

**MINUTES** for a meeting of the Development Agreements Committee held in Committee Rooms 1 & 2, District Office, 15 Galileo Street, Ngaaruawaahia on **TUESDAY, 9 APRIL 2024** at **9.30am**.

**Present:**

Mr P Stubbs (Chairperson)  
Mr G Akehurst (Independent Member)  
Cr E Patterson  
Cr P Thomson

**Attending:**

Ms A Diaz (Chief Financial Officer)  
Mrs H Coalter (Growth & Analytics Manager)  
Ms K Nicholson (Infrastructure Development Manager)  
Mrs T Forsyth (Growth Funding Officer)  
Mr P Mwene (Infrastructure Development Manager)  
Mr D Sharma (Three Waters Reform Project Manager)  
Ms E Saunders (Senior Democracy Advisor)

**APOLOGIES AND LEAVE OF ABSENCE**

**Resolved: (Cr Thomson/G Akehurst)**

**THAT the Development Agreements Committee accepts the apologies from:**

- a. Her Worship the Mayor, Mrs JA Church, Cr C Eyre, Cr J Gibb & Mr W Gauntlett (Community Growth General Manager) for non-attendance; and**

**CARRIED**

**DAC2404/01**

## **CONFIRMATION OF STATUS OF AGENDA ITEMS**

**Resolved: (Cr Thomson/G Akehurst)**

**THAT the agenda for a meeting of the Development Agreements Committee held on Tuesday, 9 April 2024 be confirmed:**

- a. with all items therein being considered in open meeting with the exception of those items detailed at agenda items 6, which shall be considered with the public excluded; and**
- b. all reports be received; and**
- c. an additional item [Proposed User Pay System - Legal Advice] be added to the Publicly Excluded section of the meeting after the PEX Actions Register.**

**CARRIED**

**DAC2404/02**

## **DISCLOSURES OF INTEREST**

There were no disclosures of interest

## **CONFIRMATION OF MINUTES**

**Resolved: (Cr Patterson/Mr Stubbs)**

**THAT the minutes for a meeting of the Development Agreements Committee held on Wednesday, 29 November 2023 be confirmed as a true and correct record.**

**CARRIED**

**DAC2404/03**

## **REPORTS**

### Chairpersons Update

#### *Agenda Item 5.1*

The Chairperson gave a verbal update to the Committee on the following items and discussion was held:

- The Chairperson and the Chief Executive Officer have recently met to discuss the frequency of the Committee meetings and how best to work these meetings going forward.
- The Chairperson noted the 5 key aspects of the Committee:
  - i. Acting as a sounding board when new Development Agreements (DAs) are being negotiated.
  - ii. Monitoring existing DAs.
  - iii. Facilitating the closure of DAs, while also capturing valuable lessons learned to enhance institutional knowledge.
  - iv. Serving as a consultative body for addressing unique challenges related to development funding, such as the fragmented land scenario.
  - v. Contributing to the formulation of Development Contribution (DC) Policy.
- The Committee members have been tasked to think about the meeting frequency and the thoughts that the Chairperson has tabled bearing in mind that any additional meetings need to go through Council first to change the meeting schedule. The Committee members are to come back to the next meeting with their thoughts & ideas.
- The Growth & Analytics Manager noted that if meetings were moved to quarterly than the Committee could possibly look at changing the delegation for those Development Agreements that require sign-off.
- Cr Patterson noted that he would support quarterly meetings along with Cr Thomson. The Growth & Analytics Manager to discuss further with the Community Growth General Manager and look to work with the Democracy team to confirm the meeting schedule and determine how best to change the frequency to quarterly.

**ACTION:** A report to be presented to the next Development Agreements Committee meeting outlining the frequency of meetings and a change in delegation.

Proposed User Pays Framework – Infrastructure Development Manager Services  
*Agenda Item 5.2*

The Growth & Analytics Manager spoke to the report which was taken as read and the following discussion was held:

- It was noted that legal advice had been sought from the internal Legal Counsel since the report had been written and this will be discussed in the Publicly Excluded section of the meeting.
- It was advised that the upfront deposit fee suggested of \$20,000 is still being considered and requires further investigation and Deloitte will undertake financial modelling for Council to provide better information.
- Overall Discussion & Questions: *The Infrastructure Development Manager services vs Regulatory & Consenting Processes – are both teams working in alignment to ensure a smooth process?*
- A query was raised in relation to the consenting process and how the Customer Support General Manager and Community Growth General Manager along with their teams will work together to capture all parts of the process? The Growth & Analytics Manager advised that there has been a reshuffle in the Customer Support space with a new consenting manager is coming on board and will continue to work together.
- The Development Agreement team are also working on their processes and looking at the best ways to work with the Customer Support team
- It was queried whether Deloitte's are stating that if Council's Regulatory team are working to statutory timeframes then there wouldn't be a need for this process? The Chief Financial Officer explained the statement from Deloitte's and provided further context.
- It was queried whether a measure of the Infrastructure Development Manager success is the resource consenting process going faster than it is currently? The Growth & Analytics Manager advised no, not at this time however the team aspire to get there and are working on that.
- The Committee noted that the Resource Consenting team needs to be bought along on the journey and match the work being done in the Infrastructure Development Management space. It was further noted that developers do get frustrated with the consenting process particularly since the consenting timeframes are currently long and over the 20 working days timeframes.
- It was queried what transparency the developers have in regards to how much it is actually costing Council to support their developments? It was noted that timesheets are not something the Development Agreement team use but could be a tool to document exactly how many hours the team are working on particular developments.

**Resolved: (Mr Stubbs/Cr Thomson)**

**THAT the Development Agreements Committee:**

- a. recommends to Council that the Infrastructure Development Manager services are transitioned, as soon as possible, to a user-pays service, through existing and new users of the services either:
  - i. opting-in via the signing of a funding agreement for the services, or**
  - ii. opting-out via choosing not to pay for the services and cease receiving the services from 1 September 2024.****
- b. recommends to Council that, for transparency, the fees for Infrastructure Development Manager services be proposed in the fees and charges schedule prepared in conjunction with the 2025-2034 Long Term Plan; and**
- c. notes the interconnections between the Resource Consenting Team (Customer Support) and the Infrastructure Development Managers and recommends that Council measure and report on the impact of the introduction of a user pay service.**

**CARRIED**

**DAC2404/04**

Definitions Clarification: Retirement Village, Rest Home & Lifestyle Villag  
*Agenda Item 5.3*

The Infrastructure Development Manager spoke to the report which was taken as read and no further discussion was held.

Update on Development Contributions Policy Review  
*Agenda Item 5.4*

The Growth Funding Team Leader spoke to the report which was taken as read and the following discussion was held:

- The draft policy, catchment maps and appendices will be presented to the Committee prior to the Long Term Plan public consultation next year.
- It was noted that Council will look at the amount of revenue received from developers and that Council area trying to be as accurate as they can with the numbers they have now.

## **EXCLUSION OF THE PUBLIC**

Agenda Item 6

*The Committee took time to go through each item on the Public Excluded agenda and confirmed the reason for exclusion for each report.*

**Resolved: (Mr Stubbs/Cr Patterson)**

**THAT the public be excluded from the following parts of the proceedings of this meeting:**

- a. 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 are as follows:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
<b>Item PEX 1 – Confirmation of Minutes – 29 November 2023</b>	<b>Refer previous agenda for reasons.</b>	
<b>Item PEX 2 – Actions Register</b>	<b>Refer previous agenda for reasons.</b>	
<b>Item PEX 3.1 Development Agreement Management Process</b>	<b>Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987</b>	<b>Section 48(1)(a)</b>
<b>Item PEX 3.2 Development Agreement Completion Reports – March 2024</b>		
<b>Item PEX 3.3 Development Agreement Summary – March 2024</b>		
<b>Item PEX 3.4 Development Contribution Payment Plan Update – March 2024</b>		
<b>Item PEX 3.5 Development Agreement – Dominion Road, Tuakau</b>		

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Item PEX 3.6 Development Agreement - BuiltSmart	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
Item PEX 3.7 Reserve Parcel (NR - 11) - Acquisition Budget Increase		

- b. 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 No.	Section	Interest
Item PEX 1 Confirmation of Minutes - 29 November 2023	Refer previous agenda for reasons.	
Item PEX 2 Actions Register	Refer previous agenda for reasons.	
Item PEX 3.1 Development Agreement Management Process	7(2)(b)(ii)	To protect information that would otherwise unreasonably prejudice a persons commercial position.
Item PEX 3.2 Development Agreement Completion Reports - March 2024	7(2)(b)(ii)	To protect information that would otherwise unreasonably prejudice a persons commercial position.
Item PEX 3.3 Development Agreement Summary - March 2024	7(2)(b)(ii)	To protect information that would otherwise unreasonably prejudice a persons commercial position.
Item No.	Section	Interest

<b>Item PEX 3.4 Development Contribution Payment Plan Update – March 2024</b>	<b>7(2)(b)(ii)</b>	<b>To protect information that would otherwise unreasonably prejudice a persons commercial position.</b>
<b>Item PEX 3.5 Development Agreement – Dominion Road, Tuakau</b>	<b>7(2)(b)(ii)</b>	<b>To protect information that would otherwise unreasonably prejudice a persons commercial position.</b>
<b>Item PEX 3.6 Development Agreement – BuiltSmart</b>	<b>7(2)(b)(ii)</b>  <b>7(2)(h)</b>	<b>To protect information that would otherwise unreasonably prejudice a persons commercial position.</b>  <b>To enable commercial activities to be carried out without prejudice or disadvantage</b>
<b>Item PEX 3.7 Reserve Parcel (NR – 11) – Acquisition Budget Increase</b>	<b>7(2)(b)(ii)</b>  <b>7(2)(h)</b>	<b>To protect information that would otherwise unreasonably prejudice a persons commercial position.</b>  <b>To enable commercial activities to be carried out without prejudice or disadvantage</b>

**CARRIED**

**DAC2404/05**

*Resolutions DAC2404/06 to DAC2404/11 are contained in the public excluded section of these minutes.*

Having resumed the open meeting and there being no further business the meeting was declared closed at 10.30am

Minutes approved and confirmed this Tuesday, 9 April 2024.

Mr Peter Stubbs  
**CHAIRPERSON**