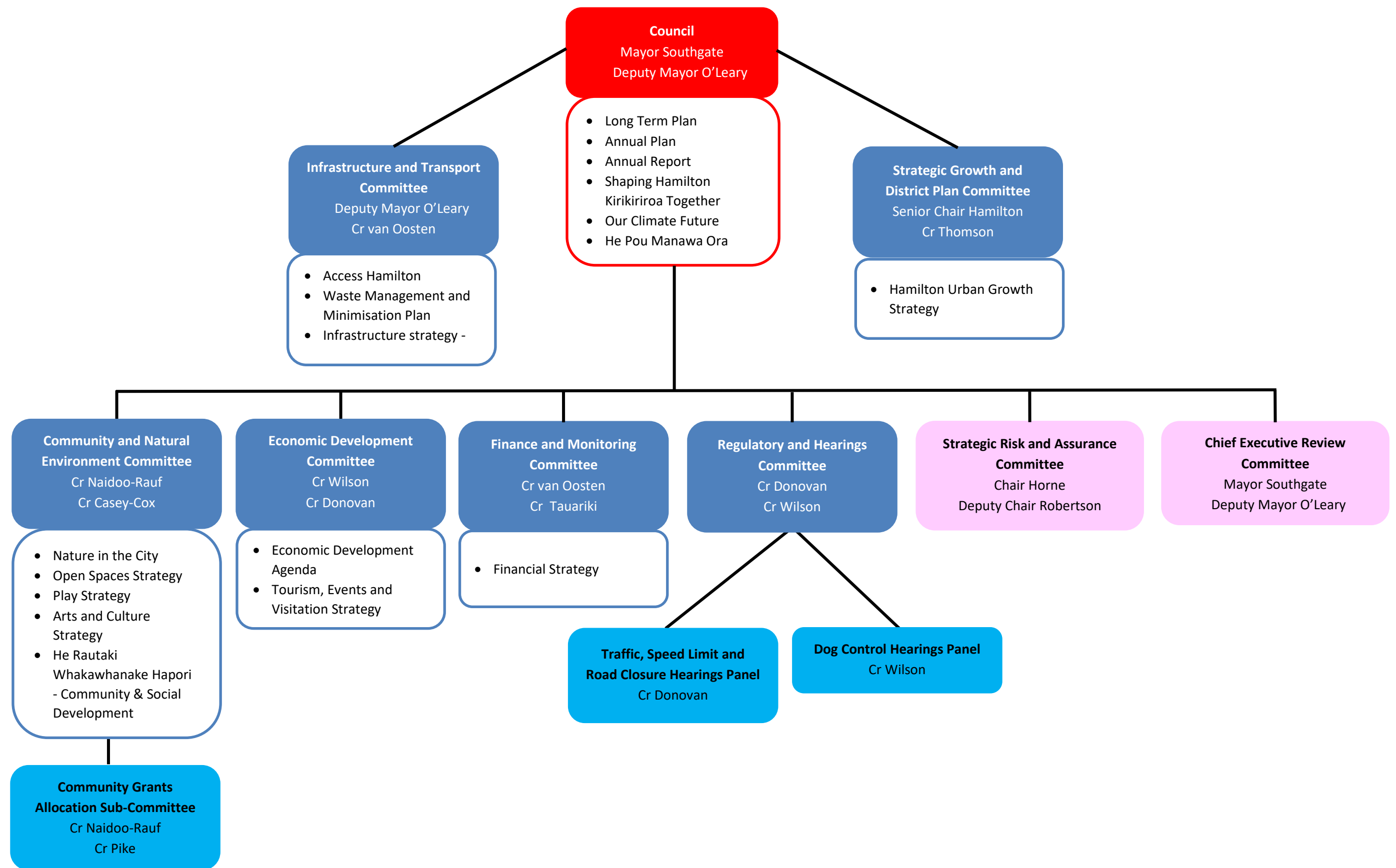
In the event of uncertainty or dispute as to which Committee is authorised to act in respect of a particular matter due to ambiguity or conflict between the provisions of the Terms of Reference, the Chief Executive will prepare a written report on the matter for Council's consideration. The decision of Council will be final and binding.

## **Interpretation**

References to legislation in this Governance Structure include its amendments, re-enactments and substitutions, as well as any regulations made under that legislation.



# Council and Committees



# Council

<b>Chairperson:</b>	Mayor Paula Southgate
<b>Deputy Chairperson:</b>	Deputy Mayor Angela O’Leary
<b>Membership:</b>	The Mayor and all Councillors
<b>Meeting frequency:</b>	Monthly
<b>Quorum:</b>	A majority of members (including vacancies)

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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<sup>1</sup>:
  - 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.
  - 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.

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<sup>1</sup> Clause 32, Schedule 7, Local Government Act 2002

- m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council does 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 1991.
  - 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 or otherwise of any proposal to establish, wind-up or dispose of any holding in, a CCO, CCTO or CO.
  - j) Approval of city boundary changes, including in respect of Strategic Boundary Land Use Agreements.
  - k) Approval of Activity Management Plans.
  - l) Sister City relationships.

#### **Oversight of Strategies, Plans and Reports:**

- Long Term Plan
- Annual Plan
- Annual Report
- Shaping Hamilton Kirikiriroa Together
- Our Climate Future
- He Pou Manawa Ora

#### **Oversight of Policies and Bylaws:**

- *Corporate Hospitality and Entertainment Policy*
  - *Delegations to officers specific to the Resource Management Act 1991*
  - *Delegations to Positions Policy*
  - *Elected Members Support Policy*
  - *Significance and Engagement Policy*
-

- *Climate Change Policy*
- *Any Community Engagement Policies*

# Common Delegations

The following delegations from Council are common to the following Committees within their respective areas of responsibility:

- Finance and Monitoring Committee,
- Strategic Growth and District Plan Committee,
- Infrastructure and Transport Committee,
- Community and Natural Environment Committee, and
- Economic Development Committee

## General Principle

1. The work of these Committees will be in accordance with the priorities and work programme agreed by the Council.
2. These Committees have the powers necessary to perform the Committee's responsibilities, in accordance with the approved Long Term Plan and Annual Plan budgets. Subject to confirmation of compliance with the Council's Financial Strategy.
3. Committees (through their Chairs) must consult and reach agreement with other relevant Committees:
  - a) where there is an overlap or any uncertainty on responsibilities and
  - b) where there is the potential for a significant impact through their decisions on another Committee's work

These Committees will:

## Strategy, plans and policy

4. Develop and agree strategy, plans and policy for the purposes of consultation/engagement.
  5. Establish working groups as required, noting:
    - a) membership appointments are made by the Chair after consultation with the Mayor
    - b) for clarity may include external stakeholders if appropriate
    - c) committees should have no more than two working groups at any one time
    - d) working groups must:
      - i. be reviewed within nine months of formation
      - ii. have a set timeframe for expiry
      - iii. be closely aligned to the committee work programme
      - iv. have a clear terms of reference and output
  6. Approve new or amended strategies or plans within the committee's terms of reference.
  7. Recommend to the Council new or amended policies for adoption/approval where this decision making has been retained by the Council.
  8. Implement, monitor and review strategy, plans and policy within the committee's terms of reference.
-

9. Monitor, implement (within the scope of the committee's Terms of Reference) and ensure decisions are not inconsistent with the following documents:
  - a) Our Climate Future
  - b) He Pou Manawa Ora
  - c) Disability Policy and Action Plan

#### **Bylaws**

10. Develop and agree the statement of proposal for new or amended bylaws for consultation.
11. Recommend to Council new or amended bylaws for adoption.

#### **Consultation and engagement**

12. Ensure appropriate, effective, and transparent engagement with the community, tangata whenua, and other stakeholders.
13. Conduct any public engagement required on issues before the Committee, in accordance with Council's Significance and Engagement Policy.
14. Conduct hearings, where appropriate, to consider submissions from members of the public and external organisations, making determinations on such matters unless they are reserved for Council to decide.

#### **Submissions and legislation**

15. Approve submissions to external bodies/organisations on legislation and proposals that impact governance policy or matters. Noting Chairs are delegated authority to approve draft submissions.

#### **Projects and programmes**

16. Monitor and oversee strategic projects and programmes.
17. Approve an increase in the budget level for a strategic project or programme provided that the overall budget for the relevant activity area is met, i.e. savings are found within the same activity area resulting in a financially neutral impact (where this is not the case the Committee must recommend to the Finance and Monitoring Committee that additional funding is approved (outside the Annual Plan or Long Term Plan process)).

#### **Contracts**

18. Approve and monitor contracts and other legally binding arrangements provided that such contracts/arrangements:
  - a) Do not require the approval of Council
  - b) Fall within the budget approved under the Long Term Plan or Annual Plan and have a value exceeding the Chief Executive's financial delegation

#### **Other**

19. Consider and make decisions which are within the Chief Executive's delegations, and which the Chief Executive has referred to the Committee for decision making.

20. Consider and make decisions on operational matters that fall within a Committee's area of responsibility that are outside of delegations to the Chief Executive or other Council officers.
21. Commission new Committee reports and work required to respond to significant or compliance issues, or to complete the agreed programme of Council.
22. Recommends the establishment of advisory groups or hearings panels and their terms of reference to Council for approval.

# Infrastructure and Transport Committee

<b>Reports to:</b>	The Council
<b>Chairperson:</b>	Deputy Mayor Angela O’Leary
<b>Deputy Chairperson:</b>	Cr Maxine van Oosten
<b>Membership:</b>	The Mayor and all Councillors
<b>Meeting frequency:</b>	Two monthly
<b>Quorum:</b>	A majority of members (including vacancies)

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## Purpose

The Infrastructure and Transport Committee is responsible for:

1. The execution of Council’s infrastructure and operational plans and strategies across Infrastructure asset classes.
2. To monitor and approve contracts relating to core infrastructure and provision of services.
3. Guiding and monitoring the provision of core infrastructure and services in particular relating to transport (including but not limited to public transport and cycleways), 3 waters (water, wastewater, stormwater) and waste management, to meet the current and future needs of the city and to enhance the wellbeing of its communities.
4. Facilitating community and stakeholder involvement and discussion on core infrastructure provision and services.
5. Guiding discussion and implementation of innovative core infrastructure and service provision solutions.
6. To ensure that all infrastructure networks and service provisions are legally compliant and operate within resource consent limits.

<b><i>In addition to the common delegations on page 10, the infrastructure and Transport Committee is delegated the following Terms of Reference and powers:</i></b>
--

## Terms of Reference:

7. To provide direction on strategic priorities and resourcing for core infrastructure aligned to city development and oversight of operational projects and services associated with those activities.
  8. To develop policy, approve core-infrastructure related operational strategies and plans and monitor their implementation.
  9. To receive and consider presentations and reports from stakeholders, government departments, organisations and interest groups on core infrastructure and associated services and wellbeing issues and opportunities.
  10. To provide direction regarding Council’s involvement in regional alliances, plans, initiatives and forums for joint infrastructure and shared services (for example Regional Transport Committee).
-



**The Committee is delegated the following powers to act:**

- Approval of capital expenditure within the Long Term Plan or Annual Plan that exceeds the Chief Executive's delegation, excluding expenditure which:
  - a) contravenes the Council's Financial Strategy; or
  - b) significantly alters any level of service outlined in the applicable Long Term Plan or Annual Plan; or
  - c) impacts Council policy or practice, in which case the delegation is recommendatory only and the Committee may make a recommendation to the Council for approval.
- Approval of any proposal to stop any road, including hearing and considering any written objections on such matters.
- Approval of purchase or disposal of land for core infrastructure for works and other purposes within this Committee's area of responsibility that exceed the Chief Executives delegation and is in accordance with the Annual Plan or Long Term Plan.

**The Committee is delegated the following recommendatory powers:**

- Approval of additional borrowing to Finance and Monitoring Committee.
- The Committee may make recommendations to Council and other Committees.

**Recommendatory Oversight of Strategies:**

- Access Hamilton
- Waste Management and Minimisation Plan
- Speed Management Plan
- Hamilton Biking Plan 2015-45

**Recommendatory Oversight of Policies and Bylaws:**

- *Three Waters Connections Policy*
- *Dangerous and Insanitary Buildings Policy*
- *Hamilton Parking Policy*
- *Streetscape Beautification and Verge Maintenance Policy*
- *Gateways Policy*
- *Traffic Bylaw*
- *Waste Management and Minimisation Bylaw*
- *Stormwater Bylaw*
- *Trade Waste and Wastewater Bylaw*
- *Water Supply Bylaw*

# Strategic Growth and District Plan Committee

<b>Reports to:</b>	The Council
<b>Chairperson:</b>	Cr Ryan Hamilton
<b>Deputy Chairperson:</b>	Cr Sarah Thomson
<b>Membership:</b>	The Mayor and all Councillors
<b>Meeting frequency:</b>	Two monthly
<b>Quorum:</b>	A majority of members (including vacancies)

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## Purpose

The Strategic Growth and District Plan Committee is responsible for:

1. Guiding sustainable physical development and growth of Hamilton to meet current and future needs, including oversight of strategic land-use planning, boundary alignment, and existing and alternative planning, funding and financing models for growth-related projects.
2. Driving collaboration with neighboring Councils, Iwi, private sector, and central government to meet Hamilton's growth ambitions.
3. Providing Governance leadership and direction to staff to develop amendments to the Hamilton City Operative District Plan 2017.

<b><i>In addition to the common delegations on page 10, the Strategic Growth and District Plan Committee is delegated the following Terms of Reference and powers:</i></b>
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## Terms of Reference:

4. To monitor and provide advice on the overall development and implementation of urban growth and development strategies, strategic land use, and spatial plans (e.g. Hamilton to Auckland Corridor and Hamilton-Waikato Metropolitan Spatial Plan), and long-term network infrastructure planning in line with national policy requirements.
  5. To provide direction and monitor Council's approach to the levying and use of rates for growth, as well as development contributions.
  6. To provide direction on and assess proposals for seeking alternative funding models, such as special purpose vehicles and infrastructure funding and financing.
  7. To provide direction on strategic priorities for network infrastructure aligned to city development, and oversight of strategic projects associated with those activities.
  8. To provide advice on the development and implementation of the Long Term Infrastructure Strategy.
  9. To assess proposals for Private Developer Agreements that exceed the Chief Executive's delegations for Unfunded Growth Projects<sup>1</sup> and, if appropriate for Unfunded Growth Projects<sup>1</sup>, to recommend such agreements to the Council for approval.
-

10. To provide direction regarding Council's involvement in and with Urban Development Authorities, regional alliances, plans, initiatives, and forums for spatial planning (for example, Future Proof, strategic boundary land use agreements and joint council growth related discussions).
11. To consider the impacts of land use and urban development on the environment.
12. To provide clear direction on Council's strategic priorities to organisations and groups, for which Council facilitates funding, aligned with these Terms of Reference, and to oversee those funding arrangements and receive their strategic and business plans and annual performance reports.
13. To provide and approve broad strategic direction to inform and guide the development of the District Plan amendments programme of work.
14. To prepare and approve a draft set of District Plan amendments for the purpose of obtaining initial feedback and comment from the community, stakeholder, and tangata whenua groups.
15. To recommend any proposed District Plan amendments to the Council for adoption and release for formal notification.
16. To provide regular updates to the Council on the progress of the District Plan amendments programme of work.
17. To appoint representation to relevant regional strategy groups as required.

**The Committee is delegated the following powers to act:**

- Approval of purchase or disposal of land for network infrastructure, or parks and reserves for works and other purposes within this Committee's area of responsibility that exceeds the Chief Executive's delegation and is in accordance with the Annual plan or Long Term Plan.
- Approval of matters determined by the Committee within its Terms of Reference.

**The Committee is delegated the following recommendatory powers:**

- Adoption of the Long Term Infrastructure Strategy to the Council.
- Approval of additional borrowing to the Finance and Monitoring Committee.
- Approval of city boundary changes to the Council, including in respect of Strategic Boundary Land Use Agreements.
- The Committee may make recommendations to Council and other Committees.

**Recommendatory Oversight of Strategies and Plans:**

- Hamilton Urban Growth Strategy
- Central City Transformation and River Plan(s)

**Recommendatory Oversight of Policies and Bylaws:**

- Development Contributions Policy
- Growth Funding Policy
- Sale and Disposal of Council Land Policy

<sup>1</sup> Unfunded Growth Projects are defined in the Growth Funding Policy as:

- a) Not funded projects
- b) Funded projects but which are proposed to commence earlier than the sequencing and timing established in the Long Term Plan; and/or
- c) Funded projects but which are now proposed to occur beyond the scale, scope and cost prescribed or anticipated for those projects in the Long Term Plan.

# Finance and Monitoring Committee

<b>Reports to:</b>	The Council
<b>Chairperson:</b>	Cr Maxine van Oosten
<b>Deputy Chairperson:</b>	Cr Moko Tauariki
<b>Membership:</b>	The Mayor and all Councillors
<b>Meeting frequency:</b>	Two monthly
<b>Quorum:</b>	A majority of members (including vacancies)

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## **Purpose:**

The Finance and Monitoring Committee is responsible for:

1. Monitoring Council's current financial strategy, and financial performance against the Long Term Plan and Annual Plan.
2. Determining financial matters within its delegations and Terms of Reference and making recommendations to Council on financial matters outside its authority.

<b><i>In addition to the common delegations on page 10, the Finance and Monitoring Committee is delegated the following Terms of Reference and powers:</i></b>
--

## **Terms of Reference:**

3. To provide direction on Council's financial strategy and monitor performance against that strategy.
4. To monitor Council's financial performance against the Council's Long Term Plan and the impact of the financial performance on services levels and rate payers' value.
5. To monitor Council's capital expenditure against the Council's Long Term Plan.
6. To monitor Council's service delivery performance as outlined in the Council's Long Term Plan.
7. To develop and monitor policy related to the following matters:
  - a) financial management;
  - b) revenue generation; and
  - c) procurement and tendering.
8. To monitor the probity of processes relating to policies developed by the Finance and Monitoring Committee.
9. To provide clear direction to the Local Government Funding Agency on Council's expectations, including feedback on the draft statements of intent.
10. To receive six-monthly reports from the Local Government Funding Agency.

**The Committee is delegated the following powers to act:**

- Approval of operating expenditure within the Long Term Plan or Annual Plan that exceeds the Chief Executive's delegation, excluding expenditure which:
  - i. contravenes the Council's Financial Strategy; or
  - ii. significantly alters any level of service outlined in the applicable Long Term Plan or Annual Plan; or
  - iii. impacts Council policy or practice, in which case the delegation is recommendatory only and the Committee may make a recommendation to the Council for approval.
- Approval of contractual and other arrangements for supply and services, and revenue generating contracts, which:
  - i. exceed the Chief Executive's delegations, but
  - ii. exclude contracts or arrangements that are reserved for the Council or another Committee's approval.
- Approval to write-off outstanding accounts that exceeds the Chief Executive's delegation.

**The Committee is delegated the following recommendatory powers:**

- To set the direction of Council's Financial Strategy.
- The Committee may make recommendations to Council.
- The Committee may make recommendations to other Committees.

**Recommendatory Oversight of Strategies:**

- Financial Strategy

**Recommendatory Oversight of Policies and Bylaws:**

- *Funding Needs Analysis Policy*
- *Investment and Liability Management Policy*
- *Rates Remissions and Postponements Policy*
- *Rating Policy*
- *Revenue and Financing Policy*

# Economic Development Committee

<b>Reports to:</b>	The Council
<b>Chairperson:</b>	Cr Ewan Wilson
<b>Deputy Chairperson:</b>	Cr Mark Donovan
<b>Membership:</b>	The Mayor and all Councillors,
<b>Meeting frequency:</b>	Two monthly
<b>Quorum:</b>	A majority of members (including vacancies)

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## Purpose

The Economic Development Committee is responsible for:

1. Governance of Hamilton's economic agenda and investment development opportunities consistent with Council's vision for the city and to enhance the wellbeing of Hamiltonians.

***In addition to the common delegations on page 10, the Economic Development Committee is delegated the following Terms of Reference and powers:***

## Terms of Reference:

2. To drive and enhance Hamilton's economic position by actively promoting Hamilton.
3. To promote investment and business attraction opportunities for Hamilton and the greater Waikato region.
4. To provide advice on strategic initiatives, plans, projects and potential property developments that have a material impact upon the Hamilton economy.
5. To develop, review and monitor the implementation of the Economic Development Agenda.
6. To recommend funding levels for service contracts with Business Improvement District(s), Hamilton and Waikato Tourism and Te Waka, and any others subject to funding approval by Council through the Councils long-term plan process, and approve said contracts with relevant third parties.
7. To monitor the performance and provide guidance on Council's relationship with key stakeholders including, but not limited to Te Waka, Hamilton Waikato Tourism and the Hamilton Central Business Association.
8. To monitor the performance of Council's major event venues operation (H3).
9. To review and monitor the implementation of Council's Event Sponsorship Policy.
10. To approve annual Event Sponsorship funding applications and monitor any grants made to external organisations under the terms of the Event Sponsorship Policy.
11. To support and assist with efforts for external partnerships on Council projects that will provide economic development opportunities for Hamilton and the region.

12. To develop and monitor policy related to the appointment and remuneration of directors of CCOs, CCTOs, and COs.
13. To provide clear direction to Council's CCOs, CCTOs, and COs on Council's expectations, including feedback on draft statements of intent.
14. To receive six-monthly reports of Council's CCOs, CCTOs, and COs, including on board performance.
15. To undertake any reviews of CCOs and CCTOs and agree CCO/CCTO-proposed changes to their governance arrangements
16. To develop policy, approve and monitor implementation of plans and strategies in relation to the performance of Council's investments in the Municipal Endowment Fund and strategic property.

**The Committee is delegated the following powers to act:**

- Approval of event sponsorship applications annually in accordance with the Event Sponsorship Policy.
- Approval of letters of expectation for each CCO, CCTO, and CO.
- To provide feedback on draft statements of intent for each CCO, CCTO, and CO.
- Appointments to, and removals from, CCO, CCTO, and CO boards
- Approval of proposed major transactions or constitutional adjustments of CCOs, CCTOs, and COs.
- Approval of acquisition or sale or lease of properties owned by the Council or owned by the Municipal Endowment Fund consistent with the Municipal Endowment Fund Investment Policy, for any endowment properties. Note that if the Mayor and Chair consider that a final decision is more appropriately made by Council due to its significance, they may direct that and decision remains recommendatory, requiring ratification by Council.

**The Committee is delegated the following recommendatory powers:**

- Approval or otherwise of any proposal to establish, wind-up or dispose of any holding in, a CCO, CCTO, or CO.
- The Committee may make recommendations to Council.
- The Committee may make recommendations to other Committees.

**Recommendatory Oversight of Strategies:**

- Economic Development Agenda
- Tourism, Events and Visitation Strategy

**Recommendatory Oversight of Policies and Bylaws:**

- *Appointment and Remuneration of Board Members of COs, CCOs, and CCTOs Policy*
- *Event Sponsorship Policy*
- *Freeholding of Council Endowment Land Policy*
- *Municipal Endowment Fund Policy*



- *Business Improvement District (BID) Policy*
- *International Relations Policy*

# Community and Natural Environment Committee

<b>Reports to:</b>	The Council
<b>Chairperson:</b>	Cr Kesh Naidoo-Rauf
<b>Deputy Chairperson:</b>	Cr Anna Casey-Cox
<b>Membership:</b>	The Mayor and all Councillors,
<b>Meeting frequency:</b>	Two monthly
<b>Quorum:</b>	A majority of members (including vacancies)

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## Purpose

The Community and Natural Environment Committee is responsible for:

1. Guiding and monitoring the provision of strategic community infrastructure and services to meet the current and future needs of the city and the enhanced wellbeing of its communities.
2. Governance of recreational, community facilities, amenities, and events.
3. Facilitating community and stakeholder involvement and discussion on community infrastructure, community safety, and community wellbeing matters.
4. Ensuring Hamilton is performing to the highest standard in the area of civil defence and emergency management.
5. The execution of Council's infrastructure and operational plans and strategies across Community asset classes.
6. Funding to benefit the social, cultural, physical, and arts wellbeing of communities in Hamilton.
7. Governance of strategies, policies and plans relating to the wellbeing, protection, enhancement, and sustainability of Hamilton's natural environment as identified in this terms of reference.

<b><i>In addition to the common delegations on page 10, the Community and Natural Environment Committee is delegated the following Terms of Reference and powers:</i></b>
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## Terms of Reference:

8. To provide direction on strategic priorities and resourcing for community infrastructure aligned to city's overall development and oversight of strategic projects associated with those activities.
  9. To develop policy, approve community-related strategies and plans, and monitor their implementation.
  10. To receive and consider presentations and reports from stakeholders, government departments, organisations, and interest groups on community development and wellbeing issues and opportunities.
  11. To monitor Hamilton's social demographics and social climate to assess current and future impacts on the Council and Hamilton communities.
-

12. To monitor the performance of Hamilton's civil defence and emergency management response against Council's requirements under the Civil Defence Emergency Management Act including:
  - a) implementation of Government requirements;
  - b) contractual service delivery arrangements with the Waikato Regional Group Emergency Management Office
13. To determine the funding priorities for the Community Grants Allocation Committees, in line with the Community Assistance Policy, Long Term Plan and Annual Plan.
14. To determine the priority of Council projects suitable for contestable and philanthropic funding, excluding NZTA funding.
15. To coordinate and make decisions on proposals, applications for external funding, and the distribution of Council funding and funding provided to Council for public art, recreational and community facilities, and amenity.
16. To develop policy, approve, and monitor implementation of plans and strategies in relation to the performance of Council's investments in the Domain Endowment Fund and strategic property.
17. To develop policy, approve strategies and plans for the sustainable use of Hamilton's natural resources, and to monitor their implementation as identified in this terms of reference.
18. To develop policy, approve strategies and plans for Council's corporate environmental sustainability, and to monitor their implementation.
19. To develop policy, approve strategies and plans for Council's biodiversity, and to monitor their implementation.

**Special Notes:**

- The Committee may request expert external advice through the Chief Executive as necessary.

**The Committee is delegated the following powers to act:**

- Approval of Reserve Management Plans.
  - Performing the Council's functions, powers, and duties (excluding those matters reserved to the Council by law, by resolution of the Council or as otherwise delegated by Council) under the Burial and Cremation Act 1964 and the Reserves Act 1977.
  - Approval of purchase or disposal of land for parks and reserves required for designated works or other purposes within the Committee's area of responsibility which exceeds the Chief Executive's delegations and is in accordance with the Annual Plan or Long Term Plan.
  - Approval of applications for Council projects suitable for contestable and philanthropic funding.
  - Approval of funding for recreational and community facilities and amenities in accordance with the Long Term Plan.
  - Approval of public art proposals put forward by the community and/or Council in accordance with the Public Art Development Process and approved budget.
  - Approval of the Heritage Fund grant allocation in line with the Heritage Plan.
-

- Approval of matters determined by the Committee within its Terms of Reference.
- Approval of acquisition or sale or lease of properties owned by the Domain Endowment Fund consistent with the Domain Endowment Fund Investment Policy, for any endowment properties. Note that if the Mayor and Chair consider that a final decision is more appropriately made by Council due to its significance, they may direct that and decision remains recommendatory, requiring ratification by Council.

**The Committee is delegated the following recommendatory powers:**

- The Committee may make recommendations to Council.
- The Committee may make recommendations to other Committees.

**Recommendatory Oversight of Strategies:**

- Nature in the City
- Open Spaces Strategy
- Play Strategy
- Arts and Culture Strategy
- Age Friendly Plan
- He Rautaki Whakawhanake Hapori - Community & Social Development

**Recommendatory Oversight of Policies and Bylaws:**

- *Alcohol Control Bylaw*
- *Animal Nuisance Bylaw*
- *Citizens Initiated Referenda Policy*
- *City Honours Policy*
- *Class 4 Gambling Venue Policy*
- *Community Assistance Policy*
- *Community Occupancy Policy*
- *Cemeteries and Crematorium Bylaw*
- *Cultural and Recreational Facilities Bylaw*
- *Disability Policy*
- *Dog Control Bylaw*
- *Dog Control Policy*
- *Domain Endowment Fund Policy*
- *External Funding Applications Policy*
- *Monuments and Memorials Policy*
- *Naming of Roads, Open Spaces and Council Facilities Policy*
- *Open Space Provision Policy*
- *Parks, Domains and Reserves Bylaw*

- *Permanent Public Art Policy*
- *Provisional Local Alcohol Policy (if developed)*
- *Psychoactive Substances (Local Approved Products) Policy*
- *Prostitution Bylaw*
- *Public Places Bylaw*
- *Trading in Public Places Policy*
- *Safety in Public Places Bylaw*
- *Smokefree and Vapefree Outdoor Areas Policy*
- *TAB Board Venue Policy*

# Community Grants Allocation Sub-Committee

**Reports to:** The Community and Natural Environment Committee

**Chairperson:** Cr Kesh Naidoo-Rauf

**Deputy Chairperson:** Cr Emma Pike

**Membership:** Cr Ewan Wilson  
Cr Anna Casey-Cox  
Cr Moko Tauariki

**Meeting frequency:** As required

**Quorum:** Three Members

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## **Purpose:**

1. The Community Grants Allocation Sub-Committee is responsible for providing recommendations to the Community and Natural Environment Committee on the allocation of Community Grants in compliance with the Community Assistance Policy 2021.

## **Terms of Reference:**

2. To assess and provide recommendations to the Community and Natural Environment Committee concerning the allocation of the following Community grants in line with the Community Assistance Policy 2021:
  - Community Event Fund
  - Multi-Year Community Grant
  - Single-Year Community Grant
  - Creative Partnerships Fund

## **The Committee is delegated the following powers to act:**

- The sub-committee has no decision-making powers.
- The sub-committee must make recommendations to the Community and Natural Environment Committee on all matters relating to the allocation of community grants.

## **The Committee is delegated the following recommendatory powers:**

- The Sub-Committee may make recommendations to Community and Natural Environment Committee.

## **Recommendatory Oversight of Policies and Bylaws:**

- N/A
-

# Regulatory and Hearings Committee

<b>Reports to:</b>	The Council
<b>Chairperson:</b>	Cr Mark Donovan
<b>Deputy Chairperson:</b>	Cr Ewan Wilson
<b>Membership:</b>	Deputy Mayor Angela O’Leary Cr Maxine van Oosten Cr Moko Tauariki Cr Louise Hutt Cr Andrew Bydder Cr Anna Casey-Cox Cr Melaina Huaki Cr Geoff Taylor
<b>Meeting frequency:</b>	As required
<b>Quorum:</b>	Three members (for matters relating to those functions in paragraph 3 and 4 below).  Five members for all other functions.

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## Purpose

1. To conduct fair and effective hearings and make determinations on a range of the Council’s quasi-judicial functions under legislation and other matters as referred to the Committee.
2. To convene and coordinate advisory groups or panels on matters referred by other Committees.

<b><i>The Regulatory and Hearings Committee is delegated the following Terms of Reference and powers:</i></b>
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## Terms of Reference:

3. Hear and determine any statutory or regulatory hearings under relevant legislation unless otherwise delegated by Council, including (but without limitation):
    - objections under the Dog Control Act 1996; *\*see special note*
    - matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002;
    - proposals for temporary closure of any road. *\*see special note*
  4. Consider and determine traffic and speed limit related matters, including those detailed in the Traffic Bylaw and Speed Management Plan, including hearing any submissions relating to those proposed changes. *\*see special note*
  5. Hear and determine matters arising under current bylaws and policies, including applications for dispensation from compliance with the requirements of bylaws or policies, unless such matters are otherwise delegated by Council.
-

6. Hear and determine other matters that require hearings or submissions, as referred by Council or other Committees.

**The Committee is delegated the following powers to act:**

- Approval of matters determined by the Committee within its Terms of Reference.
- Approval of the establishment of hearings panels and their terms of reference.

**The Committee is delegated the following recommendatory powers:**

- The Committee may make recommendations to the Council.
- The Committee may make recommendations to Committees.

**Special Notes:**

- The Committee may request expert advice through the Chief Executive when necessary.
- The Committee may appoint additional members for hearings where the relevant terms of reference specify the requirement for expert or external representation.
- The following Hearings Panels have been established:
  - Dog Control Hearings Panel
  - Traffic, Speed Limit and Road Closure Hearings Panel



# Dog Control Hearings Panel

**Reports to:** The Regulatory and Hearings Committee

**Chairperson:** Cr Ewan Wilson

**Membership:** Cr Mark Donovan  
Cr Moko Tauariki  
Cr Andrew Bydder  
Cr Anna Casey-Cox  
Cr Melaina Huaki

**Meeting frequency:** As required

**Quorum:** Three members

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## Purpose

1. To conduct fair and effective hearings and make determinations on objections under the Dog Control Act 1996.

<b><i>The Dog Control Hearings Panel is delegated the following Terms of Reference and powers:</i></b>
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## Terms of Reference:

2. Hear and determine any objections under the Dog Control Act 1996.

# Traffic, Speed Limit and Road Closure Hearings Panel

**Reports to:** The Regulatory and Hearings Committee

**Chairperson:** Cr Mark Donovan

**Membership:** Deputy Mayor Angela O’Leary  
Cr Maxine van Oosten  
Cr Ewan Wilson  
Cr Louise Hutt  
Cr Anna Casey-Cox  
Cr Geoff Taylor

**Meeting frequency:** As required

**Quorum:** Three members

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## Purpose

1. To conduct fair and effective hearings and make determinations on objections relating to the Traffic Bylaw, Speed Limit Bylaw, and proposals for temporary closure of any road.

<b><i>The Traffic, Speed Limit and Road Closure Hearings Panel is delegated the following Terms of Reference and powers:</i></b>
--

## Terms of Reference:

2. To consider and determine traffic and speed limit related matters, including those detailed in the Traffic Bylaw and Speed Management Plan, including hearing any submissions relating to those proposed changes.
3. To hear and determine statutory or regulatory hearings and make determinations on objections relating to proposals for the temporary closure of any road.

# Strategic Risk and Assurance Committee

<b>Reports to:</b>	The Council
<b>Chairperson:</b>	External appointee – Keiran Horne
<b>Deputy Chairperson:</b>	External appointee – Bruce Robertson
<b>Membership:</b>	Mayor Paula Southgate Chairperson of the Finance and Monitoring Committee – Cr Maxine van Oosten Deputy Chairperson of the Finance and Monitoring Committee – Cr Moko Tauariki Chairperson of the Strategic Growth and District Plan Committee – Cr Ryan Hamilton Chairperson of the Infrastructure and Transport Committee – Deputy Mayor Angela O’Leary Chairperson of the Community and Natural Environment Committee – Cr Kesh Naidoo-Rauf Chairperson of the Economic Development Committee – Cr Ewan Wilson
<b>Meeting frequency:</b>	As required – no less than four times a year
<b>Quorum:</b>	Four members (including one external appointee)

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## Purpose:

1. The Strategic Risk and Assurance Committee is responsible for providing objective advice and recommendations to the governing body on the adequacy and functioning of the Council’s risk management and assurance framework and external reporting.
2. The committee will review the effectiveness of the following aspects of governance, risk, and resilience management and internal control:
  - risk and resilience management
  - internal and external audit and assurance
  - health, safety, and wellbeing
  - integrity and investigations
  - monitoring of compliance with laws and regulations

## Terms of Reference:

### *Risk and Resilience*

3. Review the effectiveness of the risk control environment established by management to safeguard Council’s financial and non-financial assets, including the adequacy and

appropriateness of insurance policies in place and management's actions to mitigate risks and report six monthly to Council.

4. To review the Risk Management Policy and recommend to Council revisions to the policy for adoption.
5. Review Council's strategic and organisational risk register and monitor existing controls and treatment actions.
6. Periodic in-depth reviews of specific, significant risks.
7. Monitor emerging risks and recommend to Council or management new strategic and organisational risks to be added to the strategic and organisational risk register.
8. Oversight of risk management and assurance across Council's CCOs and CCTOs with respect to risks that may have a significant impact on Council.
9. Review the adequacy and effectiveness of Council's health, safety and wellbeing and resilience (cybersecurity, protective security, business continuity, crisis, emergency, incident) management programmes.
10. Review the Fraud and Corruption, Protected Disclosure, Conflict of Interest, and Sensitive Expenditure management policies to ensure appropriate guidance and processes are in place.

#### *Internal Audit*

11. In conjunction with the Chief Executive, agree the scope of the annual internal audit work programme, having regard to Council's significant risks.
12. Monitor the delivery of the internal audit work programme to ensure the effectiveness of the Council's internal control framework.
13. Assess whether internal audit recommendations have been properly implemented by management.
14. Review the annual internal audit plans to ensure appropriate organisational structures, authority, access, independence, resourcing and reporting arrangements are in place.

#### *External Audit*

15. Engage with Council's external auditors regarding the external audit work programme and agree the proposed terms and arrangements of the external audit.
16. Recommend to Council the terms and arrangements for the external audit programme.
17. Review the effectiveness of the Annual Plan audit and Long Term Plan audit.
18. Assess management response to audit reports and the extent to which external audit recommendations concerning internal accounting controls and other matters are implemented.

#### *Statutory Reporting*

19. Review and monitor the integrity of the interim and annual report, focusing particularly on:
  - a) compliance with, and the appropriate application of, relevant accounting policies, practices and accounting standards

- b) compliance with applicable legal requirements relevant to statutory reporting
- c) the consistency of application of accounting policies as well as changes to accounting policies and practices that may affect the way that accounts are presented
- d) any decisions involving significant judgment, estimation or uncertainty
- e) the extent to which financial statements are affected by any unusual transactions and the manner in which these are disclosed
- f) the disclosure of contingent liabilities and contingent assets
- g) the clarity of disclosures generally
- h) the basis for the adoption of the going concern assumption
- i) significant adjustments resulting from the audit

#### *Other Matters*

- 20. Review the effectiveness of the systems for monitoring the Council's compliance legislation, regulation, policy and guidelines.
- 21. Engage with internal and external auditors on any specific one-off audit assignments.
- 22. Conduct and monitor special investigations in accordance with Council policy and approved budget or in response to material matters raised by staff or committee members, including engaging expert assistance, on matters within its Terms of Reference.
- 23. The Chairperson shall review the travel and other reimbursed expenses of the Chief Executive and confirm compliance with Council policies. This information will be provided to the Chairperson on a six-monthly basis.
- 24. Such other Matters referred to it by Council.

#### **The Committee is delegated the following recommendatory powers:**

- The Committee has no decision-making powers.
- The Committee may make recommendations to the Council and/or the Chief Executive, as appropriate.
- The Committee may request expert external advice through the Chief Executive where necessary.

#### **Special Notes:**

- In fulfilling their role on the committee, members shall be impartial and independent at all times.
- Members are appointed for an initial term of no more than three years that aligns with the triennial elections, after which they may be eligible for extension or reappointment.

- Council appoints two external members of the committee, one of whom shall be Chairperson. External members shall have a broad range of skills and experience including risk management, health, safety and wellbeing, accounting or audit experience; the terms of the appointment to be recorded in a contract. External member contracts are to be reviewed and assessed six (6) months after each triennial election with no external members staying on Committee for longer than three (3) trienniums.
- The Chief Executive and any Internal Auditor(s) are required to attend all meetings but are not members and have no voting rights. Other Council officers may attend the committee meetings, as required.
- The Chief Executive and the Principal Advisor shall be responsible for drawing to the committee's immediate attention any material matter that relates to the financial condition of Council, any material breakdown in internal controls, and any material event of fraud, corruption or malpractice.
- The chairperson shall present an annual Audit and Risk Self Review to Council summarising the committee's activities during the year and any related significant results and findings.

**Recommendatory Oversight of Policies and Bylaws:**

- *Risk Management Council Policy*
- *Fraud and Corruption Management Policy*
- *Protected Disclosure Management Policy*
- *Conflict of Interest Management Policy*
- *Sensitive Expenditure Management Policy*

# Chief Executive Review Committee

<b>Reports to:</b>	The Council
<b>Chairperson:</b>	Mayor Paula Southgate
<b>Membership:</b>	Deputy Mayor Angela O’Leary Cr Ryan Hamilton Cr Ewan Wilson Cr Maxine van Oosten
<b>Meeting frequency:</b>	As required
<b>Quorum:</b>	Three members

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## **Purpose and Terms of Reference:**

1. To review the Chief Executive’s performance and make recommendations to the Council about all matters relating to the employment of the Chief Executive and the Chief Executive’s employment agreement.

## **The Committee is delegated the following recommendatory powers:**

- The Committee has no decision-making powers.
- The Committee must make recommendations to Council on all matters relating to the employment of the Chief Executive, including performance measures and remuneration.

## **Special Notes:**

- The Committee may request expert advice through the Governance Manager when necessary.

# Appointments



# Waikato-Tainui Hamilton City Council

## Co-Governance Forum

<b>Reports to:</b>	The Council
<b>Chairperson:</b>	Co Chairs: Mayor Paula Southgate and Linda Te Aho
<b>Membership:</b>	Deputy Mayor Angela O’Leary Cr Maxine van Oosten Cr Moko Tauariki Cr Anna Casey-Cox Cr Kesh Naidoo-Rauf (alternate) Vanessa Clark Donald Turner Carolyn Hopa Anaru Adams
<b>Meeting frequency:</b>	As required – no less than four times a year
<b>Quorum:</b>	Two members from Hamilton City Council (including the Chair), and two members from Te Arataura (including the Chair)

<b><i>The Waikato-Tainui Hamilton City Council Co-Governance Forum is delegated the following Terms of Reference and powers:</i></b>
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### Parties / Ngaa Mema

1. Hamilton City Council
2. Te Arataura as the Executive of Te Whakakitenga o Waikato Incorporated

### Purpose / Te Tikanga

3. The purpose of the Co-governance forum is to:
  - a) Provide an enduring structure that enables Hamilton City Council and Waikato-Tainui to build a strong and mutually beneficial relationship
  - b) Provide opportunities for collaboration that promote and support better environmental, social, cultural and economic outcomes through agreed projects
  - c) To meet obligations under the Joint Management Agreement between Hamilton City and Waikato-Tainui through the shared exercise of functions, duties, powers and involvement in planning processes as it relates to the Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

## **Structure / Te Hanganga**

4. The co-governance forum structure is:
  - a) Five (5) elected members from Hamilton City Council
  - b) Five (5) elected members from Te Arataura
5. The quorum for the meetings is:
  - c) Two (2) members from Hamilton City Council (including the Co-Chair), and
  - d) Two (2) members from Te Arataura (including the Co-Chair)
6. The governance structure is supported by Chief Executives who shall set the meeting agenda and recommend annual projects for approval by the Co-governance forum.
7. Staff from either party may attend meetings to provide reports, information and deliver presentations to assist decision making.
8. The Chief Executives are required to report back to their respective governance bodies.
9. All discussions and information shared will be public record unless the information contained within reports and discussions meet the specific requirements of the Local Government Official Information and Meetings Act 1987.

## **Status of Terms of Reference / Te mana o teenei whakatau**

10. This Term of reference provide guidance on how the Co-governance forum will operate and decide on annual projects.

## **Values and Principles / Ngaa Waariu me nga Maataapono**

- Pono - To act with mana/integrity
- Tika - To acknowledge the mana/integrity of each member
- Manaaki - To have a shared commitment to the relationship
- Aroha - To act in good faith, open, honest, responsive and constructive in a 'no surprises' approach.
- Mahi Tahi - To work in collaboration

## **Meeting Structure / Ngaa Hui**

11. The meetings will operate as follows:
  - a) The Co-governance Forum meets four times a year
  - b) Meetings are hosted on an alternate basis
  - c) The meeting agenda will be approved by Chief Executives from both Waikato Tainui and Hamilton City Council
  - d) All meetings are co-chaired by Te Arataura and Hamilton City Council

- e) Hamilton City Council Governance unit is responsible for all administration duties including collation and distribution of meetings packs
- f) Meeting packs must be received by members no later than three clear working days prior to meeting date.

**Annual Plan / Maahere-aa-tau**

12. The Chief Executives from both parties are responsible for presentation and delivery of an annual plan that will consist of:
- a) No more than four agreed annual projects
  - b) Agreed performance monitoring indicators aligned to individual projects
  - c) An annual report outlining successes, challenges and recommendations for each individual project

# District Licensing Committee

<b>Reports to:</b>	The Council
<b>Chairperson:</b>	External appointee – Sara Grayson
<b>Membership:</b>	Tegan McIntyre (Alternate Commissioner/Chairperson) Patsi Davies Chrissy Hodgkinson Brett McEwan Murray Clearwater Roger Mathews Cr Ewan Wilson

Noting that Section 192 of the Sale and Supply of Alcohol Act 2012 provides that a person may be appointed to the list of approved DLC members for a period of up to five years and may be approved for any one or more further periods of up to five years. A such, appointments to this committee will be made by Council from time to time.

<b>Meeting frequency:</b>	As required
<b>Quorum:</b>	Three members (with the exception of uncontested applications which can be considered by the Chairperson acting alone).

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## Purpose

1. To administer the Council's alcohol licensing framework as determined by the Sale and Supply of Alcohol Act 2012 ('the Act')

## Terms of Reference:

2. To consider and determine applications for licences and manager's certificates
  3. To consider and determine applications for renewal of licences and manager's certificates
  4. To consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with certain requirements
  5. To consider and determine applications for the variation, suspension, or cancellation of special licences
  6. To consider and determine applications for the variation of licences (other than special licences)
  7. With the leave of the chairperson of the Alcohol Regulatory and Licensing Authority ('the licensing authority'), to refer applications to the licensing authority
  8. To conduct inquiries and to make reports as may be required of it by the licensing authority
  9. Other functions conferred on the District Licensing Committee by the Act or other legislation
-

**The Committee is delegated the following powers to act:**

- To make decisions on applications and renewals for licences and manager's certificates in accordance with its terms of reference, the Act and other relevant legislation

**The Committee is delegated the following delegatory powers:**

- This Committee may make recommendations to Council

**Special Notes:**

- The Committee may request expert advice through the Chief Executive when necessary
- The licensing authority is the overarching national body set up to ensure that the Act is fairly applied

# Independent Hearings Commissioners' Panel

**Reports to:** The Council

**Chairperson:** As appropriate

**Membership - with up to three sitting at any one time (including the Chairperson, if required):**

Alistair Black;  
Bill Wasley;  
Cherie Lane;  
Chris Mitchell;  
David Hill;  
David McMahon;  
Gerry Kessels;  
Gina Sweetman;  
Glenda Fryer;  
Heike Lutz;  
Jan Caunter;  
Jan Sedgewick;  
Judith Makinson;  
Justine Bray;  
Kate McArthur;  
Linda Te Aho;  
Loretta Lovell;  
Mark Farnsworth;  
Peter Kensington;  
Richard Knott;  
Robert Schofield;  
Steven Wilson;  
Tracie Dean-Speirs;  
Tracy Ogden-Cork;  
Vicki Morrison-Shaw;  
Vishal Chandra; and  
any Hamilton City Councillor who is a Ministry for the Environment accredited RMA Commissioner.

**Meeting frequency:** As required

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## **Purpose:**

1. To undertake certain hearings under the Resource Management Act 1991 ('RMA'), unless otherwise reserved by full Council.

<p><b><i>The Independent Hearings Commissioners' Panel is delegated the following Terms of Reference and powers:</i></b></p>
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**Terms of Reference:**

2. The power to hear and decide any of the following RMA matters:
  - a) application for a resource consent or change to conditions of resource consent;
  - b) notice of objection;
  - c) notice of requirement to designate land and alter a designation; for a heritage order and alteration to a heritage order; or
  - d) to hear submissions and decide on Plan Changes and Reviews of the Operative Hamilton City District Plan under Schedule 1 to the Resource Management Act 1991 where Council resolves to not hear and decide on those matters.
3. The power to exercise all procedural powers under the RMA relevant to the matter to be heard from the date selection being confirmed by the General Manager Growth until the date the final decision is delivered by the hearings commissioner(s).
4. The power to select a hearings chairperson; and give the chairperson, if one is selected, a casting vote.

**Special Notes:**

- The General Manager Growth is delegated authority to select the Hearings Commissioner/s from the appointed list to hear and decide RMA matters within the Terms of Reference.
- The Commissioners' decisions are reported to Council for information and District Plan effectiveness monitoring

# Council Internal Panels

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## He Pou Manawa Ora Panel

**Reports to:** The Council

**Membership:** Cr Melaina Huaki (Chair)  
Mayor Paula Southgate  
Deputy Mayor Angela O’Leary  
Cr Kesh Naidoo-Rauf  
Cr Maxine van Oosten  
Cr Mark Donovan

## City Honours Panel

**Reports to:** Community and Natural Environment Committee

**Membership:** Cr Ryan Hamilton (Chair)  
Cr Kesh Naidoo-Rauf  
Cr Emma Pike  
Cr Melaina Huaki  
Martin Gallagher (honorary)  
Mayor Paula Southgate (ex officio)

## City Investment Programme Leadership Forum

**Reports to:** Community and Natural Environment Committee

**Membership:** Mayor Paula Southgate (Chair)  
Cr Ryan Hamilton  
Cr Kesh Naidoo-Rauf  
Cr Moko Tauariki

## Municipal Endowment Fund Panel

**Reports to:** Economic Development Committee

**Membership:** Cr Ewan Wilson (Chair)  
Mayor Paula Southgate  
Cr Ryan Hamilton  
Cr Mark Donovan



# Council Controlled Organisations

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## **Waikato Local Authority Shared Services (WLASS)**

**Reports to:** Economic Development Committee

**Membership:** Lance Vervoort, CE

## **New Zealand Local Government Funding Agency (LGFA) Ltd**

**Reports to:** Finance and Monitoring Committee

**Membership:** David Bryant, General Manager People and Organisational Performance

## **New Zealand Local Government Insurance Corporation Ltd**

**Reports to:** Economic Development Committee

**Membership:** No council Representation

## **Waikato Innovation Growth Ltd & NZ Food Innovation (Waikato) Ltd**

**Reports to:** Economic Development Committee

**Membership:** No Council representation

## **Waikato Regional Airport Ltd**

**Reports to:** Economic Development Committee

**Membership:** No Council Representation

# Joint Organisations and Advisory Groups

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## Reports to Council:

- **LGNZ Zone Two**

**Membership:** Deputy Mayor Angela O’Leary (Chair)  
Mayor Paula Southgate  
Cr Maxine van Oosten  
Cr Emma Pike  
Cr Melaina Huaki

- **Waikato Region Civil Defence Emergency Management Group**

**Membership:** Cr Emma Pike

- **People’s Project**

**Membership:** Mayor Paula Southgate  
Cr Anna Casey-Cox

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## Reports to Community and Natural Environment Committee:

- **University of Waikato Animal Ethics Committee**

**Membership:** Cr Anna Casey-Cox

- **Rototuna Indoor Recreation Centre Trust**

**Membership:** Cr Kesh Naidoo-Rauf

- **Creative Communities Scheme Assessment Committee**

**Membership:** Cr Louise Hutt  
Cr Melaina Huaki

- **Creative Waikato Trustees Appointment Panel**

**Membership:** Cr Emma Pike

- **Neighbourhood Watch Groups**

**Hamilton City Council Liaison:** Cr Louise Hutt

- **Safest City Taskforce**

**Membership:** Mayor Paula Southgate (co-chair)  
Cr Melaina Huaki

- **Age Friendly Groups**

*Hamilton City Council Liaison: Cr Louise Hutt*

- **Public Arts Panel**

*Membership: Cr Melaina Huaki*

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## **Reports to Infrastructure and Transport Committee:**

- **Waikato Regional Council Committee (*To be determined by Waikato Regional Council*)**

*Membership: Deputy Mayor Angela O’Leary  
Cr Maxine van Oosten*

- **Traffic Institute of New Zealand (Trafinz)**

*Membership: To be appointed by the Chair of the Committee*

- **WasteMINZ**

*Membership: To be appointed by the Chair of the Committee*

- **Waste Minimisation Contestable Fund Assessment Panel**

*Membership: To be appointed by the Chair of the Committee*

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## **Reports to Strategic Growth and District Plan Committee:**

- **Waikato Plan Leadership Committee**

*Membership: Cr Sarah Thomson  
Mayor Paula Southgate (alternate)*

- **Future Proof Implementation Committee (Joint Committee)**

*Membership: Mayor Paula Southgate  
Cr Ryan Hamilton  
Cr Sarah Thomson (alternate)*

- **Waikato a District Council/Hamilton City Council Governance Group**

*Membership: Mayor Paula Southgate  
Deputy Mayor Angela O’Leary  
Cr Ryan Hamilton  
Cr Sarah Thomson*

▪ **Waipa District Council/Hamilton City Council Governance Group**

**Membership:** Mayor Paula Southgate  
Deputy Mayor Angela O’Leary  
Cr Ryan Hamilton  
Cr Sarah Thomson

▪ **Waikato Regional Council/Hamilton City Council Governance Group**

**Membership:** Mayor Paula Southgate  
Deputy Mayor Angela O’Leary  
Cr Ryan Hamilton  
Cr Sarah Thomson

▪ **Te Huia Train Service Subcommittee**

**Membership:** Deputy Mayor Angela O’Leary  
Cr Maxine van Oosten

**Schedule of Amendments to Hamilton City Council 2022-25 Governance  
Structure and Terms of Reference**

Date	Section	Amendment/Addition/Deletion	Authorisation

## Appendix A – Template for Establishing Internal Panels

*Insert Name*

**Lead:**

**Elected Members:**

**External Members:**

**Support Staff<sup>1</sup>:**

**Date Established<sup>2</sup>:**

**Review date**

**Date the group is to be disestablished**

**Reporting Back Date:**

**Appointing Committee<sup>3</sup>:**

**Purpose<sup>4</sup>:**

**Terms of Reference<sup>5</sup>:**

Notes:

1. Support staff to include the General Manager (or Chief Executive) supporting the Advisory Group/Hearings Panel.
2. Refer to the Council or Committee meeting date that established the Advisory Group/Hearings Panel.
3. Identify the Committee (or Council) that established the Advisory Group/Hearings Panel.
4. The Council/Committee resolution that established the Advisory Group/Hearings Panel.
5. Detail the powers, duties and functions of the Advisory Group/Hearings Panel. This is not to include any decision-making powers.

# Council Report

Item 8

**Committee:** Council

**Date:** 17 November 2022

**Author:** Amy Viggers

**Authoriser:** David Bryant

**Position:** Governance Lead

**Position:** General Manager People and Organisational Performance

**Report Name:** Elected Member Remuneration and Elected Member Support Policy

<b>Report Status</b>	Open
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## Purpose - *Take*

1. To seek approval from the Council for the allocation of the available remuneration funds to positions for Elected Members, based on the proposed 2022-25 Governance Structure.

## Recommendation – *Tuutohu*

2. That the Council:
  - a) receives the report;
  - b) approves the remuneration allocation set out in **Attachment 2** of this report be submitted to the Remuneration Authority for determination; and
  - c) approves the adoption of the Elected Member Support Policy as per **Attachment 3**.

## Executive Summary - *Whakaraapopototanga matua*

3. The Remuneration Authority (the Authority) is the independent body set up by Central Government to set out a process and approve the remuneration of key office holders, including local government representatives.
4. In 2019, the Authority completed a major review of the remuneration of Elected Members of local government. As a result, each council had been resized and remuneration adjustments have been made accordingly.
5. The Authority also determined through their review, to move from a partial pool approach to a full pool approach where each council is allocated a pool of funding based on the ranking of the council by 'size index'.
6. Councils are legally required to make decisions regarding allocation of remuneration for Elected Members relating to positions of responsibility. Mayors are excluded from this approach. Each Mayor continues to have their pay set independently by the Remuneration Authority.
7. The Determination includes a minimum allowable councillor remuneration for each council. The minimum amount for Hamilton for the 2022 financial year is \$80,293. Elected Members started on this rate the day after the official results were announced (15 October 2022). The full amount of the 2022 pool for Hamilton is \$1,286,366. By law, this pool must be fully

distributed. The latest Local Government determination which effects these changes was gazetted 9 June 2022 and can be found [here](#).

8. Following the elections in October 2022, a new Governance Structure was proposed by Mayor Southgate via an earlier report in this agenda. Based on this structure, it is proposed that the remuneration allocation for Elected Members be distributed per **attachment 2** of this report.
9. The Council's recommendations, regarding allocation of the pool, must be submitted to the Authority. The Authority will then make its decisions which will be included in the next determination gazetted in late 2022 or early 2023. Regardless of the determination date, all remuneration rates for positions will be back-dated to the commencement date of the respective roles.
10. The Elected Member Support Policy outlines the support available to Elected Members. Staff have reviewed the Support Policy and have made minor changes to better align the Policy with the relevant legislation, such as the Remuneration Authority Determination and Local Government Act.
11. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a low level of significance.

## **Background - *Koorero whaimaarama***

### **Elected Member Remuneration**

12. The determination from the Remuneration Authority in 2019 noted that there would be a move to resize each Council and adjust remuneration accordingly. It was also identified that there would be a move from a "partial pool" approach to a "full pool" approach.
13. A partial pool approach is where the Remuneration Authority determines base Councillor pay but each Council has a pool to 'top up' remuneration for Councillors holding positions of responsibility.
14. A full pool approach means each Council is allocated a pool related to the ranking of the Council by size index, and then the Council proposes to the Remuneration Authority the Councillor base pay and the additional pay for positions of responsibility. This excludes the Mayor who will continue to have their pay set directly by the Remuneration Authority. More information on the Remuneration Authority and its approach to setting remuneration for local authorities can be found [here](#).
15. Council has previously recognised the additional work undertaken by Deputy Mayors, Chairs, and Deputy Chairs of Committees, and proposed an increased percentage to the relevant Elected Members' remuneration for these roles. This is a common approach to setting remuneration across the local government sector.
16. It should be noted that each Elected Member is entitled to one payment for additional responsibilities. Consequently, if a Councillor is undertaking two roles, they will get paid the additional remuneration for the higher paying role only.
17. Guidance from the Remuneration Authority to councils is attached to the report as **attachment 1**.

### **Elected member Allowances**

18. Allowances are entirely at the discretion of individual councils within the limits set by the Remuneration Authority. Council approved allowances for elected members must be included in the council's elected members' support policy and published on its website. Allowance limits are reviewed annually by the Remuneration Authority.



19. Councils do not need the Authority's agreement for changes to their elected members' expenses and reimbursement policy, or to their mayors/regional council chairs' motor vehicle entitlements, so long as their policy remains within the limits of the current remuneration and allowances determination.
20. Current allowances identified by the Remuneration Authority are:
  - Vehicle kilometre allowance
  - Travel time allowance
  - ICT allowance
  - Childcare allowance
21. More information on Elected member allowances can be found [here](#).
22. The Remuneration Authority also sets the maximum payments and guidelines for Elected members who also act as Hearing Chairs or Commissioners in certain circumstances. More information on Elected Member hearing payments can be found [here](#).

### **Discussion - *Matapaki***

23. The proposed Governance Structure for the new triennium has changed the number of committees and members undertaking additional responsibilities as outlined via an earlier report in this agenda.
24. The proposed Elected Member remuneration allocation (outlined in **attachment 2** of this report) reflects the distribution of roles and responsibilities.
25. The following standard supporting information for each position with additional responsibilities, together with the Council resolution:
  - Position description outlining the additional responsibilities, delegations and reporting obligations
  - Estimated additional hours;
  - Benefit to the ratepayer; and
  - The extent to which the duties can vary.
26. The Elected Member Support Policy has been updated to better align with the Remunerations Authority determination.
27. The most significant changes in the Elected Member Support Policy have been made in regard to the below areas:
  - Clarification of ICT provisions, in line with Remuneration Authority guidance;
  - Clarification of use of Uber, rideshare, public transport and micro-mobility transportation;
  - Addition of EV charging (at no cost to Council);
  - Changes to the medical insurance provisions (again at no cost to Council).

### **Financial Considerations - *Whaiwhakaaro Puutea***

28. This is a regular operating activity funded through the Long-Term Plan.

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

29. Staff confirm that the matter in this report complies with the Council's legal and policy requirements.

### **Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga***

30. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
31. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
32. The recommendations set out in this report are consistent with that purpose.

### **Risks - *Tuuraru***

33. Should the recommendation not be approved, there will be delays in receiving approval from the Remuneration Authority, which in turn will delay changes to Elected Member remuneration.

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

34. 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**

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

### **Attachments - *Ngaa taapirihanga***

Attachment 1 - Remuneration Authority Guidance 2022

Attachment 2 - Proposed 2022 Elected Member Remuneration spreadsheet

Attachment 3 - Draft Elected Member Support Policy (Clean Version)

Attachment 4 - Draft Elected Member Support Policy (Track Changes Version)

## Guidance, Process and Timeline for Setting Elected Members' Remuneration following the October 2022 Local Elections

1. Please familiarise yourself with the [Local Government Members \(2022/23\) Determination 2022 \(the principal determination\)](#) specifically:
  - **Clause 7(2)** – remuneration on and from the day after the date on which the official result of the 2022 election is declared under section 86 of the Local Electoral Act 2001 in relation to your local authority;
  - **Schedule 2** – elected members remuneration from the 2022 local elections; and the
  - **Explanatory memorandum** appended to the principal determination, which contains the governance remuneration pool (table 2) for each council that applies from the 2022 local elections.

### Mayors, Regional Council Chairs, Community Board Members and Auckland Local Board Members

2. Note the governance remuneration pools do not apply to mayors, regional council chairs, community board members and Auckland local board members. Their remuneration must be paid on and from the day after the date on which the official result is declared for your council according to the provisions set out in schedule 2 of the principal determination.
3. Likewise, the pools do not apply to people who are appointed by the council to be members or chairs of council committees or to act as expert advisors to the council. The Authority cannot legally set the remuneration of non-elected people or people who are not appointed to the council under section 117 of the Local Electoral Act 2001.
4. If your council delegates significant other responsibilities than they currently hold to its community board(s) and as a consequence proposes an increase to the remuneration of its community board members, the additional funds will come out of the governance remuneration pool for your council. If this is the case for your council, please contact the Remuneration Authority (the Authority) for further information on the process to be followed.

### Councillors' Remuneration

5. Your council's governance remuneration pool provides the total amount that must be paid in remuneration to your councillors and must not be exceeded. The pool also provides the council with a fair, flexible, transparent and responsive process to setting the remuneration of its individual councillors.

### Governance Remuneration Pool

6. The Authority determines the total governance remuneration pool for each council. The pool that applies to each council following the 2022 local elections is listed in table 2 of the explanatory memorandum which is attached to the principal determination.
7. The council's pool includes the:
  - a. minimum allowable remuneration as determined by Authority (see schedule 2 of the principal determination) that their councillors must be paid;
  - b. remuneration for their councillors who hold positions with additional responsibilities on the council, such as deputy mayor, committee chair, portfolio lead etc; and the
  - c. remuneration for their councillors with no additional responsibilities.
8. Your council is required to fully allocate your pool amongst all your councillors.

9. Note although your council's governance remuneration pool must be fully allocated it may, for various reasons, not be fully spent during the term of the principal determination, for instance if it is a local elections year, there is a vacancy on the council or a councillor is granted a leave of absence.

#### Setting Councillors' Remuneration

10. The Authority determines the minimum allowable remuneration that a councillor must be paid. A councillor cannot be paid below the minimum allowable remuneration. The minimum allowable remuneration for your council following the local elections is listed in schedule 2 of the principal determination.
11. The difference between the councillor minimum allowable remuneration and the total of the allocated pool is then available for the remuneration of your councillors who take on extra responsibilities **and/or** to increase the base pay for councillors with no additional responsibilities.
12. Following the local elections, your council will need to decide how they want to allocate their pool according to their own priorities and circumstances. Your council must decide the remuneration rate for their councillors with no additional responsibilities and decide the rates for their councillors with additional responsibilities.
13. Roles to which additional differential remuneration can be attached may include not just internal council roles (such as deputy mayor, committee chair or portfolio holder) but also other jobs representing the council on outside groups such as significant work arising from being involved on community or cross-council groups.
14. Any fees payable to councillors for serving as directors on council-controlled organisations (CCOs) are not covered by the governance pool. Any applicable fees should be paid directly by the CCO.

#### Calculating the Distribution of the Pool

15. Attached to this guidance are the following Excel worksheets which will assist your council to fully allocate its pool:
- **Worksheet 1** – either use this worksheet to enter the dollar amounts to calculate the councillors' remuneration; **or** alternately use
  - **Worksheet 2** – to enter the ratios to calculate the remuneration of your councillors.
- Both worksheets contain detailed instructions for allocating/calculating the distribution of a council's pool.

#### The Authority's Decision and the Amending Determination

16. Once decided your council must forward its recommendations, as a proposal, to the Authority who will consider it and make a determination that will amend the principal determination.
17. Your council's proposal must contain one of the completed worksheets **NOT** a PDF or MS Word copy and a brief description of each position with additional responsibilities. The worksheet and accompanying supporting information must be emailed to [info@remauthority.govt.nz](mailto:info@remauthority.govt.nz) by either of the dates shown in the timeline below (shaded boxes).
18. Amending determinations will be backdated so that the remuneration proposed by your council and agreed by the Authority:
- a. for a councillor with no additional responsibilities, will take effect on and from the day after the date on which the official result of 2022 election of members for your council was declared; and for

- b. positions with additional responsibilities, will take effect from the day following the date that your council made its formal decision/resolution on the remuneration covering those positions.

### Payroll considerations

19. Your council cannot pay the proposed new remuneration rates for positions with additional responsibilities or for councillors with no additional responsibilities until the Authority has gazetted its amending determination which contains the new remuneration rates. However, it is important to note that councillors' remuneration will be backdated in the determination.
20. The minimum allowable remuneration rate for councillors as shown in schedule 2 of the determination takes effect from the day after the date on which the official results for the council are declared (see subclause 7(2) of the principal determination). This is the pay that all councillors must receive at this stage.
21. Approved remuneration rates for the positions with additional responsibilities will then be backdated to the day after your council formally voted/resolved to confirm its recommendation(s). The approved remuneration rates for your councillors with no additional responsibilities are backdated to the day after the date on which the official result for your council was declared.

### Timeline

Action	By Whom	Date
Familiarisation by elected members and staff with the process	Councils	Up till remuneration proposals submitted
<b>Incoming councils formally decide remuneration attached to different roles within allocated pool and forward proposals to Remuneration Authority (round 1)</b>	<b>Councils</b>	<b>Proposals must be submitted by <u>Wednesday 16 November 2022</u> to meet deadline for the first amending determination</b>
Remuneration Authority considers councils' proposals	Remuneration Authority	From 10 October to 19 November 2022
Amending determination drafted	Parliamentary Counsel Office	From 21 November to 15 December 2022
First amending determination is gazetted	Remuneration Authority	Thursday 22 December 2022
<b>Incoming councils who miss the 16 November deadline, must formally decide remuneration attached to different roles within allocated pool and forward proposals to Remuneration Authority (round 2)</b>	<b>Councils</b>	<b>Proposals must be submitted by <u>Friday 27 January 2023</u> to meet deadline for second amending determination</b>
Remuneration Authority considers councils' proposals	Remuneration Authority	From 16 January to 31 January 2023
Second amending determination drafted	Parliamentary Counsel Office	From 3 February to 17 February 2023
Second amending determination gazetted	Remuneration Authority	Late February/early March 2023

Proposed Remuneration for Councillors Following the 2022 Local Elections Using Dollar Amounts



Use this worksheet to calculate the proposed remuneration for positions with additional responsibilities and the proposed remuneration for councillors without additional responsibilities using DOLLAR amounts. Before completing this worksheet, read the instructions sheet in the tab below for detailed guidance.

1) Enter the legal name of local authority, as listed in schedule 2 of the Local Government Act 2002:

Hamilton city council

2) Enter the date on which the official result of the 2022 election was declared for the local authority:

15 October 2022

3) Enter the number of elected members (excluding the mayor or regional council chair) on the council:

14

4) Enter local authority's governance remuneration pool as shown in the current local government members determination (\$):

1,286,366

5) Enter councillor minimum allowable remuneration as shown in the current determination (\$):

80,293

6) Enter proposed remuneration for a (base) councillor with no additional responsibility (\$):

80,973

7) Enter date of local authority's resolution proposing the remuneration for the position(s) of responsibility and/or base councillors:

17 November 2022

8)	9)	10)				
Enter title of proposed position with additional responsibilities (ie: the title that will be displayed in the amending determination)	Enter number of members per position	Effective Date*	Councillor with no additional responsibilities (\$)	Enter proposed additional remuneration (\$)	Proposed annual total remuneration per councillor (\$)	Total (\$)
Deputy Mayor	1	18 November 2022	80,973	31,027	112,000	112,000
Senior Chair	1	18 November 2022	80,973	25,527	106,500	106,500
Chair	3	18 November 2022	80,973	20,027	101,000	303,000
Hearings Chair	1	18 November 2022	80,973	15,028	96,001	96,001
Deputy Chair	3	18 November 2022	80,973	7,027	88,000	264,000
Councillor with no additional responsibilities	5	16 October 2022	80,973	n/a	80,973	404,865

Grand total (\$): 1,286,366

\* = For positions with additional responsibilities the effective date is the day after the date of the local authority's resolution and for councillors with no additional responsibility the effective date is on and from the day after the date on which the official result of 2022 election of members for the council is declared.

Balance of pool (\$): 0

A brief description must be provided for each position of responsibility ie: specify the additional responsibilities over and above the base councillor role - covering duties, delegations, deputising and reporting obligations and the extra time involved in carrying out the additional responsibilities.

Return this completed worksheet together with a brief description of each position of responsibility to: info@remauthority.govt.nz 2022 Local Elections



First adopted:	August 2015; Implemented October 2016
Revision dates/version:	November 2017; March 2021, November 2022
Next review date:	As required but no later than November 2025
Engagement required:	Not required
Document Number	
Associated documents:	Remuneration Authority Determination, Code of Conduct, Corporate Hospitality and Entertainment Policy and OAG Guidelines
Sponsor/Group:	General Manager - Corporate

## ELECTED MEMBERS SUPPORT POLICY

### Purpose and Scope

1. To set out clear and transparent levels of expenses and allowances paid to, or on behalf of, Elected Members of Hamilton City Council.
2. To outline the level of support provided to Elected Members to enable them to carry out their roles.

### Definitions

Term	Definition
Authority	The Remuneration Authority
Local Government Members' Determination	The annual determination gazetted by the Authority, determining the level and parameters of permitted remuneration payable to members of a local authority. A determination applies from 1 July to 30 June.

### Principles

3. Elected Members should be reimbursed for actual and reasonable expenses they incur in carrying out Council business, within the parameters set by the Authority and legislation.
4. Reasonable resources should be made available to Elected Members to enable them to more efficiently carry out their responsibilities.
5. Reimbursement of expenses, payment of allowances and use of the Council resources apply only to Elected Members personally, and only while they are carrying out Council business in their official capacity as an elected member.
6. Transparency and accountability guide the reimbursement of Elected Members' allowances and expenses.

## Policy

### Equipment

7. At the commencement of each 3-year term, all Elected Members will be provided with Hamilton City Council approved standard IS (Information Services) equipment (a mobile phone, laptop, and iPad).
8. Elected Members who are provided with Hamilton City Council approved standard IS equipment will be connected to Council's IS network and provided with IS support services.
9. All Council equipment must be returned at the end of each 3-year term.
10. Any equipment provided must be used in accordance with the Council's IS Usage Standards and Guidelines<sup>1</sup>.
11. Elected Members have the opportunity of having a remuneration deduction to cover personal use of Council mobile devices. The amount of the deduction is determined by the Chief Executive or his/her delegate, in line with central government practice and Authority advice.

### Stationery and Services

11. The Council will provide a reasonable supply of stationery to Elected Members for their use on Council business.
- 12.
13. Elected Members should use the following internal Council services to an appropriate and reasonable level as determined by the Chief Executive or his/her delegate:
  - Postage and courier service;
  - Photocopying;
  - Information technology advice/assistance for Council-owned equipment;
  - Meeting rooms; and
  - Allocated Elected member carparking

### Communications Expenses and Allowances

1. On receipt of supporting tax invoices, the Governance Lead may authorise reimbursement for Council-related telephone calls made on private telephones (including mobile phones).
2. International calling, text, and data can be purchased at the Elected Member's expense.

### Childcare Allowance

3. Council will pay a childcare allowance, in accordance with the relevant sections of the [Local Government Elected Members Determination](#), to an eligible member as a contribution towards expenses incurred by the member for childcare provided while the member is engaged on local authority business.

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<sup>1</sup> IT Usage Standards and Guidelines (to be developed based on HCC Information Services IT Management Policy and attached to this EM Support Policy)



### Training, conference and transportation costs

4. Any training or conference paid for by the Council must:
  - i. be relevant to Council business or governance, as determined by the Chief Executive (if required);
  - ii. be booked through Council staff with the Council's preferred agents and at the most economic cost available (where possible) at the time of the booking, unless all costs are being met privately or by a third party; and
  - iii. not fall within the three-month period prior to the triennial Elections.
5. If Elected Members wish to attend professional development training or conferences of their own choice, they must make a written request to the Governance Lead for funding from the Elected Members' professional development discretionary budget. Each member is entitled up to a maximum of \$6,000 per annum (ex GST). This includes the cost of travel, accommodation and meals (excluding alcohol), noting that the cost of accommodation and meals should not exceed a midrange, reasonable and justifiable level.
6. Once approved, the Governance team will organise the necessary registrations, bookings and payments.
7. On receipt of supporting tax invoices, Elected Members are entitled to the reimbursement of travel fares (including Taxi, Uber, Mevo and Ola) when travelling on Council business outside of the City boundary, instead of private vehicle or public transport, y for the following reasons:
  - i. Council business is occurring outside normal business operating hours; or
  - ii. For safety/security of an Elected Member
8. Elected Members are eligible for reimbursement of actual and reasonable costs incurred by Members who use public transport (long distance coach, local bus, train or ferry), micromobility vehicles (such as e-bikes and e-scooters) and bicycles for travel on local authority business and upon the production of receipts or evidence satisfactory to the Governance Lead.
9. Where the Council has formally appointed Elected Members to external organisations or approved Elected Members' attendance at training or a conference, the Council will pay or reimburse Elected Members for appropriate and reasonable costs incurred for representing Council outside of the City boundary within the relevant budget provision. For clarity, such expenditure does not fall within an Elected Member's discretionary allocation of \$6,000.
10. The Chief Executive may on a case-by-case basis approve the payment of a contribution to a host in lieu of accommodation for actual and reasonable costs. This reimbursement is paid to cover actual and reasonable costs incurred when staying in private accommodation (friends/relatives) when travelling on Council business. The maximum amount payable will be \$50 per night.

### Vehicle Mileage Allowance and Travel-Time Allowance

11. Elected Members are entitled to a mileage allowance when using their own vehicle for Council business within the parameters, and at the rates, set out in the Local Government Members' Determination and this Policy.
12. A mileage allowance is payable for any distance travelled in relation to eligible travel as determined by the relevant Authority determination, including:

- i. if it occurs at a time when the member is not provided with a motor vehicle by the local authority; and
  - ii. if the Member is travelling in a private vehicle on local authority business by the most direct route that is reasonable in the circumstances.
- 13. The maximum payable per annum is set out as per the [Authority determination](#).
- 14. Elected Members must maintain an accurate record of travel undertaken in their private vehicle related to any claimed mileage allowance (e.g. logbook) and provide a copy to the Governance Lead on request to support any mileage claim.
- 15. However, if an Elected Member of a local authority travels from a place where the Elected Member permanently or temporarily resides that is outside the local authority area, to the local authority area on local authority business, the Elected Member is only eligible for a vehicle-kilometre allowance for eligible travel after the member crosses the boundary of the local authority area as per the relevant Remuneration [Authority determination](#).
- 16. Elected Members may access and use Council electric vehicle charging stations where Council has the functionality to record and charge back electricity costs to an individual. Elected Members will be required to reimburse Council for these costs.

#### Mayoral Vehicle

- 17. If Council approves the provision of a vehicle for the Mayor, the policy must be included in the council's elected members' expenses, and this Policy.
- 18. The Mayor is provided with a vehicle, and salary deductions are made in accordance with the Authority's determination and rules. The vehicle is serviced and maintained in accordance with manufacturers recommendations and Council's fleet management practices.

#### Items of Possible Private Benefit

- 19. The Authority has issued clear guidelines on the following items of possible private benefit. The following matters that are for private benefit will not be paid for or reimbursed unless otherwise stated:
  - i. **Medical Insurance**  

Elected Members are permitted to opt-in to optional discounted staff Medical Health Insurance through an independent third-party provider , at no cost to the Council.

The Elected Member will continue to receive their full remuneration as shown in the determination and the deduction from salary, if they decide to opt in the scheme, will subsequently be made by Payroll.

If the Elected Member opts in, they understand that Hamilton City Council's Chief Executive may in the future change providers or elect to end the scheme as a staff benefit.
  - ii. **Staff Discounts**  

The Authority has authorised the Council to extend its flu vaccination benefit to elected members. Elected Members are otherwise not permitted to access any other discounts offered to Council staff for their own personal purchases.
  - iii. **Life, Accident and Income Replacement Insurance**

Council will not take out any insurance policy on behalf of Elected Members where the payment of a claim is made to the elected representative or his or her estate.

**iv. Airpoints**

Airpoints earned by an Elected Members on travel and accommodation paid for by the Council should be used by that member towards his/her future travel or accommodation that is required for Council business.

### Gifts, Corporate Hospitality and Entertainment

20. It is appropriate that from time to time, hospitality and entertainment is extended for official business, commercial and networking purposes and for building relationships which benefit the strategic aspirations of the city. Elected Members must follow the [Corporate Hospitality and Entertainment Policy](#) when extending hospitality or participating in Council hosted events.
21. Elected Members should refer to the [Council's Code of Conduct](#) in relation to gifts and hospitality received by, and in their capacity as, Elected Members.
22. Elected Members should also refer to the Office of the Auditor General – [Controlling Sensitive Expenditure: Guidelines](#) for public entities for further guidance.

### Hearing Fees

23. An Elected Member who acts as a chairperson or a member who is sitting as part of a Council hearing is entitled to be paid a fee per hour of hearing time related to the hearing as per the relevant Remuneration [Authority determination](#).
24. Hearing fees as an additional payment to remuneration are not available to a Mayor or Acting Mayor. For Acting/Mayors, fees may only be considered in exceptional circumstances if:
  - there is a shortage of experienced hearing commissioners on the Council; and
  - there is significant hearing of a lengthy duration, which would create undue time pressure on the Acting/Mayor; and
  - fees are approved by the Remuneration Authority prior to payment.

### Policy Administration

25. The expenses and allowances payable, and supplies, consumables or services administered, under this Policy are provided:
  - i. at no cost to Elected Members, but only while they are holding office (e.g. not on a leave of absence or absent without leave)<sup>2</sup>; and
  - ii. for Council-business use only. They cannot be used for electioneering purposes, personal use or communications, or any other specific use as notified by the Chief Executive from time to time.

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<sup>2</sup> It is for each elected member to assess and determine his/her own tax payable, if any, in relation to payments and allowances received under this Policy.

26. All claims for reimbursement of expenses must be submitted on the councillor expense claim form to the Governance Lead. Claims must be signed by the Elected Member, and all expenses claimed must be supported by a tax invoice.
27. The Governance Lead will approve all expenses claims that are in accordance with this Policy, with the exception of any claims that are unusual and items outside of this policy which must be approved by the Chief Executive.
28. A summary of Elected Members' expense claims and reimbursements paid under this Policy may be published on the Council's website.

First adopted:	August 2015; Implemented October 2016
Revision dates/version:	November 2017; March 2021, <del>November 2022</del> <del>(addition of childcare allowance)</del>
Next review date:	<del>April 2021</del> <del>2022</del> <u>As required but no later than November 2025</u>
Engagement required:	Not required
Document Number	
Associated documents:	Remuneration Authority Determination, Code of Conduct, Corporate Hospitality and Entertainment Policy and OAG Guidelines
Sponsor/Group:	General Manager - Corporate

## ELECTED MEMBERS SUPPORT POLICY

### Purpose and Scope

1. To set out clear and transparent levels of expenses and allowances paid to, or on behalf of, Elected Members of Hamilton City Council.
2. To outline the level of support provided to Elected Members to enable them to carry out their roles.

### Definitions

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### Principles

3. Elected Members should be reimbursed for actual and reasonable expenses they incur in carrying out Council business, within the parameters set by the Authority and legislation.
4. Reasonable resources should be made available to Elected Members to enable them to more efficiently carry out their responsibilities.
5. Reimbursement of expenses, payment of allowances and use of the Council resources apply only to Elected Members personally, and only while they are carrying out Council business in their official capacity as an elected member.
6. Transparency and accountability guide the reimbursement of Elected Members' allowances and expenses.



## Policy Equipment

7. At the commencement of each 3-year term, all Elected Members will be provided with ~~the option of using~~ Hamilton City Council approved standard IS (Information Services) equipment (a mobile phone, laptop, and iPad).
8. Elected Members who are provided with Hamilton City Council approved standard IS equipment will be connected to Council's IS network and provided with IS support services.
9. All Council equipment must be returned at the end of each 3-year term.
10. Any equipment provided must be used in accordance with the Council's IS Usage Standards and Guidelines<sup>1</sup>.
11. Elected Members have the opportunity of having a remuneration deduction to cover personal use of Council mobile devices. The amount of the deduction is determined by the Chief Executive or his/her delegate, in line with central government practice and Authority advice.

## Stationery and Services

11. The Council will provide a reasonable supply of stationery ~~requirements~~ to Elected Members for their use on Council business, ~~including business cards, compliment slips and consumables.~~
- ~~12. Where appropriate, elected members will be reimbursed for consumables purchased directly from suppliers for use on Council business.~~
- ~~12. Stationery supplies or consumables will only be provided or reimbursed for a member's private computer (i.e. paper, printer cartridges~~
13. Elected Members ~~may should~~ use the following internal Council services to an appropriate and reasonable level as determined by the Chief Executive or his/her delegate:
  - Postage and courier service;
  - Photocopying;
  - Information technology advice/assistance for Council-owned equipment;
  - Meeting rooms; and
  - Allocated Elected member carparking ~~(subject to displaying an authorised sticker on the member's vehicle and provision of the vehicle's registration number to the Governance ManagerLead).~~

## Communications Expenses and Allowances

- ~~1. Elected Members who do not use Council equipment are entitled to a communications allowance at the rate determined by the Remuneration Authority. This includes the use of a~~

<sup>1</sup> IT Usage Standards and Guidelines (to be developed based on HCC Information Services IT Management Policy and attached to this EM Support Policy)  
Page 2 of 7

~~member's personal broadband service for the purpose of that member's work on Council business. These allowances are set out in the Determination.~~

1. On receipt of supporting tax invoices, the Governance Lead may authorise reimbursement for Council-related telephone calls made on private telephones (including mobile phones).
2. International calling, text, and data can be purchased at the Elected Member's expense.

#### Childcare Allowance

3. Council will pay a childcare allowance, in accordance with the relevant sections of the Local Government Elected Members Determination, to an eligible member as a contribution towards expenses incurred by the member for childcare provided while the member is engaged on local authority business.

Field Code Changed

#### ~~Training and conference and transportation costs~~ attendance and Taxi Costs

4. Any training or conference ~~attendance~~ paid for by the Council must:
  - i. be relevant to Council business or governance, as determined by the Chief Executive (if required); ~~and~~
  - ii. ~~be made booked by through~~ Council staff with the Council's preferred agents and at the most economic cost available (where possible) at the time of the booking, unless all costs are being met privately or by an ~~outside third~~ party; ~~and~~
  - ~~iii. not be fall within the a three month three-month period prior to the triennial Elections.~~
5. If Elected Members wish to attend professional development training or conferences of their own choice, they must make a written request to the Governance Lead for funding from the Elected Members' professional development discretionary budget. Each member is entitled up to a maximum of \$6,000 per annum ~~(ex GST)~~. This includes the cost of travel, accommodation and meals (excluding alcohol), noting that the cost of accommodation and meals should not exceed a midrange, reasonable and justifiable level.
6. Once approved, the Governance team will organise the necessary registrations, bookings and payments.
7. On receipt of supporting tax invoices, Elected Members are entitled to the reimbursement of taxi travel fares (including Taxi, Uber, Mevo and Ola) when travelling on Council business outside of the City boundary, instead of private vehicle or public transport. When travelling outside the City boundary for the following reasons:
  - i. Council business is occurring outside normal business operating hours; or
  - ii. For safety/security of an Elected Member; or
  - ~~When travelling outside the City boundary, if a taxi is the most appropriate form of transport.~~
8. Elected Members are eligible for reimbursement of actual and reasonable costs incurred by Members who use public transport (long distance coach, local bus, train or ferry), micromobility

vehicles (such as e-bikes and e-scooters) and bicycles for travel on local authority business and upon the production of receipts or evidence satisfactory to the Governance Lead.

6-9. Where the Council has formally appointed Elected Members to external organisations or approved Elected Members' attendance at training or a conference, the Council will pay or reimburse Elected Members for appropriate and reasonable costs incurred for representing Council outside of the City boundary within the relevant budget provision. For clarity, such expenditure does not fall within an Elected Member's discretionary allocation of \$6,000.

7-10. The Chief Executive may on a case-by-case basis approve the payment of a contribution to a host in lieu of accommodation for actual and reasonable costs. This reimbursement is paid to cover actual and reasonable costs incurred when staying in private accommodation (friends/relatives) when travelling on Council business. The maximum amount payable will be \$50 per night.

#### **Vehicle Mileage Allowance and ~~Taxi Costs~~ Travel-Time Allowance**

8. Elected Members are entitled to a mileage allowance when using their own vehicle for Council business within the parameters, and at the rates, set out in the Local Government Members' Determination and this Policy.

11.

A mileage allowance is payable for any distance travelled in excess of 80 kilometres per week where the travel claimed is in relation to eligible travel as determined by the relevant Authority determination, including:

12.

i. if it occurs at a time when the member is not provided with a motor vehicle by the local authority; and

ii.

-if the Member is travelling in a private vehicle on local authority business by the most direct route that is reasonable in the circumstances; +

i. within the city boundary; or

ii. to and within the city boundary where the member resides outside the city boundary and the claim includes travel to and from that member's place of residence.

For clarity, subject to subparagraph (ii) above, the 80 kilometre threshold does not apply when claiming for travel outside of the city boundary, though such travel cannot count towards the 80 kilometre threshold.

9-13. The maximum payable mileage allowance to each elected member is \$1,825 per annum per annum, is set out as per the Authority determination.

— Elected Members must maintain an accurate record of travel undertaken in their private vehicle related to any claimed mileage allowance (e.g. logbook) and provide a copy to the Governance Lead on request to support any mileage claim.

14.

15. — However, if an Elected Member of a local authority travels from a place where the Elected Member permanently or temporarily resides that is outside the local authority area, to the local authority area on local authority business, the Elected Member is only eligible for a vehicle.



kilometre allowance for eligible travel after the member crosses the boundary of the local authority area as per the relevant Remuneration Authority determination.

16. Elected Members may access and use Council electric vehicle charging stations where Council has the functionality to record and charge back electricity costs to an individual. Elected Members will be required to reimburse Council for these costs.

#### **Mayoral Vehicle**

17. If Council approves the provision of a vehicle for the Mayor, the policy must be included in the council's elected members' expenses, and this Policy.

18. The Mayor is provided with a vehicle, and salary deductions are made in accordance with the Authority's determination and rules. The vehicle is serviced and maintained in accordance with manufacturers recommendations and Council's fleet management practices.

11. On receipt of supporting tax invoices, elected members are entitled to the reimbursement of taxi fares when travelling on Council business, instead of private vehicle or public transport, for the following reasons:

- i. Council business is occurring outside normal business operating hours;
- ii. For safety/security of an elected member; or
- iii. When travelling outside the City boundary, if a taxi is the most appropriate form of transport.

#### **Items of Possible Private Benefit**

12. The Authority has issued clear guidelines on the following items of possible private benefit. The following matters that are for private benefit will not be paid for or reimbursed unless otherwise stated:

##### 19.

##### **i. Medical Insurance**

Elected Members are not permitted to obtain medical insurance through the Hamilton City Council medical insurance scheme—permitted to opt-in to optional discounted staff Medical Health Insurance through an independent third-party provider, at no cost to the Council.

The Elected Member will continue to receive their full remuneration as shown in the determination and the deduction from salary, if they decide to opt in the scheme, will subsequently be made by Payroll.

If the Elected Member opts in, they understand that Hamilton City Council's Chief Executive may in the future change providers or elect to end the scheme as a staff benefit.

##### **ii. Staff Discounts**

The Authority has authorised the Council to extend its flu vaccination benefit to elected members.- Elected Members are otherwise not permitted to access any other discounts offered to Council staff for their own personal purchases.

##### **iii. Life, Accident and Income Replacement Insurance**

Council will not take out any insurance policy on behalf of Elected Members where the payment of a claim is made to the elected representative or his or her estate.

iv. **Airpoints**

Airpoints earned by an Elected Members on travel and accommodation paid for by the Council should be used by that member towards his/her future travel or accommodation that is required for Council business.

#### **Gifts, Corporate Hospitality and Entertainment**

20. It is appropriate that from time to time, hospitality and entertainment is extended for official business, commercial and networking purposes and for building relationships which benefit the strategic aspirations of the city. Elected Members must follow the Corporate Hospitality and Entertainment Policy when extending hospitality or participating in Council hosted events.

~~13-21.~~ Elected Members should refer to the Council's Code of Conduct in relation to gifts and hospitality received by, and in their capacity as, Elected Members.

22. Elected Members should also refer to Council Policy and the Office of the Auditor General – Controlling Sensitive Expenditure: Guidelines for public entities for further guidance in relation to corporate hospitality and entertainment.

#### **Hearing Fees**

23. An Elected Member who acts as a chairperson or a member who is sitting as part of a Council hearing is entitled to be paid a fee per hour of hearing time related to the hearing as per the relevant Remuneration Authority determination.

~~14-24.~~ Hearing fees as an additional payment to remuneration are not available to a Mayor or Acting Mayor. For Acting/Mayors, fees may only be considered in exceptional circumstances if:  
- there is a shortage of experienced hearing commissioners on the Council; and  
- there is significant hearing of a lengthy duration, which would create undue time pressure on the Acting/Mayor; and  
- fees are approved by the Remuneration Authority prior to payment.

#### **Policy Administration**

~~15-25.~~ The expenses and allowances payable, and supplies, consumables or services administered, under this Policy are provided:

- i. at no cost to Elected Members, but only while they are holding office (e.g. not on a leave of absence or absent without leave)<sup>2</sup>; and
- ii. for Council-business use only. They cannot be used for electioneering purposes, personal use or communications, or any other specific use as notified by the Chief Executive from time to time.

<sup>2</sup> It is for each elected member to assess and determine his/her own tax payable, if any, in relation to payments and allowances received under this Policy.

~~16-26~~ All claims for reimbursement of expenses must be submitted on the councillor expense claim form to the Governance Lead. Claims must be signed by the Elected Member, and all expenses claimed must be supported by a tax invoice.

~~17-27~~ The Governance Lead will approve all expenses claims that are in accordance with this Policy, with the exception of any claims that are unusual and items outside of this policy which must be approved by the Chief Executive.

~~18- The remuneration and allowances paid and all expenses reimbursed to elected members Elected Members will be reported to all elected members Elected Members on a monthly basis.~~

~~19-~~ A summary of Elected Members' expense claims and reimbursements paid under this Policy may be published on the Council's website.

~~20-28~~

# Council Report

**Committee:** Council **Date:** 17 November 2022

**Author:** Stafford Hodgson **Authoriser:** Blair Bowcott

**Position:** Project Manager - Growth Programmes Unit **Position:** General Manager Growth

**Report Name:** Hamilton Urban Growth Strategy (HUGS) verbal submissions

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

1. To inform the Council on the process to hear verbal submissions on the draft Hamilton Urban Growth Strategy (HUGS).

## Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Council:
  - a) receives the report;
  - b) notes that verbal submissions on the draft Hamilton Urban Growth Strategy (HUGS) will be heard at the meeting of the Regulatory and Hearings Committee on Monday, 5 December 2022; and
  - c) notes that following the verbal submissions hearings, the HUGS deliberation report will be presented to the next appropriate meeting of the Strategic Growth and District Plan Committee, which will make the final recommendation to Council.

## Executive Summary - *Whakaraapopototanga matua*

3. Our city now has approximately 60,000 homes, housing around 180,000 Hamiltonians. We expect that over the next 50 years these numbers will double to around 120,000 homes for about 310,000 people.
4. The [draft Hamilton Urban Growth Strategy \(HUGS\)](#) sets out our approach to managing the city's growth for the next 50 years. It will help deliver well-functioning communities and deliver on our purpose to promote community wellbeing.
5. HUGS was last updated in 2009. A review of the strategy commenced in 2021.
6. A HUGS Reference Group made up of Maangai Whetū and Councillors Gallagher, Macpherson, Hamilton, Thomson, van Oosten, and Pascoe was formed to guide the drafting of the strategy.
7. The draft HUGS outcomes were approved to go out to consultation by the Strategic Growth Committee at its [26 July 2022 meeting](#). Consultation opened on 18 October 2022 and will close on 20 November 2022. Consultation documentation is available at the libraries, in the municipal building foyer, and [online](#).
8. This report is to inform Council that the verbal submissions will be heard through a 5 December 2022 meeting of the Regulatory and Hearings Committee.

9. Staff will report a summary of submissions to the Regulatory and Hearings Committee. Following hearing from the verbal submitters, and alongside the written submissions, the Regulatory and Hearings Committee will direct staff on the matters to be reported to the Strategic Growth and District Plan Committee.
10. The Strategic Growth and District Plan Committee will then deliberate and make the final recommendation on the strategy to Council.
11. Staff consider that the recommendations in this report comply with the Council's legal requirements.

### **Background - *Koorero whaimaarama***

12. The Hamilton Urban Growth Strategy was last updated in 2009. That strategy set Rototuna as the primary greenfield growth area and the 50/50 infill-to-greenfield target ratio.
13. Since the last HUGS was adopted, a lot has changed. In the last 10 years, the city has grown by:
  - 33,000 people
  - 11,000 homes
  - 3,000 businesses.
14. Half of Hamilton's growth has occurred in existing urban areas (infill), with the other half in new areas on the periphery of the city (greenfield). The greenfield growth has primarily been in Rototuna, with the infill growth spread across the city.
15. Our city now has approximately 60,000 homes, housing around 180,000 Hamiltonians. We expect that over the next 50 years these numbers will double to around 120,000 homes for about 310,000 people.
16. Focus has also shifted; we now have a renewed focus on the social, economic, cultural, and environmental wellbeing of our city. We have obligations to protect and enhance the Waikato River, and climate change challenges have influenced a shift to support more transport choices.
17. Central Government has also set out new requirements for cities to grow up as well as out through the National Policy Statement on Urban Development 2020 (NPS-UD) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.
18. With all these changes – the growth that has happened, expected to happen, and the growth pattern that's been mandated – an update of HUGS was needed to guide how the city grows.
19. A review of the strategy commenced in 2021. A HUGS reference group was formed to guide the development of this strategy; this was made up of Maangai Whetū and Councillors Gallagher, MacPherson, Hamilton, Thomson, van Oosten and Pascoe.
20. [The draft HUGS](#) sets out how we are responding to these changes and our approach to managing our city's growth for the next 50 years. It will help us deliver well-functioning communities and deliver on our responsibilities under the NPS-UD and the Enabling Housing Supply Act, subregional strategic direction set in Futureproof and the Hamilton-Waikato Metropolitan Spatial Plan (MSP).
21. At its [26 July 2022 meeting](#), the Strategic Growth Committee approved the outcomes of the draft HUGS and delegated authority to the General Manager Growth and Chair and Deputy Chair of the Strategic Growth Committee to finalise and approve the draft HUGS and its Statement of Proposal for consultation.
22. The draft HUGS proposes three outcomes to achieve our vision that Hamilton Kirikiriroa is the best place to live and work with connected, vibrant, and prosperous communities.
23. The three outcomes, in priority order, are:

- i. **Grow up and out from the central city.** Currently, about half of the city's growth occurs in greenfield developments. The long-term goal is to shift this dial to achieve 70% of growth through intensification development in existing areas. Higher-density housing is focused around the central city and walkable catchment, which is a key employment area. A greater range of house types and building heights will also be enabled in the remainder of the city.
  - ii. **Grow along transport corridors.** The viability of transport corridors relies on more people living along them, as well as living near the central city in higher-density developments. High-quality outcomes can be achieved by delivering growth opportunities along prioritised transport corridors, enabling access to commercial and industrial land, and providing a mix of uses so people can meet most of their daily needs close to their homes.
  - iii. **Support the development of quality greenfield neighbourhoods.** We also need to enable greenfield neighbourhoods in areas that provide great outcomes for their future communities and the city. We will follow through on existing development commitments, taking a partnership approach to funding these areas. It ensures those who benefit from growth pay for growth.
24. Consultation opened on 18 October 2022 and will close on 20 November 2022. Staff followed the Special Consultative Procedure outlined in the Local Government Act 2002. Consultation documentation is available at the libraries, in the municipal building foyer and [online](#).

### Discussion - *Matapaki*

- 25. Staff have assessed that the Regulatory and Hearings Committee is the most appropriate governance structure to hear verbal submissions on the draft HUGS. It satisfies the requirements of the Special Consultative Procedure as prescribed in the Local Government Act 2002.
- 26. It's important that verbal submissions are heard this calendar year. If this meeting date is delayed it will delay the adoption of HUGS until mid-2023, causing disruption to the planning for the 2024-34 Long Term Plan and the Future Proof Future Development Strategy. The proposed date for the Regulatory and Hearings Committee to hear the verbal submissions is Monday 5 December 2022.
- 27. Confirming the approach to hearing submissions would usually happen alongside the resolution to consult; however, this report needed to follow the recent Local Government Elections and subsequent formation of the new Council and its meeting structure.
- 28. Staff will report a summary of submissions to the Regulatory and Hearings Committee. Following hearing from the verbal submitters, and alongside the written submissions, the Regulatory and Hearings Committee will direct staff on the matters to be reported to the Strategic Growth and District Plan Committee.
- 29. The Strategic Growth and District Plan Committee will then deliberate and make the final recommendation on the strategy to Council for approval.

### Financial Considerations - *Whaiwhakaaro Puutea*

- 30. The recommendations of this report are within existing approved budgets.

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

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

32. While this report does not require an assessment under the Climate Change Policy, the HUGS review has been developed and aligned with the Council's long-term strategy to address climate change – [Our Climate Future: Te Pae Tawhiti o Kirikiriroa](#).

### **Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga***

33. The purpose of Local Government changed on 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
34. The HUGS review has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below. It is important to note these wellbeing considerations are not specific to the matters in this report but the project as a whole.

#### **Social**

35. The reviewed HUGS may contribute towards social wellbeing outcomes by:
- i. providing a strategic direction and framework that will contribute towards delivery of competitive land markets to address housing affordability;
  - ii. enabling funding and delivery of community amenity at the right time to support new and existing communities, for example schools, parks, playgrounds and community facilities; and
  - iii. assisting with increased community understanding and support for new models of living, for example intensification.

#### **Economic**

36. The reviewed HUGS may contribute towards economic wellbeing outcomes by:
- i. enabling better long-term investment decisions on how and where our city will grow;
  - ii. reducing the time between zoning of land, and funding and delivery of strategic infrastructure;
  - iii. improving flexibility to respond to or decline out-of-sequence growth opportunities;
  - iv. planning and enabling land for jobs; and
  - v. increased innovative external funding of infrastructure through partnerships, private developer agreements or alternative infrastructure funding and financing solutions.

#### **Environmental**

37. The reviewed HUGS may contribute towards economic wellbeing outcomes by:
- i. providing a preferred urban form and growth strategy that responds and aligns to climate change policy, actions, and targets; and
  - ii. providing a preferred urban form and growth strategy that reflects existing internal and external environmental strategies, for example Nature in the City, Te Ture Whaimana o Te Awa o Waikato, and Waikato-Tainui Environmental Plan.

#### **Cultural**

38. Effective partnership with iwi is integral to the success of the HUGS review. We respect the special status of Tangata Whenua, are committed to the principles of Te Tiriti O Waitangi and further Maaori aspirations through building mana-enhancing partnerships.
39. A revised HUGS will deliver against wellbeing outcomes and priorities identified in 'He Pou Manawa Ora – Pillars of Wellbeing'.
40. The HUGS review places a high level of importance on the Vision and Strategy for the Waikato River when prioritising growth outcomes.

**Risks - *Tuuraru***

41. There are no known risks associated with the decisions required for this matter.

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

**Significance**

42. 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 medium level of significance.

**Engagement**

43. The purpose of this report is to ensure we set up appropriate consultation with the community.
44. Some community views and preferences are already known to the Council through other recent related consultation Council has undertaken on Plan Change 9 – Historic Heritage and Natural Environment, and Plan Change 12 – Enabling Housing Supply. The high-level themes from the feedback on these plan changes will be considered through the HUGS deliberations. Pre-consultation with our partners such as Iwi, neighbouring councils and central government agencies has also been relied upon in drafting HUGS.
45. Given the medium level of significance determined, the engagement level is medium. Engagement is required.

**Attachments - *Ngaa taapirihanga***

There are no attachments for this report.