



KOMITI RATONGA RANGATŌPŪ ME TE RAUTAKI

POLICY, FINANCE AND STRATEGY COMMITTEE

20 April 2022

Order Paper for the meeting to be held via Zoom
on:

Thursday 28 April 2022 commencing at 2.00pm

The meeting will be livestreamed on Council's Facebook page.
Members of the public wishing to speak to an item on the agenda are asked to contact
democraticserviceteam@huttcity.govt.nz

Membership

	Cr S Edwards (Chair)	
Mayor C Barry		Cr G Barratt
Cr J Briggs		Cr K Brown (Deputy Chair)
Cr B Dyer		Cr D Hislop
Deputy Mayor T Lewis		Cr C Milne
Cr A Mitchell		Cr S Rasheed
Cr N Shaw		Cr L Sutton

For the dates and times of Council Meetings please visit www.huttcity.govt.nz

Have your say

You can speak under public comment to items on the agenda to the Mayor and Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this by emailing DemocraticServicesTeam@huttcity.govt.nz or calling the Democratic Services Team on 04 570 6666 | 0800 HUTT CITY

POLICY, FINANCE & STRATEGY COMMITTEE

Membership:	13
Meeting Cycle:	Meets on an eight weekly basis, as required or at the requisition of the Chair
Quorum:	Half of the members
Membership RMA Hearings:	An independent Commissioner plus a minimum of either 3 or 4 elected members (including the Chair) and alternates who have current certification under the Making Good Decisions Training, Assessment and Certification Programme for RMA Decision-Makers.
Reports to:	Council

OVERVIEW:

This Committee assists Council in setting the broad direction of the city, discharging statutory functions, and overseeing organisational performance.

The Committee is aligned with the Transformation & Resources, and Strategy & Engagement, Directorates.

Its areas of focus are:

- Long term/high level strategic focus
- Long Term Plan/ Annual Plan oversight
- District Plan oversight
- Housing/homelessness
- City growth/economic development
- Financial and non-financial performance reporting
- Oversight of Property Working Group
- Oversight of strategies and policies
- Bylaw development
- Oversight of CCOs/approval of SOIs

PURPOSE:

To assist the Council in setting the broad vision and direction of the city in order to promote the social, economic, environmental and cultural wellbeing of the city's communities in the present and for the future. This involves determining specific outcomes that need to be met to deliver on the vision for the city, and overseeing the development of strategies, policies, bylaws and work programmes to achieve those goals. This committee is also responsible for monitoring the overall financial management and performance of the Council Group.

DELEGATIONS FOR THE COMMITTEE'S AREAS OF FOCUS:

- All powers necessary to perform the Committee's responsibilities including the activities outlined below.
- Develop required strategies and policies. Recommend draft and final versions to Council for adoption where they have a city-wide or strategic focus.
- Implement, monitor and review strategies and policies.
- Oversee the implementation of major projects provided for in the LTP or Annual Plan.
- Oversee budgetary decisions provided for in the LTP or Annual Plan.
- Recommend to Council the approval of any financial decisions required outside of the annual budgeting process.
- Maintain an overview of work programmes carried out by the Council's Transformation & Resources, and Strategy & Engagement, Directorates.
- Conduct any consultation processes required on issues before the Committee.
- Approval and forwarding of submissions.
- Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.
- The committee has the powers to perform the responsibilities of another committee where it is necessary to make a decision prior to the next meeting of that other committee. When exercised, the report/minutes of the meeting require a resolution noting that the committee has performed the responsibilities of another committee and the reason/s.
- If a policy or project relates primarily to the responsibilities of the Policy, Finance & Strategy Committee, but aspects require additional decisions by the Communities Committee, Infrastructure & Regulatory Committee and/or Climate Change & Sustainability Committee, then the Policy, Finance & Strategy Committee has the powers to make associated decisions on behalf of those other committees. For the avoidance of doubt, this means that matters do not need to be taken to more than one of those committees for decisions.

District Plan Delegations:

- Undertake a full review of the City of Lower Hutt District Plan, including oversight of the District Plan Review Subcommittee in establishing a District Plan work programme and monitoring its implementation.
- Consideration of matters related to the preparation and ongoing monitoring of the City of Lower Hutt District Plan.
- Preparation of required Changes and Variations to the City of Lower Hutt District Plan for Council approval to call for submissions.
- Make recommendations to Council on private District Plan Change requests for Council to accept, adopt or reject.
- The Chair of the Policy, Finance & Strategy Committee, in conjunction with the Chief Executive, is authorised to appoint a District Plan Hearings Subcommittee of suitably qualified persons to conduct hearings on behalf of the Committee.

Bylaw Delegations:

- Develop and agree the Statement of Proposal for new or amended bylaws for consultation.

- Recommend to Council the approval of draft bylaws prior to consultation.
- The Chair of the Policy, Finance & Strategy Committee, in conjunction with the Chief Executive, is authorised to appoint a Subcommittee of suitably qualified persons to conduct hearings on draft bylaws on behalf of the Committee.
- Recommend to Council new or amended bylaws for adoption.

Financial, Project and Performance Reporting Delegations:

- Recommend to Council the budgetary parameters for preparation of the Council's Long Term Plans (LTP) and Annual Plans.
- Monitor progress towards achievement of budgets and objectives for the Council Group as set out in the LTP and Annual Plans, including associated matters around the scope, funding, prioritising and timing of projects.
- Monitoring and oversight of significant city-wide or strategic projects including operational contracts, agreements, grants and funding, except where these are the responsibility of another standing committee.
- Monitor progress towards achievement of the Council's outcomes as set out in its overarching strategies for the city and their associated plans.
- Oversee the activities of the Property Working Group in its implementation of the Purchase and Sale of Property for Advancing Strategic Projects Policy.
- Oversee the acquisition and disposal of property in accordance with the LTP.
- Monitor the integrity of reported performance information at the completion of Council's Annual Report process.
- Review and recommend to Council the adoption of the Annual Report.
- Recommend to Council the approval of annual Statements of Corporate Intent for Council Controlled Organisations and Council Controlled Trading Organisations and granting shareholder approval of major transactions.
- Monitor progress against the CCO and CCTO Statements of Intent and make recommendations to Council in the exercising of Council powers, as the shareholder, in relation to Council Controlled Organisations/Council Controlled Trading Organisations under sections 65 to 72 of the Local Government Act.
- Oversee compliance with Council's Treasury Risk Management Policy.
- Consider and determine requests for rates remissions.
- Consider and determine requests for loan guarantees from qualifying community organisations where the applications are within the approved guidelines and policy limits.

NOTE:

The Ministry for the Environment advocates that Councils offer specialist RMA training in areas of law which are difficult to grasp or where mistakes are commonly made. This is to complement the Good Decision Making RMA training that they run (which is an overview and basic summary of decision making, rather than an in-depth training in specific areas of the RMA). Therefore in order to facilitate this, the RMA training run for councillors that wish to be hearings commissioners is mandatory.

Reasons for the importance of the training:

1. Hearings commissioners are kept abreast of developments in the legislation.
2. Legal and technical errors that have been made previously are avoided (many of which have resulted in Environment Court action which is costly, time consuming and often creates unrealistic expectations for the community).
3. The reputation of Council as good and fair decision makers or judges (rather than legislators) is upheld.

HUTT CITY COUNCIL**KOMITI RATONGA RANGATŌPŪ ME TE RAUTAKI
POLICY, FINANCE AND STRATEGY COMMITTEE**

Meeting to be held via Zoom on
Thursday 28 April 2022 commencing at 2.00pm.

ORDER PAPER**PUBLIC BUSINESS****1. APOLOGIES**

An apology from Cr Rasheed has been received.

2. OPENING FORMALITIES - KARAKIA TIMATANGA (22/906)

Whakataka te hau ki te uru	<i>Cease the winds from the west</i>
Whakataka te hau ki te	<i>Cease the winds from the south</i>
tonga	<i>Let the breeze blow over the land</i>
Kia mākinakina ki uta	<i>Let the breeze blow over the ocean</i>
Kia mātaratara ki tai	<i>Let the red-tipped dawn come with a sharpened</i>
E hī ake ana te atakura	<i>air.</i>
He tio, he huka, he hau hū	<i>A touch of frost, a promise of a glorious day.</i>
Tihei mauri ora.	

3. PUBLIC COMMENT

Generally up to 30 minutes is set aside for public comment (three minutes per speaker on items appearing on the agenda). Speakers may be asked questions on the matters they raise.

4. CONFLICT OF INTEREST DECLARATIONS

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have

**5. RECOMMENDATIONS TO COUNCIL | TE KAUNIHERA O TE AWA
KAIRANGI - 24 May 2022****a) Water Supply Bylaw Review 2022 (22/556)**

Report No. PFSC2022/2/67 by the Senior Policy Advisor

9

CHAIR'S RECOMMENDATION:

“That the recommendations contained in the report be endorsed.”

- b) Proposed Private District Plan Change 54: Boulcott's Farm Heritage Golf Club - Rezoning to General Residential Activity Area (22/658)

Report No. PFSC2022/2/68 by the Policy Planner 32

CHAIR'S RECOMMENDATION:

"That the recommendations contained in the report be endorsed."

- c) New Zealand Local Government Funding Agency Green, Social and Sustainability Lending Programme (22/762)

Report No. PFSC2022/2/69 by the Treasury Officer 90

CHAIR'S RECOMMENDATION:

"That the recommendations contained in the report be endorsed."

- d) Intensification Planning Instrument: Financial Contributions Assessment (22/982)

Report No. PFSC2022/2/80 by the Principal Environmental Policy Analyst 100

CHAIR'S RECOMMENDATION:

"That the recommendations contained in the report be endorsed."

6. **NEW ZEALAND LOCAL GOVERNMENT FUNDING AGENCY - DRAFT STATEMENT OF INTENT 2022-2025 AND HALF YEAR PERFORMANCE RESULTS** (22/593)

Report No. PFSC2022/2/70 by the Treasury Officer 113

CHAIR'S RECOMMENDATION:

"That the recommendations contained in the report be endorsed."

7. **RATES REMISSION ON MĀORI LAND POLICY 2022** (22/752)

Report No. PFSC2022/2/72 by the Policy Advisor 163

CHAIR'S RECOMMENDATION:

"That the recommendations contained in the report be endorsed."

8. INFORMATION ITEM

Policy, Finance and Strategy Committee Forward Programme 2022 (22/863)

Report No. PFSC2022/2/71 by the Democracy Advisor

180

CHAIR'S RECOMMENDATION:

"That the recommendation contained in the report be endorsed."

9. QUESTIONS

With reference to section 32 of Standing Orders, before putting a question a member shall endeavour to obtain the information. Questions shall be concise and in writing and handed to the Chair prior to the commencement of the meeting.

10. CLOSING FORMALITIES - KARAKIA WHAKAMUTUNGA (22/907)

Unuhia!	<i>Release us from the supreme sacredness of our</i>
Unuhia!	<i>tasks</i>
Unuhia i te uru-tapu-nui	<i>To be clear and free</i>
Kia wātea, kia māmā	<i>in heart, body and soul in our continuing</i>
Te ngākau, te tinana, te	<i>journey</i>
wairua i te ara takatū	<i>Oh Rongo, raise these words up high</i>
Koia rā e Rongo	<i>so that we be cleansed and be free,</i>
whakairihia ake ki runga	<i>Yes indeed, we are free!</i>
Kia wātea, kia wātea!	<i>Good and peaceful</i>
Ae rā, kua wātea!	
Hau, pai mārire.	

Judy Randall
DEMOCRACY ADVISOR



Policy, Finance and Strategy Committee

04 March 2022

File: (22/556)

Report no: PFSC2022/2/67

Water Supply Bylaw Review 2022

Purpose of Report

1. To report to the Committee the background information associated with the s155 review of the Water Supply Bylaw 2010.

Recommendations

That the Committee recommends that Council:

- (1) notes the Local Government Act 2002 (LGA 2002) requires Council to review its bylaws to ensure that they comply with the matters set out in sections 155 and 159 of the LGA 2002;
- (2) notes the Water Supply Bylaw 2010 has been reviewed in accordance with section 155 of the LGA 2002;
- (3) notes the outcome of the section 155 review of the Water Supply Bylaw is to propose amendments to the bylaw, as more particularly detailed in the Statement of Proposal (a draft of which is attached as Appendix 1 to the report) and that a Summary of the proposed Water Supply Bylaw is attached as Appendix 2 to the report;
- (4) agrees to consult on the Water Supply Bylaw (a draft of which is attached as Appendix 3 to the report) in accordance with the requirements of the LGA 2002;
- (5) notes if the Committee agrees to make the recommendation to Council in (4) above, the proposed Water Supply Bylaw (subject to any changes requested by the Committee) will be included on the agenda for Council's consideration at its meeting on 24 May 2022, together with the Committee's

recommendations; and

- (6) agrees that the Chief Executive be delegated authority to make minor changes to the proposed Water Supply Bylaw if required prior to consultation.

For the reasons that it is necessary to report to Council the background information associated with the s155 review of the Water Supply Bylaw 2010.

Background

2. The review of the Water Supply Bylaw is taking place in a complex and shifting environment, introducing new legislation and regulatory requirements, with more legislation and regulatory requirements likely in the next few years.
3. The Water Services Act came into effect 15 November 2021. Under this Act duties for drinking water suppliers include providing drinking water that meets drinking water standards, the creation of drinking water safety plans, protecting against risks of backflow and a requirement to register the supply of drinking water with a new Government regulator – Taumata Arowai.
4. The new regulatory framework for ensuring safe drinking water and improved environmental outcomes for wastewater and stormwater, will be overseen by Taumata Arowai.
5. Taumata Arowai is developing new drinking water standards for water suppliers to replace the current Drinking Water Standards for New Zealand (DWSNZ) – the standards relevant for the Water Supply Bylaw 2022. New drinking water standards will come into effect 1 July 2022. This will likely necessitate another review of the Water Supply Bylaw 2022 before its expiry date of 21 September 2027.
6. From 1 July 2024 four new water service entities, established through the Three Waters Reform, will deliver drinking water, wastewater and stormwater services to people across Aotearoa.
7. From now until 1 July 2024, councils will play a role in the transition to the four new water service entities, supported by a National Transition Unit (NTU). Councils will continue to be responsible for the delivery of water services until 30 June 2024. This transition will likely require councils to review water supply bylaws again.
8. The current Hutt City Council Water Supply Bylaw lapses in September 2022, after the date for the introduction of new drinking water standards (ie 1 July 2022) and prior to the transition date to the new water service entities (ie 1 July 2024). Legal advice from Local Government New Zealand suggests that councils should maintain/roll over current water supply bylaws that lapse during this transition period, citing only legislative updates, changes to standards and any other minor changes.

Discussion

Legal position

9. Section 155 of the LGA 2002 provides that a local authority must consider the following matters when undertaking a bylaw review process:
 - 9.1 Determine whether a bylaw is the most appropriate way of addressing the perceived problem;
 - 9.2 Determine whether the proposed bylaw is the most appropriate from of the bylaw; and
 - 9.3 That any proposed bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

Bylaw review conclusions

10. Despite the complex and shifting environment surrounding water supply regulations, councils are required to keep water supply bylaws renewed throughout the transition period between now and 1 July 2024.
11. The review of the Water Supply Bylaw reflects legislative and standards changes that have taken effect since the previous review in 2010.

Options

12. Having established that there is a need to review and recommend changes to the Water Supply Bylaw 2010, it is proposed that Council establish the proposed new bylaw.

Climate Change Impact and Considerations

13. The matters addressed in this report have been considered in accordance with the process set out in Council's Climate Change Considerations Guide and there is no climate change assessment required in this instance.

Consultation

14. Wellington Water Limited was consulted as the technical expert as part of the review process and has approved the content of the Water Supply Bylaw 2022. Once approved by Council, the draft Water Supply Bylaw will go out for general public consultation.

Legal Considerations

15. Legal advice received from Local Government New Zealand has confirmed that councils are recommended to maintain/roll over current water supply bylaws during the transition period between now and 1 July 2024, avoid widespread or speculative changes.
16. If Council agrees with this proposal, the next legal step requires Council to undertake consultation pursuant to the LGA 2002.

Financial Considerations

17. The review of this Water Supply Bylaw is being managed internally within existing baselines.

18. There is no expected impact on budgets with the proposed changes to the Bylaw.

Appendices

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Author: Olivia Miller
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Reviewed By: Kiri Waldegrave
Acting Head of Strategy and Planning

Reviewed By: Bradley Cato
Chief Legal Officer

Approved By: Jarred Griffiths
Director Strategy and Engagement



STATEMENT OF PROPOSAL TO REVIEW THE HUTT CITY COUNCIL WATER SUPPLY BYLAW 2010

April 2022

Statement of Proposal to review the Hutt City Council Water Supply Bylaw 2010

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21 March 2022

File: (22/658)

Report no: PFSC2022/2/68

Proposed Private District Plan Change 54: Boulcott's Farm Heritage Golf Club - Rezoning to General Residential Activity Area

Purpose of Report

1. This report presents the recommended decisions of the independent hearing panel on Proposed Private District Plan Change 54: Boulcott's Farm Heritage Golf Club - Rezoning to General Residential Activity Area.

Recommendations

That the Committee recommends that Council:

- (1) receives the report and recommendation of the hearing panel dated 30 March 2022 (attached as Appendix 1 to the report), acting under delegated authority pursuant to s34A of the Resource Management Act 1991, for the hearing of submissions and further submissions on Proposed Private District Plan Change 54 - Boulcott's Farm Heritage Golf Club - Rezoning to General Residential Activity Area;
- (2) notes the process under the Resource Management Act 1991 for Proposed Private District Plan Change 54;
- (3) adopts the recommended decisions on Proposed Private District Plan Change 54, and reasons for those decisions, set out in the hearing panel's report.
- (4) approves Proposed Private District Plan Change 54 as notified, as recommended in paragraph 5.1 of the hearing panel's report;
- (5) resolves to publicly notify its decision on Proposed Private District Plan Change 54 within 10 working days of this decision, and to serve that decision on the applicant and submitters; and
- (6) instructs staff to investigate the roading interventions described in paragraph 4.18 of the hearing panel's report, in accordance with

recommendation 5.2 of that report, and report to the Traffic Subcommittee.

For the reason that the hearing panel has considered the issues and all submissions on Proposed Private District Plan Change 54, based on the evidence provided to the hearing panel.

Background

2. Urban Perspectives Ltd., on behalf of Boulcott's Farm Heritage Golf Club, lodged a private plan change request with Council on 23 October 2020. The purpose of the request is to rezone part of the golf course's land to the General Residential Activity Area.
3. Officers requested further information on 5 November 2020, and this was supplied on 4 February 2021.
4. At its 24 March 2021 meeting, Council resolved to accept the plan change request, and instructed officers to begin the plan change process as set out in Schedule 1 of the Resource Management Act 1991.
5. The proposal was publicly notified for submissions on 13 April 2021. 16 submissions were received.
6. A summary of decisions requested in submissions was publicly notified on 15 June 2021, to provide for further submissions. One further submission was received.
7. Council appointed a hearing panel to hear the application and submissions and make a recommendation to Council. That panel conducted a hearing over the course of 1 February to 2 February 2022. The panel has assessed the evidence presented at the hearing and in other submissions and has now prepared a recommended decision which is attached as Appendix 1 to this report.
8. The hearing panel's overall recommendation is as follows:

(5.1) Based on our consideration of all the material before us, including the s42A report from the Council's consultants, the submissions, further submission, evidence presented at the hearing and other relevant statutory matters, and for the reasons we have set out in sections 3 and 4 above, we recommend to the Council that:

- a) The plan change be accepted as notified;*
- b) That all submissions and the further submission on the plan change be accepted or rejected to the extent that they correspond with that conclusion and the matters we have set out in the preceding report sections; and as summarised in Appendix 1; and*
- c) Pursuant to Clause 10 of the First Schedule of the RMA, Council gives notice of its decision on submissions to PC54.*

(5.2) Although not within the scope of the plan change, we separately recommend that the Council's transport division undertake investigations into roading improvements as detailed in paragraph 4.18 of this decision. Namely investigating the:

- a) *extension of the No Stopping lines along the High Street frontage from Kingston Street towards the south to provide the Minimum Gap Sight Distance (MGSD) of 69m and ideally to accommodate the Safe Intersection Sight Distance (SISD) of 97m; and*
- b) *flush median through the Kingston/High Streets intersection be widened to permit left turning traffic to complete their manoeuvre when a vehicle is waiting to turn right into High Street.*

Options

9. The decisions before Council are:

- to either adopt or reject the hearing panel's first recommendation (5.1 in the panel's report) to approve Proposed Private District Plan Change 54 as notified, including recommended decisions on submissions; and
- how to acknowledge the hearing panel's second recommendation (5.2 in the panel's report) around investigating potential roading interventions on High Street near the intersection with Kingston Street.

Recommendations (iii) to (v): Adopt the hearing panel's recommendation to approve the plan change as notified and related procedural requirements

10. If Council decides to adopt the recommendation to approve the plan change, the availability of the Council decision will be publicly notified in the Hutt News and on Council's website. At the same time a copy of the public notice and information about how to lodge an appeal will be served on the applicant and all submitters, in accordance with clause 29(6) of Schedule 1 to the Resource Management Act 1991.
11. Any person who has made a submission on the proposed plan change, and the requestor, has the right to appeal to the Environment Court in respect of the provisions included or excluded in the proposal, or the provisions the Council's decision proposed to include or exclude in the plan change.
12. The right of appeal of submitters is limited to matters raised in their submission.
13. Council does not have the option of making changes to the hearing panel's recommendation because Council has not heard the evidence presented at the hearing and to change the recommendation would not demonstrate fairness or natural justice to the plan change requestor and to submitters.
14. If Council decides to reject the recommendation to approve the plan change, the process would need to return to at least the hearing stage. All submitters and the requestor of the proposed plan change would need to be re-heard, either by the same hearing panel or by a newly appointed panel. The panel would then present a new (and possibly unchanged) recommendation to Council to again make this decision to accept or reject. This would cause additional costs and time delays.

15. If no appeals on the plan change are received, no further action on Council's part is required. The District Plan will be amended as set out in the plan change request and the hearing panel's recommendation.
16. If one or more appeals are received, Council will need to defend its decision in the Environment Court.

Recommendation (vi): Adopt the hearing panel's recommendation to investigate roading interventions on High Street

17. Although not required as part of the decision on the plan change, because of the evidence it heard around the transport effects of the proposed plan change, the hearing panel recommended investigating certain roading safety interventions near the High Street / Kingston Street intersection.
18. The panel found these interventions would mitigate the transport effects of a future subdivision and residential development on the land affected by the plan change if it were to proceed, and may have value even if such a development does not proceed.
19. These interventions were recommended based on evidence the panel heard from consultant traffic planners engaged by Council and the plan change applicant, who had in turn consulted with Council's transport team.
20. However, the interventions have not yet been assessed in light of Council's existing work programs, budget, or conflict with other possible projects.

Climate Change Impact and Considerations

21. Climate change impact has been considered by the hearing panel in making its recommendation to the extent relevant under the Resource Management Act and is discussed further in the hearing panel's report.

Consultation

22. Full public notification, a submissions process, and a public hearing were conducted in the processing of the plan change as required by the Resource Management Act 1991, which has specific requirements about the public engagement involved with private plan change proposals.

Legal Considerations

23. All legal considerations under the Resource Management Act 1991 have been taken into account and processes have so far been carried out in accordance with the Act.

Financial Considerations

24. The costs with processing the plan change are and will be passed on to the applicant in accordance with the provisions of the Resource Management Act 1991 and Council policy.
25. There would be cost to Council and additional cost to the requestor and submitters if the decision is appealed.

26. If Council decided not to adopt the first recommendation of the hearing panel to approve the plan change, there would be significant extra cost to Council, the requestor, and submitters associated with repeating all or parts of the plan change process.
27. The investigation of the roading interventions can be accommodated in the existing budget of Council's transport team. If the investigation results in a recommendation to proceed with work, this would be presented to the Traffic Subcommittee along with costs to make an additional decision about how to proceed.

Appendices

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Author: Stephen Davis
Policy Planner

Author: Nathan Geard
Principal Environmental Policy Analyst

Reviewed By: Parvati Rotherham
Head of Planning

Approved By: Helen Oram
Director Environment and Sustainability

28 March 2022

File: (22/762)

Report no: PFSC2022/2/69

New Zealand Local Government Funding Agency Green, Social and Sustainability Lending Programme

Purpose of Report

1. To progress support of the New Zealand Local Government Funding Agency Green, Social and Sustainability financing option for Hutt City Council.

Recommendations

That the Committee recommends that Council:

- (1) notes and receives the update on the New Zealand Local Government Funding Agency Green, Social and Sustainability Lending Programme;
- (2) notes the cost of funds through the LGFA for Green, Social and Sustainability funding is set at five basis points lower (-0.05%) than conventional LGFA funding;
- (3) agrees that Council apply to LGFA for green financing of the Naenae pool rebuild project;
- (4) agrees in principal that Council progresses the financing of other applicable assets under the LGFA Green, Social and Sustainability Lending Programme; and
- (5) notes that the timing of LGFA lending under the Green, Social and Sustainability Programme will be dependent on cashflow projections of the relevant projects, together with broader Council Borrowing Strategy considerations.

Background

The role of the NZ Local Government Funding Agency

2. The New Zealand Local Government Funding Agency (LGFA) specialises in financing the New Zealand local government sector. Their primary purpose is to provide more efficient financing costs and diversified financing sources for local authorities.
3. There are 74 member councils and one Council Controlled organisation across New Zealand that are eligible to borrow from LGFA.

Debt funding within the Long Term Plan 2021-2031(LTP)

4. Council uses mostly debt/borrowings to fund the capital investment programme set out in the LTP. The Financial Strategy and Revenue and Financing Policy in the LTP provide the overarching principles and framework for the funding mechanisms. The Treasury Risk Management Policy provides further details about the management of risk across treasury activities, which includes borrowings.
5. Council sources all required debt funding through the LGFA largely due to pricing benefits, access to debt markets, efficient processes and specialist expertise.

Discussion

Advantages of accessing Green, Social or Sustainability (GSS) funding from LGFA

6. There is increasing investor demand for sustainable/green/social bonds in the debt markets.
7. LGFA has set up a programme to lend funds to its borrowers for the purpose of financing or refinancing projects that meet the requirements set out in LGFA's Green, Social and Sustainability Lending Programme (GSS). This programme has been set up as part of the LGFA commitment to assist councils to finance projects that promote environmental and social wellbeing.
8. The key advantages of the GSS loans from LGFA are:
 - a) Cheaper cost of borrowing to LGFA members especially with the current additional five basis points (0.05%) discount for GSS Loans.
 - b) LGFA bears all the establishment costs for GSS funding. This includes setting up the framework, independent verification, and legal costs of programme establishment.
 - c) Less administration with regard to interest payments with only one lender (LGFA) compared to a council setting up a stand-alone green programme.

- d) Initial and ongoing reporting less onerous with LGFA compared to a council setting up a stand-alone green programme via a bank and the bonds being placed to investors.
- e) LGFA offers flexibility – Council can choose volume and tenor to match Council needs against individual or multiple projects for different amounts (both large and small).
- f) Council can repay a GSS loan prior to maturity if need be – LGFA will allow this while other investors wouldn't guarantee it.
- g) Council will receive public acknowledgement for borrowing on a sustainable basis from LGFA.

Examples of other Council's that have used green loans

- 9. To date the only green loans undertaken via LGFA have been for Wellington City Council (WCC) and Greater Wellington Regional Council (GWRC). The GSS loan to WCC fell under the Green Buildings category (Tākina, the Wellington Convention and Exhibition Centre) and the GWRC loan under the Climate Change Adaptation Category (RiverLink Project).
- 10. Auckland Council has been issuing Green Bonds since June 2018. They have issued these directly to the market rather than going via LGFA which is in line with their borrowing strategy to borrow from LGFA and other sources (This is due to the size of Auckland Council's borrowing requirements and LGFA restrictions on how much they can lend to Auckland Council). The initial Auckland Council Green Bonds related to electric trains, public walkways and cycleways.

Council GSS financing opportunities

- 11. There are likely to be a range of Council projects which could qualify for a LGFA GSS loan. Attachment 1 to the report provides a summary of the criteria from LGFA.
- 12. Naenae pool rebuild project is recommended as a first project to progress through this programme. The application would be in the Green Building category. The project is working towards a five-star design rating by the New Zealand Green Building Council which is expected to strongly align with the LGFA funding category.
- 13. Other loan categories that Council could potentially apply for loans in the future are:
 - a) Clean Transportation- e.g., micro-mobility, Tupua Hono Nuku (Eastern Bays shared Path Project),
 - b) Energy Efficiency – eg Huia Pools and Dowse changes underway,
 - c) Affordable Housing – possibly parts of the UPL programme.

High level outline of LGFA process to be undertaken

14. The following key steps need to be completed:
- a) Complete an LGFA Application form
 - b) Review of the application by the LGFA Sustainability Committee
 - c) Review and approval of the application by the Chief Executive Officer of LGFA
 - d) Plan first draw-down of loan
 - e) Draw-down of loan and media announcement.

Ongoing reporting obligations

15. Reporting requirements for GSS loans will vary from category to category. For Green Buildings they are straightforward and will focus on the energy and water efficiency of the building.
16. LGFA will require a borrower, on an annual basis, to report on specific KPIs relevant to the loan category - such as energy avoided. The reporting is expected to be the same or similar to other Green Star reporting requirements.

Climate Change Impact and Considerations

17. The matters addressed in this report have been considered in accordance with the process set out in Council's Climate Change Considerations Guide.
18. By supporting LGFA GSS loans, Council can further demonstrate commitment to addressing the impacts of climate change.

Consultation

19. Not applicable.

Legal Considerations

20. The LGFA GSS loans would be issued within the existing legal framework of other Council LGFA loans.

Financial Considerations

21. For the Naenae Pool rebuild project, estimated savings on a \$41M loan would be approximately \$20,500 per annum or \$615,000 over a thirty-year loan. With the addition of other projects into the GSS loan programme, there would be further opportunities to make savings in finance costs.
22. The Treasury Risk Management Policy was last reviewed and approved by Council in May 2020. The policy is clear about the governance and management responsibilities in regard to borrowings, which includes:
- As part of the LTP and Annual Plan process the Council approves the projected debt borrowings.

- The Chief Executive is responsible for treasury management activity which includes approving new external borrowings undertaken in line with the Council borrowing approvals.
23. Council's Borrowings Strategy is prepared with the support of external treasury specialist advice from PwC. The proposed use of the LGFA Green, Social and Sustainability loans will be managed within the overall Borrowings Strategy.
24. The timing of lending under the LGFA GSS programme, would be dependent on the cashflow projections for individual projects together with broader considerations of the overall Borrowings Strategy.

Appendices

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1	LGFA Green, Social and Sustainability Lending Programme - Criteria summary and loan application process	95

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20 April 2022

File: (22/982)

Report no: PFSC2022/2/80

Intensification Planning Instrument: Financial Contributions Assessment

Purpose of Report

1. The purpose of this report is for the Committee to consider recommendations from the District Plan Review Subcommittee regarding financial contributions for Council's Intensification Planning Instrument (IPI) and the District Plan Review.

Recommendations

That the Committee recommends that Council:

- (1) receives the information contained in the report;
- (2) approves Option 2 for financial contributions in the Intensification Planning Instrument, which provides for limited changes to expand existing financial contributions for off-site services and adjustment to applying reserves financial contributions; and
- (3) asks officers to explore the potential of using Option 3 for financial contributions, which provides for an increased scope to include option 2 and new provisions to mitigate effects on streetscape and/or environmental offsetting, as part of the wider District Plan Review following the introduction of the Intensification Planning Instrument.

Background

2. The District Plan Review Subcommittee (the Subcommittee) reports to the Policy, Finance and Strategy Committee.
3. The purpose of the Subcommittee is to make recommendations to the Policy, Finance and Strategy Committee for recommendation to Council, on the matters to be addressed in the full review of the District Plan and development of a Proposed District Plan.

4. At a meeting of the Subcommittee (held 7 April 2022), the Subcommittee considered the item 'Intensification Planning Instrument: Financial Contributions Assessment.'
5. Appendix 1 is the initial report presented to the Subcommittee for this item.
6. At that meeting, the Subcommittee resolved:

"That the Subcommittee recommends that the Policy, Finance and Strategy Committee recommends that Council:

- (1) *receives the information contained in the report;*
- (2) *approves Option 2 for financial contributions in the Intensification Planning Instrument, which provides for limited changes to expand existing financial contributions for off-site services and adjustment to applying reserves financial contributions; and*
- (3) *asks officers to explore the potential of using Option 3 for financial contributions, which provides for an increased scope to include option 2 and new provisions to mitigate effects on streetscape and/or environmental offsetting, as part of the wider District Plan Review following the introduction of the Intensification Planning Instrument."*

Discussion

7. A discussion for financial contributions and Council's Intensification Planning Instrument is included in Appendix 1 of this report.

Options

8. Officers have identified options for how the Intensification Planning Instrument could address financial contributions. These options are outlined in Appendix 1 of this report.

Climate Change Impact and Considerations

9. Climate change impact and considerations are outlined in Appendix 1 of this report.

Engagement

10. Engagement for the Intensification Planning Instrument is outlined in Appendix 1 of this report.
11. If officers are directed to explore using Option 3 (which provides for an increased scope to include new provisions to mitigate effects on streetscape and/or environmental offsetting as part of the wider District Plan Review) there would be additional engagement with the community and developers on financial contributions as part of the wider District Plan Review.

Legal Considerations

12. Legal considerations with regard to the Intensification Planning Instrument are outlined in Appendix 1 of this report. With regard to the wider District Plan Review, the key legal considerations are the RMA requirements for a

District Plan, including the requirement to review the District Plan and requirement to give effect to higher order documents, such as national policy statements and the Regional Policy Statement for the Wellington Region.

Financial Considerations

13. Financial considerations with regard to the Intensification Planning Instrument are outlined in Appendix 1 of this report. With regard to the wider District Plan Review, costs associated with exploring financial contributions to mitigate effects on streetscape and/or environmental offsetting will be able to be met through the existing budget for the wider District Plan Review.

Appendices

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1↓	Appendix 1: Intensification Planning Instrument: Financial Contributions Assessment - report to the District Plan Review Subcommittee meeting 7 April 2022	103

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28 March 2022

File: (22/593)

Report no: PFSC2022/2/70

New Zealand Local Government Funding Agency - draft Statement of Intent 2022-2025 and half year performance results

Purpose of Report

1. The purpose of this report is to provide a review of the draft 2022-2023 Statement of Intent (SOI) for the Local Government Funding Agency (LGFA) as delivered to Council for Council's consideration. The half year performance results from LGFA are also presented in this report.

Recommendations

That the Committee:

- (1) notes and receives the contents of the Local Government Funding Agency (LGFA) draft 2022-2023 Statement of Intent, covering the period up to 30 June 2025, attached as Appendix 2 to the report;
- (2) notes that officers do not have any suggested changes to the draft Statement of Intent; and
- (3) notes and receives the LGFA half year report to 30 December 2021, attached as Appendix 3 to the report.

Background

2. The LGFA was incorporated on 1 December 2011 with the primary objective of optimising the debt funding terms and conditions for participating local authorities. This includes providing savings in annual interest costs, making

longer-term borrowings available and enhancing the certainty of access to debt markets.

3. The LGFA meets the Local Government Act 2002 (LGA) definition of a Council Controlled Organisation (CCO) and as a shareholder in a CCO, Council must regularly undertake performance monitoring of that organisation to evaluate its contribution to the achievement of Council's outcomes.
4. As a CCO, the LGFA must deliver to its shareholders a draft SOI on or before 1 March each year. The LGFA Board must consider any comments from its shareholders in relation to the draft SOI and deliver a final SOI to its shareholders on or before 30 June.
5. As a shareholder, Council is statutorily required to review the draft SOI and, as soon as is practicable after receiving it to either agree to it or, if it does not agree, to provide feedback with regard to any changes it wishes to be made. Feedback can be provided either directly to the LGFA Board or through the Shareholders Council before 1 May 2022.
6. The Shareholders Council comprises five to ten appointees from council shareholders and the Crown. As part of its role, it is required to make recommendations to the shareholders in relation to the draft SOI.
7. For shareholder councils, the LGFA is focused on:
 - a. delivering a strong financial performance;
 - b. monitoring asset quality;
 - c. enhancing their approach to treasury and risk management; and
 - d. ensuring it has an effective governance framework and capital structure in place.
8. For borrowing Councils, LGFA seeks to optimise funding terms and conditions by achieving savings in borrowing costs, providing longer-dated funding and providing certainty of access to markets.

Draft 2022-2025 SOI key points summary

9. The cover letter from LGFA and draft SOI are attached as Appendices 1 and 2 to this report.
10. The draft SOI performance targets remain the same as the previous SOI, but now also include targets relating to improving sustainability outcomes within LGFA and assisting the sector in achieving sustainability and climate change objectives.
11. The draft SOI contains the financial forecasts for LGFA for the three-year period commencing 1 July 2022:
 - a) Profitability is forecast to remain strong with projections for Net Operating Gain of \$9.9 million, \$11.7 million and \$10 million for the next three years. LGFA are cautious on placing too much emphasis on the

three-year forecast given that over the next three years \$5.3 billion of LGFA Bonds and \$5.7 billion of council loans mature.

- b) LGFA forecasts for local government loans (short and long term) outstanding as at June 2023 of \$14.6 billion and \$15.6 billion as at June 2024 are in line with the forecast in last year's SOI, with a forecast of \$16.3 billion as at June 2025 in this draft SOI.
 - c) The Total Shareholder Equity of LGFA is estimated to be \$117 million at 30 June 2023, \$128 million at 30 June 2024, and \$138 million at 30 June 2025.
12. The draft SOI was received by Council officers before the 1 March 2022 deadline. Officers do not have any suggested changes to the draft SOI.

LGFA half year report to 31 December 2021

13. CCOs are required to provide a six-monthly performance report to its shareholders. The LGFA six monthly report is attached as Appendix 2 to this report.
14. During the six-month period to 31 December 2021:
- a. Standard & Poor's reaffirmed the credit ratings for LGFA as 'AAA', the same as the New Zealand Government, whilst Fitch reaffirmed their credit rating for LGFA as 'AA+.'
 - b. Total interest income for the six-month period of \$185.89 million was a 2.4% decrease over the 2019/20 comparable period result of \$190.38 million, while net operating profit of \$5.94 million for the six-month period was a 0.3% increase on the 2019/20 comparable period result of \$5.92 million.
 - c. Both interest income and net operating profit were slightly ahead of the Statement of Intent (SOI) forecast. A prudent funding approach by borrowing more, for a longer period than is being lent to councils, i.e. a more conservative approach to balance sheet management, was adopted.
 - d. LGFA issued \$2.1 billion in bonds over the past 6 months with outstandings now totalling \$15.9 billion.
 - e. LGFA launched Green, Social and Sustainable (GSS) lending to councils and also approved the first CCO borrower.
 - f. Over the past six months period since June 2021, Southland District and Otago Regional Councils joined as guarantors and Invercargill City Holdings Limited joined as the first CCO. Total membership is now 74 out of the 78 councils in New Zealand.
15. Council borrowing from the LGFA increased by \$60 million over the six-month period from \$201.2 million at 30 June 2021 to \$261.4 million as at 31 December 2022 (includes accrued interest). This borrowing is to enable repayment of debt maturing and to fund the capital investment programme underway which was approved by Council in the Long-Term Plan 2021-2031.

16. LGFA Borrowings include those on behalf of Council's CCOs, and all borrowings are in accordance with approved limits contained in Council's Treasury Risk Management Policy.

Consultation

17. Public consultation is not required.

Legal Considerations

18. The LGFA Board must consider any comments on the draft SOI that are made within two months of 1 March by its shareholders or the Shareholders Council. The LGFA Board must deliver a completed SOI to its shareholders on or before 30 June 2022.
19. Within two months of the end of the first half of each financial year, the board of a CCO must deliver to the shareholders a report on the organisation's operations during that half year. The LGFA half year report for the six months ending 31 December 2021 was provided to Council officers within the statutory deadline.

Financial Considerations

20. There are no further financial considerations apart from those noted in the report.

Climate Change Impact and Considerations

21. The matters addressed in this report have been considered in accordance with the process set out in Council's Climate Change Considerations Guide.

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2	Appendix 2: LGFA Draft 2022-2025 Statement of Intent	119
3	Appendix 3: LGFA Half Year Report to 31 December 2021	131

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26 March 2022

File: (22/752)

Report no: PFSC2022/2/72

Rates Remission on Māori Land Policy 2022

Purpose of Report

1. To inform the Policy, Finance and Strategy Committee of the process that has been used to create the proposed Policy for Remission and Postponement of Rates on Māori Freehold Land (the proposed policy), the legislative requirements and the rationale for the proposed expansion of the scope of this proposed policy to enable the Committee to make an informed decision regarding approving this proposed policy for public consultation.

Recommendations

That the Committee:

- (1) notes that under section 108 of the Local Government Act 2002 Council is required to have a policy on the remission and postponement of rates on Māori freehold land;
- (2) notes that The Local Government (Rating of Whenua Māori) Amendment Act 2021 imposes additional requirements on councils in relation to Māori freehold land;
- (3) notes officers recommendation to align the draft policy to Greater Wellington Regional Council, which extends rates remissions to include Māori land that is collectively owned;
- (4) agrees to consult on the proposed Rates Remission on Māori Land Policy (the policy) attached as Appendix 1 to the report, in accordance with the requirements of the Local Government Act 2002; and
- (5) agrees that the Chief Executive be delegated authority to make minor changes to the proposed policy if required prior to consultation.

For the reasons that the proposed policy reflects the legislative requirements under The Local Government (Rating of Whenua Māori) Amendment Act 2021, the views of our Mana Whenua partners, kaitiaki of Māori freehold land and aligns with Greater Wellington Regional Council's proposed policy to ensure consistency across Te Awa Kairangi ki Tai.

The proposed policy reflects the intent of the legislation and uses the opportunity provided by the new legislation to support our Māori whānau by removing barriers that may stand in the way of them achieving their ambitions for their whenua.

Background

2. Under section 108 of the Local Government Act 2002 Council is required to have a policy on the remission and postponement of rates on Māori freehold land.
3. The Local Government (Rating of Whenua Māori) Amendment Act 2021 (the Act) imposes additional requirements on councils in relation to Māori freehold land. This Act is part of the Government's wider commitment to supporting whānau and regional development through whenua.
4. The changes to the rating of Māori freehold land are now in effect and the review of the proposed policy must be completed by July 2022. In order to meet this deadline, while allowing for consultation with Mana Whenua and kaitiaki of Māori land and the general public, the final policy will be considered by Council in early June 2022.[]
5. The majority of land that is identified as Māori freehold land in Te Awa Kairangi ki Tai is currently already considered non-rateable.

Discussion

6. Following discussions with Greater Wellington Regional Council (GWRC), officers propose to align our policy to GWRC's policy for regional consistency.
7. Following consultation with both GWRC and our Mana Whenua Partners, the most significant addition to what is required under the legislation is that officers propose to extend this policy from only applying to Māori Freehold Land to also include certain land in Māori ownership that is not Māori Freehold land.
8. The eligibility, criteria and conditions for this whenua are outlined on the draft proposed policy. This proposed change reflects that there are situations in Te Awa Kairangi ki Tai where land is in general title, owned by Māori and has similar characteristics to Māori freehold land, or where rates relief would help achieve the intentions of the legislation.
9. It is the view of officers that the proposed extension to this policy enables Council to use the opportunity provided by this new legislation to support our Māori whānau by removing barriers that may stand in the way of them achieving their ambitions for their whenua.

Options

10. Approve the Proposed Rates Remission on Māori Land Policy with the expanded scope to go out for public consultation.

11. Amend the scope of the Proposed Rates Remission on Māori Land Policy and approve it to go out for public consultation.

Climate Change Impact and Considerations

12. The matters addressed in this report have been considered in accordance with the process set out in Council's Climate Change Considerations Guide.

Consultation

13. Officers wrote to all kaitiaki of Māori freehold land ahead of drafting this policy. This letter was to inform them about the legislation change, the development of a policy and it extended an invitation to provide input throughout this process. A copy of this letter can be seen in Appendix 2 attached to this report. As a result, a number of Mana Whenua members have participated in ongoing discussions with officers about the development of this proposed policy.
14. The proposed policy was discussed with all four Mana Whenua groups at regular quarterly hui. A copy of the draft proposed policy was shared and was positively received.
15. Officers have worked closely with GWRC to align our proposed policy with theirs to enable regional consistency across Te Awa Kairangi ki Tai.
16. Once a proposed draft policy was ready this was sent to all kaitiaki of Māori freehold land as well as our Mana Whenua partners along with a letter explaining the proposed policy, the rationale for the proposed decisions and inviting feedback on what we have proposed. A copy of this letter can be seen in Appendix 3 attached to the report. Following this consultation, we have made amendments to the proposed policy in recognition of the feedback we received.
17. Once this proposed draft policy has been approved by the Committee it will be opened for public consultation (using the special consultative procedure under the Local Government Act). This will give the general public the opportunity to view the proposed policy and make submissions on it.

Legal Considerations

18. The legislative changes under The Local Government (Rating of Whenua Māori) Amendment Act 2021 specifies changes all councils must make to their Māori Freehold Land policies. This includes the need to have a Rates Remission on Māori Land Policy and dictates much of what this proposed policy is required to include. The Act specifies changes that all Councils must make to their Māori Freehold Land policies in regard to:
 - a. Completely unused land becoming non-rateable
 - b. The ability to write off arrears
 - c. Rates remission for Māori freehold land under development
 - d. Ngā Whenua Rāhui kawenata land to be made non-rateable
 - e. Treating multiple blocks as one

- f. Rating individual homeowners separately.
19. This proposed policy has been reviewed and approved by Council’s Legal Counsel and aligns with changes made by GWRC following their external legal review of their policy.

Financial Considerations

20. The majority of land that is identified as Māori freehold land in Te Awa Kairangi ki Tai is currently considered non-rateable and therefore the proposed policy will have minimal financial implications.
21. Officers recommend extending the scope of the rates remission to include Māori land in collective ownership. The parcels of land that meet these criteria are expected to be small, and therefore the financial implications are expected to be small.
22. Officers expect there will not be a large uptake following adoption of the new policy. There have been no applications under the existing policy for a number of years. It is expected that as awareness of the change in policy increases, it may align with the aspirations of whānau to lead development of and/or acquire new whenua over time.

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2	Appendix 2: Letter sent to Māori freehold land owners Nov 2021	173
3	Appendix 3: Letter and Draft Policy sent to Mana Whenua and Maori Freehold Land owners March 2022	178

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05 April 2022

File: (22/863)

Report no: PFSC2022/2/71

Policy, Finance and Strategy Committee Forward Programme 2022

Recommendation

That the Committee receives and notes the Forward Programme for 2022 attached as Appendix 1 to the report.

Purpose of Memorandum

1. To provide the Committee with a Forward Programme of work planned for the Committee for 2022.

Background

2. The Terms of Reference for the Committee requires the Committee to assist Council in setting the broad direction of the city, discharging statutory functions and overseeing organisational performance.
3. The Forward Programme for 2022 provides a planning tool for both members and officers to co-ordinate programmes of work for the year. The Forward Programme is attached as Appendix 1 to the report.

Forward Programme

4. The Forward Programme is a working document and is subject to change on a regular basis.

Appendices

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