

Notice of Meeting:

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

Date: Thursday 18 March 2021
Time: 9.30am
Meeting Room: Council Chamber and Audio Visual link
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Council *Kaunihera* OPEN AGENDA

Membership

Chairperson Mayor P Southgate
Heamana

Deputy Chairperson Deputy Mayor G Taylor
Heamana Tuarua

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

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly – or as required

Becca Brooke
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Menetia Mana Whakahaere

10 March 2021

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Purpose

The Council is responsible for:

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

Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
 - a) The power to make a rate.
 - b) The power to make a bylaw.
 - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
 - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
 - e) The power to appoint a Chief Executive.
 - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the 30-Year Infrastructure Strategy.
 - g) The power to adopt a remuneration and employment policy.
 - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
 - i) The power to approve or amend the Council's Standing Orders.
 - j) The power to approve or amend the Code of Conduct for Elected Members.
 - k) The power to appoint and discharge members of committees.
 - l) The power to establish a joint committee with another local authority or other public body.
 - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
 - n) The power to amend or replace the delegations in Council's *Delegations to Positions Policy*.
2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
 - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
 - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
 - c) Approval of any changes to city boundaries under the Resource Management Act.
 - d) Adoption of governance level strategies plans and policies which advance Council's vision and strategic goals.
 - e) Approval of the Triennial Agreement.

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

Oversight of Policies and Bylaws:

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

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1 Apologies – *Tono aroha*

2 Confirmation of Agenda – *Whakatau raarangi take*

The Council to confirm the agenda.

3 Declaration of Interest – *Tauaakii whaipanga*

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

4 Public Forum – *Aatea koorero*

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

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

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

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

Council Report

Item 5

Committee: Council

Date: 18 March 2021

Author: Tyler Gaukrodger

Authoriser: Becca Brooke

Position: Governance Advisor

Position: Governance Manager

Report Name: Confirmation of the Council Open Minutes of 4 February 2021

Report Status	<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 4 February 2021 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Council Open Minutes 4 February 2021

Council *Kaunihera* OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber and audio visual link, Municipal Building, Garden Place, Hamilton on Thursday 4 February 2021 at 9.33am.

PRESENT

Chairperson Mayor P Southgate

Heamana

Members

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

In Attendance:

Richard Briggs – Chief Executive
Sean Murray – General Manager Venues, Tourism and Major Events
Lance Vervoort – General Manager Community
Jen Baird – General Manager City Growth
David Bryant – General Manager Corporate
Kelvin Powell – City Safe Unit Manager
Luke O'Dwyer – City Planning Manager
Carmen Norris - Programme Manager, Economic Growth & Planning
Maire Porter - City Waters Manager
James Clarke – Director of the Mayor's Office

Simon Cherry – Senior Sargent NZ Police

Governance Team:

Becca Brooke – Governance Manager
Amy Viggers – Governance Team Leader
Tyler Gaukrodger – Governance Advisor

The meeting was opened with a karakia from Tame Pokaia.

1. Apologies – Tono aroha

Resolved: (Mayor Southgate/Cr Bunting)

That the apologies for absence from Deputy Mayor Taylor are accepted.

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

Resolved: (Mayor Southgate/Cr Bunting)

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. **Confirmation of the Council Open Minutes of 8 December 2020**

Resolved: (Cr Wilson/Cr van Oosten)

That the Council confirm the Open Minutes of the Council Meeting held on 8 December 2020 as a true and correct record.

6. **Chair's Report**

Mayor Southgate took the report as read and responded to questions from members concerning Maaori representation.

Resolved: (Mayor Southgate/Cr Bunting)

That the Council receives the report.

7. **Waikato Regional Theatre - Funding Deed**

The General Manager Venues, Tourism and Major Events outlined the work undertaken to form the Waikato Regional Theatre Funding Deed with Hamilton City Council. He responded to questions from Elected Members concerning Council representation via an independent observer, risk mitigation, proposed conditions and Council funding.

Item 7 (Waikato Regional Theatre - Funding Deed) was adjourned at the conclusion of the discussion to enable staff time to respond to points raised by Elected Members.

8. **Application for Temporary Extension to Hamilton Alcohol Control Bylaw 2015 (SIX60 Concert - 27 February 2021)**

The City Safe Unit Manager outlined the Hamilton Alcohol Control Bylaw 2015 temporary extension process and introduced Senior Sergeant Simon Cherry. They responded to questions from Elected Members concerning steps to be undertaken to ensure a successful event.

Resolved: (Cr Forsyth/Cr Thompson)

That the Council:

- a) receives the report; and
- b) approves the creation of a Temporary Alcohol Ban Area (the Area) to support the SIX60 Concert, pursuant to clause 8 of the Hamilton Alcohol Control Bylaw 2015 (the Bylaw), to which clause 5.1 of the Bylaw will apply from 12pm until 10pm on Saturday 27 February 2021(inclusive), as if the area were included in Schedule 1 of the Bylaw, and will encompass the areas shaded in green on the map at **Attachment 2** of the staff report.

Cr Gallagher left the meeting (10.04am) during the discussion of the above item. He was not present when the matter was voted on.

9. Making Plan Change 6 - Regulatory Efficiency and Effectiveness Programme Operative

The City Planning Manager took the report as read and responded to questions from Elected Members concerning the plan change process.

Resolved: (Cr Macpherson/Cr Pascoe)

That the Council

- a) receives the report; and
- b) approves Plan Change 6 – Regulatory Efficiency and Effectiveness Plan Change to be made operative on 19 February 2021, in accordance with clauses 17 and 20 of the First Schedule of the Resource Management Act 1991 (RMA).

Cr Gallagher re-joined the meeting (10.06am) during the discussion of the above item. He was present when the matter was voted on.

10. District Plan Amendments Committee Draft Terms of Reference

The City Planning Manager took the report as read and responded to questions from Elected Members concerning the scope of the District Plan project, the proposed terms of reference, Elected Member involvement and expectations, funding, and Maangai Maaori involvement.

Resolved: (Cr Pascoe/Cr Macpherson)

That the Council approves the Draft District Plan Committee Terms of Reference (**attachment 1** of the staff report).

11. Draft Schedule of Reports for Council and Committees – 2021

The Governance Manager took the report as read and responded to question from Members concerning the draft Schedule of Reports for Council and Committees – 2021.

Resolved: (Mayor Southgate/Cr van Oosten)

That the Council:

- a) receives the draft Schedule of Reports for Council and Committees - 2021
- b) notes that the Schedule of Reports for Council and Committees - 2021 will be updated regularly and will be available to Members via Diligent.

7. Waikato Regional Theatre - Funding Deed - Continued

The General Manager Venues, Tourism and Major Events confirmed that the proposed funding deed conditions include the previous contribution from Council.

Resolved: (Cr Wilson/Cr Gallagher)

That the Council:

- a) receives the report;
- b) requests the proposed Funding Deed be amended to include reference to the previous contribution of Council and be reported to the next meeting of the Council for approval.

12. Resolution to Exclude the Public

Resolved: (Cr Macpherson/Cr Thomson)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

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

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Council Public Excluded Minutes of 8 December 2020) Good reason to withhold) information exists under) Section 7 Local Government	Section 48(1)(a)
C2. Legal Claim - Regency House) Official Information and	
C3. Watercare Water Allocation Application - Board of Inquiry) Meetings Act 1987)	
C4. Release of a Public Excluded report considered at a meeting of the Audit and Risk Committee on 17 March 2017.		

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

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to protect the privacy of natural persons	Section 7 (2) (a)
	to maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment	Section 7 (2) (f) (ii)
	to maintain legal professional privilege	Section 7 (2) (g)
	to enable Council to carry out negotiations	Section 7 (2) (i)
	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C3.	to maintain legal professional privilege	Section 7 (2) (g)
	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C4.	to maintain legal professional privilege	Section 7 (2) (g)
	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)

The meeting moved into a public excluded session at 10.45am

The meeting was declared closed at 1.48pm.

On 8th March 2021 the CE approved the release of the following resolution to the public pertaining to Item C3: Watercare Water Allocation Application – Board of Inquiry.

Item C3: Watercare Water Allocation Application - Board of Inquiry

That the Council:

- a) approves Hamilton City Council's participation on the Board of Inquiry appointed to hear the Watercare water allocation application from the Waikato River;
- b) approves an initial position of opposition to the Watercare water allocation application;
- c) requests the Chief Executive to prepare and lodge the necessary documentation to effect the above (a) and (b);
- d) notes that the initial position of opposition may be reviewed as the Board of Inquiry process proceeds, alongside a collaborative approach with the applicant, Auckland Council and other submitters;
- e) notes an initial unbudgeted cost estimate of \$200,000 this financial year to cover preparation and lodgement of the HCC submission, and to undertake any initial discussion/mediation;
- f) notes that the decision and information in relation to this matter be released at the appropriate time, to be determined by the Chief Executive; and
- g) that the proposed Hamilton City Council submission to the Board of Inquiry hearing on the water application be reported to Council for approval prior to lodgement.

Item 5

Attachment 1

Council Report

Item 6

Committee: Council

Date: 18 March 2021

Author: Tyler Gaukrodger

Authoriser: Becca Brooke

Position: Governance Advisor

Position: Governance Manager

Report Name: Confirmation of the Elected Member Open Briefing Notes - 3 March 2021

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

That the Council confirm the Open Notes of the Elected Member Briefing held on 3 March 2021 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Open Elected Member Briefing Notes - 3 March 2021

Elected Member Briefing Notes – 3 March 2021 – OPEN

Item 6

Attachment 1

Time and date:	11.35am, 3 March 2021
Venue:	Committee Room 1, Hamilton City Council and Audio-visual link
In Attendance:	Mayor Southgate, Deputy Mayor Taylor, Crs Pascoe, O’Leary (Audio-visual Link), van Oosten (Audio-visual Link), Thomson (Audio-visual Link), Naidoo-Rauf (Audio-visual Link), Macpherson, Forsyth (Audio-visual Link) and Gallagher
Apology for Full Session:	Crs Wilson, Hamilton, Bunting, Maangai Hill, Rau, Te Ua, Thompson-Evan, and Whetu
Apologies for lateness/early departure:	Nil

Discussion

The briefing session covered in an **open** session.

- Wellbeings and Priorities
- Central City Coordinated Transport Programme

1. Wellbeings and Priorities

The Unit Manager Strategy and Corporate Planning explained that the purpose of the presentation was to gain feedback from Members concerning the Wellbeing Framework and associated reporting framework. She noted the requirements under the Local Government Act to consider socio-economic wellbeing of the community, and Council’s five priorities.

Members asked questions in relation to the following:

- wellbeing measures;
- priority indicators;
- setting targets;
- the Open Space Strategy; and
- community/stakeholder partnerships.

2. Central City Coordinated Transport Programme

The Unit Manager City Transportation and Parking Team Leader explained that the purpose of the presentation was to provide a comprehensive overview of the transport programme for the central city including; the central city transformation plan initiatives, parking management plans, public transport initiatives, parking initiatives, micro-mobility and innovating streets.

Members asked questions in relation to the following:

- parking technology;
- the 2-hour free parking trial;
- Waikato Regional Council Comet;
- the Transport Management Plan;
- pedestrian routes;
- Hamilton City Gardens public transport;
- cycling connections; and
- mode-shift congestion impact projections.

Staff Action: Staff undertook to organise a further session to discuss the overview of the full programme with members.

Council Report

Committee: Council

Date: 18 March 2021

Author: Tyler Gaukrodger

Authoriser: Becca Brooke

Position: Governance Advisor

Position: Governance Manager

Report Name: Chair's Report

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

That the Council:

- a) receives the report; and
- b) approves Cr Gallagher be appointed as the Hamilton City Council representative to the Waikato Plan Leadership Committee with Mayor Southgate as alternate.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Chair's Report



Chair's Report

The draft Long-Term Plan is currently out for consultation with the public.

This is one of the most important stages in the long process of putting together a Long-Term Plan: hearing what Hamiltonians think. We have already heard the community's overall aspirations for Hamilton: that's what shaped our five priorities. These drove the creation of the draft-Long Term Plan. Now it's time for the community to tell us whether we're going about achieving those aspirations in the right way.

I invite all Councillors are taking the opportunity to get out into the community and hear from those we represent. Our communications and engagement team have developed some really new and modern ways of us hearing from the community - including groups from whom we hear less often. I'm very grateful for their work to reach out. I also extend my invitation to community and business groups to reach out and invite us to talk with their membership in way that works for them.

I look forward to the feedback we hear over the few weeks and at the formal hearings to finalise the best possible Long-Term Plan for Hamilton Kirikiriroa.

I note that on this agenda we talk about the CBD. I think we are heading towards a very exciting revitalisation of our Central City. Private developments have already brought more people back to the centre through new business space and we are seeing good levels of infill residential and we need to play our part. I invite the public to consider the projects in the draft Long-Term Plan and of course bring any other good ideas our way. I thank Deputy Mayor Geoff Taylor and councillors who have regularly attended and helped put a strategy together.

Finally, to balance workloads, and to utilise Cr Gallagher's passion and experience for the projects and initiatives for which the Waikato Plan is responsible, I recommend that I step down as the HCC primary representative on that Committee, to be replaced by Cr Gallagher. I will continue to be involved as the alternate representative. I will also use my connections with Future Proof and the Mayoral Forum to connect with and support the goals of the Waikato Plan. Cr has regularly attended the Waikato Plan, and I know he will do an excellent job representing our interests.

Recommendation:

That the Council:

- a) receives the report; and
- b) approves Cr Gallagher be appointed as the Hamilton City Council representative to the Waikato Plan Leadership Committee with Mayor Southgate as alternate.

Paula Southgate

Mayor Hamilton City

Council Report

Committee: Council **Date:** 18 March 2021
Author: Frances Cox-Wright **Authoriser:** Becca Brooke
Position: Policy and Bylaw Lead **Position:** Governance Manager
Report Name: Elected Member childcare allowances: Proposed submission to the Remuneration Authority

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

1. To inform the Council of the proposed submission to the Remuneration Authority (REM Authority) which highlights issues of inequity with respect to the elected member childcare allowance policy.
2. To seek approval from the Council to send the proposed submission (**Attachment 1**) to the REM Authority to be considered as part of the review of local government elected members remuneration and entitlements for the 2021/22 financial year.
3. To seek approval from the Council to update the *Elected Members Support Policy* to include the Elected Member Childcare Allowance.

Staff Recommendation - *Tuutohu-aa-kaimahi*

4. That the Council:
 - a) approves the proposed submission on elected member childcare allowances (Attachment 1) to be sent to the REM Authority by 31 March 2021 so that it may be considered as part of the review of local government elected members remuneration and entitlements for the 2021/22 financial year;
 - b) notes that the proposed submission has been socialised with elected members at other local authorities who may make individual, group or Council submissions in support of the Hamilton City Council submission; and
 - c) approves the Hamilton City Council *Elected Members Support Policy* be updated to include the Elected Member Childcare Allowance.

Executive Summary - *Whakaraapopototanga matua*

5. The REM Authority introduced an elected member childcare allowance in 2019 in response to submissions from many local authorities (including Hamilton City Council) that the lack of support created barriers for people, in particular women, to enter into elected positions.
6. Eligible elected members can now claim for childcare expenses that meet the conditions of the REM Authority policy, where their Council has adopted this policy.

7. Elected members both within and outside of Hamilton City Council have identified issues affecting equity of access to this allowance, including that the policy *prima facie* discriminates based on family status, which is prohibited under human rights legislation.
8. Staff recommend approving the submission provided in **Attachment 1**, which advocates for a more equitable childcare allowance policy, to be sent to the REM Authority by 31 March 2021 for consideration as part of its annual review of the Local Government Elected Members Determination.
9. While drafting this submission, staff identified that while Hamilton City Council submitted in support of the childcare allowance in 2019, the Council has not formally resolved to adopt the childcare allowance as part of the Elected Member Support Policy. Staff therefore recommend that the Council approve the addition of the childcare allowance policy to the *Elected Members Support Policy* (**Attachment 2 – tracked changes; Attachment 3 – clean copy**).
10. Staff consider the decisions in this report have low significance and the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

11. Since 2019, elected members engaged on local authority business can claim an allowance for childcare expenses. The allowance was introduced in response to widespread concern from the local government sector that a lack of financial support for childcare creates a barrier for people, in particular women, to enter into elected positions. Hamilton City Council submitted in support of the introduction of the allowance at the time (30 May 2019).
12. Under section 14 of the [Local Government Members \(2020/21\) Determination 2020](#), eligible elected members can claim up to \$6,000 per year for each child if the childcare meets the criteria.

Eligibility

Elected members are eligible for the allowance if:

- They are engaged on local authority business at the time of the childcare; and
- They are the parent or guardian of the child, or usually have day-to-day responsibility for care of the child; and
- The child is under 14 years of age.

Criteria

The following criteria must be met for an elected member to be eligible for reimbursement:

- The childcare must be provided by someone who is not a family member of the elected member and does not ordinarily reside with the elected member.
 - Elected members must provide evidence of the amount paid for childcare.
13. Allowances are entirely at the discretion of individual councils within the limits set by the REM Authority. Council-approved allowances must be included in the council's elected members expenses and reimbursement policy and published on its website.
 14. The REM Authority has commenced its annual review of the Local Government Elected Members Determination and is seeking submissions from individuals and councils by 31 March 2021 for consideration in the new principal determination to be effective from 1 July 2021. This report proposes to make the submission provided in **Attachment 1**.

Discussion - *Matapaki*

REM Authority Submission

15. Elected Members (both within and outside Hamilton City Council) have identified issues affecting equity of access to the childcare allowance. To address these issues, the draft submission advocates for changes that would:
 - Remove the eligibility criteria exclusion based on family status;
 - Clarify the wording to ensure that elected members who are grandparents and have responsibility for day-to-day care of a child are eligible for the allowance;
 - Clarify that a parent or guardian may be a birth, whāngai, foster or adoptive parent or guardian;
 - Remove the exclusion of elected members who may have responsibility for the day-to-day care for a child on what could be considered “a temporary basis”; and
 - Encourage making the adoption of the elected member childcare allowance policy mandatory, rather than optional.
16. These issues are detailed in the draft submission (**Attachment 1**).
17. If the recommendation to send the draft submission to the REM Authority is not approved, the Authority may not be made aware of the inequity that is legally built into the childcare allowance, meaning the allowance is likely to remain unchanged and the equity issues will remain.
18. Elected Members adversely affected by this policy restriction may have to look at alternative routes to challenge it, such as through the courts arguing inconsistency with New Zealand’s human rights legislation. This approach would be both adversarial and expensive for parties on both sides.

Amending the Elected Members Support Policy

19. While developing Council’s submission, staff identified that although Hamilton City Council had submitted in support of the childcare allowance in 2019, there has been no formal Council resolution to adopt the childcare allowance to be included in the [*Elected Members Support Policy*](#).
20. The *Elected Members Support Policy* is currently undergoing a more wide-ranging review in consultation with Elected Members, however, it is recommended that Council make an interim amendment to formally implement the childcare allowance now.
21. Staff propose the introduction of clause 17 to the policy, which reads:

“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.”
22. Tracked changes to the policy are provided in Attachment 2. A clean version of the policy is provided in **Attachment 3**.
23. If this recommendation is not approved, Governance will not be able to process pending claims from eligible elected members for reimbursement of childcare expenses under the current policy. In addition, if this recommendation is not approved through this report, it can be considered as part of the wider review of the *Elected Member Support Policy*.

Financial Considerations - *Whaiwhakaaro Puutea*

REM Authority Submission

24. There are no financial implications of the staff recommendation to send the attached submission to the REM Authority.
25. If the REM Authority responds positively to the submission and amends the childcare allowance policy to be less restrictive, then the financial impact is likely to be an increase in the number of elected members who can claim up to \$6,000 per child, per year towards childcare expenses.

Amending the Elected Members Support Policy

26. Childcare allowances are currently an unbudgeted operating expense that fall within the Governance Budget.
27. The financial implications of amending the *Elected Members Support Policy* to include childcare allowances are estimated to be less than \$6,000 for the 2020/21 financial year. This is based on the number of elected members expected to claim reimbursement under the current policy settings.
28. A budget for childcare allowances is signalled to be included as part of the 2021-2031 Long Term Plan based on current needs of Elected Members. Budgeted amounts will be reviewed and adjusted as needed.

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

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

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

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

Social

32. The recommendations promote social wellbeing for current and future elected members and their families and whaanau because increasing access to the childcare allowance would enable elected members to have greater flexibility to determine childcare that is in the best interests of their child or children and family or whaanau.
33. They also seek to promote equity and protect the rights and freedoms of our community. In particular:
 - The right to freedom from discrimination on the grounds of family status affirmed under the Bill of Rights Act 1990 and Human Rights Act 1993; and
 - The rights of children affirmed in the United Nations Convention on the Rights of the Child, which New Zealand has signed and ratified.
34. The recommendations are also consistent with helping to remove barriers in encouraging younger people or people with young families to stand for Council. This in turn promotes greater diversity and fair and effective representation.

Economic

35. The recommendations support the economic wellbeing of our elected members and their family and whaanau by removing barriers for them to be able to pay for childcare, even where it is provided by a family member, if the elected member needs to pay that family member for the childcare provided.

Environmental

36. The recommendations do not directly impact environmental wellbeing.

Cultural

The recommendations support cultural wellbeing by advocating for a policy that would provide elected members with enhanced flexibility to fund childcare that suits the cultural needs of their child, family or whaanau.

Risks - *Tuuraru*

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

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

Significance

39. 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

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

Attachments - *Ngaa taapirihanga*

Attachment 1 - Proposed submission to the REM Authority on EM Childcare Allowances 2021

Attachment 2 - DRAFT Elected Members Support Policy - proposed revision to include childcare allowance 2021 - tracked change

Attachment 3 - DRAFT Elected Members Support Policy - proposed revision to include childcare allowance 2021 - Clean copy

[SPACE FOR MAYORAL LETTERHEAD]

Item 8

Office of the Remuneration Authority
PO Box 10084
The Terrace
Wellington 6143

Mike Kunz, Director
mike.kunz@remauthority.govt.nz

18 March 2021

Elected member childcare allowance: Submission to remove eligibility criteria exclusions based on family status

Attachment 1

Hamilton City Council is seeking the Remuneration Authority's consideration of an amendment to the policy on childcare allowances to remove the current exclusion based on family status and make access to the childcare allowance more equitable.

Hamilton City Council considers the introduction of the childcare allowance in July 2019 to have been a positive leap forward in reducing barriers for people, in particular women, to enter elected positions in local government. In the spirit of removing barriers for previously underrepresented groups to enter elected positions, we are seeking the removal of the exclusion based on family status to improve equity of access to this allowance.

As it stands, section 14 of the *Local Government Members (2020/21) Determination 2020* specifically excludes childcare provided by someone who ordinarily resides with the member, or a family member who is within two degrees of relationship with the elected member as eligible for reimbursement. This excludes a spouse, civil union partner, de-facto partner, and any relative connected with the member within two degrees of relationship whether by blood or adoption.¹

Family status is a prohibited ground of discrimination under the *Human Rights Act 1993* (HRA). The meaning of "family status" includes being married to or being in a civil union or de facto relationship with a particular person; or being a relative of a particular person.² In addition, the *Bill of Rights Act 1990* (BoRA) affirms every person's right to freedom from discrimination.³ On these grounds, treating someone who provides childcare for an elected member while on official business differently depending on their relationship to the member, is *prima facie* discrimination.

While it is common for family and whaanau to provide childcare free of charge, the assumption that all family and whaanau can do so without compensation is limited and creates unfairness.

¹ [Local Government Members \(2020/21\) Determination 2020](#), section 14.

² Human Rights Act 1993, [section 21\(1\)\(l\)](#).

³ Bill of Rights Act 1990, [section 19\(1\)](#).

The maximum amount that can be reimbursed as a “contribution towards” childcare under this policy (\$6,000 per child, per annum) roughly amounts to 317 hours (nearly 8 weeks) per year.⁴ This, in itself, is acknowledgement of the amount of childcare that may be required so that the elected member can remain engaged in local authority business. For family members who need to forfeit paid employment to provide this care, this represents an additional barrier to the elected member if they need to compensate them but cannot be reimbursed for this childcare.

The *United Nations Convention on the Rights of the Child*, which New Zealand ratified in 1993, states that:

*in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.*⁵

In efforts to meet New Zealand’s international obligations, Cabinet approved a work programme which includes considering the impacts of policy and legislation on children.⁶ Removing the family status distinction in this regulation would give elected members the flexibility to make childcare decisions in the best interests of their child and family.

We also seek the following eligibility to be made clear in the regulation:

- recognition that a parent or guardian of a child may be as a birth, whaangai, foster, or adoptive parent or guardian;
- recognition that a member *who usually has responsibility for the day-to-day care of the child* can include a grandparent;
- replacing the text “(other than on a temporary basis)” with “any time during the member’s tenure” to reflect the reality that some elected members may become responsible for the day-to-day care of a child in a way that may be considered “temporary” under the current wording but nevertheless places them in a comparable situation to other elected members with responsibility for children who are eligible for the allowance.

We have drafted suggested amendments to the wording of section 14. This is provided in Appendix A.

Equity of access to the childcare allowance is further restricted by the fact that it is optional for local authorities to adopt this policy and pay childcare allowances to eligible elected members. While many councils have adopted the childcare allowance, we are aware that some local authorities have not, which can cause inequity. Hamilton City Council would support the allowance being made mandatory to assist elected members across the country who need support for the children they care for.

While we acknowledge that the Remuneration Authority may anticipate some risks that are associated with our proposed changes, we submit that these should be considered with their

⁴ Based on the adult minimum wage of \$18.90 per hour.

⁵ United Nations Convention on the Rights of the Child (entered into force 2 September 1990) (ratified in New Zealand 6 April 1993), [article 3.1](#).

⁶ Further information on this work programme, including a link to the Child Impact Assessment Tool is available at: <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/resources/child-impact-assessment.html>.

mitigations and weighed against the benefits of removing the exclusion. The benefits are likely to include the following.

- Elected members who are parents would have greater flexibility to make childcare decisions in the best interests of their child/ren.
- Removing an additional barrier for parents and caregivers who serve or seek to serve on Councils, which in turn is likely to promote diversity in local government.
- Make the childcare allowance policy more consistent with BoRA and HRA.
- Minimising the risk of legal claims by removing the grounds to challenge this policy as discriminatory under the HRA.
- Meet and advance New Zealand's international obligations including under the United Nations *Universal Declaration of Human Rights* and *Convention on the Rights of the Child*.

We submit that the necessary risk mitigations to protect the allowance from being mis-used are already present within section 14 of the *Local Government Members (2020/21) Determination 2020*. These are:

- that the expenses must be for “childcare provided while the member is engaged on local authority business”⁷;
- that “the member provides evidence satisfactory to the local authority of the amount paid for childcare”⁸; and
- that the maximum allowance is set at a total of no more than \$6,000 per annum, per child.⁹

Hamilton City Council requests that this matter be considered as part of the review of local government elected members remuneration and entitlements for the 2021/22 year.

If you have any queries or would like to discuss this submission, please contact our Policy and Bylaw Lead, Frances Cox-Wright, at Frances.Cox-Wright@hcc.govt.nz.

Ngaa mihi nui,

[space for signature]

Paula Southgate

Hamilton Mayor

⁷ [Local Government Members \(2020/21\) Determination 2020](#), section 14(1).

⁸ Ibid, section 14(2)(d).

⁹ Ibid, section 14(3).

Appendix A – Suggested amendments to wording of section 14

Attachment 1

14 **Childcare allowance**

1. (1) A local authority may pay a childcare allowance, in accordance with subclauses (2) and (3), 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.
2. (2) A member is eligible to be paid a childcare allowance in respect of childcare provided for a child only if—
 - (a) the member is a (birth, whāngai, foster, or adoptive) parent or guardian of the child, or is a person (including a grandparent) who usually has responsibility for the day-to-day care of the child any time during the member's tenure (other than on a temporary basis); and
 - (b) the child is aged under 14 years of age; and
 - (c) ~~the childcare is provided by a person who~~
 - (i) ~~is not a family member of the member; and~~
 - (ii) ~~does not ordinarily reside with the member; and~~
 - (d) the member provides evidence satisfactory to the local authority of the amount paid for childcare.
3. (3) A local authority must not pay childcare allowances to a member that total more than \$6,000 per annum, per child.
4. ~~(4) In this regulation, family member of the member means—~~
 - ~~(a) a spouse, civil union partner, or de facto partner;~~
 - ~~(b) a relative, that is, another person connected with the member within 2 degrees of a relationship, whether by blood relationship or by adoption.~~

Item 8

First adopted:	August 2015; Implemented October 2016
Revision dates/version:	February 2017 (to reflect 2016-18 Governance Structure); November 2017; March 2021 (addition of childcare allowance)
Next review date:	November 2019 April 2021
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 the option of using Hamilton City Council approved standard IT equipment (mobile phone, and either a laptop OR an iPad). Elected members who are provided with Hamilton City Council approved standard IT equipment will be connected to Council's IT network and provided with IT support services.
8. All Council equipment must be returned at the end of each 3 year term.
9. Any equipment provided must be used in accordance with the Council's IT Usage Standards and Guidelines¹.
10. 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.

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.
13. Stationery supplies or consumables will only be provided or reimbursed for a member's private computer (i.e. paper, printer cartridges, etc) if that member has elected not to use the Council's approved standard IT equipment.
14. Elected members may 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 carparking (subject to displaying an authorised sticker on the member's vehicle and provision of the vehicle's registration number to the Governance Manager).

Communications Expenses and Allowances

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

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

16. On receipt of supporting tax invoices, the Governance Manager may authorise reimbursement for Council-related telephone calls made on private telephones (including mobile phones).

Childcare Allowance

17. 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.

Training and conference attendance

- 16-18. 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 by 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 party.

- 17-19. If elected members wish to attend professional development training or conferences of their own choice, they must make a written request to the Governance Manager for funding from the Elected Members' professional development discretionary budget. Each member is entitled up to a maximum of \$6,000 per annum. 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.

- 18-20. Once approved, the Governance team will organise the necessary registrations, bookings and payments.

- 19-21. 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.

- 20-22. 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

- 21-23. 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.

- 22-24. A mileage allowance is payable for any distance travelled in excess of 80 kilometres per week where the travel claimed is:

- 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.

~~23-25.~~ The maximum payable mileage allowance to each elected member is \$1,825 per annum.

~~24-26.~~ 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 Manager on request to support any mileage claim.

~~25-27.~~ 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

~~26-28.~~ ~~27.~~ 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:

- **Medical Insurance**

Elected members are not permitted to obtain medical insurance through the Hamilton City Council medical insurance scheme.

- **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.

- **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.

- **Airpoints**

Airpoints earned by an elected member 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

~~27-29.~~ Refer to the [Council's Code of Conduct](#) in relation to gifts received by, and in their capacity as, elected members.

~~29-30.~~ Refer to [Council Policy](#) and Office of the Auditor General – [Controlling Sensitive Expenditure: Guidelines](#) for public entities in relation to corporate hospitality and entertainment.

Policy Administration

~~29-31.~~ 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)²; 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.

~~30-32.~~ All claims for reimbursement of expenses must be submitted on the councillor expense claim form to the Governance Manager. Claims must be signed by the elected member, and all expenses claimed must be supported by a tax invoice.

~~31-33.~~ The Governance Manager 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 Officer.

~~32-34.~~ The remuneration and allowances paid and all expenses reimbursed to elected members will be reported to all elected members on a monthly basis.

~~33-35.~~ A summary of elected members' expense claims and reimbursements paid under this Policy may be published on the Council's website.

² 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.

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24. A mileage allowance is payable for any distance travelled in excess of 80 kilometres per week where the travel claimed is:
- 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.

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25. The maximum payable mileage allowance to each elected member is \$1,825 per annum.
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Gifts, Corporate Hospitality and Entertainment

29. Refer to the [Council's Code of Conduct](#) in relation to gifts received by, and in their capacity as, elected members.
30. Refer to [Council Policy](#) and Office of the Auditor General – [Controlling Sensitive Expenditure: Guidelines](#) for public entities in relation to corporate hospitality and entertainment.

Policy Administration

Attachment 3

31. 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)¹¹; 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.
32. All claims for reimbursement of expenses must be submitted on the councillor expense claim form to the Governance Manager. Claims must be signed by the elected member, and all expenses claimed must be supported by a tax invoice.
33. The Governance Manager 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 Officer.
34. The remuneration and allowances paid and all expenses reimbursed to elected members will be reported to all elected members on a monthly basis.
35. A summary of elected members' expense claims and reimbursements paid under this Policy may be published on the Council's website.

Item 8

¹¹ 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.

Council Report

Item 9

Committee: Council **Date:** 18 March 2021
Author: Kelvin Powell **Authoriser:** Jen Baird
Position: City Safe Unit Manager **Position:** General Manager City Growth
Report Name: District Licensing Committee Reappointment

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

1. To seek the Council's approval to reappoint Tegan McIntyre to the Hamilton District Licensing Committee (DLC) for a further term of five years.
2. To seek the Council's approval to increase the membership of the Hamilton District Licensing Authority from seven to ten members.

Staff Recommendation - *Tuutohu-aa-kaimahi*

3. That the Council:
 - a) receives the report;
 - b) approves the reappointment of Tegan McIntyre to the Hamilton District Licensing Committee for a further period of five years pursuant to the provisions of s192 (3) of the Sale and Supply of Alcohol Act 2012; and
 - c) approves an increase in the membership of the Hamilton District Licensing Committee from seven to ten members.

Executive Summary - *Whakaraapopototanga matua*

4. The Sale and Supply of Alcohol Act 2012 (the Act), empowers local authorities to establish and maintain a list of approved District Licensing Committee (DLC) members. Appointments to the DLC approved list are for a term of up to five years and may be approved for one or more further periods of up to five years.
5. The Council approved the appointment of the five original nominated persons to the Hamilton DLC on 28 November 2013. These five members were then reappointed for a further five-year term on 6 September 2018.
6. On 4 April 2016 Tegan McIntyre was appointed as an additional member of the DLC. Her term is due to expire on 4 April 2021. During this term, she has also been appointed as the Deputy Commissioner of the DLC.
7. She has submitted an expression of interest seeking to be reappointed to the DLC for a further five years.
8. During her term, Tegan has consistently performed to a very high standard both as a list member and as Acting Commissioner.

9. The volume of hearings dealt with by the DLC means that there is considerable reliance placed upon the current number of DLC members. As most members also have other roles they perform, this is creating problems in trying to assemble a quorum to hear matters in a timely manner.
10. The statutory reporting agencies (Police, Medical Officer of Health and the Licensing Inspector) have all indicated that there will be a greater demand for formal hearings through this year and into the next, principally due to concerns over the suitability of various licence applicants.
11. Increasing the size of the membership of the DLC from seven to ten members is a viable manner of overcoming the current difficulties in both the timeliness and increased demand for formal hearings.
12. Staff consider the decision in this report have low significance and that the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

13. The DLC is a committee of council set up to administer the Council's alcohol licensing framework as determined by the Act.
14. It is an independent, inquisitorial and impartial body that operates in a quasi-judicial role and has the same powers as a commission of inquiry.
15. The role of the DLC is to consider and determine all applications for licences, manager certificates, temporary authorities and special licence applications.
16. Members of the DLC must have experience relevant to alcohol licensing matters. They are appointed for a fixed term of up to five years and can be reappointed for one or more periods of up to five years.

Discussion - *Matapaki*

Reappointment of DLC member

17. The Council is required under section 189 of the Act to appoint members of the DLC from the list of persons approved by Council under section 192 of the Act.
18. Council is required to publish its list of persons approved to be members of the DLC.
19. The publication '[Selecting and Appointing District Licensing Committees – a guide for Councils](#)' was prepared by Local Government New Zealand, New Zealand Society of Local Government Managers and the Health Promotion Agency to support councils in appointing and reappointing DLC members.
20. Staff confirm that the recommended reappointment of Tegan McIntyre is in accordance with the best practice principles of the guide to councils in terms of knowledge and experience in licensing matters, significant experience in conducting formal hearings, advanced communication skills and reflecting cultural diversity.
21. If Tegan McIntyre is not reappointed for a further period, the DLC would be required to re-advertise the position and it would likely compromise the ability of DLC to discharge its functions in the interim.

Increasing membership of the DLC

22. The volume of hearings dealt with by the DLC and the requirement to have a quorum of three members present at such hearings means that there is a greater reliance placed upon current members. Most DLC members also hold down fulltime jobs and – when combined with leave and sickness – it can be difficult to form a quorum to hear licensing matters.
23. The statutory reporting agencies have indicated there will be increased demand for hearings this year. Because of this forecast demand, scheduled hearing dates for 2021 have been increased from one sitting day per month (up to three hearings) to two sitting days per month (up to six hearings). It is also forecast that additional hearing dates will be required to deal with a matter that will have a high level of public interest and may last for up to a full week.
24. The following table outlines the number of DLC hearings completed since 2016:

Year	Hearings
2016	30
2017	25
2018	22
2019	40
2020	16 #
2021	12 *

A significant number of hearings in 2020 were severely affected by Covid-19

* Number of hearings already forecast by reporting agencies in 2021

25. There is no upper limit as to the number of members that can be appointed to any DLC. The Act requires that each territorial authority appoints sufficient members as, in its opinion, are required to deal with licensing matters for its district.
26. Staff consider that the appointment of additional members of the DLC would not result in any greater operating costs; rather, the increasing workload would be spread across a greater number of list members and help to better manage availability and timeliness for hearings.

Financial Considerations - *Whaiwhakaaro Puutea*

27. DLC members are remunerated based on the number of hours spent in hearings and they are not paid a retainer. The risk-based fee regime of alcohol licensing applications ensures that all operating costs of the DLC are fully recovered.
28. DLC remuneration is governed by the States Services Commission in accordance with the fees framework determined by Government.

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

29. Staff confirm that they have sought legal advice on both matters discussed in this report and that the staff recommendations comply with Council's legal 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.
33. A diverse panel of DLC members who possess a wide range of skills, knowledge and cultural diversity will ensure that the relevant social, economic, environmental and cultural issues are properly understood and considered when hearing matters related to the alcohol licensing framework.

Risks - *Tuuraru*

34. If the number of members of the DLC is not increased, it is unlikely to be able to consistently establish a quorum to conduct hearings, which will potentially result in hearings being unreasonably delayed.

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

Significance

35. 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

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

Attachments - *Ngaa taapirihanga*

There are no attachments for this report.

Council Report

Item 10

Committee: Council **Date:** 18 March 2021
Author: Maria Barrie **Authoriser:** Lance Vervoort
Position: Parks and Recreation Manager **Position:** General Manager Community
Report Name: Whatukoruru Reserve Deliberations Report

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

- To inform the Council of the information received by the Hearings and Engagement Committee on 1 December 2020 regarding the reserve status on Whatukoruru Reserve.
- To recommend that the Council revoke the reserve status of Whatukoruru Reserve, located in Peacocks Land Hamilton, under section 24 of the Reserves Act 1977 for the purposes of enabling the land to be transferred to Waikato Tainui.

Staff Recommendation - *Tuutohu-aa-kaimahi*

- That the Council:
 - receives the report;
 - notes that two submissions were received relating to the proposed revocation of the reserve status for Whatukoruru Reserve (one in support and one objecting), both in response to the public consultation undertaken in terms of the Reserves Act 1977;
 - notes that each submitter attended the Council's Hearings and Engagement Committee on 1 December 2020 and spoke to their submission; and
 - approves the revocation of the reserve status of the land described in Schedule 1, pursuant to section 24 of the Reserves Act 1977:

Schedule One

<i>Reserve Name</i>	<i>Approximate area subject to survey (m2)</i>	<i>Legal Description</i>	<i>Computer Freehold Register</i>
<i>Whatukoruru Reserve</i>	<i>24340</i>	<i>Lot 1 DPS 90309</i>	<i>347695</i>

Executive Summary - *Whakaraapopototanga matua*

- The 27 August 2019 Growth and Infrastructure Committee meeting approved the action to revoke the reserve status on the Whatukoruru Reserve to allow the transfer of land to Waikato Tainui to facilitate a land exchange for other reserve land located at Wairere/Cobham Drive which is to be used for road.

5. Public notification calling for submissions to the proposed revocation of the reserve status under the Reserve Act 1977 (the Act) has been completed with two submissions received, one in support from Pirairaka, Albert McQueen Io Matua Kore Maaori Incorporation and one against from Te Hapu o te Wakaminenga Wahi o Maniapoto o Nu Tireni.
6. On 1 December 2020 the Hearings and Engagement committee heard submissions on the revocation. No further information was requested by the committee.
7. The Act requires that the Council consider any objection against the proposed revocation of the reserve status.
8. Staff consider the decision in this report have medium significance and that the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

9. The Whatukoruru Historic Reserve (Lot 1 DPS 90309) is an historic Pa site, one of many that would have existed in the area. It is the best preserved in terms of landform and site features.
10. On 11 October 2018, the Council approved staff to enter into an agreement with Waikato-Tainui that resolves their Rights of First Refusal relating to the Southern Links Designation. This agreement included the return of the Whatukoruru Reserve to Waikato Tainui, excluding a small parcel of land to be used for the Peacocke road network.
11. Council will work closely with Waikato-Tainui to rehabilitate the site. Plans for the site are not finalised yet but are expected to provide full public access, cultural narrative and educational opportunities, and to capitalise on pedestrian access nearby being delivered as part of the roading projects.
12. As part of the arrangement with Waikato-Tainui, Council is firstly required to revoke (cancel) the Historic Reserve status on the Whatukoruru Reserve to allow it to transfer into Waikato-Tainui ownership and legalise a small area as road.
13. The 27 August 2019 Growth and Infrastructure Committee requested staff commence the revocation of reserve status process to enable land matters to be resolved.
14. Council in compliance with the statutory provisions of the Act publicly notified the intention to revoke the reserve status calling for submissions and objections.
15. Two written submissions were received, one in support Pirairaka, Albert McQueen Io Matua Kore Maaori Incorporation and one against from Te Hapu o te Wakaminenga Wahi o Maniapoto o Nu Tireni.
16. On 1 December 2020, the Hearings and Engagement Committee heard verbal submissions from the two submitters on this matter.

Discussion - *Matapaki*

17. The submissions are set out as below:

Submission	Submitter	Context	Staff response
Submission in Support	Pirairaka Albert McQueen, Oi Matua Kore Maaori Incorporation	As a direct descendant of original occupiers of Pa site supports the return of the land to original owners of Whatukoruru Waikato Tainui.	

Submission in Objection	Te Hapu o te Wakaminenga Wahi o Maniapoto o Nu Tireni	Permanent native reserve set up for women and child land war victims from Raukawa, Maniapoto, Wanganui, Tuwharetoa in 1883.	<p>A background search shows the history of the Whatakoruru site as:</p> <ul style="list-style-type: none"> - 1864 Crown returned land to those who had not taken part in the uprising and their families subject to any further would be punished by taking possession of the land again. - 1865 the Crown took the land under the NZ Settlements Act 1863 stating that the Governor General was satisfied that the native tribes had been engaged in rebellion against Her Majesty. - It was surveyed off in 1865 and in 1866 transferred under a Crown Grant to Thomas Capel Tilly Thomas James Galloway on 29/11/1886 where it has remained in private ownership until acquired by Hamilton City Council and classified as reserve in 2002. - Original Tangata Whenua Ngati Koura a subset of Ngati Wairere.
		Removal of the reserve status would result in the destruction of wahi tapu and the pa site	Agreement with Waikato- Tainui ensures the continued preservation of the site.
		Waikato-Tainui are a NZ government business entity and land is still under native title.	<p>Waikato-Tainui are an Incorporated Society and a registered charitable trust with no links to central government.</p> <p>Land transfer history above.</p>

18. It is recommended that the Council revoke the reserve status of Whatukoruru Reserve land, located in Peacockes Hamilton, under section 24 of the Reserves Act 1977 for the purposes of enabling the land to be transferred to Waikato Tainui noting a smaller portion will also be required for a road. These transfers are consistent with the agreement with Waikato Tainui that resolves Rights of First Refusal.
19. If the recommendation is not approved, Council will need to re-negotiate with Waikato Tainui to resolve their Rights of First Refusal relating to the vesting of land as Road in the vicinity of the Cobham Drive / Wairere Drive intersection and the new bridge into Peacocke.

Options

20. Staff have assessed that there are two reasonable and viable options for the Council to consider. This assessment reflects the level of significance (see paragraph 38).
21. The options are:
 - **Option A** – to approve the revocation of the reserve status of Whatukoruru Reserve
 - **Option B** – to accept the objection and decline approval for the revocation of the reserve status of Whatukoruru Reserve

22. Staff recommend **Option A** because enables the return of this historic Pa site to mana whenua whilst maintaining public access to this site and enables the legalisation of road associated with the Cobham drive / Wairere Drive intersection and Peacocke Bridge.

Financial Considerations - *Whaiwhakaaro Puutea*

23. This matter is funded as part of the Housing Infrastructure Loan and the 2018-28 Long-Term Plan.

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

24. Staff confirm that the process that has taken place with the public notification under section 119(b) of the Act and now the Council is required to consider the objection to comply with the Council's legal and statutory requirements under section 120 of the Act.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

25. 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').
26. 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.
27. The recommendations set out in this report are consistent with that purpose.

Social

28. The hearings provided individuals and communities with an opportunity to express their goals and how the reclassification may have an impact on these goals.
29. The recommendation enables Waikato Tainui to achieve their goals in respect to the future development and ongoing maintenance of Whatukoruru.

Economic

30. The hearings provided individuals and groups with an opportunity to express what the potential economic impact of the reclassification may be on the local neighbourhood and wider Hamilton community.

Environmental

31. The hearings provided individuals and groups with an opportunity to express what the potential economic impact of the reclassification may be on the local neighbourhood and wider Hamilton community.
32. The recommendation enables Waikato Tainui to take ownership of environmental outcomes at Whatukoruru.

Cultural

33. On 11 October 2018 Council gave approval for staff to enter into an agreement with Waikato Tainui that resolves their Rights of First Refusal relating to the Southern Links Designation. This agreement included the return of Whatukoruru to Waikato Tainui and a small parcel of land to be used for the Peacocke road network.
34. The hearings provided individuals and communities with an opportunity to discuss how the reclassification has an impact on their ability to retain, interpret and express their cultural values.
35. The recommendation enables Waikato Tainui to take ownership of Whatukoruru which is a site of high historical significance to them.

Risks - *Tuuraru*

36. There are no known risks with the recommended **Option A**.
37. **Option B** represents a significant risk to Council if revocation of the reserve status is not successful it would require Council to renegotiate with Waikato Tainui to resolve their Rights of First Refusal relating to the Southern Links Designation

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

Significance

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

Engagement

39. A proposal to revoke the Reserves Act Status for Whatukoruru was publicly notified in the Waikato Times 22 September 2020.
40. Community views and preferences are already known to the Council through the submissions received and a Hearings and Engagement meeting on 1 December 2020.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Whatukoruru Reserve Map

Red outline – indicates location of Whatukoruru Reserve



Council Report

Committee: Council **Date:** 18 March 2021
Author: Inde King **Authoriser:** Lance Vervoort
Position: Partnerships Manager **Position:** General Manager Community
Report Name: Hamilton City Council's Draft 1 Submission to the WEL Energy Trust's 2021/22 Draft Annual Plan

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

1. To seek approval from the Council of Hamilton City Council's **Draft 1** submission to the WEL Energy Trust's 2021-22 Draft Annual Plan.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Council:
 - a) receives the report;
 - b) approves Hamilton City Council's **Draft 1** submission to the WEL Energy Trust's 2021/22 Draft Annual Plan;
 - c) notes that the approved submission will be sent to the WEL Energy Trust on 19 March (noting that the Trust has provided Council an extension to the official 17 March submission closing date); and
 - d) notes that the Council representatives (including nominated Elected Member/s) will speak in support of the approved submission at the Trust's hearing scheduled for 23 March 2021.

Executive Summary - *Whakaraapopototanga matua*

3. The WEL Energy Trust (the Trust) is currently seeking feedback on its 2021/22 Draft Annual Plan, with the official submission period closing on 17 March 2021 (noting that the Trust has agreed to receive Council's submission by 19 March 2021).
4. The 2021/22 Draft Annual Plan outlines the Trust's intentions, expected outcomes and measures for the period 1 April 2021 to 31 March 2022.
5. As Hamilton City Council (HCC) is the largest capital beneficiary of the WEL Energy Trust, it is regarded important to make a submission to ensure Council's views are outlined and taken into consideration by the Trust.
6. At its 11 February 2021 meeting the Community Committee, requested that staff put in an application, on behalf of HCC as a capital beneficiary, to the WEL Energy Trust for funding to support the delivery of the following projects: Zoo/Waiwhakareke Projects, Rototuna Pool, CBD River Pedestrian Walk Bridge (subject to approval of the Long Term Plan).

7. The **Draft 1** submission outlines Council's desire to build on the excellent partnership and working relationship it currently has with the Trust to progress increased community wellbeing in Hamilton and the Waikato Region.
8. It also submits a variation request to the Trust's 2021/22 Draft Annual Plan to enter into a co-funding arrangement for a number of key projects that will assist in delivering on Hamilton's five priorities for the city i.e. Hamilton Zoo/Waiwhakareke Natural Heritage Park Projects - \$2,000,000 to 7,717,000; Rototuna Pool - \$1,000,000 to \$2,500,000; CBD River Walking and Cycling Bridge - \$2,000,000 to \$6,972,000.
9. Staff recommend that the Council approves **Draft 1 (Attachment 1)**, that it be sent to the WEL Energy Trust by 19 March 2021, and that HCC representatives speak in support of the approved submission at the Trust's hearing scheduled for 23 March 2021.
10. Staff consider the decision has low significance when assessed under Council's Significance and Engagement Policy and that the recommendations comply with the Council's legal requirements.

Background - Koorero whaimaarama

11. The Community Committee, at its 11 February 2021 meeting requested *"staff put in an application, on behalf of HCC as a capital beneficiary, to the WEL Energy Trust for funding to support the delivery of the following projects: Zoo/Waiwhakareke Projects, Rototuna Pool, CBD River Pedestrian Walk Bridge (subject to approval of the Long Term Plan), and delegates authority to the General Manager Community to submit the appropriate documents and enter into any appropriate negotiations; and note that the decision and information in relation to this matter remain publicly excluded for the reasons outlined in the report"*.
12. The above resolution was originally going to be addressed by an investment proposal to WEL Energy Trust.
13. However, it has subsequently been confirmed that what Council has proposed is a variation request to WEL Energy Trust's 2021/22 Draft Annual Plan, and that it would be best to send this variation request to the Trust as a formal submission to the Draft Plan.

Discussion - Matapaki

14. The Trust released its 2021/22 Draft Annual Plan for consultation on 25 February 2021, with the official submission closing date being 17 March 2021.
15. Given that the Council is to consider **Draft 1** at its 18 March meeting, the Trust has agreed to receive Council's approved submission on 19 March 2021.
16. The 2021/22 Draft Annual Plan outlines the Trust's intentions, expected outcomes and measures for the period 1 April 2021 to 31 March 2022.
17. **Draft 1** outlines Council's desire to build on the excellent partnership and working relationship it currently has with the Trust to progress increased community wellbeing in Hamilton and the Waikato Region.
18. It also submits a variation request to the Trust's 2021/22 Draft Annual Plan to enter into a co-funding arrangement for a number of key projects that will assist in delivering on Hamilton's five priorities for the city i.e. Hamilton Zoo/Waiwhakareke Natural Heritage Park Projects - \$2,000,000 to \$7,717,000; Rototuna Pool - \$1,000,000 to \$2,500,000; CBD River Walking and Cycling Bridge - \$2,000,000 to 6,972,000.
19. As Council is the largest capital beneficiary of WEL Energy Trust, it was regarded as important to make a submission to ensure Council's views are outlined and taken into consideration by the Trust.

20. On 11 February 2021 the Community Committee, requested that staff put in an application, on behalf of HCC as a capital beneficiary, to the WEL Energy Trust for funding to support the delivery of the following projects: Zoo/Waiwhakareke Projects, Rototuna Pool, CBD River Pedestrian Walk Bridge (subject to approval of the Long-Term Plan).
21. **Draft 1** notes that Council wishes to speak in support of its submission at the Trust's hearing, which is scheduled for 23 March 2021.
22. Immediately following the 23 March 2021 hearing, the Trust will then adopt the final Annual Plan for 2021/22.

Options

23. Although the Council has no obligation to make a submission, staff recommend making a submission to the WEL Energy Trust's 2020/21 Draft Annual Plan to ensure the Council's views are considered and taken into account by the Trust.

Financial Considerations - *Whaiwhakaaro Puutea*

24. The staff cost to develop the draft submission was met within existing budgets.

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

25. Staff confirm that the recommendations in this report comply with the Council's legal and policy requirements. complies with the Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

26. 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').
27. 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.
28. The recommendations set out in this report are consistent with that purpose.

Social

29. Obtaining funding from WEL Energy Trust for the key projects outlined in Council's **Draft 1** submission will have a number of significant positive social outcomes for Hamilton and the Waikato Region i.e. Hamilton Zoo/Waiwhakareke Natural Heritage Park Projects; Rototuna Pool; CBD River Walking and Cycling Bridge.
30. For example, Hamilton Zoo-Waiwhakareke Natural Heritage Park provides opportunities for informal play and recreation in Hamilton. A key purpose of the site is connecting people with nature and all the acknowledged benefits (physical, mental and social) this brings. The conservation destination's peaceful, natural landscapes complement our active city environment and contribute to our community's mental as well as physical wellbeing. The urbanisation of Brymer Road will promote strong and safe pedestrian and cycling connectivity with the community and the destination centres. Less tangible but equally important, social commitment to the 'greening' of our urban landscapes and increasing our environmental awareness contributes to stronger social wellbeing and civic participation outcomes.

Economic

31. Obtaining funding from the WEL Energy Trust for the key projects outlined in Council's **Draft 1** submission will have a number of significant positive economic outcomes for Hamilton and the Waikato Region i.e. Hamilton Zoo/Waiwhakareke Natural Heritage Park Projects; Rototuna Pool; CBD River Walking and Cycling Bridge.

32. For example, Hamilton Zoo-Waiwhakareke Natural Heritage Park will deliver:

- Increased job opportunities.
- Growth to the local economy.
- Increased revenue to re-invest in service delivery.
- New Tourism offerings / access to new markets.
- Increased visitor spending and supports overnight stay in the region.
- New business development opportunities for mana whenua.

Environmental

33. Obtaining funding from WEL Energy Trust for the key projects outlined in Council's **Draft 1** submission will have a number of significant positive environmental outcomes for Hamilton and the Waikato Region i.e. Hamilton Zoo/Waiwhakareke Natural Heritage Park Projects; Rototuna Pool; CBD River Walking and Cycling Bridge.
34. For example, Hamilton Zoo-Waiwhakareke Natural Heritage Park is a conservation destination and this project has significant potential to further enhance environmental wellbeing in Hamilton.

Cultural

35. Obtaining funding from the WEL Energy Trust for the key projects outlined in Council's **Draft 1** submission will have a number of significant positive cultural outcomes for Hamilton and the Waikato Region i.e. Hamilton Zoo/Waiwhakareke Natural Heritage Park Projects; Rototuna Pool; CBD River Walking and Cycling Bridge.
36. For example, Hamilton Zoo-Waiwhakareke Natural Heritage Park is acknowledged as an important site for Maaori and therefore provides key opportunities to partner meaningfully with Iwi and Mana Whenua to enhance cultural wellbeing. Waiwhakareke speaks strongly to local Maaori heritage and will provide an opportunity for the community to have insights into the city's landscape pre-European settlement. As a significant cultural site for Mana Whenua, Waiwhakareke provides an important space where all cultures can gather and share knowledge and experiences.
37. Mana Whenua (Te Haa o te whenua o Kirikiriroa -THaWK) continues to work in close partnership with this project and the opportunities to strengthen the cultural wellbeing outcomes are regularly being discussed and explored as we progress through the stages of development.

Risks - *Tuuraru*

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

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

Significance

39. 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

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

Attachments - *Ngaa taapirihanga*

Attachment 1 - HCCs Draft 1 Submission to WEL Energy Trusts 2021-22 Draft Annual Plan (18 March 2021)

DRAFT 1**Submission by****Hamilton City Council****WEL ENERGY TRUST'S 2021/22 DRAFT ANNUAL PLAN****18 March 2021****1.0 SUMMARY OF KEY POINTS AND RECOMMENDATIONS**

- 1.1 As the WEL Energy Trust's largest Capital Beneficiary, we wish to build on the excellent partnership and working relationship Council has with the Trust to progress increased community wellbeing in Hamilton and the Waikato Region.
- 1.2 HCC has a clear vision for Hamilton and has developed five priorities that set the direction for the city where Council can influence the wellbeing of our community. We see the Trust as a key partner to achieving this vision.
- 1.3 Would like the opportunity to provide input to the review of the Trust's 5-year Community Investment Strategy.
- 1.4 Invites the Trust to partner with HCC in co- funding the delivery of Hamilton's priorities and aspirations as we are shaping the city that improves the wellbeing of those who live here now and the generations to come.
- 1.5 Requests that the Trust consider ringfencing a dedicated annual budget to support key projects of Capital Beneficiaries as Income Beneficiaries, rather than requiring them to enter through the annual contestable funding rounds.
- 1.6 The WEL Energy Trust and HCC could then develop annual partnership agreements to ensure that funding meets mutual goals and aspirations delivering impactful inter-generational outcomes.
- 1.7 Submits a variation request to the Annual Plan that the Trust enter into a co-funding arrangement for a number of key projects that will have immense benefit for Hamilton and the Waikato Region i.e. Hamilton Zoo/Waiwhakareke Natural Heritage Park Projects; Rototuna Pool; CBD River Walking and Cycling Bridge.

2.0 INTRODUCTION

- 2.1 Hamilton City Council (HCC) welcomes the opportunity to provide feedback to the WEL Energy Trust's 2021/22 Draft Annual Plan.
- 2.2 As the largest Capital Beneficiary of the WEL Energy Trust, HCC looks forward to building on the excellent partnership and working relationship that it has with the Trust to progress increased community wellbeing in Hamilton and the Waikato Region.
- 2.3 HCC has a clear vision for Hamilton and has developed five priorities that set the direction for the city where Council can influence, collate, partner and deliver in actions that will improve/drive the social, economic, environment and culture wellbeing of our community. We see the Trust as a key partner to achieving this vision.
- 2.4 This submission also includes a formal variation to the Trust's Annual Plan to co-fund a

number of key projects that will have immense benefit for Hamilton and the Waikato Region.

3.0 COMMUNITY INVESTMENT STRATEGY 2019-22

- 3.1 The Draft Plan notes in Section 1 that *"Informed by our stakeholders and community, the Trust will review and refresh the 5-year Community Investment Strategy by Dec. 2021"*.
- 3.2 HCC would welcome the opportunity to provide input to the review/refresh of the Trust's 5-year Community Investment Strategy.
- 3.3 We wish to partner with the Trust to ensure that the Investment Strategy and the city's five priorities are aligned to fund projects that will make the most difference for our communities.

4.0 KEY QUESTIONS FROM THE TRUST TO CAPITAL BENEFICIARIES

- 4.1 Section 4 of the Trust's 2021/22 Draft Annual Plan (page 11) seeks feedback from the three Capital Beneficiaries on three key questions:
- 4.2 **Question 1:** *How can we engage on long-term capital growth expectations for the core investment in WEL Networks in terms of inter-generational benefit?*
- 4.3 **Question 2:** *How can we better contribute to Capital Beneficiary priority areas?*
- 4.4 **Question 3:** *How can we ensure we are engaging in inter-generational 'impactful' investing/granting that aligns with Capital Beneficiary strategy?*
- 4.5 **Five Priorities Guiding Hamilton's Direction**
- 4.6 Everything HCC does is aimed at improving the wellbeing of Hamiltonians. HCC makes decisions on a daily basis that impact the future of our city and the wellbeing of Hamiltonians.
- 4.7 HCC has a clear vision for Hamilton and has engaged in extensive community feedback to help develop five priorities that will ensure Hamilton becomes one of the very best places in the world to live.
- 4.8 The five priorities ([click here](#)) set the direction of where council can influence, collate, partner and deliver in actions that will improve/drive the social, economic, environment and culture wellbeing of our community i.e. the four well-beings as prescribed in the Local Government Act.
- 4.9 These priorities will shape future decisions, including HCC's 2021-31 Long-Term Plan, which sets the budget and projects for the next 10 years.
- 4.10 Hamilton's five priorities are:
 - **Shaping a city that's easy to live in.** *Ahuahungia teetehi taaone e tau ai ten oho ki roto.*
 - **Shaping a city where our people thrive.** *Ahuahungia teetehi taaone e puaawai ai ngaa taangata katoa.*
 - **Shaping a central city where people love to be.** *Ahuahungia te pokapuu o teetehi taaonee arohaina ai e te taangata.*
 - **Shaping a fun city with lots to do.** *Ahuahungia teetehi taaone ngahau e tini ai ngaa kaupapa papai hei whai.*
 - **Shaping a green city.** *Ahuahungia teetehi taaone tiaki taiao.*
- 4.11 **Proposed Dedicated Annual Budget and Partnership Agreement**
- 4.12 HCC invites the WEL Energy Trust to partner with us in co-funding the delivery of Hamilton's priorities and aspirations as we are shaping the city that improves the wellbeing of those who live here now and the generations to come.

- 4.13 Hamilton's five priorities are focused on delivery of long-term benefits to ensure community well-being, which aligns with the Trust's own view of delivering intergenerational impact.
- 4.14 HCC suggests that the WEL Energy Trust consider setting aside a dedicated annual budget to support key projects of Capital Beneficiaries as Income Beneficiaries, rather than requiring them to enter through the annual contestable funding rounds.
- 4.15 The WEL Energy Trust and HCC could then develop annual partnership agreements to ensure that funding meets mutual goals and aspirations delivering impactful inter-generational outcomes.

5.0 APPLICATION FOR DELIVERY OF KEY CITY/REGIONAL PROJECTS IN 2021/22

5.1 Variation Request

- 5.2 HCC, as a Capital Beneficiary and an Income Beneficiary of WEL Energy Trust, submits a variation request to the Trust's Annual Plan for funding to support delivery of a number of key city/regional projects.
- 5.3 HCC is mindful of the intergenerational benefits of identified key projects that align with WEL Energy Trust's 5-Year Strategic Plan, Community Investment Strategy and Annual Plan.
- 5.4 As the Trust's largest Capital Beneficiary, HCC acknowledges there is significant capital to receive when the Trust winds up. However, HCC does not want to save all of the benefits for capital beneficiaries in 2073 as there is great need now.
- 5.5 We believe there is a perfect opportunity to partner strategically with WEL Energy Trust Trustees over the next 3 years to deliver projects that will produce enhanced strategic outcomes/benefit for the city and region.

6.0 THE KEY PROJECTS

- 6.1 HCC has identified key projects through our engagement with the community about what would make Hamilton better for them. These are:
 - **Hamilton Zoo/Waiwhakareke Natural Heritage Park Projects**
 - **Rototuna Pool**
 - **CBD River Walking and Cycling Bridge**
- 6.2 **Hamilton Zoo/Waiwhakareke Natural Heritage Park Projects**
- 6.3 The planned capital development projects establish new and greatly improved visitor facilities physically combine and profile the Hamilton Zoo and Waiwhakareke Natural Heritage Park as one of the region's premier eco-tourism conservation destinations.
- 6.4 The partnership funding options range from \$2,000,000 to \$7,717,000.
- 6.5 The Hamilton Zoo-Waiwhakareke Natural Heritage Park projects aligns with the priority of shaping a fun city with lots to do. The projects will:
 - Provide new accessible visitor amenities.
 - Significantly improve multimodal transport connections.
 - Enhance biodiversity and green infrastructure.
 - Increase cultural heritage benefits.
 - Increase visitor numbers to the conservation destination.
 - Increase annual revenue.

- Deliver an additional regional tourism asset in Hamilton alongside the Hamilton Gardens.

6.6 **Rototuna Pool**

6.7 The aquatic facility at Rototuna Village will positively impact on quality place making outcomes, being an important element in anchoring the Village Square, and will also positively impact on enhanced services, safety, economic activity and community identity.

6.8 The partnership funding options range from \$1,000,000 to \$2,500,000.

6.9 The Rototuna Pool aligns with the priority of shaping a city that's easy to live in. The project will:

- Contribute to the lack of swim space and the importance of children learning to swim and learning water safety skills.
- Contribute to social connectivity and reduction in mental health rates.
- Deliver positive benefits of physical activity including for older adults.
- Enable Hamilton City Council to meet its community commitments but to retain investment for other areas requiring a greater degree of subsidy.

6.10 **CBD River Walking and Cycling Bridge**

6.11 This transformational project delivers a functional pedestrian and cycle bridge connecting the central city to Hamilton East and Eastern Suburbs.

6.12 The partnership funding options range from \$2,000,000 to \$6,972,000.

6.13 The CBD River Walking and Cycling Bridge project aligns with the priority of shaping a central city where people love to be. The project will:

- Provide more transport options and links into and out of the central city reducing congestion and parking demand.
- Provide the required infrastructure to make cycling and walking safer and more attractive as transport modes across Hamilton.
- Multiply the attraction of the central city river zone and bolster touring links to riverside features such as the Waikato Museum, Victoria on the River, Memorial and Parana Parks, Te Awa River Ride and the future Waikato Regional Theatre.
- Foster civic pride and amplify the city's sense of identity.
- Give greater substance to the city's cognitive/spiritual relationship with both the awa and Mana Whenua.

6.14 Additional high-level information on the key projects and the linkage these projects have to Hamilton's five priorities, wellbeing outcomes and a summary of investment has been provided in Appendix A.

6.15 We look forward to exploring the partnership investment options for each key project with the WEL Energy Trust further.

7.0 FURTHER INFORMATION AND HEARING

- 7.1 Should the WEL Energy Trust require clarification of the above points, or additional information, please contact Julie Clausen (Unit Manager Strategy and Corporate Planning) on 07 959 9029, 027 808 3882, or email julie.clausen@hcc.govt.nz in the first instance.
- 7.2 HCC **does wish to speak** in support of this submission at the WEL Energy Trust's hearing that is scheduled for 23 March 2021.

Yours faithfully

Richard Briggs
CHIEF EXECUTIVE

APPENDIX A

HAMILTON ZOO-WAIWHAKAREKE NATURAL HERITAGE PARK PROJECTS

The planned capital development projects establish new and greatly improved visitor facilities physically combine and profile the Hamilton Zoo and Waiwhakareke Natural Heritage Park as one of the region's premier eco-tourism conservation destinations.

The projects will:



- Provide new accessible visitor amenities.
- Significantly improve multimodal transport connections.
- Enhance biodiversity and green infrastructure.
- Increase cultural heritage benefits.
- Increase visitor numbers to the conservation destination.
- Increase annual revenue.
- Deliver an additional regional tourism asset in Hamilton alongside the Hamilton Gardens.



These key projects contribute to the social, environmental, cultural and economic wellbeing of our city and directly aligns and support the Waikato Wellbeing Project and associated UN Sustainable Development Goals as outlined below:

Alignment with Hamilton's Five Priorities:

- **Shaping a fun city with lots to do.** Ahuahungia teetehi taaone ngahau e tini ai ngaa kaupapa papai hei whai.
- Investing in Hamilton Zoo-Waiwhakareke Natural Heritage Park is specifically identified in our second focus area under this priority to create new and unique experiences for our people and visitors.

Here are the positive outcomes we will achieve:

	Social Wellbeing	Hamilton Zoo-Waiwhakareke Natural Heritage Park provides opportunities for informal play and recreation in Hamilton. A key purpose of the site is connecting people with nature and all the acknowledged benefits (physical, mental and social) this brings. The conservation destination's peaceful, natural landscapes complement our active city environment and contribute to our community's mental as well as physical wellbeing. The urbanisation of Brymer Road will promote strong and safe pedestrian and cycling connectivity with the community and the destination centres. Less tangible but equally important, social commitment to the 'greening' of our urban landscapes and increasing our environmental awareness contributes to stronger social wellbeing and civic participation outcomes.
	Economic Wellbeing	This project will deliver: <ul style="list-style-type: none"> • Increased job opportunities. • Growth to the local economy. • Increased revenue to re-invest in service delivery. • New Tourism offerings / access to new markets. • Increased visitor spending and supports overnight stay in the region. • New business development opportunities for mana whenua.

	Environmental Wellbeing	Hamilton Zoo-Waiwhakareke Natural Heritage Park is a conservation destination and this project has significant potential to further enhance environmental wellbeing in Hamilton. Waiwhakareke Natural Heritage Park is a unique and important asset for improving biodiversity outcomes within the city. The work undertaken by the Zoo promotes and contributes to preservation, conservation and environmental education work both within New Zealand and internationally e.g. preservation of Southern White Rhino population through breeding programme, native Whio (blue duck) and Pateke (brown teal) breed for release programmes. Improving the infrastructure for these facilities includes providing greater access and education opportunities for residents and visitors alike.
	Cultural Wellbeing	Hamilton Zoo-Waiwhakareke Natural Heritage Park is acknowledged as an important site for Maaori and therefore provides key opportunities to partner meaningfully with Iwi and Mana Whenua to enhance cultural wellbeing. Waiwhakareke speaks strongly to local Maaori heritage and will provide an opportunity for the community to have insights into the city's landscape pre-European settlement. As a significant cultural site for Mana Whenua, Waiwhakareke provides an important space where all cultures can gather and share knowledge and experiences. Mana Whenua (Te Haa o te whenua o Kirikiriroa -THaWK) continues to work in close partnership with this project and the opportunities to strengthen the cultural wellbeing outcomes are regularly being discussed and explored as we progress through the stages of development.

Waikato Wellbeing Project and United Nations Sustainable Development Goals:

This project makes its most significant contribution towards UN Sustainable Development Goal 15 - Life on Land and the Waikato Wellbeing Target to prevent loss of existing indigenous vegetation and increase indigenous habitat in biodiversity depleted environments to a minimum of 10% land cover by 2030. This project is driving the restoration of land, clean water, enabling our native vegetation and flora and fauna to thrive.

This project also supports:

- UN SDG 13 – Climate Action and WWP Target of reducing carbon emissions by a minimum of 25% by 2030, on the path to net carbon zero by 2050 through the planting of 50,000 trees.
- UN SDG 3 – Good Health and Well-being and WWP Target of reducing rates of non-communicable diseases and mental illness improve associated health equity outcomes for target groups as Waiwhakareke is a free and accessible conservation destination.
- UN SDG 11 – Sustainable Cities and Communities and UN SDG 4 – Quality Education by delivering education programmes promoting conservation and providing a space for people to connect with nature within an urban setting.
- UN SDG 17 – Partnerships for the Goals as the vision and delivery of this project is in collaboration with mana whenua to ensure that Maatauranga and Te Ao Maaori principles are embedded into the conservation destination.

HCC Investment Summary:

Project	Project Description	Total Budget	10 Years 2021-2031
Zoo and Waiwhakareke entrance precinct	Continuation of current Zoo/Waiwhakareke entrance precinct project (Stage 1). This project is underway.	\$1,642,000* (55% funded)	Year 1
Zoo master plan implementation – Savannah accom stage 1	This plan is to complete an accommodation option based on a safari-style experience overlooking the Savannah exhibit where the giraffes and zebra gather. Feasibility, design and any pre-requisite enabling works will be essential to the delivery of an accommodation offering and attractive visitor experience.	\$4,745,000	Years 1, 2
Zoo/Waiwhakareke shared entry precinct – Stage 2 – Visitor connections	This stage will introduce carparks for both Zoo and Waiwhakareke, which will bring both sides of the precinct together with stormwater management and landscaping. The programme of works will deliver infrastructure upgrades to enable an enhanced visitor arrival precinct, enhanced visitor experiences, creating a third visitor destination within the city, infrastructure to support the local community (café and function spaces) and safer pedestrian, cycle and vehicle access and parking. Ultimately it should deliver an increased length of stay and spend per visitor both within the City and in the wider region thereby improving economic outcomes.	\$4,009,000	Years 1, 2
Waiwhakareke Development Programme	To continue development of the City's flagship natural heritage park amenities by developing further path networks required for public use and enhancing the attractiveness of the Zoo and Waiwhakareke as a visitor destination.	\$1,444,000	Years 5, 6
Zoo master plan implementation – Animal exhibit projects	Design and construction of two medium sized animal exhibits (one in Years 1-3 and another Years 4-6). This Masterplan will increase visitation and ensure that people have fresh reasons to continue to enjoy and visit the zoo. A regular schedule for new/refreshed experiences is critical to our success as a visitor destination and our reputation as a quality modern conservation centre. The new exhibits are in line with projects identified in the Zoo Master Plan and offer an opportunity for improvement from a visitor perspective and build upon a modern conservation	\$2,893,000	Year 6

Project	Project Description	Total Budget	10 Years 2021-2031
	centre brand. This plan demonstrates our commitment to providing exemplary animal welfare, and responds to the changing standards, compliance and priorities for modern zoos.		
Zoo/Waiwhakareke shared entry precinct – Stage 3 – Function and education centre	This stage plans to build a new function and education centre with toilets, outdoor spaces, providing for overnight education stays, kitchen/staff area complete with landscaping. The overall programme outcome is to enhance the biodiversity and green infrastructure of the park. It will offer an attractive hub to the community and visitors to gather and enjoy and enable further business opportunities through new experiences and events, enhances education offerings and contributes to the city's tourism portfolio and broader economic growth.	\$7,717,000* (unfunded)	YRS 9, 10
Hamilton Zoo renewals	Renewal of Zoo buildings, structures, animal enclosures, plant & equipment, infrastructure and site assets. Major renewals include – Reception (year 1), quarantine/back of house buildings (year 4), free flight aviary (year 5).	\$29,338,000	Years 1-10
ZAA safety and compliance requirements	Various safety and compliance works at Zoo. Projects in first years including off display animal management systems, keeper safety, giraffe house works.	\$3,140,000	Years 1-10



ROTOTUNA POOL

The aquatic facility at Rototuna Village will positively impact on quality place making outcomes, being an important element in anchoring the Village Square, and will also positively impact on enhanced services, safety, economic activity and community identity.





Further benefits include:

- Contribution to the lack of swim space and the importance of children learning to swim and learning water safety skills
- Contribution to social connectivity and reduction in mental health rates
- Positive benefits of physical activity including for older adults
- Enables Hamilton City Council to meet its community commitments but to retain investment for other areas requiring a greater degree of subsidy

Alignment with Hamilton's Five Priorities:

- **Shaping a city that's easy to live in.** Ahuahungia teetehi taaone e tau ai ten oho ki roto.
- Investing in Rototuna Pool is aligned with our fifth focus area putting more focus on our neighbourhoods having a community identity and supporting community spaces across our city.

Here are the positive outcomes we will achieve:

	Social Wellbeing	The pool at Rototuna has the potential to strongly enhance social wellbeing at Rototuna village and for the city by including places for social connection and activity.
	Economic Wellbeing	A key economic benefit of the pool in this location is the increased footfall that the facility will generate in the village. This in turn will improve the economic viability for other businesses in the village over the long term. Completion of the pool alongside the library and hub, play spaces, Korikori Park and other public realm will accelerate commercial and residential development, of which there is significant areas set aside in the immediate vicinity. This development will in turn, provide short term employment for construction related trades and assist in reducing the housing shortage.
	Environmental Wellbeing	The facilities included within the pool development provide crucial end of journey facilities (showers and changing rooms) which may be used by workers cycling/running to the village.
	Cultural Wellbeing	Mana Whenua (Te Haa o te whenua o Kirikiriroa - THaWK) works in close partnership on the overall Rototuna Village project and the opportunities to strengthen the cultural wellbeing outcomes are being incorporated as we progress through the stages of development.

Waikato Wellbeing Project and United Nations Sustainable Development Goals:

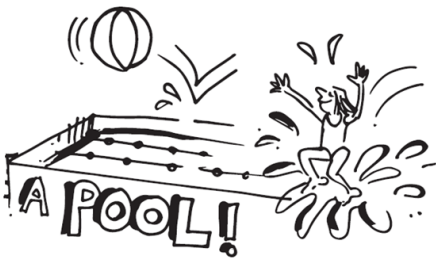
This project makes its most significant contribution towards UN Sustainable Development Goal 3 – Good Health and Well-being and the Waikato Wellbeing Target by 2030, reduce rates of non-communicable diseases and mental illness and improve associated health equity outcomes for target groups.

This project also supports:

- SDG 10: Reduced Inequalities
- SDG 8: Decent Work and Economic Growth
- SDG 17: Partnerships for the Goals

HCC Investment Summary:

Project	Project Description	Total Budget	10 Years 2021-2031
Rototuna Pool	Costs associated with Community use of a private commercial pool at Rototuna Village.	\$1,000,000 - \$2,500,000* unfunded	Year 2



CBD RIVER WALKING AND CYCLING BRIDGE

This transformational project delivers a functional pedestrian and cycle bridge connecting the central city to Hamilton East and Eastern Suburbs. At present none of the city's road bridges are suitable for unconfident or child bike and scooter riders, meaning the river is currently a city-long physical barrier to an integrated off-road cycle and foot path network, suppressing the numbers willing to commute by bike, scooter or foot.




This project will


- Provide more transport options and links into and out of the central city reducing congestion and parking demand.
- Provide the required infrastructure to make cycling and walking safer and more attractive as transport modes across Hamilton.
- Multiply the attraction of the central city river zone and bolster touring links to riverside features such as the Waikato Museum, Victoria on the River, Memorial and Parana Parks, Te Awa River Ride and the future Waikato Regional Theatre.
- Foster civic pride and amplify the city's sense of identity.
- Give greater substance to the city's cognitive/spiritual relationship with both the awa and Mana Whenua.

Alignment with Hamilton's Five Priorities:

- **Shaping a central city where people love to be.** Ahuahungia te pokapuu o teetehi taaonee arohaina ai e te taangata.
- Investing in the CBD River Walking and Cycling Bridge is aligned with our first focus area to strengthen the connection and access between the city centre and the Waikato River, and our fifth focus area to make it easy to get into and around the city through a range of alternative travel options.

Here are the positive outcomes we will achieve:

	Social Wellbeing	The bridge will add to the creation of a fun city with lots to do, by providing an iconic structure that is part of the journey and entry into Hamilton's central city, supporting access to key destinations in the city. It provides a safe walking and cycling connection between the destinations of the central city and Hamilton East, allowing people to move quickly and easily.
	Economic Wellbeing	The project establishes a city where our people thrive, by investing in infrastructure that supports Hamilton as an attractive place to do business, by providing easy and safe connections to the central city. The associated paths from this project encourages people using the Te Awa River Ride and Te Araroa trail to venture into the central city, which will support local business.
	Environmental Wellbeing	By encouraging walking and cycling, this project provides the opportunity to reduce our carbon footprint and use alternative transport modes. The construction of the bridge will need to balance the natural and built environment, having as light a touch as possible on the environmental values of the Waikato River. The CBD walking-cycling bridge removes a barrier to low-carbon transport arising from safety concerns for cyclists on alternative river crossings.

	Cultural Wellbeing	This project assists in reconnecting the Waikato Museum with the central city by generating pedestrian and cycle movement on the back doorstep increasing exposure and awareness of our cultural heritage. This project strengthens the connection between the Waikato River and the city, providing a new viewing point and opportunity for people to pause and connect with the awa in a pleasant environment.
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Waikato Wellbeing Project and United Nations Sustainable Development Goals:

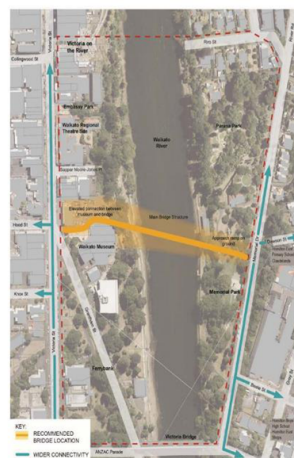
This project makes its most significant contribution towards UN Sustainable Development Goal 13 – Climate Action and the Waikato Wellbeing Target to reduce carbon emissions by a minimum of 25% by 2030 (from 13.8 mega tonnes CO₂e to 10.3 mega tonnes CO₂e), on the path to net carbon zero by 2050. This project is supporting the shift to an integrated, sustainable, multi-modal transportation system in Hamilton's CBD.

This project also supports:

- UN SDG 3: Good Health and Well-being
- UN SDG 11: Sustainable Cities and Communities
- UN SDG 17: Partnerships for the Goals

HCC Investment Summary:

Project	Project Description	Total Budget	10 Years 2021-2031
CBD Walking and Cycling Bridge	The construction of a new walking and cycling bridge across the Waikato River. The bridge will create a new way for people to walk, bike, scoot and skate to and from the central city and the eastern side of the river, schools in Hamilton East and The University of Waikato. It will also act as a destination and centrepiece for wider riverside developments, supporting the long-held desire to face the central city towards the river.	\$27,888,000* (75% funded)	Years 1-4



Council Report

Committee: Council **Date:** 18 March 2021

Author: Andrew Parsons **Authoriser:** Blair Bowcott

Position: Executive Director Strategic Infrastructure **Position:** Executive Director Special Projects

Report Name: Watercare Water Allocation Application - Board of Inquiry

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

1. To seek the Council's approval of the proposed Hamilton City Council submission to the Board of Inquiry on the Watercare water allocation application from the Waikato River.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Council:
 - a) subject to resolution b) below, approves for lodgement with the Environmental Protection Agency, the proposed Hamilton City Council submission to the Board of Inquiry hearing on the Watercare Water Allocation application (**attachment 1** of the staff report);
 - b) delegates authority to the chief executive to finalise the Hamilton City Council submission once the formal position is known from potential partners who have common submission points; and
 - c) requests the Chief Executive to develop a water allocation application for Waikato Regional Council to meet the city's expected long-term water demand and report back to the Council for approval of the application prior to lodgement.

Executive Summary - *Whakaraapopototanga matua*

3. On 4 February 2021, the Council approved for Hamilton City Council's participation in the government appointed Board of Inquiry which has been appointed to hear the Watercare water allocation application from the Waikato River.
4. The Council approved an initial position in opposition of the water allocation application with the caveat that this would be reviewed as the Board of Inquiry process proceeds, alongside a collaborative approach with the applicant, Auckland Council and other submitters.
5. The purpose of this report is to respond to the part g) of the 4 February 2021 Council resolution: *"that the proposed Hamilton City Council submission to the Board of Inquiry hearing on the water application be reported to Council for approval prior to lodgement"*.
6. Staff consider the decision in this report have low significance and that the recommendations comply with the Council's legal requirements.

Discussion - *Matapaki*

7. At its 4 February 2021 the Council considered the Hamilton City Council's (HCC) participation in the government appointed Board of Inquiry which has been appointed to hear the Watercare water allocation application from the Waikato River in the public excluded section of the meeting.
8. The following was resolved at the 4 February 2021 Council Meeting in the public excluded section of the meeting, noting that the resolution was subsequently approved for public release by the Chief Executive:

"That the Council:

- a) approves Hamilton City Council's participation on the Board of Inquiry appointed to hear the Watercare water allocation application from the Waikato River;*
 - b) approves an initial position of opposition to the Watercare water allocation application;*
 - c) requests the Chief Executive to prepare and lodge the necessary documentation to effect the above (a) and (b);*
 - d) notes that the initial position of opposition may be reviewed as the Board of Inquiry process proceeds, alongside a collaborative approach with the applicant, Auckland Council and other submitters;*
 - e) notes an initial unbudgeted cost estimate of \$200,000 this financial year to cover preparation and lodgement of the HCC submission, and to undertake any initial discussion/mediation;*
 - f) notes that the decision and information in relation to this matter be released at the appropriate time, to be determined by the Chief Executive; and*
 - g) that the proposed Hamilton City Council submission to the Board of Inquiry hearing on the water application be reported to Council for approval prior to lodgement."*
9. The proposed submission (**attachment 1**) reflects this position of 'conditional opposition' through a high level strategic approach and makes it clear that if the matters of concern to Hamilton City Council are satisfactorily addressed by Watercare, and/or the Board of Inquiry, then the opposition may be resolved, and the HCC position may move to neutrality, or possibly support.
 10. Staff propose updating the HCC submission to reflect support or alignment with others, following the Council meeting and prior to lodgement of the submission, once a formal position is known from partners who have common submission points.
 11. In reviewing the Watercare application and considering the broader water allocation for Hamilton City, staff recommend that, in addition to the Board of Inquiry submission, Council seek a long-term security of water supply for the city beyond the term of the current consent expiring in 2044. As a priority, work should commence on a water allocation application now and be reported back to Council for approval to lodge later in 2021.

Financial Considerations - *Whaiwhakaaro Puutea*

12. The initial estimated total cost for HCC to participate in the Board of Inquiry is \$500,000 over 2020/21 and 2021/22 financial years. This estimate can only be confirmed as the Board of Inquiry process proceeds.
13. The initial estimate to cover preparation and lodgement of the HCC submission, and undertake any initial discussion/mediation is \$200,000 in 2020/21. Council can review its position or continuation in the Board of Inquiry process once the nature of the other submission and the formal Board of Inquiry gets underway.
14. The cost of participation in the Board of Inquiry is not currently funded in the 2020/21 Annual Plan or proposed within the 2021-31 Long Term Plan.

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

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

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

16. 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').
17. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report.
18. The recommendations set out in this report are consistent with that purpose.

Risks - *Tuuraru*

19. Assuming all (or a reduction to 150MLD) of the Watercare 200MLD application is approved and the Waikato River becomes fully allocated:
 - The principal risk to HCC up to 2044 is access to water over and above the city's current consented limits. This is particularly relevant for new wet industry or higher than expected growth.
 - Beyond 2044 there is likely to be a risk to HCC's ability to re-consent its current water allocation (both volume of water and increased compliance obligations) and, any new or increased water allocation request would likely be extremely challenging to secure (if it can be secured at all). This is particularly relevant for any new growth (i.e. all industry and all residential infill, intensification and greenfields) including water requirements for city expansion area and the Future Proof Metro Spatial Plan outcomes.

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

Significance

20. 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

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

Attachments - *Ngaa taapirihanga*

Attachment 1 - Watercare Water Allocation Application - Hamilton City Council submission

SUBMISSION FORM

12 February 2021

Submission on the Watercare Waikato River Water Take Application

Instructions for submitters

Any person may make a submission on the matter. The matter is an application by Watercare Services Limited for the necessary resource consents to increase its abstraction of water from the Waikato River to provide municipal water supply for Auckland.

For more information on the application please refer to the Public Notice or the Watercare Waikato River water take webpage at www.epa.govt.nz/watercareapplication

If you have any queries about making a submission or the application itself please contact the EPA by phone on 0800 722 667 or by email at watercareapplication@epa.govt.nz.

Please complete all sections of this form and submit it along with any additional information to the Environment Protection Authority (EPA) no later than **5.00 pm, Friday 26 March 2021**.

Item 12

Attachment 1

Your Submission

Full name of submitter:

Hamilton City Council

What are you submitting on?

This submission relates to:

The whole Watercare application ☒ or specific parts of the Watercare application: ☐

List the specific parts (if applicable) you wish to make a submission on:

| |

DRAFT

My submission on the Watercare application is that:

Please select one.

I support it (or specific parts of it) ☐

I am neutral regarding it (or specific parts of it) ☐

I oppose it (or specific parts of it) ☒

The reasons for my view are:

Refer to Attachment 1.

I seek the following decision from the Board of Inquiry:

Please select one.

Approve the application <input type="checkbox"/>	Approve the application with amendments <input type="checkbox"/>	Decline the application <input checked="" type="checkbox"/>
The reasons for my view and/or any amendments sought are (please specify precise details, including the general nature of any conditions sought):		
Refer to Attachment 1		

Do you wish to be heard in support of your submission?

All submissions will be considered by the Board of Inquiry, but please indicate if you wish to be heard in support of your submission

I do not wish to be heard in support of my submission <input type="checkbox"/>	I wish to be heard in support of my submission <input checked="" type="checkbox"/> <ul style="list-style-type: none"> If others make a similar submission, I will consider presenting a joint case with them at the hearing <input checked="" type="checkbox"/> I intend to call an expert witness(es) <input checked="" type="checkbox"/> <p>(If you do not tick this box, you can change your mind later and decide to call experts to give evidence in relation to your submission, provided you do so in time to meet any procedural direction the Board of Inquiry might make)</p>
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Are you a trade competitor?

<input checked="" type="checkbox"/>	No , I am not a trade competitor
<input type="checkbox"/>	Yes , I am a trade competitor

If you are a person who is a trade competitor of the applicant there may be restrictions on your ability to make a submission. These restrictions are set out in section 149E of the Resource Management Act 1991. If you think these restrictions may apply to you, we recommend that you seek independent legal advice.

If you answered Yes to the previous question, please select the situation applicable to you.

<input checked="" type="checkbox"/>	I am directly affected by an adverse effect on the environment from the proposal and that adverse effect does not relate to trade competition or the effects of trade competition
<input type="checkbox"/>	I am not directly affected by an adverse effect on the environment from the proposal and that adverse effect does not relate to trade competition or the effects of trade competition

DRAFT

Submitter Details

Name of organisation (if relevant):	Hamilton City Council		
Title:	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/> Other: _____ (Please tick the appropriate title)		
First name of submitter:		Surname of submitter:	
First name of contact person (if different to above):	Counsel: Mr Lachlan Muldowney and Submitter: Mr Andrew Parsons, HCC Executive Director – Strategic Infrastructure	Surname of contact person (if different to above):	
Home ph:		Work ph:	078344336 (Mr Muldowney) 078386896 (Mr Parsons)
Mobile:	021471490 (Mr Muldowney)		

	021791612 (Mr Parsons)		
Physical Address:	14 Garden Place, Hamilton	Postcode:	3204
Postal Address:	PO Box 9169, Waikato Mail, Centre, Hamilton	Postcode:	3240
Email:	lachlan@muldowney.co.nz andrew.parsons@hcc.govt.nz		
Preferred method of contact:	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/> (if you do not select an option we will presume that you are happy to receive all correspondence from the EPA via email, the EPA's preferred method of correspondence)		

Notes to submitter

1. You may make a submission to the Environmental Protection Authority even if you have already made a submission to the local authority on the matter.
2. If you are a trade competitor, your right to make a submission may be limited by section 149E of the Resource Management Act 1991.
3. You must serve a copy of your submission on the applicant as soon as practicable after you have served your submission on the Environmental Protection Authority.
4. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission or (part of the submission):
 - it is frivolous or vexatious;
 - it discloses no reasonable or relevant case;
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
 - it is supported only by evidence that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert evidence on the matter;
 - it contains offensive language.

Signature of submitter or person authorised to signed on behalf of submitter

Signature: _____ Date: _____

Please note that a signature is not required if you make your submission by electronic means.

Privacy statement

Your name, contact details, your submission, and any attached information will be held by the EPA, Level 10 Grant Thornton House, 215 Lambton Quay, Wellington. It will be used by the EPA for the purpose of administering the Watercare inquiry process, and made available to the board of inquiry, and Watercare. It may also be provided to other parties. We may also contact you for feedback on the submission process using a third party provider.

Your name, your submission, and any attached information will be published on the EPA website. Personal contact details will not be published. If the submitter is a company, full business contact details will be published.

By completing this submission form, you give the EPA permission to use the information for the purpose stated above. You have the right to access and correct personal information held by the EPA.

All information held by the EPA is subject to the Official Information Act 1982, and may be released under the Act. If you wish to keep any part of your submission confidential, please state this in writing when making your submission, noting the reasons why you think the information should be withheld (eg, you may consider some information to be commercially sensitive).

Where to send your submission

Your submission must be **received** by the EPA **before 5.00 pm, Friday, 26 March 2021**, and a copy must also be sent to the applicant.

The EPA encourages you to use its [online form](https://www.epa.govt.nz/watercareapplication/submissions) available at www.epa.govt.nz/watercareapplication/submissions. When you use this tool, you will be emailed a copy of your submission, and a copy will be sent to the applicant automatically.

If you cannot use our online form, please fill out the form on the website and email, post or deliver it to the EPA and a copy to the applicant.

Method	EPA contact details	Watercare contact details
Email	Watercareapplication@epa.govt.nz Please include 'Submission: (your name), Watercare Application' in the subject line.	Tanvir.Bhamji@water.co.nz Please include 'Submission: (your name), Watercare application' in the subject line.
Post	Attention: Watercare Application NSP Environmental Protection Authority, Private Bag 63002, Waterloo Quay, Wellington 6140.	Attention: Tanvir Bhamji Watercare Services Limited, Private Bag 92 521, Wellesley Street, Auckland 1141
Delivery	Level 10 Grant Thornton House, 215 Lambton Quay, Wellington Central. 6011	73 Remuera Road, Remuera, Auckland 1050

ATTACHMENT 1

SUBMISSION ON WATER TAKE AND DISCHARGE APPLICATION BY WATERCARE SERVICES LIMITED

INTRODUCTION

1. Hamilton City Council (HCC) welcomes the opportunity to submit on Watercare Services Limited's (**Watercare**) water take and discharge application lodged with Waikato Regional Council (**WRC**) in December 2013, subsequently updated and lodged with the Environmental Protection Authority (**EPA**) on 11 December 2020 (**Application**) for determination through a Board of Inquiry (**BOI**).
2. The Application seeks all necessary resource consents to authorise the taking of an additional 150,000m³/day (net) of water from the Waikato River at a maximum cumulative take of 300,000m³/day (net), a new water intake structure, and discharges from a new water treatment plant. The Application states that the additional take is the only option available that would ensure security of supply during a drought between 2025-2027 and meet predicted water supply demand by 2028.
3. The Application has potentially significant impacts on HCC's own municipal water take requirements over the medium to longer-term. In the timeframe available to lodge a submission in this BOI process, those impacts are not yet fully understood. For that reason, HCC cannot support the Application at this time. Accordingly, this submission records HCC's position as one of opposition to the Application in its entirety. However, subject to a series of issues being resolved to its satisfaction during the BOI process, HCC's position in respect of the Application may become neutral or supportive.
4. HCC is responsible for supplying water to the 176,000 residents of Hamilton City. Hamilton City's sole water source is the Waikato River. As provider of the municipal water supply in Hamilton, HCC has a strong interest in the Application. It has serious concerns about how the Application might affect its own ability to accommodate the projected population growth of Hamilton through the next 50 or so years.
5. The demand projections indicate that HCC's existing water take consent, which expires in 2044, will be insufficient to accommodate the level of growth projected to 2044, and that HCC will require an additional allocation from the Waikato River to meet the demand in this medium-term, and beyond 2044 into the longer-term. HCC's principal concern is that, if granted, the Application will result in an over-allocation of water from the Waikato River, hindering HCC's ability to obtain a renewed consent for the additional water it will need. This will frustrate growth, and adversely impact both the Hamilton community, and the wider Region, which in turn impacts the national interests.
6. The interrelationship between Hamilton and Auckland's interests is not addressed in the Application. HCC recognises the importance of Auckland, its role in the national economy, and the need to secure a medium- and long-term water supply to service the Auckland

community. However, this should not come at a cost to the Waikato communities, who have always relied on the Waikato River as a life-sustaining resource. HCC considers that any further allocation of water for Auckland must consider and account for and serve the best interests of both cities. Put simply, HCC needs an assurance that the Application will not frustrate its ability to access sufficient water from the River to enable planned growth to occur. Associated with this central concern are the following issues for which HCC seeks satisfactory resolution:

- a) Demonstrable alignment between the Application and the relevant statutory documents and, in particular, the Vision and Strategy/Te Ture Whaimana o Te Awa o Waikato (**Te Ture Whaimana**), which seeks to prioritise Waikato River iwi and the Waikato communities' interests;
 - b) The impact of the proposal on the allocable flow of the river and where it leaves the resource in the short-, medium- and long-term;
 - c) Watercare's commitment to reducing its overall reliance on the Waikato River and providing certainty around that.
 - d) The duration of any consent and relinquishment of renewal rights so that the resource may be 'reallocated' after Auckland's immediate and medium-term needs are met;
 - e) Full analysis of the economic impacts of the Application on the Waikato and its communities, including recognition of the interrelationship between the Auckland and Hamilton economies; and
 - f) Addressing the current status of the 'queue' of consent applications and how municipal water takes can be prioritised in light of the community economic and social wellbeing which a city like Hamilton provides for people.
7. HCC recognises that not all of these issues can be resolved by Watercare alone. Accordingly, HCC welcomes further engagement with Watercare, Waikato-Tainui, and Waikato Regional Council on these issues prior to any hearing of the Application.

BACKGROUND - HAMILTON CITY

8. The City of Hamilton has a population of approximately 176,000 people and sits within the centre of the Waikato sub-region. It is the fourth largest city in New Zealand, ranking behind Auckland (1.8 million), Christchurch City (400,000), and Wellington City (220,000). A total of 225,000 people live within the Hamilton-Waikato metropolitan area, which includes Cambridge (19,000), Te Awamutu (12,000), and Taupiri/Ngaruawahia (6,500).
9. As a key vertex in the 'Golden Triangle' with Auckland and Tauranga, Hamilton sits within New Zealand's economic and growth engine room. In addition to strong regional connections, Hamilton's proximity to Auckland International Airport and the North Island's ports ensures the city is strongly linked to the rest of the world.

National context

10. The importance of Hamilton in the broader national context has been recognised through the creation of the Future Proof Urban Growth Partnership, which is a collaboration between all local councils in the Waikato Region, and also with the Crown and Iwi. The Future Proof Partnership was created on 15 August 2019 and also includes representatives from Auckland Council, Franklin Local Board, and Auckland/Hauraki Iwi to reflect the Crown's commitment to the Hamilton to Auckland Corridor Plan (**H2A Plan**) that was completed in 2019. Since the reconstitution of that partnership, the focus of effort has been on implementing H2A, with emphasis on developing a Hamilton-Waikato Metropolitan Spatial Plan (**MSP**) and a Waikato Sub-Regional Three Waters Project.

Hamilton to Auckland Corridor Plan (H2A)

11. The government's Urban Growth Agenda (**UGA**), introduced in 2018, is a shift in the approach to urban development and infrastructure in New Zealand. The main objective of the UGA is to improve housing affordability, underpinned by affordable urban land. This will be supported by wider objectives to:
 - a) Improve choices for the location and type of housing;
 - b) Improve access to employment, education and services;
 - c) Assist emission reductions and build climate resilience; and
 - d) Enable quality-built environments, while avoiding unnecessary urban sprawl.
12. One of the five interconnected pillars of the UGA is 'spatial planning' – to build a stronger partnership with local government as a means of developing integrated spatial planning.
13. The UGA identified the Hamilton to Auckland corridor (**H2A corridor**) as a priority area, acknowledging its role as New Zealand's most significant transport corridor. The H2A corridor connects two of New Zealand's fastest growing cities through an area of high natural and cultural importance and value.
14. In June 2018, a group of Ministers, Mayors and Chairs requested joint officials to undertake an enquiry into the H2A corridor, and to report back with:
 - a) A summary of 100+ year shared spatial intent for future urban growth and development along this cross-boundary transport corridor; and
 - b) A draft programme of possible key transformative projects.
15. The H2A Plan outlines the agreed spatial intent for the H2A corridor and a work programme of six focus areas and 13 key initiatives. The purpose of the H2A Plan is to develop an

integrated spatial plan and establish an ongoing growth management partnership for the corridor which:

- a) Accelerates identified transformational opportunities;
 - b) Outlines key housing, employment, social, environmental and network infrastructure priorities for the corridor over the next 30 years to successfully accommodate growth and also address levels of service, remedial or renewal needs; and
 - c) Identifies planning, development, infrastructure, mitigation, and restoration works required, and funding and legislative projects partners may take in the short term for implementation of a long-term vision.
16. The UGA has also mandated a role for central government to partner with local government and iwi. This has led to the creation of Urban Growth Partnerships – a process of formalising and maintaining a long-term and enduring relationship between the Crown, local government, iwi and local communities to deliver the UGA objectives.
17. The 2018 H2A Plan was updated in 2020. It provides a framework for managing development between New Zealand's two fastest growing metropolitan areas while protecting and enhancing the corridor's natural and cultural assets. The focus is on innovative and joined-up thinking, and collaboration to deliver on agreed outcomes.
18. Local authorities, iwi, communities, and industry face significant challenges in meeting their current and future Three Waters service needs. A key project being led by HCC through the H2A Plan is delivery of a sub-regional wastewater solution which would address the emerging need for a long-term and enduring solution to the Three Waters issues facing a number of Waikato councils.

Hamilton-Waikato Metropolitan Spatial Plan (MSP)

19. The MSP is the first joint spatial plan for the Hamilton-Waikato Metropolitan area (**metro area**) prepared by iwi, the Crown, and local government partners under the Future Proof Partnership. The metro area extends from Taupiri in the north to Te Awamutu and Cambridge in the south, with Hamilton at the core. The MSP takes a longer view of growth in this metropolitan area and plans for a future scenario in which 500,000 people reside.
20. The MSP sets out a framework to respond to the current and future challenges of the metro area to shape urban development in the long-term. By building on the success of the Future Proof Growth Management Strategy, the MSP helps to achieve the outcomes of the H2A Plan, the UGA and the draft Government Policy Statement for Land Transport. The development of the MSP has been undertaken in a way which does not limit itself to local government boundaries, recognising that the metro area is one urban system where existing development and resources are interconnected.

21. The MSP enables iwi aspiration through focusing on the Waikato River as the defining spatial element and ecological feature connecting the metro area and is at the heart of planning for its growth. It provides for growth in a way that protects and enhances valued water bodies; and restores and enhances ecological bodies.
22. The MSP identifies that Three Waters infrastructure is a key enabler for sustainable development and growth in the metro area and, if not effectively addressed, it will constrain and limit population and economic growth, as well as having negative environmental and cultural outcomes.

Hamilton's growth obligations

23. The National Policy Statement on Urban Development 2020 (**NPS-UD**) sets requirements on land availability for housing, and for Hamilton this means provision be made for 31,900 homes by 2048. While the Hamilton City Operative District Plan (**District Plan**) has zoned enough residential land to meet these targets, significantly more capital investment is required to ensure this residentially zoned land is serviced and ready for development.
24. The NPS-UD also requires Hamilton to provide enough business land for the retail, commercial, and industrial sectors. Recent monitoring indicates Hamilton has sufficient industrial zoned land in the short-term and long-term, while there is a small shortage (2ha) projected in the medium-term (3-10 years) unless additional long-term supply can be brought forward.

Growth in Hamilton and Metro Spatial Plan (MSP) context

25. With its own population projected to reach 200,000 by approximately 2030, Hamilton faces a significant challenge in accommodating that growing population. This challenge is compounded by the projected growth identified within the MSP, which plans for a total population within this broader geographic area extending to 500,000 people over the medium to long-term (within the next 30 to 100 years).
26. Access to water is critical to this growth. This submission addresses HCC's concern not just for its own water demand, but also the demand associated with the MSP growth projections. In this respect, HCC's submission addresses the issues facing all local authorities within the metro area which may be affected by Three Waters reforms in the future. In the event that a new and separate waters entity is created in the future, access to potable water will not only be required to service growth within the HCC territorial boundary, but also beyond that boundary to the extent of the metro area.

WATER SUPPLY IN HAMILTON

27. Hamilton is wholly dependent on the Waikato River for its water supply, as are many other Waikato towns. In 2009, WRC granted HCC a 35-year consent to extract water from the Waikato River (**HCC consent**) which expires in 2044. The HCC consent provides for increases in maximum daily take volumes starting from 105,000m³ per day in 2009 to 146,000m³ per day from December 2038. The 'stepped' takes were based on municipal growth forecasted at the time of consent.
28. This stepped approach ensures that, as the city grows, so does the amount of water HCC can take from the river to meet the increased demand. It also allows other users of the Waikato River access to the water on a short to medium-term until such time as the population within Hamilton grows to necessitate the additional take authorised by the consent.
29. HCC currently uses a peak water abstraction of approximately 93,000m³ per day and has recently secured a step up to a maximum of 120,000m³ per day. Using that 'headroom' it has allowed Watercare to 'borrow' up to 25,000m³ per day from its take, in order to assist Auckland to address its current drought situation. That arrangement will end by 2023 at the latest.

WATER DEMAND PROJECTIONS

30. Based on current population projections, HCC may have insufficient water available under its existing consent to accommodate the projected growth in Hamilton between now and 2044, when its current water take consent expires. In addition, it is clear that after 2044 a renewed consent will be required which will need to extend the allocation beyond 146,000m³ per day. To address growth projections out to 2061, it is estimated that the volume required will be in the range of 186,000m³ per day to 240,000m³ per day. This is a conservative estimate, as it only accounts for 5,000m³ per day to service regional municipal demand outside of the Hamilton City boundary (well-below projected demand beyond the boundary), nor does it account for further demand arising within the broader metro area which is addressed below.
31. These figures highlight that HCC has an interest in the ongoing allocation of water from the Waikato. By allocating additional water to Watercare as sought, this may impact HCC's ability to obtain a renewed and extended water take consent as required to service the growing population.
32. Constraints on potable water resources will have a significant impact on economic growth in Hamilton and the wider Waikato Region, and on the wellbeing of those living in Hamilton and the broader metro area. These economic considerations need to be factored into the economic analysis relating to the Application so that the interrelationship between the Auckland and Waikato economies is not ignored. The strategic significance of this relationship is so important to New Zealand that decisions on the efficient allocation of the water resources of the Waikato River must ensure that the allocation provides for the best overall outcome for both Auckland and Hamilton.

33. HCC considers that these issues can be resolved in a way that serves both the Auckland and Hamilton joint interests. Clearly Watercare has an immediate need for water in the short-term. HCC's need for additional water allocation arises in the medium- to long-term. Accordingly, HCC seeks a solution which sees the immediate needs of Auckland met, while preserving allocable flow for the medium to long-term to enable HCC to meet its needs over this extended timeframe. For that reason, HCC seeks specific relief in relation to the duration of consent if granted.

34. Linked to the matters identified above are a range of issues which are required to be addressed in order for HCC's concerns to be met. Those issues are identified further below.

STATUTORY CONSIDERATIONS

35. The BOI's consideration of the Application will be guided by a range of statutory instruments. These are addressed briefly below.

National Policy Statement for Freshwater Management 2020 (NPS-FM)

36. Central to the NPS-FM is the concept of Te Mana o Te Wai, which is described as:

A concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

37. Te Mana o Te Wai encompasses six principles relating to the roles of tangata whenua and other New Zealanders. Aligned to these principles is a hierarchy of obligations, stated as Objective 2.1, that resources are to be managed in a way that prioritises:

- a) First, the health and well-being of water bodies and freshwater ecosystems;
- b) Second, the health needs of people (such as drinking water); and
- c) Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

38. The NPS-FM also requires freshwater to be allocated and used efficiently, and that over-allocation be avoided (Policies 11 and 15).

39. On the basis that the allocatable flows and minimum flow levels in the Waikato River have been established to achieve the first objective – that is they have been set at levels that protect the health, well-being and ecosystems of the River – priority for the management of resources must then turn to the allocation of water for the health needs of people.
40. While the Application seeks to provide for the drinking water needs of Auckland’s community in the short- to medium-term, HCC is concerned to ensure that this is not at the expense of providing for the long-term drinking water needs of Hamilton and the wider Waikato communities. The current allocation regime for the Waikato River does not expressly include an allocation for the long-term water supply needs of communities – it is based on ‘a first in, first served’ approach.
41. We expect this to be addressed in future regional plan changes that give full effect to the NPS-FM. However, in the interim, HCC considers it imperative that decisions on current applications, including that of Watercare and those others currently in the queue, do not result in the full allocation of the available resource without provision for Hamilton’s future drinking water supply needs. To do so would be contrary to the hierarchy of priorities directed by the NPS-FM.

Te Ture Whaimana

42. Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (**Settlement Act**) provides that the Waikato River and its contribution to New Zealand’s cultural, social, environmental, and economic wellbeing are of national importance¹. Embedded within the Settlement Act is Te Ture Whaimana, the primary direction-setting document for the restoration and protection of the Waikato River. The Environment Court has held that Te Ture Whaimana “affects all decisions which may affect the river or its catchment”². Section 17(3) of the Settlement Act requires the BOI to have particular regard to Te Ture Whaimana in determining the Application. Section 12(1) of the Settlement Act states that the Vision and Strategy prevails over any inconsistent provision of a national policy statement.
43. Te Ture Whaimana’s objectives include:
 - a) The restoration and protection of the health and wellbeing of the Waikato River (Objective a);
 - b) The restoration and protection of the relationship of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships (Objective b);
 - c) The restoration and protection of the relationship of Waikato River iwi according to their tikanga and kawa, with the Waikato River, including their economic, social, cultural and spiritual relationships (Objective c).

¹ Settlement Act, s 9.

² *Puke Coal Limited v Waikato Regional Council & Ors* [2014] NZEnvC 223 at [89].

- d) The restoration and protection of the relationship of the Waikato region's communities with the Waikato River including their economic, social, cultural and spiritual relationships (Objective d).
 - e) The integrated, holistic, and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River (Objective e).
 - f) The recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental and economic wellbeing requires the restoration and protection of the health and wellbeing of the Waikato River (Objective j).
44. There is clearly special recognition in Te Ture Whaimana of the integral role and function of the Waikato River within the communities, and for iwi, of the Waikato and their important relationship with it. Given this acknowledgment and direction by Parliament, and the primacy of Te Ture Whaimana in the BOL's determination of the Application³, substantial regard must be given to ensuring that the Waikato River is managed in the interests of the river itself and to restore and protect the relationship and reliance that Waikato iwi and communities that have with it. That is, the future social, cultural, and economic aspirations of Hamilton and Waikato iwi and communities, should not be inappropriately curtailed or compromised through the granting of the Watercare application.

Waikato Regional Planning Framework

45. The Waikato Regional Policy Statement (RPS) and Waikato Regional Plan (WRP) also explicitly recognise and provide for the allocation of water to meet the reasonably foreseeable and justified needs of municipal supply, together with industry and primary production.
46. Objective 3.2 of the RPS directs the recognition and provision of sustainable resource use and development and its benefit to enable people and communities to provide for their economic, social, and cultural wellbeing. This includes by maintaining and enhancing:
- a) Access to natural resources to provide for regionally significant industry and primary production supporting that industry; and
 - b) The availability of water for municipal and domestic supply to people and communities.
47. RPS Policy 8.6(c) also requires management of the increasing demand and competition for water through the setting of allocation limits, efficient allocation within those limits, and other regional plan mechanisms which achieve identified freshwater objectives and, amongst other matters, enable the existing and reasonably justified foreseeable domestic or municipal needs of people and communities to be met.

³ *Puke Coal Limited v Waikato Regional Council & Ors* [2014] NZEnvC 223 at [90].

48. Objective 3.3.2 of the WRP seeks that water allocation and use is managed in a way that ensures:

- a) Giving effect to the overarching purpose of Te Ture Whaimana to restore and protect the health and wellbeing of the Waikato River for present and future generations.
- b) The availability of water to meet the existing and the reasonably justified and foreseeable future domestic or municipal supply requirements of individuals and communities and the reasonable needs for an individual's animal drinking water requirements.
- c) The recognition of the significant community benefits that derive from domestic or municipal supply takes.
- d) The efficient allocation and the efficient use of water.

49. Accordingly, the regional planning framework also clearly directs the allocation of water to provide for the reasonably justified and foreseeable future municipal supply requirements of communities. While the Application seeks to achieve this for the Auckland community, it risks doing so at the expense of the likely future requirements of Waikato's communities, including the potentially significant increase in demand from Hamilton's growth.

Summary of alignment with statutory provisions

50. The Application has indicated that there is sufficient water available to grant Watercare's existing take without causing any of the prior applications to exceed the allocable flow on the basis of 'first in, first served' in respect of the remaining available water under the established water allocation limit. Figure 2 of the Watercare application indicates that following the granting of its application and those that are before it in the queue, that the resource will be fully allocated in some months of the year.

51. However, this approach fails to recognise the relevant statutory framework including the NPS-FM, the RPS and the WRP – which direct the management of water resources in a way that prioritises the provision of water to meet the reasonably justified and foreseeable future municipal supply requirements of Hamilton and other Waikato communities.

52. Further, Te Ture Whaimana directs that effect be given to ensuring that the Waikato River is managed in a holistic and integrated way that reflects the national importance of the Waikato River. Management of the river and its catchments must also be undertaken in a way that restores and protects not only the river itself, but also the relationship that Waikato iwi and communities have with it including to meet their social and economic needs. If all the remaining allocatable water is allocated to meeting Auckland's water supply needs, there is a significant risk that the future growth, social, cultural, and economic aspirations of Waikato iwi and communities will not be met.

53. Accordingly, without amending the Application in line with the relief sought by HCC, or similar, the proposed activities are inconsistent with the relevant statutory framework and as a result, Part 2 and other provisions of the RMA, in that they:

- a) Do not promote the sustainable management of the natural and physical resources within the Waikato Region (s 5);
- b) Do not meet the reasonably foreseeable needs of future generations (s 5), in particular the future water supply needs of Waikato communities;
- c) Do not enable the social, economic and cultural wellbeing of the people of the Waikato Region (s 5);
- d) Do not avoid, remedy or mitigate actual or potential adverse effects on the environment (s 5);
- e) Do not recognise and provide for the following matters of national importance: the protection of the Waikato River from inappropriate use and development, and the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (s 6); and
- f) Do not have regard to kaitiakitanga, the ethic of stewardship, the efficient use of the Waikato River and the finite characteristics of the Waikato River (s 7).

FURTHER ISSUES

Economic Assessment

54. The economic assessment in the Application is very limited in its scope. It focuses on meeting Auckland's needs in the medium-term in order to 'solve' the likely supply constraint that will arise in the mid-2030s. However, it fails to consider the wider implications of a shortfall of water supply for the Waikato community beyond 2044. The economic assessment in the Application is deficient in this regard. The issue is best demonstrated by Figure 1 below.

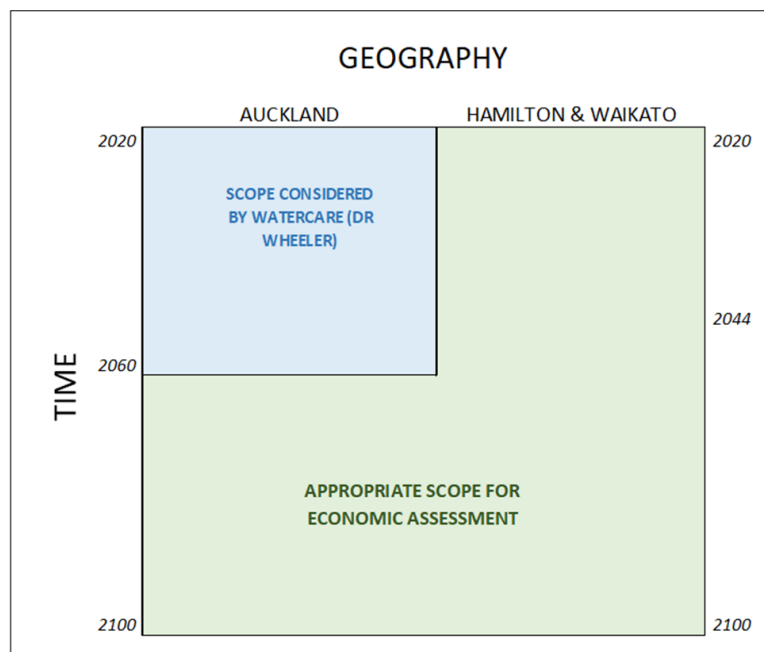


Figure 1 – Scope for assessing Waikato River water allocation

55. Water is essential to sustain the population and support economic activity. The Waikato River is the main water source for both Auckland and Hamilton, and for much of the Waikato Region. That, and the existing allocations, define the appropriate geography for the economic assessment. It is not appropriate for the BOI to adopt any approach that excludes Hamilton, and the identified potential opportunity cost, from its assessment.
56. Once population and economic activity are established, then that level of activity, and associated water consumption, is the assumed minimum going forward. Major cities like Auckland and Hamilton generate massive growth momentum. These factors mean that unless the issue is addressed within the consent conditions, short- to medium-term water allocations are also, due to renewal rights, the long-term or permanent allocations. Unless specifically provided for and understood by the consent holder, it is unrealistic to expect a wind-back of water allocation. Accordingly, for all practical purposes, unless properly addressed at the time the consent is granted, water allocation needs to be considered as a permanent outcome. However, that need not be the case if the consent recognises that an alternative source is being developed and there is a high degree of certainty about such alternatives, including their timing.
57. Any evaluation of the Hamilton and Waikato scenario must take into account not only the population growth projections identified within Hamilton City, but also the overall population and economy growth intended for the metro area.

58. Accordingly, it is critical that the BOI adopt a wider scope for the evaluation that both applies a longer time perspective and the wider geography of Auckland and the Waikato. Any allocation decision needs to be made with that wider geographic and timespan lens.

Watercare's reliance on the Waikato River long-term

59. Given the scale of Auckland, and its ongoing growth, water demand will continue to increase. The consideration and development of alternative water supply sources, such as desalination, to service this increased demand is necessary. HCC considers that Watercare's reliance on the Waikato River for water supply should progressively decrease and its water then be reallocated.
60. The Application indicates that Watercare only intends to use the additional take 'as necessary'. It further indicates that alternative water supplies will be developed over time to meet projected demand in Auckland. Investment now in an (initially) more expensive alternative water supply option for Auckland may result in better overall community and economic outcomes for Auckland, Waikato, and the wider national economy. Based on its own high-level review, HCC is concerned that some of Watercare's cost estimates for some of the large-scale alternative supply options are overestimated. Further analysis is required. For HCC to support the Application, Watercare's development of alternative water supply sources by set deadlines must be embedded in the conditions of consent.
61. Further, in light of the potential shortfall in water supply, granting long term resource consents for water abstractions would lock in unsustainable water use. The large volume of water sought means that the full allocation may not be utilised for some time with the consequence that this water will not be available for allocation.
62. The Application indicates that Watercare is open to temporary water transfers to enable unneeded water to be utilised. However, as proposed, the terms and conditions by which such a transfer takes place will be determined by Watercare.
63. HCC considers that these issues could be addressed, at least in part, by Watercare's consent being limited to a duration of 20 years, and with an 'Augiers' condition offered up by Watercare which relinquishes any s 124 (or equivalent) renewal rights.

ALIGNMENT WITH OTHER STAKEHOLDERS

[Placeholder to address any feedback from...]

RELIEF SOUGHT

64. That the Application be refused; or in the alternative,

65. That the Application be granted, subject to:

- a) Imposing a consent term of 20 years;
- b) Conditions requiring Watercare to report to WRC at regular periods during the term of the consent on implementation progress made towards securing alternative water sources identified in the Watercare application, so that it is reducing, over time, its reliance on the Waikato River to the extent that the renewal of the water take which is the subject of the Application is not required by Watercare;
- c) A comprehensive suite of monitoring, reporting and review conditions with “feedback loops” relating to water allocation, water demand management and monitoring effects on the Waikato River;
- d) Any such further conditions that assist to preserve the allocable flow of the Waikato River over the medium to long-term;
- e) A condition, offered up by Watercare, relinquishing any s 124 (or equivalent) renewal rights; or
 - I. A condition requiring Watercare to progressively reduce its take during the final years of the consent so that immediately upon expiry it is significantly less reliant on the take; and
 - II. A condition requiring Watercare to move to an “above median flow” take immediately before expiry; and
- f) Any such further conditions that address the issues identified in this submission and are necessary to achieve the purpose of sustainable management.

66. Any such further similar relief as necessary to preserve the allocable flow of the Waikato River over the medium to long-term and as necessary to achieve the sustainable management of the water resources of the Waikato River for future generations.

Council Report

Item 13

Committee: Council
Author: Tyler Gaukrodger
Position: Governance Advisor
Report Name: Recommendations from Open Committee Meetings

Date: 18 March 2021
Authoriser: Becca Brooke
Position: Governance Manager

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

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

- a) Community Committee meeting of 11 February 2021, in respect of:
 - Multi-Year Community Grant (2021-24 Allocation) (Agenda [Here](#), Minutes [Here](#))
- b) Finance Committee meeting of 16 February 2021, in respect of:
 - Financial Strategy Monitoring Report (Agenda [Here](#), Minutes [Here](#))
- c) Environment Committee meeting of 2 March 2021, in respect of:
 - Hamilton Open Air Burning Bylaw Review (Agenda [Here](#), Minutes [Here](#))
- d) Economic Development Committee meeting of 9 March 2021, in respect of:
 - International Relations Update March 2021
 - New Lease – Two Degrees Limited – Raymond Street (cabinets)
 - New Licence – Kordia Limited – FMG Waikato Stadium (Agenda [Here](#), Minutes [Here](#))

Recommendations from the Community Committee meeting of 11 February 2021

Multi-Year Community Grant (2021-24 Allocation)

That the Council approves an additional grant of \$15,000 (per annum) to the Hamilton Citizen's Advice Bureau for the next three years (currently unfunded).

Recommendations from the Finance Committee meeting of 16 February 2021

Financial Strategy Monitoring Report

That the Council:

- a) approves the capital movement as identified in paragraph 14 and 15 of the 16 February 2021 Capital Portfolio Monitoring Report;
- b) approves the significant forecast adjustments as set out in paragraphs 20 to 21 of the staff report; and
- c) approves the revised Financial Strategy position for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 22 to 25 of the staff report.

Recommendations from the Environment Committee meeting of 2 March 2021

Hamilton Open Air Burning Bylaw Review

That the Council:

- a) determines a bylaw is not the most appropriate means of controlling the issue of open air burning in Hamilton; and
- b) approves consultation on the revocation of the Hamilton Open Air Burning Bylaw 2015 (Option 3 of the staff report) and the Statement of Proposal (**Attachment 1**).

Recommendations from the Economic Development Committee meeting of 9 March 2021

International Relations Update March 2021

That the Council approves the revised International Relations Policy (**Attachment 2**).

New Lease – Two Degrees Limited – Raymond Street (cabinets)

That the Council approves the new lease for Two Degrees Limited for telecommunications cabinets located on land adjacent to Raymond Park, subject to the following terms and conditions:

- a) Term – 10 years, commencing 1 March 2021;
- b) Rental – \$4,000 plus GST per annum; and
- c) Rent reviews – 3-yearly market review.

New Licence – Kordia Limited – FMG Waikato Stadium

That the Council approves a new licence for Kordia Limited for a telecommunications cabinet located in the communications room at FMG Waikato Stadium, subject to the following terms and conditions:

- a) Term – 4 years, commencing 1 July 2021;
- b) Renewals – 1 x 5 years (1 July 2025);
- c) Rental – \$1,000 plus GST per annum; and
- d) Rent reviews – market review on renewal (1 July 2025).

Attachments - *Ngaa taapirihanga*

Attachment 1 - Statement of Proposal - Open Air Burning Bylaw - revoke

Attachment 2 - International Relations Policy - Clean Version

Attachment 3 - International Relations Policy - Tracked Changes Version




HAMILTON OPEN AIR BURNING BYLAW


STATEMENT OF PROPOSAL

May 2021

FURTHER INFORMATION

Hamilton City Council
Garden Place, Private Bag 3010, Hamilton

 haveyoursay@hamilton.govt.nz

 07 838 6699

 hamilton.govt.nz/haveyoursay

 [/hamiltoncitycouncil/](https://www.facebook.com/hamiltoncitycouncil/)



Hamilton City Council (the Council) is seeking feedback on the review of the *Open Air Burning Bylaw 2015*.

WHY ARE WE DOING THIS?

Hamilton City Council are proposing to revoke the Hamilton City Council *Open Air Burning Bylaw 2015*.

OPEN AIR BURNING BYLAW 2015

The Bylaw was first adopted in 2015 and, as per the Local Government Act 2002 requirements, the Council is required to review the Bylaw after 5 years. The Bylaw does not apply to indoor fires such as wood burners.

PROPOSED CHANGES

Hamilton City Council (the Council) is seeking feedback on the review of the *Open Air Burning Bylaw 2015* from 1 – 31 May 2021.

The Council proposes to revoke the bylaw due to changes in legislation and regulation which take precedence over the bylaw. These include:

Legislation / Regulation / Bylaw	Summary
Fire and Emergency New Zealand Act 2017 (FENZ Act)	<p><i>Primarily related to preventing or controlling fires in emergency situations.</i></p> <p>A person who has notice that the lighting of fires in open air in an area is prohibited must not light or allow another person to light a fire in open air in that area unless a permit is granted under regulations made under section 190 of the FENZ Act.</p>
Waikato Regional Plan	<p><i>Primarily related to preventing or controlling fires where there may be discharge of contaminants into air and any subsequent discharge of contaminants onto land.</i></p> <p>The Regional Plan prohibits the burning of a range of hazardous materials and states:</p> <ul style="list-style-type: none"> • There shall be no discharge of contaminants beyond the boundary of the subject property that has adverse effects on human health, or the health of flora and fauna. • The discharge shall not result in odour that is objectionable to the extent that it causes an adverse effect at or beyond the boundary of the subject property. • There shall be no discharge of particulate matter that is objectionable to the extent that it causes an adverse effect at or beyond the boundary of the subject property. • The discharge shall not significantly impair visibility beyond the boundary of the subject property. • The discharge shall not cause accelerated corrosion or accelerated deterioration to structures beyond the boundary of the subject property.
Hamilton Waste Management and Minimisation Bylaw 2019	<p><i>Prohibits any person from burning or allowing to be burnt on any property they own, occupy or manage any waste except organic matter.</i></p>
Health Act	<p><i>Primarily related to preventing or controlling fires where there is a statutory nuisance creating a public health issue.</i></p>
Open Air Burning Bylaw 2015 (current bylaw)	<p>The existing Open Air Burning Bylaw sets out conditions under which outdoor fires <i>may</i> not be lit. This is to ensure a fire does not become a safety hazard or a nuisance. Some of these conditions have been superseded by the FENZ Act and the Waste Management</p>

	<p>and Minimisation Bylaw 2019.</p> <p>Conditions set out in the existing Bylaw state:</p> <p><i>A person must not light any fire at any time in the open air, or within a barbecue, brazier or incinerator, or burn a traditional cooking fire under the following conditions:</i></p> <p><i>a) Where the location, wind, or other conditions cause or are likely to cause the fire to become:</i></p> <p><i>I. A danger to any person or property; or</i></p> <p><i>II. Out of control or spread beyond the boundaries of the premises on which it is lit; or</i></p> <p><i>III. A nuisance beyond the boundaries of the premises on which it is lit; or to:-</i></p> <p><i>IV. Deposit ash or other debris beyond the boundaries of the premises on which it is lit.</i></p>
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OPTIONS

The Council wants to consult on its intention to revoke the Bylaw. If you do not think the Bylaw should be revoked, then the Council would like to know why. Tell us your views either way in the feedback form attached.

There are two options to consider.

OPTION 1:

REVOKE THE OPEN AIR BURNING BYLAW (THIS WILL MEAN THERE IS NO BYLAW FOR OPEN AIR BURNING)

OPTION 2:

CONTINUE WITH THE CURRENT OPEN AIR BURNING BYLAW.

TELL US YOUR THOUGHTS ON THE BYLAW

Before making any final decisions, we'd like to have your input.

You can give us feedback from 1 – 31 May 2021 using the feedback form below.

HOW TO GIVE FEEDBACK:

- Fill out a feedback form online at hamilton.govt.nz/haveyoursay
- Fill out the feedback form included in this Statement of Proposal and send to: Hamilton City Council, Communication and Engagement team, Private Bag 3010, Hamilton, 3240.
- Fill out the feedback form and deliver to the Municipal Building Reception or any branch of Hamilton City Libraries.

Feedback forms are available from all Hamilton City Libraries, and from the Ground Floor reception of the Council's Municipal Building in Civic Square.

For any queries please ring 07 838 6699 or email haveyoursay@hcc.govt.nz

NEXT STEPS

Staff will collect and analyse all feedback at the close of the submission period.

The analysis of this feedback will be presented to the July 2021 meeting of the Hearings and Engagement Committee. At this meeting, submitters who want to speak to their written submission will be able to do so.

The Council will then consider all the views and make a decision on the Bylaw.

FEEDBACK FORM

HAMILTON OPEN AIR BURNING BYLAW – 1-31 MAY 2021

Hamilton City Council has reviewed the *Open Air Burning Bylaw 2015*.

There are two options to consider.

OPTION 1:

REVOKE THE OPEN AIR BURNING BYLAW (THIS WILL MEAN THERE IS NO BYLAW FOR OPEN AIR BURNING)

OPTION 2:

CONTINUE WITH THE CURRENT OPEN AIR BURNING BYLAW.

FEEDBACK FORMS CAN BE:

- Completed online at hamilton.govt.nz/haveyoursay
- Posted to: Freepost 172189, Hamilton City Council, Communication and Engagement team, Hamilton Safety in Public Places Bylaw, Private Bag 3010, Hamilton, 3240.
- Email the form to: haveyoursay@hcc.govt.nz

Privacy statement:

The Local Government Act 2002 requires submissions to be made available to the public. Your name and/or organisation will be published with your submission and made available in a report to elected members and to the public. Other personal information supplied will be used for administration and reporting purposes only. Please refer to Council's Privacy Statement at hamilton.govt.nz for further information.

YOUR FEEDBACK:

1. WHICH OPTION DO YOU PREFER?

☐ OPTION 1 ☐ OPTION 2

Reasons (Please print clearly):

Run out of room? Feel free to attach additional pages.

WOULD YOU LIKE THE OPPORTUNITY TO TALK TO US ABOUT YOUR SUBMISSION IN PERSON?

Yes ☐ No

Verbal submissions will take place in July 2021 and we will contact you to arrange a time.

ABOUT YOU: (Please print your details clearly)

This section tells us a bit more about you. By capturing this information, we will be able to better understand who is, and isn't, providing feedback. This information will not be used in a way which may identify you.

WHERE DO YOU LIVE?

I am a Hamilton city resident, my suburb is: _____

I live outside Hamilton city:

☐ Waipa ☐ Waikato ☐ Elsewhere in New Zealand ☐ Overseas

CONTACT DETAILS

We will use this to get in touch with you if you would like the opportunity to talk to us about your submission in person.

Name: _____

Organisation (if responding on behalf of an organisation) _____

Phone: _____

Email: _____

WHAT IS YOUR AGE GROUP? (at your last birthday)

☐ Under 16 ☐ 16-19 ☐ 20-24 ☐ 25-29 ☐ 30-34
☐ 35-39 ☐ 40-44 ☐ 45-49 ☐ 50-54 ☐ 55-59
☐ 60-64 ☐ 65-69 ☐ 70-74 ☐ 75-79 ☐ 80+

WHICH ETHNIC GROUP DO YOU IDENTIFY AS?

☐ NZ European ☐ Maaori ☐ Indian ☐ Chinese ☐ Samoan
☐ British ☐ Filipino ☐ Tongan ☐ South African ☐ Cook Island Maaori
☐ Other _____

WHICH OF THE FOLLOWING BEST DESCRIBES YOUR HOUSEHOLD SITUATION?

☐ Living alone
☐ Living with others that are not family)
☐ Household with no dependants (e.g. no children or no other family)
☐ Household with dependants (e.g. children or other family)

Please get your feedback to us by 31 MAY 2021.

International Relations Policy

Purpose and scope

1. The purpose of this Policy is to outline the mechanisms with which Council engages international relationships for the benefit of the economic, cultural, social and environmental wellbeing of the city.
2. Hamilton City Council has forged relationships with a number of international cities with the aim of delivering strategic benefits for the city. Council seeks to establish new links with international cities to maximise economic development opportunities for business.
3. This policy sets out the types of international relationships Hamilton will have with international cities and the criteria considered in engaging in international relationships.

Strategic alignment

4. One of the Council's objectives – as set out in legislation – is to improve the economic cultural, social and environmental wellbeing of Hamiltonians. This Policy helps to achieve that. It also helps to achieve Council's five priorities, as set out in Our Vision for Hamilton Kirikiriroa:
 - Shaping a city that's easy to live in
 - Shaping a city where our people thrive
 - Shaping a central city where people love to be
 - Shaping a fun city with lots to do
 - Shaping a green city – sharing best practice
5. It does this through creating opportunities for economic growth internationally; through facilitating cultural, educational and sporting exchanges; and through sharing of best practice.

Principles

6. The guiding principles for this Policy are:
 - a. Council recognises the importance of international relations to the economic, cultural, social and environmental wellbeing of the city.
 - b. Effective international relationships will support the Council's strategic vision, outcomes and goals.
 - c. The Mayor will play a lead role in the development of international relationships.

Policy

International Relationships

7. Hamilton City Council will pursue a range of relationships to ensure international opportunities are harnessed and maximised. This will be a combination of proactively identifying cities that present Hamilton and city businesses with good opportunities and cities expressing an interest in partnering with Hamilton.
8. Decisions to enter into international relationships will be made by Council, with the exception of fee-paying delegations.
9. Relationships will only be entered into if they are sustainable and adequately resourced.
10. The following factors will be used to guide decisions when entering into or reviewing international relationships:
 - a. Ability to **enhance understanding and idea sharing** based on student/teacher exchange programmes, educational institutions linkages, people-to-people interest, energy and commitment.
 - b. Ability to add to Hamilton's sense of place and the vitality/diversity of the city based on similar geographic features, similar social infrastructure and history of cooperation in political, economic, commercial and cultural fields.
 - c. Ability to realise opportunities for growing the local economy through comparative key industries, economic climate, and trade and investment linkages.
 - d. Ability to promote Hamilton based on tourism potential.
11. Review periods will be incorporated into all new relationships with an opportunity to exit the relationship should it no longer meet its objectives.
12. Records of all relationships will be maintained including an International Visits Register.
13. The Council will work with local stakeholders to support their international activities where they align with one or more of the following relationship categories.

Relationship categories

14. Four different types of relationships have been identified:

Sister City relationships

15. Council has forged a number of Sister City relationships with a primary focus to foster and enhance economic, cultural, social and environmental wellbeing.
16. Sister City relationships will be formalised in a Sister City Agreement.

City to City Strategic partnerships

17. This relationship is a strategic partnership with the targeted purpose of fostering and enhancing economic development.
18. These relationships may be led by other people from the city and may be entered into to support private sector relationships, such as those in the education sector.
19. There may be times when a City to City strategic partnership is established for strengthening cultural and social connections.
20. City to City relationships will be formalised in a Memorandum of Understanding (MoU).

Friendship City relationships

21. These relationships may be a starting point to a more formal relationship and are focused on social and cultural engagement.

Fee Paying Delegations

22. Parties or individuals who do not qualify as Sister City relationships, City to City strategic partnerships or Friendship City relationships may be required to pay a fee to Hamilton City Council for visits or functions hosted at their request.

International security

23. The Council will follow all advice from the Ministry of Foreign Affairs and Trade (MFAT) and other government agencies when considering new international relationships and advancing existing relationships.

Monitoring and implementation

24. The Director of the Mayor's Office will monitor the implementation of this Policy.
25. The Policy will be reviewed every three years or at the request of Council or in response to changed legislative and statutory requirements or in response to any issues that may arise.

References

- ☐ MoU guidelines
- ☐ International relationship protocols.
- ☐ Guidelines for Fee-Paying Delegations.

International Relations Policy

Purpose and scope

1. The purpose of this Policy is to outline the mechanisms with which Council engages international relationships for the benefit of the economic and cultural, social and environmental benefit wellbeing of the city.
2. ~~2.~~ Hamilton City Council has forged relationships with a number of international cities with the aim of delivering a goal to strategic, economic and cultural benefits for the city. Council seeks to establish new links with international cities in order to maximise economic development opportunities for business.
2. ~~3.~~ This policy sets out the types of international relationships Hamilton will have with international cities and the criteria considered in engaging in international relationships.

Strategic alignment

4. ~~4. The objective of~~ One of the Council's objectives ~~Council~~ as set out in legislation is to improve the economic cultural, social and environmental wellbeing of Hamiltonians. This Policy helps to achieve that. It This policy also helps to varying extents to achieve Council's five priorities, as set out in Our Vision for Hamilton Kirikiriroa assists in the delivery of Council's outcomes and goals as follows:

- Shaping a city that's easy to live in
- Shaping a city where our people thrive
- Shaping a central city where people love to be
- Shaping a fun city with lots to do
- Shaping a green city – sharing best practice

5. It does this through creating opportunities for economic growth internationally; through facilitating cultural, educational and sporting exchanges; and through sharing of best practice.

Prosperous and Innovative

- ~~Hamilton has a strong, productive economy and we build on our economic strengths.~~
- ~~We have a thriving Central Business District (CBD).~~
- ~~It's easy to do business here.~~
- ~~Our city grows and prospers in a sustainable way.~~

Outstanding City Leadership

- ~~The city is led by effective, open and responsive governance.~~
- ~~Council's finances are sustainable for the long term.~~
- ~~We operate efficiently and provide exceptional service.~~
- ~~The city takes a leadership role regionally and nationally.~~

People Love Living Here

- ~~Hamilton embraces the Waikato River and it is the focal point of our city.~~
- ~~We value, preserve and protect Hamilton's natural, green environment.~~
- ~~Our city is attractive, well-designed and compact with outstanding architecture and distinctive public spaces.~~
- ~~Our city is a fun place to live with a vibrant arts scene.~~
- ~~Hamilton is a safe city.~~
- ~~It's easy to get around.~~

■ ~~We celebrate our people
and many cultures.~~

Attachment 3

Item 13

Principles

~~4.6.5.~~ The guiding principles for this Policy are:

- ~~a. a.~~ Council recognises the importance of international relations to the economic, ~~and~~ cultural, ~~social and~~ environmental wellbeing-growth of the city.
- ~~a. b.~~
- ~~b. b.~~ Effective international relationships will support the Council's strategic vision, outcomes and goals.
- ~~b. c.~~
- ~~c. c.~~ The Mayor will play a lead role in the development of international relationships.

Policy

International Relationships

~~5.7.6.~~ Hamilton City Council will pursue a range of relationships to ensure international opportunities are harnessed and maximised. This will be a combination of proactively identifying cities that present Hamilton and city businesses with good opportunities and cities expressing an interest in partnering with Hamilton.

~~6.8.7.~~ Decisions to enter into international relationships will be made by Council, with the exception of fee-paying delegations.

~~7.9.8.~~ Relationships will only be entered into if they are sustainable and adequately resourced.

~~8.10.9.~~ The following factors will be used to guide decisions when entering into or reviewing international relationships:

- ~~a. a.~~ Ability to **enhance understanding and idea sharing** based on student/teacher exchange programmes, educational institutions linkages, people-to-people interest, energy and commitment.
- ~~b. b.~~ Ability to add to Hamilton's sense of place and the vitality/diversity of the city based on similar geographic features, similar social infrastructure and history of cooperation in political, economic, commercial and cultural fields.
- ~~c. c.~~ Ability to realise opportunities for growing the local economy through comparative key industries, economic climate, and trade and investment linkages.
- ~~d. d.~~ Ability to promote Hamilton based on tourism potential.

~~9.11.10.~~ Review periods will be incorporated into all new relationships with an opportunity to exit the relationship should it no longer meet its objectives.

~~12. 11.~~ Records of all relationships will be maintained including an International Visits Register.

~~10.13.~~ The Council will work with local stakeholders to support their international activities where they align with one or more of the following relationship categories.

Relationship categories

~~11.14.~~ Four different types of relationships have been identified:

~~12.~~ Sister City relationships

~~12.15.~~ ~~a-~~ Council has forged a number of Sister City relationships with a primary focus to foster and enhance economic, ~~opportunities and/or~~ cultural, ~~historical and~~ social ~~and environmental~~ ~~environmental~~ ~~wellbeing~~ ~~linkages~~.

~~13.16.~~ ~~b-~~ Sister City relationships will be formalised in a Sister City Agreement.

~~13.~~ City to City Strategic partnerships

~~14.17.~~ ~~a-~~ This relationship is a strategic partnership with the targeted purpose of fostering and enhancing economic development.

~~15.18.~~ ~~b-~~ These relationships may be led by other people from the city and may be entered into to support private sector relationships, such as those in the education sector.

~~16.19.~~ There may be times when a City to City ~~relationship~~ ~~strategic partnership~~ is established for strengthening cultural and social connections.

~~17.20.~~ ~~d-~~ City to City relationships will be formalised in a Memorandum of Understanding (MoU).

~~14.~~ Friendship City relationships

~~18.21.~~ ~~a-~~ These relationships may be a starting point to a more formal relationship and are focused on social and cultural engagement.

~~15.~~ Fee Paying Delegations

~~19.22.~~ ~~a-~~ Parties or individuals who do not qualify as Sister City relationships, City to City ~~strategic partnerships~~ or Friendship City relationships may be required to pay a fee to Hamilton City Council for visits or functions hosted at their request.

International security

23. The Council will follow all advice from the Ministry of Foreign Affairs and Trade (MFAT) and other government agencies when considering new international relationships and advancing existing relationships.

Monitoring and implementation

~~20.24.~~ ~~16-~~ The ~~General Manager, Corporate~~ Director of the Mayor's Office will monitor the implementation of this Policy.

~~21.25.~~ ~~17-~~ The Policy will be reviewed every three years or at the request of Council or in response to changed legislative and statutory requirements or in response to any issues that may arise.

References

- ☐ MoU guidelines
- ☐ International relationship protocols.
- ☐ Guidelines for Fee-Paying Delegations. [Page 3](#)

Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

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

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Council Public Excluded Minutes of 4 February 2021) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987)	Section 48(1)(a)
C2. Confirmation of the Elected Member Public Excluded Briefing Notes - 17 February 2021		
C3. Confirmation of the Elected Member Public Excluded Briefing Notes - 24 February 2021		
C4. Approval of Deed of Lease (Office Space and Carparks) – Montana Catering 2001 Limited and Hamilton City Council		
C5. City Honours Recommendations March 2021		
C6. Release of Public Excluded Information		

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

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C3.	to prevent the disclosure or use of official	Section 7 (2) (j)

	information for improper gain or improper advantage	
Item C4.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h) Section 7 (2) (i)
	to enable Council to carry out negotiations	
Item C5.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C6.	to maintain legal professional privilege	Section 7 (2) (g)
	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h) Section 7 (2) (i)
	to enable Council to carry out negotiations	Section 7 (2) (j)
	to prevent the disclosure or use of official information for improper gain or improper advantage	