

## Notice of Meeting:

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

**Date:** Thursday 30 September 2021  
**Time:** 9.30am  
**Meeting Room:** Council Chamber and Audio Visual Link  
**Venue:** Municipal Building, Garden Place, Hamilton

Richard Briggs  
Chief Executive

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## Council *Kaunihera* OPEN AGENDA

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### Membership

**Chairperson** Mayor P Southgate  
*Heamana*

**Deputy Chairperson** Deputy Mayor G Taylor  
*Heamana Tuarua*

|                |                  |                 |
|----------------|------------------|-----------------|
| <b>Members</b> | Cr M Bunting     | Cr A O’Leary    |
|                | Cr M Gallagher   | Cr R Pascoe     |
|                | Cr R Hamilton    | Cr S Thomson    |
|                | Cr D Macpherson  | Cr M van Oosten |
|                | Cr K Naidoo-Rauf | Cr E Wilson     |
|                | Cr M Donovan     |                 |

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

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

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Becca Brooke  
Governance Manager  
*Menetia Mana Whakahaere*

**23 September 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:** 30 September 2021

**Author:** Tyler Gaukrodger

**Authoriser:** Becca Brooke

**Position:** Governance Advisor

**Position:** Governance Manager

**Report Name:** Confirmation of the Council Open Minutes of 12 August 2021

|                      |             |
|----------------------|-------------|
| <b>Report Status</b> | <i>Open</i> |
|----------------------|-------------|

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

That the Council confirm the Open Minutes of the Council Meeting held on 12 August 2021 as a true and correct record.

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

Attachment 1 - Council Unconfirmed Open Minutes - 12 August 2021

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## Council *Kaunihera* OPEN MINUTES

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Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 12 August 2021 at 9.40am.

### PRESENT

**Chairperson** Mayor P Southgate

*Heamana*

**Deputy Chairperson** Deputy Mayor G Taylor

*Heamana Tuarua*

### Members

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

### In Attendance:

Richard Briggs – Chief Executive  
Chris Allen – General Manager Development  
Blair Bowcott – General Manager Growth  
Eeva-Liisa Wright – General Manager Infrastructure Operations  
Sean Hickey - General Manager Strategy and Communications  
Andrew Parsons – Executive Director Strategic Infrastructure  
Nicolas Wells – Strategic Property Manager  
Trevor Harris – Property Officer Acquisitions Disposal  
Robyn Denton – Operations Team Leader  
Maire Porter – City Waters Manager  
Stephen Halliwell – Water Reform Financial Advisor  
Mark Roberts - Principal Planner  
Jamie Sirl – Team Leader City Planning  
Michelle Hawthorne - Legal Services Manager  
Alice Morris - Principal Planner  
Craig McKibbin - City Planning Communication and Engagement Lead  
Simone van Asbeck – Communications and Engagement Growth  
Debra Stan Barton - Acting City Planning Unit Manager  
Lachlan Muldowney – Lawyer for Hamilton City Council  
Peter Duncan – Tompkins Wake  
Dale Ofoske – Election Services NZ

**Governance Staff:** Becca Brooke – Governance Manager  
Amy Viggers - Governance Team Leader  
Narelle Waite and Tyler Gaukrodger - Governance Advisors

*The meeting was opened with a karakia by Tame Pokaia.*

**1. Apologies – *Tono aroha***

There were no apologies.

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

**Resolved:** (Cr Wilson/Deputy Mayor Taylor)

That the agenda is confirmed noting the following:

- a) Item 10 (Road Stopping - 28 Hammond Street) is to be taken after item 4 (Public Forum) to accommodate members of the public in attendance;
- b) Item 11 (2021 Wider Representation Review - Initial Proposal) will be taken at 2.00pm to accommodate presenter availability;
- c) that the remaining order of the of the agenda will be flexible to accommodate availability; and
- d) Item C5 (Confirmation of the Council Public Excluded (CE Review Committee Matters) Minutes of 29 April 2021 and C6 (CE Recruitment Matters) were deferred to a future meeting of the Council.

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

Cr Wilson declared conflict of interest in item 10 (Road Stopping - 28 Hammond Street) and item 12 (Plan Change 5 - Peacocke Structure Plan) and noted that he would not take part in the discussion or vote of either matters.

Prior to the discussion of item 17 (District Plan Change Programme - Communications and Engagement) Cr Wilson declared a further conflict of interest and did not take part in the discussion or vote on the matter.

Prior to the discussion of item C4 (Recommendations from Public Excluded Committee Meetings) Cr Wilson declared a further interest and did not take part in the discussion or vote on the matter.

**4. Public Forum – *Aatea koorero***

**Vijen Reedy, Sarah Mundy and Alex Till** (Hamilton West School) spoke to item 10 (Road Stopping - 28 Hammond Street), noting their concerns regarding the development and consultation process. They requested the matter be deferred to enable further engagement.

**Annie Scott** spoke to item 10 (Road Stopping - 28 Hammond Street), noting the process followed to date, the concerns raised by the school community and the proposed development.

**Tami Williams** spoke on behalf of Jessie O'Brien regarding item 10 (Road Stopping - 28 Hammond Street), noting their concerns that the development will impact the safety of the students of Hamilton West School.

**Ray Pickett** speaking to item 10 (Road Stopping - 28 Hammond Street) and provided Elected Members with a presentation (attached as **appendix 1** of these open minutes) on the development and process he had followed to date to engage with the Hamilton West School to resolve their concerns.

**Neil Tolan** Spoke to item 11 (2021 Wider Representation Review - Initial Proposal) and requested that community boards be added to the initial Representation proposal to be consulted on. He responded to questions from Members concerning the number of Community Boards he would like to see and his preferred representation format.

Item 10 (Road Stopping - 28 Hammond Street) was taken after item 4 (Public Forum) to accommodate public in attendance.

*Cr Wilson left the meeting during the discussion and vote of the following item having declared an interest in the matter. He did not take part in the discussion or vote on the item.*

#### 10. Road Stopping - 28 Hammond Street

The Strategic Property Manager spoke to the report noting errors in attachment 3 of the staff report (which had since been corrected) regarding concerns around on-street parking, the inclusion of Jessie O'Brien's written submission and changes to the land sale agreement. He then outlined an updated staff recommendation.

Staff responded to questions from Elected Members concerning specific provisions to be included in the draft Agreement for Sale and Purchase, carpark requirements in the National Policy Statement Urban Development, communication with the school, the role of Council, school travel planning, the Public Works Act process, current zoning for the area, value of land, and how learnings from this matter can be included the District Plan review.

**Resolved:** (Cr Hamilton/Cr O'Leary)

That the Council:

- a) receives the report;
- b) approves the draft Agreement for Sale and Purchase of Stopped Road adjoining 28 Hammond Street, Hamilton (**Attachment 1** to this report) subject to the inclusion of enforceable provisions requiring the Development to:
  - i. provide a minimum of one (1) onsite carpark for each apartment
  - ii. have all windows on the wall bordering the Hamilton West School swimming pool (Lot 2 DP 521812);
    - (i) with a minimum sill height above finished floor level of 2.0 metres, or;
    - (ii) be screened, opaque or obscure glazed so that it is not possible to view the Hamilton West School swimming pool;
  - iii. have no balconies able to view the Hamilton West School's swimming pool;
  - iv. have solid fencing on the boundary between the two properties at a minimum height of 1.8m;
  - v. ensure any camera on the development is not able to observe the Hamilton West School's swimming pool activities;
- c) notes that the road stopping process to be completed is for an area of 201m<sup>2</sup>, shown as Section 1 on draft survey plan SO 564413, in terms of the Public Works Act 1981 (as shown on **Attachment 4**); and
- d) delegates authority to the Chief Executive to finalise the Agreement for Sale and Purchase of Stopped Road adjoining 28 Hammond Street and to sign all documentation to give effect to the above resolutions.

*Cr Wilson re-joined the meeting at the conclusion of the above item.*

**The meeting was adjourned 11.26am to 11.53am.**

*Item 9 (Chair's Report) was taken after the above adjournment to accommodate availability.*

## 9. Chair's Report

The Mayor took her report as read and responded to questions from Elected Members concerning Council's influence to the Waters Reform process.

**Resolved:** (Cr Wilson/Deputy Mayor Taylor)

That the Council receives the report.

*Items 13 (Three Water Reform Update) was taken after item 9 (Chair's Report) to accommodate availability.*

## 13. Three Water Reform Update

The Executive Director Strategic Infrastructure spoke to the report noting the significant influence that Council could have on the Three Water Reform. The Mayor then spoke to the level of high regard of Hamilton City Council staff have in relation to their work on the Governments Three Water Reform and the future engagement with the public.

Staff responded to questions from Elected Members concerning potential impact of Council debt to revenue ratio based on asset ownership, Council's stance on the reform, public consultation, potential governance, various funding packages such as the worse off and better off funds, the economic case, and the three water services deliver reform programme.

**Staff Action:** *Staff undertook to request an updated three water services deliver reform programme that includes the transitional period and then circulated the document to Elected Members.*

**Motion:** (Mayor Southgate/Cr van Oosten)

That the Council:

- a) receives the report; and
- b) approves the addendum to Council's Local Government New Zealand feedback on The Government's Three Waters Reform Programme (**Attachment 1**) as an initial response ahead of more substantive feedback due by 1 October 2021.

**Amendment:** (Deputy Mayor Taylor/Cr Bunting)

That the Council:

- a) receives the report; and
- b) approves the addendum to Council's Local Government New Zealand feedback on The Government's Three Waters Reform Programme (**Attachment 1**) as an initial response ahead of more substantive feedback due by 1 October 2021 **with the first 4 paragraphs of the addendum to be replaced with the following wording:**

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

*On 10 June 2021 Council provided feedback to LGNZ on the three waters reform. In that feedback we identified 11 key areas that are critical to the reform's success. On 15 July 2021 LGNZ and the Government signed a Memorandum of Understanding on the three waters reform.*

*To assist LGNZ's discussions with the Government on the Three Waters Reform Programme, this Council has considered the current status of our 11 key areas and consider we require*

*further information on the following key items'*

**The Amendment was put.**

**Those for the Amendment:** Deputy Mayor Taylor Councillors Pascoe, O'Leary, Bunting, Hamilton, Naidoo-Rauf and Wilson.

**Those against the Amendment:** Mayor Southgate, Councillors Gallagher, Macpherson, van Oosten and Thomson.

**The Amendment was declared CARRIED.**

**The Amendment as the Substantive Motion was the put and declared CARRIED.**

**Resolved:** (Deputy Mayor Taylor/Cr Bunting)

That the Council:

- a) receives the report; and
- b) approves the addendum to Council's Local Government New Zealand feedback on The Government's Three Waters Reform Programme (**Attachment 1**) as an initial response ahead of more substantive feedback due by 1 October 2021 **with the first 4 paragraphs of the addendum to be replaced with the following wording:**

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

*On 10 June 2021 Council provided feedback to LGNZ on the three waters reform. In that feedback we identified 11 key areas that are critical to the reform's success. On 15 July 2021 LGNZ and the Government signed a Memorandum of Understanding on the three waters reform.*

*To assist LGNZ's discussions with the Government on the Three Waters Reform Programme, this Council has considered the current status of our 11 key areas and consider we require further information on the following key items'*

**The meeting was adjourned 1.49pm to 2.42pm.**

Item 11 (2021 Wider Representation Review - Initial Proposal) was taken after to above adjournment to accommodate external presenter availability.

**11. 2021 Wider Representation Review - Initial Proposal**

The Governance Manager introduced the report by outlined the processes to date and purpose of the decision at this meeting. She and Dale Ofoske (Consultant) responded to questions from Elected Members concerning the requirement to consult on only one representation arrangement option, Maaori electoral roll options, mixed system, the legislative process, and the consultation document.

**Motion:** (Cr Bunting/Deputy Mayor Taylor)

That the Council:

- a) approves, in accordance with sections 19H and 19J and clauses 1 and 2 of Schedule 1A of the Local Electoral Act 2001, to adopt as its initial proposal for the review of representation arrangements for at least the 2022 triennial elections, one of the following options:

- b) **OPTION 2** – one city-wide general ward and one city-wide Maaori ward, increase to 15 Elected Members (including the Mayor) and no community boards:
- i. Hamilton City Council comprises 14 Councillors elected under the ward system, plus the Mayor elected ‘at large’;
  - ii. Hamilton City Council is divided into two wards, consisting of the following communities of interest:
    - I. **Hamilton General Ward** (represented by 12 Councillors) comprising the whole city area as shown in **Attachment 2**. Councillors in this ward are to be elected by electors registered on the general electoral roll within the city area;
    - II. **Kirikiroa Maaori Ward** (represented by two Councillors), comprising the whole city area as shown in **Attachment 2**. Councillors in this ward are to be elected by electors registered on the Maaori electoral roll within the city area
  - iii. No community boards are established as:
    - I. Effective representation would not be enhanced by establishing community boards, having considered the identified communities of interest in terms of distinctiveness, representation, access and effective governance; and
    - II. If city-wide wards are confirmed, this recognises Hamilton city has a relatively compact geographic area and its communities of interest are not geographically distinct, but rather they are spread across the city and community boards or smaller wards are unlikely to add value.
- c) approves the option chosen above as the initial proposal for the Wider Representation Review that will undergo formal public consultation, including inviting submissions for a period 25 August 2021 to 6 October 2021; and
- d) recommends that any arrangements confirmed as a result of this Wider Representation Review be reviewed in 2023/24 (for the 2025 triennial elections).

**Amendment:** (Cr Gallagher/Cr O’Leary)

That the Council:

- a) approves, in accordance with sections 19H and 19J and clauses 1 and 2 of Schedule 1A of the Local Electoral Act 2001, to adopt as its initial proposal for the review of representation arrangements for at least the 2022 triennial elections, one of the following options:
- b) **OPTION 1** – Two general wards (East and West) and one city-wide Maaori ward, increase to 15 Elected Members (including the Mayor) and no community boards:
  - i. Hamilton City Council comprises 14 Councillors elected under the ward system, plus the Mayor elected ‘at large’;
  - ii. Hamilton City Council is divided into three wards, consisting of the following communities of interest:
    - **East General Ward** (represented by six Councillors), comprising the area to the east of the Waikato River as shown shaded blue in **Attachment 2** (i.e. the current East ward). Councillors in this ward are to be elected by electors registered on the general electoral roll within the East ward boundaries;
    - **West General Ward** (represented by six Councillors), comprising the area to the west of the Waikato River as shown shaded green in **Attachment 2** (i.e. the current West ward). Councillors in this ward are to be elected by electors registered on the general electoral roll within the West ward boundaries;
    - **Kirikiroa Maaori Ward** (represented by two Councillors), comprising the whole



city area as shown in **Attachment 2**. Councillors in this ward are to be elected by electors registered on the Maaori electoral roll within the city area.

iii. No community boards are established as:

- I. Effective representation would not be enhanced by establishing community boards, having considered the identified communities of interest in terms of distinctiveness, representation, access and effective governance; and
  - II. If wards are confirmed, ward Councillors are likely to provide sufficient representation of communities of interest and therefore ensure adequate representation and access between Elected Members and the population;
- d) approves the option chosen above as the initial proposal for the Wider Representation Review that will undergo formal public consultation, including inviting submissions for a period 25 August 2021 to 6 October 2021; and
- e) recommends that any arrangements confirmed as a result of this Wider Representation Review be reviewed in 2023/24 (for the 2025 triennial elections).

**The Amendment was put.**

**Those for the Amendment:** Mayor Southgate, Councillors Gallagher, O'Leary, Macpherson, Hamilton, Naidoo-Rauf, van Oosten and Thomson.

**Those against the Amendment:** Deputy Mayor Taylor, Councillors Pascoe, Bunting and Wilson

**The Amendment was declared CARRIED.**

**The Amendment as the Substantive Motion was put and declared CARRIED.**

**Resolved:** (Cr Gallagher/Cr O'Leary)

That the Council:

- a) approves, in accordance with sections 19H and 19J and clauses 1 and 2 of Schedule 1A of the Local Electoral Act 2001, to adopt as its initial proposal for the review of representation arrangements for at least the 2022 triennial elections, one of the following options:
- b) **OPTION 1** – Two general wards (East and West) and one city-wide Maaori ward, increase to 15 Elected Members (including the Mayor) and no community boards:
  - i. Hamilton City Council comprises 14 Councillors elected under the ward system, plus the Mayor elected 'at large';
  - ii. Hamilton City Council is divided into three wards, consisting of the following communities of interest:
    - **East General Ward** (represented by six Councillors), comprising the area to the east of the Waikato River as shown shaded blue in **Attachment 2** (i.e. the current East ward). Councillors in this ward are to be elected by electors registered on the general electoral roll within the East ward boundaries;
    - **West General Ward** (represented by six Councillors), comprising the area to the west of the Waikato River as shown shaded green in **Attachment 2** (i.e. the current West ward). Councillors in this ward are to be elected by electors registered on the general electoral roll within the West ward boundaries;
    - **Kirikiroa Maaori Ward** (represented by two Councillors), comprising the whole city area as shown in **Attachment 2**. Councillors in this ward are to be elected by

electors registered on the Maaori electoral roll within the city area.

iii. No community boards are established as:

- I. Effective representation would not be enhanced by establishing community boards, having considered the identified communities of interest in terms of distinctiveness, representation, access and effective governance; and
  - II. If wards are confirmed, ward Councillors are likely to provide sufficient representation of communities of interest and therefore ensure adequate representation and access between Elected Members and the population;
- d) approves the option chosen above as the initial proposal for the Wider Representation Review that will undergo formal public consultation, including inviting submissions for a period 25 August 2021 to 6 October 2021; and
- e) recommends that any arrangements confirmed as a result of this Wider Representation Review be reviewed in 2023/24 (for the 2025 triennial elections).

#### **Crs Bunting and Wilson Dissenting.**

Item 14 (Watercare Water Allocation Board of Inquiry) and 15 (Watercare Temporary Water Assignment) were taken after item 11 (2021 Wider Representation Review - Initial Proposal) to accommodate presenter availability.

#### **14. Watercare Water Allocation Board of Inquiry**

The Executive Director Strategic Infrastructure and Lachlan Muldowney, lawyer for Hamilton City Council, outlined the Board of Inquiry process. They responded to questions from Elected Members concerning the ability to move to conditional support, potential outcomes of the process and the conditions that Hamilton Council has suggested are required.

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

That the Council receives the report.

*Cr Hamilton left the meeting (3.56pm) during the discussion of the above item. He was not present when the matter was voted on.*

#### **15. Watercare Temporary Water Assignment**

The Executive Director Strategic Infrastructure and Lachlan Muldowney (Lawyer for Hamilton City Council) introduced the report, noting that as there were no risks associated to the staff recommendation as outlined in the report. Staff responded to questions from Elected Members concerning the agreement and the impact to Hamilton in relation to limited water restriction levels.

**Resolved:** (Cr Macpherson/Cr Wilson)

That the Council:

- a) receives the report;
- b) notes that the Te Huia Rail services is seeking improved access to the Auckland Metro rail network, and seeks support from Auckland Council, the owners of Watercare for that; and instructs staff to raise this issue as part of the negotiations over the detail of the agreement approved below;
- c) approves the request from Watercare to access water for the next summer period (1 October 2021 to 30 April 2022) as provided for in the agreement between Watercare and Hamilton City

Council (refer **Attachment 1**); and

- d) requests the Chief Executive to formalise Hamilton City Council's agreement to a second period (1 October 2021 to 30 April 2022) under clause 2.1 (b) of the agreement.

**The meeting was adjourned 4.28pm to 4.38pm.**

*Cr Hamilton re-joined the meeting during the above adjournment.*

*Cr Gallagher, Cr Macpherson and Cr Thomson left the meeting during the above adjournment.*

Item 17 (Sale of Land to Wintec - Release of Public Excluded Minutes) and Item 18 (District Plan Change Programme - Communications and Engagement) were taken after the above adjournment to accommodate availability.

#### **17. Sale of Land to Wintec - Release of Public Excluded Minutes**

The Legal Services Manager introduced the report noting that it was procedural matter and that the information was released with the official information request.

**Resolved:** (Cr O'Leary/Deputy Mayor Taylor

That the Council receives the report.

*Cr Gallagher, Cr Macpherson and Cr Thomson re-joined the meeting (4.42pm) at the conclusion of the above item. They were not present then the matter was voted on.*

*Cr Wilson declared an interest in item 18 (District Plan Change Programme - Communications and Engagement) prior to the commencement of the item. He did not take part in the discussion or vote on the matter.*

#### **18. District Plan Change Programme - Communications and Engagement**

The City Planning Communication and Engagement Lead took the report as read. They responded to questions from Elected Members concerning the Citizen Panel.

**Staff Action:** *Staff undertook to circulate the background material concerning the District Plan Change programme to Mayor Southgate, Cr Hamilton, Cr O'Leary and Cr Hamilton for approval prior to it being released to the public.*

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

That the Council:

- a) receives the report;
- b) notes the communication and engagement strategy for the District Plan Change Programme; and
- c) notes the planned engagement activities for the programme August-October 2021.

Item 12 (Plan Change 5 - Peacocke Structure Plan) was taken after Item 18 (District Plan Change Programme - Communications and Engagement) to accommodate availability.

*Cr Wilson left the meeting during the discussion and vote of the following item having declared an interest in the matter. He did not take part in the discussion or vote on the item.*

#### **12. Plan Change 5 - Peacocke Structure Plan**

The Principal Planner presented an overview of the Plan Change 5 - Peacocke Structure Plan. Staff

responded to questions from Elected Members concerning the monitoring the impact on white-tail bats, how the Plan Change would address model shift change requirements, density of development in the area, and members of the independent panel.

**Staff Action:** *Staff undertook to investigate opportunities for the area to have a dual name and report back to Elected Members as soon as is possible.*

**Staff Action:** *Staff undertook to report back to Elected Member on the spread of the independent panel workload.*

**Resolved:** (Cr Pascoe/Deputy Mayor Taylor)

That the Council:

- a) approves the public notification of Proposed Plan Change 5 – Peacocke Structure Plan (Attachments 1-27 to the staff report) pursuant to clause 5 of Schedule 1 to the Resource Management Act 1991 ('RMA');
- b) delegates its powers to hear, determine, and make decisions on all submissions and matters relating to Proposed Plan Change 5 – Peacocke Structure Plan to a panel of three hearing commissioners ('the Plan Change 5 Hearing Panel');
- c) appoints Councillor Ewan Wilson to the Plan Change 5 Hearing Panel; and
- d) delegates authority to the Chief Executive to appoints two further independent commissioners to the Plan Change 5 Hearing Panel, one to act as chair and one with tikanga Maaori expertise, from Council's RMA Independent Hearing Commissioners Panel.

*Cr Wilson re-joined the meeting at the conclusion of the above item.*

Item 16 (2021/22 Heritage Fund Allocation) was taken after Item 12 (Plan Change 5 - Peacocke Structure Plan) to accommodate availability.

#### 16. 2021/22 Heritage Fund Allocation

The Principal Planner spoke to the report noting that there had been 12 applications to the Heritage Fund and 11 were deemed as eligible to receive funding. She responded to questions from Elected Members concerning specific applications, advice given to applicants to better their future applications, and the available funding amount.

**Resolved:** (Cr Gallagher/Cr van Oosten)

That the Council:

- a) receives the report; and
- b) approves the allocation of the 2021/22 Heritage Fund as set out in **Attachment 2** of the staff report.

Item 19 (Recommendations from Open Committee Meetings) was taken after Item 16 (2021/22 Heritage Fund Allocation) to accommodate availability.

#### 19. Recommendations from Open Committee Meetings

##### Financial Strategy Monitoring Report

**Resolved:** (Cr Pascoe/Cr van Oosten)

That the Council:

- a) approves the capital movement as identified in paragraph 21 of the 15 June 2021 Capital Portfolio Monitoring Report;

- b) approves the significant forecast adjustments as set out in paragraphs 19 and 20 of the staff report; and
- c) approves the revised Financial Strategy position for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 22 to 24 of the staff report.

#### **Audit NZ 2020-21 Audit Plan and Proposed Fees**

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

That the Council:

- a) approves the Proposed Audit NZ Engagement letter and Fee Proposal letter; and
- b) delegates authority to the Mayor to sign the Proposed Audit Fees letter on the Council's behalf.

#### **He Pou Manawa Ora**

**Resolved:** (Cr Bunting/Cr Naidoo-Rauf)

That the Council adopts He Pou Manawa Ora – Pillars of Wellbeing Strategy.

#### **Policy Review - Freeholding of Council Endowment Land Policy**

**Resolved:** (Cr Hamilton/Cr Wilson)

That the Council approves amendments to the Freeholding of Council Endowment Land Policy as detailed in **Attachment 1** of this staff report.

#### **5. Confirmation of the Council Open Minutes of 10 June 2021**

**Resolved:** (Mayor Southgate/Deputy Mayor Taylor)

That the Council confirm the Open Minutes of the Council Meeting held on 10 June 2021 as a true and correct record.

#### **6. Confirmation of the Council (Long Term Plan 2021-31 Adoption) Open Minutes of 24 June 2021**

**Resolved:** (Mayor Southgate/Deputy Mayor Taylor)

That the Council confirm the Open Minutes of the Council (Long Term Plan 2021-31 Adoption) Meeting held on 24 June 2021 as a true and correct record.

#### **7. Confirmation of the Extraordinary Council Open Minutes of 12 July 2021**

**Resolved:** (Mayor Southgate/Deputy Mayor Taylor)

That the Council confirm the Open Minutes of the Extraordinary Council Meeting held on 12 July 2021 as a true and correct record.

#### **8. Confirmation of the Elected Member Open Briefing Notes - 16 June 2021**

**Resolved:** (Mayor Southgate/Deputy Mayor Taylor)

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 16 June 2021 as a true and correct record.

#### **20. Resolution to Exclude the Public**

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

#### **Section 48, Local Government Official Information and Meetings Act 1987**

The following motion is submitted for consideration:

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

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

| General subject of each matter to be considered                                      | Reasons for passing this resolution in relation to each matter                                                                               | Ground(s) under section 48(1) for the passing of this resolution |
|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| C1. Confirmation of the Council Public Excluded Minutes of 10 June 2021              | ) Good reason to withhold<br>) information exists under<br>) Section 7 Local Government<br>) Official Information and<br>) Meetings Act 1987 | Section 48(1)(a)                                                 |
| C2. Confirmation of the Elected Member Public Excluded Briefing Notes - 16 June 2021 |                                                                                                                                              |                                                                  |
| C3. Legal Claim - 355A Hukanui Rd, Hamilton                                          |                                                                                                                                              |                                                                  |
| C4. Recommendations from Public Excluded Committee Meetings                          |                                                                                                                                              |                                                                  |

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

|          |                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                            |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| Item C1. | to prevent the disclosure or use of official information for improper gain or improper advantage                                                                                                                                                                                                                                                                | Section 7 (2) (j)                                                                                          |
| Item C2. | to prevent the disclosure or use of official information for improper gain or improper advantage                                                                                                                                                                                                                                                                | Section 7 (2) (j)                                                                                          |
| Item C3. | to protect the privacy of natural persons<br>to maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment<br>to maintain legal professional privilege<br>to enable Council to carry out negotiations<br>to prevent the disclosure or use of official information for improper gain or improper advantage | Section 7 (2) (a)<br>Section 7 (2) (f) (ii)<br>Section 7 (2) (g)<br>Section 7 (2) (i)<br>Section 7 (2) (j) |
| Item C4. | to prevent the disclosure or use of official information for improper gain or improper advantage                                                                                                                                                                                                                                                                | Section 7 (2) (j)                                                                                          |

**The meeting moved into a public excluded session at 5.29pm.**

**The meeting was declared closed at 5.51pm.**

# 28 Hammond Street

## *A brief Review*

- At the time of survey (1939), the soffit of the house inadvertently straddled over the eastern boundary.





### Proposed boundary

- BBO have surveyed the property at the top of the bank – the additional land area is confirmed as **201m<sup>2</sup>**.
- The proposed land for sale is valued at the rate for the whole property.







**28 Hammond St**

- Three houses are adjacent to the pool boundary.
- Two of these properties, look directly into the pool area.
- There is no visibility of 28 Hammond St from most of the School.





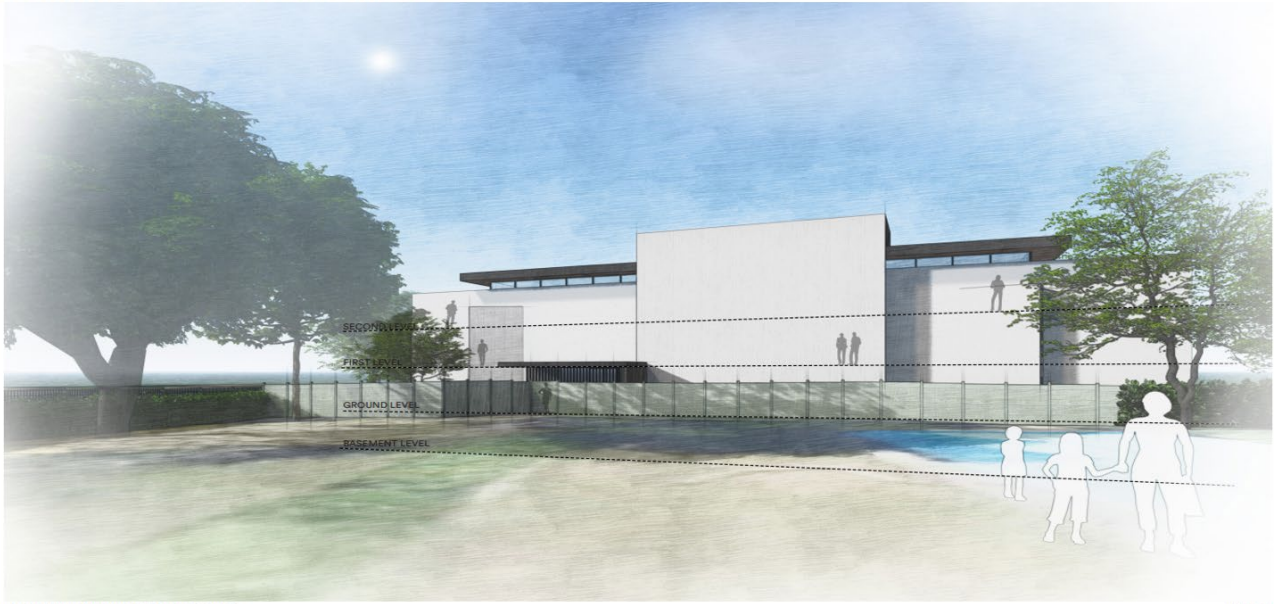
## Windows

- On the pool side, windows are long and high – above eye level.
- The views are on the East and Northern sides – not the pool (West) side of the building.





DESIGN PROPOSAL FOR  
**HAMMOND ST APARTMENTS**



PERSPECTIVE VIEW DIAGRAM FROM POOL AREA

JULY 2021



**EDWARDSWHITE**  
REGISTERED ARCHITECTS

## *Shading on the Pool*

- Edwards and White reviewed the shading impact on the pool.
- Shading is less than the trees and therefore has little to no impact.



Item 5

Attachment 1

## Shading on the pool



SHADOW PLAN - 1 DECEMBER 9am



SHADOW PLAN - 1 DECEMBER 12pm



SHADOW PLAN - 1 DECEMBER 3pm

SHADOW PLANS - DECEMBER



**EDWARDSWHITE**  
REGISTERED ARCHITECTS

### DESIGN PROPOSAL FOR HAMMOND ST APARTMENTS



HAMMOND STREET CAR ENTRY PERSPECTIVE

JULY 2021



**EDWARDSWHITE**  
REGISTERED ARCHITECTS



DESIGN PROPOSAL FOR  
**HAMMOND ST APARTMENTS**



HAMMOND ROAD PERSPECTIVE

DECEMBER 2019



**EDWARDSWHITE**  
REGISTERED ARCHITECTS

### • *McKenzie Centre*

- A positive meeting was held with members of the MacKenzie Centre.
- Members were relieved to know there is basement onsite parking.
- Feedback from their board is pending.



### *Planting on the Bank*

- The cost to plant native trees is \$8 per m<sup>2</sup>.
- There is approximately 150 - 180 sqm, total cost is approximately \$1,200 – \$1,440.

## Benefits of this proposal

- The development of the site meets Council's and central government's strategy of more intensive inner-city housing.
- The boundary issues with the house(soffit) and rear lawn are resolved.
- On-site basement parking does not add to the parking congestion on Hammond St.
- Windows on the pool side are high, long and narrow and above eye level.
- The shading impact on the pool is minimal.
- The development benefits the community with two units allocated for Affordable housing.
- The unique nature and beauty of the bank would be enhanced by planting native trees.

*Thank you for your time.*

*Kind regards,*

*Ray and Wendy Pickett*

# Council Report

Item 6

**Committee:** Council  
**Author:** Amy Viggers  
**Position:** Governance Team Leader  
**Report Name:** Confirmation of the Extraordinary Council (Swearing in Ceremony) Minutes 31 August 2021

**Date:** 30 September 2021  
**Authoriser:** Becca Brooke  
**Position:** Governance Manager

|                      |             |
|----------------------|-------------|
| <b>Report Status</b> | <i>Open</i> |
|----------------------|-------------|

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

That the Council confirm the Open Minutes of the Extraordinary Council (Swearing in Ceremony) Meeting held on 31 August 2021 as a true and correct record.

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

Attachment 1 - Extraordinary Council (Swearing in Ceremony) Unconfirmed Minutes 31 August 2021

## Extraordinary Council *Kaunihera* **OPEN MINUTES** (Swearing in Ceremony)

Minutes of a meeting of the Council held in Audio Visual Link on Tuesday 31 August 2021 at 9.04am.

### PRESENT

**Chairperson** Mayor P Southgate  
*Heamana*

**Deputy Chairperson** Deputy Mayor G Taylor  
*Heamana Tuarua*

**Members**

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

**In Attendance:**

- Richard Briggs - Chief Executive
- Lance Vervoort – General Manager Community
- David Bryant – General Manager People and Organisational Performance
- Eeva-Liisa Wright – General Manager Infrastructure Operations
- Chris Allen – General Manager Development
- Sean Murray – General Manager Venues, Tourism and Major Events
- Andrew Parsons - Executive Director Strategic Infrastructure
- Muna Wharawhara – Amorangi Maaori
- Tracey Musty – Financial Controller
- Sian Atkinson – Governance Projects and Quality Assurance Lead
- Mel Hill – Governance and Elected Member Support Coordinator

**Governance Staff:**

- Becca Brooke - Governance Manager
- Amy Viggers – Governance Team Leader
- Carmen Fortin, Tyler Gaukrodger and Narelle Waite – Governance Advisors



**Swearing in Ceremony for Cr Mark Donovan – Conducted via audio visual link due to covid restrictions.**

Amorangi Maaori Muna Wharawhara opened the council meeting with a Mihi Whakatau and Karakia

Mayor Paula Southgate welcomed new Cr Mark Donovan as a Member of the Council team representing the people of Hamilton City. She acknowledged the passing of Cr Margaret Forsyth and the work she had contributed to the City in her various roles.

Cr Mark Donovan read out the oath and declared that he would faithfully and impartially, and according to the best of his skill and judgement, execute and perform, in the best interest of Hamilton City, the powers, authorities, and duties vested in, or imposed upon him, as a Member of the Hamilton City Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

It was noted that the physical copy of the declaration would be retrospectively signed by Cr Mark Donovan and witnessed by Mayor Paula Southgate.

Following his declaration, Cr Mark Donovan addressed the meeting thanking his family and friends for their support. He acknowledged that he felt privileged to be elected to represent the people of Hamilton.

Following the swearing in ceremony, the meeting continued with the following items of business.

1. **Apologies – *Tono aroha***  
There were no apologies.
2. **Confirmation of Agenda – *Whakatau raarangi take***  
**Resolved:** (Mayor Southgate/Cr van Oosten)  
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. **Chair's Report**

Mayor Southgate welcomed Cr Mark Donovan and outlined the portfolio of committees he was to be appointed to. It was noted that two extra committees of the whole (Hearings and Engagement Committee and Community Grants Allocation Sub-committee) had been included in the list below since the agenda was circulated.

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

That the Council:

- a) receives the report;
- b) appoints Cr Mark Donovan to following Committees:
  - i. *Finance Committee*

- ii. Strategic Growth Committee*
- iii. Infrastructure Operations Committee*
- iv. Community Committee*
- v. Economic Development Committee*
- vi. Environment Committee*
- vii. Hearings and Engagement Committee*
- viii. Community Grants Allocation Sub-Committee*
- ix. Dog Control Panel*

- c) notes that Cr Mark Donovan will take on the role of Neighbourhood Watch Group/HCC liaison.

**The meeting was declared closed at 9.22am.**

# Council Report

Item 7

**Committee:** Council  
**Author:** Amy Viggers  
**Position:** Governance Team Leader  
**Report Name:** Confirmation of the Extraordinary Council (CE Recruitment Matters) Minutes 1 September 2021

**Date:** 30 September 2021  
**Authoriser:** Becca Brooke  
**Position:** Governance Manager

|                      |             |
|----------------------|-------------|
| <b>Report Status</b> | <i>Open</i> |
|----------------------|-------------|

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

That the Council confirm the Open Minutes of the Extraordinary Council (CE Recruitment Matters) Meeting held on 1 September 2021 as a true and correct record.

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

Attachment 1 - Extraordinary Council (CE Recruitment Matters) Open Unconfirmed Minutes 1 September 2021

## Extraordinary Council *Kaunihera* **OPEN MINUTES** (CE Recruitment Matters)

Minutes of a meeting of the Council held in Audio Visual Link on Wednesday 1 September 2021 at 4.34pm.

### PRESENT

**Chairperson** Mayor P Southgate  
*Heamana*

**Deputy Chairperson** Deputy Mayor G Taylor  
*Heamana Tuarua*

**Members**  
Cr M Bunting  
Cr M Gallagher  
Cr R Hamilton  
Cr D Macpherson  
Cr K Naidoo-Rauf  
Cr R Pascoe  
Cr S Thomson  
Cr M van Oosten  
Cr E Wilson

**In Attendance:**  
Cr M Donovan  
Dan Finn - People, Safety and Wellness manager  
Michelle Hawthorne – Legal Services Manager  
Mark Hammond - Tompkins Wake

**Governance Staff:**  
Becca Brooke – Governance Manager  
Amy Viggers – Governance Team Leader

1. **Apologies – *Tono aroha***  
**Resolved:** (Mayor Southgate/Cr Bunting)  
That the apology for absence from Cr O’Leary is accepted.
2. **Confirmation of Agenda – *Whakatau raarangi take***  
**Resolved:** (Cr Wilson/Mayor Southgate)  
The Council to confirm the agenda.
3. **Declarations of Interest – *Tauaakii whaipaaanga***  
No members of the Council declared a Conflict of Interest.

4. **Public Forum – AAtea koorero**

No members of public wished to speak.

5. **Confirmation of the Extraordinary Council (CE Recruitment Matters) Open Minutes 25 August 2021**

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

That the Council confirm the Open Minutes of the Extraordinary Council (CE Recruitment) Meeting held on 25 August 2021 as a true and correct record.

6. **Resolution to Exclude the Public**

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

**Section 48, Local Government Official Information and Meetings Act 1987**

The following motion is submitted for consideration:

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

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

| General subject of each matter to be considered                                                               | Reasons for passing this resolution in relation to each matter                                                           | Ground(s) under section 48(1) for the passing of this resolution |
|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| C1. Confirmation of the Extraordinary Council (CE Recruitment Matters) Public Excluded Minutes 25 August 2021 | ) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987 | Section 48(1)(a)                                                 |
| C2. Chair's Report                                                                                            | )                                                                                                                        |                                                                  |

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

|          |                                                                                                  |                   |
|----------|--------------------------------------------------------------------------------------------------|-------------------|
| Item C1. | to protect the privacy of natural persons                                                        | Section 7 (2) (a) |
|          | to 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 enable Council to carry out negotiations                                                      | Section 7 (2) (i) |

**The meeting moved into a public excluded session at 4.36pm**

**The meeting was declared closed at 5.50pm.**

# Council Report

**Committee:** Council **Date:** 30 September 2021  
**Author:** Tyler Gaukrodger **Authoriser:** Becca Brooke  
**Position:** Governance Advisor **Position:** Governance Manager  
**Report Name:** Confirmation of the Elected Member Open Briefing Notes - 4 August 2021

|                      |             |
|----------------------|-------------|
| <b>Report Status</b> | <i>Open</i> |
|----------------------|-------------|

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

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 4 August 2021 as a true and correct record.

## Attachments - *Ngaa taapirihanga*

Attachment 1 - Elected Member Open Briefing Notes - 4 August 2021

## Elected Member Briefing Notes – 4 August 2021 – OPEN

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Item 8

|                                  |                                                                                                                                                                            |
|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Time and date:</b>            | 9.32am, 4 August 2021                                                                                                                                                      |
| <b>Venue:</b>                    | Committee Room 1, Hamilton City Council                                                                                                                                    |
| <b>In Attendance:</b>            | Mayor Southgate, Deputy Mayor Taylor (Zoom), Crs Pascoe, Bunting, Macpherson (Zoom), van Oosten, Thomson, Wilson, Naidoo-Rauf (Zoom), Gallagher and Maangai Thompson-Evans |
| <b>Apology for Full Session:</b> | Crs O’Leary, Hamilton, Maangai Hill, Te Ua, and Whetu                                                                                                                      |

### Discussion

The briefing session covered in an open session.

#### 1. Naming of Roads, Open Spaces, and Council Facilities

The Chair of the Community Committee introduced the item, noting that the matter was associated with the He Pou Manawa Ora strategy and the Matters of Cultural Significance work. The Consultant, Business Support, noted that the purpose of the briefing was to receive feedback from Members regarding timings, process and policy changes, the naming of roads and Open Spaces and Council Facilities in te reo Maaori, and Iwi consultation.

Members asked questions in relation to the following:

- Iwi, Mana Whenua and public consultation;
- new developments;
- percentage of te reo Maaori road names;
- the consent process;
- Council as a conduit for Iwi and developers;
- provision of historical detail held by Council;
- developer obligation to use proposed names;
- name selection process and timings;
- next steps;
- bilingual naming;
- storytelling;
- measurement of progress;
- inclusion of He Pou Manawa Ora;
- road re-naming inclusion within policy; and
- separation of the road naming and Council facilities policies.

Attachment 1

# Council Report

**Committee:** Council  
**Author:** Tyler Gaukrodger  
**Position:** Governance Advisor  
**Report Name:** Confirmation of the Elected Member Open Briefing Notes - 18 August 2021

**Date:** 30 September 2021  
**Authoriser:** Becca Brooke  
**Position:** Governance Manager

|                      |             |
|----------------------|-------------|
| <b>Report Status</b> | <i>Open</i> |
|----------------------|-------------|

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

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 18 August 2021 as a true and correct record.

## Attachments - *Ngaa taapirihanga*

Attachment 1 - Elected Member Open Briefing Notes - 18 August 2021



## Elected Member Briefing Notes – 18 August 2021 – Open

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Item 9

Attachment 1

|                                                |                                                                                                                            |
|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <b>Time and date:</b>                          | 9.32am, 18 August 2021                                                                                                     |
| <b>Venue:</b>                                  | Zoom Audio-Visual Link                                                                                                     |
| <b>In Attendance:</b>                          | Mayor Southgate, Deputy Mayor Taylor, Crs Pascoe, Bunting, Macpherson, van Oosten, Thomson, Wilson, Naidoo-Rauf, Gallagher |
| <b>Apology for Full Session:</b>               | Crs O’Leary, Hamilton<br>Maangai Hill, Whetu, Te Ua, Thompson-Evans                                                        |
| <b>Apologies for lateness/early departure:</b> | Cr Thomson                                                                                                                 |

### Discussion

The briefing session covered in an open session.

- Disability Policy Review

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

#### 1. **Disability Policy Review** (Presentation was provided)

The Manager Social Development and Disability Advisor explained that the purpose of the presentation was to outline the current disability policy, upcoming review objectives, consultation with the community and additional monitoring opportunities.

Elected Members asked questions in relation to the following:

- community feedback;
- policy implementation;
- reporting to Members;
- community feedback remuneration;
- accessible play spaces;
- community wellbeing;
- age friendly planning; and
- disability employment processes.

# Council Report

**Committee:** Council **Date:** 30 September 2021  
**Author:** Tyler Gaukrodger **Authoriser:** Becca Brooke  
**Position:** Governance Advisor **Position:** Governance Manager  
**Report Name:** Confirmation of the Elected Member Open Briefing Notes - 1 September 2021

|                      |             |
|----------------------|-------------|
| <b>Report Status</b> | <i>Open</i> |
|----------------------|-------------|

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

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 1 September 2021 as a true and correct record.

## Attachments - *Ngaa taapirihanga*

Attachment 1 - Elected Member Open Briefing Notes - 1 September 2021

## Elected Member Briefing Notes – 1 September 2021 – Open

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Item 10

|                                  |                                                                                                                                               |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Time and date:</b>            | 9.32am, 1 September 2021                                                                                                                      |
| <b>Venue:</b>                    | Audio Visual link                                                                                                                             |
| <b>In Attendance:</b>            | Mayor Southgate, Deputy Mayor Taylor, Crs Pascoe, Bunting, Hamilton, Macpherson, Thomson, Wilson, Donovan, van Oosten, Naidoo-Rauf, Gallagher |
| <b>Apology for Full Session:</b> | Cr O’Leary and Maangai Hill, Te Ua, Thompson-Evans and Whetu                                                                                  |

### Discussion

#### 1. New Zealand Memorial (Le Quesnoy)

Guest Presenter, Donald McKinnon explained that the purpose of the presentation was to outline a proposal to create a memorial for the New Zealanders that participated in the conflict on the western front of World War One at the French town of Le Quesnoy.

Elected Members asked questions in relation to the following:

- Local Government funding;
- Royal New Zealand Returned and Services' Association involvement;
- use as an education site;
- project budget;
- Central Government funding;
- iwi involvement;
- the history of Le Quesnoy; and
- previous World War One memorials.

Attachment 1

# Council Report

**Committee:** Council **Date:** 30 September 2021  
**Author:** Tyler Gaukrodger **Authoriser:** Becca Brooke  
**Position:** Governance Advisor **Position:** Governance Manager  
**Report Name:** Confirmation of the Elected Member Open Briefing Notes - 15 September 2021

|                      |             |
|----------------------|-------------|
| <b>Report Status</b> | <i>Open</i> |
|----------------------|-------------|

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

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 15 September 2021 as a true and correct record.

## Attachments - *Ngaa taapirihanga*

Attachment 1 - Elected Member Open Briefing Notes - 15 September 2021

## Elected Member Briefing Notes – 15 September 2021 – Open

|                                  |                                                                                                                                            |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Time and date:</b>            | 9.33am, 15 September 2021                                                                                                                  |
| <b>Venue:</b>                    | Audio Visual Link                                                                                                                          |
| <b>In Attendance:</b>            | Mayor Southgate, Deputy Mayor Taylor, Crs Pascoe, O’Leary, Bunting, Hamilton, van Oosten, Wilson, Thomson, Naidoo-Rauf, Gallagher, Donovan |
| <b>Apology for Full Session:</b> | Cr Macpherson, Maangai Hill, Te Ua, Thompson-Evans and Whetu.                                                                              |

### Discussion

The briefing session covered in an open session.

- Reserves Naming Process
- Tristram-Collingwood Street/Gordonton-Puketaha Intersection Upgrade Options

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

#### 1. Reserves Naming Process

The Parks Planner explained that the purpose of the presentation was to discuss the reserves naming process and to provide background to the names being presented the Community Committee on 12 October 2021. Staff notes the report which had been presented to the Community Committee, background as to how reserves are acquired, process taken to date and renaming process.

Members asked questions in relation to the following:

- dual naming;
- honouring people through sub-sections naming of parks;
- significance and story-telling through naming;
- city overlay of cultural significance;
- resourcing;
- Maangai Maaori involvement within naming policy;
- purpose of renaming;
- ability to do English translation of name;
- pre-settlement history;
- changing historic naming of parks;
- other naming considered;
- consultation.

**Staff Action:** The Mayor’s office undertook to circulate the proposed names and report to Linda Te Aho Waikato-Tainui Te Arataura Chair.

#### 2. Tristram-Collingwood Street/Gordonton-Puketaha Intersection Upgrade Options

The Operations Team Leader explained that the purpose of the presentation was to discuss Tristram-Collingwood Intersection upgrade options following feedback from Members earlier in the year. Staff provided background to the Tristram-Collingwood intersection and outlined reasons for the upgrade which included prevention of accidents, allowance for more walking and cycling, and improvement towards mode-shift.

The Capital Projects Manager provided overview of the Gordonton-Puketaha Corridor and spoke to the options to be presented to the next Infrastructure Operations meeting.

Members asked questions in relation to:

- testing and comparison of design in
- modelling during peak times;
- education and communication strategy;
- the designs, including how it would reduce speeds in the area, the addition of raising crossings and integrated transport solutions;
- travel plans including the public transport plan for the area
- extension of cycleway to central rail trail;
- relevancy of trees in middle of roundabout;
- ability to use style at five cross roads;
- micro-mobility security;
- risks;
- impact of speed bumps, carrying out works in stages, level of service, of changing of different modes, on surrounding traffic lights,
- funding;
- consultation including with residents and businesses in the areas; and
- development of land surrounding roundabouts.

**Staff Action:** Staff undertook to provide detail around Tristram-Collingwood Street and the inclusion of the public transport plan in the staff report.

# Council Report

Item 12

**Committee:** Council

**Date:** 30 September 2021

**Author:** Amy Viggers

**Authoriser:** Becca Brooke

**Position:** Governance Team Leader

**Position:** Governance Manager

**Report Name:** Chair's Report

|                      |      |
|----------------------|------|
| <b>Report Status</b> | Open |
|----------------------|------|

## Recommendation - *Tuutohu*

That the Council:

- a) receives the report;
- b) approves all changes to the Governance Structure Terms of Reference and Delegations 2019-2022 as summarised below and as set out in **attachment 2 (track changes) and 3 (clean version)** of this report:
  - i. establishment of a Traffic, Speed Restrictions and Road Closure Hearings Panel;
  - ii. quorum of the Hearings and Engagement Committee be eight members for matters relating to those functions in paragraph 3 and 4 of the Committee's terms of reference;
  - iii. Cr van Oosten replace Cr Gallagher as a member of Waikato Tainui/HCC Co-governance Forum and Crs Gallagher, Bunting and Donovan be appointed as alternate HCC members of the Forum (noting these changes will be subject to approval by the Forum at its next meeting);
  - iv. Cr van Oosten be appointed as a member of the Strategic Risk and Assurance Committee;
  - v. Cr van Oosten be appointed as a member of the Chief Executive Review Committee;
  - vi. Cr Donovan replace Cr Gallagher as Deputy Chair of the Hearings and Engagement Committee (effective from 18 October 2021); and
  - vii. approval of the Heritage Fund grant allocation and oversight of the plan be delegated to the Community Committee.

## Attachments - *Ngaa taapirihanga*

Attachment 1 - Chair's Report

Attachment 2 - Updated Governance Structure Terms of Reference and Delegations 2019-2022 - tracked changes

Attachment 3 - Updated Governance Structure Terms of Reference and Delegations 2019-2022 - clean version



## Chair's Report

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### 3 Waters Reform:

This is another important Council meeting, as we focus in particular on two of the key Government-led reforms ahead of us: three waters and the review of the Resource Management Act.

Discussion around potential water reform is not new, and there have been discussions about how best to manage waters infrastructure for many years. Hamilton has largely done a good job of investing in and running its three waters programme, but that is simply not the case all over New Zealand. Successive governments have recognised that water is an issue of national importance in terms of economic growth, public health and environmental outcomes.

In our sub-region, there was an attempt in 2015-16 to create a cross boundary entity (owned by Councils) across Hamilton, Waipa and Waikato. Despite numerous financial and non-financial benefits, the reform did not proceed because there was a lack of political will (outside Hamilton).

Over the last year the issue has re-gained momentum nationally, with Government re-igniting a focus on reform of the way that the three waters are managed. We are also required to meet much higher legal standards for drinking and waste water, and pending new stormwater standards. We must contribute constructively to that debate, providing sound, factually-based information. Our community deserves nothing less.

Some people in the community have reacted with concern to the proposed reforms. Unfortunately, not all information shared has been accurate, which has been unhelpful for our community. In particular, there has been confusion about when and how formal community consultation will occur.

One thing is crystal clear. The Government has been very clear that this period of time has been provided – at the request of LGNZ – for Councils to seek to understand the proposals as they currently stand, and to provide initial feedback. Councils are not yet being asked to make a decision on whether or not they wish to take part in the reform. There are too many questions still outstanding and it would be premature to do so.

We are simply not being asked today to either opt in or opt out. At this Council meeting, we are following up on a unanimous resolution from 12 August in which all Councillors agreed to a process through which we would provide initial feedback to government. Council at that time took the view that we must shape and inform the future of water reform in order to get the very best outcome for Hamilton.

I believe all Councillors still want that – the very best for Hamilton – so I know there will be robust debate today. We all have questions and most Councillors have raised legitimate concerns. Debate is healthy and welcome. But for the sake of our community, let us ensure that debate today is properly informed.



I have spent many hours discussing the reforms as part of national advisory groups for LGNZ, and with my fellow Mayors as part of the proposed Entity B, as well as with colleagues and staff internally. I appreciate the intent of the reforms, but have yet to be convinced on the detail. There is some way to go yet before I will be comfortable with what's being proposed. My concerns relate in particular to governance arrangements, the financial implications for our city and ensuring a local voice is heard.

Whatever our views on the substance of the proposal or the process the Government has undertaken, we would be doing our community a disservice if we did not provide substantive feedback to Government as requested. That is our job, as community leaders. Pulling out of the process now will do nothing to help Hamilton.

As soon as there is a formal proposal on the table for us to share with our community, my intent is to run a robust and comprehensive community engagement programme.

**RMA Reform:**

Moving on to the changes to the Resource Management Act, those reforms have received less Elected Member visibility to date, but are just as important – perhaps even more so. I look forward to discussing these reforms with colleagues at this meeting, and have asked staff to ensure there are regular opportunities for Elected Members to provide feedback going forward.

**Governance Structure Changes:**

Looking ahead to the remainder of the triennium, there are a number of changes that I wish to make to the governance structure, following various discussions over the last few weeks. These are:

- the establishment of a Traffic, Speed Restrictions and Road Closure Hearings Panel;
- delegation to the Community Committee of the Heritage Fund grant allocation (and oversight of the plan);
- adding Cr van Oosten to the Strategic Risk and Assurance Committee; Chief Executive Review Committee; and Hamilton City Council - Waikato Tainui Co-Governance Forum;
- adding alternate members of the Hamilton City Council - Waikato Tainui Co-Governance Forum; and
- appointing Cr Donovan as Deputy Chair of the Hearings and Engagement Committee, once he has completed his handover from Cr Gallagher, who has kindly agreed to stand aside to enable Cr Donovan to gain valuable experience in this role.

I would like to thank all involved for their commitment and flexibility on these changes.

**Chief Executive Last Council Meeting:**

Finally, after seven years at the helm, this is our last Council meeting with Richard Briggs as Chief Executive. I'm sure all Councillors will join me in using this opportunity to place on record our thanks for everything Richard has achieved in his tenure. He leaves behind an organisation that he can rightly be proud of – as we all are. We wish Richard all the best for his next venture.

We look forward to Lance stepping into the Chief Executive role next month.

**Recommendation:**

That the Council:

- a) receives the report;
- b) approves all changes to the Governance Structure Terms of Reference and Delegations 2019-2022 as summarised below and as set out in **attachment 2 (track changes) and 3 (clean version)** of this report:
  - i. establishment of a Traffic, Speed Restrictions and Road Closure Hearings Panel,
  - ii. quorum of the Hearings and Engagement Committee be eight members for matters relating to those functions in paragraph 3 and 4 of the Committee's terms of reference,
  - iii. Cr van Oosten replace Cr Gallagher as a member of Waikato Tainui/HCC Co-governance Forum and Crs Gallagher, Bunting and Donovan be appointed as alternate HCC members of the Forum (noting these changes will be subject to approval by the Forum at its next meeting),
  - iv. Cr van Oosten be appointed as a member of the Strategic Risk and Assurance Committee,
  - v. Cr van Oosten be appointed as a member of the Chief Executive Review Committee,
  - vi. Cr Donovan replace Cr Gallagher as Deputy Chair of the Hearings and Engagement Committee (effective from 18 October 2021),
  - vii. approval of the Heritage Fund grant allocation and oversight of the plan be delegated to the Community Committee.

**Mayor Paula Southgate**  
**Hamilton City Council**



# Governance Structure

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

2019-22 Triennium

Approved by Council on

28 November 2019

Last Updated on

~~2331 August~~September 2021

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# Introduction

## Governance Structure

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

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

The Governance Structure is developed in accordance with the provisions and requirements of the Local Government Act 2002 and is based on the following Governance principles:

1. To have as few governance levels as possible
2. The business of Council is transacted transparently and inclusively, whenever possible
3. There are no sub-committees
4. Decisions are made once, not twice
5. Committees are strategically aligned to Council's priorities
6. Delegations to Committees and the Chief Executive are optimised
7. All meetings of Council and its Committees observe family-friendly hours
8. The expectation of full attendance by Elected Members at Council, and Committee meetings (where membership applies)
9. Advisory groups or hearings panels are established as needed to address special or particular issues; these will report directly to Council or the relevant Committee but must be approved by Council

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

- **Common delegations**

There are a number of common delegations from Council to the following committees of the whole: Finance Committee, Strategic Growth Committee, Infrastructure Operations Committee and Community Committee. These common delegations are set out on page ~~1010~~ and should be read in conjunction with the Terms of Reference for those committees.

- **Specific delegations**

There are specific delegations over and above the common delegations. These are set out for each Committee from page ~~1212~~.

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

**The Role of the Mayor**

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

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

**Ambiguity and Conflict**

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

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

**Interpretation**

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

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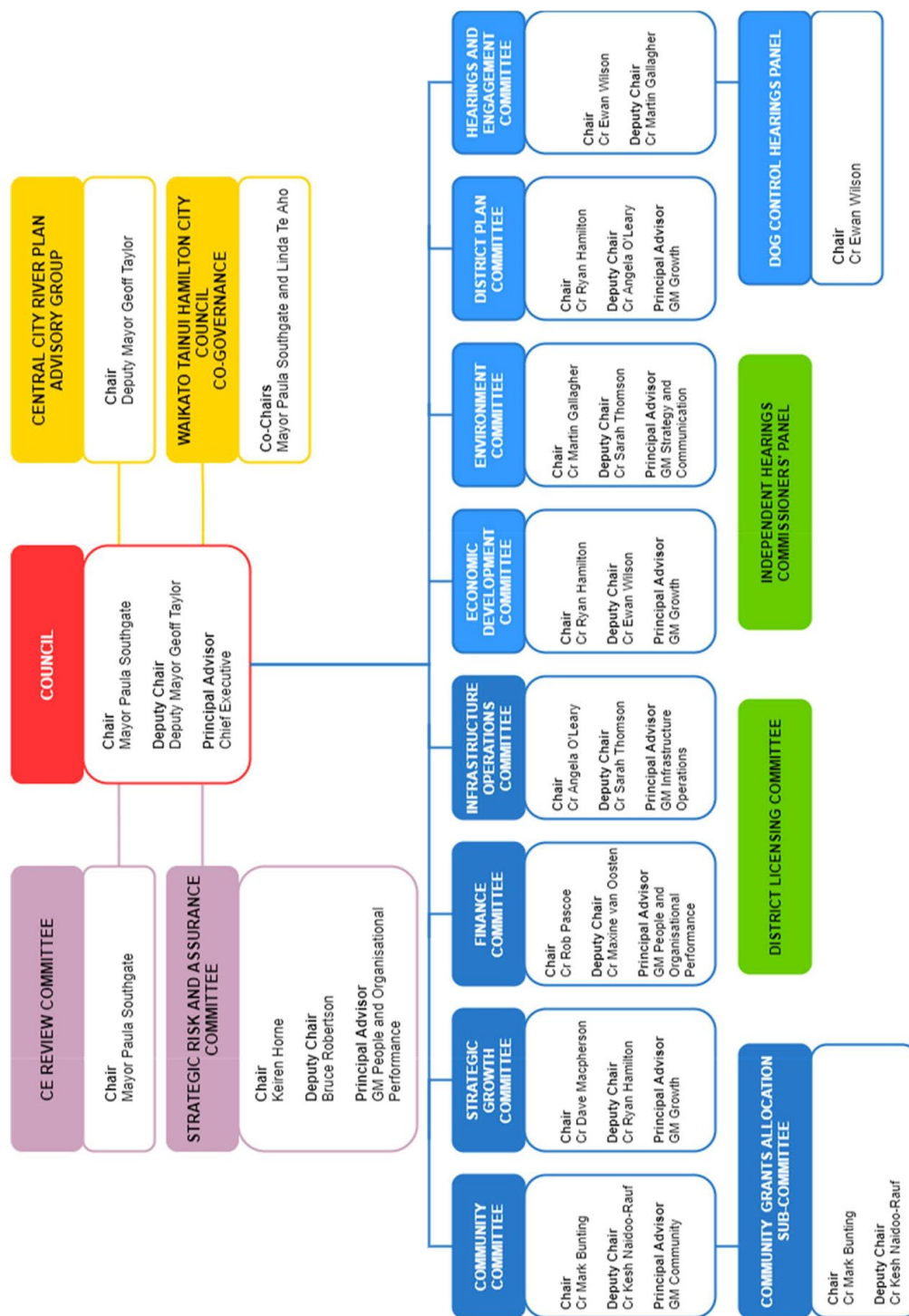


# Council and Committees of Council

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## Council

|                            |                                             |
|----------------------------|---------------------------------------------|
| <b>Chairperson:</b>        | Mayor Paula Southgate                       |
| <b>Deputy Chairperson:</b> | Deputy Mayor Geoff Taylor                   |
| <b>Membership:</b>         | The Mayor and all Councillors               |
| <b>Meeting frequency:</b>  | Six weekly                                  |
| <b>Quorum:</b>             | A majority of members (including vacancies) |

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### Purpose

The Council is responsible for:

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

### Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
  - 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.

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- 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 CTO and CO boards;
  - k) Approval of proposed major transactions or constitutional adjustments of CCOs, CTOs and COs.
  - l) Approval or otherwise of any proposal to establish, wind-up or dispose of any holding in, a CCO, CTO 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*

## Common Delegations

The following delegations from Council are common to the Finance Committee, Strategic Growth Committee, Infrastructure Operations Committee, Community Committee, Environment Committee and Economic Development Committee within their respective areas of responsibility.

### General Principle

1. The work of these Committees will be in accordance with the priorities and work programme agreed by the Council.
2. These Committees have the powers necessary to perform the Committee's responsibilities, in accordance with the approved Long Term Plan and Annual Plan budgets. Subject to confirmation of compliance with the financial strategy.

These Committees will:

### Strategy, plans and policy

3. Develop and agree strategy, plans and policy for the purposes of consultation/engagement
4. Approve new or amended strategy or plans related to the committee's terms of reference
5. Recommend to the Council new or amended policies for adoption/approval
6. Monitor and review strategy, plans and policy

### Bylaws

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

### Consultation and engagement

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

### Submissions and legislation

12. Approve submissions to external bodies/organisations on legislation and proposals that impact governance policy or matters

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### Projects and programmes

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

### Contracts

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

### Other

17. Consider and make decisions which are within the Chief Executive's delegations, and which the Chief Executive has referred to the Committee for decision making
18. Consider and make decisions on operational matters that fall within a Committee's area of responsibility that are outside of delegations to the Chief Executive or other Council officers
19. Commission new Committee reports and work required to respond to significant or compliance issues, or to complete the agreed programme of Council
20. Recommends the establishment of advisory groups or hearings panels and their terms of reference<sup>1</sup> to Council for approval.

<sup>1</sup> A template for establishing an Advisory/Working Group or Hearings Panel is attached as Appendix A.

## Finance Committee

|                            |                                                           |
|----------------------------|-----------------------------------------------------------|
| <b>Reports to:</b>         | The Council                                               |
| <b>Chairperson:</b>        | Cr Rob Pascoe                                             |
| <b>Deputy Chairperson:</b> | Cr Maxine van Oosten                                      |
| <b>Membership:</b>         | The Mayor and all Councillors<br>Maangai Maaori – Vacancy |
| <b>Meeting frequency:</b>  | Six weekly                                                |
| <b>Quorum:</b>             | A majority of members (including vacancies)               |

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### Purpose:

The Finance Committee is responsible for:

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

*In addition to the common delegations on page ~~1010~~, the Finance Committee is delegated the following Terms of Reference and powers:*

### Terms of Reference:

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

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

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- Approval of operating expenditure within the Long Term Plan or Annual Plan that exceeds the Chief Executive's delegation, excluding expenditure which:
  - contravenes the Council's Financial Strategy; or
  - significantly alters any level of service outlined in the applicable Long Term Plan or Annual Plan; or
  - impacts Council policy or practice, in which case the delegation is recommendatory only and the Committee may make a recommendation to the Council for approval.
- Approval of contractual and other arrangements for supply and services, and revenue generating contracts, which:
  - exceed the Chief Executive's delegations, but
  - exclude contracts or arrangements that are reserved for the Council or another Committee's approval.
- Approval to write-off outstanding accounts greater than \$10,000 (in accordance with the Debtor Management Policy).

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

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

**Recommendatory Oversight of Policies and Bylaws:**

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

## Strategic Growth Committee

|                            |                                                                                          |
|----------------------------|------------------------------------------------------------------------------------------|
| <b>Reports to:</b>         | The Council                                                                              |
| <b>Chairperson:</b>        | Cr Dave Macpherson                                                                       |
| <b>Deputy Chairperson:</b> | Cr Ryan Hamilton                                                                         |
| <b>Membership:</b>         | The Mayor and all Councillors<br>Maangai Maaori James Whetu<br>Maangai Maaori Olly Te Ua |
| <b>Meeting frequency:</b>  | Six weekly                                                                               |
| <b>Quorum:</b>             | A majority of members (including vacancies)                                              |

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### Purpose

The Strategic Growth Committee is responsible for:

1. Guiding sustainable physical development and growth of Hamilton to meet current and future needs, including oversight of strategic land-use planning, boundary alignment, and existing and alternative planning, funding and financing models for growth-related projects.
2. Driving collaboration with neighboring Councils, Iwi, private sector and central government to meet Hamilton's growth ambitions.

*In addition to the common delegations on page [1010](#), the Strategic Growth Committee is delegated the following Terms of Reference and powers:*

### Terms of Reference:

1. To monitor and provide advice on the overall development and implementation of urban growth and development strategies, strategic land use, and spatial plans (e.g. Hamilton to Auckland Corridor and Hamilton-Waikato Metropolitan Spatial Plan), and long-term network infrastructure planning in line with national policy requirements.
2. To provide direction and monitor Council's approach to the levying and use of rates for growth, as well as development contributions.
3. To develop, and monitor the implementation of the infrastructure Activity Management Plans to inform the 2021-31 Long Term Plan to ensure that Council looks after its existing assets and provides agreed levels of service.
4. To provide direction on and assess proposals for seeking alternative funding models, such as special purpose vehicles and infrastructure funding and financing.
5. To provide direction on strategic priorities for network infrastructure aligned to city development, and oversight of strategic projects associated with those activities.

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6. To provide advice on the development and implementation of the Long Term Infrastructure Strategy.
7. To assess proposals for Private Developer Agreements that exceed the Chief Executive's delegations for Unfunded Growth Projects<sup>2</sup> and, if appropriate for Unfunded Growth Projects<sup>2</sup>, to recommend such agreements to the Council for approval.
8. To provide direction regarding Council's involvement in and with Urban Development Authorities, regional alliances, plans, initiatives and forums for spatial planning (for example, Future Proof, strategic boundary land use agreements and joint council growth related discussions).
9. To consider the impacts of land use and urban development on the environment.
10. To provide clear direction on Council's strategic priorities to organisations and groups, for which Council facilitates funding, aligned with these Terms of Reference, and to oversee those funding arrangements and receive their strategic and business plans and annual performance reports.
11. To monitor and oversee the delivery of Council's non-financial performance and non-financial key projects, against the Long Term Plan, excluding key performance indicator reporting which is the responsibility of the Finance Committee.
12. To oversee the development of the City's Smart City Strategy.

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

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

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

- Adoption of the Long Term Infrastructure Strategy to the Council.
- Approval of additional borrowing to the Finance Committee.
- Approval of city boundary changes to the Council, including in respect of Strategic Boundary Land Use Agreements.
- Approval of infrastructure Activity Management Plans to inform the 2021-31 Long Term Plan to the Council.
- The Committee may make recommendations to Council and other Committees

**Recommendatory Oversight of Policies and Bylaws:**

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

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- <sup>1</sup> Unfunded Growth Projects are defined in the Growth Funding Policy as:
- a) Not funded projects
  - b) Funded projects but which are proposed to commence earlier than the sequencing and timing established in the long term plan; and/or
  - c) Funded projects but which are now proposed to occur beyond the scale, scope and cost prescribed or anticipated for those projects in the long term plan.

## Infrastructure Operations Committee

|                            |                                                           |
|----------------------------|-----------------------------------------------------------|
| <b>Reports to:</b>         | The Council                                               |
| <b>Chairperson:</b>        | Cr Angela O'Leary                                         |
| <b>Deputy Chairperson:</b> | Cr Sarah Thomson                                          |
| <b>Membership:</b>         | The Mayor and all Councillors<br>Maangai Maaori Norm Hill |
| <b>Meeting frequency:</b>  | Six weekly                                                |
| <b>Quorum:</b>             | A majority of members (including vacancies)               |

### Purpose

The Infrastructure Operations Committee is responsible for:

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

*In addition to the common delegations on page ~~1019~~, the Infrastructure Operations Committee is delegated the following Terms of Reference and powers:*

### Terms of Reference:

1. To provide direction on strategic priorities and resourcing for core infrastructure aligned to city development and oversight of operational projects and services associated with those activities.
2. To develop policy, approve core-infrastructure related operational strategies and plans and monitor their implementation.
3. To receive and consider presentations and reports from stakeholders, government departments, organizations and interest groups on core infrastructure and associated services and wellbeing issues and opportunities.

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4. To provide direction regarding Council's involvement in regional alliances, plans, initiatives and forums for joint infrastructure and shared services (for example Regional Transport Committee).
5. To monitor and oversee the delivery of Councils non-financial performance and non-financial key projects against the Long Term Plan, excluding key performance indicator reporting which is the responsibility of Finance Committee.

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

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

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

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

**Recommendatory Oversight of Policies and Bylaws:**

- *Three Waters Connections Policy*
- *Earthquake-Prone, Dangerous & Insanitary Buildings Policy*
- *Seismic Performance of Buildings Policy*
- *Speed Limits Bylaw 2015*
- *Streetscape Beautification and Verge Maintenance Policy*
- *Traffic Bylaw 2015*
- *Solid Waste Bylaw 2012*
- *Stormwater Bylaw 2015*
- *Trade Waste and Wastewater Bylaw 2016*
- *Water Supply Bylaw 2013*

## Community Committee

|                            |                                                                                                      |
|----------------------------|------------------------------------------------------------------------------------------------------|
| <b>Reports to:</b>         | The Council                                                                                          |
| <b>Chairperson:</b>        | Cr Mark Bunting                                                                                      |
| <b>Deputy Chairperson:</b> | Cr Kesh Naidoo-Rauf                                                                                  |
| <b>Membership:</b>         | The Mayor and all Councillors,<br>Maangai Maaori Olly Te Ua<br>Maangai Maaori Te Pora Thompson-Evans |
| <b>Meeting frequency:</b>  | Six weekly                                                                                           |
| <b>Quorum:</b>             | A majority of members (including vacancies)                                                          |

### Purpose

The Community Committee is responsible for:

1. Guiding and monitoring the provision of strategic community infrastructure and services to meet the current and future needs of the city and the enhanced wellbeing of its communities.
2. Governance of recreational, community facilities, amenities, and events.
3. Facilitating community and stakeholder involvement and discussion on community infrastructure, community safety and community wellbeing matters.
4. Ensuring Hamilton is performing to the highest standard in the area of civil defence and emergency management.
5. Funding to benefit the social, cultural, physical and arts wellbeing of communities in Hamilton.

***In addition to the common delegations on page 1010, the Community Committee is delegated the following Terms of Reference and powers:***

### Terms of Reference:

1. To provide direction on strategic priorities and resourcing for community infrastructure aligned to city's overall development and oversight of strategic projects associated with those activities.
2. To develop policy, approve community-related strategies and plans, and monitor their implementation.
3. To receive and consider presentations and reports from stakeholders, government departments, organisations and interest groups on community development and wellbeing issues and opportunities.
4. To provide input on the allocation of Events Sponsorship funding to the Economic Development Committee.

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5. To monitor Hamilton's social demographics and social climate to assess current and future impacts on the Council and Hamilton communities.
6. To monitor the performance of Hamilton's civil defence and emergency management response against Council's requirements under the Civil Defence Emergency Management Act including:
  - a. implementation of Government requirements;
  - b. contractual service delivery arrangements with the Waikato Regional Group Emergency Management Office
7. To determine the funding priorities for the Community Grants Allocation Committees, in line with the Community Assistance Policy, Long Term Plan and Annual Plan.
8. To determine the priority of Council projects suitable for contestable and philanthropic funding, excluding NZTA funding.
9. To coordinate and make decisions on proposals, applications for external funding, and the distribution of Council funding and funding provided to Council for public art, recreational and community facilities and amenity.
10. To monitor and oversee the delivery of Council's non-financial performance and non-financial key projects against the Long Term Plan, excluding key performance indicator reporting which is the responsibility of the Finance Committee.
11. To develop policy, approve and monitor implementation of plans and strategies in relation to the performance of Council's investments in the Domain Endowment Fund and strategic property.

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

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

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

- Approval of acquisition or sale or lease of properties owned by the Domain Endowment Fund consistent with the Domain Endowment Fund Investment Policy, for any endowment properties.
- The Committee may make recommendations to Council.
- The Committee may make recommendations to other Committees.

**Recommendatory Oversight of Policies and Bylaws:**

- *Alcohol Control Bylaw 2015*
- *Animal Nuisance Bylaw 2013*
- *Citizens Initiated Referenda Policy*
- *City Honours Policy*
- *Class 4 Gambling Venue Policy*
- *Community Assistance Policy*
- *Community Occupancy Policy*
- *Cultural and Recreational Facilities Bylaw 2012*
- *Disability Policy*
- *Dog Control Bylaw 2015*
- *Dog Control Policy*
- *External Funding Applications Policy*
- *Hamilton City Smoke-Free Environment Policy*
- *Naming of Roads, Open Spaces and Council Facilities Policy*
- *Provisional Local Alcohol Policy*
- *Psychoactive Substances (Local Approved Products) Policy*
- *Prostitution Bylaw 2019*
- *Public Places Bylaw 2016*
- *Public Places Policy*
- *Safety in Public Places Bylaw 2014*
- *TAB Board Venue Policy*

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## Hearings and Engagement Committee

|                            |                                                                                                                                                                                             |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reports to:</b>         | Council                                                                                                                                                                                     |
| <b>Chairperson:</b>        | Cr Ewan Wilson                                                                                                                                                                              |
| <b>Deputy Chairperson:</b> | Cr <del>Martin Gallagher</del> Mark Donovan                                                                                                                                                 |
| <b>Membership:</b>         | The Mayor and all Councillors, and <u>relevant</u> Maangai Maaori (the latter only attending meetings addressing matters relevant to the Committee they are a member of)                    |
| <b>Meeting frequency:</b>  | As required                                                                                                                                                                                 |
| <b>Quorum:</b>             | Three members (for matters relating to those functions in paragraph 1 and 2 below).<br><br><del>A majority of Eight</del> members <del>(including vacancies)</del> for all other functions. |

### Purpose

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

**The Committee is delegated the following Terms of Reference and powers:**

### Terms of Reference:

1. Hear and determine any statutory or regulatory hearings under relevant legislation unless otherwise delegated by Council, including (but without limitation):
  - objections under the Dog Control Act 1996; \*see special note
  - matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002;
  - proposals for temporary closure of any road. \*see special note
2. Consider and determine changes to the registers and restrictions in the Traffic Bylaw and Speed Limit Bylaw, including hearing any submissions relating to those proposed changes. \*see special note

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3. Hear and determine matters arising under current bylaws and policies, including applications for dispensation from compliance with the requirements of bylaws or policies, unless such matters are otherwise delegated by Council.
4. Hear and determine other matters that require hearings or submissions, as referred by Council or other Committees.

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

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

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

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

**Special Notes:**

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

## Dog Control Hearings Panel

Reports to: The Hearings and Engagement Committee

Chairperson: Cr Ewan Wilson

Membership: Cr Maxine van Oosten  
Cr Mark Donovan  
Cr Angela O'Leary (Alternate)  
Cr Rob Pascoe (Alternate)

Meeting frequency: As required

Quorum: Three members

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### Purpose

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

The Committee is delegated the following Terms of Reference and powers:

### Terms of Reference:

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

## **Traffic, Speed Limit and Road Closure Hearings Panel**

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

**Chairperson:** Cr Ewan Wilson

**Membership:** Cr Maxine van Oosten

Cr Mark Donovan

Cr Martin Gallagher

Cr Rob Pascoe

**Meeting frequency:** As required

**Quorum:** Three members

### **Purpose**

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

**The Committee is delegated the following Terms of Reference and powers:**

### **Terms of Reference:**

1. To consider and determine changes to the registers and restrictions in the Traffic Bylaw and Speed Limit Bylaw, including hearing any submissions relating to those proposed changes.
2. To hear and determine statutory or regulatory hearings and make determinations on objections relating to proposals for the temporary closure of any road.

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## Strategic Risk and Assurance Committee

|                            |                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reports to:</b>         | The Council                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Chairperson:</b>        | External appointee – Keiran Horne                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Deputy Chairperson:</b> | External appointee – Bruce Robertson                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Membership:</b>         | Mayor Paula Southgate<br>Chairperson of the Finance Committee – Cr Rob Pascoe<br><u>Deputy Chairperson of the Finance Committee – Cr Maxine van Oosten</u><br>Chairperson of the Strategic Growth Committee – Cr Dave Macpherson<br>Chairperson of the Infrastructure Operations Committee – Cr Angela O’Leary<br>Chairperson of the Community Committee – Cr Mark Bunting<br>Maangai Maaori – Vacancy |
| <b>Meeting frequency:</b>  | As required – no less than four times a year                                                                                                                                                                                                                                                                                                                                                           |
| <b>Quorum:</b>             | Four members (including one external appointee)                                                                                                                                                                                                                                                                                                                                                        |

### Purpose:

The Strategic Risk and Assurance Committee is responsible for providing objective advice and recommendations to the governing body on the adequacy and functioning of the Council’s risk management and assurance framework and external reporting.

### Terms of Reference:

#### *Risk*

1. Review the effectiveness of the risk control environment established by management to safeguard Council’s financial and non-financial assets, including the adequacy and appropriateness of insurance policies in place and management’s actions to mitigate risks and report 6 monthly to Council.
2. To review the Risk Management Policy and recommend to Council revisions to the policy for adoption.
3. To review the Fraud and Corruption, Protected Disclosure, Conflict of Interest, and Sensitive Expenditure management policies to ensure appropriate guidance and processes are in place.
4. Review Council’s strategic risk register and monitor existing and proposed controls
5. Periodic in-depth reviews of specific, significant risks
6. Monitor emerging risks
7. Review and monitor business continuity planning.
8. Oversight of risk management and assurance across Council’s CCO’s and CCTOs with respect to risks that may have a significant impact on Council

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#### *Internal Audit*

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

#### *External Audit*

13. Engage with Council's external auditors regarding the external audit work programme and agree the proposed terms and arrangements of the external audit.
14. Recommend to Council the terms and arrangements for the external audit programme.
15. Review the effectiveness of the Annual Plan audit and 10 Year Plan audit.
16. Assess management response to audit reports and the extent to which external audit recommendations concerning internal accounting controls and other matters are implemented.

#### *Statutory Reporting*

17. Review and monitor the integrity of the interim and annual report, focusing particularly on:
  - a. compliance with, and the appropriate application of, relevant accounting policies, practices and accounting standards
  - b. compliance with applicable legal requirements relevant to statutory reporting
  - c. The consistency of application of accounting policies as well as changes to accounting policies and practices that may affect the way that accounts are presented
  - d. Any decisions involving significant judgment, estimation or uncertainty
  - e. The extent to which financial statements are affected by any unusual transactions and the manner in which these are disclosed
  - f. the disclosure of contingent liabilities and contingent assets
  - g. the clarity of disclosures generally
  - h. The basis for the adoption of the going concern assumption
  - i. Significant adjustments resulting from the audit

#### *Other Matters*

18. Review the effectiveness of the systems for monitoring the Council's compliance legislation, regulation, policy and guidelines.

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

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

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

**Special Notes:**

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

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**Recommendatory Oversight of Policies and Bylaws:**

- *Risk Management Policy*

## Environment Committee

|                            |                                                                                                                                                                          |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reports to:</b>         | The Council                                                                                                                                                              |
| <b>Chairperson:</b>        | Cr Martin Gallagher                                                                                                                                                      |
| <b>Deputy Chairperson:</b> | Cr Sarah Thomson                                                                                                                                                         |
| <b>Membership:</b>         | Cr Mark Bunting<br>Cr Angela O’Leary<br>Cr Kesh Naidoo-Rauf<br>Cr Dave Macpherson<br>Cr Mark Donovan<br>Mayor Paula Southgate (Ex Officio)<br>Maangai Maaori – Norm Hill |
| <b>Meeting frequency:</b>  | As required – no less than four times a year.                                                                                                                            |
| <b>Quorum:</b>             | A majority of members (including vacancies)                                                                                                                              |

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### Purpose

The Environment Committee is responsible for:

1. Governance of strategies, policies and plans relating to the wellbeing, protection, enhancement and sustainability of Hamilton’s natural environment.

*In addition to the common delegations on page **1010**, the Environment Committee is delegated the following Terms of Reference and powers:*

### Terms of Reference:

1. To develop policy, approve strategies and plans concerning Hamilton’s contribution and response to climate change, and to monitor their implementation.
2. To develop policy, approve strategies and plans for the sustainable use of Hamilton’s natural resources, and to monitor their implementation.
3. To develop policy, approve strategies and plans for efficient and sustainable waste management and recycling, and to monitor their implementation.
4. To develop policy, approve strategies and plans for Council’s corporate environmental sustainability and to monitor their implementation.
5. To develop policy, approve strategies and plans for Council’s biodiversity, and to monitor their implementation.
6. To develop policy, approve and monitor implementation of strategies in relation to the Climate Action Plan.

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**Special Notes:**

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

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

- Approval of matters determined by the Committee within its Terms of Reference.

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

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

**Recommendatory Oversight of Policies and Bylaws:**

- *Open Air Burning Bylaw 2015*

## Economic Development Committee

|                            |                                                                                                                                                                                                                    |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reports to:</b>         | The Council                                                                                                                                                                                                        |
| <b>Chairperson:</b>        | Cr Ryan Hamilton                                                                                                                                                                                                   |
| <b>Deputy Chairperson:</b> | Cr Ewan Wilson                                                                                                                                                                                                     |
| <b>Membership:</b>         | Deputy Mayor Taylor<br>Cr Martin Gallagher<br>Cr Rob Pascoe<br>Cr Maxine van Oosten<br>Cr Mark Donovan<br>Mayor Paula Southgate (Ex Officio)<br>Maangai Maaori Olly Te Ua<br>Maangai Maaori Te Pora Thompson-Evans |
| <b>Meeting frequency:</b>  | As required – no less than four times a year.                                                                                                                                                                      |
| <b>Quorum:</b>             | A majority of members (including vacancies)                                                                                                                                                                        |

---

### Purpose

The Economic Development Committee is responsible for:

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

*In addition to the common delegations on page [1010](#), the Economic Development Committee is delegated the following Terms of Reference and powers:*

### Terms of Reference:

1. To drive and enhance Hamilton's economic position by actively promoting Hamilton.
2. To promote investment and business attraction opportunities for Hamilton and the greater Waikato region.
3. To provide advice on strategic initiatives, plans, projects and potential property developments that have a material impact upon the Hamilton economy.
4. To develop, review and monitor the implementation of the Economic Development Agenda.
5. To consider and recommend funding for Business Improvement District(s), Hamilton and Waikato Tourism and Te Waka through the Councils long-term plan process.
6. To monitor the performance and provide guidance on Council's relationship with key stakeholders including, but not limited to Te Waka, Hamilton Waikato Tourism and Hamilton Central Business Association.

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7. To monitor the performance of Council's major event venues operation (H3).
8. To review and monitor the implementation of Council's Event Sponsorship Policy.
9. To approve annual Event Sponsorship funding applications and monitor any grants made to external organisations under the terms of the Event Sponsorship Policy.
10. To support and assist with efforts for external partnerships on Council projects that will provide economic development opportunities for Hamilton and the region.
11. To develop and monitor policy related to the appointment and remuneration of directors of CCOs, CCTOs and COs.
12. To provide clear direction to Council's CCOs CCTOs and COs on Council's expectations, including feedback on draft statements of intent.
13. To receive six-monthly reports of Council's CCOs, CCTOs and COs, including on board performance.
14. To undertake any reviews of CCOs and CCTOs and agree CCO/CCTO-proposed changes to their governance arrangements, except where reserved for Council's approval by Council.
15. To develop policy, approve and monitor implementation of plans and strategies in relation to the performance of Council's investments in the Municipal Endowment Fund and strategic property.

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

- Approval of event sponsorship applications annually in accordance with the Event Sponsorship Policy.
- Approval of letters of expectation for each CCO, CCTO and CO.
- To provide feedback on draft statements of intent for each CCO, CCTO and CO.

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

- Appointments to, and removals from, CCO, CCTO and CO boards
- Approval of proposed major transactions or constitutional adjustments of CCOs, CCTOs and COs.
- Approval or otherwise of any proposal to establish, wind-up or dispose of any holding in, a CCO, CCTO or CO.
- Approval of acquisition or sale or lease of properties owned by the Council, or owned by the Municipal Endowment Fund consistent with the Municipal Endowment Fund Investment Policy, for any endowment properties.
- The Committee may make recommendations to Council.
- The Committee may make recommendations to other Committees.

**Recommendatory Oversight of Policies and Bylaws:**

- *Appointment and Remuneration of Board Members of COs, CCOs and CCTOs Policy*
- *Event Sponsorship Policy*

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## Item 12

## District Plan Committee

|                            |                                                                                                                                                              |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reports to:</b>         | The Council                                                                                                                                                  |
| <b>Chairperson:</b>        | Cr Ryan Hamilton                                                                                                                                             |
| <b>Deputy Chairperson:</b> | Cr Angela O'Leary                                                                                                                                            |
| <b>Membership:</b>         | Mayor Paula Southgate<br>Cr Sarah Thompson<br>Cr Rob Pascoe<br>Cr Martin Gallagher<br>Maangai Maaori James Whetu<br>Deputy Mayor Geoff Taylor (as alternate) |
| <b>Meeting frequency:</b>  | Six weekly                                                                                                                                                   |
| <b>Quorum:</b>             | A majority of members (including vacancies)                                                                                                                  |

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### Purpose:

The District Plan Amendments Committee is responsible for:

[1.](#) providing Governance leadership and direction to staff to develop amendments to the Hamilton City Operative District Plan 2017.

### Terms of Reference:

1. To provide and approve broad strategic direction to inform and guide the development of the District Plan amendments programme of work.
2. To prepare and approve a draft set of District Plan amendments for the purpose of obtaining initial feedback and comment from the community, stakeholder and tangata whenua groups.
3. To recommend any proposed District Plan amendments to the Council for adoption and release for formal notification.
4. To provide regular updates to the Council on the progress of the District Plan amendments programme of work.

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

- Approval of matters determined by the Committee within its Terms of Reference.

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

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

**Recommendatory Oversight of Policies and Bylaws:** N/A

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## Chief Executive Review Committee

**Reports to:** The Council

**Chairperson:** Mayor Paula Southgate

**Membership:** Deputy Mayor Geoff Taylor  
Cr Rob Pascoe  
Cr Ewan Wilson  
~~Vacancy~~[Cr Maxine van Oosten](#)

**Meeting frequency:** As required

**Quorum:** Three members

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### Purpose and Terms of Reference:

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

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

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

### Special Notes:

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

## Community Grants Allocation Sub-Committee

**Reports to:** The Community Committee

**Chairperson:** Cr Bunting

**Deputy Chairperson:** Cr Naidoo-Rauf

**Membership:** The Mayor and all Councillors,  
Maangai Maaori Olly Te Ua  
Maangai Maaori Te Pora Thompson-Evans

**Meeting frequency:** As required

**Quorum:** 5 Members, including at least 1 Maangai Maaori

### Purpose:

The Community Grants Allocation Sub-Committee is responsible for:

1. providing recommendations to the Community Committee on the allocation of Community Grants in compliance with the Community Assistance Policy 2021.

### Terms of Reference:

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

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

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

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

- The Sub-Committee may make recommendations to Community Committee.

**Recommendatory Oversight of Policies and Bylaws:** N/A

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## ~~Dog Control Hearings Panel~~

~~Reports to:~~ ~~The Hearings and Engagement Committee~~

~~Chairperson:~~ ~~Cr Ewan Wilson~~

~~Membership:~~ ~~Cr Maxine van Oosten~~  
~~Cr Mark Donovan~~  
~~Cr Angela O'Leary (Alternate)~~  
~~Cr Rob Pascoe (Alternate)~~

~~Meeting frequency:~~ ~~As required~~

~~Quorum:~~ ~~Three members~~

---

### ~~Purpose~~

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

~~The Committee is delegated the following Terms of Reference and powers:~~

### ~~Terms of Reference:~~

- ~~1. Hear and determine any objections under the Dog Control Act 1996.~~



## Central City and River Plan Advisory Group

|                           |                                                                                                                                                         |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reports to:</b>        | The Council                                                                                                                                             |
| <b>Chairperson:</b>       | Deputy Mayor Geoff Taylor                                                                                                                               |
| <b>Membership:</b>        | Cr Sarah Thomson<br>Cr Kesh Naidoo-Rauf<br>Cr Maxine van Oosten<br>Cr Ewan Wilson<br>Cr Martin Gallagher<br>Cr Mark Bunting<br>Maangai Maaori Norm Hill |
| <b>Meeting frequency:</b> | As required                                                                                                                                             |

### Purpose

1. The purpose of the Central City River Plan Advisory Group is to provide recommendations and advice to the Council on matters in relation to the central city and river precinct on governance matters including strategic initiatives, plans, projects, to provide clarity and give direction over the direction to the River Plan, and potential development that may increase the central city vibrancy and have an impact on the central city and river precinct.
2. The Advisory Group is not a decision-making body.

|                                                                            |
|----------------------------------------------------------------------------|
| <b>The Panel is delegated the following Terms of Reference and powers:</b> |
|----------------------------------------------------------------------------|

### Terms of Reference

3. The Advisory Group may make recommendations to the Council on Central City and River Precinct covering:
  - a) projects and concept designs;
  - b) feasibility and business cases;
  - c) the strategic intent/direction of the Hamilton City River Plan and other key strategic Council documents such as the District Plan and Reserves Act Management Plans;
  - d) strategic opportunities for River Plan aligned projects consistent with direction and funding for the Long Term Plan and Annual Plan or for inclusion in future Long Term Plan and Annual Plan processes;
  - e) strategic projects or initiatives in other areas of the Council or wider community where linkages with the central city or river projects may prove mutual benefit;
  - f) strategic projects or initiatives in other areas of the Council or wider community that enhance the social, economic, environmental and cultural wellbeing of the central city and/or river precinct;
  - g) in future Long Term Plan and Annual Plan processes;

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- h) any other commentary on River Plan Central City related issues.

#### **ROLE OF THE CHAIR**

4. The Chair presides at each meeting.
5. The Chair represents the Advisory Group at Council meetings (when required or at least twice yearly) and, where appropriate, at external forums/events (with the support of the Mayor).
6. The Chair reports back to the Advisory Group regarding any meetings, discussions or events they have attended as an Advisory Group representative.
7. Where the Chair is not available, a Group member nominated and agreed by majority of those present at the meeting will assume the role of the Chair.

#### **OPERATION AND CONDUCT**

##### **Meeting schedule / timing / nature**

8. The Advisory Group will formally meet for approximately three hours on a six-weekly basis, with the flexibility to meet more often, as and when required on specific issues/projects.
9. Advisory Group members can also meet with can meet with staff supporting the Advisory Group on an ad hoc basis, and with other staff with the agreement of the General Manager, as required and as their availability permits, to have discussions and provide advice pertaining to their areas of expertise.

##### **Agenda distribution / minutes**

10. Agendas for Advisory Group meetings will be distributed no later than three working days prior to the meeting date;
11. Meeting agendas will be set by the Chair and the staff supporting the Advisory Group.

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## Waikato-Tainui Hamilton City Council Co-Governance Forum

|                           |                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reports to:</b>        | The Council                                                                                                                                                                                                                                                                                                                                      |
| <b>Chairperson:</b>       | Co Chairs: Mayor Paula Southgate and Linda Te Aho                                                                                                                                                                                                                                                                                                |
| <b>Membership:</b>        | Vanessa Clark<br>Donald Turner<br>Carolyn Hopa<br>Anaru Adams<br>Deputy Mayor Geoff Taylor<br><u>Cr Martin Gallagher</u><br><u>Cr Maxine van Oosten</u><br>Cr Ryan Hamilton<br>Cr Kesh Naidoo-Rauf<br><u>Cr Martin Gallagher (Alternate for HCC)</u><br><u>Cr Mark Bunting (Alternate for HCC)</u><br><u>Cr Mark Donovan (Alternate for HCC)</u> |
| <b>Meeting frequency:</b> | As required – no less than four times a year                                                                                                                                                                                                                                                                                                     |
| <b>Quorum:</b>            | Two members from Hamilton City Council (including the Chair), and two members from Te Arataura (including the Chair).                                                                                                                                                                                                                            |

The Panel is delegated the following Terms of Reference and powers:

### Parties / Ngaa Mema

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

### Purpose / Te Tikanga

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

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**Structure / Te Hanganga**

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

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

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

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

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

**Meeting Structure / Ngaa Hui**

11. The meetings will operate as follows:
  - a) The Co-governance Forum meets four times a year
  - b) Meetings are hosted on an alternate basis
  - c) The meeting agenda will be approved by Chief Executives from both Waikato Tainui and Hamilton City Council
  - d) All meetings are co-chaired by Te Arataura and Hamilton City Council
  - e) Hamilton City Council Governance unit is responsible for all administration duties including collation and distribution of meetings packs

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- f) Meeting packs must be received by members no later than three clear working days prior to meeting date.

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

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

## District Licensing Committee

|                           |                                                                                                                                                                                 |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reports to:</b>        | The Council                                                                                                                                                                     |
| <b>Chairperson:</b>       | External appointee – Sara Grayson                                                                                                                                               |
| <b>Membership:</b>        | Tegan McIntyre (Alternate Commissioner/Chairperson)<br>Patsi Davies<br>John Gower<br>Chrissy Hodgkinson<br>Brett McEwan<br>Murray Clearwater<br>Roger Mathews<br>Cr Ewan Wilson |
| <b>Meeting frequency:</b> | As required                                                                                                                                                                     |
| <b>Quorum:</b>            | Three members (with the exception of uncontested applications which can be considered by the Chairperson acting alone).                                                         |

---

### Purpose

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

### Terms of Reference:

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

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

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

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

- This Committee may make recommendations to Council

**Special Notes:**

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

|  |    |
|--|----|
|  | 45 |
|  | 45 |

## Independent Hearings Commissioners' Panel

**Reports to:** Council

**Chairperson:** As appropriate

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

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

**Meeting frequency:** As required

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**Purpose:**

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

**The Panel is delegated the following Terms of Reference and powers:**

**Terms of Reference:**

1. The power to hear and decide any of the following RMA matters:
  - a) application for a resource consent or change to conditions of resource consent;
  - b) notice of objection;

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

**Special Notes:**

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



# Appointments

|  |    |
|--|----|
|  | 48 |
|  | 48 |

## Council Organisations and Council Controlled Organisations

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### Waikato Local Authority Shared Services (WLASS)

**Reports to:** Economic Development Committee

**Membership:** Blair Bowcott, General Manager Growth

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

**Reports to:** Finance Committee

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

### New Zealand Local Government Insurance Corporation Ltd

**Reports to:** Economic Development Committee

**Membership:** No council Representation

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

**Reports to:** Economic Development Committee

**Membership:** No Council representation

### Waikato Regional Airport Ltd

**Reports to:** Economic Development Committee

**Membership:** No Council Representation

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## Joint Organisations and Advisory Groups

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### Reports to Council:

- LGNZ Zone Two

**Membership:** Mayor Paula Southgate  
Deputy Mayor Geoff Taylor  
Cr Martin Gallagher  
Cr Kesh Naidoo-Rauf  
Cr Ryan Hamilton

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### Reports to Community Committee:

- University of Waikato Animal Ethics Committee

**Membership:** Cr Rob Pascoe

- Waikato Region Civil Defence Emergency Management Group  
(Joint Committee)

**Membership:** Cr Mark Bunting  
Cr Kesh Naidoo-Rauf (alternate)

- Rototuna Indoor Recreation Centre Trust

**Membership:** Cr Kesh Naidoo-Rauf  
Lance Vervoort, General Manager Community

- People's Project

**Membership:** Cr Angela O'Leary

- Creative Communities Scheme Assessment Committee

**Membership:** Cr Kesh Naidoo Rauf  
Cr Mark Bunting

- City Honours Assessment Panel

**Membership:** Cr Martin Gallagher (Chair)  
Mayor Paula Southgate  
Deputy Mayor Geoff Taylor  
Cr Mark Bunting

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- Creative Waikato Trustees Appointment Panel

*Membership: Cr Mark Bunting*

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**Reports to Infrastructure Operations Committee:**

- Waikato Regional Transport Committee

*Membership: Cr Angela O'Leary  
Cr Dave Macpherson (alternate)*

- Waikato Regional Transport Committee 2021 Regional Land Transport Plan Hearing Committee

*Membership: Cr Angela O'Leary*

- Regional Connections Committee

*Membership: Cr Angela O'Leary (Deputy Chair)  
Cr Dave Macpherson  
Cr Ewan Wilson  
Cr Sarah Thomson*

- Te Huia Governance Forum

*Membership: Cr Ewan Wilson*

- Traffic Institute of New Zealand (Trafinz)

*Membership: Cr Angela O'Leary*

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**Reports to Strategic Growth Committee:**

- Waikato Plan Leadership Committee

*Membership: Cr Martin Gallagher  
Mayor Paula Southgate (alternate)*

- Future Proof Implementation Committee (Joint Committee)

*Membership: Mayor Paula Southgate  
Cr Dave Macpherson  
Cr Martin Gallagher (alternate)*

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- Waikato and Waipa District Council/Hamilton City Council Governance Group

**Membership:** Mayor Paula Southgate  
Deputy Mayor Geoff Taylor  
Cr Dave Macpherson  
Cr Ryan Hamilton

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**Reports to Environment Response Committee:**

- Waste Minimisation Contestable Fund Assessment Panel

**Membership:** Cr Angela O'Leary

### Schedule of Amendments to HCC Governance Structure 2019-22

| Date         | Section                                           | Amendment/Addition/Deletion                                                                                                                                                                                                     | Authorisation                                       |
|--------------|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| 10.02.2020   | <del>Table of Contents</del>                      | <del>Addition – Dog Control Hearings Panel</del>                                                                                                                                                                                | Hearings and Engagement Committee – 5 February 2020 |
| 10.02.2020   | Council and Committees of Council                 | Addition – Dog Control Hearings Panel                                                                                                                                                                                           |                                                     |
| 26.03.2020   | Council and Committees of Council<br>Appointments | Referral of the New Zealand Local Government Funding Agency (LGFA) Ltd to report to the Finance Committee instead of the Economic Development Committee                                                                         | Council -19 March 2020                              |
| 02.04.2020   | Council and Committees of Council                 | Remove Maangai Bella Takiari-Brame from Finance Committee and as representative on the Strategic Risk and Assurance Committee.                                                                                                  | Council – 2 April 2020                              |
| 02.04.2020   | Council and Committees of Council                 | Replace Cr Angela O’Leary with Cr Ewan Wilson as Deputy Chairperson of the Hearings and Engagement Committee                                                                                                                    | Council – 2 April 2020                              |
| 30.04.2020   | Council and Committees of Council                 | Update to list of appointments to the Independent Hearings Panel, and update to the Terms of Reference to the Independent Hearings Panel                                                                                        | Council – 30 April 2020                             |
| 28.05.2020   | Council and Committees of Council                 | Addition – Maangai Maaori Olly Te Ua included in the Strategic Growth Committee<br><br>Referral of the Open Air Burning Bylaw 2015 to the Environment Committee                                                                 | Council – 28 May 2020                               |
| 08.07.2020   | Council and Committees of Council                 | Addition – Maangai Maaori Hemi Rau included in the Finance Committee and Strategic Risk and Assurance Committee                                                                                                                 | Council – 25 June 2020                              |
| 09.09.2020   | Council and Committees of Council                 | Addition – Cr Ewan Wilson included in the Environment Committee                                                                                                                                                                 | Council – 9 September 2020                          |
| 17. .09.2020 | Council and Committees of Council                 | Addition – Cr Martin Gallagher included as an alternate member to the Future Proof Implementation Committee<br><br>Name change of the Three Waters Connections Policy from the Connections and Charging for Three Waters Policy | Council – 17 September 2020                         |

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| Date       | Section                           | Amendment/Addition/Deletion                                                                                                                                                                                                                                       | Authorisation              |
|------------|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 22.10.2020 | Council and Committees of Council | Addition – Cr Mark Bunting included in the Creative Waikato Trustees Appointment Panel                                                                                                                                                                            | Council – 22 October 2020  |
| 26.11.2020 | Council and Committees of Council | Referral of the International Relations Policy to report to the Economic Development Committee instead of the Community Committee<br><br>Referral of the Domain Endowment Fund to report to the Community Committee instead of the Economic Development Committee | Council – 26 November 2020 |
| 8.12.2020  | Council and Committees of Council | Addition – Cr Ryan Hamilton included in the Waikato-Tainui Hamilton City Council Co-Governance Forum<br><br>Removal – Cr Ewan Wilson removed from the Environment Committee                                                                                       | Council – 8 December 2020  |
| 04.02.2021 | Council and Committees of Council | Formation of a District Plan Committee                                                                                                                                                                                                                            | Council – 4 February 2021  |
| 25.02.2021 | Council and Committees of Council | Addition – Cr Kesh Naidoo-Rauf and Cr Maxine van Oosten included in the Central City River Plan Advisory Group<br><br>Removal – Cr Angela O’Leary removed from the Central City River Plan Advisory Group                                                         | Council – 25 February 2021 |
| 18.03.2021 | Council and Committees of Council | Addition – Cr Martin Gallagher included in the Waikato Plan Leadership Committee<br><br>Addition – Mayor Paula Southgate included as an alternate member in the Waikato Plan Leadership Committee                                                                 | Council – 18 March 2021    |
| 08.04.2021 | Council and Committees of Council | Removal – Maangai Hemi Rau from Finance, Strategic Risk and Assurance and Waikato-Tainui Co-Governance (Waikato-Tainui membership to be confirmed soon)                                                                                                           |                            |
| 6.05.2021  | Council and Committees of Council | Removal – Cr Forsyth removed from Council following her passing.                                                                                                                                                                                                  |                            |
| 10.06.2021 | Council and Committees of Council | Addition – Cr Gallagher appointed Chair of the Environment Committee.                                                                                                                                                                                             | Council – 10 June 2021     |



| Date                       | Section                                           | Amendment/Addition/Deletion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Authorisation                               |
|----------------------------|---------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
|                            |                                                   | <p>Addition – Cr Wilson appointed Chair of the Hearings and Engagement Committee.</p> <p>Addition – Cr Gallagher appointed as Deputy Chair of the Hearings and Engagement Committee.</p> <p>Addition – Cr Thomson appointed as Deputy Chair of the Infrastructure Operations Committee.</p> <p>Addition – Cr Naidoo-Rauf included in the Waikato-Tainui Hamilton City Co-Governance Forum.</p> <p>Removal – Cr Gallagher removed as Chair from the Hearings and Engagement Committee.</p> <p>Removal – Cr Gallagher removed as Deputy Chair from the Infrastructure Operations Committee.</p> |                                             |
| 24.06.2021                 | Council and Committees of Council                 | Formation of a Community Grants Allocation Sub-Committee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Council – 24 June 2021                      |
| 31.08.2021                 | Council and Committees of Council                 | Addition – Cr Mark Donovan included in the Council, Finance Committee, Strategic Growth Committee, Infrastructure Operations Committee, Community Committee, Economic Development Committee, Environment Committee, Hearings and Engagement Committee, Community Grants Allocation Sub-Committee, and Dog Control Hearings Panel.                                                                                                                                                                                                                                                             | Council – 31 August 2021                    |
| <a href="#">30.09.2021</a> | <a href="#">Council and Committees of Council</a> | <p><a href="#">Formation of a Traffic, Speed Restrictions and Road Closure Hearings Panel</a></p> <p><a href="#">Quorum of the Hearings and Engagement Committee be eight members for matters relating to those functions in paragraph 3 and 4 of the Committee's terms of reference</a></p> <p><a href="#">Addition – Cr van Oosten included in the Waikato-Tainui Hamilton City Co-Governance Forum.</a></p>                                                                                                                                                                                | <a href="#">Council – 30 September 2021</a> |

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| Date | Section | Amendment/Addition/Deletion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Authorisation |
|------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
|      |         | <p><u>Addition – Cr Gallagher, Cr Bunting and Cr Donovan included as alternate members in the Waikato-Tainui Hamilton City Co-Governance Forum.</u></p> <p><u>Addition – Cr van Oosten included in the Strategic Risk and Assurance Committee</u></p> <p><u>Addition – Cr van Oosten included in the Chief Executive Review Committee</u></p> <p><u>Addition – Cr Donovan appointed as Deputy Chair of the Hearings and Engagement Committee.</u></p> <p><u>Removal – Cr Gallagher removed as Deputy Chair from the Hearings and Engagement Committee.</u></p> <p><u>Referral of the Heritage Fund grant allocation to report to the Community Committee instead of the Council</u></p> |               |

## Appendix A – Template for Establishing an Advisory Group or Hearings Panel

Advisory Group/Hearings Panel – *Insert Name*

|                                     |  |
|-------------------------------------|--|
| Chairperson:                        |  |
| Elected Members:                    |  |
| External Members:                   |  |
| Support Staff <sup>1</sup> :        |  |
| Date Established <sup>2</sup> :     |  |
| Reporting Back Date:                |  |
| Appointing Committee <sup>3</sup> : |  |
| Purpose <sup>4</sup> :              |  |
| Terms of Reference <sup>5</sup> :   |  |

Notes:

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



# **Governance Structure**

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

**2019-22 Triennium**

**Approved by Council on**

**28 November 2019**

**Last Updated on**

**23 September 2021**

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# Introduction

## Governance Structure

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

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

The Governance Structure is developed in accordance with the provisions and requirements of the Local Government Act 2002 and is based on the following Governance principles:

1. To have as few governance levels as possible
2. The business of Council is transacted transparently and inclusively, whenever possible
3. There are no sub-committees
4. Decisions are made once, not twice
5. Committees are strategically aligned to Council's priorities
6. Delegations to Committees and the Chief Executive are optimised
7. All meetings of Council and its Committees observe family-friendly hours
8. The expectation of full attendance by Elected Members at Council, and Committee meetings (where membership applies)
9. Advisory groups or hearings panels are established as needed to address special or particular issues; these will report directly to Council or the relevant Committee but must be approved by Council

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

- **Common delegations**

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

- **Specific delegations**

There are specific delegations over and above the common delegations. These are set out for each Committee from page 12.

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

### **The Role of the Mayor**

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

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

### **Ambiguity and Conflict**

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

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

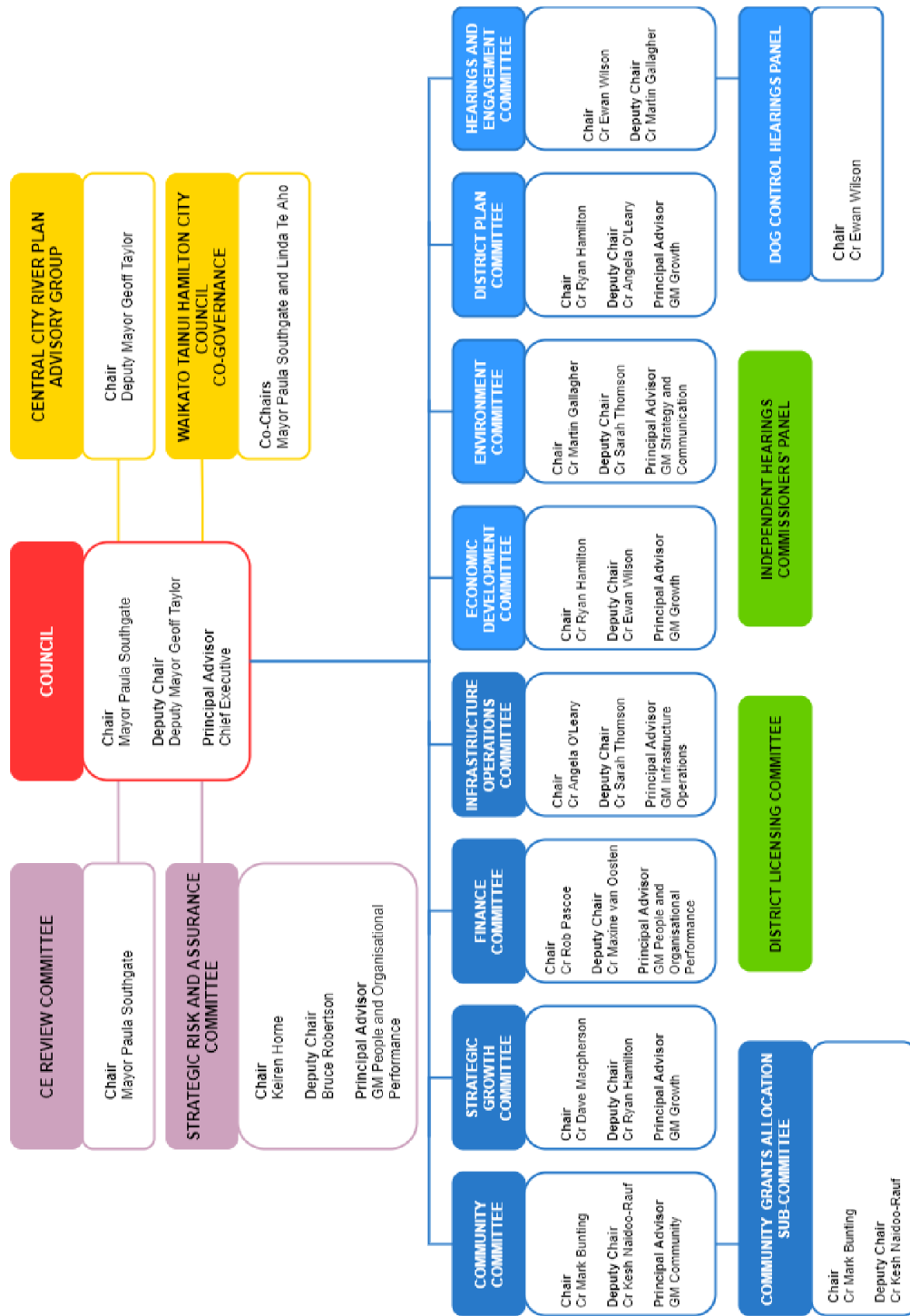
### **Interpretation**

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





# Council and Committees of Council



## Council

|                            |                                             |
|----------------------------|---------------------------------------------|
| <b>Chairperson:</b>        | Mayor Paula Southgate                       |
| <b>Deputy Chairperson:</b> | Deputy Mayor Geoff Taylor                   |
| <b>Membership:</b>         | The Mayor and all Councillors               |
| <b>Meeting frequency:</b>  | Six weekly                                  |
| <b>Quorum:</b>             | A majority of members (including vacancies) |

### 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 CTO and CO boards;
  - k) Approval of proposed major transactions or constitutional adjustments of CCOs, CTOs and COs.
  - l) Approval or otherwise of any proposal to establish, wind-up or dispose of any holding in, a CCO, CTO 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*

## Common Delegations

The following delegations from Council are common to the Finance Committee, Strategic Growth Committee, Infrastructure Operations Committee, Community Committee, Environment Committee and Economic Development Committee within their respective areas of responsibility.

### General Principle

1. The work of these Committees will be in accordance with the priorities and work programme agreed by the Council.
2. These Committees have the powers necessary to perform the Committee's responsibilities, in accordance with the approved Long Term Plan and Annual Plan budgets. Subject to confirmation of compliance with the financial strategy.

These Committees will:

### Strategy, plans and policy

3. Develop and agree strategy, plans and policy for the purposes of consultation/engagement
4. Approve new or amended strategy or plans related to the committee's terms of reference
5. Recommend to the Council new or amended policies for adoption/approval
6. Monitor and review strategy, plans and policy

### Bylaws

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

### Consultation and engagement

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

### Submissions and legislation

12. Approve submissions to external bodies/organisations on legislation and proposals that impact governance policy or matters

**Projects and programmes**

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

**Contracts**

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

**Other**

17. Consider and make decisions which are within the Chief Executive's delegations, and which the Chief Executive has referred to the Committee for decision making
18. Consider and make decisions on operational matters that fall within a Committee's area of responsibility that are outside of delegations to the Chief Executive or other Council officers
19. Commission new Committee reports and work required to respond to significant or compliance issues, or to complete the agreed programme of Council
20. Recommends the establishment of advisory groups or hearings panels and their terms of reference<sup>1</sup> to Council for approval.

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<sup>1</sup> A template for establishing an Advisory/Working Group or Hearings Panel is attached as Appendix A.

## Finance Committee

|                            |                                                           |
|----------------------------|-----------------------------------------------------------|
| <b>Reports to:</b>         | The Council                                               |
| <b>Chairperson:</b>        | Cr Rob Pascoe                                             |
| <b>Deputy Chairperson:</b> | Cr Maxine van Oosten                                      |
| <b>Membership:</b>         | The Mayor and all Councillors<br>Maangai Maaori – Vacancy |
| <b>Meeting frequency:</b>  | Six weekly                                                |
| <b>Quorum:</b>             | A majority of members (including vacancies)               |

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### Purpose:

The Finance Committee is responsible for:

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

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

### Terms of Reference:

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

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

---

- Approval of operating expenditure within the Long Term Plan or Annual Plan that exceeds the Chief Executive's delegation, excluding expenditure which:
  - contravenes the Council's Financial Strategy; or
  - significantly alters any level of service outlined in the applicable Long Term Plan or Annual Plan; or
  - impacts Council policy or practice, in which case the delegation is recommendatory only and the Committee may make a recommendation to the Council for approval.
- Approval of contractual and other arrangements for supply and services, and revenue generating contracts, which:
  - exceed the Chief Executive's delegations, but
  - exclude contracts or arrangements that are reserved for the Council or another Committee's approval.
- Approval to write-off outstanding accounts greater than \$10,000 (in accordance with the Debtor Management Policy).

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

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

**Recommendatory Oversight of Policies and Bylaws:**

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



## Strategic Growth Committee

|                            |                                                                                          |
|----------------------------|------------------------------------------------------------------------------------------|
| <b>Reports to:</b>         | The Council                                                                              |
| <b>Chairperson:</b>        | Cr Dave Macpherson                                                                       |
| <b>Deputy Chairperson:</b> | Cr Ryan Hamilton                                                                         |
| <b>Membership:</b>         | The Mayor and all Councillors<br>Maangai Maaori James Whetu<br>Maangai Maaori Olly Te Ua |
| <b>Meeting frequency:</b>  | Six weekly                                                                               |
| <b>Quorum:</b>             | A majority of members (including vacancies)                                              |

---

### Purpose

The Strategic Growth Committee is responsible for:

1. Guiding sustainable physical development and growth of Hamilton to meet current and future needs, including oversight of strategic land-use planning, boundary alignment, and existing and alternative planning, funding and financing models for growth-related projects.
2. Driving collaboration with neighboring Councils, Iwi, private sector and central government to meet Hamilton's growth ambitions.

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

### Terms of Reference:

1. To monitor and provide advice on the overall development and implementation of urban growth and development strategies, strategic land use, and spatial plans (e.g. Hamilton to Auckland Corridor and Hamilton-Waikato Metropolitan Spatial Plan), and long-term network infrastructure planning in line with national policy requirements.
  2. To provide direction and monitor Council's approach to the levying and use of rates for growth, as well as development contributions.
  3. To develop, and monitor the implementation of the infrastructure Activity Management Plans to inform the 2021-31 Long Term Plan to ensure that Council looks after its existing assets and provides agreed levels of service.
  4. To provide direction on and assess proposals for seeking alternative funding models, such as special purpose vehicles and infrastructure funding and financing.
  5. To provide direction on strategic priorities for network infrastructure aligned to city development, and oversight of strategic projects associated with those activities.
-

6. To provide advice on the development and implementation of the Long Term Infrastructure Strategy.
7. To assess proposals for Private Developer Agreements that exceed the Chief Executive's delegations for Unfunded Growth Projects<sup>2</sup> and, if appropriate for Unfunded Growth Projects<sup>2</sup>, to recommend such agreements to the Council for approval.
8. To provide direction regarding Council's involvement in and with Urban Development Authorities, regional alliances, plans, initiatives and forums for spatial planning (for example, Future Proof, strategic boundary land use agreements and joint council growth related discussions).
9. To consider the impacts of land use and urban development on the environment.
10. To provide clear direction on Council's strategic priorities to organisations and groups, for which Council facilitates funding, aligned with these Terms of Reference, and to oversee those funding arrangements and receive their strategic and business plans and annual performance reports.
11. To monitor and oversee the delivery of Council's non-financial performance and non-financial key projects, against the Long Term Plan, excluding key performance indicator reporting which is the responsibility of the Finance Committee.
12. To oversee the development of the City's Smart City Strategy.

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

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

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

- Adoption of the Long Term Infrastructure Strategy to the Council.
- Approval of additional borrowing to the Finance Committee.
- Approval of city boundary changes to the Council, including in respect of Strategic Boundary Land Use Agreements.
- Approval of infrastructure Activity Management Plans to inform the 2021-31 Long Term Plan to the Council.
- The Committee may make recommendations to Council and other Committees

**Recommendatory Oversight of Policies and Bylaws:**

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

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

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

## Infrastructure Operations Committee

|                            |                                                           |
|----------------------------|-----------------------------------------------------------|
| <b>Reports to:</b>         | The Council                                               |
| <b>Chairperson:</b>        | Cr Angela O’Leary                                         |
| <b>Deputy Chairperson:</b> | Cr Sarah Thomson                                          |
| <b>Membership:</b>         | The Mayor and all Councillors<br>Maangai Maaori Norm Hill |
| <b>Meeting frequency:</b>  | Six weekly                                                |
| <b>Quorum:</b>             | A majority of members (including vacancies)               |

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### Purpose

The Infrastructure Operations Committee is responsible for:

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

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

### Terms of Reference:

1. To provide direction on strategic priorities and resourcing for core infrastructure aligned to city development and oversight of operational projects and services associated with those activities.
  2. To develop policy, approve core-infrastructure related operational strategies and plans and monitor their implementation.
  3. To receive and consider presentations and reports from stakeholders, government departments, organizations and interest groups on core infrastructure and associated services and wellbeing issues and opportunities.
-

4. To provide direction regarding Council's involvement in regional alliances, plans, initiatives and forums for joint infrastructure and shared services (for example Regional Transport Committee).
5. To monitor and oversee the delivery of Councils non-financial performance and non-financial key projects against the Long Term Plan, excluding key performance indicator reporting which is the responsibility of Finance Committee.

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

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

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

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

**Recommendatory Oversight of Policies and Bylaws:**

- *Three Waters Connections Policy*
- *Earthquake-Prone, Dangerous & Insanitary Buildings Policy*
- *Seismic Performance of Buildings Policy*
- *Speed Limits Bylaw 2015*
- *Streetscape Beautification and Verge Maintenance Policy*
- *Traffic Bylaw 2015*
- *Solid Waste Bylaw 2012*
- *Stormwater Bylaw 2015*
- *Trade Waste and Wastewater Bylaw 2016*
- *Water Supply Bylaw 2013*

## Community Committee

|                            |                                                                                                      |
|----------------------------|------------------------------------------------------------------------------------------------------|
| <b>Reports to:</b>         | The Council                                                                                          |
| <b>Chairperson:</b>        | Cr Mark Bunting                                                                                      |
| <b>Deputy Chairperson:</b> | Cr Kesh Naidoo-Rauf                                                                                  |
| <b>Membership:</b>         | The Mayor and all Councillors,<br>Maangai Maaori Olly Te Ua<br>Maangai Maaori Te Pora Thompson-Evans |
| <b>Meeting frequency:</b>  | Six weekly                                                                                           |
| <b>Quorum:</b>             | A majority of members (including vacancies)                                                          |

---

### Purpose

The Community Committee is responsible for:

1. Guiding and monitoring the provision of strategic community infrastructure and services to meet the current and future needs of the city and the enhanced wellbeing of its communities.
2. Governance of recreational, community facilities, amenities, and events.
3. Facilitating community and stakeholder involvement and discussion on community infrastructure, community safety and community wellbeing matters.
4. Ensuring Hamilton is performing to the highest standard in the area of civil defence and emergency management.
5. Funding to benefit the social, cultural, physical and arts wellbeing of communities in Hamilton.

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

### Terms of Reference:

1. To provide direction on strategic priorities and resourcing for community infrastructure aligned to city's overall development and oversight of strategic projects associated with those activities.
  2. To develop policy, approve community-related strategies and plans, and monitor their implementation.
  3. To receive and consider presentations and reports from stakeholders, government departments, organisations and interest groups on community development and wellbeing issues and opportunities.
  4. To provide input on the allocation of Events Sponsorship funding to the Economic Development Committee.
-

5. To monitor Hamilton's social demographics and social climate to assess current and future impacts on the Council and Hamilton communities.
6. To monitor the performance of Hamilton's civil defence and emergency management response against Council's requirements under the Civil Defence Emergency Management Act including:
  - a. implementation of Government requirements;
  - b. contractual service delivery arrangements with the Waikato Regional Group Emergency Management Office
7. To determine the funding priorities for the Community Grants Allocation Committees, in line with the Community Assistance Policy, Long Term Plan and Annual Plan.
8. To determine the priority of Council projects suitable for contestable and philanthropic funding, excluding NZTA funding.
9. To coordinate and make decisions on proposals, applications for external funding, and the distribution of Council funding and funding provided to Council for public art, recreational and community facilities and amenity.
10. To monitor and oversee the delivery of Council's non-financial performance and non-financial key projects against the Long Term Plan, excluding key performance indicator reporting which is the responsibility of the Finance Committee.
11. To develop policy, approve and monitor implementation of plans and strategies in relation to the performance of Council's investments in the Domain Endowment Fund and strategic property.

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

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

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

- Approval of acquisition or sale or lease of properties owned by the Domain Endowment Fund consistent with the Domain Endowment Fund Investment Policy, for any endowment properties.
- The Committee may make recommendations to Council.
- The Committee may make recommendations to other Committees.

**Recommendatory Oversight of Policies and Bylaws:**

- *Alcohol Control Bylaw 2015*
- *Animal Nuisance Bylaw 2013*
- *Citizens Initiated Referenda Policy*
- *City Honours Policy*
- *Class 4 Gambling Venue Policy*
- *Community Assistance Policy*
- *Community Occupancy Policy*
- *Cultural and Recreational Facilities Bylaw 2012*
- *Disability Policy*
- *Dog Control Bylaw 2015*
- *Dog Control Policy*
- *External Funding Applications Policy*
- *Hamilton City Smoke-Free Environment Policy*
- *Naming of Roads, Open Spaces and Council Facilities Policy*
- *Provisional Local Alcohol Policy*
- *Psychoactive Substances (Local Approved Products) Policy*
- *Prostitution Bylaw 2019*
- *Public Places Bylaw 2016*
- *Public Places Policy*
- *Safety in Public Places Bylaw 2014*
- *TAB Board Venue Policy*



## Hearings and Engagement Committee

|                            |                                                                                                                                                                   |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reports to:</b>         | Council                                                                                                                                                           |
| <b>Chairperson:</b>        | Cr Ewan Wilson                                                                                                                                                    |
| <b>Deputy Chairperson:</b> | Cr Mark Donovan                                                                                                                                                   |
| <b>Membership:</b>         | The Mayor and all Councillors, and relevant Maangai Maaori (the latter only attending meetings addressing matters relevant to the Committee they are a member of) |
| <b>Meeting frequency:</b>  | As required                                                                                                                                                       |
| <b>Quorum:</b>             | Three members (for matters relating to those functions in paragraph 1 and 2 below).<br><br>Eight members for all other functions.                                 |

---

### Purpose

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

|                                                                                |
|--------------------------------------------------------------------------------|
| <b>The Committee is delegated the following Terms of Reference and powers:</b> |
|--------------------------------------------------------------------------------|

### Terms of Reference:

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

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

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

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

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

**Special Notes:**

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

## Dog Control Hearings Panel

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

**Chairperson:** Cr Ewan Wilson

**Membership:** Cr Maxine van Oosten  
Cr Mark Donovan  
Cr Angela O'Leary (Alternate)  
Cr Rob Pascoe (Alternate)

**Meeting frequency:** As required

**Quorum:** Three members

---

### Purpose

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

|                                                                                |
|--------------------------------------------------------------------------------|
| <b>The Committee is delegated the following Terms of Reference and powers:</b> |
|--------------------------------------------------------------------------------|

### Terms of Reference:

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

## Traffic, Speed Limit and Road Closure Hearings Panel

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

**Chairperson:** Cr Ewan Wilson

**Membership:** Cr Maxine van Oosten  
Cr Mark Donovan  
Cr Martin Gallagher  
Cr Rob Pascoe

**Meeting frequency:** As required

**Quorum:** Three members

---

### Purpose

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

|                                                                                |
|--------------------------------------------------------------------------------|
| <b>The Committee is delegated the following Terms of Reference and powers:</b> |
|--------------------------------------------------------------------------------|

### Terms of Reference:

1. To consider and determine changes to the registers and restrictions in the Traffic Bylaw and Speed Limit Bylaw, including hearing any submissions relating to those proposed changes.
2. To hear and determine statutory or regulatory hearings and make determinations on objections relating to proposals for the temporary closure of any road.

## Strategic Risk and Assurance Committee

|                            |                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reports to:</b>         | The Council                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Chairperson:</b>        | External appointee – Keiran Horne                                                                                                                                                                                                                                                                                                                                                               |
| <b>Deputy Chairperson:</b> | External appointee – Bruce Robertson                                                                                                                                                                                                                                                                                                                                                            |
| <b>Membership:</b>         | Mayor Paula Southgate<br>Chairperson of the Finance Committee – Cr Rob Pascoe<br>Deputy Chairperson of the Finance Committee – Cr Maxine van Oosten<br>Chairperson of the Strategic Growth Committee – Cr Dave Macpherson<br>Chairperson of the Infrastructure Operations Committee – Cr Angela O’Leary<br>Chairperson of the Community Committee – Cr Mark Bunting<br>Maangai Maaori – Vacancy |
| <b>Meeting frequency:</b>  | As required – no less than four times a year                                                                                                                                                                                                                                                                                                                                                    |
| <b>Quorum:</b>             | Four members (including one external appointee)                                                                                                                                                                                                                                                                                                                                                 |

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### Purpose:

The Strategic Risk and Assurance Committee is responsible for providing objective advice and recommendations to the governing body on the adequacy and functioning of the Council’s risk management and assurance framework and external reporting.

### Terms of Reference:

#### *Risk*

1. Review the effectiveness of the risk control environment established by management to safeguard Council’s financial and non-financial assets, including the adequacy and appropriateness of insurance policies in place and management’s actions to mitigate risks and report 6 monthly to Council.
  2. To review the Risk Management Policy and recommend to Council revisions to the policy for adoption.
  3. To review the Fraud and Corruption, Protected Disclosure, Conflict of Interest, and Sensitive Expenditure management policies to ensure appropriate guidance and processes are in place.
  4. Review Council’s strategic risk register and monitor existing and proposed controls
  5. Periodic in-depth reviews of specific, significant risks
  6. Monitor emerging risks
  7. Review and monitor business continuity planning.
  8. Oversight of risk management and assurance across Council’s CCO’s and CCTOs with respect to risks that may have a significant impact on Council
-

*Internal Audit*

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

*External Audit*

13. Engage with Council's external auditors regarding the external audit work programme and agree the proposed terms and arrangements of the external audit.
14. Recommend to Council the terms and arrangements for the external audit programme.
15. Review the effectiveness of the Annual Plan audit and 10 Year Plan audit.
16. Assess management response to audit reports and the extent to which external audit recommendations concerning internal accounting controls and other matters are implemented.

*Statutory Reporting*

17. Review and monitor the integrity of the interim and annual report, focusing particularly on:
  - a. compliance with, and the appropriate application of, relevant accounting policies, practices and accounting standards
  - b. compliance with applicable legal requirements relevant to statutory reporting
  - c. The consistency of application of accounting policies as well as changes to accounting policies and practices that may affect the way that accounts are presented
  - d. Any decisions involving significant judgment, estimation or uncertainty
  - e. The extent to which financial statements are affected by any unusual transactions and the manner in which these are disclosed
  - f. the disclosure of contingent liabilities and contingent assets
  - g. the clarity of disclosures generally
  - h. The basis for the adoption of the going concern assumption
  - i. Significant adjustments resulting from the audit

*Other Matters*

18. Review the effectiveness of the systems for monitoring the Council's compliance legislation, regulation, policy and guidelines.

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

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

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

**Special Notes:**

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

**Recommendatory Oversight of Policies and Bylaws:**

- *Risk Management Policy*



## Environment Committee

|                            |                                                                                                                                                                          |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reports to:</b>         | The Council                                                                                                                                                              |
| <b>Chairperson:</b>        | Cr Martin Gallagher                                                                                                                                                      |
| <b>Deputy Chairperson:</b> | Cr Sarah Thomson                                                                                                                                                         |
| <b>Membership:</b>         | Cr Mark Bunting<br>Cr Angela O’Leary<br>Cr Kesh Naidoo-Rauf<br>Cr Dave Macpherson<br>Cr Mark Donovan<br>Mayor Paula Southgate (Ex Officio)<br>Maangai Maaori – Norm Hill |
| <b>Meeting frequency:</b>  | As required – no less than four times a year.                                                                                                                            |
| <b>Quorum:</b>             | A majority of members (including vacancies)                                                                                                                              |

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### Purpose

The Environment Committee is responsible for:

1. Governance of strategies, policies and plans relating to the wellbeing, protection, enhancement and sustainability of Hamilton’s natural environment.

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

### Terms of Reference:

1. To develop policy, approve strategies and plans concerning Hamilton’s contribution and response to climate change, and to monitor their implementation.
  2. To develop policy, approve strategies and plans for the sustainable use of Hamilton’s natural resources, and to monitor their implementation.
  3. To develop policy, approve strategies and plans for efficient and sustainable waste management and recycling, and to monitor their implementation.
  4. To develop policy, approve strategies and plans for Council’s corporate environmental sustainability and to monitor their implementation.
  5. To develop policy, approve strategies and plans for Council’s biodiversity, and to monitor their implementation.
  6. To develop policy, approve and monitor implementation of strategies in relation to the Climate Action Plan.
-

**Special Notes:**

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

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

- Approval of matters determined by the Committee within its Terms of Reference.

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

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

**Recommendatory Oversight of Policies and Bylaws:**

- *Open Air Burning Bylaw 2015*

## Economic Development Committee

|                            |                                                                                                                                                                                                                    |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reports to:</b>         | The Council                                                                                                                                                                                                        |
| <b>Chairperson:</b>        | Cr Ryan Hamilton                                                                                                                                                                                                   |
| <b>Deputy Chairperson:</b> | Cr Ewan Wilson                                                                                                                                                                                                     |
| <b>Membership:</b>         | Deputy Mayor Taylor<br>Cr Martin Gallagher<br>Cr Rob Pascoe<br>Cr Maxine van Oosten<br>Cr Mark Donovan<br>Mayor Paula Southgate (Ex Officio)<br>Maangai Maaori Olly Te Ua<br>Maangai Maaori Te Pora Thompson-Evans |
| <b>Meeting frequency:</b>  | As required – no less than four times a year.                                                                                                                                                                      |
| <b>Quorum:</b>             | A majority of members (including vacancies)                                                                                                                                                                        |

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### Purpose

The Economic Development Committee is responsible for:

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

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

### Terms of Reference:

1. To drive and enhance Hamilton's economic position by actively promoting Hamilton.
  2. To promote investment and business attraction opportunities for Hamilton and the greater Waikato region.
  3. To provide advice on strategic initiatives, plans, projects and potential property developments that have a material impact upon the Hamilton economy.
  4. To develop, review and monitor the implementation of the Economic Development Agenda.
  5. To consider and recommend funding for Business Improvement District(s), Hamilton and Waikato Tourism and Te Waka through the Councils long-term plan process.
  6. To monitor the performance and provide guidance on Council's relationship with key stakeholders including, but not limited to Te Waka, Hamilton Waikato Tourism and Hamilton Central Business Association.
  7. To monitor the performance of Council's major event venues operation (H3).
-

8. To review and monitor the implementation of Council's Event Sponsorship Policy.
9. To approve annual Event Sponsorship funding applications and monitor any grants made to external organisations under the terms of the Event Sponsorship Policy.
10. To support and assist with efforts for external partnerships on Council projects that will provide economic development opportunities for Hamilton and the region.
11. To develop and monitor policy related to the appointment and remuneration of directors of CCOs, CCTOs and COs.
12. To provide clear direction to Council's CCOs CCTOs and COs on Council's expectations, including feedback on draft statements of intent.
13. To receive six-monthly reports of Council's CCOs, CCTOs and COs, including on board performance.
14. To undertake any reviews of CCOs and CCTOs and agree CCO/CCTO-proposed changes to their governance arrangements, except where reserved for Council's approval by Council.
15. To develop policy, approve and monitor implementation of plans and strategies in relation to the performance of Council's investments in the Municipal Endowment Fund and strategic property.

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

- Approval of event sponsorship applications annually in accordance with the Event Sponsorship Policy.
- Approval of letters of expectation for each CCO, CCTO and CO.
- To provide feedback on draft statements of intent for each CCO, CCTO and CO.

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

- Appointments to, and removals from, CCO, CCTO and CO boards
- Approval of proposed major transactions or constitutional adjustments of CCOs, CCTOs and COs.
- Approval or otherwise of any proposal to establish, wind-up or dispose of any holding in, a CCO, CCTO or CO.
- Approval of acquisition or sale or lease of properties owned by the Council, or owned by the Municipal Endowment Fund consistent with the Municipal Endowment Fund Investment Policy, for any endowment properties.
- The Committee may make recommendations to Council.
- The Committee may make recommendations to other Committees.

**Recommendatory Oversight of Policies and Bylaws:**

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

- *Municipal Endowment Fund Investment Policy*
- *Business Improvement District (BID) Policy*
- *International Relations Policy*

**Item 12**

**Attachment 3**

## District Plan Committee

|                            |                                                                                                                                                              |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reports to:</b>         | The Council                                                                                                                                                  |
| <b>Chairperson:</b>        | Cr Ryan Hamilton                                                                                                                                             |
| <b>Deputy Chairperson:</b> | Cr Angela O’Leary                                                                                                                                            |
| <b>Membership:</b>         | Mayor Paula Southgate<br>Cr Sarah Thompson<br>Cr Rob Pascoe<br>Cr Martin Gallagher<br>Maangai Maaori James Whetu<br>Deputy Mayor Geoff Taylor (as alternate) |
| <b>Meeting frequency:</b>  | Six weekly                                                                                                                                                   |
| <b>Quorum:</b>             | A majority of members (including vacancies)                                                                                                                  |

---

### Purpose:

The District Plan Amendments Committee is responsible for:

1. providing Governance leadership and direction to staff to develop amendments to the Hamilton City Operative District Plan 2017.

### Terms of Reference:

1. To provide and approve broad strategic direction to inform and guide the development of the District Plan amendments programme of work.
2. To prepare and approve a draft set of District Plan amendments for the purpose of obtaining initial feedback and comment from the community, stakeholder and tangata whenua groups.
3. To recommend any proposed District Plan amendments to the Council for adoption and release for formal notification.
4. To provide regular updates to the Council on the progress of the District Plan amendments programme of work.

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

- Approval of matters determined by the Committee within its Terms of Reference.

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

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

**Recommendatory Oversight of Policies and Bylaws:** N/A

---

## Chief Executive Review Committee

|                           |                                                                                      |
|---------------------------|--------------------------------------------------------------------------------------|
| <b>Reports to:</b>        | The Council                                                                          |
| <b>Chairperson:</b>       | Mayor Paula Southgate                                                                |
| <b>Membership:</b>        | Deputy Mayor Geoff Taylor<br>Cr Rob Pascoe<br>Cr Ewan Wilson<br>Cr Maxine van Oosten |
| <b>Meeting frequency:</b> | As required                                                                          |
| <b>Quorum:</b>            | Three members                                                                        |

---

### Purpose and Terms of Reference:

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

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

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

### Special Notes:

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

## Community Grants Allocation Sub-Committee

**Reports to:** The Community Committee

**Chairperson:** Cr Bunting

**Deputy Chairperson:** Cr Naidoo-Rauf

**Membership:** The Mayor and all Councillors,  
Maangai Maaori Olly Te Ua  
Maangai Maaori Te Pora Thompson-Evans

**Meeting frequency:** As required

**Quorum:** 5 Members, including at least 1 Maangai Maaori

---

**Purpose:**

The Community Grants Allocation Sub-Committee is responsible for:

1. providing recommendations to the Community Committee on the allocation of Community Grants in compliance with the Community Assistance Policy 2021.

**Terms of Reference:**

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

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

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

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

- The Sub-Committee may make recommendations to Community Committee.

**Recommendatory Oversight of Policies and Bylaws:** N/A



## Central City and River Plan Advisory Group

|                           |                                                                                                                                                         |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reports to:</b>        | The Council                                                                                                                                             |
| <b>Chairperson:</b>       | Deputy Mayor Geoff Taylor                                                                                                                               |
| <b>Membership:</b>        | Cr Sarah Thomson<br>Cr Kesh Naidoo-Rauf<br>Cr Maxine van Oosten<br>Cr Ewan Wilson<br>Cr Martin Gallagher<br>Cr Mark Bunting<br>Maangai Maaori Norm Hill |
| <b>Meeting frequency:</b> | As required                                                                                                                                             |

### Purpose

1. The purpose of the Central City River Plan Advisory Group is to provide recommendations and advice to the Council on matters in relation to the central city and river precinct on governance matters including strategic initiatives, plans, projects, to provide clarity and give direction over the direction to the River Plan, and potential development that may increase the central city vibrancy and have an impact on the central city and river precinct.
2. The Advisory Group is not a decision-making body.

|                                                                            |
|----------------------------------------------------------------------------|
| <b>The Panel is delegated the following Terms of Reference and powers:</b> |
|----------------------------------------------------------------------------|

### Terms of Reference

3. The Advisory Group may make recommendations to the Council on Central City and River Precinct covering:
  - a) projects and concept designs;
  - b) feasibility and business cases;
  - c) the strategic intent/direction of the Hamilton City River Plan and other key strategic Council documents such as the District Plan and Reserves Act Management Plans;
  - d) strategic opportunities for River Plan aligned projects consistent with direction and funding for the Long Term Plan and Annual Plan or for inclusion in future Long Term Plan and Annual Plan processes;
  - e) strategic projects or initiatives in other areas of the Council or wider community where linkages with the central city or river projects may prove mutual benefit;
  - f) strategic projects or initiatives in other areas of the Council or wider community that enhance the social, economic, environmental and cultural wellbeing of the central city and/or river precinct;
  - g) in future Long Term Plan and Annual Plan processes;

- h) any other commentary on River Plan Central City related issues.

**ROLE OF THE CHAIR**

4. The Chair presides at each meeting.
5. The Chair represents the Advisory Group at Council meetings (when required or at least twice yearly) and, where appropriate, at external forums/events (with the support of the Mayor).
6. The Chair reports back to the Advisory Group regarding any meetings, discussions or events they have attended as an Advisory Group representative.
7. Where the Chair is not available, a Group member nominated and agreed by majority of those present at the meeting will assume the role of the Chair.

**OPERATION AND CONDUCT****Meeting schedule / timing / nature**

8. The Advisory Group will formally meet for approximately three hours on a six-weekly basis, with the flexibility to meet more often, as and when required on specific issues/projects.
9. Advisory Group members can also meet with can meet with staff supporting the Advisory Group on an ad hoc basis, and with other staff with the agreement of the General Manager, as required and as their availability permits, to have discussions and provide advice pertaining to their areas of expertise.

**Agenda distribution / minutes**

10. Agendas for Advisory Group meetings will be distributed no later than three working days prior to the meeting date;
11. Meeting agendas will be set by the Chair and the staff supporting the Advisory Group.

## Waikato-Tainui Hamilton City Council Co-Governance Forum

|                           |                                                                                                                                                                                                                                                                                            |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reports to:</b>        | The Council                                                                                                                                                                                                                                                                                |
| <b>Chairperson:</b>       | Co Chairs: Mayor Paula Southgate and Linda Te Aho                                                                                                                                                                                                                                          |
| <b>Membership:</b>        | Vanessa Clark<br>Donald Turner<br>Carolyn Hopa<br>Anaru Adams<br>Deputy Mayor Geoff Taylor<br><br>Cr Maxine van Oosten<br>Cr Ryan Hamilton<br>Cr Kesh Naidoo-Rauf<br>Cr Martin Gallagher (Alternate for HCC)<br>Cr Mark Bunting (Alternate for HCC)<br>Cr Mark Donovan (Alternate for HCC) |
| <b>Meeting frequency:</b> | As required – no less than four times a year                                                                                                                                                                                                                                               |
| <b>Quorum:</b>            | Two members from Hamilton City Council (including the Chair), and two members from Te Arataura (including the Chair).                                                                                                                                                                      |

|                                                                                   |
|-----------------------------------------------------------------------------------|
| <p><b>The Panel is delegated the following Terms of Reference and powers:</b></p> |
|-----------------------------------------------------------------------------------|

### Parties / Ngaa Mema

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

### Purpose / Te Tikanga

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

**Structure / Te Hanganga**

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

**Status of Terms of Reference / Te mana o teenei whakataua**

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

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

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

**Meeting Structure / Ngaa Hui**

11. The meetings will operate as follows:
  - a) The Co-governance Forum meets four times a year
  - b) Meetings are hosted on an alternate basis
  - c) The meeting agenda will be approved by Chief Executives from both Waikato Tainui and Hamilton City Council
  - d) All meetings are co-chaired by Te Arataura and Hamilton City Council
  - e) Hamilton City Council Governance unit is responsible for all administration duties including collation and distribution of meetings packs

- f) Meeting packs must be received by members no later than three clear working days prior to meeting date.

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

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

## District Licensing Committee

|                           |                                                                                                                                                                                 |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reports to:</b>        | The Council                                                                                                                                                                     |
| <b>Chairperson:</b>       | External appointee – Sara Grayson                                                                                                                                               |
| <b>Membership:</b>        | Tegan McIntyre (Alternate Commissioner/Chairperson)<br>Patsi Davies<br>John Gower<br>Chrissy Hodgkinson<br>Brett McEwan<br>Murray Clearwater<br>Roger Mathews<br>Cr Ewan Wilson |
| <b>Meeting frequency:</b> | As required                                                                                                                                                                     |
| <b>Quorum:</b>            | Three members (with the exception of uncontested applications which can be considered by the Chairperson acting alone).                                                         |

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### Purpose

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

### Terms of Reference:

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

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

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

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

- This Committee may make recommendations to Council

**Special Notes:**

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

## Independent Hearings Commissioners' Panel

**Reports to:** Council

**Chairperson:** As appropriate

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

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

**Meeting frequency:** As required

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**Purpose:**

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

|                                                                                   |
|-----------------------------------------------------------------------------------|
| <p><b>The Panel is delegated the following Terms of Reference and powers:</b></p> |
|-----------------------------------------------------------------------------------|

**Terms of Reference:**

1. The power to hear and decide any of the following RMA matters:
    - a) application for a resource consent or change to conditions of resource consent;
    - b) notice of objection;
-



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

**Special Notes:**

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



# Appointments

## Council Organisations and Council Controlled Organisations

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

**Reports to:** Economic Development Committee

**Membership:** Blair Bowcott, General Manager Growth

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

**Reports to:** Finance Committee

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

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

**Reports to:** Economic Development Committee

**Membership:** No council Representation

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

**Reports to:** Economic Development Committee

**Membership:** No Council representation

### **Waikato Regional Airport Ltd**

**Reports to:** Economic Development Committee

**Membership:** No Council Representation

## Joint Organisations and Advisory Groups

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### Reports to Council:

- LGNZ Zone Two

**Membership:** Mayor Paula Southgate  
Deputy Mayor Geoff Taylor  
Cr Martin Gallagher  
Cr Kesh Naidoo-Rauf  
Cr Ryan Hamilton

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### Reports to Community Committee:

- University of Waikato Animal Ethics Committee

**Membership:** Cr Rob Pascoe

- Waikato Region Civil Defence Emergency Management Group  
(Joint Committee)

**Membership:** Cr Mark Bunting  
Cr Kesh Naidoo-Rauf (alternate)

- Rototuna Indoor Recreation Centre Trust

**Membership:** Cr Kesh Naidoo-Rauf  
Lance Vervoort, General Manager Community

- People's Project

**Membership:** Cr Angela O'Leary

- Creative Communities Scheme Assessment Committee

**Membership:** Cr Kesh Naidoo Rauf  
Cr Mark Bunting

- City Honours Assessment Panel

**Membership:** Cr Martin Gallagher (Chair)  
Mayor Paula Southgate  
Deputy Mayor Geoff Taylor  
Cr Mark Bunting

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- Creative Waikato Trustees Appointment Panel

*Membership:* Cr Mark Bunting

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#### Reports to Infrastructure Operations Committee:

- Waikato Regional Transport Committee

*Membership:* Cr Angela O'Leary  
Cr Dave Macpherson (alternate)

- Waikato Regional Transport Committee 2021 Regional Land Transport Plan Hearing Committee

*Membership:* Cr Angela O'Leary

- Regional Connections Committee

*Membership:* Cr Angela O'Leary (Deputy Chair)  
Cr Dave Macpherson  
Cr Ewan Wilson  
Cr Sarah Thomson

- Te Huia Governance Forum

*Membership:* Cr Ewan Wilson

- Traffic Institute of New Zealand (Trafinz)

*Membership:* Cr Angela O'Leary

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#### Reports to Strategic Growth Committee:

- Waikato Plan Leadership Committee

*Membership:* Cr Martin Gallagher  
Mayor Paula Southgate (alternate)

- Future Proof Implementation Committee (Joint Committee)

*Membership:* Mayor Paula Southgate  
Cr Dave Macpherson  
Cr Martin Gallagher (alternate)

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- Waikato and Waipa District Council/Hamilton City Council Governance Group

**Membership:** Mayor Paula Southgate  
Deputy Mayor Geoff Taylor  
Cr Dave Macpherson  
Cr Ryan Hamilton

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**Reports to Environment Response Committee:**

- Waste Minimisation Contestable Fund Assessment Panel

**Membership:** Cr Angela O'Leary

### Schedule of Amendments to HCC Governance Structure 2019-22

| Date         | Section                                           | Amendment/Addition/Deletion                                                                                                                                                                                                     | Authorisation                                       |
|--------------|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| 10.02.2020   | Council and Committees of Council                 | Addition – Dog Control Hearings Panel                                                                                                                                                                                           | Hearings and Engagement Committee – 5 February 2020 |
| 26.03.2020   | Council and Committees of Council<br>Appointments | Referral of the New Zealand Local Government Funding Agency (LGFA) Ltd to report to the Finance Committee instead of the Economic Development Committee                                                                         | Council -19 March 2020                              |
| 02.04.2020   | Council and Committees of Council                 | Remove Maangai Bella Takiari-Brame from Finance Committee and as representative on the Strategic Risk and Assurance Committee.                                                                                                  | Council – 2 April 2020                              |
| 02.04.2020   | Council and Committees of Council                 | Replace Cr Angela O’Leary with Cr Ewan Wilson as Deputy Chairperson of the Hearings and Engagement Committee                                                                                                                    | Council – 2 April 2020                              |
| 30.04.2020   | Council and Committees of Council                 | Update to list of appointments to the Independent Hearings Panel, and update to the Terms of Reference to the Independent Hearings Panel                                                                                        | Council – 30 April 2020                             |
| 28.05.2020   | Council and Committees of Council                 | Addition – Maangai Maaori Olly Te Ua included in the Strategic Growth Committee<br><br>Referral of the Open Air Burning Bylaw 2015 to the Environment Committee                                                                 | Council – 28 May 2020                               |
| 08.07.2020   | Council and Committees of Council                 | Addition – Maangai Maaori Hemi Rau included in the Finance Committee and Strategic Risk and Assurance Committee                                                                                                                 | Council – 25 June 2020                              |
| 09.09.2020   | Council and Committees of Council                 | Addition – Cr Ewan Wilson included in the Environment Committee                                                                                                                                                                 | Council – 9 September 2020                          |
| 17. .09.2020 | Council and Committees of Council                 | Addition – Cr Martin Gallagher included as an alternate member to the Future Proof Implementation Committee<br><br>Name change of the Three Waters Connections Policy from the Connections and Charging for Three Waters Policy | Council – 17 September 2020                         |

| Date       | Section                           | Amendment/Addition/Deletion                                                                                                                                                                                                                                       | Authorisation              |
|------------|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 22.10.2020 | Council and Committees of Council | Addition – Cr Mark Bunting included in the Creative Waikato Trustees Appointment Panel                                                                                                                                                                            | Council – 22 October 2020  |
| 26.11.2020 | Council and Committees of Council | Referral of the International Relations Policy to report to the Economic Development Committee instead of the Community Committee<br><br>Referral of the Domain Endowment Fund to report to the Community Committee instead of the Economic Development Committee | Council – 26 November 2020 |
| 8.12.2020  | Council and Committees of Council | Addition – Cr Ryan Hamilton included in the Waikato-Tainui Hamilton City Council Co-Governance Forum<br><br>Removal – Cr Ewan Wilson removed from the Environment Committee                                                                                       | Council – 8 December 2020  |
| 04.02.2021 | Council and Committees of Council | Formation of a District Plan Committee                                                                                                                                                                                                                            | Council – 4 February 2021  |
| 25.02.2021 | Council and Committees of Council | Addition – Cr Kesh Naidoo-Rauf and Cr Maxine van Oosten included in the Central City River Plan Advisory Group<br><br>Removal – Cr Angela O’Leary removed from the Central City River Plan Advisory Group                                                         | Council – 25 February 2021 |
| 18.03.2021 | Council and Committees of Council | Addition – Cr Martin Gallagher included in the Waikato Plan Leadership Committee<br><br>Addition – Mayor Paula Southgate included as an alternate member in the Waikato Plan Leadership Committee                                                                 | Council – 18 March 2021    |
| 08.04.2021 | Council and Committees of Council | Removal – Maangai Hemi Rau from Finance, Strategic Risk and Assurance and Waikato-Tainui Co-Governance (Waikato-Tainui membership to be confirmed soon)                                                                                                           |                            |
| 6.05.2021  | Council and Committees of Council | Removal – Cr Forsyth removed from Council following her passing.                                                                                                                                                                                                  |                            |
| 10.06.2021 | Council and Committees of Council | Addition – Cr Gallagher appointed Chair of the Environment Committee.                                                                                                                                                                                             | Council – 10 June 2021     |



| Date       | Section                           | Amendment/Addition/Deletion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Authorisation               |
|------------|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
|            |                                   | <p>Addition – Cr Wilson appointed Chair of the Hearings and Engagement Committee.</p> <p>Addition – Cr Gallagher appointed as Deputy Chair of the Hearings and Engagement Committee.</p> <p>Addition – Cr Thomson appointed as Deputy Chair of the Infrastructure Operations Committee.</p> <p>Addition – Cr Naidoo-Rauf included in the Waikato-Tainui Hamilton City Co-Governance Forum.</p> <p>Removal – Cr Gallagher removed as Chair from the Hearings and Engagement Committee.</p> <p>Removal – Cr Gallagher removed as Deputy Chair from the Infrastructure Operations Committee.</p> |                             |
| 24.06.2021 | Council and Committees of Council | Formation of a Community Grants Allocation Sub-Committee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Council – 24 June 2021      |
| 31.08.2021 | Council and Committees of Council | Addition – Cr Mark Donovan included in the Council, Finance Committee, Strategic Growth Committee, Infrastructure Operations Committee, Community Committee, Economic Development Committee, Environment Committee, Hearings and Engagement Committee, Community Grants Allocation Sub-Committee, and Dog Control Hearings Panel.                                                                                                                                                                                                                                                             | Council – 31 August 2021    |
| 30.09.2021 | Council and Committees of Council | <p>Formation of a Traffic, Speed Restrictions and Road Closure Hearings Panel</p> <p>Quorum of the Hearings and Engagement Committee be eight members for matters relating to those functions in paragraph 3 and 4 of the Committee's terms of reference</p> <p>Addition – Cr van Oosten included in the Waikato-Tainui Hamilton City Co-Governance Forum.</p>                                                                                                                                                                                                                                | Council – 30 September 2021 |

| Date | Section | Amendment/Addition/Deletion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Authorisation |
|------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
|      |         | <p>Addition – Cr Gallagher, Cr Bunting and Cr Donovan included as alternate members in the Waikato-Tainui Hamilton City Co-Governance Forum.</p> <p>Addition – Cr van Oosten included in the Strategic Risk and Assurance Committee</p> <p>Addition – Cr van Oosten included in the Chief Executive Review Committee</p> <p>Addition – Cr Donovan appointed as Deputy Chair of the Hearings and Engagement Committee.</p> <p>Removal – Cr Gallagher removed as Deputy Chair from the Hearings and Engagement Committee.</p> <p>Referral of the Heritage Fund grant allocation to report to the Community Committee instead of the Council</p> |               |

## Appendix A – Template for Establishing an Advisory Group or Hearings Panel

Advisory Group/Hearings Panel – *Insert Name*

|                                          |  |
|------------------------------------------|--|
| <b>Chairperson:</b>                      |  |
| <b>Elected Members:</b>                  |  |
| <b>External Members:</b>                 |  |
| <b>Support Staff<sup>1</sup>:</b>        |  |
| <b>Date Established<sup>2</sup>:</b>     |  |
| <b>Reporting Back Date:</b>              |  |
| <b>Appointing Committee<sup>3</sup>:</b> |  |
| <b>Purpose<sup>4</sup>:</b>              |  |
| <b>Terms of Reference<sup>5</sup>:</b>   |  |

Notes:

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

# Council Report

**Committee:** Council  
**Author:** Debra Stan-Barton  
**Position:** Acting City Planning Unit Manager  
**Date:** 30 September 2021  
**Authoriser:** Blair Bowcott  
**Position:** General Manager Growth  
**Report Name:** RMA Delegations Policy

|                      |             |
|----------------------|-------------|
| <b>Report Status</b> | <i>Open</i> |
|----------------------|-------------|

## Purpose - *Take*

1. To seek approval from the Council of the revised *Council Policy: Delegations to Officers Specific to the Resource Management Act 1991 ('RMA')*.

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

2. That the Council:
  - a) receives the report;
  - b) notes that a full review of the *Delegations to Officers Specific to the Resource Management Act 1991* has been completed; and
  - c) approves the revised *Council Policy: Delegations to Officers Specific to the Resource Management Act 1991 ('RMA')* (**Attachment 1** of the staff report).

## Executive Summary - *Whakaraapopototanga matua*

3. Part of Council's strategic and governance role is to ensure that its statutory responsibilities, duties and powers are carried out at the most effective and efficient levels. It achieves this through delegations.
4. Many of Council's functions are delegated to the Chief Executive, who in turn delegates those functions down into the organisational structure, which is known as a 'sub-delegation'. Under the RMA, sub-delegation is not lawful. Instead, if Council wishes to delegate its RMA functions and powers within the organisational structure, it must do so specifically.
5. Following a full review of Council's delegations specific to the RMA by senior staff and Tompkins Wake, staff recommend that Council approves the revised *Council Policy: Delegations to Officers Specific to the Resource Management Act 1991 ('RMA')*.
6. The revised delegations do not delegate any additional RMA decision-making functions currently retained by the Elected Members. They are simply an update of the existing delegations, making them fit for purpose, based on the current organisational structure. This will enhance decision-making efficiency and effectiveness.
7. In summary, the revised policy confirms the extent of the delegations already in place but is updated to reflect new operational structures and roles, corrects the format of the document, and incorporates amendments to the RMA and to staff job titles.

8. Elected Members attended a briefing on this matter on 18 August 2021, which was presented by Grant Kettle, Planning Guidance Unit Manager, and Lachlan Muldowney, Barrister. Members strongly supported the revisions discussed at the briefing.
9. Staff recommend the Council approves the revised *Council Policy: Delegations to Officers Specific to the RMA (Attachment 1)*.
10. Staff consider the decision in this report has low significance and that the recommendations comply with the Council's legal requirements.

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

11. Part of Council's strategic and governance role is to ensure that its statutory responsibilities, duties and powers are carried out at the most effective and efficient levels.
12. The Chief Executive is delegated functions under the RMA in the *Delegation to Positions Policy*. The *Delegations to Officers specific to the Resource Management Act 1991 (RMA)* identifies additional officers who are authorised to carry out functions under the RMA.
13. A full review of the existing delegations to officers has been undertaken because:
  - i. a full review had not occurred for some time;
  - ii. Council has made recent changes to the *Delegations to Positions Policy* relating to the RMA; and
  - iii. amendments to the RMA and to staff job titles require review and updating.

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

#### **The Delegations to Officers Specific to the RMA have been reviewed**

14. Tompkins Wake was asked to review Council's delegations under the RMA to:
  - i. ensure recent changes Council made to the delegations are properly reflected in the *Delegations to Officers Specific to the RMA*. These include:
    - a. on 4 February 2020 Council resolved to **remove** the following exclusion from the Chief Executive's delegations:
 

*Approval to settle and submit a draft consent order to the Environment Court relating to an appeal on a Proposed Plan, Plan change, Variation or Notice of Requirement to designate land or for a heritage order.*
    - b. on 30 April 2020 Council resolved to add a new delegation to the Independent Hearing Commissioner Panel:
 

*To hear submissions and decide on Plan Changes and Reviews of the Operative Hamilton City Council District Plan under Schedule 1 to the RMA where Council resolves to not hear and decide those matters.*
  - ii. review delegations to ensure that they correctly reflect all recent amendments to the RMA and any changes to staff job titles and organisational structures; and
  - iii. Given the removal of the exclusion to the Chief Executive's delegations referred to in para 14.i.a., to ensure that Council's powers to take part in legal proceedings and agree to a settlement for District Plan, RMA and heritage matters are clearly and appropriately delegated to staff.

### **A revised Council Policy: Delegations to Officers Specific to the RMA has been prepared**

15. A revised *Council Policy: Delegations to Officers Specific to the Resource Management Act 1991* ('RMA') has been prepared for Council approval (**Attachment 1**).
16. In summary, the Policy confirms the delegations already in place, reformats the document for ease of use, and incorporates amendments to the RMA and to staff job titles.
17. In respect of the three aims of the review:
  - i. The delegation changes previously made by the Council have been incorporated.
  - ii. Recent changes to the RMA are administrative in nature and senior staff have recommended appropriate levels of delegation. Correct staff job titles and new levels of delegation have also been incorporated to ensure that holders of delegations are correctly identified, and that delegations are held at the most effective and efficient levels. No changes are required or proposed to the RMA powers retained by Council (contained in Council's *Delegations to Positions Policy*).
  - iii. The review concludes that the powers to take part in legal proceedings and to agree to settlements for District Plan, RMA and heritage matters (resulting from the Council resolution to remove the exclusion from the Chief Executive's RMA delegations on 4 February 2020) have been clearly and appropriately delegated to senior staff (Chief Executive, Relevant General Managers and Unit Managers).
18. The review expanded the explanatory section and makes minor clarifications and corrects typographical errors. The document has also been reformatted for ease of use.

### **Options**

19. There are no options for Elected Members to consider.
20. The *Council Policy: Delegations to Officers Specific to the RMA* requires approval by Council to confirm the delegations already in place, correct the format of the document, and incorporate amendments to the RMA and to staff job titles.

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

21. External costs to complete the review of the *Delegations to Officers Specific to the RMA* was funded from the Regulatory Efficiency and Effectiveness Programme budget.
22. Staff time was the only other cost involved in reviewing the *Delegations to Positions Policy*.
23. There are no direct financial implications of adopting the recommendations in this report.

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

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

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

25. The purpose of Local Government changed in 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the four wellbeings').
26. The subject matter of this report has been evaluated in terms of the four wellbeing during the process of developing this report.

27. In addition, promoting efficiency and effectiveness in Council decision making enables both staff and Elected Members to focus on the decisions that have a real impact for the community and – in this sense – the recommendations are consistent with the purpose of local government.

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

28. The risk associated with any delegation of Council power is the reduced oversight Council has of the decision. However, delegation is well-understood to be an inevitable and necessary aspect of local government as it enables the efficient and effective administration of Council activities.
29. For every delegation, the risk involved is mitigated by thorough consideration of the appropriate level of delegation by staff.

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

##### **Significance**

30. 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**

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

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

Attachment 1 - Council Policy - Delegations to Officers (RMA) clean copy 24 May 2021



**COUNCIL POLICY:  
DELEGATIONS TO OFFICERS  
SPECIFIC TO THE RESOURCE MANAGEMENT ACT 1991 ('RMA')**



#### REVISION HISTORY

| <i>Revision #</i> | <i>Policy Sponsor</i> | <i>Approval Date and date of next scheduled review</i> | <i>Decision to adopt management policy to be made by Council</i> | <i># TRIM Reference</i> | <i>Related Operating Policies</i> |
|-------------------|-----------------------|--------------------------------------------------------|------------------------------------------------------------------|-------------------------|-----------------------------------|
|                   |                       |                                                        |                                                                  |                         |                                   |
|                   |                       |                                                        |                                                                  |                         |                                   |
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|                   |                       |                                                        |                                                                  |                         |                                   |

## 1. PURPOSE

- Council has made the following delegations under the RMA:
- Council to its Chief Executive (these delegations are set out in Council's Policy Delegations to Positions ('Delegations Policy');
- Council to the Independent Hearings Commissioners' Panel (these delegations are recorded in the Governance Structure); and
- Council to Council officers (these delegations are recorded in this Council Policy).

This Council Policy is to be read with reference to the delegated financial authorities set out in the *Management Policy - Financial Delegations to Officers*.

## 2. DELEGATIONS BY COUNCIL TO THE CHIEF EXECUTIVE (SPECIFIC TO THE RMA)

In adopting the Delegations Policy, Council delegated to its Chief Executive all responsibilities, duties and powers to act on any matter in respect of the RMA, subject to the Exclusions, Conditions and Notes listed in the Delegations Policy. The following exclusions and conditions apply to the RMA:

### Exclusions

- Sub-delegation by the Chief Executive (prohibited by s34A(1)(b)).
- Approval of a proposed district plan (prohibited by s34A(1)(a)).
- Notification of a proposed district plan.
- Rejection of a private plan change request.
- Hearing and determining objections to officer-declined resource consent applications (delegated to independent hearings commissioners).

### Conditions

- This delegation does not preclude the Chief Executive from referring any matter to the Council or a Committee for decision if the matter is: particularly significant; of political importance or sensitivity; of special community interest; or for any other reasons the Chief Executive determines.
- The Chief Executive shall exercise this delegation in accordance with any plans, policies, and procedures and bylaws adopted by Council and with any specific directives given by way of resolution of the Council or a Committee.
- This delegation shall remain in effect until such time as it is varied or revoked by resolution of the Council.
- Where a delegation is exercised by a General Manager (other than the Deputy Chief Executive) in the unplanned or unforeseen absence of the Chief Executive, that prior consultation occurs with the Senior Leadership Team.

### 3. DELEGATIONS BY COUNCIL TO COUNCIL OFFICERS (SPECIFIC TO THE RMA)

Council hereby delegates to the officers shown in the **attached** Delegation Structure the Council's responsibilities, duties and powers to act on any matter where the officer's position is shown as having authority in the **attached** section by section summary of delegations under the RMA. The following Exclusions, Notes and Principles apply.

#### Exclusions

- Sub-delegation by officers (prohibited by s34A(1)(b)).
- Approval of a proposed district plan (prohibited by s34A(1)(a)).
- Notification of a proposed district plan.
- Rejection of a private plan change request.
- Hearing and determining objections to officer-declined resource consent applications (delegated to independent hearings commissioners).

#### Notes:

- The delegations to Council officers as set out in this Council Policy are consistent with the direction set out in section 34A(1) of the RMA that Council delegates to an employee.
- Where more than one officer is delegated authority, any one officer may exercise the noted function, power or duty.
- References to 'Relevant General Manager' or 'Relevant Unit Manager' in the attached Delegations Structure refer to the General Manager or Unit Manager (as appropriate) who is undertaking a specific responsibility, duty and/or power under the RMA within that officer's area of responsibility.
- Where any delegation refers to a position title and the name of the position title subsequently changes without substantial changes being made to the position holder's job description (in respect of the function to which the delegation relates), all delegations in the name of the previous position title are and shall be effective for the position holder of the new position title.
- Where a Council employee is appointed to act in the position of a delegate, that Council employee shall be deemed to have the delegated authority of the Delegate for the duration that she/he is appointed to act in that position. This is consistent with section 14 of the of the Interpretation Act 1999 – Exercise of Powers by Deputies – which specifies that a person lawfully acting in an office may exercise any of the powers conferred on the holder of that office. However, to clarify, that employee must only exercise the relevant delegated authority within his/her area of expertise and responsibility as detailed in their position job description.
- Where under the RMA or associated regulations, a named position (for example, "enforcement officer" or "authorised officer") is expressly authorised to carry out a specific responsibility, duty or power, the appointment of the officers to carry out that specific responsibility, duty or power is recorded in the individual warrant issued by the Chief Executive (or other officer having delegated authority), from time to time.

**Principles:**

- The delegate is acting on behalf of the Council when exercising delegated authority. In so doing, the delegate will ensure they act in accordance with any:
  - binding statutory authority (in relation to each delegation, relevant sections of legislation will be identified); and
  - relevant Council policy or process, including delegated financial authority and reporting requirements.
- Those officers with responsibility for a delegated task or function should always have the authority to carry it out effectively.
- Those officers with authority to perform a delegated responsibility, duty or power should always be responsible for the performance of the delegation in a full, fair and objective manner. To this end, it is open to the person delegated a responsibility, duty or power to consider whether or not to exercise that delegated responsibility, duty or power, or to refer the matter back to the Council or the relevant Committee.
- Subject to any legislative restrictions, a responsibility, duty or power delegated to an officer is also delegated to all officers in a direct line of authority above that officer and is also delegated to any officer who is in an acting capacity for that officer.
- Any delegation made includes any ancillary responsibilities, duties or powers necessary to give effect to that delegation.
- Unless specifically restricted, a delegation under this Council Policy continues in force until expressly revoked or varied by resolution of Council in writing. A delegation will survive any change in the person occupying the office to which the delegation was made.

**4. DELEGATIONS BY COUNCIL TO HEARINGS COMMISSIONERS (SPECIFIC TO RMA)**

In adopting the Governance Structure, Council delegated to an Independent Hearings Commissioners' Panel the following specific powers:

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

**Notes:**

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

- Where a hearings commissioner is appointed to act in the position of Delegate, that hearings commissioner shall be deemed for the duration that she/he is appointed to act in that position. This is consistent with section 14 of the Interpretation Act 1999 – Exercise of Powers by Deputies – which specifies that a person lawfully acting in an office may exercise any of the powers conferred on the holder of that office.

## 5. MONITORING AND IMPLEMENTATION

The Chief Executive's Office will monitor the implementation of this Council Policy.

## Delegations of Council powers under the Resource Management Act 1991

### *Index to delegations to officers specific to Resource Management Act*

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## RESOURCE CONSENTS & SUBDIVISION

| RESOURCE CONSENTS & SUBDIVISION                       |                                                                                                                                                                                                                                                                                                                                                                 | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
| Section                                               | Function, power or duty                                                                                                                                                                                                                                                                                                                                         | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Council as consent authority or territorial authority |                                                                                                                                                                                                                                                                                                                                                                 |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 87BA                                          | <b>Boundary activities approved by neighbours on infringed boundaries are permitted activities</b><br><div>- Power to determine and notify applicant as to whether activity is a permitted activity.<br/>- Power to determine and return an application for a boundary activity to the applicant if it is not a permitted activity, with written reasons.</div> | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         | ✓              |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                                                    | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 87BB                    | <b>Activities meeting certain requirements are permitted activities</b><br>- Power to determine and notify that an activity, meeting certain requirements, is a permitted activity.                | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         | ✓              |                                   |                            |                                                                       |                       |                              |                        |
| Section 87E                     | <b>Consent authority's decision on request</b><br>- Power to determine applicant's request to allow application for resource consent to be determined by the Environment Court instead of Council. | ✓                          | ✓                      | ✓                              |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |



| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                                                           | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 87F                     | <b>Consent authority’s subsequent processing</b><br>- Power to continue processing application and prepare and provide report where the applicant has requested direct referral to the Environment Court. | ✓                          | ✓                      | ✓                              |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 87G(3)                  | <b>Environment Court determines application</b><br>- Duty to provide the Court with certain documents.                                                                                                    | ✓                          | ✓                      | ✓                              |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 87H                     | <b>Residual powers of consent authority</b><br>- Where resource consent is granted by the Environment Court on direct referral, Council has the same functions powers and duties in relation to the       | ✓                          | ✓                      | ✓                              |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                                      | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|                                 | consent as if it had granted the consent itself.                                                                                                                                     |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 87(2)                   | <b>When consent authority must determine application</b><br>- Power to determine an application for resource consent where no notice of motion is lodged with the Environment Court. | ✓                          | ✓                      | ✓                              |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 88                      | <b>Making an application</b><br>- Power to return an incomplete application.                                                                                                         | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 89A(2) & (5)            | <b>Applications affecting navigation to be referred to Maritime New Zealand</b><br>- Duty to provide relevant documents to Maritime New Zealand and to the parties.                  | ✓                          | ✓                      | ✓                              |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                                                                                                                            | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 91                      | <b>Deferral pending application for additional consents</b><br>- Power to defer an application for resource consent if other resource consents are required.                                                                                                               | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 91A - C                 | <b>Applicant may have processing of notified application suspended</b><br>- Power to suspend processing on request.<br>- Power to cease to suspend processing.<br>- Power to decide to return or continue to process an application following expiry of suspension period. | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         | ✓              |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                                                                                                                                                                                           | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 91D - F                 | <b>Applicant may have processing of non-notified application suspended</b> <ul style="list-style-type: none"> <li>- Power to suspend processing on request.</li> <li>- Power to cease to suspend processing.</li> <li>- Power to decide to return or continue to process an application following expiry of suspension period.</li> </ul> | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         | ✓              |                                   |                            |                                                                       |                       |                              |                        |
| Section 92<br>Section 92A       | <b>Further information, or agreement, may be requested</b> <ul style="list-style-type: none"> <li>- Power to request further information or commission a report, including setting timeframes for providing requested information (if applicable).</li> </ul>                                                                             | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         | ✓              |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                                  | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 95                      | <b>Time limit for public notification or limited notification</b><br>- Duty to comply with time limits for determining whether a consent application is required to be notified. | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         | ✓              |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 95A<br>Section 95D      | <b>Public notification of consent applications</b><br>- Power to determine whether to publicly notify a consent application including the power to determine whether: <ul style="list-style-type: none"><li>• The consent application meets the criteria for mandatory public notification;</li><li>• The consent application is precluded from public notification;</li><li>• The activity will have or is likely to have adverse effects on the environment that are more than minor;</li><li>• Special circumstances exist.</li></ul> | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         | ✓              |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section                                                  | Function, power or duty                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 95B<br>Section 95E<br>Section 95F<br>Section 95G | <b>Limited notification of consent application</b><br>- Power to determine whether to give limited notification of a consent application, including the power to determine whether: <ul style="list-style-type: none"><li>• There are any affected groups or persons;</li><li>• The activity is on, adjacent to or may affect land that is the subject of a statutory acknowledgement;</li><li>• Limited notification is precluded;</li><li>• Special circumstances exist.</li></ul> | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         | ✓              |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                                                                                                    | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 95C                     | <b>Public notification of consent application after request for further information or report</b><br>- Duty to publicly notify a consent application where a request for further information or to commission a report is refused or not actioned. | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         | ✓              |                                   |                            |                                                                       |                       |                              |                        |



| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                      | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 97                      | <b>Time limit for submissions</b><br>- Power to adopt an earlier closing date for submissions under the circumstances specified.                                     | ✓                          | ✓                      | ✓                              |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 98                      | <b>Advice of submissions to applicant</b><br>- Duty to provide the applicant with a list of submitters.                                                              | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         | ✓              |                                   |                            |                                                                       |                       |                              |                        |
| Section 99                      | <b>Pre-hearing meetings</b><br>- Power to determine whether to hold a pre-hearing meeting.<br>- Power to decline to process an application or consider a submission. | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 99A                     | <b>Mediation</b><br>- Power to refer a resource consent applicant and submitters to mediation; and<br>- Power to appoint a mediator.                                 | ✓                          | ✓                      | ✓                              |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                        | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 100(a)                  | <b>Obligation to hold a hearing</b><br>- Power to determine whether a hearing is necessary.            | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 101                     | <b>Hearing date and notice</b><br>- Power to fix a commencement date, time and the place of a hearing. | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         |                |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                         | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 102                     | <b>Joint hearings by two or more consent authorities</b><br>- Power to determine if a joint hearing is required.                        | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 103                     | <b>Combined hearings in respect of two or more applications</b><br>- Power to determine if a combined hearing is required.              | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 103B                    | <b>Requirement to provide a report and other evidence before hearing</b><br>- Duty to provide report and other evidence before hearing. | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 104                     | <b>Consideration of applications</b><br>- Power to grant or refuse an application for resource consent.                                 | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         | ✓              |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                                                                                                                                                                                             | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 104A                    | <b>Determination of applications for controlled activities</b><br>- Power to grant an application for a controlled activity;<br>- Power to impose consent conditions.<br>- Power to refuse an application for a controlled activity if there is insufficient information to determine whether or not the activity is a controlled activity. | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         | ✓              |                                   |                            |                                                                       |                       |                              |                        |
| Section 104B<br>Section 104D    | <b>Determination of applications for discretionary or non-complying activities</b><br>- Power to grant or refuse an application for a discretionary or non-complying activity;<br>- Power to impose consent conditions.                                                                                                                     | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         | ✓              |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                                                             | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 104C                    | <b>Determination of applications for restricted discretionary activities</b><br>- Power to grant or refuse an application for a restricted discretionary activity;<br>- Power to impose consent conditions. | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         | ✓              |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                                                                   | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 106                     | <b>Consent authority may refuse subdivision consent in certain circumstances</b><br>- Power to refuse to grant subdivision consent, or grant subdivision consent subject to conditions, in certain circumstances. | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 108 and 108AA           | <b>Conditions of resource consent</b><br>- Power to impose consent conditions.                                                                                                                                    | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         | ✓              |                                   |                            |                                                                       |                       |                              |                        |
| Section 108A                    | <b>Bonds</b><br>- Power to impose terms of bonds.                                                                                                                                                                 | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                                                           | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 109                     | <b>Special provisions in respect of bonds or covenants</b><br>- Power to enter land and complete works and to recover costs and register any shortfall as a charge on the land.                           | ✓                          | ✓                      | ✓                              |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 357C                    | <b>Procedure for making and hearing objection under section 357 to 357B</b><br>- Power to allow a longer objection period.<br>- Duty to provide written notice of the date, time and place for a hearing. | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                                                                                                                                                                                                                                                                                | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 357D                    | <b>Decision on objections made under sections 357 to 357B (excluding 357A(2))</b><br>- Power to decide objections against certain Council decisions but excluding: <ul style="list-style-type: none"><li>objections against officer-declined resource consent applications; and</li><li>objections that are not resolved under s357C(3) or (4);</li></ul> which will need to be heard by hearings commissioners (independent). | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 110                     | <b>Refund of money and return of land where activity does not proceed</b><br>- Power to retain a portion of a financial contribution or land                                                                                                                                                                                                                                                                                   | ✓                          | ✓                      | ✓                              |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |



| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                    | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|                                 | equivalent to costs incurred by Council.<br>- Power to authorise the refund of a financial contribution or land where an activity does not proceed |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                                   | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Sections 113, 114 and 115       | <b>Decisions on applications to be in writing, etc</b><br>- Duty to give written notice of the decision within the specified timeframes.                                          | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         | ✓              |                                   |                            |                                                                       |                       |                              |                        |
| Sections 120 and 358            | <b>Right to appeal</b><br>- Powers (as respondent) in respect of an appeal to the Environment Court as set out in the Environment Court Procedure section of this Council Policy. | ✓                          | ✓                      | ✓                              |                                |                              |                   |                           |                |                                   | ✓                          | ✓                                                                     | ✓                     |                              |                        |
| Section 124                     | <b>Exercise of resource consent while applying for new consent</b><br>- Power to allow resource consent to be exercised while application for new consent being processed.        | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                                      | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 125(1A)                 | <b>Lapsing of consent</b><br>- Power to extend the lapse period of a consent.                                                                                                        | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 126                     | <b>Cancellation of consent</b><br>- Power to cancel a resource consent.<br>- Power to revoke a cancellation notice in the circumstances specified.                                   | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 127                     | <b>Change or cancellation of consent condition on application by consent holder</b><br>- Power to grant or refuse an application to cancel or change consent conditions <sup>1</sup> | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         |                |                                   |                            |                                                                       |                       |                              |                        |

<sup>1</sup> For clarity, this power is delegated to an Independent Commissioner where an application to change or cancel a condition of a resource consent is referred to a hearing.

| RESOURCE CONSENTS & SUBDIVISION           |                                                                                                                                                   | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 128<br>Section 130<br>Section 131 | <b>Circumstances when consent conditions can be reviewed</b><br>- Power to review consent conditions and attend to notice requirements.           | ✓                          | ✓                      | ✓                              |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 132                               | <b>Decisions on review of consent conditions</b><br>- Power to make decisions on a review of consent conditions.                                  | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 133A                              | <b>Minor corrections of resource consents</b><br>- Power to correct minor mistakes or defects in a resource consent and issue an amended consent. | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         | ✓              |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                                                                                                                                      | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 138                     | <b>Surrender of consent</b><br>- Power to accept or refuse the surrender of a consent, either in whole or in part.                                                                                                                                                                   | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 139                     | <b>Consent authorities and Environmental Protection Authority to issue certificates of compliance</b><br>- Power to issue a certificate of compliance.<br>- Power to require further information to be provided in order to determine if a certificate of compliance must be issued. | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 139A                    | <b>Consent authorities to issue existing use certificates</b><br>- Power to issue or revoke an existing use certificate.<br>- Power to require further information to be provided in                                                                                                 | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                             | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|                                 | order to determine if an existing use certificate must be issued.                                                                                                           |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 142                     | <b>Minister may call in matter that is or is part of proposal of national significance</b><br>- Power to request the Minister to call in a matter of national significance. | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 149B                    | <b>Local authority's obligations if matter called in</b><br>- Duty to provide information to the EPA.                                                                       | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                            | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 149K                    | <b>How members appointed</b><br>- Power to suggest to the Minister members for a board of inquiry.                                                                         | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 149V(1)                 | <b>Appeal from decisions only on questions of law</b><br>- Power to appeal to the High Court against a decision of a board of inquiry.                                     | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 149Z                    | <b>Local authority must process referred matter</b><br>- Duty to process a matter referred by the EPA under s149Y.                                                         | ✓                          | ✓                      | ✓                              |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 149ZD                   | <b>Costs of processes under this Part recoverable from applicant</b><br>- Power to recover actual and reasonable costs from applicant, and to provide estimate on request. | ✓                          | ✓                      | ✓                              |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                           | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 220                     | <b>Condition of subdivision consents</b><br>- Power to impose subdivision consent conditions.                                                             | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         | ✓              | ✓                                 |                            |                                                                       |                       |                              |                        |
| Section 221                     | <b>Territorial authority to issue a consent notice</b><br>- Power to issue a consent notice.<br>- Power to vary or cancel conditions in a consent notice. | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 |                           |                | ✓                                 |                            |                                                                       |                       |                              |                        |
| Section 222                     | <b>Completion certificates</b><br>- Power to issue a completion certificate;<br>- Power to impose a bond.                                                 | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            |                   |                           |                | ✓                                 |                            |                                                                       |                       |                              |                        |
| Section 223                     | <b>Approval of survey plan by territorial authority</b><br>- Power to approve or decline a survey plan.                                                   | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            |                   |                           |                | ✓                                 |                            |                                                                       |                       |                              |                        |



| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                             | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 224(c)                  | <b>Restrictions upon deposit of survey plan</b><br>- Power to issue a certificate under s 224(c).                           | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            |                   |                           |                | ✓                                 |                            |                                                                       |                       |                              |                        |
| Section 226                     | <b>Restriction upon issue of certificates of title for subdivision</b><br>- Power to issue a certificate under s 226(1)(e). | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            |                   |                           |                | ✓                                 |                            |                                                                       |                       |                              |                        |
| Section 232                     | <b>Creation of esplanade strips</b><br>- Power to create an esplanade strip.                                                | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                                           | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section                         | Function, power or duty                                                                                                                                                                   | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 234                     | <b>Variation or cancellation of esplanade strips</b><br>- Power to grant or decline an application to vary or cancel an instrument creating an esplanade strip.                           | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 235                     | <b>Creation of esplanade strips by agreement</b><br>- Power to enter into an agreement to create an esplanade strip and do all things necessary to effect registration of the instrument. | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            |                   |                           |                | ✓                                 |                            |                                                                       |                       |                              |                        |
| Section 237                     | <b>Approval of survey plans where esplanade reserve or esplanade strips required</b><br>- Power to approve a separate survey plan showing an esplanade reserve or esplanade strip.        | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                             | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 237B                    | <b>Access strips</b><br>- Power to create an easement over land;<br>- Power to vary or cancel the easement. | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                        | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 237C                    | <b>Closure of strips to the public</b><br>- Power to close an esplanade strip or access strip.                                                                         | ✓                          | ✓                      | ✓                              |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 237D                    | <b>Transfers to the Crown or Regional Council</b><br>- Power to agree to vest an esplanade reserve or the bed of any river or lake in the Crown or a regional council. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 237E                    | <b>Compensation for taking of esplanade reserves or strips on allotments of less than 4 hectares</b><br>- Duty to pay compensation.                                    | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 237F                    | <b>Compensation for taking up esplanade reserves or strips on allotments of 4 hectares or more</b><br>- Duty to pay compensation.                                      | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 237G                    | <b>Compensation</b><br>- Duty to pay compensation.                                                                                                                     | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                                   | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 237H                    | <b>Valuation</b><br>- Power to object to compensation determined by a registered valuer.                                                                                          | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 239                     | <b>Vesting of reserves or other land</b><br>- Power to certify specified interests on a survey plan.                                                                              | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            |                   |                           |                | ✓                                 |                            |                                                                       |                       |                              |                        |
| Section 240                     | <b>Covenant against transfer of allotments</b><br>- Power to cancel a covenant against the transfer of allotment;<br>- Power to certify cancellation of a covenant.               | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 241                     | <b>Amalgamation of allotments</b><br>- Power to cancel a subdivision consent condition requiring amalgamation of allotments;<br>- Power to certify cancellation of the condition. | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                                                                                     | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 243                     | <b>Survey plan approved subject to grant or reservation of easements</b><br>- Power to cancel a subdivision consent condition requiring the grant or reservation of easements;<br>- Power to certify cancellation of the condition. | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 299<br>Section 305      | <b>Appeal to the High Court on a question of law</b><br>- Power to appeal an Environment Court decision, report or recommendation on a question of law to the High Court.                                                           | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 301                     | <b>Right to appear and be heard on appeal</b><br>- Power to give notice of intention to appear before the High Court                                                                                                                | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION              |                                                                                                                                                                                                          | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 308                                  | <b>Appeals to the Court of Appeal</b><br>- Power to apply for leave to appeal a decision of the High Court to the Court of Appeal.                                                                       | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| <b>Council as resource consent applicant</b> |                                                                                                                                                                                                          |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 87D                                  | <b>Request for application to go directly to the Environment Court</b><br>- Power to ask Council to allow application for resource consent to be determined by the Environment Court instead of Council. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 88                                   | <b>Making an application</b><br>- Power to make an application for resource consent.                                                                                                                     | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                         | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 91A(2)                  | <b>Applicant may have processing of notified application suspended</b><br>- Power to request suspension of processing of notified application.          | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 91B(2)                  | <b>When suspension of processing of notified application ceases</b><br>- Power to request cessation of suspension of notified application.              | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 91D(2)                  | <b>Applicant may have processing of non-notified application suspended.</b><br>- Power to request suspension of processing of non-notified application. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |



| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                         | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 91E(2)                  | <b>When suspension of processing of non-notified application suspended.</b><br>- Power to request cessation of suspension of non-notified application.  | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 92A                     | <b>Responses to request</b><br>- Power to respond to a request for further information.                                                                 | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 92B                     | <b>Responses to notification</b><br>- Power to respond to a request for the commissioning of a report.                                                  | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 95A(3)(a)               | <b>Public notification of consent application at consent authority's discretion</b><br>- Power to request public notification of a consent application. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                           | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 99                      | <b>Pre-hearing meetings</b><br>- Power to request a pre-hearing meeting as the resource consent applicant.                                                | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 99A                     | <b>Mediation</b><br>- Power to request mediation as the resource consent applicant.                                                                       | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 100A                    | <b>Hearing by commissioner if requested by applicant or submitter</b><br>- Power to request that a commissioner hear and determine a consent application. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 120                     | <b>Right to appeal</b><br>- Power to appeal a decision on a consent application to the Environment Court.                                                 | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
|                                 | - Powers (as appellant and/or applicant) set out in the                                                                                                   | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                           | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|                                 | Environment Court Procedure section of this Council Policy.                                                                                                               |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 357                     | <b>Right of objection against certain decisions</b><br>- Power to make objection against Council decision to return application                                           | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Section 357A                    | <b>Right of objection to consent authority against certain decisions or requirements</b><br>- Power to make objection against certain Council decisions.                  | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Section 357AB                   | <b>Objection under section 357A(1)(f) or (g) may be considered by hearings commissioner</b><br>- Power to request that objection be considered by a hearings commissioner | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                 | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 357B                    | <b>Right of objection to imposition of additional charges or recovery of costs</b><br>- Power to make an objection against certain requirements to pay costs.   | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Section 124                     | <b>Exercise of resource consent while applying for new consent</b><br>- Power to apply to continue to exercise existing consent while applying for new consent. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                 | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 358                     | <b>Appeals against certain decisions on objections</b><br>- Power to appeal to the Environment Court a decision on an objection.                | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|                                 | - Powers (as appellant) set out in the Environment Court Procedure section of this Council Policy.-                                             | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 125                     | <b>Lapsing of consent</b><br>- Power to make an application for an extension for a lapse period.                                                | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 127                     | <b>Change or cancellation of consent condition on application by consent holder</b><br>- Power to apply to change or cancel consent conditions. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
|                                 | - Powers (as appellant) set out in the Environment Court                                                                                        | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                            | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|                                 | Procedure section of this Council Policy.                                                                                                                  |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|                                 | - Power to appeal a decision on an application to change or cancel consent conditions.                                                                     | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Section 132                     | <b>Decisions on review of consent conditions</b>                                                                                                           | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
|                                 | - Power to appeal a decision on a review of consent conditions.                                                                                            |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|                                 | - Powers (as appellant) set out in the Environment Court Procedure section of this Council Policy.                                                         | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 134(3)                  | <b>Land use and subdivision consents attach to land</b>                                                                                                    | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
|                                 | - Power to transfer the whole or part of Council's interest in a consent, to do something that would otherwise contravene section 13, to any other person. |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                       | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 135                     | <b>Transferability of coastal permits</b><br>- Power to transfer a coastal permit to another person.                                  | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 136                     | <b>Transferability of water permits</b><br>- Power to transfer a water permit to another person.                                      | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Section 137                     | <b>Transferability of discharge permits</b><br>- Power to transfer a discharge permit to another person.                              | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Section 138                     | <b>Surrender of consent</b><br>- Power to surrender a consent.                                                                        | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 234                     | <b>Variation or cancellation of esplanade strips</b><br>- Power to apply to vary or cancel an instrument creating an esplanade strip. | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                                             | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 139(2)                  | <b>Consent authorities and Environmental Protection Authority to issue certificates of compliance</b><br>- Power to request a certificate of compliance.                                    | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 139A(1)                 | <b>Consent authorities to issue existing use certificates</b><br>- Power to request an existing use certificate.                                                                            | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 145(1)                  | <b>Matter lodged with EPA</b><br>- Power to lodge an application for resource consent with the EPA.                                                                                         | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Section 149                     | <b>EPA may request further information or commission a report</b><br>- Power to respond to a request from the EPA to provide further information or agree to the commissioning of a report. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |



| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                         | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section 299<br>Section 305      | <b>Appeal to the High Court on question of law</b><br>- Power to appeal an Environment Court decision, report or recommendation to the High Court on a question of law. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 301                     | <b>Right to appear and be heard on appeal</b><br>- Power to give notice of intention to appear before the High Court                                                    | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 308                     | <b>Appeals to the Court of Appeal</b><br>- Power to apply for leave to appeal a decision of the High Court to the Court of Appeal.                                      | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| <b>Council as submitter</b>     |                                                                                                                                                                         |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 95E(3)(a)               | <b>Consent authority decides if person is affected person</b><br>- Power to give written approval to a proposal as an affected person                                   | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                         | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
| Section                         | Function, power or duty                                                                                                                                 | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 96                      | <b>Making Submissions</b><br>- Power to make a submission on an application for resource consent.                                                       | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Section 100A                    | <b>Hearing by commissioner if requested by applicant or submitter</b><br>- Power to request a commissioner to hear and determine a consent application. | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Section 120                     | <b>Right to appeal</b><br>- Power to appeal decision on an application for resource consent to the Environment Court.                                   | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|                                 | - Powers (as appellant) set out in the Environment Court Procedure section of this Council Policy.                                                      | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                          | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section                         | Function, power or duty                                                                                                                                  | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 357 to s357C            | <b>Right of objection to consent authority against certain decisions or requirements</b><br>- Power to make objection against certain Council decisions. | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Section 358                     | <b>Appeals against certain decisions on objections</b><br>- Power to appeal to the Environment Court a decision on an objection.                         | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|                                 | - Powers (as appellant) set out in the Environment Court Procedure section of this Council Policy.                                                       | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 274                     | <b>Representation at proceedings</b><br>- Power to give notice to the Environment Court of Council’s intention to become a party to proceedings.         | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| RESOURCE CONSENTS & SUBDIVISION |                                                                                                                                                                     | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section                         | Function, power or duty                                                                                                                                             | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|                                 | - Powers (as s274 party) set out in the Environment Court Procedure section of this Council Policy.                                                                 | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 299<br>Section 305      | <b>Appeal to High Court on question of law</b><br>- Power to appeal an Environment Court decision, report or recommendation on a question of law to the High Court. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 301                     | <b>Right to appear and be heard on appeal</b><br>- Power to give notice of intention to appear before the High Court.                                               | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 308                     | <b>Appeals to the Court of Appeal</b><br>- Power to apply for leave to appeal a decision of the High Court to the Court of Appeal.                                  | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

## DESIGNATIONS

| Section                          | DESIGNATIONS<br>Function, power or duty                                                                                                                     | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|                                  |                                                                                                                                                             | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Council as territorial authority |                                                                                                                                                             |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 198C                     | <b>Territorial authority's decision on request</b><br>- Power to determine a requiring authority request that the Environment Court decide the requirement. | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 198D                     | <b>Territorial authority's subsequent processing</b><br>- Duty to continue processing the requirement.                                                      | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |
| Section 198E                     | <b>Environment Court decides</b><br>- Duty to provide information to the Environment Court.                                                                 | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |
|                                  | - Powers (as territorial authority) set out in the                                                                                                          | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| Section        | DESIGNATIONS<br>Function, power or duty                                                                                                                                                                                                                           | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|                |                                                                                                                                                                                                                                                                   | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|                | Environment Court Procedure section of this Council Policy.                                                                                                                                                                                                       |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 168(5) | <b>Notice of requirement to territorial authority</b><br>- Duty to notify withdrawal of requirement.                                                                                                                                                              | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |
| Section 169    | <b>Further information, notification, submissions, and hearing for notice of requirement to territorial authority</b><br>- Power to notify a notice of requirement, request further information, hold a pre-hearing meeting, conduct mediation and hold a hearing | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |

| Section     | DESIGNATIONS<br>Function, power or duty                                                                                      | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|             |                                                                                                                              | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 170 | <b>Discretion to include requirement in a proposed plan</b><br>- Power to include a requirement in a proposed District Plan. | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |
| Section 171 | <b>Recommendation by territorial authority</b><br>- Power to make a recommendation to the requiring authority.               | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |
| Section 173 | <b>Notification of decision on designation</b><br>- Duty to notify decision of requiring authority.                          | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |
| Section 174 | <b>Appeals</b><br>- Power to appeal to the Environment Court against a decision of the requiring authority.                  | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| Section      | DESIGNATIONS<br>Function, power or duty                                                                                                          | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|              |                                                                                                                                                  | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|              | - Powers (as appellant) set out in the Environment Court Procedure section of this Council Policy.                                               | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 175  | <b>Designation to be provided for in District Plan</b><br>- Power to provide for a designation in the District Plan (Schedule 1 does not apply). | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |
| Section 176A | <b>Outline plan</b><br>- Power to waive requirement for an outline plan.<br>- Power to request changes to an outline plan.                       | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 | ✓                         |                |                                   | ✓                          |                                                                       |                       |                              |                        |
|              | - Power to appeal to the Environment Court a requiring authority                                                                                 | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |



| Section | DESIGNATIONS                                                                                       | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|         | Function, power or duty                                                                            | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|         | refusal to change an outline plan.                                                                 |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|         | - Powers (as appellant) set out in the Environment Court Procedure section of this Council Policy. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| Section     | DESIGNATIONS<br>Function, power or duty                                                                                                                                                                                     | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|             |                                                                                                                                                                                                                             | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 179 | <b>Appeals relating to sections 176 to 178</b><br><div>- Power to appeal to the Environment Court against a refusal of written consent by the requiring authority or against conditions imposed on a written consent.</div> | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|             | <div>- Powers (as appellant) set out in the Environment Court Procedure section of this Council Policy.</div>                                                                                                               | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 180 | <b>Transfer of rights and responsibilities for designations</b><br><div>- Power to note transfer of designation in the district plan.</div>                                                                                 | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| Section     | DESIGNATIONS<br>Function, power or duty                                                                                                                                                             | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|             |                                                                                                                                                                                                     | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 181 | <b>Alteration of designation</b><br>- Power to alter a designation or requirement in the District Plan.                                                                                             | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |
| Section 182 | <b>Removal of designation</b><br>- Power to amend the District Plan to remove a designation or part of a designation (Schedule 1 does not apply). Power to decline to remove part of a designation. | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |
| Section 184 | <b>Lapsing of designations which have not been given effect to</b><br>- Power to extend the lapse period of a designation.                                                                          | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |

| Section                        | DESIGNATIONS<br>Function, power or duty                                                                                                                        | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|                                |                                                                                                                                                                | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 358                    | <b>Appeals against certain decisions or objections</b><br>- Powers (as respondent) set out in the Environment Court Procedure section of this Council Policy.  | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Council as requiring authority |                                                                                                                                                                |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 168                    | <b>Notice of requirement to territorial authority</b><br>- Power to issue a notice of requirement in another district;<br>- Power to withdraw the requirement. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Section 168A                   | <b>Notice of requirement by territorial authority</b><br>- Power to issue a notice of requirement in Hamilton City                                             | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |

| Section               | DESIGNATIONS                                                                                                                                        | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|                       | Function, power or duty                                                                                                                             | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 172           | <b>Decision of requiring authority</b><br>- Power to decide requirement;<br>- Power to modify the requirement.                                      | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Section 174           | <b>Appeals</b><br>- Powers (as requiring authority) set out in the Environment Court Procedure section of this Council Policy.                      | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 198A and 198B | <b>Sections 198B to 198G apply to requirements under section 168 or 189</b><br>- Power to request to have requirement decided by Environment Court. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| Section      | DESIGNATIONS                                                                                                                                                    | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|              | Function, power or duty                                                                                                                                         | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 198C | <b>Territorial authority's decision on request</b><br>- Power to make an objection against decline of request to have requirement decided by Environment Court. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 198E | <b>Environment Court decides</b><br>- Power to lodge a notice of motion with Environment Court requesting Court decides requirement.                            | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|              | - Powers (as requiring authority) set out in the Environment Court Procedure section of this Council Policy.                                                    | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| Section               | DESIGNATIONS<br>Function, power or duty                                                                                                                                                                                        | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|                       |                                                                                                                                                                                                                                | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 198H and 198I | <b>Sections 198I to 198M apply to requirements under section 168A or 189A</b> <ul style="list-style-type: none"> <li>- Power to decide to have Council's requirement in Hamilton City decided by Environment Court.</li> </ul> | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 198K          | <b>Environment Court decides</b> <ul style="list-style-type: none"> <li>- Power to lodge a notice of motion with Environment Court requesting Court decides Council's requirement in Hamilton City.</li> </ul>                 | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|                       | <ul style="list-style-type: none"> <li>- Powers (as requiring authority) set out in the Environment Court Procedure section of this Council Policy.</li> </ul>                                                                 | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| Section           | DESIGNATIONS<br>Function, power or duty                                                                                                                                                                                                                   | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|                   |                                                                                                                                                                                                                                                           | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 176(1)(b) | <b>Effect of designation</b><br>- Power to give written consent as requiring authority.                                                                                                                                                                   | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 176A(1)   | <b>Outline plan</b><br>- Power to submit outline plan on behalf of Council as requiring authority.                                                                                                                                                        | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 177       | <b>Land subject to existing designation or heritage order</b><br>- Power to apply to another requiring authority responsible for an earlier designation or heritage order for its written consent;<br>- Power as the authority responsible for an earlier | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |



| Section     | DESIGNATIONS<br>Function, power or duty                                                                                                                  | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|             |                                                                                                                                                          | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|             | designation or heritage order to give or withhold consent.                                                                                               |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 180 | <b>Transfer of rights and responsibilities</b><br>- Power to transfer responsibility of the designation.                                                 | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 181 | <b>Alteration of designation</b><br>- Power to give notice to alter Council's designation or requirement.                                                | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Section 182 | <b>Removal of designation</b><br>- Power to give notice to remove all or part of Council's designation;<br>- Power to make objection, under section 357, | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |

| Section     | DESIGNATIONS<br>Function, power or duty                                                                                                                                                                                                                                                                                                                                                                                                     | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|             |                                                                                                                                                                                                                                                                                                                                                                                                                                             | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|             | against refusal to remove part of a designation.                                                                                                                                                                                                                                                                                                                                                                                            |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 184 | <b>Lapsing of designations which have not been given effect to</b><br><div><div>- Power to apply to extend the lapse period of a Council designation;</div><div>- Power to make objection, under section 357, against refusal to extend the lapse period of a Council designation.</div></div><br>(Section 184A applies to the extension of a lapse period of a Council designation of land in Hamilton City. Council resolution required). | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |

| Section             | DESIGNATIONS                                                                                                                                                                                                                              | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
|                     | Function, power or duty                                                                                                                                                                                                                   | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 357 to 357C | <b>Right of objection to consent authority against certain decisions or requirements</b><br>- Power to make objection against certain Council decisions.                                                                                  | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Section 358         | <b>Appeals against certain decisions on objections</b><br>- Power to appeal to the Environment Court a decision on an objection against refusal to remove all or part of a designation or extend a lapse period of a Council designation. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|                     | - Powers (as appellant) set out in the Environment Court Procedure section of this Council Policy.                                                                                                                                        | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| Section              | DESIGNATIONS<br>Function, power or duty                                                                                                                                                                                                                                                                            | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
|                      |                                                                                                                                                                                                                                                                                                                    | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Council as submitter |                                                                                                                                                                                                                                                                                                                    |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 169          | <b>Further information, notification, submissions, and hearing of notice of requirement to territorial authority</b><br><div><div>- Power to make a submission on a notice of requirement;</div><div>- Power to request that a commissioner hear and make a recommendation on a notice of requirement.</div></div> | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 174          | <b>Appeals</b><br><div><div>- Power to appeal to the Environment Court a requiring authority's decision.</div></div>                                                                                                                                                                                               | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| Section                    | DESIGNATIONS                                                                                                                                     | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|                            | Function, power or duty                                                                                                                          | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|                            | - Powers (as appellant) set out in the Environment Court Procedure section of this Council Policy.                                               | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 274                | <b>Representation at proceedings</b><br>- Power to give notice to the Environment Court of Council’s intention to become a party to proceedings. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|                            | - Powers (as s274 party) set out in the Environment Court Procedure section of this Council Policy.                                              | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 299<br>Section 305 | <b>Appeal to High Court on question of law</b><br>- Power to appeal an Environment Court decision, report or                                     | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| Section     | DESIGNATIONS<br>Function, power or duty                                                                                            | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|             |                                                                                                                                    | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|             | recommendation on a question of law to the High Court.                                                                             |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 301 | <b>Right to appear and be heard on appeal</b><br>- Power to give notice of intention to appear before the High Court               | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 308 | <b>Appeals to the Court of Appeal</b><br>- Power to apply for leave to appeal a decision of the High Court to the Court of Appeal. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

## HERITAGE ORDERS

| HERITAGE ORDERS                  |                                                                                                                                                                       | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                        |                       |                              |                        |
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| Section                          | Function, power or duty                                                                                                                                               | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager , Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Council as territorial authority |                                                                                                                                                                       |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                        |                       |                              |                        |
| Section 198C                     | <b>Territorial authority's decision on request</b><br>- Power to determine a heritage protection authority request that the Environment Court decide the requirement. | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            |                                                                        |                       |                              |                        |
| Section 189(5)                   | <b>Notice of requirement to territorial authority</b><br>- Duty to notify withdrawal of requirement.                                                                  | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                        |                       |                              |                        |

| HERITAGE ORDERS |                                                                                                                                                                                                                                                                              | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
| Section         | Function, power or duty                                                                                                                                                                                                                                                      | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 190     | <b>Further information, notification, submissions and hearing for notice of requirement to territorial authority</b><br><div>- Power to notify a notice of requirement, request further information, hold a pre-hearing meeting, conduct mediation and hold a hearing.</div> | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |
| Section 191     | <b>Recommendation by territorial authority</b><br><div>- Power to make a recommendation to the heritage protection authority.</div>                                                                                                                                          | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |



| HERITAGE ORDERS |                                                                                                                                                                                                                                                                                                                           | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
| Section         | Function, power or duty                                                                                                                                                                                                                                                                                                   | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 192     | <b>Application of other sections</b> <ul style="list-style-type: none"><li>- Power to include a requirement in a proposed plan;</li><li>- Duty to notify decision of heritage protection authority;</li><li>- Power to appeal to the Environment Court against a decision of the heritage protection authority;</li></ul> | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|                 | <ul style="list-style-type: none"><li>- Powers (as appellant) set out in the Environment Court Procedure section of this Council Policy.</li></ul>                                                                                                                                                                        | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| HERITAGE ORDERS |                                                                                                                                                                                                                                                                          | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
| Section         | Function, power or duty                                                                                                                                                                                                                                                  | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|                 | <ul style="list-style-type: none"><li>- Power to provide for a heritage order in the District Plan.</li><li>- Power to note transfer of heritage order in the District Plan.</li></ul>                                                                                   | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 195     | <b>Appeals relating to sections 193 and 194</b> <ul style="list-style-type: none"><li>- Power to appeal to the Environment Court against a refusal of written consent by the heritage protection authority or against conditions imposed on a written consent.</li></ul> | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|                 | <ul style="list-style-type: none"><li>- Powers (as appellant) set out in the Environment Court Procedure section of this Council Policy.</li></ul>                                                                                                                       | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| HERITAGE ORDERS |                                                                                                   | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section         | Function, power or duty                                                                           | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 195A(3) | <b>Alteration of heritage order</b><br>- Power to alter a heritage order in the District Plan.    | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |
| Section 195C    | <b>Notice of determination</b><br>- Duty to note transfer of heritage order in the District Plan. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| HERITAGE ORDERS |                                                                                                                                                                                                                                                                        | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
| Section         | Function, power or duty                                                                                                                                                                                                                                                | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 196     | <b>Removal of heritage order</b> <ul style="list-style-type: none"><li>- Power to amend the District Plan to remove a heritage order or part of a heritage order (Schedule 1 does not apply);</li><li>- Power to decline to remove part of a heritage order.</li></ul> | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 198C    | <b>Territorial authority's decision on request</b> <ul style="list-style-type: none"><li>- Power to determine a heritage protection authority request that the Environment Court decide the requirement.</li></ul>                                                     | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| HERITAGE ORDERS |                                                                                                                | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section         | Function, power or duty                                                                                        | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 198D    | <b>Territorial authority's subsequent processing</b><br>- Duty to continue processing the requirement.         | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |
| Section 198E    | <b>Environment Court decides</b><br>- Duty to provide the Environment Court with the information required.     | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |
|                 | - Powers (as territorial authority) set out in the Environment Court Procedure section of this Council Policy. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| HERITAGE ORDERS                          |                                                                                                                                                                                    | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section                                  | Function, power or duty                                                                                                                                                            | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Council as heritage protection authority |                                                                                                                                                                                    |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 189                              | <b>Notice of requirement to territorial authority</b><br>- Power to give notice of a requirement for a heritage order in another district;<br>- Power to withdraw the requirement. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Section 189A                             | <b>Notice of requirement for heritage order by territorial authority</b><br>- Power to give notice of requirement for a heritage order in Hamilton City.                           | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Section 192                              | <b>Application of other sections</b><br>- Power to decide requirement;                                                                                                             | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |

| Section     | HERITAGE ORDERS<br>Function, power or duty                                                                                 | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|-------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
|             |                                                                                                                            | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|             | - Power to modify the requirement;                                                                                         |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|             | - Powers (as heritage protection authority) set out in the Environment Court Procedure section of this Council Policy.     | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
|             | - Power to give written consent as heritage protection authority;<br>- Power to transfer responsibility of heritage order. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 193 | <b>Effect of heritage order</b><br>- Power to give written consent as heritage protection authority.                       | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |

| HERITAGE ORDERS |                                                                                                                                                                                       | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section         | Function, power or duty                                                                                                                                                               | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 193A    | <b>Land subject to existing heritage order or designation</b><br><div>- Power to give or withhold consent as the authority responsible for an earlier heritage order.</div>           | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Section 195A    | <b>Alteration of heritage order</b><br><div>- Power to give notice to alter the heritage order.</div>                                                                                 | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Section 196     | <b>Removal of heritage order</b><br><div>- Power to give notice to remove all or part of a heritage order;<br/>- Power to make objection, under section 357, against refusal to</div> | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |



| Section     | HERITAGE ORDERS<br>Function, power or duty                                                                                                                                                   | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|             |                                                                                                                                                                                              | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|             | remove part of a heritage order.                                                                                                                                                             |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 357 | <b>Right of objection to consent authority against certain decisions or requirements</b><br>- Power to make objection against certain Council decisions.                                     | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Section 358 | <b>Appeals against certain decisions on objections</b><br>- Power to appeal to the Environment Court a decision on an objection against a refusal to remove all or part of a heritage order. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|             | - Powers (as appellant) set out in the                                                                                                                                                       | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| Section      | HERITAGE ORDERS<br>Function, power or duty                                                                                                                                                         | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|              |                                                                                                                                                                                                    | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|              | Environment Court Procedure section of this Council Policy.                                                                                                                                        |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 198A | <b>Sections 198B to 198G apply to requirements under section 168 or 189</b> <ul style="list-style-type: none"> <li>- Power to request to have requirement decided by Environment Court.</li> </ul> | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| Section      | HERITAGE ORDERS<br>Function, power or duty                                                                                                                                                                         | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|              |                                                                                                                                                                                                                    | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 198C | <b>Territorial authority's decision on request</b> <ul style="list-style-type: none"> <li>- Power to make an objection against decline of request to have requirement decided by the Environment Court.</li> </ul> | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 198E | <b>Environment Court decides</b> <ul style="list-style-type: none"> <li>- Power to lodge a notice of motion with Environment Court requesting Court decides requirement.</li> </ul>                                | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|              | <ul style="list-style-type: none"> <li>- Powers (as heritage protection authority) set out in the Environment Court Procedure section of this Council Policy.</li> </ul>                                           | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| HERITAGE ORDERS |                                                                                                                                                                                  | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section         | Function, power or duty                                                                                                                                                          | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 198H    | <b>Sections 198I to 198M apply to requirements under section 168A or 189A</b><br>- Power to request to have Council’s requirement in Hamilton City decided by Environment Court. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 198K    | <b>Environment Court decides</b><br>- Power to lodge a notice of motion with Environment Court requesting Court decides Council’s requirement in Hamilton City.                  | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| Section | HERITAGE ORDERS<br>Function, power or duty                                                                             | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|---------|------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
|         |                                                                                                                        | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|         | - Powers (as heritage protection authority) set out in the Environment Court Procedure section of this Council Policy. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| HERITAGE ORDERS      |                                                                                                                                                                                                                                                                                                                                         | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
| Section              | Function, power or duty                                                                                                                                                                                                                                                                                                                 | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Council as submitter |                                                                                                                                                                                                                                                                                                                                         |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 169          | <b>Further information, notification, submissions, and hearing of notice of requirement to territorial authority</b> <ul style="list-style-type: none"><li>- Power to make a submission on a notice of requirement;</li><li>- Power to request that a commissioner hear and make a recommendation on a notice of requirement.</li></ul> | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 174          | <b>Appeals</b> <ul style="list-style-type: none"><li>- Power to appeal to the Environment Court a requiring authority's decision.</li></ul>                                                                                                                                                                                             | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| Section | HERITAGE ORDERS<br>Function, power or duty                                                         | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|---------|----------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
|         |                                                                                                    | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|         | - Powers (as appellant) set out in the Environment Court Procedure section of this Council Policy. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| HERITAGE ORDERS |                                                                                                                                                  | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section         | Function, power or duty                                                                                                                          | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 274     | <b>Representation at proceedings</b><br>- Power to give notice to the Environment Court of Council’s intention to become a party to proceedings. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |



| HERITAGE ORDERS            |                                                                                                                                                                     | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section                    | Function, power or duty                                                                                                                                             | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|                            | - Powers (as s274 party) set out in the Environment Court Procedure section of this Council Policy.                                                                 | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 299<br>Section 305 | <b>Appeal to High Court on question of law</b><br>- Power to appeal an Environment Court decision, report or recommendation on a question of law to the High Court. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 301                | <b>Right to appear and be heard on appeal</b><br>- Power to give notice of intention to appear before the High Court                                                | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| HERITAGE ORDERS |                                                                                                                                    | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section         | Function, power or duty                                                                                                            | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 308     | <b>Appeals to the Court of Appeal</b><br>- Power to apply for leave to appeal a decision of the High Court to the Court of Appeal. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

## ENFORCEMENT

| Section                                         | Function, power or duty                                                                                                                                            | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
|                                                 |                                                                                                                                                                    | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Council as local authority or consent authority |                                                                                                                                                                    |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 38                                      | Authorisation and responsibilities of enforcement officers <sup>2</sup><br>- Power to authorise officers to carry out all or any of the functions and powers as an | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              | ✓                      |

<sup>2</sup> The functions and powers of enforcement officers are set out in the RMA and in the officer's warrant, and may include:

- Section 22 Duty to give certain information
- Section 322 Service of abatement notice
- Section 323 Compliance with abatement notice
- Section 327 Issue of excessive noise direction
- Section 328 Compliance with an excessive noise direction
- Section 332 Power of entry for inspection
- Section 333 Power of entry for survey
- Section 334 Application for warrant for entry for search
- Section 343C Infringement notices

| Section | ENFORCEMENT<br>Function, power or duty                                                                                                                                                                     | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|         |                                                                                                                                                                                                            | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|         | enforcement officer under the Act.<br>- Power to supply enforcement officers with a warrant stating the functions and powers that the person has been authorised to exercise and carry out under this Act. |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| Section     | ENFORCEMENT<br>Function, power or duty                                                                          | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|-------------|-----------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
|             |                                                                                                                 | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 311 | <b>Application for declaration</b><br>- Power to apply to the Environment Court for a declaration.              | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
|             | - Powers (as applicant) set out in the Environment Court Procedure section of this Council Policy.              | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 316 | <b>Application for enforcement order</b><br>- Power to apply to the Environment Court for an enforcement order. | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
|             | - Powers (as applicant) set out in the Environment Court Procedure section of this Council Policy.              | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| Section     | ENFORCEMENT<br>Function, power or duty                                                                                                    | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|             |                                                                                                                                           | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 320 | <b>Interim enforcement order</b><br>- Power to apply to the Environment Court for an interim enforcement order.                           | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       | ✓                     |                              |                        |
|             | - Powers (as applicant) set out in the Environment Court Procedure section of this Council Policy.                                        | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 321 | <b>Change or cancellation of enforcement order</b><br>- Power to apply to the Environment Court to change or cancel an enforcement order. | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       | ✓                     |                              |                        |
|             | - Powers (as applicant or respondent)_ set out in the Environment Court Procedure section of this Council Policy.                         | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| Section      | ENFORCEMENT                                                                                                                                       | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|              | Function, power or duty                                                                                                                           | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 325A | <b>Cancellation of abatement notice</b><br>- Power to change or cancel an abatement notice.                                                       | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     | ✓                            |                        |
| Section 325  | <b>Appeals</b><br>- Powers (as respondent) set out in the Environment Court Procedure section of this Council Policy.                             | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 330  | <b>Emergency works and power to take preventative or remedial action</b><br>- Power to enter any place and take action in the event of emergency. | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |

| Section     | ENFORCEMENT<br>Function, power or duty                                                                                                                                                   | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
|             |                                                                                                                                                                                          | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 331 | <b>Reimbursement or compensation for emergency works</b><br>- Power to seek reimbursement or make compensation for emergency works.                                                      | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 336 | <b>Return of property seized under sections 323 and 328</b><br>- Power to determine an application for return of seized property.<br>- Power to determine to dispose of seized property. | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     | ✓                            |                        |
| Section 338 | <b>Offences against this Act</b><br>- Power to lay information regarding an offence.                                                                                                     | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |



| Section                                                      | ENFORCEMENT<br>Function, power or duty                                                                                                                              | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
|                                                              |                                                                                                                                                                     | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Council as landowner, local authority or requiring authority |                                                                                                                                                                     |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 311                                                  | Application for declaration<br>- Power to apply to the Environment Court for a declaration.                                                                         | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
|                                                              | - Powers (as applicant) set out in the Environment Court Procedure section of this Council Policy.                                                                  | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 318                                                  | Right to be heard<br>- Powers (as respondent to an application for an enforcement order) set out in the Environment Court Procedure section of this Council Policy. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 321                                                  | Change or cancellation of enforcement order<br>- Power to apply to the Environment Court to                                                                         | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |

| Section      | ENFORCEMENT<br>Function, power or duty                                                                                                            | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
|              |                                                                                                                                                   | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|              | change or cancel an enforcement order.                                                                                                            |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 325  | <b>Appeals</b><br>- Power to appeal to the Environment Court against an abatement notice.<br>- Power to apply for a stay of an abatement notice   | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Section 325A | <b>Cancellation of abatement notice</b><br>- Power to apply to change or cancel an abatement notice.                                              | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 330  | <b>Emergency works and power to take preventative or remedial action</b><br>- Power to enter any place and take action in the event of emergency. | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |

| Section      | ENFORCEMENT                                                                                                                                                        | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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|              | Function, power or duty                                                                                                                                            | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 330A | <b>Resource consents for emergency works</b><br>- Power to apply for resource consent for emergency works or activities.                                           | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 330B | <b>Emergency works under Civil Defence Emergency Management Act 2002</b><br>- Power to apply for resource consent for civil defence emergency works or activities. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |

## PLAN REVIEW OR CHANGE

| PLAN REVIEW OR CHANGE                         |                                                                                                                                                                       | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
| Section                                       | Function, power or duty                                                                                                                                               | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Council as administrator of its District Plan |                                                                                                                                                                       |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Schedule 1, Clause 1                          | <b>Time limits</b><br>- Power to extend a time limit set in Schedule 1.                                                                                               | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |
| Schedule 1, Clauses 2-3; 3B and 3C            | <b>Preparation of proposed policy statement or plan</b><br>- Power to prepare a proposed policy statement or plan and determine matters of consultation. <sup>3</sup> | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Schedule 1, Clause 4                          | <b>Requirements to be inserted prior to notification of proposed district plan</b><br>- Power to invite requiring authorities to insert                               | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |

<sup>3</sup> For clarity, consultation relates only to the preparatory stages of a proposed policy statement or plan and must be undertaken in compliance with the requirements of the stated clauses.

| PLAN REVIEW OR CHANGE           |                                                                                                                 | Positions having authority |                        |                                |                                |                              |                   |                          |                |                                   |                            |                                                                        |                       |                              |                        |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|--------------------------|----------------|-----------------------------------|----------------------------|------------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
| Section                         | Function, power or duty                                                                                         | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Prindpal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager , Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|                                 | requirements in proposed district plan.                                                                         |                            |                        |                                |                                |                              |                   |                          |                |                                   |                            |                                                                        |                       |                              |                        |
| Schedule 1, Clause 7            | <b>Public notice of submissions</b><br>- Duty to give public notice of submissions.                             | ✓                          | ✓                      |                                |                                |                              |                   |                          |                |                                   | ✓                          |                                                                        |                       |                              |                        |
| Schedule 1, Clause 8AA(1) & (4) | <b>Resolution of disputes</b><br>- Power to hold pre-hearing meetings;<br>- Power to refer issues to mediation. | ✓                          | ✓                      |                                |                                |                              |                   |                          |                |                                   | ✓                          |                                                                        |                       |                              |                        |

| PLAN REVIEW OR CHANGE |                                                                                                                                            | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section               | Function, power or duty                                                                                                                    | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Schedule 1, Clause 11 | <b>Notification of decision</b><br>- Duty to publicly notify decisions on submissions.                                                     | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |
| Schedule 1, Clause 13 | <b>Decision of requiring authority or heritage protection authority</b><br>- Duty to modify or delete requirement from the district plan.  | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |
| Schedule 1, Clause 14 | <b>Appeals to Environment Court</b><br>- Powers (as respondent) set out in the Environment Court Procedure section of this Council Policy. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| PLAN REVIEW OR CHANGE |                                                                                                                                                                 | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section               | Function, power or duty                                                                                                                                         | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|                       | - Power to appeal to the Environment Court a decision of a requiring authority or heritage protection authority on a requirement in the proposed district plan. |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|                       | - Powers (as appellant) set out in the Environment Court Procedure section of this Council Policy.                                                              | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| PLAN REVIEW OR CHANGE  |                                                                                                                                                                                                                                                                                                | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
| Section                | Function, power or duty                                                                                                                                                                                                                                                                        | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Schedule 1, Clause 16  | <b>Amendment of proposed policy statement or plan</b><br><ul style="list-style-type: none"><li>- Power to amend a proposed district plan without using the First Schedule process;</li><li>- Power to make minor amendments to and correct minor errors in a proposed district plan.</li></ul> | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |
| Schedule 1, Clause 16A | <b>Variation of proposed policy statement or plan</b><br><ul style="list-style-type: none"><li>- Power to initiate a variation to a proposed district plan or to a plan change.</li></ul>                                                                                                      | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |



| PLAN REVIEW OR CHANGE      |                                                                                                                                                                          | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                           |                       |                              |                        |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|---------------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
| Section                    | Function, power or duty                                                                                                                                                  | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager ,<br>Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Schedule 1, Clause 20A     | <b>Correction of operative policy statement or plan</b><br>- Power to amend an operative district plan to correct minor errors without using the First Schedule process. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                           |                       |                              |                        |
| Section 299<br>Section 305 | <b>Appeal to High Court on question of law</b><br>- Power to appeal an Environment Court decision, report, or recommendation on a question of law to the High Court.     | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                           |                       |                              |                        |

| PLAN REVIEW OR CHANGE |                                                                                                                                    | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section               | Function, power or duty                                                                                                            | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 301           | <b>Right to appear and be heard on appeal</b><br>- Power to give notice of intention to appear before the High Court               | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 308           | <b>Appeals to the Court of Appeal</b><br>- Power to apply for leave to appeal a decision of the High Court to the Court of Appeal. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 149I(1)       | <b>Limitation on withdrawal of change or variation</b><br>- Power to withdraw a plan change or variation called in by Minister.    | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 149K          | <b>How members appointed.</b><br>- Power to suggest to the Minister members for a board of inquiry.                                | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| PLAN REVIEW OR CHANGE |                                                                                                                                                                                                                                     | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section               | Function, power or duty                                                                                                                                                                                                             | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 149V(1)       | <b>Appeal from decisions only on question of law.</b><br>- Power to Appeal to the High Court against a decision of a board of inquiry.                                                                                              | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 149W(2)(a)    | <b>Local authority to implement a decision of board or Court about proposed regional plan or change or variation.</b><br>- Power to amend a proposed plan, change or variation in accordance with a decision of a board of inquiry. | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |
| Section 149ZD         | <b>Recovery of costs</b><br>- Power to recover costs from the applicant and provide an estimate of costs when required to do so.                                                                                                    | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |

| PLAN REVIEW OR CHANGE                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                              | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section                                                         | Function, power or duty                                                                                                                                                                                                                                                                                                                                                                                                                      | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Council as requiring authority or heritage protection authority |                                                                                                                                                                                                                                                                                                                                                                                                                                              |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Schedule 1, Clause 4                                            | Requirements to be inserted prior to notification of proposed district plans <ul style="list-style-type: none"><li>- Power, as a requiring authority, to require inclusion of existing designations or notices of requirement in a proposed district plan;</li><li>- Power, as a heritage protection authority, to require inclusion of existing heritage protection orders or notices of requirement in a proposed district plan.</li></ul> | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |

| PLAN REVIEW OR CHANGE      |                                                                                             | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section                    | Function, power or duty                                                                     | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Schedule 1, Clauses 6 & 6A | <b>Making of submissions</b><br>- Power to make a submission.                               | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Schedule 1 Clause 8        | <b>Certain persons may make further submissions</b><br>- Power to make a further submission | ✓                          | ✓                      |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |

| PLAN REVIEW OR CHANGE      |                                                                                                                                                                      | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section                    | Function, power or duty                                                                                                                                              | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Schedule 1, Clause 13      | <b>Decision of requiring authority or heritage protection authority</b><br>- Power to make a decision on a recommendation on a Council requirement.                  | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |
| Schedule 1, Clause 14      | <b>Appeals to Environment Court</b><br>- Powers (as requiring authority) as set out in the Environment Court Procedure section of this Council Policy.               | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 299<br>Section 305 | <b>Appeal to High Court on question of law</b><br>- Power to appeal an Environment Court decision, report, or recommendation on a question of law to the High Court. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| PLAN REVIEW OR CHANGE      |                                                                                                                                    | Positions having authority |                        |                                |                                |                              |                   |                          |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section                    | Function, power or duty                                                                                                            | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Prindpal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 301                | <b>Right to appear and be heard on appeal</b><br>- Power to give notice of intention to appear before High Court                   | ✓                          |                        |                                |                                |                              |                   |                          |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 308                | <b>Appeals to the Court of Appeal</b><br>- Power to apply for leave to appeal a decision of the High Court to the Court of Appeal. | ✓                          |                        |                                |                                |                              |                   |                          |                |                                   |                            |                                                                       |                       |                              |                        |
| Council as a submitter     |                                                                                                                                    |                            |                        |                                |                                |                              |                   |                          |                |                                   |                            |                                                                       |                       |                              |                        |
| Schedule 1, Clauses 6 & 6A | <b>Making of submissions</b><br>- Power to make a submission                                                                       | ✓                          |                        |                                |                                |                              |                   |                          |                |                                   |                            |                                                                       |                       |                              |                        |
| Schedule 1, Clause 8       | <b>Certain persons may make further submissions</b><br>- Power to make a further submission.                                       | ✓                          |                        |                                |                                |                              |                   |                          |                |                                   |                            |                                                                       |                       |                              |                        |

| PLAN REVIEW OR CHANGE |                                                                                                                                                  | Positions having authority |                        |                                |                                |                              |                   |                          |                |                                   |                            |                                                                           |                       |                              |                        |
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| Section               | Function, power or duty                                                                                                                          | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Prindpal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager ,<br>Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Schedule 1, Clause 14 | <b>Appeals to Environment Court</b><br>- Power to appeal to the Environment Court as a submitter.                                                | ✓                          |                        |                                |                                |                              |                   |                          |                |                                   |                            |                                                                           |                       |                              |                        |
|                       | - Powers (as appellant) set out in the Environment Court Procedure section of this Council Policy.                                               | ✓                          |                        |                                |                                |                              |                   |                          |                |                                   |                            | ✓                                                                         | ✓                     |                              |                        |
| Section 274           | <b>Representation at proceedings</b><br>- Power to give notice to the Environment Court of Council’s intention to become a party to proceedings. | ✓                          |                        |                                |                                |                              |                   |                          |                |                                   |                            |                                                                           |                       |                              |                        |



| PLAN REVIEW OR CHANGE      |                                                                                                                                                                      | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                        |                       |                              |                        |
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| Section                    | Function, power or duty                                                                                                                                              | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager , Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|                            | - Powers (as s274 party) set out in the Environment Court Procedure section of this Council Policy.                                                                  | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                      | ✓                     |                              |                        |
| Section 299<br>Section 305 | <b>Appeal to High Court on question of law</b><br>- Power to appeal an Environment Court decision, report, or recommendation on a question of law to the High Court. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                        |                       |                              |                        |

| PLAN REVIEW OR CHANGE                                                |                                                                                                                                    | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section                                                              | Function, power or duty                                                                                                            | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 301                                                          | <b>Right to appear and be heard on appeal</b><br>- Power to give notice of intention to appear before High Court                   | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 308                                                          | <b>Appeals to the Court of Appeal</b><br>- Power to apply for leave to appeal a decision of the High Court to the Court of Appeal. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Private plan changes – Council as administrator of its District Plan |                                                                                                                                    |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Schedule 1, Clause 23                                                | <b>Further information may be required</b><br>- Power to request further information or commission a report.                       | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                              |                        |

| PLAN REVIEW OR CHANGE               |                                                                                                                                                               | Positions having authority |                        |                                |                                |                              |                   |                          |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section                             | Function, power or duty                                                                                                                                       | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Prindpal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Schedule 1, Clause 24               | <b>Modification of request</b><br>- Power to modify a request.                                                                                                | ✓                          |                        |                                |                                |                              |                   |                          |                |                                   |                            |                                                                       |                       |                              |                        |
| Schedule 1, Clause 25               | <b>Local authority to consider request</b><br>- Power to adopt or accept the request.                                                                         | ✓                          |                        |                                |                                |                              |                   |                          |                |                                   |                            |                                                                       |                       |                              |                        |
| Schedule 1, Clause 26               | <b>Notification timeframes</b><br>- Power to prepare a change to the district plan with the person who made the plan change request and to notify the change. | ✓                          | ✓                      |                                |                                |                              |                   |                          |                |                                   | ✓                          |                                                                       |                       |                              |                        |
| Schedule 1, Clause 27 and Clause 29 | <b>Appeals</b><br>- Powers (as respondent) set out in the Environment Court Procedure section of this Council Policy.                                         | ✓                          |                        |                                |                                |                              |                   |                          |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| PLAN REVIEW OR CHANGE |                                                                                 | Positions having authority |                        |                                |                                |                              |                   |                          |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section               | Function, power or duty                                                         | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Prindpal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Schedule 1, Clause 28 | <b>Withdrawal of requests</b><br>- Powers on withdrawal of plan change request. | ✓                          | ✓                      |                                |                                |                              |                   |                          |                |                                   | ✓                          |                                                                       |                       |                              |                        |

| PLAN REVIEW OR CHANGE      |                                                                                                                                                                      | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section                    | Function, power or duty                                                                                                                                              | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 299<br>Section 305 | <b>Appeal to High Court on question of law</b><br>- Power to appeal an Environment Court decision, report, or recommendation on a question of law to the High Court. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 301                | <b>Right to appear and be heard on appeal</b><br>- Power to give notice of intention to appear before High Court                                                     | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 308                | <b>Appeals to the Court of Appeal</b><br>- Power to apply for leave to appeal a decision of the High Court to the Court of Appeal.                                   | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| PLAN REVIEW OR CHANGE                            |                                                                                                                  | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section                                          | Function, power or duty                                                                                          | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Private plan changes – Council requesting change |                                                                                                                  |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Schedule 1, Clause 21                            | Requests<br>- Power to request a change to a policy statement, regional plan or another Council’s district plan. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| PLAN REVIEW OR CHANGE |                                                                                                                                                      | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section               | Function, power or duty                                                                                                                              | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Schedule 1, Clause 27 | <b>Appeals</b><br>- Power to appeal to the Environment Court another Council’s decision to adopt or accept in part, or reject a plan change request. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|                       | - Powers (as appellant) set out in the Environment Court Procedure section of this Council Policy.                                                   | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Schedule 1, Clause 28 | <b>Withdrawal of requests</b><br>- Power to withdraw a plan change request made by Council.                                                          | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Schedule 1, Clause 29 | <b>Procedure under this Part</b><br>- Power to appeal to the Environment Court a decision on the plan change.                                        | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     |                       |                              |                        |

| PLAN REVIEW OR CHANGE      |                                                                                                                                                                      | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section                    | Function, power or duty                                                                                                                                              | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|                            | - Powers (as appellant) set out in the Environment Court Procedure section of this Council Policy.                                                                   | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 299<br>Section 305 | <b>Appeal to High Court on question of law</b><br>- Power to appeal an Environment Court decision, report, or recommendation on a question of law to the High Court. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 301                | <b>Right to appear and be heard on appeal</b><br>- Power to give notice of intention to appear before the High Court                                                 | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |



| PLAN REVIEW OR CHANGE |                                                                                                                                    | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section               | Function, power or duty                                                                                                            | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 308           | <b>Appeals to the Court of Appeal</b><br>- Power to apply for leave to appeal a decision of the High Court to the Court of Appeal. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| PLAN REVIEW OR CHANGE                       |                                                                                                                                           | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section                                     | Function, power or duty                                                                                                                   | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Private plan changes – Council as submitter |                                                                                                                                           |                            |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Schedule 1, Clause 29                       | Procedure under this Part<br>- Power to make a submission;<br>- Power to appeal to the Environment Court a decision on the plan change.   | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|                                             | - Powers (as appellant) set out in the Environment Court Procedure section of this Council Policy.                                        | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 274                                 | Representation at proceedings<br>- Power to give notice to the Environment Court of Council’s intention to become a party to proceedings. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| PLAN REVIEW OR CHANGE      |                                                                                                                                                                      | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section                    | Function, power or duty                                                                                                                                              | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|                            | - Powers (as s274 party) set out in the Environment Court Procedure section of this Council Policy.                                                                  | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 299<br>Section 305 | <b>Appeal to High Court on question of law</b><br>- Power to appeal an Environment Court decision, report, or recommendation on a question of law to the High Court. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 301                | <b>Right to appear and be heard on appeal</b><br>- Power to give notice of intention to appear before the High Court                                                 | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| PLAN REVIEW OR CHANGE |                                                                                                                                    | Positions having authority |                        |                                |                                |                              |                   |                          |                |                                   |                            |                                                                        |                       |                              |                        |
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| Section               | Function, power or duty                                                                                                            | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Prindpal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager , Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 308           | <b>Appeals to the Court of Appeal</b><br>- Power to apply for leave to appeal a decision of the High Court to the Court of Appeal. | ✓                          |                        |                                |                                |                              |                   |                          |                |                                   |                            |                                                                        |                       |                              |                        |

## ENVIRONMENT COURT

| ENVIRONMENT COURT |                                                                                                                                                           | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
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| Section           | Function, power or duty                                                                                                                                   | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 308G      | <b>Declaration that Part contravened</b><br><div>- Power to apply to the Environment Court declaring contravention of trade competition provisions.</div> | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|                   | <div>- Powers (as applicant) set out in the Environment Court Procedure section of this Council Policy.</div>                                             | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 308I      | <b>Proceedings for damages in High Court</b><br><div>- Power to apply for damages</div>                                                                   | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 311       | <b>Application for declaration</b><br><div>- Power to apply to the Environment Court for a declaration.</div>                                             | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| ENVIRONMENT COURT |                                                                                                              | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|-------------------|--------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
| Section           | Function, power or duty                                                                                      | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|                   | - Powers (as applicant) set out in the Environment Court Procedure section of this Council Policy.           | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 294       | <b>Review of decision by Environment Court</b><br>- Power to apply to the Environment Court for a rehearing. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|                   | - Powers (as applicant) set out in the Environment Court Procedure section of this Council Policy.           | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| ENVIRONMENT COURT |                                                                                                                                                                                                                                   | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
| Section           | Function, power or duty                                                                                                                                                                                                           | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 356       | <b>Matters may be determined by arbitration</b><br>- Power to apply to Environment Court for order authorising arbitration                                                                                                        | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|                   | - Powers (as applicant) set out in the Environment Court Procedure section of this Council Policy.                                                                                                                                | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |
| Section 185       | <b>Environment Court may order taking of land</b><br>- Power to apply to the Environment Court, as owner of designated land, for an order requiring the requiring authority to acquire or lease land under Public Works Act 1981. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

| ENVIRONMENT COURT |                                                                                                    | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|-------------------|----------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
| Section           | Function, power or duty                                                                            | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
|                   | - Powers (as applicant) set out in the Environment Court Procedure section of this Council Policy. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |



| ENVIRONMENT COURT |                                                                                                                                                                                                                                                                                                     | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
| Section           | Function, power or duty                                                                                                                                                                                                                                                                             | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 198       | <b>Environment Court may order land taken, etc</b><br><div>- Power to apply to the Environment Court, as owner of land subject to heritage order, for an order requiring a heritage protection authority to withdraw or remove a heritage order or take the land under Public Works Act 1981.</div> | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|                   | <div>- Powers (as applicant) set out in the Environment Court Procedure section of this Council Policy.</div>                                                                                                                                                                                       | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                              |                        |

| ENVIRONMENT COURT          |                                                                                                                                                                            | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|------------------------------|------------------------|
| Section                    | Function, power or duty                                                                                                                                                    | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Health Manager | City Safe Unit Manager |
| Section 299<br>Section 305 | <b>Appeal to the High Court on a question of law</b><br>- Power to appeal an Environment Court decision, report, or recommendation on a question of law to the High Court. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 301                | <b>Right to appear and be heard on appeal</b><br>- Power to give notice of intention to appear before High Court                                                           | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |
| Section 308                | <b>Appeals to the Court of Appeal</b><br>- Power to appeal a decision of the High Court to the Court of Appeal.                                                            | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                              |                        |

## MISCELLANEOUS

| MISCELLANEOUS  |                                                                                                                                                                                                                                                                                                                                                                                      | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                        |                       |                             |                        |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|------------------------------------------------------------------------|-----------------------|-----------------------------|------------------------|
| Section        | Function, power or duty                                                                                                                                                                                                                                                                                                                                                              | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager , Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Heath Manager | City Safe Unit Manager |
| Section 34A(1) | <b>Delegation of powers and functions to employees and other persons</b><br><div><div>-</div><div>Power to appoint Hearings Commissioners from the Independent Hearings Commissioners Panel. <sup>4</sup></div><div>-</div><div>Duty to consult with iwi authorities prior to appointment of Hearings Commissioners to conduct hearings under Part 1 or 5 of Schedule 1.</div></div> | ✓                          | ✓                      | ✓                              |                                |                              |                   |                           |                |                                   | ✓                          |                                                                        |                       |                             |                        |

<sup>4</sup> These officers have power to appoint Hearings Commissioners from the Independent Hearings Commissioners' Panel, but the powers and functions of Hearings Commissioners are delegated by Council to the Independent Hearings Commissioners Panel as recorded in the Governance Structure.

| MISCELLANEOUS        |                                                                                                                                                                                 | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                             |                        |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|-----------------------------|------------------------|
| Section              | Function, power or duty                                                                                                                                                         | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Heath Manager | City Safe Unit Manager |
| Section 36 and 36AAA | <b>Administrative Charges</b><br>- Power to provide an estimate of the additional charge likely to be imposed. <sup>5</sup><br>- Power to require payment of additional charge. | ✓                          | ✓                      | ✓                              |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                             |                        |
| Section 36AAB        | <b>Other matters relating to administrative charges</b><br>- Power to remit the whole or part of a charge.                                                                      | ✓                          | ✓                      | ✓                              |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                             |                        |
| Section 36AA         | <b>Local Authority policy on discounting administrative charges</b><br>- Power to provide a discount on administrative charges.                                                 | ✓                          | ✓                      | ✓                              |                                |                              |                   |                           |                |                                   | ✓                          |                                                                       |                       |                             |                        |

<sup>5</sup> For clarity, the power to fix a charge or an additional fee must comply with the requirements under the stated sections.

| MISCELLANEOUS |                                                                                                                                                                                                       | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                             |                        |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|-----------------------------|------------------------|
| Section       | Function, power or duty                                                                                                                                                                               | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Heath Manager | City Safe Unit Manager |
| Section 37    | <b>Power of waiver and extension of time limits</b><br>- Power to waive or extend time periods.                                                                                                       | ✓                          | ✓                      | ✓                              | ✓                              | ✓                            | ✓                 |                           |                |                                   | ✓                          |                                                                       |                       |                             |                        |
| Section 41B   | <b>Directions to provide evidence within time limits</b><br>- Power to direct applicant to provide briefs of evidence                                                                                 | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                             |                        |
| Section 42    | <b>Protection of sensitive information</b><br>- Power to apply to the Environment Court for an order cancelling or varying an order made by another local authority to protect sensitive information. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                             |                        |

| MISCELLANEOUS |                                                                                                                                                                        | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                             |                        |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|-----------------------------|------------------------|
| Section       | Function, power or duty                                                                                                                                                | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Heath Manager | City Safe Unit Manager |
|               | - Powers (as applicant) set out in the Environment Court Procedure section of this Council Policy.                                                                     | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                             |                        |
| Section 355   | <b>Vesting of reclaimed land</b><br>- Power to apply to the Minister of Lands for a right, title or interest in reclaimed riverbed or lakebed to be vested in Council. | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                             |                        |
| Section 358   | <b>Appeals against certain decisions or objections</b><br>- Powers (as respondent) set out in the Environment Court Procedure section of this Council Policy.          | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                             |                        |

| MISCELLANEOUS |                                                                                                                                                                                                                                                         | Positions having authority |                        |                                |                                |                              |                   |                           |                |                                   |                            |                                                                       |                       |                             |                        |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|--------------------------------|--------------------------------|------------------------------|-------------------|---------------------------|----------------|-----------------------------------|----------------------------|-----------------------------------------------------------------------|-----------------------|-----------------------------|------------------------|
| Section       | Function, power or duty                                                                                                                                                                                                                                 | Chief Executive Officer    | General Manager Growth | Planning Guidance Unit Manager | Consents and Certificates Lead | Consents and Monitoring Lead | Principal Planner | Principal Project Planner | Senior Planner | Senior Planner Survey Certificate | City Planning Unit Manager | Relevant General Manager, Executive Director Strategic Infrastructure | Relevant Unit Manager | Environmental Heath Manager | City Safe Unit Manager |
| General       | <b>Approval as land owner or occupier</b><br>- Power to provide written approval to a proposal under the Act in the Council’s capacity as an owner or occupier of land (except where otherwise expressly provided for in this Schedule of Delegations). | ✓                          |                        |                                |                                |                              |                   |                           |                |                                   |                            | ✓                                                                     | ✓                     |                             |                        |

## ENVIRONMENT COURT PROCEDURE

Where officers are delegated the “powers set out in the Environment Court Procedure section of this Council Policy” in the previous sections of this Council Policy, the officers shall have all of the powers listed in the table below.

| ENVIRONMENT COURT PROCEDURE |                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section                     | Function, power or duty                                                                                                                                                                                                                                                                                                                           |
| Section 267(1A)             | <b>Conferences</b> <ul style="list-style-type: none"><li>- Authority to make decisions on behalf of Council on any matters that may reasonably be expected to arise at the conference</li><li>- Power to request an Environment Court conference.</li></ul>                                                                                       |
| Section 267(2)              |                                                                                                                                                                                                                                                                                                                                                   |
| Section 268A                | <b>Mandatory participation in alternative dispute resolution processes</b> <ul style="list-style-type: none"><li>- Power to make decisions on behalf of the Council when in attendance in an alternative dispute resolution process.</li><li>- Power to apply to the Environment Court for leave not to participate in the ADR process.</li></ul> |



|              |                                                                                                                                                                                                                                     |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 272  | <b>Hearing of proceedings</b> <ul style="list-style-type: none"><li>- Power to appear and call evidence at the hearing.</li></ul>                                                                                                   |
| Section 276A | <b>Evidence of documents</b> <ul style="list-style-type: none"><li>- Power to certify a copy of, or extract from, the district plan as a true copy of the original.</li></ul>                                                       |
| Section 279  | <b>Powers of an Environment Judge sitting alone</b> <ul style="list-style-type: none"><li>- Power to agree to settle and file a draft consent order with the Environment Court to determine an appeal in full or in part.</li></ul> |
| Section 281  | <b>Waivers and directions</b> <ul style="list-style-type: none"><li>- Power to apply to the Environment Court for waiver or direction.</li></ul>                                                                                    |

End

# Council Report

**Committee:** Council **Date:** 30 September 2021

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

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

**Report Name:** Three Waters Reform - Formal Feedback to Government

|                      |             |
|----------------------|-------------|
| <b>Report Status</b> | <i>Open</i> |
|----------------------|-------------|

## Purpose - *Take*

1. To recommend that the Council approve the “Three Waters Reform Formal Feedback to Government” (**Attachment 1**). The Feedback is provided on the Government’s proposal to transfer the waters activities (water supply, wastewater and stormwater) to one of four new entities established under new (yet to be drafted) legislation.

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

2. That the Council:
  - a) approves the Hamilton City Council “Three Waters Reform Formal Feedback to Government” (**Attachment 1**).
  - b) requests the Chief Executive to provide the Hamilton City Council “Three Waters Reform Formal Feedback to Government” to the Minister of Local Government, Department of Internal Affairs and Local Government New Zealand on or prior to 1 October 2021, and our JMA partners and the 21 councils of Entity B, as soon as reasonably practicable.
  - c) notes the Entity B Feedback to Government (to be tabled).

## Executive Summary - *Whakaraapopototanga matua*

3. The Minister of Local Government Nanaia Mahuta announced ([press release](#)), at the Local Government New Zealand (LGNZ) Conference on 15 July, that:
 

“The Government has signed a commitment to work together with Local Government New Zealand to would engage and consult with councils and other stakeholders over the next 6-8 weeks and beyond.
4. In the document [Three Waters Guidance for Councils over the next Eight Weeks](#), a joint LGNZ, Department of Internal Affairs (DIA) and Taituarā publication it is stated:
  - i. The purpose of this period is to provide time for all local authorities to:
    - *engage with and understand the large amount of information that has been released on the nature of the challenges facing the sector, the case for change, and the proposed package of reforms, including the recently announced support package;*
    - *take advantage of the range of engagement opportunities to fully understand the proposal and how it affects your local authority and your community; and*

- *identify issues of local concern and provide feedback to LGNZ on what these are and suggestions for how the proposal could be strengthened.*
  - ii. Councils can use this time to work through the proposal and information provided by DIA, including to test the 'no worse off'/'better off' proposition underpinning the financial support package.
  - iii. No formal decisions are required between now and 1 October, but we are seeking feedback on the potential impacts of the proposed reform and how it could be improved.
5. In response to this staff, with direction from the Three Waters Reform Reference Group, have drafted feedback on the "Three Waters Reform Formal Feedback to Government" (the Feedback).
  6. There has been a wide range of views expressed by elected members through the development of the Feedback document. The final draft has been prepared on the basis that council will take the feedback opportunity provided by Government. Providing feedback does not commit Council on any future decision.
  7. The Feedback has focussed on the 11 key areas of success identified by Council in its feedback to LGNZ agreed at Council meetings on 10 June and 12 August 2021.
  8. In addition to updates provided at each Three Waters Reform Reference Group meeting, Council has received regular updates at each council meeting, since April 2021. Additionally, further information on the Three Waters Reform was also available via:
    - i. Information and weblinks to reports provided by the Department of Internal Affairs [Three Waters Reform website](#),
    - ii. Mayors and Chief Executives attendance at a seminar of all Entity B councils,
    - iii. Invitation to Mayors and Committee Chairs to take part in regular LGNZ online briefings,
    - iv. Invitation to all elected members to take part in 3 online LGNZ seminars.
  9. The Feedback responds to the reform process as proposed by the Government and focusses on four *Critical Success Factors* that elected members have identified as needing work:
    - i. **Governance** – a broad area including the entity structure, the role of councils, community input into decision making, entity and asset ownership and linkage to other reforms. Council is not satisfied with the proposed governance arrangements and believes that significant improvement is required in all aspects.
    - ii. **Financial** –The data shows that overall Council and the community is proposed to be financially better-off, however in the short-term there would be some costs that should be funded from the government and that funding allocation is not sufficiently clear.
    - iii. **Timetable** – The Government previously released timetable is significantly out of date. A timetable is essential to understanding Council's role in reform and its impact on our plans and resources. A timetable would allow Council to plan and budget for formal consultation with the community.
    - iv. **Communication** – This is the Government's reform and should it continue, for the next 3 years communication of the reform is critical to success and the government's responsibility. It has started poorly, leading to considerable misinformation in the community. Council is making it clear it needs to improve.
  10. The *"Three Waters Guidance for Councils over the next Eight Weeks"* advises that after the Feedback has been provided to the Government, they *"will also consider the next steps, including the transition and implementation pathway, and revised timing for decision-making, which could accommodate the time required for any community or public consultation."*

11. A Government decision to proceed with reform requires legislation to create the new entity and transition that would be subject to Select Committee process. It is likely that the reform as proposed will change as a result of feedback from councils. Further, Council can expect more information, more changes, more submissions and greater engagement and discussion in the community should the government proceed.
12. As this report is seeking approval to submit Council's feedback to the Government by 1 October 2021. Staff have assessed this decision against the Significance and Engagement Policy and determine this decision as having low significance and that the recommendations comply with the Council's legal requirements.

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

13. Discussions about the need to deliver better waters services has been ongoing in the sector for many years. In 2015-16 Council worked with Waikato and Waipa councils to form a Waikato Waters council owned water company. A key finding was water services are an activity with substantial economies of scale across all key areas including staffing, systems, operations, network ownership and funding.
14. During that time, in August 2016 the Havelock North waters supply was contaminated and an estimated 5,000 people became ill and 4 deaths tragically resulted. A two stage Government inquiry was held. The first stage focused on identifying the direct causes of the outbreak. The second examined the wider regulatory framework.
15. The Inquiry found widespread systemic failure of water suppliers to meet the high standards required for the safe supply of drinking water to the public. In mid-2017 a Three Waters Review, in parallel to the Inquiry, raised further questions about how effective the regulatory framework was, and about the capability and sustainability of New Zealand's water service providers. The Government indicated fundamental change was needed.
16. Since then, there have been many incidents of unsatisfactory waters management including, lead contaminated water, bursting water and wastewater pipes, untreated wastewater entering waterways, houses flooded and beaches closed.
17. In July 2020, the Government launched the Three Waters Reform Programme – a three-year programme to reform the way councils deliver water services in New Zealand.
18. The aim of the programme is to protect the environment, protect public health and get the best efficiencies to ensure the community receives three waters services that are safe, sustainable, and affordable.
19. The Government's aim was to move from water services being delivered by 67 local Councils to a structure managed by a small number of large, multi-regional entities. We now know this number to be four entities.
20. The Government in May 2020 formed the Joint Three Waters Steering Committee. Established to provide oversight and guidance to support progress towards reform, and to assist in engaging with local government, iwi/Māori and other water sector stakeholders on options and proposals.
21. The Steering Committee comprises independent chair Brian Hanna, local government mayors, chairs and chief executives, representatives of LGNZ and Taituarā — Local Government Professionals Aotearoa (formerly SOLGM), officials and advisors from the DIA, Taumata Arowai, the Ministry of Business, Innovation and Employment and the Treasury.
22. The Steering Committee ensures the perspectives, interests and expertise of both central and local government, and of communities throughout New Zealand are considered, while the challenges facing water services and infrastructure are addressed.

23. In August last year Council unanimously agreed to join the first phase of the reform. The decision meant Council would work with the Government and other councils to explore the reform proposals and also meant we could access up to \$17.46 million in Government funding for new water, wastewater and stormwater initiatives in the city.
24. The reform programme has several components, including regulatory changes and the formation of a new regulatory body, and has been developed alongside other reform programmes such as the resource management reform and the early stages of the future of a local government review.
25. For the first part of 2021 Hamilton has been working with councils across the Waikato and Bay of Plenty to consider a potential combined entity in our region. With the announcement of a 4-entity structure Council is now working with the 22 councils proposed to be part of Entity B which in addition to Waikato and Bay of Plenty councils now includes councils from Taranaki, Rangitikei, Ruapehu and Whanganui areas.
26. The Minister of Local Government Nanaia Mahuta announced ([press release](#)), at the Local Government New Zealand (LGNZ) Conference on 15 July, that:
 

“The Government has signed a commitment to work together with Local Government New Zealand to would engage and consult with councils and other stakeholders over the next 6-8 weeks and beyond.
27. Councils were given eight weeks to provide feedback to the government, with the deadline for feedback being 1 October 2021. Council is not being asked to make a decision on any options for the future management or ownership of waters activities.

## Discussion - *Matapaki*

28. **The Process**
29. The Government and LGNZ have been clear in what is required of local government in relation to the current feedback period. This is outlined in the document [Three Waters Guidance for Councils over the next Eight Weeks](#), a joint LGNZ, Department of Internal Affairs (DIA) and Taituarā publication.
30. The reform is complex and the information on the reform is spread through many thousands of pages on the DIA [Three Waters Reform website](#).
31. Council has been briefed on the latest information at each Council meeting and through the regular Three Waters Reform Reference Group meetings. The Three Waters Reform Reference Group meetings were expanded to include to all elected members from 19 August 2021 and expanded from Maangai Norm to all Maangai Maaori from 10 September 2021.
32. Additionally:
  - i. Mayors and Chief Executives attended a seminar of all Entity B councillors;
  - ii. Mayors and Committee Chairs have been invited to regular LGNZ online briefings;
  - iii. All elected members have been invited to 3 online LGNZ seminars.
33. Government communication on many aspects of the reform has been poor to date. The proposal information is spread across many documents, which have not always had consistent messaging on the same topic. There are many unanswered questions or information gaps. LGNZ online briefings have been a critical method of communication and learning.
34. This communication void has led to different understandings of the reform proposal and processes. Council has commented on the importance of communication being a crucial success factor.

35. From all of this disparate information it is understandable that different understanding and interpretation arises.
36. In supporting the development of the recommended Feedback, staff have read as much as they can and attended many online briefings. Elected Members have received updates at Council meetings and direction has been provided to staff from the Three Waters Reference Group Meetings on the key issues for Hamilton City Council. The recommended feedback reflects that process and is intended to be a balance of the broad range of views of Elected Members at the time it was drafted.
37. All of these challenges aside, this reform process is still in the early stages. A clear and firm Statement of Proposal has not been provided and councils have not been requested to make any decisions on such proposal. The Government has not drafted any legislation to give effect to change.
38. In a local government context this feels like a pre-engagement process to provide councils with the opportunity to influence the proposal, with trust that our views will be fully considered with an open mind.
39. **The Feedback**
40. Council has stated it supports the Government's goals of ensuring safe, sustainable, and economically efficient delivery of three waters services but notes effective transition to any new structure must be in full and equitable partnership with local government.
41. Council has twice provided feedback to LGNZ agreed at Council meetings on 10 June and 12 August 2021. That feedback, building on our Waikato Water CCO experience, identified 11 Key areas for success.
42. Of the 11 key areas the following areas were not included as needing significant work when Council adopted its updated feedback to LGNZ on 12 August 2021:
  - i. Geography
  - ii. Iwi participation
  - iii. Early transition
  - iv. Opt in / Opt out
  - v. Staff Welfare
  - vi. Data-led decision-making
43. The Feedback is clear however, there are some Big Critical Success Factors that need work.
44. Governance needs significant work to develop a proposal that balances financial matters with social and cultural concerns. The proposal seems weighted to the financial benefits with cultural matters also well considered including the role of mana whenua both spiritually through Te Mana O Te Wai and operationally and their involvement in the business of waters distribution. There is little evidence of a balanced consideration of the social matters of ownership, representation, localism and the community voice.
45. Also, part of our governance Big Critical Success Factors is the linkage to waters reform of resource management and future of local government reform. These are poorly linked into the founding documents of the entity, yet they are critical to placemaking and the future role of councils.
46. Governance is significant as this is where the process a reform truly starts in the establishment legislation. For any reform to be successful, it is essential to get this aspect right at the beginning.

47. Financially, Council and the community is proposed to be better-off. Council will have more debt capacity for remaining activities, that unfunded waters investment could be funded from an entity with greater borrowing capacity and that with economies of scale and an economic regulator, modelling shows average waters rates are a lot lower in 30 years when compared with the no reform scenario. There is a lack of information on pricing and the impact of price harmonisation in the initial years of operation for the proposed waters entity.
48. Council is providing feedback that, based on the information available, it appears that the Government has not allocated sufficient resources to fund the costs of reform in the short-term (e.g. stranded costs). The allocation of additional funding can be addressed by the Government in future budgets.
49. The initial timeline provided by the Government in 2020 has not been met. Within the Feedback Council has identified the timeline a key success factor so that there is clarity for affected staff about their employment with Council and any future employer. Council needs to be clear about its role alongside the Government's role. The Government has indicated there will be a time when Council could engage with the community on the government proposal, but we have not been told when.
50. Communication has also been identified as a critical success factor needs improvement. This is important not just for now but for the remainder of the reform programme should it proceed.
51. This report provides three options below and the advantages and disadvantages of these options.

### Options

52. Staff have assessed that there are three reasonable and viable options for the Council to consider. This assessment reflects the level of significance (see paragraph <xx>).
53. The options are set out in the table below.

| Options for Council Feedback                                                               | Advantages                                                                                                                                                                                                                                                 | Disadvantages                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Option 1:</b> Approve the Feedback as drafted in Attachment 1<br><br><b>Recommended</b> | <p>Feedback is considered the best opportunity to materially influence the three waters reform prior to the drafting of legislation.</p> <p>The drafted Feedback reflects the considerations and direction of the Three Waters Reform Reference Group.</p> | <p>This report was locked into the Council agenda on 18 September 2021. (week 6 of 8). It is likely that new information will become available from that date and prior to Council's consideration of this report which could modify the Feedback.</p>                                                   |
| <b>Option 2:</b> Modify the Feedback as drafted in Attachment 1 and approve the Feedback   | <p>Modifying allows for the consideration of new information not available or considered by the Three Waters Reform Reference Group.</p>                                                                                                                   | <p>The Government has released a large amount of information that has not always been clear or consistent. Staff may not be able to provide complete advice at the meeting.</p> <p>The feedback deadline is 1 October 2021. There is little time to reconsider a different approach to the feedback.</p> |

|                                                                                                             |                                                                                                                              |                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Option 3:</b> Don't approve and provide Feedback to the Government.</p> <p><b>Not recommended</b></p> | <p>There is no advantage to council by not providing feedback or signalling the areas requiring significant improvement.</p> | <p>Providing Feedback is considered the best opportunity to influence the three waters reform Governments reform.</p> <p>Hamilton City Council could be disadvantaged by not identifying any critical success factors or areas and providing this feedback to the Government.</p> |
|-------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### Financial Considerations - *Whaiwhakaaro Puutea*

54. The cost of participation in the Government's Three Waters Reform is funded from the Government waters stimulus fund. This is reported separately to the Infrastructure Operations Committee.

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

55. Staff confirm that staff recommendations comply with the Council's legal and policy requirements.
56. At the start of the eight-week process Local Government New Zealand commissioned Simpson Grierson lawyers to provide advice on local authority consultation obligations in relation to the proposed Local Government Three Waters Reform Programme. Key findings by Simpson Grierson are:
- The current Three Waters feedback process does not trigger any Local Government Act consultation requirements and is unlikely to trigger consultation obligations under significance and engagement policies.
  - Consultation requirements may be legislated; current local authority process requirements, beyond engagement, would be difficult to satisfy in time.
  - A decision to opt out of Three Waters would be premature and requires consultation.
  - It would be completely at odds with the statutory role of local authorities, and the obligation to act prudently and in the interests of communities, for a local authority to make an under-informed, early decision to opt out of a major reform aimed at improving community well-beings.
  - Therefore, we consider that a judicial review of a decision already made would be highly likely to succeed, leading to the decision being invalidated.

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

#### Significance

57. 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.
58. A decision of Council to transfer waters activities to another entity would be a significant decision. Should the Government proceed with reform, a transfer of waters activities to a non-local government organisation is so significant it requires a law change and community consultation.

#### Engagement

59. Legal advice discussed in paragraph 56 advises that formal consultation is not required at this time.



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

Attachment 1 - Three Waters Reform Formal Feedback to Government

Attachment 2 - Three Waters Reform - Useful weblinks

**Item 14**

## Covering Letter

The following text will be transferred on to HCC letterhead and formatted to be sent as part of the feedback to the Hon. Nanaia Mahuta, Minister of Local Government .

### Three Waters Reform Formal Feedback to Government

Hamilton City Council has provided the attached feedback on elements of the Three Waters Reform process but wishes to express its disappointment with the process set out by Government to date.

The compressed timeline and lack of detail on critical elements of the Government's Three Waters Reform process has impacted Hamilton City Council's ability to provide fully comprehensive feedback. We have had no opportunity to present a detailed proposal to our community, and there are significant gaps in the information available from Government. Council emphasises our feedback reflects an initial view from elected members, on still-developing information, and must not be perceived as reflecting the views of our wider community.

We have identified shortcomings and concerns in the proposals but have had insufficient time to develop solutions or preferred options. We reinforce our feedback messaging that aspects such as governance, community involvement and financial structures require further expert work and a commitment to partnership with local government to address. It is disappointing, and a missed opportunity, that the proposals do not include alternative options on the key issues of ownership and governance.

We remain concerned that the process for future formal engagement and genuine consultation with our community prior to any final decision has not been made available by Government. This is a critical issue and one which is not addressed within the proposal information to date. Financial modelling on a 30-year window provides insufficient data to understand shorter timelines or localised financial impacts for our residents.

The lack of detail in the proposals has meant Council has been forced to provide feedback based, in some cases, on assumptions or perceptions of likely impacts of the proposals. This would inevitably impact the direction of our feedback if these assumptions are wrong.

Council remains supportive of the goals envisaged by Government. Hamilton City Council is continually seeking better environmental and public health outcomes, and greater efficiencies within Three Waters delivery, in its day-to-day operations.

We look forward to Government's response to the national feedback in this phase and the development of refined and amended proposals. We look forward to the opportunity to provide more detailed feedback in coming stages of this process, should the government proceed, and as more certainty and clarity emerges.

## Three Waters Reform Formal Feedback to Government

This feedback is provided to give focussed feedback to the Government on Council's areas of concern on critical success factors the Council has previously identified. The Feedback does not focus on the positive aspects of the Government's proposal.

There has been no opportunity for detailed formal consultation with the community on a complete reform proposal. As this is the Government's reform Council expects clear information which would include a formal proposal and opportunities for councils to formally consult with their communities.

### Overview

1. Hamilton City Council supports the Government's goals of ensuring safe, sustainable, and economically efficient delivery of three waters services but notes effective transition to any new structure must be in full and equitable partnership with local government.
2. Hamilton City Council has sought to work with its neighbours on waters activities for many years. In 2015-16 we undertook a significant investigation for a Waikato Water CCO proposal where the benefits of working together with our neighbours were clear and there was a strong case for change. Despite support from two of three councils, this didn't proceed. Council also works well with its neighbours in the very successful Waikato Regional Airport Ltd community owned CCO. Our learnings from that waters and airport CCO journey and have been applied to this reform proposal.
3. The Government's current reform proposal has been developed following nationwide systemic failings identified through inquiries into a water contamination issue in Havelock North in 2016. A wide-ranging reform programme to address compliance, regulatory frameworks and investment in infrastructure was developed. In August 2020 Council committed to engaging with the Government on Three Waters Reform and has responded with feedback to Local Government New Zealand in June and August 2021. On 10 June 2021 we identified 11 key areas that are critical to the reform's success. This feedback on the government's three waters reform proposal focusses on those crucial success areas that need more work.
4. The Government has foreshadowed a [new future for local government](#). A future with flexibility and incentives to adapt to the future needs of local communities and to provide better social, environmental and cultural and economic wellbeing to these communities.
5. In this Feedback document we have looked at the Government proposal in detail and have given feedback on those critical success factors that need work. There will be detail more appropriate to feedback to the Select Committee process when the legislation is drafted.
6. In the spirit of partnership, we have provided feedback on improving the proposed governance structure as proposed. However, getting the governance structures right is a big critical success factor. The current proposal needs work to be a successful model for central and local government and our communities. We have separately addressed this below.

## The Big Critical Success Factors – Governance and Other Reforms

Attachment 1

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7. Council has identified that effective governance and aligned delivery with other reforms are the big critical success factors that need work. Council is concerned with the Government's governance proposals as we understand them, as there is no guarantee that local governance would be preserved in any meaningful way. For the reforms to be successful:
  - a. Councils and communities must have meaningful input and influence over strategic directions, investment plans and service delivery standards of 3 Waters entities, especially as these relate to specific communities.
  - b. There must be proper rights of ownership for councils as the owner. Nominal ownership by councils, without any of the benefit of ownership is meaningless without the rights of ownership and accountability of the entity to the owners, and thereby to the owner's community.
  - c. There must be a strong connection to councils' roles in placemaking and supporting thriving communities and the future of local government reform.
  - d. There must be a strong connection to connection existing the existing resource management framework (e.g. the National Policy Statement on Urban Development) and resource management reform.
8. The future of local government review states the following areas of focus. *"The Review's initial focus will be on how local government will be a key contributor to the wellbeing and prosperity of New Zealand and **an essential connection to communities in the governance of New Zealand in the future.**"* The Minister of Local Government said, "Local government plays an important role in our democratic system, giving people a voice in the leadership of their communities and in the governance of services and publicly owned assets." The proposed governance structure does not support the Government's own recognition of the role of local government.
9. It appears the governance model is compromising ownership rights and accountabilities in order to fund the \$185B forecast spend from debt. This places too much emphasis on the finances and not enough on the social and cultural needs of communities in the design of the governance model.
10. Is the proposed structure the best governance model for success? We cannot assess this. The Regulatory Impact Statement includes five alternative governance structure models. The comparison and information sharing of these models has been insufficient for councils to conclude which is the best model. Our Waikato Water CCO study showed significant financial savings and greater investment could be achieved with a CCO structure and Waikato Regional Airport Ltd demonstrates councils can be shareholders of a community owned company that thrives.
11. Resource management reform and its links to three waters investment is critical to placemaking and having thriving communities. A strong voice for the local community would support greater alignment with other community planning mechanisms (e.g. RMA and its successors, responding to growth, Council investment planning in 10 and 30-year plans) and community driven solutions to water conservation, climate change, price allocation and other social and cultural matters connected with waters.
12. Council is proposing that part of the potential governance solution sits in having strong links to the outcomes of the resource management reform in the entities' objectives and operating principles. These provide the foundation for what must be embedded in all aspects of the waters business, not just the waters entities but the waters regulators as well.
13. Also crucial to success is community support for the reform. Council has not been able to consult formally however we have been placed in the difficult position to be informing our community due to poor quality information, information gaps and no central rebuttal to misinformation.

#### 14. POTENTIAL SOLUTION:

Hamilton City Council is not satisfied with the Government's proposed governance structure and believes more work is needed. Governance structures are complex, needing to address a mix of financial, cultural and social matters. Council is looking for a better structure that better meets financial and community objectives better.

Company models (like a CCO) using well established governance and business structures are successful in Australia. Council needs to be certain that a hybrid, never tried before is better. Central and local government must come together to share knowledge and experience and wholly redesign the governance structure. This requires a review involving specialists who understand the need to balance these matters.

## Introduction

15. Council supports the Government's goals of ensuring safe, sustainable, and economically efficient delivery of three waters services but notes effective transition to any new structure must be in full and equitable partnership with local government.
16. On 10 June 2021 Council provided feedback to Local Government New Zealand (LGNZ) on the three waters reform. In that feedback we identified 11 key areas that are critical to the reform's success. On 15 July 2021 LGNZ and the Government signed a Memorandum of Understanding on the three waters reform. Further feedback was provided to LGNZ as an addendum in August 2021.
17. To assist LGNZ's discussions with the Government on the three waters reform programme, we have considered the current status of our 11 key areas. We have found that the status of these key areas can change positively or negatively as the reform continues depending on both new information and community perceptions. The 11 key areas and their status are shown in the table below.

| Key Area for success                          | Overview                                                                                                                                                                                                                                                                    | Status     |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>Governance</b>                             | see The Big Critical Success Factors<br>para. 6-14<br>Governance<br>para. 30-68                                                                                                                                                                                             | NEEDS WORK |
| <b>Community ownership</b>                    | see The Big Critical Success Factors<br>para. 6-14<br>Governance<br>para. 30-68                                                                                                                                                                                             | NEEDS WORK |
| <b>Enabling Legislation and other reforms</b> | see The Big Critical Success Factors<br>para. 6-14<br>Governance<br>para. 30-68                                                                                                                                                                                             | NEEDS WORK |
| <b>Financial</b>                              | see para. 69-98                                                                                                                                                                                                                                                             | NEEDS WORK |
| <b>Community engagement and information</b>   | see para. 99-end                                                                                                                                                                                                                                                            | NEEDS WORK |
| <b>Geography</b>                              | Any entity in our region should include the Waikato and Bay of Plenty regions in their entirety, even if the entity included Taranaki. 'Our region' includes Thames-Coromandel and Hauraki and ensures areas of common interest and lifestyle make a cohesive whole.        | Neutral    |
| <b>Iwi participation</b>                      | Hamilton City Council has built enduring and mutually-supportive relationships with iwi/Maori in our region. Any waters decision-making in our region must be directed by the vision and principles of Te Mana O Te Wai, recognise treaty settlements and give effect to Te | Neutral    |

## Attachment 1

## Item 14

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                 |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
|                                 | <p>Ture Whaimana/the Vision and Strategy for the Waikato River.</p> <p>Council acknowledges and supports the need for greater efforts in sustainability of healthy water and increased awareness of the precious and finite nature of this resource.</p> <p>We will be working with our iwi partners throughout the reform but need clear guidance from Government on what aspects of the reform are for councils to respond to, and what aspects will be managed by centrally. Establishing mechanisms for iwi co-management is best framed consistently at a national level rather than entities attempting to create potentially disparate bespoke arrangements.</p> <p>We support, as has been made clear by the Government, the Entities are not owned by mana whenua, although they have representation on the proposed Regional Representation Group.</p> |                                                                                                 |
| <b>Early transition</b>         | <p>A long transition process will increase costs and create uncertainty. Incentives for early adopters of the transition process would allow development of transition plans even ahead of legislation for those entity areas willing and able to do the work. The early creation of a transition entity and transition Board would enable regional decision-making in the same way as the Auckland Transition Agency enabled the creation of what is now Auckland Council.</p> <p>Council supports a trial transition governance arrangement. This would enable testing of governance models and representation to identify and resolve issues of localism, control and accountability.</p>                                                                                                                                                                     | Proposal largely acceptable                                                                     |
| <b>Opt-in/opt out model</b>     | <p>We understand the Government favours a model with deemed participation by councils who could choose to opt out.</p> <p>Should reform proceed as indicated, the Government should remove the opt-out option and make participation mandatory. A fragmented approach to establishing regional entities would undermine the benefits to community health, the environment and efficiencies.</p> <p>If an opt-out option remains, councils should only be permitted to do so if they demonstrate an ability to deliver a cost effective, safe, and sustainable service which achieves all of the reform outcomes.</p>                                                                                                                                                                                                                                             | Next steps unresolved.                                                                          |
| <b>Staff Welfare</b>            | <p>Staff are our greatest asset and reform places impacts our waters specialists as well as on staff in the remaining Council activities. We strongly support the Government on their announcements regarding the transfer of waters staff.</p> <p>Waters roles will remain with councils until transition to a new entity in June 2024, should reform proceed on the planned timeline. Council staff will be impacted in ways that will have both positive and negative wellbeing implications for them.</p> <p>It is essential there is clear direction and communication from the Government and its agencies, as well as government and funding support for councils to transition, retain and develop all affected staff (waters and outside the waters business) over the next three years.</p>                                                            | Proposal largely acceptable                                                                     |
| <b>Data-led decision-making</b> | <p>Councils must have access to clear, timely and accurate data to make informed decisions within the Governments timeframes.</p> <p>One example is the methodology to calculate and transfer financial assets, debt and cash reserves in a way which is understandable and acceptable to councils and communities. Council wishes to avoid a situation where Government timelines are impacted because a lack of data means Council is unable to make an informed decision.</p>                                                                                                                                                                                                                                                                                                                                                                                 | Information supplied largely acceptable however there are many gaps in the data. See Financial. |

## Principles applied to the specific feedback and solutions

18. The following principles have been applied to our approach to the Government's three waters reform as presented in the information on the [Department of Internal Affairs website](#):

### Governance

19. Council requires that the principle of localism (working with local people to solve local issues) is not lost and that any waters services entity must allow the community voice to be heard and appropriately considered.
20. Council requires the outcomes of the governance structure (as specified in legislation) to provide for councils, the community and consumers to influence direction on the matters of:
- a. service level,
  - b. waters investment
  - c. rates, fees and charges.
21. Council acknowledges the need to protect the Entity's borrowing as well as the impact that political influence in governance has on credit ratings and borrowing limits. These restrictions mean the traditional approach of influencing from the boardroom may need alternate approaches.

### Financial

22. Council requires that from 2024 our community and consumers are financially better off after waters reform than they would be under a scenario in which Council continued to operate waters activities.
23. Council requires that the transfer of assets and liabilities and revenues ensures Council and the community are no worse off.
24. Council requires recognition that it's three waters infrastructure spend has borrowed debt capacity from other activities to meet the government's growth and compliance objectives. Hamilton City Council's investment in this area has necessarily prioritised infrastructure over wider community wellbeing initiatives. Council seeks additional financial recognition through the asset transfer process to redress this imbalance and recognise Council's greater investment in this area than some other councils in Entity B.
25. Council requires that the Government fully funds Council to be able to:
- a. fully participate in the reform;
  - b. transition assets, liabilities, and revenues and staff; and
  - c. transform (right size) council over the three years following change over date, including consideration of stranded costs and any new direction for councils (from the future of local government review).

### Timetable

26. Council requires a detailed and clear timetable to 30 June 2027 (the end of the last funding period), developed to cover all significant elements of the reform, from next steps to final payments for stranded costs. It should make it clear provision as to when councils will be expected to formally consult with their communities.

## Communication

27. Council requires that the Government and its agencies dramatically improve its communication, messaging and community engagement on three waters reform.
28. Council requires the Government to take greater ownership of its reform and to communicate, inform or engage, as appropriate) either directly or through its agencies (including transition agencies and waters entities) clearly, consistently and concisely to councils and their communities. This process must include opportunities for Council to provide input into messaging and receive any public information on Three Waters Reform ahead of public or media release.

## Detailed Feedback

29. The following are the concerns and potential solutions of Hamilton City Council to the proposed Government three waters reform. We have focussed on four critical success factors that need work:
  - a. Governance
  - b. Financial
  - c. Timetable
  - d. Communication

## Governance – Key Success Factor

30. Council requires that the principle of localism (working with local people to solve local issues) is not lost and the community has a voice, particularly in regard to:
  - a. service level,
  - b. waters investment
  - c. rates, fees and charges.
31. Resource management (RM) reform and its links to three waters investment is critical to placemaking and having thriving communities. Hamilton City is a big growth council and waters services are essential to growth. The community having a strong voice in the waters entity is essential to aligning council and waters community planning mechanism (e.g. RMA and its successors, national policy statement e.g. NPS-UD, and Council investment in 10 and 30-year plans) and community driven solutions to water conservation, climate change, price allocation and other social and cultural matters connected with waters.

## Overall governance concerns

32. **CONCERNS:** Council acknowledges that the entity structure is highly influenced by the benefits of balance sheet separation (to achieve significant financial opportunities for the entity and council) and protection from privatisation.
33. Governance structures are complex, needing to address a mix of financial, cultural and social matters. The impact of focusing on the financial matters has virtually remove all community influence in governance, based on the role of the Regional Reference Group as represented in Clause 17 of Cabinet Minute (CAB-21-MIN-0227).
34. The multi-tiered governance structure, which requires an additional structure for 22 councils and another for mana whenua so that they each can select their six representatives is cumbersome, opaque and distant from the owners (the councils on behalf of the community).
35. Furthermore, Council does not accept the proposed concept of statutory ownership of the asset, where we have no rights of ownership. We are not aware of another example of this type of



ownership structure in use anywhere else in New Zealand. Company models using well established governance and business structures are successful in Australia.

36. The Regulatory Impact Statement refers to 5 other governance models. The comparison and information sharing of these models has been insufficient for councils to conclude which is the best model. Our Waikato Water CCO study showed significant financial savings and greater investment could be achieved with a CCO structure and Waikato Regional Airport Ltd demonstrates councils can be shareholders of a community owned company that thrives.
37. We note that while protection from privatisation is commendable, and in fact strengthens existing provisions to protect against privatisation, New Zealand is a country where the legal framework for parliament prevents a government from binding future government. Given this reality, achieving community governance objectives (including influence, localism and wellbeing) and the financial objectives (associated with the governance structure) should come first.

### 38. POTENTIAL SOLUTION:

Council has provided solutions below to improve the current proposal, however Council continues to look for a better overall structure that can meet the financial and community objectives better. See the *Big Critical Success Factors* para. 6-12

As part of the solution, Council proposes the following matters are considered:

- a. A shareholders' forum, where every asset-owning council is represented, and where strategic directions are discussed and recommended back to councils before going to the Board/company for approval. This could include iwi in an advisory capacity.
- b. Councils and iwi develop a skills matrix and approve Board members.
- c. A requirement for direct negotiation with individual local councils or groups of councils should they choose (such as the 3 currently working on the Future Proof wastewater plans) over service delivery levels and infrastructure investment plans in their respective areas. (Also see para. 40-57)
- d. Accountability through annual reporting to each council and iwi within the entity. (Also see para. 66-69)
- e. Local council decision-making over the method/split of charges, once the water is delivered, or the wastewater 'uplifted' at the city/district boundary. (Also see para. 66-69)
- f. Plans that correspond to the timing of each Council's 10 and 30 year plans. (Also see para. 66-69)
- g. Required involvement of the entity in spatial planning groupings (eg Future Proof, Smart Growth), where alignment with environmental/conservation measures, transport and stormwater issues, community wellbeings, etc. can be better assured. (Also see para. 40-57)

### Purpose and objectives of the Entity

39. **CONCERNS:** We have two main concerns with the purpose and objectives of the entity:

- a. Weak integration with the Government's Resource Management (RM) reform.
- b. Weak integration with the Government's Climate Change response.

### 40. Resource Management Reform (RM reform)

41. Water services entity objective 15.7 and operating principle 20.5 (from Cabinet Minute CAB-21-MIN-0226) need work:

- a. “15.7 Supporting and enabling housing and urban development.”
  - b. “20.5 Cooperating with, and supporting, other water services entities and infrastructure providers, local authorities, and the transport sector – including in relation to infrastructure planning, and development control and land-use planning processes.”
- 42. These important strategic references will guide the entities direction and priorities. The link to the suite of proposed RM reform documents needs work.
- 43. We note the Government recognises these important links, but with multiple reforms happening at once and an often-siloed public sector, we are uncertain that the links are being built in as the programme develops.
- 44. It is essential that there are strong connections between all planning, which by implication has strong linkages to growth, the current housing challenges and government policy such as the National Policy Statement for Urban Development.
- 45. RM reform is not providing any certainty of sub-regional or local growth and spatial plans (like the Hamilton Urban Growth Strategy (HUGs), Hamilton-Waikato Metropolitan Spatial Plan (MSP) and Future Proof | Te Tau Tiitoki) nor recognising Hamilton’s high growth demands (giving it tier 1 status under the National Policy Statement for Urban Design (NPS UD)).
- 46. This uncertainty creates significant risk that three waters investment needs will not be appropriately recognised in the new RM reform plans. With Entity B straddling 3.5 regions and potentially needing to work with 4 RM entities, the three waters investment risk for NPS UD tier 1 areas is further increased. If these links fail NZ Inc goes backwards, housing shortages exacerbate and GDP growth shrinks.
- 47. Managing these risks starts at the drafting of the legislation for both reforms and is essential. In the case of waters reform, building strong links with the entities purpose and its objectives is the start of accountability for getting this right.
- 48. We are proposing that part of the potential solution sits in having strong links to the outcomes of the RM reform in the entities’ objectives and operating principles. These provide the foundation for what must be embedded in all aspects of the waters business, not just the waters entities but the three waters regulators as well.
- 49. Climate Response**
- 50. Three waters reform presents an opportunity to embed a low-carbon approach in entity planning from the outset. It is critical that action in this area is consistent with, and supportive of, Government’s wider climate action goals. Building resilience to climate change is commendable but a failure to implement benchmarks to transition toward a net zero carbon future would be an opportunity missed.
- 51. Water services entity objective 15.5 and operating principles (from Cabinet Minute CAB-21-MIN-0226) need work:
  - a. “15.5 delivering and managing water services in a sustainable and resilient manner, which seeks to address climate risks and mitigate the negative effects of natural hazards.”
- 52. We are very concerned that the environment or climate change mitigations are not referenced in the operating principles. These could be added to “20.2 being innovative in the design and delivery of water services and infrastructure” as it is likely that improving the environment and reducing carbon emissions will best be achieved by innovation.

53. The Ministry for the Environment promotes the Carbon Neutral Government Programme set up to accelerate the reduction of emissions within the public sector. Three waters entities should be ambitious in reducing their carbon footprint.
54. We support the Government's objective to increase the resilience of three waters service provision to climate change risks. However, more emphasis needs to be put on rapidly reducing the significant carbon footprint of water services. This includes emissions from capital delivery, such as the embodied carbon in concrete and steel; operational emissions from electricity and fuel use; and waste gases (methane and nitrous oxide) from wastewater.
55. As highlighted by Waters NZ in its submission to the Climate Change Commission, the reforms open a "window of opportunity" for reassessing past practices and design philosophies to re-orientate the sector towards low carbon approaches. This includes contributing to the circular economy by capturing the energy contained in wastewater and bio-solids.
56. There needs to be a clear commitment to transitioning the sector to net zero carbon. Given both the public nature of the water entities and the serious risks that climate change poses to water services, targets for reducing emissions should be ambitious.
57. In 2018/2019, the treatment of Hamilton's wastewater produced over half of the organisation's emissions. Council has already committed in its 2021-2031 10-year Plan to switch away from natural gas at its wastewater treatment plant.
58. We are proposing that part of the potential solution sits in having strong links to climate change outcomes in the entities' objectives and operating principles. These provide the foundation for what must be embedded in all aspects of the waters business.

#### 59. **POTENTIAL SOLUTION:**

**Objective 15.7 and operating principle 20.5 (from Cabinet Minute CAB-21-MIN-0226) must provide stronger support or Resource Management planning (spatial planning and natural and built environments planning) its development and implementation.**

**Objective 15.5 and operating principle 20.2 (from Cabinet Minute CAB-21-MIN-0226) must provide strong expectations to climate change mitigation including supporting the expectations of government to be carbon neutral.**

### **Regional Governance Group**

60. **CONCERNS:** Council considers that the Regional Governance Group does not support our critical success factor for good governance. It does not provide councils with the benefits of ownership, nor does it provide councils with the ability to influence the entity and provide a link to communities on waters matters. We have addressed these and other concerns about governance in the ***Big Critical Success Factors*** para. 6-12.
61. Council has considered ways to improve the proposed Regional Reference Group, should this feature be included in the reform. We note that these solutions do not meet all our concerns or expectation of an appropriate governance structure that will deliver good governance to Hamilton.
62. Entity B has 22 councils that need to appoint 6 representatives. We require that the legislation provides for appropriate processes for this diverse group to appoint these representatives. We recognise that a solution for Entity B may not work for other waters entities. Key items that could be included in a schedule to the Entities founding legislation include:
  - a. A democratic process to ensure the members are representative of the populations. This could include the legislation creating a permanent joint committee, with a single

representative of each council and voting based on population. For example, the *Joint Committee of Owners of Entity B*.

- b. We acknowledge it is perverse to add another structure into an already overly complex structure, but perhaps this is representative of the flaws in the proposed structure.
- c. There is no legislative confirmation the Entity will fund all activities including but not limited to: meetings costs, independent expert advice, communication, engagement and consultation with councils and mana whenua, and meetings costs of councils and mana whenua in the selection and replacement of RRG members.

### 63. POTENTIAL SOLUTION:

**We would prefer the legislation includes a schedule that defines the process by which the 22 councils come together to make decisions with regard to their representatives and to hear from their representatives on the Regional Reference Group.**

**The entity should fund all three waters governance meetings and engagements for the councils, the group of councils, mana whenua and the regional representative group.**

### Strategic Documents to be delivered to Regional Governance Group

64. **CONCERNS:** We are concerned that:

- a. the legislation provides only for the *Board Appointment and Remuneration Policy* to be delivered to the Regional Representative Group.
- b. Other strategic documents are not required to be delivered.

### 65. POTENTIAL SOLUTION

66. **We would prefer that the legislation should require the Entity Board to report the following to the Regional Representative Group:**

- a. **Their response to the Statement of Strategic and Performance Expectations.**
- b. **The Statement of Intent**
- c. **The Engagement Policy (currently not required for Entity)**

### Consumer, Community and Council Engagement

67. **CONCERNS:** Council is concerned that we will be treated as a customer and not as a trusted partner in the development of the city. There is no evidence in the proposal that the principles of localism and working with communities to find solutions that fit with the values and aspirations of those communities are recognised. There must be alignment with council planning processes and planning documents.

68. Councils provide a unique perspective of local community wellbeing (economic, cultural, social and environmental). Councils have the benefit of having managed waters activities, own or manage a significant part of the stormwater network and are intimately involved in the planning for the shape of their communities, housing, business development and growth. This perspective across the multidisciplinary activities of councils cannot be provided by community and consumer engagement alone.

69. To improve the opportunity for local input and better alignment policies and plans we have developed the following process improvements.

- a. That the entity should be required develop an Engagement Policy and engage with councils, communities and consumers on the proposed policy within 12 months of 1 July 2024 and reviewing and re-consulting no less than every 6 years.
- b. That the entity must adopt by 1 March 2025 the following documents which have been audited and reviewed in line with Council long-term planning cycles:
  - a. Prioritisation methodology that informs the asset management plan;
  - b. Asset Management Plan; and
  - c. Funding and Pricing Plan.
- c. That the above plans provide sufficient information for councils to be clear on the service levels in their communities, the investment in assets, rates, fees and charges that the entity intends to levy within Council boundaries.
- d. That the entity consults with each council on the above policies prior to consulting with consumers and the community.
- e. That a council may prepare a written statement, expressing a view on the entities proposals, to be included by the entity in its community and consumer engagement information.
- f. That having regard to its own long term planning and other strategic documents a council's statement would state whether each plan (see para 67b):
  - a. Is supported by the council, and
  - b. If part of the plan is not supported by the council, the council's views on why it is not supported and a potential solution to the issues identified by the council.
- g. That the entity will be required to include the statement in the community and consumer engagement.
- h. That the entity may express its own views on the matters raised by the council and include those views in their engagement material.

#### 70. POTENTIAL SOLUTION:

**We strongly prefer that individual councils are treated individually and with priority by the entity.**

**We have developed a proposed process that gives each council the opportunity to participate in an engagement process and work with the entity on its strategic documents, as representatives of their community to ensure alignment with that council's plans. This pre-engagement is prior to the entity undertaking its own consumer consultation or engagement**

#### Financial – Key Success Factor

- 71. Council requires that from 2024 its community and consumers are financially better off after waters reform than they would be should Council continue to operate waters activities.
- 72. Council requires that the transfer of assets and liabilities and revenues is designed so that Council and the community are no worse off.
- 73. Council requires that the cost of the Government's Three Waters Reform is fully funded by the government allowing council and the community to:
  - a. fully participate in the reform;
  - b. transition assets, liabilities, and revenues and staff to EB; and

- c. transform (right size) council, including stranded costs and a new direction.

### Financial Implications for our Community

74. **CONCERNS:** Council's have been provided with significant amounts of data. It is spread across many reports, dashboards and the occasional spreadsheet. Some of the data was sourced from council direct or indirectly from audited annual reports and plans. Most of the data is based on significant assumptions, which in some cases have been peer reviewed and accepted as reasonable for the purpose of long term forecasting.
75. Council however has been unable to get answers to many questions as the data either does not exist, has not been shared or has not been found in the mass of data provided at short notice.
76. Council is particularly concerned in the immediate years after the transfer. These are questions the community will expect answers to when the time to consult occurs.
- a. What will happen to pricing at day one of the Entity?
  - b. Has the cost of reform been added to the price of services in these early years?
  - c. When will harmonisation start and what cost does that Hamilton ratepayers?
  - d. Does harmonisation mean a loss of capital value rating for waters?
  - e. When will the community see the benefits of economies of scale on pricing?

**77. POTENTIAL SOLUTION:**

**More information for the community on how it impacts the community them in the short term is required for all models considered.**

### Better Off Package

78. **CONCERNS:** Providing financial support to councils is a critical success factor for waters reform. Hamilton has been disadvantaged by the allocation formula of population, deprivation and area. The government formula has not taken account of growth and the placemaking role of future councils to invest in community infrastructure to build strong and resilient communities.
79. For more than a decade Council has been challenged by growth. Information supplied in the RFI in late 2020 and early 2021 indicated Council has a waters debt to revenue ratio of 522%, illustrating the large investment that has been made in waters infrastructure predominantly driven by growth. This has come at a considerable cost to the community infrastructure investment (as demonstrated by the high waters debt to revenue ratio).
80. The funding allocation has not recognised this investment of waters infrastructure to enable growth, at the expense of community infrastructure.
81. It is a key goal of waters reform to increase housing availability. Hamilton's investment has been large to achieve this. However, our investment in community infrastructure is less than desirable and delivered later than the community needs due to financial constraints and other waters investment needing to be prioritised. Also, Hamilton's investment in three waters infrastructure to support the government's growth and freshwater agenda must be financially recognised.

**82. POTENTIAL SOLUTION:**

**We request that additional funding of \$15M is provided to contribute to the necessary community infrastructure for placemaking and build strong, resilient new communities.**

## Worse Off Package

83. **CONCERNS:** Providing financial support to councils is a critical success factor for waters reform. Councils have not budgeted for waters reform in their 10-year plans at the request of the government. Councils' ability to fund participation, transition and transforming (right sizing) council is a critical success factor for the reform. Without this funding, councils' ability to represent and/or invest in their communities would be restricted as funds are diverted or are not available. The success of implementation of findings from the Future of Local Government review relies on an efficient transition and transformation.
84. DIA have advised they estimate \$8M would be paid to Hamilton in 2024 to fund stranded costs. This is a small fraction of the expected 2024 stranded costs that Council will carry for a number of years until it is able to right size the council.
85. In the Waikato Water CCO project (2016) it was proposed that the waters entity would pay the councils for stranded cost on a decreasing scale over five years. This provides time for councils to shed or absorb those costs.
86. A fair and appropriate funding of stranded costs would be:
  - a. 2024/5 75% of waters overheads
  - b. 2025/6 50% of waters overheads
  - c. 2026/7 25% of waters overheads
87. After 2027 Council would then fund all costs itself.
88. Based on the audited 10-year plan allocations to waters activities and applying the formula in paragraph 70 above, Council expects a contribution of \$29M for stranded costs. Adjusted for the estimated \$8M contribution Council is underfunded for costs incurred by the government reform by \$21M.
89. This gives councils the opportunity to right size for the smaller authorities that they must become after removing such a large portion of their business. It also gives council a reasonable opportunity for the community not to be funding costs, bought about only because of the government waters reform.

## 90. POTENTIAL SOLUTION

**We request that additional funding of \$21M be provided to fund ALL costs created by government waters reform that leave stranded costs in Council after 1 July 2024 on a declining basis of Year 1 75%, Year 2 50% and Year 3 25% of the forecast overheads budgeted in the 10-year plan.**

## Transformation Costs

91. **CONCERNS:** \$296M was allocated in the 2021 budget for transitioning costs. We have been advised that this funding becomes available when the decision to reform is made. This is anticipated to be between 2 October and before the parliamentary summer recess from 16 December 2021.
92. We have heard from DIA that this funding will be for:
  - a. The creation and funding of an overall transition entity;
  - b. The creation of 4 shadow entity transition entities;
  - c. Increased training for waters staff;
  - d. Costs of transitioning waters staff and activities out of councils (including significant legal costs associated with contracts) into new entities.

93. The Water Industry of Scotland (WICS) forecasts included \$1B of transition costs in the new entities. We expect the new entities would pay for the costs of:
- a. New computer systems and technology for asset management, financial management, people management, billing and customer service and engagement.
  - b. Transitioning assets, liabilities, revenues and employment records into these new systems.
  - c. Establishing the new corporate structures.
94. We expect that all work undertaken by Department of Internal Affairs (DIA), LGNZ and other government entities will be funded from other than the above allocations.
95. Council estimates, based on its investigations in relation to the Waters CCO project, show that over the next three years Council could spend between \$5M and \$8M, participating, transitioning and transforming the Council. We understand that all of this cost would be funded from the \$296M allocated in the budget.
96. It is not clearly obvious that sufficient funding has been made available to support participation, transition and transformation costs driven by government.
97. Council has been funded to participate in the reform with an allocation of stimulus money requested in the original stimulus package. The government has until now denied the opportunity for many of our Entity B (EB) partners (including Iwi) to be funded to participate in reform. It is clear that those funded to participate are better informed and more able to influence better outcomes for the sector. Waikato/BOP have been regularly congratulated on the high level of participation as a result of working together in the consortium. This is a small head start on other parts of the country that if capitalised on, should lead to better outcomes for EB and the EB communities.
98. Formal consultations are expensive and in the case of this reform more so due to the complex nature of the proposal. It is estimated that if consultation is undertaken by Council, that the expected cost would be between \$100,000 and \$150,000 preparing consultation information, running a consultation process and hearings. This is a cost not budgeted for by Councils and a cost directly driven by the government reform which should be paid for by the government.
99. Council stimulus funding runs out in March 2022 and there is no guarantee of any funding availability after that date to cover participation and transformation costs.
100. Attracting and retaining resources will become critical with the massive amount of work this reform will require in the next 33 months.

#### 101. POTENTIAL SOLUTION

**We request that the government guarantee that it will fund all reasonable costs of council participating, transitioning and transforming from now until 2027 (the end date for stranded costs), including the costs of any formal consultation with our community.**

#### Owners' Representative Costs

102. **CONCERNS:** The cost of ownership of the entity should be funded and supported by the entity. This includes the following costs:
- a. Operating the Regional Representative Group
  - b. Meetings of the owners
  - c. Owners' communications and engagements with their communities.



103. As discussed in our governance section of this feedback, the Regional Representative Group will need financial support from the Entity to fund independent advice and consultation and engagement with councils and mana whenua. We expect that to be funded by the entity once it is established. We are unclear where the funding for that comes from during the transition stage.

#### 104. POTENTIAL SOLUTION

**We request that the government guarantee funding for all reasonable costs of the Regional Representative Group during the establishment phase-up until Entity B can fund its activities.**

### Timetable – Key Success Factor

105. Council requires a detailed and clear timetable to 30 June 2027 (the end of the final funding), developed to cover all significant elements of the reform, from next steps to final payments for stranded costs. It should make it clear as to when councils will be expected to formally consult with their communities.

106. **CONCERNS:** The reform timetable was first published in December 2020 and slightly modified in a presentation “Three-Waters-Reform-Programme-March-Engagement-slides” and is now archived on the Department of Internal Affairs Three Waters Reform Programme website. Dates on this timeline have not been achieved. Council as part of implementing its 10-Year Plan, a significant work programme, on the Government’s instruction councils have not budgeted for this reform. A clear timetable to fit the business of council with the business of government is urgent and essential.

#### 107. POTENTIAL SOLUTION:

- a. **The government must develop and maintain a detailed timetable from next steps after the eight-week period to final payments for stranded costs.**
- b. **Within that timetable it must be clear when councils will formally consult with their communities.**

### Communication – Key Success Factor

108. Council requires that Government dramatically improves its communication on three waters reform.

109. Council requires the Government to own its reform and communicate either directly or through its agencies (including transition agencies and waters entities) clearly, consistently and concisely.

110. **CONCERNS:** Communication by the Government and its agencies has been poor and has created significant confusions and misunderstanding. Councils appear to have had no, or limited, opportunities to review and comment on public material before release. The Three Waters official social media account has been allowed to host nonfactual posts without rebuttal, media have been released council information before councils have received it (or in parallel), official statements on the waters reform page have been verbose, inconsistent and unclear and there has been too much emphasis on economic wellbeing and grossly insufficient emphasis on cultural, social and environmental wellbeing outcomes of reform. There has been no attempt to correct misleading information in the public domain, despite that information being demonstrably false.

#### 111. POTENTIAL SOLUTION

**We request that:**

- a. **The Government develop and share a communication strategy and timeline that clearly distinguishes the roles of government and its agencies, transition entities, local government through to 30 June 2024.**

- b. The Government commits to engage with councils on the content of any public collateral or campaign prior to release, and actively work to respond to, and address, concerns raised by Councils regarding that communication.
- c. Communication should be balanced to focus on all the benefits of reform including all the wellbeings - economic, social, cultural and environmental.
- d. The Government funds communication in the transition costs, recognising that councils will need to communicate / engage with staff (waters staff and stranded costs) stakeholders (e.g. significant water users) and the community from now until the transfer.
- e. The government shows its contribution to the partnership by releasing information concerning the reform and waters matters to local government prior to releasing to media or general public.

## Three Waters Reform Useful Weblinks

### Department of Internal Affairs

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

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

[July 2021 Three Waters Guidance for councils over the next eight weeks](#). Joint DIA, LGNZ and Taituarā guidance for feedback due 1 October 2021.

[June 2021 Heads of Agreement – Partnering Commitment](#). MOU between the government and LGNZ

[June 2021 Three Waters Reform Programme overview](#). PDF-A3. The programme summarised on two pages.

[June 2021 Waters Service Entities Overview](#). PDF. Overview of the 4 waters entities, including a list of who is in each entity.

[June 2021 Local Dashboards](#) Weblink. A summary of each the WICs analysis of each Council

[June 2021 Deloitte Report Summary](#). PDF Deloitte has undertaken a comprehensive study of the economic impacts of reform and the potential opportunities and challenges for affected industries.

[June 2021 BECA report](#). PDF. Beca reviewed the standards and practices in the United Kingdom three waters industry and the relevance to New Zealand given WICS has used United Kingdom data and benchmarks as part of its analysis.

[June 2021 Farrierswier Report](#). PDF Farrierswier reviewed the methodology and underpinning assumptions applied by WICS and the extent to which this is reasonable to inform policy advice.

[June 2021 WICS Final Report](#). PDF. The WICS phase 2 report uses detailed and up-to-date information collected from councils to investigate the estimated potential investment requirements for New Zealand and the scope for efficiency gains from transformation of the three waters service delivery system.

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

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

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

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

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

#### Taituarā

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

#### Hamilton City Council

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

[June 2021 Council Meeting.](#) Agenda - PDF (Large file) Pages 84 to 111

[August 2021 Council Meeting.](#) Agenda - PDF (Large file) Pages 254 to 320

# Council Report

Item 15

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

**Date:** 30 September 2021  
**Authoriser:** Becca Brooke  
**Position:** Governance Manager

|                      |             |
|----------------------|-------------|
| <b>Report Status</b> | <i>Open</i> |
|----------------------|-------------|

## Purpose – Take

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

- a) Infrastructure Operations Committee meeting of 17 August 2021 (Agenda [Here](#), Minutes [Here](#)), in respect of:
  - Commuter Parking in Central City 2 hour free parking zone
- b) Finance Committee meeting of 24 August 2021 (Agenda [Here](#), Minutes [Here](#)), in respect of:
  - Financial Strategy Monitoring Report
- c) Environment Committee meeting of 26 August 2021 (Agenda [Here](#), Minutes [Here](#)), in respect of:
  - Open Air Burning Bylaw Deliberations Report
- d) Strategic Risk and Assurance Committee meeting of 29 September 2021, in respect of:
  - Annual Report 2020/21

### Recommendations from the Infrastructure Operations Committee meeting of 17 August 2021

#### Commuter Parking in Central City 2 hour free parking zone

That the Council approves on-street commuter parking areas have a parking fee and charge of \$6 per space per day

### Recommendations from the Finance Committee meeting of 17 August 2021

#### Financial Strategy Monitoring Report

That the Council:

- a) approves the capital movement as identified in paragraph 30 of the 24 August 2021 Capital Portfolio Monitoring Report;
- b) approves the significant forecast adjustments as set out in paragraphs 19 and 20 of this report; and
- c) approves the revised Financial Strategy position for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 22 to 24 of this report.

**Recommendations from the Environment Committee meeting of 26 August 2021**

**Open Air Burning Bylaw Deliberations Report**

That the Council revokes the Open Air Burning Bylaw 2015.

**Recommendations from the Strategic Risk and Assurance Committee meeting of 29 September 2021** *(To be circulated following the conclusion of the Strategic Risk and Assurance Committee)*

**Attachments - *Ngaa taapirihanga***

There are no attachments for this report.

**Recommendations from the Extraordinary Strategic Risk and Assurance Committee meeting of 29 September 2021**

At the Extraordinary Strategic Risk and Assurance Committee meeting of 29 September 2021 it was explained that the Annual Report had not yet received verbal clearance as there were some non-significant amendments required to be made and an updated clear audit opinion being provided. A copy of the agenda is available [here](#).

The Committee resolved the below recommendation to the Council subject to the Strategic Risk and Assurance Committee Chair's review of any non-significant amendments to the letter of representation and Annual report and receipt of verbal clearance from Audit New Zealand. Keiran Horne, Strategic Risk and Assurance Committee Chair will speak to these matters at the Council meeting.

**Draft Management Representation Letter**

That the Council approves the letter of representation to Audit New Zealand be signed by the CE and the Mayor on behalf of Council.

**Draft Annual Report 2020/21**

That the Council adopts the Annual Report 2020/21.

## 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 12 August 2021                                       | ) Good reason to withhold<br>) information exists under<br>) Section 7 Local Government<br>) Official Information and<br>) Meetings Act 1987<br>) | Section 48(1)(a)                                                 |
| C2. Confirmation of the Elected Member Public Excluded Briefing Notes - 18 August 2021                          |                                                                                                                                                   |                                                                  |
| C3. Confirmation of the Elected Member Public Excluded Briefing Notes - 1 September 2021                        |                                                                                                                                                   |                                                                  |
| C4. Confirmation of the Elected Member Public Excluded Briefing Notes - 15 September 2021                       |                                                                                                                                                   |                                                                  |
| C5. Appointment of Directors - Waikato Regional Airport Limited                                                 |                                                                                                                                                   |                                                                  |
| C6. Appointment of Maangai Maaori to the Finance and Strategic Risk and Assurance Committees                    |                                                                                                                                                   |                                                                  |
| C7. Recommendations from Public Excluded Committee Meetings                                                     |                                                                                                                                                   |                                                                  |
| C8. Confirmation of the Extraordinary Council (CE Recruitment Matters) Public Excluded Minutes 1 September 2021 |                                                                                                                                                   |                                                                  |
| C9. Final report from the Chief Executive                                                                       |                                                                                                                                                   |                                                                  |

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act



which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

|          |                                                                                                                                                                       |                                                             |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Item C1. | to prevent the disclosure or use of official information for improper gain or improper advantage                                                                      | Section 7 (2) (j)                                           |
| Item C2. | to prevent the disclosure or use of official information for improper gain or improper advantage                                                                      | Section 7 (2) (j)                                           |
| Item C3. | to prevent the disclosure or use of official information for improper gain or improper advantage                                                                      | Section 7 (2) (j)                                           |
| Item C4. | to prevent the disclosure or use of official information for improper gain or improper advantage                                                                      | Section 7 (2) (j)                                           |
| Item C5. | to protect the privacy of natural persons<br>to enable Council to carry out commercial activities without disadvantage<br>to enable Council to carry out negotiations | Section 7 (2) (a)<br>Section 7 (2) (h)<br>Section 7 (2) (i) |
| Item C6. | to protect the privacy of natural persons                                                                                                                             | Section 7 (2) (a)                                           |
| Item C7. | to prevent the disclosure or use of official information for improper gain or improper advantage                                                                      | Section 7 (2) (j)                                           |
| Item C8. | to protect the privacy of natural persons<br>to prevent the disclosure or use of official information for improper gain or improper advantage.                        | Section 7 (2) (a)<br>Section 7 (2) (j)                      |
| Item C9. | to protect the privacy of natural persons<br>to maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment.     | Section 7 (2) (a)<br>Section 7 (2) (f) (ii)                 |