
Council Kaunihera OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton and audio-visual link on Thursday 30 June 2022 at 9.31am.

PRESENT

Chairperson	Mayor P Southgate
Heamana	
Deputy Chairperson	Deputy Mayor G Taylor (via audio visual link)
Heamana Tuarua	
Members	Cr M Gallagher Cr R Hamilton Cr D Macpherson Cr K Naidoo-Rauf Cr M Donovan Cr A O'Leary (via audio visual link) Cr R Pascoe (via audio visual link) Cr S Thomson (via audio visual link) Cr M van Oosten Cr E Wilson (via audio visual link)

In Attendance	Lance Vervoort – Chief Executive Eeva-Liisa Wright – General Manager Infrastructure Operations David Bryant – General Manager People and Operational Performance Tracey Musty – Financial Director Michelle Hawthorne – Governance and Assurance Manager Dan Finn – People, Safety & Wellness Manager Andrew Judson – Rates Manager Charlotte Catmur – Sustainability and Climate Change Manager Tiki Mossop – Programme Manager Economics and Policy Julie Ambury – Enterprise Risk Lead Lachlan Muldowney – Barrister
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Governance Staff	Amy Viggers – Governance Lead Carmen Fookes – Senior Governance Advisor Tyler Gaukrodger – Governance Advisor
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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 Bunting and for partial attendance from Crs Hamilton, Pascoe, and Naidoo-Rauf are accepted.

2. Confirmation of Agenda – *Whakatau raarangi take*

Resolved: (Mayor Southgate/Cr van Oosten)

That the agenda is confirmed noting that:

- a) the order of items will be flexible to accommodate availability;
- b) the late attachment (2022-23 Annual Plan) for item 7 (Adoption of the 2022-23 Annual Plan) is accepted. The attachment was circulated to Elected Members to enable the most up to date information to be included; and
- c) that the following items are accepted as part of the agenda. These item were originally circulated to members with the 29 June 2022 Extraordinary Council Agenda and referred to this meeting by resolution:
 - i. Report from the Strategic Risk and Assurance Committee – Risk Management;
 - ii. Report from the Strategic Risk and Assurance Committee – Safety and Wellness;
 - iii. Climate Change Policy;
 - iv. Confirmation of the Council Public Excluded Minutes of 12 May 2022;
 - v. Confirmation of the Council Public Excluded Minutes of 3 June 2022;
 - vi. Watermain Renewals Contract Award;
 - vii. Electricity Supply Contracts Award; and
 - viii. Recommendations from Public Excluded Committee Meetings.

3. Declarations of Interest – *Tauaakii whaipaaanga*

No members of the Council declared a Conflict of Interest.

4. Public Forum – *Aatea koorero*

No members of the public wished to speak.

5. Development Contributions Policy 2022/23

The Programme Manager Economics and Policy took the report as read. Staff responded to questions from Members concerning operation under past policy.

Resolved: (Cr Macpherson/Cr Donovan)

That the Council approves the Proposed Development Contributions Policy 2022/23 (**Attachment 1** to the staff report), to be operative from 1 July 2022.

6. Rates Remissions and Postponements Policy - addition of remission for Maaori freehold land under development.

The Rates Manager introduced the report noting the changes to the policy were regarding Maaori freehold land. Staff responded to questions from Members concerning the definition of under development and the statutory requirements.

Resolved: (Mayor Southgate/Cr Wilson)

That the Council:

- a) receives the report; and
- b) approves the addition of a remission for Maaori freehold land under development (**Attachment 1** to the staff report), to be included in the Rates Remissions and Postponements Policy (**Attachment 2** to the staff report), to be operative from 1 July 2022

10. Adoption of the 2022-23 Annual Plan

The Financial Director introduced the report noting that the financial position that was outlined in the report had positively change since last noted by the Council.

Resolved: (Mayor Southgate/Cr Thomson)

That the Council:

- a) receives the report; and
- b) adopts the 2022-23 Annual Plan.

Deputy Mayor Taylor, Crs Pascoe and Wilson dissenting.

Cr Naidoo-Rauf joined the meeting (10.14am) during the discussion of the above item. She was present when the item was voted on.

11. Rates Resolution to Set and Assess Rates for 2022/23

The report was taken as read. Staff responded to questions from Members concerning accounting for the governance compliance rate and targeted rate spend.

Resolved: (Mayor Southgate/Cr van Oosten)

That the Council:

- a) receives the report; and
- b) approves to set and assesses the rates for the 2022/23 financial year (1 July 2022 to 30 June 2023) in accordance with the **Rates Resolution for the 2022/23 Financial Year** (as required by the Local Government (Rating) Act 2002) as set out in paragraphs 7 - 62 of the staff report; and
- c) approves the due dates for payments and authorises penalties to be added to unpaid rates, as set out in paragraphs 58 - 62 of the staff report.

GENERAL RATE

- 7. *A general rate is set and assessed on the capital value of all rateable land in Hamilton.*
- 8. *General rates are set on a differential basis. The rating categories are defined in the Funding Impact Statement.*
- 9. *The differential bases are:*
 - *the use to which the land is put;*
 - *the provision or availability to the land of a service provided;*
 - *the activities that are permitted, controlled, or discretionary for the area in which the land is situated, and the rules to which the land is subject under the operative district plan; and*
 - *the location of the land.*
- 10. *This rate covers all of the services of Council.*
- 11. *The total revenue sought through the general rate is \$219,382,771.*

12. The general rate is set and assessed on a differential basis as follows:

SOURCE	DIFFERENTIAL CATEGORIES	DIFFERENTIAL FACTOR	PERCENTAGE OF TOTAL GENERAL RATES	RATE IN THE DOLLAR OF CAPITAL VALUE (GST INCL)	RATES REVENUE (GST INCL)
General Rate	Commercial	2.9765	34.37%	0.00711732	\$75,394,409
	BID Commercial	2.8277	6.99%	0.00676145	\$15,336,882
	Other	0.7400	2.06%	0.00176948	\$4,511,199
	Residential	1.0000	56.58%	0.00239119	\$124,140,281

13. Land described in Part 2 Schedule 1 of the Local Government (Rating) Act 2002 (broadly speaking, land owned or used by societies for arts or sports) will be assessed at 50% of the residential rate (General rate, UAGC and Government compliance rate) that applies to the land. This general rate revenue is included within the Residential category shown in the table above and within the targeted rates revenue where applicable.

UNIFORM ANNUAL GENERAL CHARGE

14. A Uniform Annual General Charge (UAGC) of \$613 per Separately Used or Inhabited Part of a Rating Unit (SUIP) is set and assessed on all rateable land in Hamilton.
15. We have determined the level of UAGC in order to distribute the allocation of the general rate at an appropriate level among all ratepayers.
16. The total revenue sought from the UAGC is \$43,455,570.

TARGETED RATES

17. Government compliance rate
18. This rate is set and assessed on the capital value of all rateable land in the city.
19. This rate is set on a differential basis on the categories of land identified below. The differential bases are the use to which the land is put, the provision or availability to the land of a service provided, the activities permitted, controlled, or discretionary for the area in which the land is situated and the rules to which the land is subject under the operative district plan, and in the case of the BID Commercial differential, the location of the land.
20. This rate provides funding to the Wastewater Treatment and Disposal, Wastewater Collection, Water Treatment and Storage, Water Distribution, Stormwater Network, and City Planning activities.
21. The total revenue sought is \$11,885,836.
22. This rate is set and assessed on a differential basis as follows:

SOURCE	DIFFERENTIAL CATEGORIES	DIFFERENTIAL FACTOR	PERCENTAGE OF TOTAL GOVERNMENT COMPLIANCE RATES	RATE IN THE DOLLAR OF CAPITAL VALUE (GST INCL)	RATES REVENUE (GST INCL)
Government compliance rate	Commercial	2.9765	34.37%	0.00038561	\$4,084,801
	BID Commercial	2.8277	6.99%	0.00036633	\$830,940
	Other	0.7400	2.06%	0.00009587	\$244,416
	Residential	1.0000	56.58%	0.00012955	\$6,725,679

23. *Land described in Part 2 Schedule 1 of the Local Government (Rating) Act 2002 (broadly speaking, land owned or used by societies for arts or sports) will be assessed at 50% of the residential rate that applies to the land. This Government compliance rate revenue for these rating units is included within the Residential category shown in the table above.*
24. *Metered water rate*
25. *The rate is set and assessed for metered and restricted flow water supply on a differential basis to all metered rating units (as defined by Hamilton City Council's Water Supply Bylaw 2013).*
26. *The rate is:*
- i. a fixed amount based on the nature of the connection as follows:*
 - *\$456 for all metered rating units (except those receiving a restricted flow supply);*
 - *\$456 for those rating units receiving a restricted flow supply.*
 - ii. a charge per unit of water consumed or supplied on every metered connection in accordance with the following scale:*
 - *All metered rating units (except those receiving a restricted supply) - \$1.85 per kilolitre of water supplied after the first 60 kilolitres of consumption or supply per quarter;*
 - *those rating units receiving a restricted flow supply - \$1.65 per kilolitre of water supplied after the first 60 kilolitres of consumption or supply per quarter.*
27. *The rates contribute to the funding of the Water Distribution and Water Treatment and Storage activities.*
28. *The total revenue sought is \$9,925,310.*
29. *Commercial and Other category non-metered water rate*
30. *The rate is set and assessed on non-metered Commercial and Other category properties which are connected to the water network, but not provided with a metered connection. The rate is \$456 per rating unit.*
31. *The rates contribute to the funding of the Water Distribution and Water Treatment and Storage activities.*
32. *The total revenue sought is \$273,144.*
33. *Business Improvement District (BID) rates*
34. *This rate is set and assessed on all rating units defined within the BID Commercial general rate category and comprises both a fixed amount per SUIP and a rate in the dollar based on the capital value.*
35. *The Business Improvement District (BID) and Central City rating areas map is shown in Schedule 1 of the Rating Policy. The components of this rate are:*
- i. BID fixed rate: a fixed amount of \$240 per SUIP of a commercial rating unit within the defined area; and*
 - ii. BID capital value rate: a rate per dollar of capital value required to meet the total revenue, after allowing for the total revenue raised by the BID fixed rate. The rate is \$0.00002482 per dollar of capital value.*
36. *The rate provides funding to the City Planning activity.*
37. *The total revenue sought is \$366,867.*

38. Central city rate

39. The rate is set on all rating units defined within the BID Commercial general rate category and is set as a fixed amount per SUIP.
40. The Business Improvement District (BID) and Central City rating areas map is shown in Schedule 1 of the Rating Policy.
41. The rate is a fixed amount of \$128 per SUIP.
42. The rate provides funding to the Transportation Network activity.
43. The total revenue sought is \$166,750.

44. Service use water rate

45. The rate is set and assessed on properties defined as Service Use Category (see Funding Impact Statement) and which are connected to our water network but are not provided with a metered connection.
46. The rate is a fixed amount of \$456 per SUIP.
47. The rate provides funding towards the Water Distribution and Water Treatment and Storage activities.
48. The total revenue sought is \$62,472.

49. Service use refuse rate

50. The rate is set and assessed on properties defined as Service Use Category (see Funding Impact Statement) and which are provided with refuse collection service.
51. The rate is a fixed amount of \$187 per SUIP.
52. The rate provides funding towards the Refuse Collection activity.
53. The total revenue sought is \$29,546.

54. Service use wastewater rate

55. The rate is set and assessed on properties defined as Service Use Category (see Funding Impact Statement) and which are connected to the wastewater network. This rate comprises two components. These are:
- i. a rate per dollar of land value set at \$0.00067276; and
 - ii. a rate per dollar of capital value set at \$0.00028288.
56. The rate provides funding towards the Wastewater Collection and Wastewater Treatment and Disposal activities.
57. The total revenue sought is \$1,684,704.

DUE DATES FOR PAYMENT OF RATES

58. Rates (other than for metered water) are payable in four equal instalments.
59. The due dates for rates for the period 1 July 2022 to 30 June 2023 are as follows:

Instalment 1	Instalment 2	Instalment 3	Instalment 4
1 September 2022	24 November 2022	23 February 2023	25 May 2023

60. DUE DATES FOR PAYMENT OF METERED WATER RATES61. *The due dates for metered water rates for the period 1 July 2022 to 30 June 2023 are as follows:*

Month of Invoice	Invoice Due Date	Month of Invoice	Invoice Due Date
July 2022	20 August 2022	January 2023	20 February 2023
August 2022	20 September 2022	February 2023	20 March 2023
September 2022	20 October 2022	March 2023	20 April 2023
October 2022	20 November 2022	April 2023	20 May 2023
November 2022	20 December 2022	May 2023	20 June 2023
December 2022	20 January 2023	June 2023	20 July 2023

PENALTIES62. *Pursuant to Section 57 and 58 of the Local Government (Rating) Act 2002, the Council authorises the following penalties:*

- a) *A penalty of 10% of the amount due and unpaid on the due date to be added on the day after the due date.*
The dates on which penalties will be added are 2 September 2022, 25 November 2022, 24 February 2023 and 26 May 2023.
- b) *A penalty of 10% of the amount of any rates assessed in any previous year which remain unpaid on 7 July 2022 to be added on 8 July 2022.*
- c) *A penalty of 10% of the amount of any rates assessed in any previous year for which a penalty has been added under paragraph (b) and which remain unpaid on 8 January 2023 to be added on 9 January 2023.*
- d) *A penalty of 10% of the amount unpaid for water-by-meter rates charged to be added on the day after the due date.*
- e) *These dates are 21 August 2022, 21 September 2022, 21 October 2022, 21 November 2022, 21 December 2022, 21 January 2023, 21 February 2023, 21 March 2023, 21 April 2023, 21 May 2023 and 21 June 2023.*

END OF 2022/23 RATES RESOLUTION**The meeting was adjourned from 10.25am to 10.36am.****5. Report from the Strategic Risk and Assurance Committee – Risk Management**

The Governance and Assurance Manager and Enterprise Risk Lead introduced the report noting that there had been a workshop on strategic risks which included risks related to the Reform Programmes and significant cost escalation. Staff responded to questions from Members regarding various risks including volcanic activity and cyber security.

Resolved: (Mayor Southgate/Cr Donovan)

That the Council receives the report.

Cr Pascoe retired from the meeting (10.41am) during the discussion of the above item. He was not present when the item was voted on.

6. Report from the Strategic Risk and Assurance Committee – Safety and Wellness

The People, Safety & Wellness Manager introduced the report noting programmes of work and safety performance improvements.

Resolved: (Cr Wilson/Cr O’Leary)

That the Council receives the report.

5. Climate Change Policy

The Sustainability and Climate Change Manager introduced the report and outlined a further suggested change of wording to the Policy.

Resolved: (Cr Thomson/Cr Gallagher)

That the Council:

- a) receives the report; and
- b) approves the Climate Change Policy to be effective from 1 July 2022, noting change to Appendix A, Emission Assessment Step Two be updated to be “will the emissions impact increase or decrease the Council and City’s greenhouse gas emissions by:”.

Cr Hamilton joined the meeting (10.56am) at the conclusion of the above item. He was not present when the item was voted on.

6. Resolution to Exclude the Public

Resolved: (Cr van Oosten/Cr Naidoo-Rauf)

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 May 2022) Good reason to withhold) information exists under) Section 7 Local Government	Section 48(1)(a)
C2. Confirmation of the Council Public Excluded Minutes of 3 June 2022) Official Information and) Meetings Act 1987)	
C3. Watermain Renewals		

Contract Award

C4. Electricity Supply Contracts Award

C5. 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 enable Council to carry out negotiations	Section 7 (2) (i)
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 prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)

The meeting went into Public Excluded session at 11.10am.

The meeting was declared closed at 11.58am.

Minute Note 17/08/2022:

On 17/08/2022 the following resolutions were determined to be released to the public via these minutes and the quarterly update.

Recommendations from Public Excluded Committee Meetings - Waikato Community Lands Trust Implementation Plan

Resolved:

That the Council:

- a) receives the report, which includes the presentation from the Waikato Community Lands Trust on the Implementation Plan (Attachment 1 of the staff report);*
- b) approves the amendment to the funding agreement (Attachment 2 of the staff report) with the Waikato Community Lands Trust (Option A) that:*
 - i. clarify the intended use of the funding from Hamilton City; and*
 - ii. enable the funding to be used by the Waikato Community Lands Trust to achieve its purpose through the purchase and development or redevelopment of property within the wider Hamilton metro Area;*

- c) endorses the strategic direction of the Waikato Community Lands Trust and its role in the housing ecosystem as a special purpose vehicle to increase the supply of retained affordable homes and deliver affordable housing outcomes for the Waikato region (Option B);*
- d) requests staff reconvene the Appointments Panel to undertake a process to fill vacancies on the Trust Board;*
- e) notes that the Waikato Community Lands Trust reports to the Council by 31 March 2023 on progress regarding a specific proposal or proposals for the use of the \$2 Million grant by Council to the Trust; and*
- f) notes that the decision and information in relation to this matter be released at the appropriate time, to be determined by the Chief Executive.*