
Council *Kaunihera* OPEN MINUTES

Minutes of a meeting of the Council held in the Council Chamber and via Audio-Visual Link , Municipal Building, Garden Place, Hamilton on Thursday 14 March 2024 at 9:31am.

PRESENT

Chairperson	Mayor Paula Southgate
<i>Heamana</i>	
Deputy Chairperson	Deputy Mayor Angela O’Leary
<i>Heamana Tuarua</i>	
Members:	Cr Maxine van Oosten Cr Moko Tauariki (via Audio-Visual Link) Cr Ewan Wilson Cr Mark Donovan Cr Louise Hutt Cr Andrew Bydder Cr Geoff Taylor Cr Sarah Thomson Cr Emma Pike Cr Anna Casey-Cox Cr Kesh Naidoo-Rauf (via Audio-Visual Link) Cr Tim Macindoe

In Attendance:	Lance Vervoort – Chief Executive Sean Murray – General Manager Venues, Tourism & Events Andrew Parsons- General Manager Infrastructure & Assets Janet Carson – General Manager Partnerships, Communication & Maaori Blair Bowcott- General Manager Strategy, Growth & Planning Helen Paki – General Manager Customer & Community Sean Hickey – General Manager People, Performance & Culture David Bryant – General Manager Business Services Chris Allen – Executive Director Development Tracey Musty – Financial Director James Clarke – Unit Manager Strategy & Planning Greg Carstens - Growth Funding & Analytics Unit Manager Michelle Hawthorne – Governance and Assurance Manager Maire Porter - Unit Director Three Waters Robyn Denton – Network and Systems Operations Manager Lachlan Muldowney - Barrister
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Governance Staff:	Amy Viggers – Governance Lead Arnold Andrews & Keryn Phillips – Governance Advisors
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The meeting was opened with a Karakia from Council Kaumatua Tame Pokaia.

1. Apologies – *Tono aroha*

Resolved: (Cr van Oosten/Cr Casey-Cox)

That the apologies for absence from Cr Tauariki and Cr Huaki and early departure from Cr Naidoo-Rauf are accepted.

2. Confirmation of Agenda – *Whakatau raarangi take*

Resolved: (Mayor Southgate/Cr Wilson)

That the agenda is confirmed.

3. Declarations of Interest – *Tauaakii whaipaaanga*

No members of the Council declared a Conflict of Interest.

4. Public Forum – *Aatea koorero*

Not applicable.

5. Confirmation of the Council Open Minutes - 20 February 2024

Resolved: (Cr Wilson/Cr van Oosten)

That the Council confirm the Open Minutes of the Council Meeting held on 20 February 2024 as a true and correct record.

6. Confirmation of the Elected Member Open Briefing Notes 14 February 2024

Resolved: (Cr Wilson/ Cr van Oosten)

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 14 February 2024 as a true and correct record.

7. Chair's Report

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

That the Council:

- a) receives the report;
- b) notes the changed dates for the Long-Term Plan Hearings and subsequent meetings;
- c) approves the following changes to the Governance Structure and Terms of Reference 2022/25:
 - i. Councillor Tim Macindoe to be appointed as Deputy Chair of the Infrastructure and Transport Committee;
 - ii. Councillor Tim Macindoe to be appointed as a member of Waikato Regional Council/ Hamilton City Council Governance Group, Chief Executive Review Committee, Regulatory and Hearings Committee, Traffic, Speed Limits and Road Closures Hearings Panel, Neighbourhood Support Hamilton, Access Hamilton Working Group;
 - iii. Councillor Geoff Taylor to be appointed as the Deputy Chair of the Strategic Growth and District Plan Committee;
 - iv. Councillor Moko Tauariki to be appointed to the Waikato District Council/Hamilton City Council Governance Group and Waipā District Council/ Hamilton City Council Governance Group;
 - v. Deputy Mayor O'Leary be appointed to the role of Creative Ambassador;
 - vi. Cr Donovan appointment to the role Sport Ambassador; and
- d) requests staff to seek approval from the Remuneration Authority to reflect the changes to Elected Member remuneration based on the changes to the Governance Structure and Terms of Reference 2022/25 as outlined below:

Positions	Proposed Remuneration
Deputy Mayor	\$ 112,053.00

Chair	\$ 101,024.00
Hearings Chair	\$ 96,009.00
Deputy Chair	\$ 88,005.00
Councillors	\$ 80,547.00

- e) requests Cr Pike and Cr Casey-Cox work with staff to review part 6.1 of the Hamilton City Council Code of Conduct 2022 - Complaints Process, and any associated Part, for the purposes of reporting back to a Briefing with recommendations for improvements, if any;
- f) notes that the purpose of the review outlined in e) above, is to assess the efficiency and issues with the current Code of Conduct process; and
- g) notes that this work will inform the project being undertaken by LGNZ on the same matter through Deputy Mayor O'Leary.

8. **Draft Financial Policies**

Financial Director explained the funding needs analysis and the fees and charges, development contributions, rates and benefits of funding sources, rates remission and postponement policy, the change of savings threshold, targeted rates, Investment and Liability Policy. She responded to questions from Elected Members in relation to inclusion of development contributions in operational expenditure, grants and subsidies, air bnbs, uninhabited and unused land and commercial property.

Resolved: (Cr van Oosten/Cr Wilson)

That the Council:

- a) receives the reports:
- b) approves the proposed Revenue and Financing Policy and Funding Needs Analysis as supporting information for the draft 2024-34 Long-Term Plan consultation document; and
- c) approves the proposed Rates Remissions and Postponements Policy, Rates Remissions and Postponements Policy Statement of Proposal, Rating Policy and Rating Information (to be included within the Council Funding Impact Statement) as supporting information for the draft 2024-34 Long-Term Plan consultation document; and
- d) approves the proposed Investment and Liability Management Policy for the draft 2024-34 Long-Term Plan document; and
- e) approves staff to commence formal consultation on the proposed Revenue and Financing Policy and Rates Remissions and Postponements Policy from March to April 2024.

9. **Fees and Charges (including GST) Proposed for Year 1 (2024/25) of the 2024-34 Long-Term Plan**

Financial Director explained the report and stated the challenges in increasing the fees and its effects on the revenue, impact on revenue on year one, warehouse charges, environmental costs, illegal dumping and video provision fees.

Staff Action: Review the Litter Act 1979 and Cr Macidoe to interact with Chair of Infrastructure for more information on the environmental costs of illegal dumping.

Resolved: (Mayor Southgate/Cr van Oosten)

That the Council:

- a) receives the report; and
- b) approves the proposed Fees and Charges for the Year 1 of the 2024-34 10-Year Plan as outlined in **Attachment 1** of the staff report noting minor amendments may be made to clarify or correct minor matters such as spelling or date errors.

Cr Bydder Dissenting.

The meeting was adjourned from 10:56 to 11:20am.

10. Draft Development Contributions Policy 2024/2025 and Consultation Document

Growth Funding & Analytics Unit Manager took the report as read. He responded to questions from Elected Members in relation to engagements, development contributions, growth strategy, land costs and undeveloped land.

Resolved: (Mayor Southgate/Cr Wilson)

That the Council:

- a) receives the report;
- b) approves the draft Development Contributions Policy 2024/25 (**Attachments 1 and 2**) and the draft Development Contributions Policy and Growth Funding Policy Consultation Document (**Attachment 4** and **Attachment 5**) for community consultation;
- c) approves the following changes from the resolutions made by the Council at the 28 November 2023 Council meeting, which are incorporated in the draft Development Contributions Policy 2024/25:
 - i. do not phase or cap residential development contribution charges;
 - ii. do not index development contribution charges;
 - iii. do not introduce actual demand charging criteria for developments that use higher than the assumed demand;
 - iv. introduce a 100% Te Ture Whenua Maaori Act 1993 related remission for Maaori customary and freehold land, and papaakainga on any land.
- d) notes that:
 - i. the draft Development Contributions Policy 2024/25 includes a Schedule of Assets (attached separately as **Attachment 3**)
 - ii. all proposed amendments incorporated in the draft Development Contributions Policy 2024/25, other than those seeking reversal in recommendations c) i. – iii. above, are in accordance with resolutions made by the Council at the 28 November 2023 Council meeting;
 - iii. the caps on commercial and retail developments in neighbourhood centres which were approved at the 28 November 2023 Council Meeting have been increased from \$30,000 and \$40,000 respectively to \$50,000 and \$60,000 respectively (excl. GST) per 100m² of gross floor area, to reflect the general increases in development contribution charges in the draft Development Contributions Policy 2024/25;
 - iv. an affordable housing remission has not been included in the draft Development Contributions Policy 2024/25 due to direction received at the 13 February 2024 Long Term Plan Development Contributions Workshop;
 - v. the consultation document for the draft Development Contributions Policy and the draft Growth Funding Policy referred to in 2.(b) above, are combined into one consultation document due to their complementary nature. A draft Growth Funding Policy seeking approval is the subject of a separate report in this agenda;
 - vi. small variances exist between the Long Term Plan capital programme and financial inputs, and the development contributions charges and asset schedules in the Development Contributions Model. These are non-material and will be aligned in the final Development Contributions Policy 2024/25.
 - vii. community consultation on the draft Development Contributions Policy 2024/25 will take place alongside the Long-Term Plan from 19 March 2024 to 21 April 2024; and

- viii. an approved Development Contributions Policy 2024/25 will be operative from 1 July 2024, and none of the amendments recommended in this report will be operative immediately in the current Development Contributions Policy.

Cr Tauauriki joined the meeting at 11:24am during the discussion of the above item.

11. Draft Growth Funding Policy and Consultation 2024

Growth Funding & Analytics Unit Manager took the report as read. He responded to questions from Elected Members in relation to affordable housing,

Staff recommendation: (Cr Thomson/Cr Wilson)

That the Council:

- a) receives the report;
- b) approves the following amendments to the Draft Growth Funding Policy:
 - i. include reference to the principles for out-of-boundary development in accordance with the Hamilton Urban Growth Strategy;
 - ii. clarify considerations relating to the value accruing to landholdings created by Council decisions;
 - iii. simplify the benefits recognition provisions; and
 - iv. remove or amend several surplus provisions.
- c) approves the Draft Growth Funding Policy (**Attachment 1** of this staff report); for consultation as part of the draft Development Contributions Consultation Document in a separate report on this agenda, and will be consulted on from 19 March to 21 April 2024, alongside the Draft 2024-34 Long-Term Plan.

12. 2024-34 Long-Term Plan Underlying Information, Consultation Document and Engagement Plan

Unit Manager Strategy & Planning explained the report and touched on the consultation document, draft infrastructure strategy, draft financial strategy, draft performance stream work and significant forecasting options. He answered questions from Elected Members in relation to data on car parks in the central city area, change in consultant and personnel spend, population growth, Increase in debt to revenue ratio to increase borrowing and capital projects

Resolved: (Cr Taylor/Cr Macindoe)

That the Council approves the 2024-34 Long-Term Plan Consultation Document (**Attachment 1**), subject to minor changes and fact checking, with the following amendment on Page 20 removal of the phrase “We know from our data that it's hard to find a park”.

Those for the Motion: Councillors Bydder, Pike, Taylor, Naidoo-Rauf, Donovan, Wilson and Macindoe

Those against the Motion: Mayor Southgate, Deputy Mayor O’leary
Councillors Hutt, Casey-Cox, van Oosten and Thomson

Resolved: (Cr Pike/Cr Wilson)

That the Council:

- a) receives the report;
- b) approves the following underlying information relied on as the basis for the drafting the 2024-34 Long-Term Plan Consultation Document:
 - i. Draft 2024-34 Infrastructure Strategy;

- ii. Draft 2024-34 Financial Strategy;
 - iii. Draft 2024-34 Long-Term Plan prospective financial statements;
 - iv. Draft 2024-34 Long-Term Plan disclosure statement;
 - v. Draft 2024-34 Long-Term Plan funded capital projects list;
 - vi. Draft 2024-34 Long-Term Plan unfunded capital projects list;
 - vii. Draft 2024-34 Council Controlled Organisations statement;
 - viii. Draft 2024-34 Long-Term Plan performance measures; and
 - ix. Draft 2024-34 Long-Term Plan significant forecasting assumptions;
- c) approves the 2024-34 Long-Term Plan Consultation Document (**Attachement 1**), subject to minor changes and fact checking, with the following amendments to the following:
- i. **Page 9** under the heading Further Reducing our Costs. Change the last sentence to *“This would likely mean reductions to some back office functions and some community facing services”*;
 - ii. **Page 15** the addition of:
“In 2018, the promotion of social, economic, environmental and cultural well-being of communities was added to the statutory purpose of local government, significantly impacting the role and scope of territorial authorities. This comes with increased expectations from central government for what councils should provide to their residents, alongside increasing expectations from communities for what local government should be delivering. This has seen growth in the number of strategies, policies, and plans Council has made decisions to be responsible for, and with that an increase in the performance measures Council aims to achieve.
The increased scope of local government, and the variables that our city and this Council operates in – increasing demands, expectations, and compliance – means that what Council delivers (and what it costs) is not linear to our population growth (21% in the last 10 years). Over the last 10 years, Hamilton City Council has also increased its capital programme by 398%. Our city’s growth brings increased demand for consents, permits and inspections. Private developers hand over millions of dollars of assets like roads and pipes each year for Council to look after, while also providing for ratepayer growth that brings additional revenue. There would be very few Council activities that have been exempt from year-on-year growth. Our Long-Term Plan from 10 years ago (2015-25) forecast operating expenditure of \$2.4 billion. This Long-Term Plan is proposing \$6.3 billion over 10 years, a 162% increase. In that time, our staff numbers have increased 70%, consultant spend has gone up 466% largely driven by the increased capital programme and Plan Changes, and fees and charges have risen by an average of 2.8%. Annual rates increases since 2014 have averaged 4.95%.”
 - iii. **page 17** the addition of *“Council is advocating to government and other partners on options to address the rising costs of three waters services including funding and financing tools, as well as investigating alternative delivery models. These changes may mean we would not need as high rates rises to fund these services in later years. However, to be prudent, this Long-Term Plan is based on the situation as it currently stands.”*;
 - iv. **Page 23** update the sentence to *“This would likely mean reductions to some back-office functions and some community facing services”*;
 - v. **Page 27** the addition of *“Critical services which are legislatively required”*.
- d) notes that no further changes, except corrections and formatting, will be made to the 2024-34 Long-Term Plan Consultation Document;
- e) approves the 2024-34 Long-Term Plan Consultation Document Submissions form subject to the following amendment on Page 6 *“Do you support reducing services, saving an average of \$10.4 million per year?”*;

- f) approves for inclusion in the 2024-34 Long-Term Plan Consultation Document Hamilton Central Business Association's proposal to extend the Business Improvement District (BID) to include a portion of Hamilton East, and to the extend the BID targeted rate catchment to this area, and notes the implementation of this is subject to a change to the BID Policy, the outcome of a BID Poll, and Council confirmation of the extension; and
- g) notes the engagement approach for the 2024-34 Long-Term Plan consultation period.

The meeting was adjourned from 12:23pm to 1:48pm during the discussion of the above item.
The meeting was adjourned from 2:13pm to 2:36pm during the discussion of the above item.

13. Recommendations from Open Committee Meetings

Resolved: (Cr Naidoo-Rauf/Cr Casey-Cox)

That the Council adopt the Open Space Provision Policy 2018 (amended 2024) (**Attachment 1**) subject to the inclusion of the minor amendments agreed at the committee meeting.

Resolved: Cr Naidoo-Rauf/Cr Casey-Cox)

That the Council adopt the Cemeteries and Crematorium Bylaw 2012 (amended 2024) (Attachment 1) effective from 10 April 2024, or other date resolved by Council.

Resolved: (Cr Naidoo-Rauf/Cr Casey-Cox)

That the Council revoke the Cultural and Recreational Facilities Bylaw 2012, effective from 1 May 2024, or other date resolved by Council.

Resolved: (Cr van Oosten/Cr Tauariki)

That the Council:

- a) approves the capital movement as identified in paragraph 28 of the 29 February 2024 Capital Portfolio Monitoring Report; and
- b) approves the significant forecast adjustments and revised Financial Strategy position for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 50 to 55 of the staff report.

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

That the Council:

- a) receives the report;
- b) approves a revised Hamilton City Council Parking Policy 2022 (Option 1), as outlined in Attachment 1 of the staff report, subject to minor amendments to simplify/clarify the language, noting that:
 - i. the recommended changes to the policy follows on from the resolution made at the 28 November 2023 Extraordinary Council 2024-2034 Long Term Plan meeting - "for the purposes of financial modelling and proposed fees and charges approves the inclusion of demand-responsive parking pricing...for short term parking...(and)...all day paid parking.";
 - ii. the policy alignment review identified minor changes were needed to ensure the policy aligns with any decisions on paid parking Council may make through the draft 2024- 2034 Long Term Plan process and for ease of interpretation and administration;
 - iii. decisions around the provisions of paid parking that may be agreed from the 2024- 2034 Long Term Plan will be detailed and set by the Fees and Charges (policy implementation);
 - iv. the parking policy will continue to be used to help make decisions on the direction and approach of parking management in Hamilton city;
 - v. no changes have been made to the policy guiding principles which were developed by Members alongside the Access Hamilton Strategy refresh 2022;
 - vi. the policy will be reviewed every three years, in response to any issues that may arise, at the request of Council, or in response to changed legislative and statutory requirements (whichever occurs first); and

- c) implementation of the policy will continue to include effective and appropriate communications with businesses and parking space users.

Resolved: (Cr Wilson/Cr Donovan)

That the Council:

- a) approves the amended Business Improvement District Policy (**Attachment 1** of the staff report) effective from **5 April 2024**; and
- b) approves the subsequent proposed amendment to the Business Improvement District Policy in **Attachment 3** of the staff report to be effective from **1 July 2024**, subject to the final 2024-34 Long-Term Plan deliberations.

14. Resolution to Exclude the Public

Resolved: (Mayor Southgate/ Cr Thomson)

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) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution
C1. Confirmation of the Council Public Excluded Minutes 20 February 2024) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Confirmation of the Elected Member Closed Briefing Notes 14 February 2024) Official Information and Meetings Act 1987	
C3. Public Excluded Fees and Charges (including GST) Proposed for Year 1 (2024/25) of the 2024-34 Long Term Plan		
C4. Peacocke Programme Update		
C5. Strategic Risk and Assurance Committee - External Appointments Update		
C6. 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)
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Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C3.	to avoid the unreasonably, likely prejudice to the commercial position of a person who supplied or is the subject of the information to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (b) (ii) Section 7 (2) (h)
Item C4.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h) Section 7 (2) (i)
Item C5.	to enable Council to carry out negotiations to protect the privacy of natural persons to avoid the unreasonably, likely prejudice to the commercial position of a person who supplied or is the subject of the information	Section 7 (2) (a) Section 7 (2) (b) (ii)
Item C6.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)

The meeting moved into the Public Excluded session at 2:52pm.

The meeting was declared closed at 3:23pm.