

Notice of Meeting:

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

Date: Tuesday 31 October 2023
Time: 1:00 pm
Meeting Room: Council Chamber and Audio Visual Link
Venue: Municipal Building, Garden Place, Hamilton

Lance Vervoort
Chief Executive

Council Kaunihera OPEN AGENDA

Membership

Chairperson Mayor Paula Southgate
Heamana

Deputy Chairperson Deputy Mayor Angela O'Leary
Heamana Tuarua

Members	Cr Maxine van Oosten	Cr Sarah Thomson
	Cr Moko Tauariki	Cr Emma Pike
	Cr Ewan Wilson	Cr Melaina Huaki
	Cr Mark Donovan	Cr Anna Casey-Cox
	Cr Louise Hutt	Cr Kesh Naidoo-Rauf
	Cr Andrew Bydder	Vacancy
	Cr Geoff Taylor	

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly – or as required

Amy Viggers
Mana Whakahaere
Governance Lead

19 October 2023

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www.hamilton.govt.nz

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 Council¹:
 - a) The power to make a rate.
 - b) The power to make a bylaw.
 - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
 - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
 - e) The power to appoint a Chief Executive.
 - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan or developed for the purpose of the Council's Governance Statement.
 - g) The power to adopt a remuneration and employment policy.
 - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
 - i) The power to approve or amend the Council's Standing Orders.
 - j) The power to approve or amend the Code of Conduct for Elected Members.
 - k) The power to appoint and discharge members of committees.
 - l) The power to establish a joint committee with another local authority or other public body.
 - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council does not accept the recommendation.
 - n) The power to amend or replace the delegations in Council's *Delegations to Positions Policy*.
2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
 - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
 - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
 - c) Approval of any changes to city boundaries under the Resource Management Act 1991.
 - d) Adoption of governance level strategies plans and policies which advance Council's vision and strategic goals.

¹ [Clause 32, Schedule 7, Local Government Act 2002](#)

- e) Approval of the Triennial Agreement.
- f) Approval of the local governance statement required under the Local Government Act 2002.
- g) Approval of a proposal to the Remuneration Authority for the remuneration of Elected Members.
- h) Approval of any changes to the nature and delegations of the Committees.
- i) Approval or otherwise of any proposal to establish, wind-up or dispose of any holding in, a CCO, CCTO or CO.
- j) Approval of city boundary changes, including in respect of Strategic Boundary Land Use Agreements.
- k) Approval of Activity Management Plans.
- l) Sister City relationships.

Oversight of Strategies, Plans and Reports:

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

Oversight of Policies and Bylaws:

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

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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

Committee: Council

Date: 31 October 2023

Author: Nicholas Hawtin

Authoriser: Michelle Hawthorne

Position: Governance Advisor

Position: Governance and Assurance
Manager

Report Name: Confirmation of the Council Open Minutes - 12 October 2023

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

That the Council confirm the Open Minutes of the Council Meeting held on 12 October 2023 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Council Open Unconfirmed Minutes 12 October 2023

Council Kaunihera OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber and Audio-Visual Link, Municipal Building, Garden Place, Hamilton on Thursday 12 October 2023 at 9.38am.

PRESENT

Chairperson Mayor Paula Southgate
Heamana

Deputy Chairperson Deputy Mayor Angela O'Leary
Heamana Tuarua

Members: Cr Maxine van Oosten
Cr Moko Tauariki
Cr Ewan Wilson
Cr Mark Donovan
Cr Louise Hutt
Cr Andrew Bydder
Cr Sarah Thomson (Audio-Visual Link)
Cr Emma Pike
Cr Melaina Huaki
Cr Anna Casey-Cox

In Attendance: Lance Vervoort – Chief Executive
David Bryant – General Manager Business Services
Andrew Parson – General Manager Infrastructure and Assets
Blair Bowcott – General Manager Strategy, Growth and Planning
Helen Paki – General Manager Customer and Community
Julie Clausen – Acting General Manager Partnerships, Communication and Maaori
Michelle Hawthorne – Governance and Assurance Manager
Charlotte Catmur – Sustainability and Climate Change Manager
Dan Finn – People Safety & Wellness Manager

Governance Staff: Amy Viggers – Governance Lead
Nicholas Hawtin and Arnold Andrews – Governance Advisors

Tame Pokaia opened the meeting with a karakia.

1. **Apologies – Tono aroha**
Resolved: (Mayor Southgate/Cr van Oosten)
That the apologies for absence from Cr Naidoo-Rauf and Cr Taylor are accepted.
2. **Confirmation of Agenda – Whakatau raarangi take**
Resolved: (Mayor Southgate/Cr Wilson)
That the Agenda was confirmed.

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3. **Declarations of Interest – *Tauaakii whaipaaanga***
Cr Donovan and Cr Wilson declared a conflict of interest to Item C2 (District Licensing Committee Appointments). They noted they would not take part in discussion or vote on the matter.

During the public excluded session Deputy Mayor O’Leary declared a conflict of interest in relation to Item C2 (District Licensing Committee Appointments). She did not take part in the discussion or vote on the matter.
4. **Public Forum – *Aatea koorero***
No members of public wished to speak.
5. **Confirmation of the Council Open Minutes - 7 September 2023**
Resolved: (Cr Wilson/Cr van Oosten)

That the Council confirm the Open Minutes of the Council Meeting held on 7 September 2023 as a true and correct record.
6. **Chair's Report 12 October 2023**

Mayor Southgate, Deputy Mayor O’Leary and Cr Tauariki spoke to the report and highlighted the Future for Local Government Reform workshop and the delegation trip to leper.

Resolved: (Mayor Southgate/ Cr Wilson)

That the Council:
 - a) receives the report; and
 - b) approves the visit to leper by Maangai Maaori Olly Te Ua to accompany Mayor Paula Southgate’s scheduled visit in April 2024, with the cost of \$4,800.00 funded by Council.
7. **Our Climate Future: Te Pae Tawhiti o Kirikiriroa Monitoring Report 2022/23**

The Sustainability and Climate Change Manager introduced the report and highlighted areas of the the monitoring report. Staff responded to Elected Members concerning the adaptation to address heat changes, emissions status within the city and current alert levels, Long-Term Plan resilience projects, public climate adaptation education and the Quality of Life Pulse Survey.

Resolved: (Cr Tauariki/Cr Hutt)

That the Council receives the report.

Cr Bydder Dissenting.
8. **Report from the Strategic Risk and Assurance Committee - Risk Management Report**

The Governance & Assurance Manager took the report as read.

Resolved: (Mayor Southgate/Cr Wilson)

That the Council receives the report.
9. **Report from the Strategic Risk and Assurance Committee - Safety and Wellbeing**

The People Safety & Wellness Manager took the report as read.

Resolved: (Mayor Southgate/Cr Wilson)

That the Council receives the report.

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10. Draft 2024 Schedule of Council and Committee Meetings

The Governance Lead took the report as read.

Resolved: (Mayor Southgate/Cr Wilson)

That the Council approved the draft 2024 Schedule of meetings (**Attachment 1**) of the staff report.

11. Recommendations from Open Committee Meetings**Policy Review – Municipal Endowment Fund Policy 2023**

Resolved: (Cr Wilson/Cr Donovan)

That the Council approves the Municipal Endowment Fund Policy with no changes (**Attachment 1**).

2024 Hamilton Speed Management Plan – deliberation and adoption

Resolved: (Deputy Mayor O’Leary/Cr van Oosten)

That the Council approves **Option One** of the staff report to adopt the 2024 Hamilton Speed Management Plan (**Attachment 1** of the staff report).

Annual Report Update

Resolved: (Mayor Southgate/Cr Wilson)

That the Council approves Mayor Southgate to sign the Audit Fees Letter for the 2023 Annual Report on behalf of the Council.

12 Resolution to Exclude the Public

Resolved: (Cr Wilson/Cr Hutt)

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 Unconfirmed Public Excluded Minutes 7 September 2023) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. District Licensing Committee Appointments		

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

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the proceedings of the meeting in public, as follows:

- | | | |
|----------|--|-------------------|
| Item C1. | to prevent the disclosure or use of official information for improper gain or improper advantage | Section 7 (2) (j) |
| Item C2. | to protect the privacy of natural persons | Section 7 (2) (a) |

The meeting was moved into public excluded session at 10:53am.

The meeting was declared closed at 12:10pm.

Council Report

Item 6

Committee: Council

Date: 31 October 2023

Author: Arnold Andrews

Authoriser: Michelle Hawthorne

Position: Governance Advisor

Position: Governance and Assurance
Manager

Report Name: Confirmation of the Elected Member Open Briefing Notes - 30 August
2023

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

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 30 August 2023 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Elected Member Open Briefing Notes - 30 August 2023

Elected Member Briefing Notes – 30 August 2023 – Open

Time and date: 11.47am, 30 August 2023

Venue: Committee Room 1, Hamilton City Council

1. Information Systems Overview

Chief Information Officer introduced the topic and explained that the purpose of the presentation was to inform Members of the various information systems used by Council and their purposes.

Elected Members asked questions in relation to the following matters:

- use of AI to create staff reports;
- 3D and Lidar technology and benefits;
- data output;
- 14500 PAs to Service Desk;
- quantifying benefits of optimal status;
- communication plan;
- 45 FTE head count;
- delivery of projects and a 5-year road map;
- \$20 Million budget inclusions;
- organisational safety; and
- collaboration with Future Proof Councils through Collab

Council Report

Item 7

Committee: Council

Date: 31 October 2023

Author: Arnold Andrews

Authoriser: Michelle Hawthorne

Position: Governance Advisor

Position: Governance and Assurance
Manager

Report Name: Confirmation of the Elected Member Open Briefing Notes - 18 October
2023

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

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 18 October 2023 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Elected Member Open Briefing Notes - 18 October 2023

Elected Member Briefing Notes – 18 October 2023 – Open

Time and date: 10.50am, 18 October 2023

Venue: Committee Room 1, Hamilton City Council

1. Infrastructure Acceleration Fund Update

Programme Delivery Manager introduced the topic and explained that the purpose of this session is to update Members on two of the construction projects being undertaken with Infrastructure Acceleration Funding. The session will outline at a level of detail appropriate for governance:

- Project requirements – what must the project deliver;
- The approach and criteria for site selection;
- The rationale and risks associated with the procurement methodologies; and
- Key risks.

Elected Members asked questions in relation to the following matters:

Bridge Project

- connection between the river path and the western bank;
- potential accessibility options and scope;
- accessibility between Memorial Drive and Grantham Street;
- expenditure lines, quantum and potential risks;
- access to Regional Theatre and Embassy Park; and
- bridge design, gradient and aesthetics.

Reservoir Project

- accessibility to the reservoir;
- potential design and aesthetics;
- city water requirement projections;
- procurement processes; and
- effective utilisation of space.

Council Report

Item 8

Committee: Council

Date: 31 October 2023

Author: Amy Viggers

Authoriser: Michelle Hawthorne

Position: Governance Lead

Position: Governance and Assurance
Manager

Report Name: Chair's report

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

That the Council:

- a) receives the report; and
- b) approves the changes to the 2022-2025 Governance Structure as outlined in the report (**Attachment 1**).

Attachments - *Ngaa taapirihanga*

Attachment 1 – Chair's report

Chair's Report



31 October 2023

I would like to congratulate incoming Prime Minister Christopher Luxon, and all of the successful candidates, on their recent election. I note with thanks the service of outgoing Members of Parliament and commend all of those who stood for election. Politics and elections campaigns are never easy.

A special congratulations to former Councillor Ryan Hamilton, and Tama Potaka, for their success in Hamilton. Ryan will be missed at Council but will be a strong voice for Hamilton in Wellington.

As Mayor, and on behalf of Council, I will be working with the new Government to champion Hamilton's needs, to deal shape the future and seek sustainable funding for our fast-growing city.

Ryan's departure from Council has triggered a byelection. Nominations for the vacant seat will open on Friday 24 November 2023.

Voting will open on Friday 26 January 2024 and close on Saturday 17 February at 12pm.

Several portfolios have also become vacant due to Ryan's departure. I propose his portfolios be allocated as follows:

- Councillor Sarah Thomson be permanently appointed as Chair of the Strategic Growth and Development Committee;
- Councillor Ewan Wilson remain Deputy Chair of the Strategic Growth and Development Committee, until after the by-election, when a decision on a permanent replacement be made;
- Councillor Sarah Thomson be appointed as a member of the Strategic Risk and Assurance Committee;
- Councillor Mark Donovan be appointed as a member of the Strategic Risk and Assurance Committee as Chair of Regulatory;
- Councillor Moko Tauariki be appointed as a member of the Chief Executive Review Committee;
- Deputy Mayor Angela O'Leary be appointed as the Lead of the City Honours Panel;
- Councillor Maxine van Oosten be appointed as a member of the Investment Forum and MEF Advisory Group;
- Councillor Sarah Thomson be appointed to the Future Proof Implementation Committee, with an alternative to be determined at a later date.

On Tuesday 17 October, we welcomed a sister-city delegation from Chengdu, China, led by Mayor, Wang Fengchao. This was an opportunity to showcase Waikato's economy and continue to strengthen business and people-to-people links between our two cities.

Deputy Mayor Angela O'Leary, Councillor Ewan Wilson, and I hosted a roundtable with University of Waikato and Wintec, as well as businesses from a range of industries, including Fonterra, Waikato Tourism, the Waikato Chamber of Commerce, Hamilton and Waikato Tourism, Project X, the Waikato Weekly Chinese Newspaper, and the New Zealand China Friendship Society.

The delegation also toured Zealong Tea Estate, including participating in a traditional tea ceremony. They were very impressed with the visit and keen to begin talking about closer partnerships. Thanks to my team, especially Rochelle, for their hard work in putting the arrangements together.

Chair’s Recommendation

That the Council:

- a) receives the report; and
- b) approves the changes to the 2022-2025 Governance Structure as outlined in the report.

Paula Southgate
Mayor of Hamilton

Council Report

Committee: Council **Date:** 31 October 2023

Author: Charlotte Catmur **Authoriser:** Blair Bowcott

Position: Sustainability and Climate Change Manager **Position:** General Manager Strategy, Growth and Planning

Report Name: Submission to the Inquiry into Climate Adaptation by Parliament's Environment Committee

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

1. To seek approval from the Council of Hamilton City Council's Submission to the Inquiry into Climate Adaptation by Parliament's Environment Committee.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Council:
 - a) receives the report;
 - b) approves the **Draft 2** submission to the Inquiry into Climate Adaptation (**Attachment 1**);
 - c) approves Council representatives to speak at the hearings in support of the final approved submission;
 - d) notes that **Draft 1** of the submission was circulated to Elected Members and Maangai Maaori for feedback on 3 October 2023; and
 - e) notes that the approved final submission will be submitted by the 1 November 2023 closing date.

Executive Summary - *Whakaraapopototanga matua*

3. Parliament's Environment Committee Komiti Whiriwhiri Take Taiao initiated an Inquiry into Climate Adaptation on 25 August 2023. Public submissions on the Inquiry are open until 1 November 2023.
4. The Inquiry is focused on managed retreat, community-led adaptation and clarity on roles, responsibilities and funding of adaptation action.
5. Staff developed a **Draft 1** submission, which was circulated to Elected Members and Maangai Maaori for feedback on 3 October 2023.
6. While no feedback was received from Elected Members and Maangai Maaori, staff have added a paragraph in **Draft 2** to reflect the importance of three waters assets and the challenge of stranded assets with managed retreat.
7. Staff recommend that the Council approves the **Draft 2** submission.

8. The submission also notes that Council representatives wish to speak at the hearings in support of the submission.
9. Staff consider the decision has low significance when assessed under Council's Significance and Engagement Policy and that the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

10. Climate change presents a significant risk for New Zealand. Rising temperatures are causing sea levels to rise and increasing the incidence and severity of extreme weather events. These changes pose threats to the safety and wellbeing of communities around the country, as well as to infrastructure and sites of cultural significance.
11. In 2020, the Ministry for the Environment published Aotearoa New Zealand's first National Climate Change Risk Assessment (NCCRA). The assessment identified the most significant risks we face from climate change and informed the Government's National Adaptation Plan (NAP) which was published in August 2022.
12. The NAP sets out the long-term strategy for adaptation and the government-led adaptation action required in the short term. The NAP outlined the need for legislation that will support managed retreat, anticipatory decision-making, funding adaptation action and standards for infrastructure that encourage resilience planning and risk reduction.
13. Parliament's Environment Committee terms of reference for the Inquiry included:
 - i. the current approach to community-led retreat and adaptation funding, its strengths, risks and costs;
 - ii. lessons learned from severe weather events and natural disasters in Aotearoa New Zealand for community-led retreat and funding climate adaptation;
 - iii. effective mechanisms for community-led decision making;
 - iv. the role of the private sector in managing climate risk;
 - v. potential institutional arrangements, including roles and responsibilities of central and local government agencies, iwi and hapu;
 - vi. Māori participation, Crown obligations, and how to best give effect to the principles of te Tiriti o Waitangi, and integrate matauranga Māori and te ao Māori across the adaptation system;
 - vii. alignment and integration with existing legislation and regulatory framework, including the reformed resource management system and any changes needed to regulatory powers and potential economic or other incentives needed to support adaptation actions (both before and after extreme events);
 - viii. funding sources, access to them and principles and criteria for cost sharing; and
 - ix. targets or indicators for assessing progress to more resilient communities and infrastructure.
14. To support the Inquiry and inform submissions, the Ministry for the Environment released an issues and options paper, '[Community-led retreat and adaptation funding](#)' and a [technical report](#) by the Expert Working Group on managed retreat.
15. Currently, under the Resource Management Act 1991, local councils have a responsibility to manage climate change risks (*Section 6 iv): The management of significant risks from Natural Hazards*) and are required to consider effects that climate change has on the environment in making planning decisions (*Section 7(d) the effects of climate change*).

16. Managed retreat will impact some of our communities and cultural heritage sites (although not on the scale of coastal areas) and we will need to adapt to this and other impacts of climate change.
17. It is predicted that Hamilton will face more frequent and more severe flooding events, which will have significant impact on some of the low-lying areas in our city. In addition to the potential impact on residential and commercial areas, this could also impact sites of cultural significance to our local Iwi. It is important that we carry out citywide climate change risk assessments to understand what action we should take to manage those risks. Plan Change 14 – Flood Hazards to Hamilton’s Operative District Plan, which is scheduled to be publicly notified in Q1 2024, will look to remove out-dated flood hazard maps from the District Plan and introduce improved rules to manage flood hazards based on the most up-to-date information available on the city’s Floodviewer.

Discussion - *Matapaki*

18. Council’s **Draft 2** submission commends the Environment Committee’s initiative to undertake the Inquiry into Climate Adaptation.
19. The key messages of the **Draft 2** submission include:
 - i. Hamilton City Council supports a nationally consistent approach to the local adaptation planning process and for managing retreat;
 - ii. The National Adaptation Plan requires more significant investment from central government. Funding is required for managed retreat, adapting the infrastructure we have and the infrastructure we are building to withstand extreme weather events, and investment is needed to respond to disasters and to rebuild better;
 - iii. Te ao Māori and local mātauranga should be central to the development of regional and local risk assessments and adaptation planning. Māori-led adaptation has a key role and requires substantial investment;
 - iv. Climate adaptation should be implemented throughout the resource management process and addressed within regional spatial planning strategies and at the district planning level; and
 - v. Council is and should continue to be responsible for climate risk assessments and adaptation planning decisions. This is best done in partnership with iwi and hapu. Standard guidance is required to help rate the level of risk and ensure localities are then able to base decisions on the same level of consideration.
20. Staff developed a **Draft 1** submission, which was circulated to Elected Members and Māngai Māori on 3 October 2023, with feedback due on 10 October 2023. No feedback was received from Elected Members or Māngai Māori.
21. In **Draft 2** an additional point (paragraph 56) has been added by staff to reflect the importance of three waters assets and the challenge of stranded assets with managed retreat.
22. This submission is in line with Council’s Our Climate Future: Te Pae Tawhiti o Kirikiriroa.

Financial Considerations - *Whaiwhakaaro Puutea*

23. The staff resource to develop the submission has been met within existing staff budgets.

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

24. Staff confirm that the recommendations in this report comply with the Council’s legal and policy requirements.

Climate Change Impact Statement

25. Staff have assessed this option against the Climate Change Policy for both emissions and climate change adaptation.
26. Staff have determined no adaptation assessment and no emissions assessment is required in line with the Climate Change Policy. The subject of this report is to support better adaptation legislation, action and funding in New Zealand Aotearoa.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

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

Social

30. This submission has been developed to support the council's role in looking after our communities' interests in responding to climate change adaptation and managed retreat.

Economic

31. This submission highlights the need for significant funding from central government to ensure current and future infrastructure is adapted to cope better with the current and future impacts of climate change.

Environmental

32. This submission has been developed to support Our Climate Future: Te Pae Tawhiti o Kirikiriroa outcome three: Our city is ready for Hamilton's climate. To achieve this, we are focused on improving our community's resilience, reducing our climate risk exposure and future-proofing existing and new infrastructure.

Cultural

33. This submission has been developed to support our ability to protect our cultural heritage as part of our response to climate adaptation.

Risks - *Tuuraru*

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

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

Significance

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

Engagement

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

Attachments - *Ngaa taapirihanga*

Attachment 1 - Draft 2 Submission - Inquiry into Climate Adaptation

HAMILTON CITY COUNCIL – DRAFT 2 SUBMISSION

Inquiry into Climate Adaptation

Parliament's Environment Committee



1 November 2023

Improving the Wellbeing of Hamiltonians

Hamilton City Council is focused on improving the wellbeing of Hamiltonians through delivering to our five priorities of shaping:

- **A city that's easy to live in**
- **A city where our people thrive**
- **A central city where our people love to be**
- **A fun city with lots to do**
- **A green city**

The topic of this submission is aligned to the priorities of **A green city** and **A city that's easy to live in**.

Council Approval and Reference

This submission was approved by Hamilton City Council at its meeting held on 31 October 2023.

Hamilton City Council Reference D-4911385 - Submission # 748.

Key Messages

1. We commend the Environment Committee's initiative to undertake the **Inquiry into Climate Adaptation**.
2. Hamilton City Council supports a nationally consistent approach to the local adaptation planning process and for managing retreat. It is a priority and responsibility for all councils to plan for the future, and this should not be left to discretion, or only given priority where risks are current and imminent.
3. Council is, and should continue to be, responsible for adaptation planning. This is best done in partnership with iwi and hapu. Councils are best placed to serve their community and it is in their interest to ensure a fair and transparent process.
4. Climate change risk assessments need to take place on a regional level, a local authority level, and be specific to a particular community, development, or significant infrastructure. Standard guidance is required to help rate the level of risk and ensure localities are then able to base decisions on the same level of consideration.
5. We believe central government should guide the requirements for a robust process for local decisions regarding managed retreat. However, we believe that local councils must continue to hold the ultimate responsibility for that decision, as they are best placed to understand and listen to the needs of the whole community.
6. We agree with The Expert Working Group on managed retreat that we should be guided by the principle that those affected should have as much choice as possible during the retreat process.
7. The private sector needs to be responsible for managing their climate risks and adapting to climate change. A range of legislative requirements, incentives and funding mechanisms should be in place to support adaptation and reduce the future costs to society of our houses and developments not being prepared.
8. Maaori-led adaptation is key and requires substantial investment. Government needs to work with iwi, hapuu and Maaori to uphold Maaori rights and interests and ensure there is adequate funding to build capacity to engage on multiple priorities.
9. Adaptation must be strongly implemented throughout the planning process, ensuring it is a core responsibility throughout the resource management process and addressed within regional spatial planning strategies and at the district planning level.
10. It is key that we reduce the need to fund more adaptation in the future by establishing appropriate rules on where and how we build now. Restoring natural systems is key to our adaptation response and should be integrated as a priority.
11. The National Adaptation Plan requires more significant investment from central government. Funding is required for managed retreat, adapting the infrastructure we have and the infrastructure we are building to withstand extreme weather events, and investment is needed to respond to disasters and to rebuild better.

Introduction

12. Hamilton City Council welcomes the opportunity to make a submission to the Environment Committee on the **Inquiry into Climate Adaptation**.
13. We commend the Environment Committee's initiative to undertake the Inquiry into Climate Adaptation.
14. We have provided feedback on the following statements as per the Inquiry's Terms of Reference:
 - The current approach to community-led retreat and adaptation funding, its strengths, risks and costs.
 - Lessons learned from severe weather events and natural disasters in Aotearoa New Zealand for community-led retreat and funding climate adaptation.
 - Effective mechanisms for community-led decision-making.
 - The role of the private sector in managing climate risk.
 - Potential institutional arrangements, including roles and responsibilities of central and local government agencies, iwi, and hapu.
 - Māori participation, Crown obligations, and how to best give effect to the principles of te Tiriti o Waitangi, and integrate matauranga Māori and te ao Māori across the adaptation system.
 - Alignment and integration with existing legislation and regulatory framework, including the reformed resource management system and any changes needed to regulatory powers and potential economic or other incentives needed to support adaptation actions (both before and after extreme events).
 - Funding sources, access to them and principles and criteria for cost sharing.
 - Targets or indicators for assessing progress to more resilient communities and infrastructure.
15. In our climate change strategy – Our Climate Future: Te Pae Tawhiti o Kirikiriroa – we have an outcome to ensure our city is ready for Hamilton's climate¹. To achieve this, we are focused on improving our community's resilience and reducing the impact of climate change on their wellbeing.
16. The Strategy has the following key outcome focus areas:
 - By acting together, our emissions are reducing.
 - Our neighbourhoods enable low carbon living.
 - Our city is ready for Hamilton's climate.

Terms of Reference Statements

The current approach to community-led retreat and adaptation funding, its strengths, risks and costs

17. Hamilton City Council support that there needs to be clearer direction and stronger requirements for local adaptation planning and for managing retreat. While not at the scale of other cities, towns and settlements, managed retreat will impact some of our communities and cultural heritage sites and we are already thinking about how we will need to adapt to this and other impacts of climate change. It is more likely Hamilton will be on the receiving end of communities moving away from the coast and into areas perceived to be safer.

¹ Our Climate Future Strategy: Te Pae Tawhiti o Kirikiriroa <https://hamilton.govt.nz/strategies-plans-and-projects/strategies/climate-change-strategy/>

18. A nationally consistent approach to the local adaptation planning process is required from central government. All regions should undertake local adaptation planning as part of regional development and local plans. It is a priority and responsibility for all councils to plan for the future, and this should not be left to discretion, or only given priority where risks are current and imminent.
19. We support the requirements for adaptation plans to include a disaster response plan, including consideration of proximity and/or provision of alternative communication channels, electricity sources and water supply. We also support the proposal of the Expert Working Group on Managed Retreat, that local adaptation plans include a pre-disaster recovery plan to address recovery if a disaster occurs before the adaptation plan is implemented.
20. Adaptation plans should be based on assessments that align with the scientific scenarios and timeframes to meet the current global trajectory, within the lifespan of the infrastructure being built.
21. Climate change risk assessments need to take place on a regional level, a local authority level, community level and be specific to a particular development or significant infrastructure². They need to be established on different levels, not be set up in stages dependent on each other. For example, a detailed assessment for a development should not wait for a 'stage one assessment', to be done before completion. Although a regional assessment may inform a local assessment, the case may be the other way around.
22. Regional and local authority assessments should be made every six years, but detailed assessments must be made prior to (or if appropriate on condition of) the consenting of the development.
23. Standard guidance is required to help rate the level of risk and ensure localities are then able to base decisions on the same level of consideration. All assessments should be required to thoroughly consider the same factors, (for example, considering the past, current, and future likelihood of impacts on people, species of plants and animals, water, and natural environmental processes). Although the same factors should be considered, the conditions will vary immensely. Risk assessments must involve the local knowledge around what the land or assets are used for and how they are currently impacted by local weather events.

Lessons learned from severe weather events and natural disasters in Aotearoa New Zealand for community-led retreat and funding climate adaptation

24. Infrastructure New Zealand's recent position paper accurately states that "Our existing infrastructure is no longer fit for purpose. The impacts of recent weather events have exposed the fact that the majority of New Zealand's infrastructure is old and ageing and is ill-equipped to handle New Zealand's changing climate and more frequent extreme weather events."³
25. Cyclone Gabrielle has also shown that we are not currently well placed to respond to the aftermath of disaster and highlighted the need for central government to provide better regulatory and funding frameworks for both reducing climate change risk and for disaster response and rebuilding. By having up to date risk assessments and dynamic adaptation planning we can better prepare for these events.
26. Although New Zealand is set up to respond to disasters and already have an effective civil defence system in place, there does need to be more investment to expand the capacity of this to deal with the continuing increased frequency in extreme weather events.
27. As well as ensuring adequate funding, central government needs to consider how New Zealand's construction industry can be improved to rebuild better, faster and more sustainably, and address labour and supply chain issues.

² Our Climate Future: Te Pae Tawhiti o Kirikiriroa

³ [Infrastructure New Zealand Position Paper: Climate Resilient Infrastructure](#)

28. One of the biggest issues during and after a disaster is the huge amount of waste to landfill the disaster brings. We must consider how we build in ways that maximise the use of natural resources and natural systems and reduce waste.
29. Many of the impacts of the cyclone were worse because so many of our natural systems, including wetlands, riparian areas and waterways, have been degraded or destroyed. Restoring natural systems and integrating them into our planning must be a key part of our adaptation response. The use of swales and engineered wetlands and protecting permeable surfaces in urban environments can be achieved through land use planning.
30. The [three categories](#) for flood and landslide affected properties that were established in May 2023 provide a starting point for engagement on the need for adaptation or retreat following a disaster event. Establishing this in advance of future disasters will be helpful for communities and decision makers.

Effective mechanisms for community-led decision-making

31. Decisions about the adaptation pathway must be made at the local level because the decision made regarding one risk in one place will not translate as the same level of risk in a different place. Physical, geographical, financial, land use, community and many other factors will impact what the right decision is. We believe central government should guide the requirements to ensure that a robust process is followed for local decisions regarding managed retreat. However, we believe that local councils must continue to hold the ultimate responsibility for that decision, as they are best placed to understand and listen to the needs of the whole community.
32. National direction for community led retreat should ensure a just and fair approach, providing for early engagement, so that people understand their role, how they are able to participate and how decisions will be made. An inclusive approach should ensure vulnerable population groups are identified and individuals who may have specific needs, as well as addressing accessibility, language and communication barriers.
33. We agree with The Expert Working Group on managed retreat that a mix of voluntary and mandatory parts should be guided by the principle that those affected should have as much choice as possible during the retreat process. Where risks are known to be imminent, choice should most likely be limited to when to leave (and ideally, how) rather than whether to leave.
34. There needs to be legislative requirements for the communication required to ensure diligence is applied in informing property owners of risk assessments, adaptation plans, and community led retreat. Property owners must have clear legal responsibility for their own decisions when local councils have followed all communication requirements in informing the community and landowners.
35. We believe that managed retreat should be voluntary for as long a timeframe and with as many options as possible. The choice of whether to retreat should belong to the people affected, for as long as this is viable, allowing people to make decisions based on their personal views of the risks they face.
36. However, it will not always be feasible for managed retreat to be completely voluntary as the risk of flooding becomes imminent. As retreat occurs places are less safe for people remaining behind. Ratepayers and taxpayers should not continue to meet the cost of providing services to a smaller number of people (or then pay for the recovery when disaster does strike).

The role of the private sector in managing climate risk

37. The private sector needs to be responsible for managing their climate risks and adapting to climate change and must be responsible for providing a risk assessment prior to development. A central agency should play a key role in monitoring this and ensuring it is carried out independently without bias.

38. The cost for adaptation of private property should fall on the landowner, and funding mechanisms such as grants, and low interest loans should be established to incentivise this, and therefore mitigate the future costs to society of our houses and developments not being prepared. Matched funding and grants need to be in place to support small local businesses and low-income earners in protecting their properties and managed retreat. Low interest loans should be available for all private parties to incentivise effective climate adaptation.

Potential institutional arrangements, including roles and responsibilities of central and local government agencies, iwi and hapu

39. Councils, in partnership with iwi and hapuu, should remain responsible for adaptation planning, including risk assessment and engagement, as well as building and maintaining infrastructure and nature-based solutions, such as wetland restoration.
40. We support that local councils should continue to have responsibility for climate change risk assessments for the region, and local authority areas. Councils are best placed to work with stakeholders to assess the risks, and it is in their interest to ensure a fair and transparent process to serve their community.
41. We support that a central agency should be established to ensure consistent standards are established and met. However, it would be ineffective, costly and result in time delays for a central agency to carry out local risk assessments.

Maaori participation, Crown obligations, and how to best give effect to the principles of te Tiriti o Waitangi, and integrate maatauranga Maaori and te ao Maaori across the adaptation system

42. Maaori-led adaptation is key and requires substantial investment. Te ao Maaori and local maatauranga should be central to the development of regional and local risk assessments and adaptation planning. Government needs to work with iwi, hapuu and Maaori to uphold Maaori rights and interests, including through protecting Maaori land and upholding Treaty settlements, ensuring there is adequate funding to build capacity and manage the high demand from central government to engage on multiple priorities.
43. Hamilton City Council support that risk assessments for Maaori land are conducted by Maaori, with appropriate support, and the use of Maaori frames of reference alongside the standard approach – a range of expert groups at national, regional, and local levels to support the technical nature of risk assessment.

Alignment and integration with existing legislation and regulatory framework, including the reformed resource management system and any changes needed to regulatory powers and potential economic or other incentives needed to support adaptation actions (both before and after extreme events)

44. Adaptation must be strongly implemented throughout the planning process. Ensuring adaptation is a core responsibility throughout the resource management process and addressed within regional spatial plans and district plans is key. Legislation needs to give local government firm requirements and the right level of influence to look after the interests of their community and environment. It is key that developers are supported to prioritise effective adaptation and resilience over short term gain.
45. It is also key that we reduce the need to fund more adaptation in the future by establishing appropriate rules to ensure that people do not build in high-risk locations, and instead build in places and ways that reduce the need for adaptation in the future.

46. We support work underway to establish the Natural Hazards Planning Framework under the existing resource management legislation. This needs to support nationally consistent standards for natural hazard risk assessment and planning. Direction should include strong guidelines for data requirements and ensure there is particular regard to local maatauranga Maaori.
47. A dedicated approach to deciding between retreat and other adaptation pathways must also be developed. This needs to be embedded through our national planning frameworks and legislation.

Funding sources, access to them and principles and criteria for cost sharing

48. The National Adaptation Plan requires more significant investment from central government. Funding is required for managed retreat, adapting the infrastructure we have and the infrastructure we are building to withstand extreme weather events, and investment is needed to respond to disaster and rebuild better.
49. The cost of adaptation will be significant but must be addressed. The debt we will face in the future for lack of action now will be unequivocal and is not an acceptable burden to place on future generations. Not acting to strengthen our ability to cope with climate change now is the biggest risk to our national financial stability in the future. The earlier we spend to adapt, the less we will spend in the long term.
50. Central government must provide long-term certainty by establishing an enduring fund for adaptation, as recommended by the independent Review into the Future for Local Government and the Productivity Commission⁴.
51. We noted in our 3 March 2023 submission ([refer here](#)) on the Future of Local Government Inquiry Draft Report (October 2022) that: *"We support the draft report's [Future of Local Government Inquiry, October 2022] call for funding from central government to local government on climate change. This is somewhere our priorities closely align with central government. However, funding hasn't been available on the scale required."*
52. A statement of spending priorities through a government policy statement, alongside the national adaptation plan, should be made to give a comprehensive account of central government's spending priorities and should be provided for in legislation to add legal weight.
53. Funding mechanisms must incentivise the right action. As well as funding to support building the right things in the right place, there must also be a consideration into how we ensure the funding of current infrastructure is not building the wrong things or in the wrong place.
54. Our Hamilton Urban Growth Strategy recognises the importance of growing the city in a more compact manner and the need to ensure that our priority greenfield development areas provide "ample greenspace to increase biodiversity and protect the natural environment and the areas we value."⁵ Ensuring this is possible requires additional funding from central government.
55. Councils are already poorly resourced to build and manage the current infrastructure needs of New Zealand. Central government need to provide a range of funding mechanisms for councils to adapt in the right way.
56. Councils significantly invest in the planning, building, and operating of three waters infrastructure to service communities, and protect public health and the environment. The nature of three waters infrastructure and locations means that rerouting to avoid orphaned infrastructure is difficult, and rebuilding infrastructure is costly. This means that it is critical that infrastructure managers and experts are at the table in adaption decision-making, for developing principles, and prioritising funding and investment and that central government funding for retreat and adaption is required to service the communities appropriately.

⁴ Hamilton City Council submission on the Future of Local Government Inquiry Draft Report (3 March 2023).

⁵ Hamilton Urban Growth Strategy Te Rautaki Tupu Taaone o Kirikiriroa – April 2023

57. Central government must listen to iwi, hapuu, Maaori communities and landowners to develop a flexible funding approach which addresses the diverse circumstances and supports them to adapt. To ensure equity an adaptation fund specific to iwi, hapū and Māori covering both retreat and other adaptation actions should be established.
58. A just transition must be considered in our response to climate change as part of our national adaptation response. As the divide between the wealthy and low-income earners continues to grow in New Zealand, those with money are more able to adapt and those without become more vulnerable. Those who are earning the most are contributing the most emissions. Those with less money, have contributed less to our carbon emissions, yet are the most vulnerable from the impacts.
59. Funding for adaptation needs to be provided for the most vulnerable communities. Means tested funds should be set up to support those who cannot afford to adapt and recover. A review into the impacts that climate adaptation and managed retreat will have on renters is required.
60. Funding mechanisms need to be provided for all people needing to retreat, so taxpayers do not have to foot a bigger bill when disaster strikes. This needs to be a range of means tested incentives, from grants to low and no interest loans. Government should be working with the banking sector to set up low and no interest loans for adaptation. This will make decisions to protect property much easier for owners.
61. There also needs to be a fund set aside for climate disasters. That will enable us to build more resilient and low carbon neighborhoods and infrastructure following any disasters, with more blue green infrastructure and roads that prioritise mass transport and multi modes.

Targets or indicators for assessing progress to more resilient communities and infrastructure

62. The government should continue to work with local government and technical experts to understand our data needs for adaptation indicators which support national, regional and local monitoring.
63. Targets and indicators for New Zealand should consider a wide range of indicators and capture what's at risk, what measures are in place and how we are able to withstand and respond to extreme weather events.
64. Indicators to understand what's at risk could include the amount of coastline identified as at risk, the amount of services and public infrastructure in flood zones, the number of properties and cultural heritage sites in flood zones, and the number of low income and vulnerable communities at risk and the number of local businesses at risk.
65. We should be setting targets and identifying the range of adaptation measures taking place, including the adaptation measures identified in regional spatial plans and carried out in new developments, new infrastructure and the energy and industrial sectors. We should have targets and measures for the restoration (and conservation) of natural areas such as peat and wetlands, the net gain/loss of blue green space in built up areas, and the number of nature-based solutions integrated into our cities, towns, and transport systems. Our transport strategy has identified targets under its climate change outcome focus area⁶.
66. Funding, finance, and insurance measures should include insurance trends and the distribution and awareness of funding support for adaptation.
67. We should also track how we are able to cope with extreme weather events, such as the loss versus continuation of essential services during (and after) flood and extreme weather events, and landslides and weather events effecting the transport network.

⁶ Access Hamilton Strategy (Hamilton City Council).

Further Information and Hearings

68. Should the Environment Committee require clarification of the submission from Hamilton City Council, or additional information, please contact **Cathy Kopeke** (Sustainability and Climate Change Senior Advisor) on **07 838 6419** or email cathy.kopeke@hcc.govt.nz in the first instance.
69. Hamilton City Council representatives **do wish to speak** at the Environment Committee hearings in support of this submission.

Yours faithfully

Lance Vervoort
CHIEF EXECUTIVE

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Council Report

Committee: Council **Date:** 31 October 2023
Author: Nicholas Hawtin **Authoriser:** Michelle Hawthorne
Position: Governance Advisor **Position:** Governance and Assurance Manager
Report Name: Recommendations from Open Committee Meetings

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

1. To seek the Council's approval of the following recommendations from the following:
 - i. the Strategic Risk and Assurance Committee meeting of 26 October 2023 ([Agenda and Minutes](#));
 - a. Final Approval of the 2022/23 Annual Report, Summary Annual Report and Representation Letter.
 - ii. the Community and Natural Environment Committee meeting on 26 October 2023 ([Agenda and Minutes](#));
 - a. Class 4 Gambling and TAB Venues Policies - Deliberations and Approval
 - b. Community Assistance Policy Review
 - c. External Funding Policy Review
 - iii. the Finance and Monitoring Committee of 31 October 2023 ([Agenda and Minutes](#));
 - a. Financial Performance & Strategy Report to 30 September 2023

Recommendations from the Strategic Risk and Assurance Committee meeting of 26 October 2023

2022/23 Annual Report, Summary Annual Report and Representation Letter

2. (The Recommendation will be circulated following the meeting).

Recommendations from the Community and Natural Environment Committee meeting of 26 October 2023

Class 4 Gambling and TAB Venues Policies - Deliberations and Approval

3. (The Recommendation will be circulated following the meeting).

Community Assistance Policy Review

4. (The Recommendation will be circulated following the meeting).

External Funding Policy Review

5. (The Recommendation will be circulated following the meeting).

Recommendations from the Finance and Monitoring Committee meeting of 31 October 2023

Financial Performance & Strategy Report to 30 September 2023

6. (The Recommendation will be circulated following the meeting).

Attachments - *Ngaa taapirihanga*

There are no attachments for this report.

Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

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

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Council Public Excluded Minutes 12 October 2023) Good reason to withhold) information exists under) Section 7 Local Government	Section 48(1)(a)
C2. Confirmation of the Elected Member Briefing Public Excluded Notes - 30 August 2023) Official Information and) Meetings Act 1987)	
C3. Confirmation of the Elected Member Briefing Public Excluded Notes - 13 September 2023		
C4. Confirmation of the Council (Recommendation from the CE Review Committee) Public Excluded Minutes 15 June 2023		
C.5 Recommendation from the CEs Review Committee – Consultant’s Report to the CEs End of Year review 2022-23		
C.6 Recommendation from the CE Review Committee – Consultant’s Report to the CE End of Year review 2022-23		

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	Section 7 (2) (j)

Item C3.	<p>advantage</p> <p>to prevent the disclosure or use of official information for improper gain or improper advantage</p>	Section 7 (2) (j)
Item C4.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C5.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C6.	to protect the privacy of natural persons	Section 7 (2) (a)