
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 September 2024 at 9:30am.

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 Geoff Taylor
- Cr Sarah Thomson
- Cr Emma Pike
- Cr Maria Huata
- Cr Anna Casey-Cox
- Cr Kesh Naidoo-Rauf

In attendance Peter Winder, Consultant
Jacqui Church, Mayor of Waikato District Council

The meeting was opened with a karakia.

A moment’s silence was held to acknowledge the passing of Kiingi Tuheitia and the passing of the crown to his daughter Queen Nga wai hono i te po.

1. **Apologies – Tono aroha**

There were no apologies.

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

Resolved: (Mayor Southgate/Cr van Oosten)

That the Council confirms the agenda noting that Item C7 (Property Purchase – Te Kaaroro Nature Precinct, circulated under separate cover, is accepted and Item 13 (Local Water Done Well – Direction Setting) is moved before Item 11 (Chair’s Report).

3. Declarations of Interest – *Tauaakii whaipaa*

Cr Wilson declared an interest in Item C6 (Appointment of New Independent Commissioners' Panel).

4. Public Forum – *AAtea koorero*

There were no members of the public present for the Public Forum.

5. Confirmation of the Council Open Minutes 1 August 2024

Resolved: (Cr Wilson/ Cr Hutt)

That the Council confirm the Open Minutes of the Council Meeting held on 1 August 2024 as a true and correct record.

6. Confirmation of the Extraordinary Council Open Minutes 13 August 2024

Resolved: (Cr Wilson/Cr Hutt)

That the Council confirm the open Minutes of the Extraordinary Council Meeting held on 13 August 2024 as a true and correct record.

7. Confirmation of the Extraordinary Council Open Minutes 29 August 2024

Resolved: (Cr Wilson/Cr Hutt)

That the Council confirm the Open Minutes of the Extraordinary Council Meeting held on 29 August 2024 as a true and correct record.

8. Confirmation of the Elected Member Open Briefing Notes 7 August 2024

Resolved: (Cr Wilson/Cr Hutt)

That the Council confirm the Open Notes of the Elected Member Briefing held on 7 August 2024 as a true and correct record.

9. Confirmation of the Elected Member Open Briefing Notes 27 August 2024

Resolved: (Cr Wilson/Cr Hutt)

That the Council confirm the Open Notes of the Elected Member Briefing held on 27 August 2024 as a true and correct record.

10. Confirmation of the Elected Member Open Briefing Notes 28 August 2024

Resolved: (Cr Wilson/Cr Hutt)

That the Council confirm the Open Notes of the Elected Member Briefing held on 28 August 2024 as a true and correct record.

The Chair's Report followed Item 13 (Local Water Done Well – Direction Setting)

11. Chair's report

The Mayor, Cr Macindoe and Cr Tauariki provided an update on the report concerning the Local Government New Zealand Annual Conference. The Chair noted a change since the report was written withdrawing Cr Macindoe from the Climate Strategy Advisory Group.

Resolved: (Mayor Southgate/Cr van Oosten)

That the Council:

- a) receives the report; and
- b) approves the updates to the 2022/25 Governance Structure and Terms of Reference as

outlined in the Chair's Report, noting Cr Macindoe will not be appointed to the Climate Strategy Advisory Group and removal of Cr Hutt from Sister Cities.

12. Development Contributions Policy 2024/25 - schedules update

The report was taken as read.

Resolved: (Cr Wilson/Mayor Southgate)

That the Council:

- a) receives the report;
- b) approves the revised development contributions schedules (**Attachment 1**) in the 2024/25 Development Contributions Policy effective from 13 September 2024 (Option a in the staff report); and
- c) notes that:
 - i. the update results in minor corrections to development contribution charges resulting from a limited set of incorrect growth input data provided by a third party;
 - ii. staff have ensured that no incorrect development contribution invoices have been issued since the 2024/25 Development Contributions Policy was adopted on 4 July 2024;
 - iii. the schedules that are impacted from this error are schedule 1A (development contributions phased charges), schedule 1B (development contributions base charges), schedule 2 (growth-related capital expenditure) and schedule 6 (growth forecasts). The revised policy with corrected schedules (**Attachment 1**) will be updated on the website immediately if approved; and
 - iv. no further changes to the 2024/25 Development Contributions Policy are required as a consequence of this update.

13. Local Water Done Well - Direction Setting

The General Manager Infrastructure and Assets took the report as read. Staff responded to questions from Members concerning the recent Waikato District Council waters decision, Waikato District Council's commitment to a partnership CCO, control council would have over a CCO, proposed financial benefits, costs of an own CCO and a partnership CCO, collaboration with training institutions, servicing and management of debt, underwriting of debt, cost of transition, private investment, impacts on relationship with iwi, regular reporting of costs for Local Water Done Well and intergenerational equity.

Resolved: (Mayor Southgate/Cr Thomson)

That the Council:

- a) receives the report and the accompanying 'Background, Issues and Options' report;
- b) notes that the Government is yet to introduce to Parliament a third water reform Bill;
- c) approves the success statements set out in paragraphs 39 and 40 of the staff report;
- d) supports options which rapidly improve Hamilton City Council's ability to fund and deliver the investment and infrastructure needed to support the growth and development of the city;
- e) approves Hamilton City Council's long-term preferred water services delivery option to be a regional, or Future Proof sub-regional two waters asset owning Council Controlled Organisation (CCO) that provides stormwater services to HCC and other shareholders;
- f) notes that Stage 1 of the transition pathway proposed by Waikato Water Done Well will not meet HCC's needs because it will not rapidly improve HCC's ability to fund and deliver the

investment and infrastructure needed respond to growth and development of the city;

- g) declines to participate in Stage 1 of the Waikato Water Done Well proposal;
- h) notes that Council is willing to engage with any Council that has a formal mandate and a shared vision, on the design and adoption of a joint asset owning CCO that delivers the benefits and outcomes sought by all parties;
- i) approves staff to progress work with Waikato District Council on a jointly owned waters CCO, noting that work beyond 26 Sept 2024 is contingent on a formal resolution by Waikato District Council being passed by no later than 26 September 2024 expressing commitment to design a joint asset owning CCO.
- j) approves, in principle, an offer to Waikato District to ensure continuity of service following Watercare's decision to withdraw services while a joint asset owning CCO is established and on mutually acceptable terms;
- k) notes that there are risks, costs, and potentially significant elapsed time involved in establishing its preferred water services delivery option, and a real risk that agreements between possible shareholding councils cannot be reached;
- l) approves, in the light of k) above:
 - i. the establishment of an internal business unit by 30 June 2025 – including full required transparency of waters costs and revenue;
 - ii. the incorporation through a Long-Term Plan (LTP) amendment a proposal to separate waters related charges from the General Rate and Uniform Annual General Charge and change the Development Contributions policy to ensure complete transparency of waters related activity;
 - iii. the design work for the establishment of an Hamilton City Council only CCO intended to commence trading from 1 July 2026, including any statement of proposal that would be the basis of consultation relating to the transfer of significant assets;
 - iv. that the design of an Hamilton City Council only CCO must enable an entity with a regional outlook which other shareholders could join, or which could be joined with other CCOs over time;
- m) notes that:
 - i. the Council may reconsider this course of action as may be necessary in the light of any response from Waikato District in relation to i) and j) above;
 - ii. the preferred approach will have an impact on HCC's existing JMA relationship with Waikato-Tainui and on the ability of Maaori to participate in decision-making and resolves to engage with Waikato-Tainui to address these issues before it considers final proposals for consultation;
 - iii. the initial estimates of the cost of establishing an HCC only waters CCO are in the order of \$5m to \$6m (unbudgeted) and that these are in addition to the \$1.6m provided for the current year;
 - iv. the pace of Local Water Done Well, the critical need to ensure delivery within tight timeframes, and that the required skill sets are not available in the existing Professional Services Panel, nor is there time available to competitively procure the necessary resources;
 - v. full public engagement and consultation will be required on the preferred approach and relevant options through the Annual Plan and/or Long Term Plan Amendment in 2025;
- n) delegates the Chief Executive, in consultation with the Water and Rates Working Group, to directly appoint contracts within the total budget for Local Water Done Well, noting the

approved budget is \$1.6m; and

- o) requests the Chief Executive:
 - i. prepare, no later than December 2024, a draft budget for the implementation of the preferred direction, including possible amendments to the LTP that can be further considered by Council through the Annual Plan/Long Term Plan amendment process;
 - ii. prepare draft LTP amendments and any further advice (including relevant options) that will be required for the Council to give effect to these resolutions;
 - iii. ensure that consultation with affected staff, as may be required, is undertaken in a way and at a time that supports staff and enables effective decisions to be made;
 - iv. in consultation with the Waters and Rates Working Group, develop and implement a comprehensive public engagement plan to raise public awareness and understanding of waters issues and the Council's response and the Chief Executive prioritise communication and engagement resourcing to support this plan and update Elected Members on how the reprioritising of communications resourcing will affect other outcome areas.

The meeting was adjourned 10.45am to 11.02am during the discussion of the above item

Item 11 (Chair's Report) followed the above item.

14. Draft 2025 Schedule of Council and Committee Meetings

The Governance and Assurance Manager provided an update on the report noting that there may be changes made during the year.

Resolved: (Cr Wilson/Cr van Oosten)

That the Council:

- a) receives the report; and
- b) approves the Draft 2025 schedule of Council and Committee Meetings

15. Recommendations from Open Committee Meetings

Recommendations from the Economic Development Committee meeting of 13 August 2024

Policy Review – Appointment and Remuneration of Board Members of COs, CCOs and CCTOs

Resolved: (Cr van Oosten /Cr Wilson)

That the Council approves the revised Policy for the Appointment and Remuneration of Board Members of:

- a) Council Organisations (COs),
- b) Council Controlled organisations (CCOs) and
- c) Council Controlled Trading Organisations (CCTOs) (**Attachment 1**).

Policy Review - Freeholding of Council Endowment Land Policy

Resolved: (Cr van Oosten /Cr Wilson)

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

Recommendation from the Finance and Monitoring Committee meeting of 29 August 2024

Financial Performance & Strategy Report to 30 June 2024

Resolved: (Cr van Oosten /Cr Wilson)

That the Council:

- a) approves the capital movement as identified in the 29 August 2024 Capital Portfolio Monitoring Report; and
- b) notes the revised Financial Strategy position for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 53 to 55 of Appendix 1 of the minutes of the committee meeting.

Recommendations from the Strategic Risk and Assurance Committee meeting of 3 September 2024

Health & Safety Report - 1 May 2024 to 31 July 2024

Resolved: (Cr van Oosten /Cr Wilson)

That the Council receives the report.

Risk Management Report

Resolved: (Cr van Oosten /Cr Wilson)

That the Council receives the report.

Recommendations from the Community and Natural Environment Committee meeting of 10 September 2024

Reserve Classification and Naming Report

Resolved: (Cr van Oosten /Cr Wilson)

That the Council approves:

- a) the classification of the reserves set out in Schedule One as recreation reserves, subject to the Reserves Act 1977, and approves the names, in accordance with Council’s Naming of Roads, Open Spaces and Council Facilities Policy:

Schedule One: Recreation Reserves

Proposed Reserve Name	Area (ha)	Legal Description	Attachment Reference	New Reserve or Addition to Existing Reserve
Tuna Kai Park	0.120 1	Lot 200 DP504587	Map 1	New Reserve
Whakapakari Park	6.442 7	Section 6 SO 478480 Section 7 SO 478480	Map 2	New Reserve

- b) the classification of the reserves set out in Schedule Two as local purpose (esplanade) reserves, subject to the Reserves Act 1977;
- c) the proposed names, in accordance with Council’s Naming of Roads, Open Spaces and Council Facilities Policy:

Schedule Two: Local Purpose (Esplanade) Reserves

Proposed Reserve Name	Area (ha)	Legal Description	Attachment Reference	New Reserve or Addition to Existing Reserve
Mangaiti Park	0.2845	Lot 13 DP 494366	Map 3	Addition to Existing Reserve
Mangakotukutuku Esplanade Reserve	4.7283	Section 2 SO 544662, Section 2 SO 514748	Map 4	Addition to Existing Reserve

		Section 2 SO 517435		
Te Awa O Katapaki Esplanade	3.2215	Lot 20 DP 490815, Lot 28 DP 481186	Map 5	Addition to Existing Reserve
Mangaharakeke Esplanade	0.2845	Lot 13 DP 494366	Map 6	New Reserve
Mangaonua Esplanade	0.115	Lot 4 DP 513776	Map 7	Addition to Existing Reserve

16. Resolution to Exclude the Public

Resolved: (Cr Wilson / Cr van Oosten)

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 Elected Member Closed Briefing Notes 7 August 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 27 August 2024		
C3. Confirmation of the Elected Member Closed Briefing Notes 28 August 2024		
C4. Digital Services - Microsoft Enterprise Agreement and Server and Cloud Enrolment		
C5. Digital Services - Microsoft Azure Renewal		
C6. Appointment of new Independent Commissioners' Panel		
C7. Property Purchase - Te Kaaroro Nature Precinct		

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

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

Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C3.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C4.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C5.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C6.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C7.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
	to enable Council to carry out negotiations	Section 7 (2) (i)

The meeting moved into Public Excluded at 12.00pm

The meeting was declared closed at 1.31pm.